



City of Pensacola

Agenda Conference

Agenda

Monday, July 15, 2019, 3:30 PM

Hagler-Mason Conference Room,
2nd Floor

IMMEDIATELY FOLLOWING 3:30 CRA MEETING

ROLL CALL

PRESENTATION ITEMS

1. [19-00313](#) PRESENTATION - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE, SECTION 12-6 - TREE / LANDSCAPE REGULATIONS

Recommendation: That City Council receive a presentation from Laurie Murphy regarding proposed amendment to Section 12-6 of the Land Development Code - Tree / Landscape Regulations.

Sponsors: Sherri Myers

Attachments: [Proposed Amendments - Chapter 12-6 Tree/Landscape Regulations](#)

2. [19-00315](#) STORMWATER MASTER PLAN UPDATE

Recommendation: That City Council receive a presentation from Derrik Owens, Director of Public Works and Facilities/City Engineer regarding the Stormwater Master Plan Update.

Sponsors: Grover C. Robinson, IV

REVIEW OF CONSENT AGENDA ITEMS

3. [19-00335](#) REFERRAL TO ENVIRONMENTAL ADVISORY BOARD (EAB)

Recommendation: That City Council refer to the Environmental Advisory Board (EAB) a request for the Board to examine the chemicals used on athletic fields and parks in the City of Pensacola and report the findings to City Council with recommendations on how to improve the safety of playing fields and parks.

Sponsors: Sherri Myers

Attachments: [Nat'l Academy Pediatrics Attachment 1](#)
[Nat'l Academy Pediatrics - Attachment 2](#)
[Chemical Management Policy](#)

4. [19-00341](#) APPROVAL OF LOCALLY FUNDED AGREEMENT WITH STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR SAFETY IMPROVEMENTS WEST CERVANTES STREET CORRIDOR TRAFFIC FEASIBILITY STUDY

Recommendation: That City Council authorize the Mayor to take all necessary action to execute a Locally Funded Agreement (LFA) with FDOT relating to cost sharing for the West Cervantes Street corridor pedestrian safety improvement, complete streets and corridor management project.

Sponsors: Andy Terhaar

Attachments: [LFA 443769-1 SR 10A West Cervantes St Pensacola](#)

5. [19-00306](#) PENSACOLA ENERGY - AWARD OF TASK ORDERS 1-5 NATURAL GAS PIPELINE CONSTRUCTION MISCELLANEOUS UNIT PRICE WORK

Recommendation: That City Council award Task Orders 1-5, Natural Gas Pipeline Construction Miscellaneous Work with R.A.W. Construction, LLC, in the amount of \$1,111,300 for the natural gas infrastructure replacement projects under the unit price and miscellaneous work option in Bid #19-005. In addition, that Council approve a 10% contingency of \$111,130 for a total approved amount of \$1,222,430 for a period of one year. Further, that Council authorize the Mayor to execute the task orders and take all actions necessary to complete the work.

Sponsors: Grover C. Robinson, IV

6. [19-00303](#) CITY OF PENSACOLA FY 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND HOME INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM
- Recommendation:** That City Council approve the FY 2019-2020 CDBG Annual Action Plan for the period October 1, 2019 through September 30, 2020, for submission to U. S. Department of Housing and Urban Development, and the City of Pensacola 2019-2020 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:** Grover C. Robinson, IV
- Attachments:** [City of Pensacola FY 2019-2020 CDBG Annual Action Plan](#)
[City of Pensacola FY 2019-2020 CDBG and HOME Proposed Budgets and](#)
7. [19-00334](#) AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA
- Recommendation:** That the City Council approve Amendment No. 1 to the Interlocal Agreement for Administrative Services between the Community Redevelopment Agency of the City of Pensacola, Florida and the City of Pensacola, Florida.
- Sponsors:** Jewel Cannada-Wynn
- Attachments:** [Amendment No. 1 - Administrative Services Interlocal \(CRA\)](#)
[Orgnaizational Chart - 2019](#)
8. [19-00319](#) APPOINTMENT - WESTSIDE COMMUNITY REDEVELOPMENT BOARD
- Recommendation:** That City Council appoint one individual to the Westside Community Redevelopment Board that is either a redevelopment area resident, member of an area neighborhood association or owner or operator of a business located in the redevelopment area, to fill an unexpired term ending January 31, 2021.
- Sponsors:** Andy Terhaar
- Attachments:** [Member List](#)
[Nomination Form - Norman Baker](#)
[Application of Interest - Norman Baker](#)
[Ballot](#)

9. [19-00325](#) APPOINTMENTS - ZONING BOARD OF ADJUSTMENT

Recommendation: That City Council appoint three (3) individuals who are residents or property owners of the City to the Zoning Board of Adjustment for a term of three (3) years, expiring July 14, 2022.

Sponsors: Andy Terhaar

Attachments: [Member List](#)
[Application of Interest - David Del Gallo](#)
[Application of Interest - Steven Shelley](#)
[Application of Interest - Robby Williams](#)
[Ballot](#)

REVIEW OF REGULAR AGENDA ITEMS (Sponsor)10. [19-00321](#) APPOINTMENTS - PLANNING BOARD

Recommendation: That City Council appoint seven (7) individuals, one of whom is a Licensed Florida Architect, to the Planning Board for a term of two years, expiring July 14, 2021.

Sponsors: Andy Terhaar

Attachments: [Member List](#)
[Application of Interest - Danny Grundhoefer](#)
[Application of Interest - Kurt Larson](#)
[Application of Interest - Nathan Monk](#)
[Application of Interest - Laurie Murphy](#)
[Nomination Forms - Charletha Powell](#)
[Application of Interest - Charletha Powell](#)
[Resume - Charletha Powell](#)
[Application of Interest - Paul Ritz](#)
[Resume - Paul Ritz](#)
[Nomination Form - Eladies Sampson](#)
[Application of Interest - Eladies Sampson](#)
[Application of Interest - Ryan Wiggins](#)
[Ballot - Licensed Florida Architect](#)
[Ballot - Member](#)

11. [19-00057](#) PUBLIC HEARING: AMENDMENT TO LAND DEVELOPMENT CODE
CHAPTER 12-10 FLOODPLAIN MANAGEMENT

Recommendation: That City Council conduct a public hearing on July 18, 2019 to consider an amendment to the Land Development Code Chapter 12-10 Floodplain Management.

Sponsors: Grover C. Robinson, IV

Attachments: [May 8, 2018 Planning Board Minutes](#)
 [Proposed Ordinance](#)

12. [05-19](#) PROPOSED ORDINANCE NO. 05-19 - AMENDMENT TO LAND
DEVELOPMENT CODE CHAPTER 12-10 FLOODPLAIN MANAGEMENT
AND CREATING SECTION 14-1-133 LOCAL GOVERNMENT
AMENDMENTS TO FLORIDA CODE

Recommendation: That City Council approve Proposed Ordinance No. 05-19 on first reading.

AN ORDINANCE REPEALING AND REPLACING SECTION 12-10-1 THROUGH SECTION 12-10-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR FLOODPLAIN MANAGEMENT REGULATIONS, DEVELOPMENT STANDARDS AND PROCEDURES FOR CONSTRUCTION IN AREAS SUBJECT TO FLOODING; CREATING SECTION 12-10-7 THROUGH SECTION 12-10-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INSPECTION OF FLOODPLAIN CONSTRUCTION; VARIANCES AND APPEALS; DEFINITIONS; REGULATING CONSTRUCTION AND SITING OF BUILDINGS, SUBDIVISIONS, MANUFACTURED HOMES, RECREATIONAL VEHICLES AND TRAILERS, TANKS AND OTHER DEVELOPMENTS; CREATING SECTION 14-1-133 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FLOODPLAIN AMENDMENTS SUPPLEMENTAL TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 05-19](#)
 [May 8, 2018 Planning Board Minutes](#)

13. [19-00312](#) PUBLIC HEARING: PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS - TO INCLUDE HISTORIC BUILDING DEMOLITION REVIEW

Recommendation: That City Council conduct a public hearing on July 18, 2019 to consider an amendment to the Code of the City of Pensacola, Land Development Code Section 12-12-5 - Building Permits - to include Historic Building Demolition Review

Sponsors: Ann Hill

Attachments: [Proposed Ordinance - Historic Demolition Review](#)
 [February 12, 2019 Planning Board Minutes](#)

14. [24-19](#) PROPOSED ORDINANCE NO. 24-19 - AMENDING THE CODE OF THE CITY OF PENSACOLA, LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS; PROVIDING FOR HISTORIC DEMOLITION REVIEW

Recommendation: That City Council approve Proposed Ordinance No. 24-19 on first reading:

AN ORDINANCE AMENDING SECTION 12-12-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SUBSECTION 12-12-5(E) ESTABLISHING A PROCESS FOR THE REVIEW OF REQUESTS TO DEMOLISH BUILDINGS OF HISTORICAL, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE TO THE CITY; PROVIDING DEFINITIONS; PROVIDING ARCHITECTURAL REVIEW BOARD CRITERIA AND PROCEDURES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Ann Hill

Attachments: [Proposed Ordinance 24-19 - Historic Demolition Review](#)

15. [19-00314](#) TENTATIVE MILLAGE RATE - FISCAL YEAR 2020

Recommendation: That City Council set the tentative Fiscal Year 2020 millage rate for the City of Pensacola at 4.2895 mills and for the Downtown Improvement District at 2.0000 mills 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 the Fiscal Year 2020 millage rates be held on September 11, 2019 at 5:30 p.m. in Council Chambers.

Sponsors: Grover C. Robinson, IV

Attachments: [Fiscal Year 2020 Taxable Value Estimates](#)

16. [19-00317](#) REFERRAL TO PLANNING BOARD AND ENVIRONMENTAL ADVISORY BOARD - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE, SECTION 12-6 - TREE / LANDSCAPE REGULATIONS

Recommendation: That City Council refer to the Planning Board and Environmental Advisory Board for review and recommendation a proposed amendment to Section 12-6 of the Land Development Code - Tree / Landscape Regulations.

Sponsors: Sherri Myers

Attachments: [Proposed Amendments – Chapter 12-6 Tree/Landscape Regulations](#)

17. [19-00322](#) REQUIRE PARKS AND RECREATION BOARD TO CHANGE MONTHLY MEETING TIME

Recommendation: That City Council direct the Parks and Recreation Board to change their monthly meeting time from 8:00 a.m. to a time between 1:00 - 4:00 p.m. in order to allow greater citizen participation.

Sponsors: Sherri Myers

18. [19-00339](#) TRAFFIC ENGINEERING STUDY OF CERTAIN STATE ROADWAYS

Recommendation: That the City conduct a traffic study on the following state roadways:

- Pace Boulevard from Main Street to the City Limits
- Barrancas Avenue from Pace Boulevard to Garden Street
- Garden Street from Pace Boulevard to Alcaniz Street
- 9th Avenue from Bayfront Parkway to Creighton Road
- Bayfront Parkway / Main Street from the New Pensacola Bay Bridge to “A” Street

Additionally, the study will include the needs for traffic signals, lighting, traffic signs, intersection management, road surface markings and flooding. Further, the study should also focus on safe patterns of pedestrian traffic as well as ADA compliance within the movement of people.

