



# City of Pensacola

## CITY COUNCIL

### Meeting Minutes

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March 9, 2017

5:30 P.M.

Council Chambers

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#### ROLL CALL

Members Present: Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu

Members Absent: Larry Johnson, Sherri Myers

#### INVOCATION

Given by Reverend Franklin J. Gore of St. Paul Evangelical Lutheran Church.

#### PLEDGE OF ALLEGIANCE

Lead by Council Member Andy Terhaar.

#### FIRST LEROY BOYD FORUM

**Charles Bare:** Addressed Council and provided a hand-out (on file) regarding *Reviving Baseball in Inner Cities (RBI)* explaining the intent and partnership of such a program. He indicated he hopes for Council's support and would like to come back to provide a full presentation on the local efforts at this time within the Pensacola community.

**Wilheminia Ladd-Gadson:** Informed Council she no longer lives in her home on North Tarragona Street due to contamination. She indicated she has spent much time soliciting Gulf Power due to a power pole across the street from her home, and ECUA due to sewer issues. She also solicited help from the City's Constituent Services. She provided correspondence from the entities she referenced (received by the City Clerk and disseminated via email to Council and on file).

**Barbara Mayall:** Addressed Council regarding various transportation projects, specifically in reference to the recent joint meeting of the Escambia County Board of County Commissioners and the Escambia County School Board.

**Dianne Robinson:** Advised Council regarding a recent Westside clean-up effort which deployed approximately three hundred (300) workers and expressed her thanks to all of the volunteers.

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

**Mark Stettner:** Identified himself as owner of Thunderbird Taxi and addressed Council regarding issues related to the regulation of vehicles for hire.

**PRESENTATION**

1. [17-00140](#) PRESENTATION FROM FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) BRIEFING THE CITY COUNCIL ON THE FDOT PROJECT IN PENSACOLA - GREGORY STREET AND BAYFRONT PARKWAY AT 17TH AVE INTERSECTION IMPROVEMENT PD&E STUDY.

**Recommendation:** That City Council have a presentation at the March 9, 2017 City Council meeting from FDOT, briefing the City Council on the Gregory Street and Bayfront Parkway at 17th Ave intersection improvement PD&E Study.

Joy Swanson Pleas, FDOT Project Manager provided an overhead presentation, along with contract consultant Shawn Justice, NW FL Office Leader for Volkert, Inc. and they responded accordingly to questions.

**AWARDS**

None.

**APPROVAL OF MINUTES**

2. [17-00206](#) REGULAR MINUTES DATED FEBRUARY 9, 2017

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

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

Yes: 5	Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu
No: 0	None

**APPROVAL OF AGENDA**

Council President Spencer referenced (hardcopies) of an **add-on item regarding Resolution No. 17-19 Opposing State Legislation that would Preempt Local Regulations**, which he is sponsoring.

[17-00203 ADD ON ITEM - RESOLUTION NO. 17-19](#)

Add-on of Item# 17-19 to the City Council Agenda for the meeting occurring March 9, 2017.

**Recommendation:** That Council approve the adding on of Item #17-19 to the City Council Agenda for the meeting occurring March 9, 2017.

**A motion to add the item to the regular agenda was made by Council Member Cannada-Wynn and seconded by Council Member Wu.**

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

Council President Spencer indicated he will entertain a motion to approve the agenda (with the add-on item).

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

**Council Member Cannada-Wynn requested Item 23, *Award of Contract for Invitation to Bid (ITB) #17-015 Osceola Clubhouse Renovation Project* be moved up prior to Item 10.**

*No objections raised.*

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

**CONSENT AGENDA**

Council President Spencer presented the following consent agenda (by subject only):

3. [16-00284](#) AWARD OF CONTRACT - BID #17-002 GABERONNE SWAMP STORMWATER PENSACOLA BAY WATERSHED IMPROVEMENTS - SPANISH TRAIL RETENTION POND PROJECT

**Recommendation:** That City Council award a contract for construction of the Gaberonne Swamp Stormwater Pensacola Bay Watershed Improvements Spanish Trail Retention Pond Project to BKW, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$966,865.55 plus a 10% contingency of \$96,686.56 for a total amount of \$1,063,552.11.

