



# City of Pensacola

## CITY COUNCIL

### Meeting Minutes

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January 11, 2018

5:30 P.M.

Council Chambers

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Council President Wingate called the meeting to order at 5:32 P.M.

#### ROLL CALL

**Council Members Present:** Gerald Wingate, Sherri Myers, Jewel Cannada-Wynn, Larry Johnson, Brian Spencer, Andy Terhaar, P.C. Wu

**Council Members Absent:** None

#### INVOCATION

Rev. Carlton Abney, Pastor - Historic John the Baptist Church

#### PLEDGE OF ALLEGIANCE

Council Member Brian Spencer

#### FIRST LEROY BOYD FORUM

**Paula Montgomery:** Addressed Council on behalf of the League of Women Voters urging Council to adopt a non-binding resolution urging state law reform regarding a legal process available to prosecutors called “direct file”. This allows prosecutors, at their sole discretion, to charge minors as adults.

**Gloria Horning:** Addressed Council regarding Bruce Beach, which is proposed as the site for the *Gulf Coast Marine Fisheries Hatchery & Enhancement Center* and was leased to the State of Florida Fish and Wildlife Commission (FWC) for such purpose. Alternatively she indicated this site should be commemorated for its historical and recreational use designated for African-Americans (during segregation). She also expressed frustration regarding zoning and infrastructure issues (currently existing) within the Tanyards Neighborhood.

**Larry Downs, Jr.:** Addressed Council alleging that Pensacola Energy, under the direction of Director Don Suarez, is operating within the private sector illegally, giving certain builders “gift” incentives (fishing reels and rods), doing “installations” at Mayor Hayward’s personal residence for which there is no evidence of payment (referring to public records he possesses), and that a full-time city employee also operates a contracting business and given City business.

**FIRST LEROY BOYD FORUM (CONT'D.)**

**Bill Caplinger:** Speaking to cultural and historical assets related to tourism and cultural development, he asserted Council is in a pivotal position at this time for opportunities for partnership in economic development.

That concluded the first segment of LeRoy Boyd forum.

**AWARDS**

None.

**APPROVAL OF MINUTES****1. [18-00039 APPROVAL OF MINUTES: REGULAR MEETING DATED 12/14/17](#)**

**A motion to approve was made by Council Member Cannada-Wynn and seconded by Council Member Myers.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                     Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

**APPROVAL OF AGENDA**

**A motion to approve the agenda as presented was made by Council Member Cannada-Wynn and seconded by Council Member Myers.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                     Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

**CONSENT AGENDA**

2. [18-00016](#) SCHEDULE A PUBLIC HEARING REGARDING A PROPOSED AMENDMENT TO THE URBAN CORE COMMUNITY REDEVELOPMENT PLAN

**Recommendation:** That City Council schedule a Public Hearing regarding a Proposed Amendment to the Urban Core Community Redevelopment Plan. The Public Hearing will take place at the February 8, 2018 Meeting of the City Council.

**A motion to approve was made by Council Member Myers and seconded by Council Member Terhaar.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

**REGULAR AGENDA**

3. [18-04](#) RESOLUTION NO. 18-04 - RELATING TO CARPENTERS CREEK, RECOGNIZING THE CONTRIBUTIONS MADE BY LAURIE MURPHY AND THE EMERALD COASTKEEPERS, INC., AND DECLARING APRIL 28TH AS CARPENTER'S CREEK APPRECIATION DAY

**Recommendation:** That City Council adopt Resolution No. 18-04:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, RELATING TO CARPENTER'S CREEK, RECOGNIZING THE CONTRIBUTIONS MADE BY LAURIE MURPHY AND THE EMERALD COASTKEEPERS, INC., AND DECLARING APRIL 28TH AS CARPENTER'S CREEK APPRECIATION DAY IN THE CITY OF PENSACOLA.

Council President Wingate read the resolution in its entirety and presented (it) to Laurie Murphy.

**A motion to adopt by acclamation was made by Council Member Cannada-Wynn and seconded by Council Member Myers.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D)**

Laurie Murphy, Executive Director of Emerald Coast Keepers was provided an opportunity to make a presentation (related to Item 3 - on file with background materials) to Council displaying all the clean-up efforts taken to restore Carpenter's Creek by volunteer citizens, elected officials, and City staff. She further recognized the efforts of individual City employees by providing certificates of appreciation.