Sponsors: Jewel Cannada-Wynn

19. [19-00316](#) MEMORANDUM OF AGREEMENT FOR ADVANCE TRAFFIC MANAGEMENT SYSTEM

Recommendation: That City Council authorize the Mayor to execute the Memorandum of Agreement for the Unified Development, Operation, and Maintenance and Stakeholder Allocation of a Regional Advanced Traffic Management System (ATMS) and a Regional Transportation Management Center (TMC).

Sponsors: Ashton J. Hayward, III

Attachments: [Memorandum of Agreement](#)

20. [19-00329](#) CITY COUNCIL APPROVAL OF THE STRATEGIC PLAN MISSION, VALUES AND PRIORITY AREAS

Recommendation: That City Council approve and adopt the Strategic Plan Mission, Values and Priority Areas.

Sponsors: Grover C. Robinson, IV

Attachments: [City of Pensacola Strategic Plan](#)

21. [2019-01](#) RESOLUTION NO. 2019-01 - AMENDING AND RESTATING
RESOLUTION NO. 4-94 IN ITS ENTIRETY PERTAINING TO THE
ISSUANCE BY THE CITY OF GAS SYSTEM REVENUE BONDS.

Recommendation: That City Council adopt Resolution No. 2019-01.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AMENDING
AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY;
PROVIDING FOR THE ISSUANCE OF GAS SYSTEM REVENUE
BONDS TO PAY THE COST OF CERTAIN CAPITAL IMPROVEMENTS
TO THE CITY'S GAS SYSTEM AND TO PAY THE COST OF
REFUNDING CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY;
PLEDGING THE NET REVENUES OF THE GAS SYSTEM TO SECURE
PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS;
PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS;
PROVIDING FOR THE PAYMENT THEREOF; MAKING CERTAIN
OTHER COVENANTS AND AGREEMENTS IN CONNECTION
THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN
EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Resolution No. 2019-01](#)

22. [2019-31](#) RESOLUTION NO. 2019-31 - AUTHORIZING A FINANCING IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$58,200,000 TO FINANCE THE ADVANCE REFUNDING OF THE OUTSTANDING CITY OF PENSACOLA, FLORIDA REDEVELOPMENT REVENUE BONDS, SERIES 2009B, AND FUND CERTAIN COMMUNITY REDEVELOPMENT IMPROVEMENTS IN THE URBAN CORE COMMUNITY REDEVELOPMENT AREA, AND AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PENSACOLA AND THE COMMUNITY REDEVELOPMENT AGENCY RELATING TO SUCH FINANCING.

Recommendation: That City Council adopt Resolution No. 2019-31.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AUTHORIZING THE ISSUANCE BY THE CITY OF AN URBAN CORE REDEVELOPMENT REFUNDING AND IMPROVEMENT REVENUE BOND, SERIES 2019, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$58,200,000 TO FINANCE THE ADVANCE REFUNDING OF THE OUTSTANDING CITY OF PENSACOLA, FLORIDA REDEVELOPMENT REVENUE BONDS, SERIES 2009B (FEDERALLY TAXABLE - BUILD AMERICA BONDS - DIRECT PAYMENT) AND CERTAIN COMMUNITY REDEVELOPMENT IMPROVEMENTS IN THE URBAN CORE COMMUNITY REDEVELOPMENT AREA AS DESCRIBED HEREIN; PLEDGING AS SECURITY FOR THE PAYMENT OF SAID SERIES 2019 BOND THE TAX INCREMENT REVENUES OF THE URBAN CORE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE RIGHTS, SECURITY, AND REMEDIES FOR THE REGISTERED OWNER OF THE SERIES 2019 BOND; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE AWARD OF THE SALE OF THE SERIES 2019 BOND; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW HOLDER THEREUNDER; APPOINTING A VERIFICATION AGENT; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF THE SERIES 2019 BOND; PROVIDING CERTAIN AMENDMENTS TO RESOLUTION NO. 33-09; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Resolution No. 2019-31](#)

23. [2019-32](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-32 - APPROPRIATING FUNDING IN CONNECTION WITH THE URBAN CORE REDEVELOPMENT REFUNDING AND IMPROVEMENT REVENUE BOND, SERIES 2019.

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-32.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Supplemental Budget Resolution No. 2019-32](#)

[Supplemental Budget Explanation No. 2019-32](#)

24. [2019-38](#) SUPPLEMENTAL BUDGET RESOLUTION 2019-38 - RENTAL CAR CONCESSION AGREEMENT & REAL PROPERTY LEASE AMENDMENT
2

Recommendation: That City Council approve Supplemental Budget Resolution No. 2019-38.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Supplemental Budget Resolution No. 2019-38](#)

[Supplemental Budget Explanation No. 2019-38](#)

25. [20-19](#) PROPOSED ORDINANCE NO. 20-19 PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE SECTION 12-2-11 AIRPORT LAND USE DISTRICT - RECREATIONAL FACILITIES - NOT-FOR-PROFIT

Recommendation: That City Council adopt Proposed Ordinance No. 20-19 on second reading.

AN ORDINANCE AMENDING SECTION 12-2-11 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, AIRPORT LAND USE DISTRICT; RECREATIONAL FACILITIES - NOT FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 20-19](#)
 [May 14, 2019 Planning Board Minutes](#)

26. [21-19](#) PROPOSED ORDINANCE NO. 21-19 - VACATION OF RIGHT-OF-WAY 400 BLOCK OF 11TH AVENUE

Recommendation: That City Council adopt Proposed Ordinance No. 21-19 on second reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 400 BLOCK OF 11TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 21-19](#)
 [Vacation of Right-of-Way Application and Supporting Documentation, 11th](#)
 [Rendering and Plans, 11th Avenue Right-of-Way Vacation Request](#)
 [Technical Comments, 11th Avenue Right-of-Way Vacation Request](#)
 [May 14, 2019 Planning Board Minutes](#)

FOR DISCUSSION

27. [19-00318](#) STREET LIGHTING PLAN FOR 9TH AVE. AND BAYOU BLVD.

Sponsors: Sherri Myers

28. [19-00323](#) UPDATE ON WEST CERVANTES STREET PROJECT

Sponsors: Jewel Cannada-Wynn

29. [19-00336](#) AFFORDABLE HOUSING TASKFORCE - 500 IN 5 YEARS
 Sponsors: Jewel Cannada-Wynn
 Attachments: [FHC 2019-Pre-Session-Journal](#)
30. [19-00338](#) EDUCATIONAL COMPONENT FOR THE 2020 CENSUS
 Sponsors: Jewel Cannada-Wynn
31. [19-00340](#) SUPPORT FOR AND FURTHER EXPLORING THE TWO (2) IDENTIFIED
 SCAPE PROJECTS
 Sponsors: Jared Moore

INFORMATIONAL ITEMS

CONSIDERATION OF ANY ADD-ON ITEMS

READING OF ITEMS FOR COUNCIL AGENDA

COMMUNICATIONS

City Administrator's Communication

City Attorney's Communication

Monthly Financial Report - Chief Financial Officer Richard Barker, Jr.

32. [19-00085](#) MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER
 RICHARD BARKER, JR.
 Sponsors: Grover C. Robinson, IV

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 #: 19-00313

City Council

7/18/2019

PRESENTATION ITEM

FROM: City Council Member Sherri Myers

SUBJECT:

PRESENTATION - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE, SECTION 12-6 - TREE / LANDSCAPE REGULATIONS

REQUEST:

That City Council receive a presentation from Laurie Murphy regarding proposed amendment to Section 12-6 of the Land Development Code - Tree / Landscape Regulations.

SUMMARY:

In September of 2009, City Council amended Section 12-6 of the Land Development Code pertaining to Tree/Landscape regulations; since that time, minor changes have been made to this section.

Due to the increase in development over the years and the development that is currently taking place, a need exists to review the current ordinance, add needed protections and provide an overall update to Section 12-6 of the Land Development Code, the proposed amendment is provided for Council consideration.

Laurie Murphy has worked on this item with outside legal assistance while also obtaining input from the Mayor's Office as well as Inspection Services.

PRIOR ACTION:

September 10, 2009 - City Council amended Section 12-6 of the Land Development Code - Tree / Landscape Regulations

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) Proposed Amendments - Chapter 12-6 Tree/Landscape Regulations

File #: 19-00313

City Council

7/18/2019

PRESENTATION: Yes

CHAPTER 12-6. TREE/LANDSCAPE REGULATIONS⁴¹ (REVISED)

Footnotes:

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Editor's note—Ord. No. 31-09, § 1, adopted Sept. 10, 2009, amended Ch. 12-6, in its entirety to read as herein set out. Prior to inclusion of said ordinance, 12-6, pertained to similar subject matter. See also the Code Comparative Table.

Sec. 12-6-1. - Purpose.

The purpose of this chapter is to establish protective regulations for trees and landscaped areas within the city. Such areas preserve the ecological balance of the environment, control erosion, sedimentation and stormwater runoff, provide shade and reduce heat and glare, abate noise pollution, and buffer incompatible land uses. The intent of this chapter is to encourage the preservation of existing trees. It is critical that a balance be maintained between developed areas and natural/landscaped areas with appropriate existing and/or newly planted trees and other vegetation. The intent is also to provide for the future of our citizens through maintaining vital vegetative species that will reproduce for future generations.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-2. - Applicability.