4. [17-00054](#) AIRPORT - APPROVAL OF AMENDMENT NO. 4 TO THE LEASE AND OPERATING AGREEMENT WITH ECKO AIR LLC

**Recommendation:** That City Council authorize the Mayor to execute Amendment No. 4 to the Lease and Operating Agreement between the City of Pensacola and ECKO Air LLC at the Pensacola International Airport. Further that City Council authorize the Mayor to take all necessary actions to execute Amendment No. 4.

5. [17-00070](#) TRANSFER OF SURPLUS VEHICLES - GEORGE STONE TECHNICAL CENTER

**Recommendation:** That City Council declare four (4) City Police Vehicles (Unit Numbers SO9006, S31906, S35406, and S82906 2006 Ford Crown Victoria marked patrol vehicles) surplus and authorize the transfer of these vehicles to George Stone Technical Center.

6. [17-00163](#) APPOINTMENT - WEST FLORIDA PUBLIC LIBRARY BOARD OF GOVERNANCE

**Recommendation:** That City Council appoint one individual, who is an elector of Escambia County, to the West Florida Public Library Board of Governance for a term of two years, expiring February 28, 2019.

7. [17-00187](#) ADDITIONAL APPOINTMENTS TO THE CLIMATE MITIGATION AND ADAPTATION TASK FORCE

**Recommendation:** That City Council appoint Dr. Haris Alibasic and Ms. Carrie Stevenson to the Climate Mitigation and Adaptation Task Force.

**CONSENT AGENDA (CONT'D.)**

8. [17-00125 APPOINTMENT TO THE POLICE OFFICERS' RETIREMENT FUND BOARD OF TRUSTEES](#)

**Recommendation:** That City Council ratify the appointment of Rodney Randle as the fifth member trustee of the Police Officers' Retirement Fund.

**A motion to approve consent agenda items 3 – 8 was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.**

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

**REGULAR AGENDA**

9. [17-00107 FY 2016 COMPREHENSIVE ANNUAL FINANCIAL \(CAFR\)](#)

**Recommendation:** That City Council accept the City of Pensacola Comprehensive Annual Financial Report for the year ended September 30, 2016 as prepared by the Financial Services Department and the Independent Auditors Report issued thereupon.

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

Wade Sansbury with Mauldin & Jenkins (Council's independent Auditing Firm) provided an overhead presentation (on file with background materials). He responded accordingly to questions of Council Members.

Upon conclusion of discussion, the vote was called.

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D.)**10. [17-00177 SIX-CENT LOCAL OPTION FUEL \(GASOLINE\) TAX SETTLEMENT](#)

**Recommendation:** That City Council authorize the Mayor to take all actions necessary to settle the Six-Cent Local Option Fuel (Gasoline) Tax Appeal with Escambia County.

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

Brief discussion took place with City Administrator Olson fielding comments and questions.

Upon conclusion of discussion, the vote was called.

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

*(The following item was supposed to follow Item 9)*

23. [17-00011 AWARD OF CONTRACT FOR INVITATION TO BID \(ITB\) #17-015 OSCEOLA CLUBHOUSE RENOVATION PROJECT](#)

**Recommendation:** That City Council award a contract to Joy Gordon Construction, LLC for ITB #17-015 Osceola Clubhouse, for \$590,652.00 plus a 15% contingency of \$88,597.80 for a total amount of \$679,249.80. Further that City Council approve the supplemental budget resolution appropriating LOST IV funding for this project. Finally that City Council authorize the Mayor to execute all contracts, related documents, and take all related actions necessary to complete the project.

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

Brief discussion took place, then the vote was called.

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D.)**11. [17-00189 MORATORIUM ON ENCUMBERING ANY FURTHER LOCAL OPTION SALES TAX \(LOST\) IV FUNDS](#)

**Recommendation:** That City Council place a moratorium on encumbering any further LOST IV funds until the City Council and the Mayor have set priorities for expenditures and/or projects for these funds.