4. [17-00654 PUBLIC HEARING: DESIGNATION OF THE PROPERTY LOCATED AT 1717 WEST CERVANTES STREET, PENSACOLA, ESCAMBIA COUNTY, FL, PARCEL REFERENCE NUMBER 000S009060001105, AS A GREEN REUSE AREA PURSUANT TO SECTION 376.80\(2\)\(C\), FLORIDA STATUTES](#)

**Recommendation:** That City Council hold the second of two Public Hearings to designate the property located at 1717 West Cervantes Street (Parcel Reference Number 000S009060001105) a Green Reuse Area.

**A motion to approve was made by Council Member Myers and seconded by Council Member Cannada-Wynn.**

Michael Goldstein, representing the developer was in attendance to answer any questions.

There being no discussion, the vote was called.

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

5. [18-02 RESOLUTION NO. 18-02 - DESIGNATION OF 1717 WEST CERVANTES STREET AS A GREEN REUSE AREA](#)

**Recommendation:** That City Council adopt Resolution No. 18-02.

[A RESOLUTION DESIGNATING PROPERTY LOCATED AT 1717 WEST CERVANTES STREET, PENSACOLA, ESCAMBIA COUNTY, FLORIDA 32501, PARCEL REFERENCE NUMBER 000S009060001105, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80\(2\)\(C\), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION, JOB CREATION, AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY OF PENSACOLA TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.](#)

**A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.**

**REGULAR AGENDA (CONT'D)**

Council Member Cannada-Wynn made comments (regarding Item 5) praising this development.

**The motion (to adopt Res. No. 18-02) carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                     Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

6. [18-00014 PUBLIC HEARING - DISPOSITION OF SURPLUS PROPERTY - 216 NORTH "A" STREET](#)

**Recommendation:** That City Council conduct a public hearing on January 11, 2018 regarding the sale of surplus property located at 216 North "A" Street, Parcel Identification Number 00S009010163083, Account Number 131804000.

CRA Director Gibson provided background information as outlined in the memorandum (dated 1/11/18) and referenced the legal opinion provided by City Attorney Bowling regarding specifics of this sale under Florida Statutes, as well as whether or not restricting language may be conveyed on the deed related to the proposed purchasers (stated) intended use as residential.

The proposed buyer, Stephanie Tucker addressed Council regarding their interest in acquiring this property for residential purposes for their son which immediately adjacent to their

**City Attorney Bowling clarified, Florida Statutes allows Council to declare the sale price to be valued in public interest and may impose restrictions on the intended use to be voluntarily agreed to by the purchaser. Therefore, it is appropriate during this public hearing to make such declaration and the restrictions (as stipulated by Council based on the purchasers stated intent) will be negotiated with the purchaser and placed in the final document.**

**A motion to approve was made by Council Member Terhaar and seconded by Council Member Cannada-Wynn.**

Discussion took place among Council with City Attorney Bowling fielding comments and questions.

Upon conclusion of discussion, the vote was called.

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                     Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D)**7. [18-00015 SALE OF SURPLUS PROPERTY - 216 NORTH "A" STREET](#)

**Recommendation:** That City Council approve the sale of surplus property located at 216 North "A" Street, Parcel Identification Number 000S009010163083, Account Number 131804000.

**A motion to approve was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                     Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

8. [18-01 SUPPLEMENTAL BUDGET RESOLUTION NO. 18-01 - DOWNTOWN IMPROVEMENT BOARD WASTE CO-OP](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 18-01.

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

**A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Myers.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                     Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

9. [18-03 SUPPLEMENTAL BUDGET RESOLUTION NO. 18-03 - RESIDENTIAL PROPERTY IMPROVEMENT PROGRAM - HOUSING INITIATIVES FUND](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 18-03.