(A) *Zoning districts.* The provisions of this chapter shall be applicable within the following zoning districts:

- (1) *Residential districts.*
 - (a) R-1AAAAA through R-1A districts
 - (b) R-ZL (zero lot line dwelling district)
 - (c) R-2A and R-2B (multiple-family)
- (2) *Mixed residential districts.*
 - (a) R-2 (residential/office)
 - (b) R-NC (residential/neighborhood commercial)
- (3) *Commercial districts.*
 - (a) C-1 (local commercial)
 - (b) C-2 (general commercial)
 - (c) R-C (residential commercial)
 - (d) C-3 (general commercial and limited industry)
- (4) *Industrial districts.*
 - (a) M-1 (wholesale/light industry)
 - (b) M-2 (light industry)

- (5) *Other districts.* The provisions of this chapter shall also be used as guidelines in reviewing site plans in site specific zoning and development (SSD) amendment applications, airport transition zone (ATZ-1 and ATZ-2) districts and in applications for special planned developments.
- (B) *Public institutional uses and churches.* The provisions of this chapter shall be applicable to public institutional uses and churches. Public institutional uses and churches located in R-1A through R-1A zones shall not be exempt from the provisions of this chapter. In addition, these uses shall conform with the requirements of subsection 12-6-3(A) and all other sections of this title applicable to the R-ZL, R-2A, R-2B and R-2 zones.
- (C) *Exemptions.* All single-family and duplex uses are exempt from the provisions of this chapter, except as provided for in section 12-2-32 (buffer yards), subsection 12-6-2(D) (heritage trees) and subsection 12-6-6(D) (new subdivisions). The C-2A downtown retail commercial district is exempt from the provisions of this chapter, except as provided for in subsections 12-6-6(A), (E), (F), and (G). ~~All healthcare related uses of property owned or controlled by an entity which is licensed as an acute care hospital under F.S. Ch. 395, owned or controlled by a parent company of an entity which is licensed as an acute care hospital under F.S. Ch. 395 are exempt from the provisions of this chapter, except as provided for in section 12-6-3 and subsections 12-6-6(A), (C), (E), (F), and (G). In conjunction with the development of any such healthcare related use, a payment of five thousand dollars (\$5,000.00) per acre of new developed impervious surface area shall be made to the tree planting trust fund.~~ The designated clear zone areas around the Pensacola Regional Airport and any other area identified by the airport manager and approved by the city council as critical to aircraft operations shall be exempt from this chapter.
- (D) *Heritage trees.* A protected tree identified by species in Appendix A of this chapter which is twelve ~~(14)~~ ⁽¹⁴⁾ inches or greater in diameter as measured at Diameter Breast Height (DBH). Heritage trees are protected in all the zoning districts listed in section 12-6-2, and for all land uses. Removal, cutting, *relocating* or pruning of heritage trees on proposed development sites may be permitted upon approval of a landscape and tree protection plan (section 12-6-4) *and review by the Parks and Recreation Board (section 12-6-7).* Removal, cutting, *relocating* or pruning of heritage trees on developed property may be authorized upon issuance of a permit per section 12-6-7. A permit will be required for removal of a heritage tree in all zoning districts listed in section 12-6-2, and for all land uses, including single-family or duplex as set out in section 12-6-7.
- (E) *Removal of protected trees in connection with conservation easements, conservation management areas or parcels managed as nature parks or preserves. No live preserved trees may be removed, pruned or relocated in these protected areas unless it is done to further the restoration towards the improvement of soils or remnant vegetation, streambank stabilization, hydrological systems or geological conditions.*
- (F) *DBH.* All tree measurements shall be taken at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (54 inches) above ground. If the tree has a bump or branch at four and one-half (4½) feet above ground then DBH shall be measured immediately below the bump or branch. If the tree is growing vertically on a slope, DBH shall be measured from the midpoint of the trunk along the slope. If the tree is leaning, DBH shall be measured from the midpoint of the lean. If the tree forks below or near DBH the tree shall be measured at the narrowest part of the main stem below the fork. If the tree splits into more than one (1) trunk close to ground level, DBH shall be determined by measuring each of the trunks separately and then taking the square root of the sum of all squared stem DBHs.
- (G) Notwithstanding any other provision of this chapter, the mitigation cost to a residential property owner (single-family and duplex uses) shall not exceed one thousand dollars (\$2,000.00).

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-3. - Landscaping requirements.

The following landscaping requirements apply to all types of land uses and zoning districts listed in section 12-6-2 of this chapter:

- (A) *Landscape area requirements.* The minimum percentage of the total developable site, which shall be devoted to landscaping, unless otherwise specified in this chapter, shall be as follows:

ZONING DISTRICT		PERCENT
R-ZL, R-2A, R-2B, R-2	.....	25
R-NC, C-1, C-2, R-C	.....	25
C-3, M-1, M-2	.....	20
SSD, ATZ-1, ATZ-2	.....	25

- (B) *Off-street parking and vehicle use areas.* Off-street parking regulations apply to all parking facilities of twenty (20) spaces or more. Off-street parking facilities and other vehicular use areas shall meet the following requirements:

- (1) *Perimeter requirements.* A ten-foot wide strip of privately owned land, located along the front and/or side property line(s) adjacent to a street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten-foot wide perimeter landscape area. This perimeter landscape requirement shall be credited toward the percentage required for the total developable site in subsection 12-6-3(A), above. Material requirements in perimeter area are as follows:

- (a) One (1) *high quality shade tree* for each thirty-five (35) feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of **six (6)** [3] inches DBH. The trees shall be container grown if planted during the months of March through October. During the remaining months, balled and burlapped (B&B) material may be used. Appropriate documentation shall be provided to the parks and recreation department. An automatic irrigation system shall be required with a separate zone with bubblers to each tree planted on site. When multiple trunk trees are specified, such as crape myrtle, each stem must be a minimum of **two (2)** [4-5] inches DBH, with a minimum of three (3) stems. These type trees shall not be cut back prior to planting. Seventy (75) percent of the trees for any site shall be shade trees, ~~unless a lesser percentage is approved by the parks and recreation department.~~ The remaining area within the perimeter strip shall be landscaped with other landscape materials.
- (b) Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) [feet] and nine (9) feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.

- (c) If trees are required where overhead utilities exist, and such trees may create a maintenance potential, *only species* whose expected height at maturity will not create interference may be planted.

in Appendix B, 11-34 may be planted.

- (d) A minimum ten-foot separation shall be provided between street trees and street stormwater inlets, except where bioretention inlets that incorporate trees are utilized.
 - (e) Where possible, developments shall be designed to preserve as street trees any existing champion or high quality heritage trees which are located in the right-of-way or on private property within 20 feet of the right-of-way. Where these trees are preserved, no new construction or grading shall occur within the tree root plate and new buildings shall to be designed so that no more than 25 percent of the crown of the trees is removed.
- (2) *Interior planting areas.* Interior planting areas within parking lots shall be determined by subtracting the area set aside in the ten-foot perimeter strip from the total minimum area required to be landscaped in subsection 12-6-3(A), above. This remaining percentage shall be allocated throughout the parking lot or in areas, which are adjacent to the parking lot other than in the perimeter strip. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Minimum sizes of interior planting areas are as follows:
- (a) A minimum of one hundred (100) square feet of planting area shall be required for each new species type A tree identified in Appendix "A" and small species identified in Appendix "B".
 - (b) A minimum of two hundred (200) square feet of planting area shall be required for each new species type B and type C tree identified in Appendix "A" and medium and large species identified in Appendix "B".
 - (c) A twelve-foot by thirty-six-foot planting island shall be required on each end of every double row of parking and a twelve-foot by eighteen-foot island on each end of a single row of parking shall be required. Also, a minimum of one (1) additional island at the midpoint of the parking bays for rows having over ten (10) parking spaces shall be required. The additional island shall be centered in each row. At no time shall a row of parking have landscape islands greater than 126 feet apart or closer than 36 feet apart. Each required landscape island shall contain at least one high quality shade tree listed in Appendices A** and B** as a species appropriate for lot planting. Such tree(s) shall be located within the landscaped area of at least 140 square feet to maximize the shading of the pavement. Any adjustment to this requirement must have written approval from the building official.
 - (d) A minimum planting area of seventy-five (75) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than seventy-five (75) percent is needed to preserve the tree, the city shall have the right to require up to one hundred (100) percent of the dripline. Approved pavers may be used in certain situations, if approved by the building official. Pervious surfaces are strongly encouraged.
- (3) *Vehicle overhang.* Vehicles shall not overhang any interior planting area or perimeter strip. Tire stops are required to be used in these situations.
- (4) *Curbs; protection of vegetation.* Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of the water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).
- (5) Head-to-head parking rows shall contain eight foot wide landscape strips between the rows allowing for two-foot vehicle overhangs on each side. Shade trees shall be planted every

50 feet on average within these landscaped areas, but outside of the two-foot vehicle overhangs. As an alternative, every other row of head-to-head parking may provide a 16-foot-wide curbed landscape strip with shade trees every 35 feet on average and may contain sidewalks. Each landscape strip must contain a curb-cut design or made into an attractive ditch, channel or culvert that contains appropriate vegetation for stormwater reduction. See Appendix C.

(6) The Parks and Recreation board may allow the relocation of interior landscaped areas to preserve existing trees, or where it is determined upon review and recommendation of the community development department inspection services division, that the relocation is necessary for the safe maneuvering of vehicles or pedestrians.

(7) In those vehicular use areas including, but not limited to auto dealerships, storage of service or delivery vehicles, or attendant parking where interior landscaping would interfere with the customary storage or display of vehicles, the Parks and Recreation board or appropriate review board may allow some or all of the required interior landscaping to be located near the perimeters of the paved area, including such perimeters which may be adjacent to a building on the site. Such landscaped area would be in addition to required perimeter landscaping in the amount of one square foot of landscaped area for each 60 square feet of paved area. For each 140 square foot of relocated landscaped area, a high quality shade tree shall be provided.

- (C) *Buffer yards between zoning districts and uses.* Regulations applicable to buffer yards are specified in section 12-2-32 of this Code and may not impede the development of appropriate pedestrian, handicapped and bicycle accessways between these uses.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-4. - Landscape and tree protection plan.

A landscape and tree protection plan shall be required as a condition of obtaining any building permit or site work permit for townhouse residential, multi-family residential, commercial and industrial development as specified in section 12-6-3. The plan shall be submitted to the community development department inspection services division. A fee shall be charged for services rendered in the review of the required plan (see chapter 7-14 of this Code).

No building permit or site work permit shall be issued until a landscape and tree protection plan has been submitted and approved. Clearing and grubbing is only permitted after a site has received development plan approval and appropriate permits have been issued. The building official may authorize minimal clearing to facilitate surveying and similar site preparation work prior to the issuance of permits. No certificate of occupancy shall be issued until the building official has determined after final inspection that required site improvements have been installed according to the approved landscape and tree protection plan. In lieu of the immediate installation of the landscaping material and trees, the city may require a performance bond or other security in an amount equal to the cost of the required improvements in lieu of withholding a certificate of occupancy, and may further require that improvements be satisfactorily installed within a specified length of time.

- (A) *Contents of landscape and tree protection plan.* The landscape and tree protection plan shall be drawn to scale by a landscape architect, architect or civil engineer licensed by the State of Florida, and shall include the following information unless alternative procedures are approved per sections 12-6-8 or 12-6-9:
- Location, size and species of all trees and shrubs to be planted showing the botanical name, size, spacing and number of plant materials. Architectural symbols depicting trees to be installed shall not exceed the scale equivalent of five feet in diameter with a solid line; a hatched line around the solid line shall show the expected canopy dimension after twenty (20) years.

- Location of proposed structures, driveways, parking areas, utilities, lighting systems, required perimeter and interior landscaped areas, and other improvements to be constructed or installed.
- Location of irrigation system to be provided. All planted areas shall have an underground irrigation system designed to provide one hundred-percent coverage.
- Landscape and tree protection techniques proposed to prevent damage to vegetation, during construction and after construction has been completed.
- Location of all protected trees noting species and DBH.
- Identification of protected trees to be preserved, protected trees to be removed, including dead trees, and trees to be replanted on site.
- Proposed grade changes which might adversely affect or endanger protected trees with specifications on how to maintain trees.

• Stormwater basins shall be designated as wet or dry.

- Certification that the landscape architect, architect or civil engineer submitting the landscape and tree protection plan has read and is familiar with Ch. 12-6 of the Code of the City of Pensacola, Florida, pertaining to Tree and Landscape Regulation.