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

**Council Member Terhaar:** Made comments indicating he would be more comfortable placing the moratorium for a specific timeframe and **suggested the moratorium not exceed six (6) months.**

**Council Member Cannada-Wynn: Accepted as a friendly amendment.**

Discussion continued with Chief Financial Officer Barker responding accordingly to questions.

Upon conclusion of discussion, the vote was called.

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

Yes: 5	Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu
No: 0	None

12. [17-00138 PRESENTATION FROM THE CHAIRMAN OF THE COMMUNITY MARITIME PARK ASSOCIATES \(CMPA\)](#)

**Recommendation:** That City Council request a presentation be given at the April 13, 2017 City Council meeting by the Chairman of the Board of Trustees of the CMPA to update the Council on the financial and maintenance aspects of the park as well as an update on the marketing of the private parcels within the park.

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

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

Yes: 5	Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu
No: 0	None

**REGULAR AGENDA (CONT'D.)**13. [17-00190 REQUEST FOR LEGAL OPINION REGARDING ENFORCEMENT OF ANIMAL CONTROL ORDINANCES](#)

**Recommendation:** That City Council request a legal opinion from the City Attorney to the following question:

Are Escambia County's animal control ordinances enforceable within the City of Pensacola minus an interlocal agreement or an agreement of some type?

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

Council Executive Kraher responded to questions on behalf Council Member Myers (who sponsored this item and is absent from this meeting). City Administrator Olson also provided input as to current status of enforcement.

Upon conclusion of discussion, the vote was called.

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

14. [04-17 PROPOSED ORDINANCE NO. 04-17 - REPEALING SECTION 10-4-16\(c\) OF THE CITY CODE - INSTALLATION OF SERVICES](#)

**Recommendation:** That City Council approve Proposed Ordinance No. 04-17 repealing Section 10-4-16(c) of the city code on first reading.

**AN ORDINANCE REPEALING SECTION 10-4-16(c) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, INSTALLATION OF SERVICES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE**

**A motion to pass on first reading was made by Council Member Terhaar and seconded by Council Member Wingate.**

The following individuals addressed Council:

Barbara Mayall	Cindy Peer
Bill Fetke	Larry Downs, Jr.
Silvio Fina	Jacqueline Rogers
Thomas Kimmons	



**REGULAR AGENDA (CONT'D.)**

During public input (regarding Item 14) City Administrator Olson responded to questions of Ms. Mayall.

Upon conclusion of discussion, the vote was called (on Item 14).

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

Yes: 4            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn

No: 1            P.C. Wu

15. [17-00175](#) CREATION OF SECTION 8-1-28 OF THE CITY CODE - PROHIBITING SOLICITATION OF DONATIONS UPON PUBLIC SIDEWALKS AND RIGHTS-OF-WAY IN THE DOWNTOWN VISITORS' DISTRICT

**Recommendation:** That City Council adopt an ordinance creating Section 8-1-28 of the City Code - Prohibiting solicitation of donations upon public sidewalks and rights-of-way in the Downtown Visitors' District.

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

City Administrator Olson made opening comments regarding the intent for bringing this legislation forward for consideration.

Public input was heard from the following individuals:

Doug Landreth

Barbara Mayall

Curt Morse

Stephen Embrey

Todd Thompson

John Johnson

Cheryl Poister

Magi Berk

Michael Guilday

Tracy Goodson

Kathleen Joyce

Nathan Monk

Katherine Mahomond

Michael Kimberl

Clare Walter

Rick Frye

Discussion ensued among Council with City Attorney Bowling and DIB Executive Director Morse responding accordingly to questions.

**A substitute motion was made by Council Member Wingate and seconded by Council Member Cannada-Wynn that City Council table this item.**

Discussion took place regarding the substitute motion. City Attorney Bowling provided input as well.