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

**REGULAR AGENDA (CONT'D)**

**A motion to adopt (Res. No. 18-03) was made by Council Member Cannada-Wynn and seconded by Council Terhaar.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                     Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

10. [01-18 PROPOSED ORDINANCE NO. 01-18 REGULATING THE USE OF PUBLIC RIGHT-OF-WAY BY WIRELESS COMMUNICATIONS FACILITIES AND INFRASTRUCTURE BY SERVICE PROVIDERS](#)

**Recommendation:** That City Council approve Proposed Ordinance No. 01-18 on first reading.

AN ORDINANCE CREATING ARTICLE VII, SECTION 11-4-182 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; REGULATING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY WIRELESS COMMUNICATIONS FACILITIES AND INFRASTRUCTURE BY SERVICE PROVIDERS; AUTHORIZING THE ADMINISTRATIVE PROMULGATION OF IMPLEMENTING RULES AND REGULATIONS CONFORMING TO THE PROVISIONS OF THE ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT OF 2017; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

**A motion to approve on first reading made by Council Member Cannada-Wynn and seconded by Council Member Spencer.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel  
                     Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D)**

11. [43-17 PROPOSED ORDINANCE NO. 43-17 REQUEST FOR FUTURE LAND USE MAP AMENDMENT FOR RECENTLY ANNEXED PENSACOLA INTERNATIONAL AIRPORT OWNED PROPERTY](#)

**Recommendation:** That City Council adopt Proposed Ordinance No. 43-17 on second reading.

AN ORDINANCE AMENDING THE FUTURE LAND USE CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE. (Ordinance No. 01-18)

**A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None

12. [44-17 PROPOSED ORDINANCE NO. 44-17 REQUEST FOR ZONING MAP AMENDMENT FOR RECENTLY ANNEXED PENSACOLA INTERNATIONAL AIRPORT OWNED PROPERTY](#)

**Recommendation:** That City Council adopt Proposed Ordinance No. 44-17 on second reading.

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE. (Ordinance No. 02-18)

**A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Myers.**

**The motion carried by the following vote:**

Yes: 7            Gerald Wingate, Sherri Myers, Andy Terhaar, Brian Spencer, Jewel Cannada-Wynn, Larry Johnson, P.C. Wu  
No: 0            None



**DISCUSSION**

None.

**COUNCIL EXECUTIVE'S REPORT**

None.

**MAYOR'S COMMUNICATION**

City Administrator Olson made comments (related to Item 3) expressing gratitude for Laurie Murphy's recognition of City employees and the great partnership established cleaning-up Carpenter's Creek.

He also advised of the displays being placed in the lobby of City Hall depicting the history of the Three Mile Bridge, as well the model of the new bridge.

Further, City Administrator Olson referred to Council's rules of decorum for meetings which bans personal attacks on individuals, and suggested that was not enforced during the first segment of LeRoy Boyd forum during Mr. Downs' comments. He indicated Mr. Suarez will be contacting each Council Member to address all of Mr. Downs' comments.

Council Member Wingate apologized for not intervening and enforcing the rules of decorum at that time.

**COUNCIL COMMUNICATIONS**

Council Member Myers made comments commending Code Enforcement staff and her great working relationship with them.

Council Member Spencer expressed frustration with housing being devalued and increasing encroachment of wider thoroughfares, and advised there is project he would like to start maybe with help of Council's recently employed Strategic Budget Planner Hansen, related to programs that can help support and sustain affordable housing.

Council Member Myers made follow-up comments indicating she agrees with Council Member Spencer.

Council Member Johnson (referencing Item 3) made comments commending the coordinated efforts for cleaning-up Carpenter's Creek. He also made follow-up remarks regarding the replacement of the Three Mile Bridge and indicated he would like copies of appraisals of City right-of-way properties granted to the Florida Department of Transportation (FDOT) for the replacement of the bridge.

**COUNCIL COMMUNICATIONS (CONT'D.)**

Council Member Cannada-Wynn inquired of annual (mandatory) ethics training for Council Members and boards' members. City Attorney Bowling indicated she will move forward with scheduling.

**CIVIC ANNOUNCEMENTS**

Council Member Cannada-Wynn announced the upcoming Dr. Martin Luther King, Jr. holiday and parade.

**SECOND LEROY BOYD FORUM**

**Larry Downs, Jr.:** Responding to City Administrator Olson's comments (during Mayor Communications) stated that public forum is to redress our government and that he has the right to come up here and voice concerns regarding actions taken against local industry. He stated what he said (and has previously said) is the truth and not inappropriate. He takes offense when our government over these departments and over directors (of the City) are not held accountable. He believes Mayor Hayward probably will not run again and reminded that the Council Members are stewards of our departments. He indicated he will be filing formal complaints next week with State Attorney General, Public Utility Commission, and Ethics Commission against Mayor Hayward and Pensacola Energy Director Suarez.