- (B) *Installation period.* All landscape materials and trees depicted on the approved landscape plan shall be installed within one (1) year of the date of issuance of the building permit for the site.
- (C) *Quality.* All plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", current edition, State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industry, Tallahassee, Florida, a copy of which shall be maintained for public inspection in the department of leisure services.
- (D) *Notice.* If removal is sought for two (2) or more heritage trees or for more than ten (10) protected trees (including heritage trees sought to be removed) and/or if removal of more than fifty (50) of existing protected trees is sought within any property in any zoning district identified in section 12-6-2, a sign shall be posted no further back than four (4) feet from the property line nearest each respective roadway adjacent to the property. One (1) sign shall be posted for every one hundred (100) feet of roadway frontage. Each sign shall contain two (2) horizontal lines of legible and easily discernable type. The top line shall state: "Tree Removal Permit Applied For." The bottom line shall state: "For Further Information Contact the City of Pensacola." The top line shall be in legible type no smaller than six (6) inches in height. The bottom line shall be in legible type no smaller than three (3) inches in height. There shall be a margin of at least three (3) inches between all lettering and the edge of the sign. The signs shall be posted at by the applicant at their expense, and shall remain continuously posted until the requisite building, site work, or tree removal permit has issued.

(E) All stormwater basins shall be designed and landscaped to meet the following criteria:

- (1) Shade trees shall be planted at an average of one tree for every 35 linear feet of the basin perimeter. Spacing of trees may be closer when trees are planted in groups for aesthetic effect, but the minimum distance between the trees shall be ten linear feet. Trees shall be selected from the Gainesville tree list that are appropriate for use within stormwater areas, and all landscaping shall be selected according to the function as a wet or dry basin. Trees shall be located at least 20 feet away from inflow and outflow structures. Bioretention swales and exfiltration facilities are exempt from these tree planting requirements.
- (2) Twenty-five percent or more of the appropriate planting area of the basin perimeter or littoral zone shall be landscaped with shrubs, groundcover, native perennials, or aquatic plants.

- (a) Individual stormwater basins that are greater than 5,000 square feet in total area shall be designed with curvilinear sides that mimic a natural wetland, lake, or stream. The landscaping for these basins shall be integrated with the other required site landscaping. As an alternative, the city manager or designee or reviewing board may approve basins that have parallel sides where they are designed with pedestrian amenities and are directly integrated into a streetscape, park, or plaza.
- (b) Individual stormwater basins that are greater than 40,000 square feet in total area shall also be designed to meet at least one of the following criteria:
- (1) Provide a recreational or functional pathway for pedestrians or bicyclists and an aesthetic focal point such as a water feature or pedestrian structure; or
 - (2) Be designed to preserve and incorporate a significant tree or tree grouping; or
 - (3) Be designed to maintain an existing wetland function or to preserve or establish habitat for native animal species.
- (F) Design principles and standards. All landscaped areas required by this article shall conform to the following general guidelines:
- a. The preservation of structurally sound native trees of high quality shade tree species and shrubs is strongly encouraged to maintain healthy, varied and energy-efficient vegetation throughout the city, and to maintain habitat for native wildlife species. Developments should be designed to preserve existing high quality heritage trees, especially those located within 20 feet of the public right-of-way.
 - b. The landscaping plan should integrate the elements of the proposed development with existing topography, hydrology and soils in order to prevent adverse impacts such as sedimentation of surface waters, erosion and dust.
 - c. The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscape plan. The landscaped areas should be integrated, especially to promote the continuity of on-site and off-site open space and greenway systems, and to enhance environmental features, particularly those features regulated by the environmental overlay districts (Article VIII).
 - d. The selection and placement of landscaping materials should maximize the conservation of energy through shading of buildings, streets, pedestrian ways, bikeways and parking areas. Where possible, shade trees should be planted along internal sidewalks that connect buildings to the street sidewalk and to other buildings on the site.
 - e. Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to their expected function as short-term or long-term elements. The natural and visual environment should be enhanced through the use of materials which achieve a variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
 - f. The placement of trees around buildings should permit access to the building by emergency vehicles.
 - g. The installation of the following invasive nonnative species is prohibited as is installation of any species labeled as "Prohibited" in the most recently published version of the Institute of Food and Agricultural Science (IFAS) Invasive Species Assessment:

INVASIVE, NONNATIVE
PLANT SPECIES

<u>Common Name</u>	<u>Scientific Name</u>
<u>Air potato</u>	<u>Dioscorea bulbifera</u>
<u>Arrow bamboo</u>	<u>Pseudosasa japonica</u>
<u>Brazilian pepper</u>	<u>Schinus terebenthifolius</u>
<u>Catclaw vine</u>	<u>Macfadyena unguis-cati</u>
<u>Chinaberry</u>	<u>Melia azedarach</u>
<u>Chinese privet</u>	<u>Ligustrum sinense</u>
<u>Chinese tallow tree</u>	<u>Sapium sebiferum</u>
<u>Chinese wisteria</u>	<u>Wisteria sinensis</u>
<u>Climbing fern</u>	<u>Lygodium japonicum and</u> <u>Lygodium microphyllum</u>
<u>Cogon grass</u>	<u>Imperata cylindrica</u>
<u>Coral ardesia</u>	<u>Ardisia japonica</u>
<u>Coral berry</u>	<u>Ardisia crenata</u>
<u>Elephant's ears</u>	<u>Xanthosoma sagittifolium</u>
<u>Glossy privet</u>	<u>Ligustrum lucidum</u>

<u>Golden raintree</u>	<u>Koelreuteria paniculata and Koelreuteria bipinnata</u>
<u>Golden bamboo</u>	<u>Phyllostachys aurea</u>
<u>Henon bamboo</u>	<u>P. nigra cv. "Henon"</u>
<u>Hydrilla</u>	<u>Hydrilla verticillata</u>
<u>Hygrophia</u>	<u>Hygrophia polysperma</u>
<u>Japanese ardisia</u>	<u>Ardisia japonica</u>
<u>Japanese honeysuckle</u>	<u>Lonicera japonica</u>
<u>Japanese paper mulberry</u>	<u>Broussonetia papyrifera</u>
<u>Kudzu</u>	<u>Pueraria lobata</u>
<u>Mimosa</u>	<u>Albizia julibrissin</u>
<u>Miramar weed</u>	<u>Hygrophila polysperma</u>
<u>Oyster plant</u>	<u>Tradescantia spathacea</u>
<u>Palm leaf bamboo</u>	<u>Sasa palmata (Arundinaria palmata)</u>
<u>Skunk vine</u>	<u>Paederia foetida</u>

<u>Tropical soda apple</u>	<u>Solanum viarum</u>
<u>White-flowered small-leaved spiderwort</u>	<u>Tradescantia fluminensis</u>
<u>Wandering spiderwort</u>	
<u>Water hyacinth</u>	<u>Eichornia crassipes</u>
<u>Wild taro</u>	<u>Colocasia esculenta</u>

- h. For all new development, or redevelopment of existing property, the applicant shall remove invasive nonnative plant species listed on the Florida Prohibited Aquatic Plants List or the Florida Noxious Weed List from the property in accordance with the management plan prior to issuance of the certificate of occupancy. On property with invasive nonnative plant species, a plan shall be submitted with the development application that includes a timeline, success criteria, treatment recommendations, and identifies methods that will have minimal impact on non-target species. All herbicide applications to control invasive, nonnative plants in wetland or upland set-aside areas (including buffers) shall be applied by a contractor licensed by the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, with a current certification in Natural Areas Weed Management. The city manager or designee should inspect such sites for a minimum of three years after completion to verify effectiveness of control efforts. The plan shall state the entity responsible for additional treatments during the three-year follow-up if the populations of invasive nonnative plants rebound and cover more than ten percent of any previously infested area within the wetland or upland set-aside areas.
- i. Loblolly and slash pines should be at least 25 feet apart post-development to reduce southern pine beetle infestation outbreaks.

(Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-5. - Maintenance.

The legal owner of record as appears on the current tax assessment roll or the designated lessee or agent shall be responsible for the maintenance of all landscape areas which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Within three (3) months of a determination by the building official or other city-designated official, that a protected tree required to be retained on a development site (as part of an approved site development

plan) or required landscaping is dead or severely damaged or diseased, the protected tree or landscaping shall be replaced by the owner in accordance with the standards specified in this chapter (chapter 12-6). The building official may approve additional time appropriate to the growing season of the species in question, not to exceed one (1) year.

All portions of any irrigation system shall be continuously maintained in a condition such that the intent of an irrigation design is fulfilled. Such irrigation shall promote water conservation by such methods as as drip irrigation and/or sprinkler zoning, as well as reducing the amount of irrigation as plants become established. Each required tree shall be served by a drip ring or bubblers or other appropriate means necessary to ensure that the entire rootball is irrigated. The irrigation system should be designed and located to minimize the watering of impervious surfaces. After the successful establishment of trees, the use of the automatic irrigation system may be discontinued. Uncontrolled emission of water from any pipe valve, head, emitter, or other irrigation device shall be considered evidence of non-maintenance.

Landscape areas that are not planted shall be grassed or mulched with organic materials. Grassed areas shall be planted with sod that has been certified free of noxious weeds by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-6. - Protected trees.

Protected trees are those trees identified by species and size in Appendix A of this chapter if living and viable. Where protected trees are identified on a site proposed for lot clearing within the applicable zoning districts identified in section 12-6-2, the number of protected trees to be preserved on the site shall be determined based upon the final approved location of proposed structures, driveways, parking areas, and other improvements to be constructed or installed.

(A) *Preservation Incentives.*

- (1) *Parking space reduction.* A reduction of required parking spaces may be allowed when the reduction would result in the preservation of a protected tree with a trunk of twelve (12) inches DBH or greater. Such reduction shall be required when the reduction would preserve a heritage tree. The following reduction schedule shall apply:

REDUCTION SCHEDULE

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1—4	0
5—9	1
10—19	2
20 or above	10 percent of total number of spaces (total reduction regardless of number of trees preserved).