**REGULAR AGENDA (CONT'D.)**

Public input was heard from the following individuals (regarding the substitute motion to table Item 15):

Michael Kimberl  
Nathan Monk  
Katherine Mahomond

Rick Frye  
Magi Berk  
Kathleen Joyce

**Council Member Wingate clarified his substitute motion is to postpone (not table) this item to the April 13<sup>th</sup> Council Meeting and Council Member Cannada-Wynn restated her second.**

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

**\*\*\*THE FOLLOWING ORDINANCE WAS POSTPONED DUE TO THE ABOVE ACTION\*\*\***

16. 09-17 PROPOSED ORDINANCE NO. 09-17 - CREATING SEC. 8-1-28 OF THE CITY CODE - PROHIBITING SOLICITATION OF DONATIONS UPON PUBLIC SIDEWALKS AND RIGHTS-OF-WAY IN THE DOWNTOWN VISITORS' DISTRICT

**Recommendation:** That City Council approve Proposed Ordinance No. 09-17 on first reading.

*AN ORDINANCE CREATING SECTION 8-1-28 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; DEFINING THE DOWNTOWN VISITORS' DISTRICT AND REGULATING THE CONDUCT OF CITIZENS ON SIDEWALKS AND PUBLIC RIGHTS-OF-WAY THEREIN; PROVIDING DEFINITIONS; PROHIBITING SOLICITATION OF DONATIONS; PROVIDING PENALTIES THEREFOR; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.*

17. 17-00114 AMENDMENT TO CITY COUNCIL RULES AND PROCEDURES; SECTION 2.07 - CONSENT AGENDA

**Recommendation:** That City Council amend Section 2.07 - Consent Agenda - of the City Council Rules and Procedures to allow the movement of items from the Regular Agenda to the Consent Agenda at the Agenda Conference.

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

**REGULAR AGENDA (CONT'D.)****The motion (on Item 17) carried by the following vote:**

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

18. [17-00186 BUDGET ANALYST TO THE CITY COUNCIL](#)

**Recommendation:** That City Council begin the process of hiring a Budget Analyst in accordance with Section 4.02(6) of the City Charter.

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

Some discussion took place among Council with City Attorney Bowling responding accordingly to questions.

Upon conclusion of discussion, the vote was called.

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

Yes: 4            Brian Spencer, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu  
No: 1            Gerald Wingate

19. [17-00184 SCHEDULE A WORKSHOP REGARDING A PROPOSED ORDINANCE ESTABLISHING A BUSINESS LICENSING PROCESS FOR PERMITTING OF ALL RENTAL PROPERTY.](#)

**Recommendation:** That City Council schedule a workshop for June 2017 for the purpose of establishing an ordinance allowing for establishing a business licensing process for permitting of all rental property within the city limits. The Council also authorizes the Council staff to provide assistance in the research of this topic.

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

Public input was heard from the following individuals:

Dianne Robinson  
Clifford Stokes

Liz Watkins

Council Members Spencer and Wingate made remarks.

**REGULAR AGENDA (CONT'D.)**

Following discussion, the vote was called (on Item 19).

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

20. [17-00185 SCHEDULE WORKSHOP REGARDING THE REVIEW OF ORDINANCES AND POLICIES GOVERNING ABANDONED DWELLINGS, VACANT LOTS AND UNKEPT PROPERTIES.](#)

**Recommendation:** That City Council schedule a workshop for June 2017 to review all ordinances and policies that govern abandoned dwellings, vacant lots and unkempt properties within the city limits. The review would include state statues that protect the property rights of citizens.

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

Public input was heard from the following individuals:

Wilheminia Ladd-Gadson

Liz Watkins

Council President Spencer asked questions with Council Member Cannada-Wynn responding accordingly. He **suggested Council Member Cannada-Wynn work with City staff to create an ordinance to address the issues she raised instead of having a workshop.** Council Member Wingate made follow-up remarks.

**Based on discussion, Council Member Cannada-Wynn (sponsor) withdrew this item.**

21. [17-00143 SOUTH PALAFOX RESIDENTIAL CONDOMINIUM BUILDING DEVELOPMENT PLAN](#)

**Recommendation:** That the City Council conceptually approve a proposed South Palafox residential condominium building development plan and authorize the Mayor to enter into negotiations for a long term lease for such development.