**ADJOURNMENT**

WHEREUPON the meeting was adjourned at 7:02 P.M.

\*\*\*\*\*

Adopted: February 8, 2018

Approved: Gerald C. Wingate  
Gerald C. Wingate, President of City Council

Attest:

Erica L. Burnett  
Erica L. Burnett, City Clerk

**LEROY BOYD FORUM** is an opportunity for the public to comment on any subject **NOT** on the Agenda. Please note Rules of Conduct on the back of card. I understand that my comments are limited to three (3) minutes, unless determined otherwise by the President (Chair) and my time may not be given to another.

Name: Paula Montgomery

Address: 241 Connell Dr - Pensacola

Phone: 850.438.889

Email: montps@aol.com

City Resident:  Yes  No

City Property Owner:  Yes  No

City Business Owner:  Yes  No

Present to City Clerk prior to the beginning of the Leroy Boyd Forum.

**LEROY BOYD FORUM** is an opportunity for the public to comment on any subject **NOT** on the Agenda. Please note Rules of Conduct on the back of card. I understand that my comments are limited to three (3) minutes, unless determined otherwise by the President (Chair) and my time may not be given to another.

Name: DR GLORIA MORNING

Address: 310 S. DEVILERS F

Phone: 850 933 8535

Email: gloria.horning@gmail.com

City Resident:  Yes  No

City Property Owner:  Yes  No

City Business Owner:  Yes  No

Present to City Clerk prior to the beginning of the Leroy Boyd Forum.

**LEROY BOYD FORUM** is an opportunity for the public to comment on any subject **NOT** on the Agenda. Please note Rules of Conduct on the back of card. I understand that my comments are limited to three (3) minutes, unless determined otherwise by the President (Chair) and my time may not be given to another.

Name: Larry Downs Jr.

Address: 12156 Halvburg

Phone: 850 554 6414

Email: \_\_\_\_\_

City Resident:  Yes  No

City Property Owner:  Yes  No

City Business Owner:  Yes  No

Present to City Clerk prior to the beginning of the Leroy Boyd Forum.

**LEROY BOYD FORUM** is an opportunity for the public to comment on any subject **NOT** on the Agenda. Please note Rules of Conduct on the back of card. I understand that my comments are limited to three (3) minutes, unless determined otherwise by the President (Chair) and my time may not be given to another.

Name: BILL CAPLINGER

Address: 641 CONNELL DR

Phone: 850 501-7765

Email: billcaplinger@aol.com

City Resident:  Yes  No

City Property Owner:  Yes  No

City Business Owner:  Yes  No

Present to City Clerk prior to the beginning of the Leroy Boyd Forum.

**PUBLIC INPUT ON CITY COUNCIL AGENDA ITEM**

Meeting Date: 1.11.18

A member of the public may address any action or discussion item on Council's agenda by delivering this completed card to the City Clerk prior to the item being considered. All comments shall be directed to the President (Chair) and no comments or actions should be of a personal nature or disruptive nature. Please note Rules of Conduct on back of card.

I understand that my comments are limited to no more than three (3) minutes, unless determined otherwise by the President (Chair) and my time may not be given to another.

Subject: 216 N A St Item# 6

Name: Stephanie Tucker

Address: 218 N A St

Phone: (850) 602-4722

Email: sttucker12@gmail.com

City Resident:  Yes  No

City Business Owner:  Yes  No

City Property Owner:  Yes  No

**LEROY BOYD FORUM** is an opportunity for the public to comment on any subject **NOT** on the Agenda. Please note Rules of Conduct on the back of card. I understand that my comments are limited to three (3) minutes, unless determined otherwise by the President (Chair) and my time may not be given to another.

Name: Harry Dornas Jr

Address: 12156 Havburg

Phone: 850 554 6414

Email: \_\_\_\_\_

City Resident:                     Yes                     No

City Property Owner:         Yes                     No

City Business Owner:         Yes                     No

Present to City Clerk prior to the beginning of the Leroy Boyd Forum.