- (2) *Consideration of park and open space requirement.* A reduction or waiver of the required park and open space (or payment in lieu of land dedication) for new residential subdivisions specified in section 12-8-6 may be approved by the mayor or their designee when it is determined that said waiver will result in the preservation of five (5) or more protected trees with a trunk of twelve (12) inches DBH or greater.
 - (3) *Sidewalks.* Modifications to sidewalks, their required location, and width and curb requirements, may be allowed as necessary to facilitate the preservation of any protected tree.
 - (4) *Credit for additional landscaping.* The mayor or his or her designee may authorize up to one-half (½) of the total calculated mitigation cost (as determined according to subsection 12-6-6(B)(4), (5)) to be used by the applicant for additional landscaping, which is defined as landscaping that is not required by this chapter or any other law. Additional landscaping shall meet the following minimum standards:
 - (a) A minimum of seventy-five (75) percent of all required plant material shall consist of evergreen species.
 - (b) All landscape material shall be placed so as to maximize its screening and/or coverage potential at maturity.
 - (c) All shrub material shall be a minimum height of thirty (30) inches and have a minimum crown width of twenty-four (24) inches when planted and shall be a species capable of achieving a minimum height of eight (8) feet at maturity.
- (B) *Retention, relocation, removal, replacement, and mitigation of protected trees.*
- (1) *Retention of protected trees.* Every effort must be made to protect and retain existing protected trees on proposed development sites. A minimum of twenty-five (25) ~~[40]~~ percent of the total combined trunk diameter of protected trees on a proposed development site not located within jurisdictional wetlands shall be retained in place or relocated on site.
 - (a) Credit for retention of protected trees above minimum requirements. For each inch of trunk diameter above the minimum twenty-five (25) ~~[40]~~ percent requirement that is protected in place or relocated on site, an equivalent trunk diameter inch credit shall be given against replacement and mitigation requirements as provided in subparagraphs (4) and (5) below.
- (C) *Barrier zones.* All regulated trees in areas of demolition or construction that have not been permitted nor designated for removal by either the terms of the permit or approved development order shall be protected by barrier zones erected and inspected prior to construction of any structures, road, utility service or other improvements. Barricades shall comply with the following:
- (1) Protective barriers shall be plainly visible and shall create a continuous boundary around trees or vegetation clusters in order to prevent encroachment by machinery, vehicles or stored materials. To further protect tree roots, a layer of wood chips at least eight inches thick shall cover the soil within the barricade. Barricades must be at least three feet tall and must be constructed of either wooden corner posts at least two by four inches buried at least one foot deep, with at least two courses of wooden side slats at least one by four inches with colored flagging or colored mesh attached, or constructed of one-inch angle iron corner posts with brightly colored mesh construction fencing attached. High quality heritage trees shall be protected by galvanized chain link fencing a minimum of 48 inches high, 11-gauge wire, two-inch mesh size secured with 1 7/8 inch line posts no further than 10 feet apart secured at a depth of three feet below soil line. Corners shall be secured with 2 3/8 inch line posts secured to a depth of four feet below soil line.
 - (2) Barriers shall be placed at the greater of the following:
 - a. At or outside the dripline for all heritage and champion trees and all regulated pine and palm trees;

b. At a minimum of two-thirds of the area of the dripline for all other regulated species; or

c. At the tree root plate.

(3) If complying with the above placement of barriers is found to unduly restrict development of the property, the city manager or designee, or the appropriate reviewing board may approve alternative barrier placements or methods of protection provided that at least 50 percent of the area under the canopy dripline remains undisturbed (no grade change or root cut) and further provided that there shall be no disturbance to the tree root plate. Protective barriers may not be removed or relocated without such approval.

(4) No grade changes shall be made within the protective barrier zones without prior approval of the city manager or designee. Where roots greater than one inch in diameter are damaged or exposed, they shall be cut cleanly and re-covered with soil within one hour of damage or exposure.

(5) Protective barriers shall remain in place and intact until such time as landscape operations begin. If construction needs dictate a temporary removal (for less than 24 hours), the city manager or designee, may approve or deny the temporary removal of protective barriers.

(6) Landscape preparation in the protected area shall be limited to shallow discing of the area. Discing shall be limited to a depth of four inches unless specifically approved otherwise by the city manager or designee.

(7) No building materials, machinery or harmful chemicals shall be placed within protective barriers, except short-duration placements of clean fill soil that will not harm the tree. Such short-duration placements shall not exceed seven days. The city manager or designee shall be notified of the dates the short duration placement will begin and end. The original soil grade that existed within the protected areas prior to the placement of such fill shall be restored.

(8) The American National Standards Institute A-300 Part V: Management of Trees and Shrubs During Site Planning, Site Development, and Site Construction or other nationally recognized arboricultural standards approved by the city manager or designee shall be used as guidelines for tree protection, planting, pruning and care during development and construction.

(D) *Preservation generally.* Trees may be preserved on development sites in locations where a new tree would be required. Credit for the preservation of such a tree will be given if the requirements listed below are met. During construction, if the requirements are not being met and/or the preserved tree is unlikely to survive in satisfactory condition, the owner shall apply for a tree removal permit in accordance with the requirements of this code.

(1) 50 percent of the area within the dripline of the tree shall be naturally preserved, both above- and below-ground. Under no circumstances shall permission be given for any construction activity within the tree root plate. The 50 percent protection zone must include the entire tree root plate. Landscape materials are permitted within the 50 percent protection zone but only mulch is permitted within the tree root plate. Within the 50 percent protection zone there shall be no alteration to the existing grade, no trenching or cutting of roots, nor shall there be any storage of materials or fill. No heavy equipment shall be permitted within the protection zone. All work must be done by hand. There shall be no compaction of the soil, as from heavy construction equipment, and no concrete, paint, chemicals or other foreign substances placed within this protection zone.

(2) The city manager or designee may approve paving blocks within the protection zone, provided that all work is done by hand (no machinery), and that the soil area under the pavers is not compacted beyond the bulk density limits of 1.40 g/cc in clay, 1.50 g/cc in loam, or 1.70 g/cc in sand. No lime rock or other material shall be used underneath the pavers. Pavers may not be placed within the tree root plate.

(3) There shall be no evidence of active insect infestation potentially lethal to the trees, and no damage from skinning, barking or bumping.

- (4) The root plate of regulated trees within the public right-of-way should not be impacted by adjacent development, even where the tree root plate encroaches on the private property. The installation of new utilities or improvements to public utilities required to serve the development should not require the removal of trees on the public right-of-way, where the required separations from the utilities can be met.
- (5) If any preserved tree is not alive and healthy three years after the certificate of occupancy is granted, it shall be removed and replaced with the tree or trees which originally would have been required by this code. The area that was preserved to accommodate the preserved tree shall be maintained in an unpaved condition and the replacement trees established in this area.
- (6) The planning and development services department shall maintain, and make available to the public, descriptions and illustrations of tree preservation and protection practices which will assist in assuring that preserved trees survive construction and land development.
- (E) *Inspections.* The city manager or designee shall conduct periodic inspections of the site before work begins and/or during clearing, construction and/or post-construction phases of development in order to ensure compliance with these regulations and the intent of this section.
- (F) *Denial; conditions.* The reviewing board or city manager or designee may deny a proposal for development because one or more champion or high quality heritage trees have not been preserved or adequately protected, or may require special conditions of approval that may include but are not limited to the following:
- (1) Requiring the trees to be protected with chainlink barricades.
 - (2) Requiring a soil aeration system in the vicinity of tree roots as needed, particularly where fill will be added over roots of preserved trees or where compaction may reduce the availability of water and oxygen to tree roots.

(G)

Removal of protected trees. Subject to the requirements of (1) above, protected trees may be approved for removal if one (1) or more of the following conditions are present:

- (1) *Visibility hazard.* Necessity to remove trees which will pose a safety hazard to pedestrians or vehicular traffic upon completion of the development.
- (2) *Safety hazard.* Necessity to remove trees which will threaten to cause disruption of public services or which will pose a safety hazard to persons or buildings or adjacent property or structures.
- (3) *Construction of improvements.* Necessity to remove trees in order to construct proposed improvements as a result of the location of driveways, if the location of a driveway or ingress/egress is specified and required by DOT or other regulations, buildings, utilities, stormwater/drainage facilities, or other permanent improvements. The architect, civil engineer, or planner shall make every reasonable effort to locate such improvements so as to preserve any existing tree.
- (4) *Site conditions.* Necessity to remove trees as a result of characteristics of the site such as site dimensions, topographic conditions and grading requirements necessary to implement standard engineering and architectural practices. Grading shall be as limited as possible. In order to justify the removal of protected trees on the ground of site conditions, the request must be reviewed by the appropriate city staff and must be approved by the mayor or his or her designee. Appeals from the decision of the mayor or his designee shall be to the Zoning Board of Adjustment.
- (5) *Diseased or weakened trees.* Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury;
- (6) *Compliance with other ordinances or codes.* Necessity for compliance with other city codes such as building, zoning, subdivision regulations, health provisions, and other environmental ordinances.

- (H) *Relocation of protected trees.* Where feasible, when conditions necessitate removal of protected trees, said trees shall be relocated on the site in the required perimeter or interior landscaped areas. Should the relocated tree expire within a specified period of time, the appropriate mitigation (planting of replacement trees or payment to the tree planting trust fund) shall be required. For each protected tree that cannot feasibly be relocated (or all of them), a written statement from a qualified professional shall be provided stating for each tree (or all of them) that relocation is not feasible and briefly explaining why relocation is not feasible.
- (I) *Replacement of protected trees.* When a protected tree is approved for removal, it shall be replaced with a like species of the tree removed. The prescribed number of trees shall be planted for each tree removed. The minimum diameter of a replacement tree shall be **six (6)** ~~{3}~~ inches DBH. The replacement formula is:
- (a) A trunk diameter of four (4) inches to eleven (11) inches = Two (2) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - (b) A trunk diameter of twelve (12) inches to nineteen (19) inches = Three (3) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - (c) A trunk diameter of twenty (20) inches to twenty-nine (29) inches = Five (5) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - (d) A trunk diameter of thirty (30) inches to thirty-five (35) inches = Eight (8) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - (e) A trunk diameter of thirty-six (36) inches to forty-three (43) inches = Ten (10) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - (f) A trunk diameter of forty-four (44) inches or greater = Eleven (11) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - (g) Replacement trees must be exact replacements of the species removed to preserve the natural tree community.
- (5) *Mitigation of protected trees.* Any replacement trees that cannot be planted on site because of lack of space, once agreed to by the city, shall be valued at **eight** ~~{four}~~ hundred dollars (**\$800.00**) ~~[400.00]~~ each and the owner shall pay that total to the tree planting trust fund. Trees identified as dead and verified as such in writing by the city shall not be required to be replaced or mitigated.
- (J) *New planting of protected trees.* On sites proposed for development or redevelopment where no existing protected trees are identified, the owner or his agent shall be required to plant one (1) new tree species identified in the protected tree list (Appendix "A") or the tree replant list (Appendix "B"), a minimum of **six (6)** ~~{three (3)}~~ inches DBH, for each one thousand (1,000) square feet of impervious surface area. *Seventy-five percent of these trees must be a high quality shade tree.* New trees or replacement trees shall be planted during the year as indicated in subsection 12-6-3(B)(1)(a) of this chapter.
- (K) *New residential subdivisions.* In new residential subdivisions the private property owner of each lot shall plant one (1) tree in the front yard within ten (10) feet of the right-of-way, provided there is no existing tree in the front yard. If the existing tree is not within ten (10) feet of the right-of-way, then one (1) additional tree shall be required (sized as noted in (1) below).
- (1) Where a protected or replant tree species is required to be replanted, such tree shall be a minimum of **six (6)** ~~{three (3)}~~ inches DBH.
 - (2) The location of an existing protected tree on the lot or the proposed location of a new protected or replant species, where required in this subsection, shall be identified on the plot plan submitted as part of the information submitted for a building permit.
- (L) *Road right-of-way tree protection.* No person or agency shall cut, prune, remove, or in any way damage any protected tree in any street right-of-way or create any condition injurious to any

such tree without first obtaining a permit to do so from the parks and recreation department as specified in section 12-6-7.