**Council President Spencer indicated he will need to abstain from this item due to a conflict of interest.**

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

**REGULAR AGENDA (CONT'D.)**

Discussion took place (regarding Item 21) with City Administrator Olson responding accordingly to questions.

Public input was heard from the following individuals:

Chuck Tessier  
Liz Watkins

Todd Harris

Upon conclusion of discussion, the vote was called.

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

Yes: 4            Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu  
No: 0            None  
Abstained:    Brian Spencer

22. [17-17 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-17 - APPROPRIATING FUNDING FOR ADDITIONAL PARKING AT CHAPPIE JAMES PROJECT](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-17 appropriating funding for additional parking at the General Daniel "Chappie" James Jr., Museum & Youth Flight Academy.

[A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.](#)

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

Council Member Wingate asked to be provided with a legal opinion regarding this issue, which City Attorney Bowling indicated this resolution does not address to transferring outside of a TIF fund.

There being no further discussion, the vote was called.

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D.)**

24. [17-18 SUPPLEMENTAL BUDGET RESOLUTION NO. 17-18 - OSCEOLA CLUB HOUSE RENOVATION PROJECT](#)

**Recommendation:** That City Council adopt Supplemental Budget Resolution No. 17-18.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

25. [05-17 PROPOSED ORDINANCE NO. 05-17 - AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-2-10 - HISTORIC & PRESERVATION LAND USE DISTRICT, \(A\)\(4\) PROCEDURE FOR REVIEW](#)

**Recommendation:** That City Council approve proposed Ordinance No. 05-17 on second reading.

AN ORDINANCE AMENDING SECTION 12-2-10 (A) (4) (f) OF THE CODE OF THE CITY OF PENSACOLA; AMENDING THE LAND DEVELOPMENT CODE, HISTORIC & PRESERVATION LAND USE DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 05-17)

**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: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

**REGULAR AGENDA (CONT'D.)**

26. [06-17 PROPOSED ORDINANCE NO. 06-17 - PROPOSED AMENDMENT TO SECTION 12-2-8 \(B\) \(1\) OF THE LAND DEVELOPMENT CODE - ADDITION OF MEDICAL MARIJUANA DISPENSARY](#)

**Recommendation:** That City Council approve Proposed Ordinance No. 06-17 on second reading.

AN ORDINANCE AMENDING SECTION 12-2-8 (B) (1) OF THE CODE OF THE CITY OF PENSACOLA; AMENDING THE LAND DEVELOPMENT CODE, ADDITION OF MEDICAL MARIJUANA DISPENSARY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 06-17)

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

Council Member Terhaar raised the issue of Residential-Commercial (R-C) being referenced as part of the commercial district(s) and expressed his concerns, as well as other Council Members, with City Attorney Bowling clarifying it may be as simple as a typo and that she will look into the issue.

**Council Member Terhaar made a motion to amend the proposed ordinance, striking any reference to Residential-Commercial (R-C) in order to clarify that *medical marijuana dispensary* is not a permitted use within that district and Council Member Cannada-Wynn seconded.**

Council Member Wingate indicated he would still like further clarification.

Upon conclusion of discussion, **the vote was called on the amendment.**

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

Yes: 5	Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu
No: 0	None

There being no further discussion, **the voted was called on the main motion as amended.**

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

Yes: 5	Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu
No: 0	None

**REGULAR AGENDA (CONT'D.)**

27. [07-17 PROPOSED ORDINANCE NO. 07-17 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-14-1 DEFINITIONS - BUILDING HEIGHT](#)

**Recommendation:** That City Council adopt Proposed Ordinance No. 07-17 on second reading.

AN ORDINANCE AMENDING SECTION 12-14-1 DEFINITIONS OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Ordinance No. 07-17)

**A motion to adopt was made by Council Member Terhaar and seconded by Council Member Wingate.**

Public input was heard from Liz Watkins.

Council President made follow-up remarks clarifying the proposed amendment.

There being no further discussion, the vote was called.