- (1) The parks and recreation department may issue an annual permit to public utility companies exempting them from the provisions of this subsection concerning tree preservation. In the event of flagrant or repeated disregard for the intent and purpose of this chapter, the department may revoke said permit. The reasons for revoking such a permit shall be provided in writing to the offender.
 - (2) Prior to entering a targeted area for pruning by the utility, the utility representative shall submit for approval to the city a clearly marked plan of the area, showing location of trees and noting what is being requested by the utility company. The parks and recreation department shall approve the plan and an additional permit fee of seventy-five dollars (\$75.00) shall be paid to the City of Pensacola for the specific area noted on the plan submitted (see chapter 7-14 of this Code).
 - (3) All public utilities, governmental agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees on public or private property. Notice shall be provided to landowners at least one (1) week in advance of pruning and/or removing landowners' trees on private property. Emergency removal requiring immediate action to protect the health and safety of the public is not subject to this chapter. In no case shall the utility company be permitted to prune more than thirty (30) percent of the existing tree canopy.
- (M) *Tree protection.* Removing, pruning, or cutting tree growth away from a permanent nonaccessory sign (billboard) on public or private property shall be permitted only if a permit is obtained from the parks and recreation department. All agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees.
- (N) *Canopy road tree protection zone.* All lands within ten (10) feet of the outer boundary of the right-of-way of the below described roads are hereby declared to be canopy tree protection zones:
- Blount Street from "A" Street to Bayview Park.
 - Lakeview Avenue from 9th Avenue to 20th Avenue.
 - Garden Street from Alcaniz Street to Jefferson Street and from "J" Street to "N" Street.
 - 17th Avenue from Gregory Street to Texar Drive.
 - 12th Avenue from Barcia Drive to Fairfield Drive.
 - Baylen Street from LaRua Street to Jordan Street.
 - Spring Street from LaRua Street to Jordan Street.
 - Bayou Boulevard from Lee Street to Strong Street.
 - Cervantes Street/Scenic Highway from the eastern side of Bayou Texar to the city limits.

No person or agency shall cut, remove, prune or in any way damage any protected tree in any canopy road tree protection zone or create any condition injurious to any such tree without first obtaining a permit to do so from the parks and recreation department as specified in section 12-6-7. The exemption for utility companies noted in subsection (E), above shall also apply to the canopy road tree protection zone.

- (O) *Heritage trees.* No person or agency shall cut, remove, prune or in any way damage any heritage tree in any zoning district without first obtaining approval of a landscape and tree protection plan per section 12-6-4 for new development sites or a permit from the parks and recreation department as specified in section 12-6-7 for developed property. The provisions of this subsection related to pruning do not apply to existing single-family and duplex uses.

(Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 217, 218, 9-9-10)

Sec. 12-6-7. - Tree removal and pruning permit in right-of-way and canopy road tree protection zones and heritage trees on developed property.

No person shall cut, remove, prune, or in any way damage any heritage tree on developed property or protected tree within the road right-of-way and canopy road tree protection zones identified in subsections 12-6-6(E) and (G), without first obtaining a tree removal and pruning permit from the parks and recreation department as provided below. An inspection fee of seventy-five dollars (\$75.00) shall be charged for services rendered by the parks and recreation department in the required review and on-site inspection for tree removal or pruning permits (see chapter 7-14 of this Code).

- (A) *Canopy road tree protection zone and road right-of-way tree protection zone.* Prior to cutting, removing, pruning or in any way damaging a protected tree in the canopy road tree protection zone and road right-of-way tree protection zone, an owner, developer or his agent must submit a copy of an accurately scaled drawing including the following information:
- (1) Location of the subject protected tree, noting species, size and general condition.
 - (2) The parks and recreation department may issue an annual permit to public utilities exempting them from this requirement as specified in subsection 12-6-6(E).
- (B) *On-site inspection.* Prior to the issuance of a tree removal and pruning permit, the parks and recreation department shall conduct an on-site inspection and shall issue a written report setting forth a recommendation for granting or denying the permit including any explanation necessary to clarify the basis for the recommendation.
- (C) *Conditions of approval.* The parks and recreation department may approve the permit if one (1) or more of the conditions set forth in subsections 12-6-6(B)(2)(a)—(f) is present.
- (D) *Review.* In the event an application is denied, the parks and recreation department shall specify to the applicant in writing the reason for said action.
- (E) *Heritage tree removal mitigation.* In the event that a heritage tree is approved for removal, tree replacement shall be provided per subsection 12-6-6(B)(4)(f) or a fee shall be paid into the tree planting trust fund per subsection 12-6-6(B)(5).
- (F) *Pruning permitted on residential properties.* Notwithstanding any contrary provision, pruning of heritage trees on properties with existing single-family and duplex land uses shall not require compliance with this section. However, no more than one-third (1/3) of the existing, healthy tree crown may be removed. If trimming of any heritage tree on a residential property results in substantial and irreparable harm or death to the heritage tree, such trimming shall be deemed an unauthorized and unpermitted removal of such heritage tree and shall be subject to penalties as such.

(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-8. - Best management practices.

The mayor or his or her designee may determine that the required irrigation or mitigation percentage for a site may be reduced, and may also reduce the required mitigation payment into the Tree Planting Trust Fund when it has been demonstrated and set forth in writing that Best Management Practices have

exceeded the requirements of this article. In the proposed plans for development of a site, areas in which the utilization of Best Management Practices would be applicable include, but are not limited to: Enviroscaping; Xeriscaping; Landscape Irrigation; and LEED/Green Building Techniques such as, but not limited to, green roofs, rain garden landscape design, shading constructed surfaces on the site with landscape features, and minimizing the overall building footprint and parking area; which are designed to reduce heat islands (thermal gradient differences between developed and undeveloped areas) to minimize impact on the environment.

Best Management Practices for a site include a demonstrating to the mayor or his or her designee, that the property owner has met the minimum requirements of this section in addition to the proposed best management practices to be utilize.

** "Waterwise Florida Landscapes" is the required reference guide for Xeriscaping and irrigation techniques.

(Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 219, 9-9-10)

Sec. 12-6-9. - Modifications.

Under certain circumstances, the application of the standards of this chapter may be either inappropriate or ineffective in achieving the purpose of this chapter. When planting is required by this chapter or by other provisions herein, and the site design, topography, unique relationships to other properties, natural vegetation or other special considerations exist relative to the proposed development; the developer may submit a specific alternate plan for the planting. This plan must demonstrate how the purposes and standards of this chapter will be met by measures other than those in sections 12-6-3 and 12-6-6. The building official shall review the alternate proposal and advise the applicant of the disposition of the request within fifteen (15) working days of submission by the applicant. Any appeals by the applicant shall be in accordance with section 12-6-11 of this chapter.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-10. - Enforcement.

(A) *Stop work order.* Whenever the building official determines that a violation of this chapter has occurred, the following actions shall be initiated:

- (1) *Written notice.* Immediately issue written notice by personal delivery or certified mail to the person violating this chapter of the nature and location of the violation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial action and shall have ten (10) working days after receipt of said notice, or such longer time as may be allowed by the building official, to complete the remedial action set forth in said notice.
- (2) *Remedial work and stop work orders.* If a subsequent violation occurs during the ten (10) working days referred to in subsection (A)(1) above, or if remedial work specified in the notice of violation is not completed within the time allowed, or if clearing and development of land is occurring without a permit, then the building official shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land upon which the clearing and development is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the person responsible for the development activity, directing him forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended remedial action within the time allowed, or fails to take the

recommended action after the issuance of such stop work order, then the building official may issue a stop work order on all or any portion of the entire project.

- (3) *Notice of compliance.* Upon completion of remedial steps required by notice the building official shall issue a notice of compliance and cancellation of said notice or stop work order.
- (B) *Penalty.* The fine for violating this chapter shall be based on the size of limb(s) or the tree(s) removed without a permit. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. If a tree is removed, the trunk caliper shall be measured at DBH and at the point of removal for a limb or each limb. If, in the opinion of the parks and recreation department, the tree has been substantially damaged so that its normal growth character will never return, i.e., a tree is topped and will never recover the original character, then the fine may be based upon the caliper of the tree trunk or each limb removed, whichever is the greater. Each day a violation of a stop work order continues shall constitute a separate offense (see subsection 7-14-6(2), penalty fees, of this Code). Each protected tree removed without a permit or in violation of a permit shall constitute a separate offence. Any person may seek an injunction against any violation of this chapter, and recover such damages as he may suffer. In addition to the fines and prohibitions contained herein, the provisions of section 1-1-8 of the Code shall apply applicable to willful violations of this chapter.
- (C) *Tree planting trust fund.* A tree planting trust fund has been established and funded by the fines pursuant to subsection (B) and mitigation fees paid pursuant to section 12-6-6. Expenditures from the tree planting trust fund are hereby authorized and may be made by the mayor for projects up to [\$25,000] to replant trees, or to plant new trees and other appropriate landscape vegetation, purchase irrigation supplies and purchase equipment dedicated to the planting and maintaining of the city's trees. The first priority for expenditure of funds deposited in the tree planting trust fund **must be** for restoration of the tree canopy in the area where trees generating the funds were removed. Any expenditure in excess of [\$25,000] must be approved by the city council following review by the environmental advisory board.

A grant program is hereby established for community organizations such as neighborhood associations, civic organizations, and garden clubs, according to the following criteria:

- Each grant is limited to seventy-five (75) percent of the cost of the proposed project up to seven thousand five hundred dollars (\$7,500.00);
- The required twenty-five (25) percent grant match may be waived for projects deemed as a high priority canopy restoration project by the city council;
- The tree planting trust fund must have sufficient funds for the project requested;
- Grant requests must be submitted to the environmental advisory board for review prior to consideration by the city council;
- The city council must approve each grant request; and
- The funds must be utilized for providing trees or other appropriate vegetation along with associated irrigation that will help restore the tree canopy as deemed appropriate by proper planting location requirements and may enhance the natural beauty of the community, serve to deter graffiti or the defacement of public or private property, and may create sound buffers where desirable.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 220, 9-9-10; Ord. No. 21-15, § 1, 12-9-15)

Sec. 12-6-11. - Appeal.

Any person directly and adversely affected by a decision of the parks and recreation department, the building official, or the mayor or his or her designee in the interpretation or enforcement of the provisions

of this chapter may appeal such decision to the zoning board of adjustment. Such appeal shall be submitted in writing to the planning administrator within thirty (30) days of the rendering of the subject order, requirement, decision or determination.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 221, 9-9-10)

APPENDIX A
PROTECTED TREE LIST*

<i>Species Type A (Small, 4" + diameter trunk)</i>	
1.	Dogwood (<i>Cornus florida</i>)
2.	Redbud (<i>Cercis canadensis</i>)
3.	Crape Myrtle (<i>Lagerstroemia indica</i>)
4.	Fringe Tree (<i>Chionanthus virginicus</i>)
5.	Flatwoods Plum (<i>Prunus umbellata</i>)
6.	Crabapple (<i>Malus angustifolia</i>)
7.	Sand Oak (<i>Quercus geminata</i>)
<i>Species Type B (Medium, 6" + diameter trunk)</i>	
1.	American Holly (<i>Ilex opaca</i>)
2.	Dahoon Holly (<i>Ilex cassine</i>)
3.	Southern Magnolia (<i>Magnolia grandiflora</i>) **
4.	Eastern Red Cedar (<i>Juniperus virginiana</i>) **
5.	Southern Red Cedar (<i>Juniperus silicicola</i>) **
6.	White Cedar (<i>Chamaecyparis thyoides</i>)
7.	River Birch (<i>Betula nigra</i>)
<i>Species Type C (Large, 8" + diameter trunk)</i>	
1.	Live Oak (<i>Quercus virginiana</i>)**
2.	Laurel Oak (<i>Quercus laurifolia</i>)**
3.	Sweet Gum (<i>Liquidambar styraciflua</i>)**
4.	Sycamore (<i>Platanus occidentalis</i>)**
5.	Pecan (<i>Carya illinoensis</i>)**
6.	Red Maple (<i>Acer rubrum</i>)**
7.	Hickory (<i>Carya spp.</i>)**
8.	White Oak (<i>Quercus alba</i>)**

9.	Southern Red Oak (<i>Quercus falcata</i>)
10.	Florida Sugar Maple (<i>Acer barbatum</i>)
11.	Black Tupelo (<i>Nyssa sylvatica</i>)
12.	Silver Maple (<i>Acer saccharinum</i>)
13.	Longleaf Pine (<i>Pinus palustris</i>)**

B. When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name controls for compliance purposes. Common names are furnished for reference purposes only.

** Shade trees.

APPENDIX B TREE REPLANT LIST

<i>A. Small Trees:</i>	
1.	Crape Myrtle (<i>Lagerstroemia indica</i>)
2.	Holly, Dahoon (<i>Ilex cassine</i>) **
3.	Hop-hornbeam (<i>Ostrya virginiana</i>)
4.	Hornbeam (<i>Carpinus caroliniana</i>)
5.	Fringe Tree (<i>Chionanthus virginicus</i>)
6.	Smooth Redbay (<i>Persea borbonia</i>) **
7.	Glossy Privet (<i>Ligustrum lucidum</i>)
8.	Loquat (<i>Eriobotrya japonica</i>)
9.	Red Buckeye (<i>Aesculus pavia</i>)

10.	Hawthorne (<i>Crataegus spp.</i>)
11.	American Holly (<i>Ilex opaca</i>)
12.	Savannah Holly (<i>Ilex 22ortune2222/cassine × opaca</i>)
13.	East Palatka Holly (<i>Ilex 22ortune2222/cassine × opaca</i>)
14.	Eagleston Holly (<i>Ilex 22ortune2222/cassine × opaca</i>)
15.	Fineline Holly (<i>Ilex cornuta</i>)
16.	Emily Bruner Holly (<i>Ilex latifolia × cornuta</i>)
17.	East Bay Holly (<i>Ilex latifolia × cornuta</i>)
18.	Mary Neil Holly (<i>Ilex/cornuta × pernyi</i>)
19.	Nellie R. Stevens Holly (<i>Ilex aquifolium × cornuta</i>)
20.	Green Japanese Maple (<i>Acer palmatum</i>)
21.	Eastern Red Bud (<i>Cercis 22ortune222222</i>)
22.	Drake Elm (<i>Ulmus parvifolia</i>)
23.	Yaupon Holly (<i>Ilex vomitoria</i>)
24.	Ashe Magnolia (<i>Magnolia ashei</i>)
25.	Wax Myrtle (<i>Myrica cerifera</i>)
26.	Flatwoods Plum (<i>Prunus 22ortune2222</i>)
27.	Myrtle Oak (<i>Quercus myrtifolia</i>)
28.	Rusty Blackhawk (<i>Viburnum rufidulum</i>)
29.	Dogwood (<i>Cornus florida</i>)

30.	Red Bud (<i>Cercis fortune232323</i>)
Trees listed 13 through 34 are native. [*Note discrepancy in number 34 here and below.]	
Trees listed 11 through 34 are suitable for planting beneath utility lines.	
<i>B. Medium and Large Trees:</i>	
1.	American Sycamore (<i>Plantanus occidentalis</i>)
2.	Ash, White (<i>local</i>) (<i>Fraxinus fortune2323</i>) **
3.	Birch, River (<i>Betula nigra</i>) **
4.	Cedar, Atlantic White (<i>Chamaecyparis thyoides</i>)
5.	Cedar, Southern Red (<i>Juniperus silicicola</i>)
6.	Chalkbark Maple (<i>Acer leucoderme</i>)
7.	Chinese Pistache (<i>Pistacia chinensis</i>)
8.	Bald Cypress (<i>Taxodium distichum</i>)
9.	Eastern Poplar (<i>Populus fortune23</i>)
10.	Elm, Florida (<i>Ulmus fortune2323 var. floridana</i>) **
11.	Elm, Winged (<i>Ulmus alata</i>) **
12.	Hickory (<i>Carya spp.</i>) **
13.	Holly, American (<i>Ilex opaca</i>)
14.	Loblollybay (<i>Gordonia lasianthus</i>) **
15.	Loblolly Pine (<i>Pinus taeda</i>)
16.	Maple, Florida Sugar (<i>Acer barbatum floridanum</i>) **

17.	Mulberry, Red (<i>Morus rubra</i>)
18.	Oak, Nuttall (<i>Quercus nuttallii</i>)
19.	Oak, Post (<i>Quercus 24ortune24</i>) **
20.	Oak, Shumard (<i>Quercus shumardii</i>) **
21.	Oak, Southern Red (<i>Quercus 24ortune</i>) **
22.	Oak, White (<i>Quercus alba</i>) **
23.	Oak, Overcup (<i>Quercus lyrata</i>)
24.	Live Oak (<i>Quercus virginiana</i>) **
25.	Palm, Cabbage (<i>Sabal palmetto</i>)
26.	Palm, Pindo (<i>Butia capitata</i>)
27.	Red Maple (<i>Acer rubrum</i>)
28.	Swamp Red Maple (<i>Acer rubrum var. drummondii</i>)
29.	Sweetbay (<i>Magnolia virginiana</i>) **
30.	Sweet Gum (<i>Liquidambar styraciflua</i>)
31.	Tulip Tree (<i>Liriodendron tulipifera</i>)
32.	Tupelo, Water (<i>Nyssa 24ortune</i>)
33.	Walnut, Black (<i>Juglans nigra</i>) **
34.	Willow Oak (<i>Quercus phellos</i>)
35.	Windmill Palm (<i>Trachycarpus 24ortune</i>)
36.	Southern Magnolia (<i>Magnolia grandiflora</i>) **

37.

Longleaf Pine (*Pinus palustris*)**

Appendix C

Appropriate vegetation for stormwater management

Trees

Deciduous

Red Maple – *Acer rubrum* (s-sh)

River Birch – *Betula nigra* (s)

Black Gum – *Nyssa sylvatica* (s-sh)

Bald Cypress – *Taxodium distichum* (s/sh) Evergreen

Dahoon Holly - *Ilex cassine* (s-sh)

Yaupon Holly – *Ilex vomitoria* (s-sh)

Sweetbay Magnolia – *Magnolia virginiana* (s-sh) Longleaf Pine – *Pinus palustris* (s)

Cabbage Palm – *Sabal palmetto* (s)

Shrubs

Deciduous

Beautyberry – *Callicarpa americana* (s-sh) Buttonbush – *Cephalanthus occidentalis* (s-sh) Virginia

Willow – *Itea virginica* (sh)

Snowbell – *Styrax americana* (sh)

Evergreen

Gallberry – *Ilex glabra* (s-sh)

Wax Myrtle – *Myrica cerifera* (s-sh)

Dwarf Palmetto – *Sabal minor* (sh)

Palmetto – *Serenoa repens* (s-sh)

Walter's Viburnum – *Viburnum obovatum* (s-sh)

Perennials

Swamp Milkweed – *Asclepias incarnata* (s) Climbing Aster – *Aster carolinianus* (s-sh) Tickseed –

Coreopsis lanceolata (s)

Swamp Sunflower – *Helianthus angustifolius* (s) Scarlet Hibiscus – *Hibiscus coccineus* (s)

Blue Flag Iris – *Iris virginica* (s-sh)

Cinnamon Fern – *Osmunda cinnamomea* (sh) Royal Fern – *Osmunda regalis* (s)

Rudbeckia – *Rudbeckia hirta* (s-sh)

Blue-eyed Grass – *Sisyrinchium angustifolium* (s) Ironweed – *Vernonia gigantea* (s-sh) Ornamental

Grasses

River Oats – *Chasmanthium latifolium* (s) Muhly Grass – *Muhlenbergia capillaries* (s) Sand Cordgrass –

Spartina bakeri (s)

* When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name shall control for compliance purposes. Common names are furnished for reference purposes only.

** Shade Trees.

Source: Native Trees for North Florida, Florida Cooperative Extension Service, University of Florida. Florida-Friendly Plant List 2006, Florida Yards and Neighborhoods, Cooperative Extension Service, University of Florida.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00315

City Council

7/18/2019

PRESENTATION ITEM

FROM: Grover C. Robinson, IV, Mayor

SUBJECT:

STORMWATER MASTER PLAN UPDATE

REQUEST:

That City Council receive a presentation from Derrik Owens, Director of Public Works and Facilities/City Engineer regarding the Stormwater Master Plan Update.

SUMMARY:

The City of Pensacola (City) entered into a contract with Mott MacDonald, LLC., for Professional Engineering services required to update the City's Stormwater Master Plan. The original plan was last updated 1987 and the new plan update took place in two distinct phases with the first phase being the development of a city-wide comprehensive stormwater hydrologic/hydraulic model. This effort required inventory and verification of existing stormwater infrastructure and collection of data both via field survey, as well as review of existing electronic data. Once all data was collected and verified, the information was entered into the latest version of the stormwater modeling software known as ICPR4, which is one of the most advanced and commonly used programs in the industry. The model was run for 100-year critical duration storms to be consistent with our current LDC requirements and areas of current stormwater rate/volume issues were identified, based upon the City's adopted Comprehensive Plan levels of service (LOS) for City roadways and property flooding. The model will be a well-used and extremely valuable "living" tool to identify current and future flooding issues (proactively) as a result of development, infrastructure additions/upgrades, natural hydrological changes, etc.

The second phase of the update consisted of document production related to the severity of the rate/volume issues at each selected roadway location to develop a ranking matrix to be prioritized in the development of Engineering design solutions for each area. Ultimately, ten (10) significant locations (projects) of roadway flooding were identified as critical areas which warranted more in-depth analysis and production of proposed design solutions. These primary projects of significance are specifically outlined in the report/plan for consideration by the City simply as a "guide" to address current roadway/property flooding issues going forward. It will be the City's option to choose the projects to move forward with and adopt a tentative time frame or "goal" to reach specific milestones in an effort to address City roadway flooding issues, both current and future. These goals and

milestones will be directly influenced by a number of factors including, but not limited to, overall project cost, safety, convenience, economics, etc., and should be considered in the decision-making process. The final report/plan discusses and outlines these and other items of consideration and are also mentioned in the presentation.