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

Yes: 5	Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn, P.C. Wu
No: 0	None

28. [03-17 PROPOSED ORDINANCE NO. 03-17 - AMENDMENT TO SECTION 3-1-13, COUNCIL RESERVE \(GENERAL FUND\) OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA](#)

**Recommendation:** That City Council approve Proposed Ordinance No. 03-17 on second reading.

AN ORDINANCE AMENDING SECTION 3-1-13 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE COUNCIL RESERVE POLICY (GENERAL FUND); SEVERABILITY CLAUSE; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 04-17)

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



**REGULAR AGENDA (CONT'D.)**

**The motion (to adopt P.O. No. 03-17) carried by the following vote:**

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

**DISCUSSION**

**\*\*\*THE FOLLOWING ITEM WAS POSTPONED BY THE SPONSOR\*\*\***

29. [17-00188 DISCUSSION OF REQUEST FOR LETTER OF SUPPORT FOR HB 6019 AND SB 214 REGARDING PRESERVATION OF ARCHAEOLOGICAL SITES.](#)

*Recommendation: That City Council have a discussion regarding the submission of a letter of support for HB 6019 and SB 214 regarding the preservation of archeological sites.*

30. [17-19 ADD-ON: RESOLUTION NO. 17-19 OPPOSING STATE LEGISLATION THAT WOULD PREEMPT LOCAL REGULATIONS.](#)

Recommendation: That City Council adopt Resolution No. 17-19.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, OPPOSING ANY AND ALL STATE LEGISLATION THAT WOULD PREEMPT LOCAL REGULATIONS TO THE STATE BY PROHIBITING LOCAL GOVERNMENTS FROM IMPOSING OR ADOPTING CERTAIN ORDINANCES, REGULATIONS, RULES, LICENSES, PERMIT OR OTHER REQUIREMENTS. INCLUDING ASSOCIATED FEES; OPPOSING ANY AND ALL STATE LEGISLATION THAT WOULD PREEMPT AND REPEAL BY OPERATION OF STATE LAW ANY EXISTING LOCAL REGULATIONS; OPPOSING ANY STATE LEGISLATION THAT WOULD LIMIT LOCAL GOVERNMENTS IN MODIFYING OR IMPOSING ADDITIONAL REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**A motion to adopt was made by Council President Spencer and seconded by Council Member Terhaar.**

Brief comments were made in support of bringing this issue forward and thanking Council Executive Kraher for his work.

There being no further discussion, the vote was called.

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

Yes: 5            Brian Spencer, Gerald Wingate, Andy Terhaar, Jewel Cannada-Wynn,  
                         P.C. Wu  
No: 0            None

**COUNCIL EXECUTIVE'S REPORT**

Council Executive Kraher provided the following information:

- Hardcopies provided at Council's places of meeting(s) calendar and associated deadlines for item submittal, as well as dates for upcoming workshop sessions. It was clarified through discussion that the calendar does not include a set date for the next joint City/County meeting, but tentatively, the most recent date last discussed was to schedule the meeting for March 28<sup>th</sup>, although Mayor Hayward will be out of town.
- Tracking of state legislative items impacting municipalities.

**MAYOR'S COMMUNICATION**

City Administrator Olson updated Council regarding the after school care and transportation program at Gull Point Resource Center and are currently exempting transportation fees for current enrollees in order to remain in compliance with current licensure. Also, as a friendly reminder from Planning Staff, the Gateway Review Board is having issues scheduling a quorum since they are down two (2) members which require Council to fill such vacancies. He pleaded with Council to submit nominations to be considered for appointment.

**COUNCIL COMMUNICATIONS**

None.

**CIVIC ANNOUNCEMENTS**

None.

**SECOND LEROY BOYD FORUM**

The following individuals were no longer in attendance:

Stacy Davis  
Elizabeth Rembert

Fleacica Davis

**ADJOURNMENT**

There being no additional speakers, the meeting was adjourned.

WHEREUPON the meeting was adjourned at 10:17 P.M.

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Adopted: April 13, 2017

Approved: s/Brian K. Spencer  
Brian K. Spencer, President of City Council

Attest:

s/Ericka L. Burnett  
Ericka L. Burnett, City Clerk