PRIOR ACTION:

None

STAFF CONTACT:

Christopher L. Holley, City Administrator
L. Derrik Owens, P.E., D.WRE, Director of Public Works and Facilities/City Engineer

ATTACHMENTS:

None

PRESENTATION: Yes



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00335

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Sherri Myers

SUBJECT:

REFERRAL TO ENVIRONMENTAL ADVISORY BOARD (EAB)

RECOMMENDATION:

That City Council refer to the Environmental Advisory Board (EAB) a request for the Board to examine the chemicals used on athletic fields and parks in the City of Pensacola and report the findings to City Council with recommendations on how to improve the safety of playing fields and parks.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Parents have expressed concern over the chemicals used by the City of Pensacola to maintain athletic fields and parks. There is a movement throughout the United States to address concerns by parents regarding the exposure of their children to toxic chemicals typically used on soccer fields and other athletic fields. The City of Pensacola has a responsibility to ensure that children have a healthy and safe environment to play and learn.

The leading environmental pediatric physician in the United States, Dr. Phil Landrigan has written extensively regarding the impact of even low levels of certain chemicals on the developing brains and immune systems of young children. Many of the chemicals, including herbicides, pesticides and fungicides used on sports fields contain chemicals that cause cancer, suspected of causing cancer and are neurotoxins. The National Academy of Pediatrics has published the 721 page book "Pediatric Environmental Health" for physicians to assist them in understanding how chemicals impact children and makes recommendations on how to limit the exposure of children to toxic chemicals, some of which could be implemented by local governments. Informative documents from the academy are attached.

Many states and cities have adopted environmental policies to ensure that children are playing on safe athletic fields. As part of the assignment to the EAB it is recommended that the board look at the best practices from other governmental entities and make appropriate recommendations to the City Council to adopt by ordinance guidelines to ensure the best environmental outcomes for our

most vulnerable population - our children.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) National Academy Pediatrics - Attachment 1
- 2) National Academy Pediatrics - Attachment 2
- 3) Chemical Management Policy

PRESENTATION: No



Policy Statement—Chemical-Management Policy: Prioritizing Children's Health

COUNCIL ON ENVIRONMENTAL HEALTH

KEY WORD

environmental health

ABBREVIATIONS

TSCA—Toxic Substances Control Act

EPA—Environmental Protection Agency

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abstract

FREE

The American Academy of Pediatrics recommends that chemical-management policy in the United States be revised to protect children and pregnant women and to better protect other populations. The Toxic Substances Control Act (TSCA) was passed in 1976. It is widely recognized to have been ineffective in protecting children, pregnant women, and the general population from hazardous chemicals in the marketplace. It does not take into account the special vulnerabilities of children in attempting to protect the population from chemical hazards. Its processes are so cumbersome that in its more than 30 years of existence, the TSCA has been used to regulate only 5 chemicals or chemical classes of the tens of thousands of chemicals that are in commerce. Under the TSCA, chemical companies have no responsibility to perform premarket testing or postmarket follow-up of the products that they produce; in fact, the TSCA contains disincentives for the companies to produce such data. Voluntary programs have been inadequate in resolving problems. Therefore, chemical-management policy needs to be rewritten in the United States. Manufacturers must be responsible for developing information about chemicals before marketing. The US Environmental Protection Agency must have the authority to demand additional safety data about a chemical and to limit or stop the marketing of a chemical when there is a high degree of suspicion that the chemical might be harmful to children, pregnant women, or other populations. *Pediatrics* 2011;127:983–990

INTRODUCTION

Over the past several decades, tens of thousands of chemicals have entered commerce and the environment, often in extremely large quantities (eg, multiple millions of pounds per year). There has also been an explosion of knowledge about special vulnerabilities and differential exposures that children and pregnant women have to environmental toxicants. A growing body of research indicates potential harm to child health from a range of chemical substances.

The primary federal law that governs chemical management in the United States, the Toxic Substances Control Act (TSCA) (Pub L No. 94-469 [1976]), is not protective of the health of children and pregnant women and has not undergone any meaningful revision since its passage almost 35 years ago. Since then, of the tens of thousands of chemicals that are in commerce, the TSCA has been used to regulate only 5 chemicals or chemical classes: polychlorinated biphenyls (PCBs); fully halogenated chlorofluoroalkanes; dioxin; asbestos; and hexavalent chromium.¹ The TSCA is so ineffective that it took a separate act of

Congress to amend the TSCA so that the US Environmental Protection Agency (EPA) could regulate asbestos, one of the most dangerous toxic substances. It is because of the inadequacies of the TSCA that parents and pediatricians have been subjected to multiple high-profile media blitzes about specific chemicals, such as phthalates in toys and bisphenol A in infant bottles,^{2,3} that create anxiety without solving the problems of risky chemical exposures.

The American Academy of Pediatrics recommends that chemical-management policy in the United States be substantially revised to better protect children and pregnant women.

THE HOPE OF “BETTER LIVING THROUGH CHEMISTRY”

From the mid-19th century until today, there has been phenomenal growth in our knowledge about chemistry. Currently, there are more 80 000 chemicals in commerce in the United States, more than 3000 of which are considered to be “high-production volume” chemicals (chemicals produced in or imported into the United States in quantities of ≥ 1 million pounds/year). Under the EPA Inventory Update Reporting program, the chemical-manufacturing industry estimated that approximately 27 trillion pounds of chemicals were produced in or imported into the United States per year in the early part of this decade, which is the equivalent of approximately 74 billion pounds/day (nearly 250 pounds per person) and does not include fuels, pesticides, pharmaceuticals, or food products.⁴ Many of these chemicals are in the environment, and some affect the health of children.

From biomonitoring data from the Centers for Disease Control and Prevention⁵ and other documentation^{6–11} it is known that there is widespread human exposure to many of these sub-

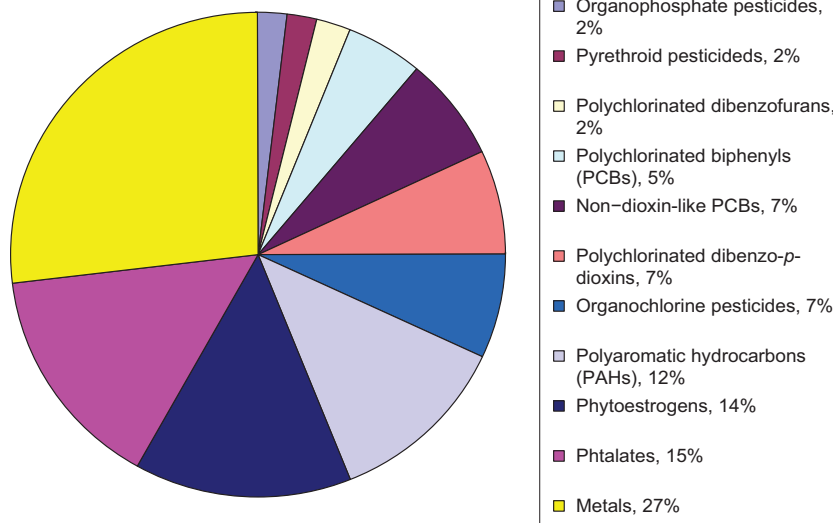


FIGURE 1
Distribution of detected chemicals in the Centers for Disease Control and Prevention biomonitoring study, 2005. (Modified with permission from Rushing R. *Reproductive Roulette: Declining Reproductive Health, Dangerous Chemicals, and a New Way Forward*. Washington, DC: Center for American Progress; 2009. Available at: www.americanprogress.org/issues/2009/07/reproductive_roulette.html.)

stances (see Fig 1). These chemicals are found throughout the tissues and body fluids of children and adults alike, including blood, cord blood, and human milk.

Few of the chemicals that are supposed to be controlled by the TSCA were intended for human consumption. Because the TSCA does not require premarket testing of these chemicals, scientific studies of their effects on the human body may be scarce or nonexistent. Food additives, pesticides, and pharmaceuticals, all of which are intended for human consumption (although at low levels in the case of pesticides), do require premarket testing and, depending on the product, some postmarket follow-up. However, the paradigm established for food additives, pesticides, and pharmaceuticals should not be taken as a model for chemical management. There are too many chemicals and too many tests that would need to be performed to use individual chemical testing as a means of ensuring safe chemical management.

CHILDREN ARE NOT LITTLE ADULTS

Children have unique physiologic, developmental, and behavioral differences that influence their environmental exposures. Because children are smaller than adults, their surface area-to-body mass ratio is greater. Children eat more food and drink more water per unit of body weight than do adults.¹² The respiratory minute ventilation—inspired air per unit time adjusting for weight—is greater in young children than in adults.¹³

Children’s behavior changes with age, and with it, the routes of exposure to chemicals change.¹⁴ Infants are incapable of independent locomotion, which makes it impossible for them to remove themselves from environmental hazards such as heat and cold. Children of all ages spend more time on the floor or ground than do adults. Therefore, children will come into more contact with contaminants on these surfaces.

Exposure of people to environmental toxicants may affect fertility. A recent

study of blood levels of polybrominated diphenyl ether (PBDE) flame retardants in women found that it took significantly longer for women with higher PBDE levels to get pregnant.¹⁵ Exposure of the fetus in utero to at least 1 pharmaceutical, diethyl stilbestrol (DES), is recognized to produce adverse health effects on the children and even the grandchildren of that fetus.¹⁶ Further research may reveal that there may be such a concern with chemicals in the environment as well.

As children grow and mature, their bodies may be especially vulnerable to certain chemical exposures during critical windows of development. Neurologic and endocrine systems have demonstrated particular sensitivity to environmental toxicants at certain stages of growth. These differences in biological susceptibility and exposures in children versus adults support the need for strong consideration of children in chemicals policies. This principle must underpin all chemical-management legislation and regulation.

THE TSCA FAILS TO PROTECT CHILDREN AND PREGNANT WOMEN

A number of federal laws govern the safety of food additives, cosmetics, pharmaceuticals, and pesticides (Table 1). The TSCA, which was passed in 1976, with subsequent modifications, sets out the current federal framework for the regulation of most chemicals. Congress established the following as the original goals of the TSCA:

1. to develop adequate data about the effects of chemical substances and mixtures on health and the environment and to ensure that the manufacturers and processors of such chemical substances and mixtures be responsible for the development of such data;
2. to provide adequate authority to regulate chemical substances and mixtures that present an unreasonable risk of injury to health or the

TABLE 1 US Legislation Concerning Chemicals

Act	Year Passed	Subject
Federal Food, Drug, and Cosmetics Act (FFDCA)	1938	Gives authority to the US Food and Drug Administration to oversee the safety of food, drugs, and cosmetics
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)	1972	Pesticides
Toxic Substances Control Act (TSCA)	1976	Chemicals 1988 and 1990: asbestos and radon 1992: lead-based paint 2002: healthy and high-performance schools
Food Quality Protection Act (FQPA)	1996	Pesticides

environment and to take action with respect to chemical substances and mixtures that are imminent hazards; and

3. to ensure that authority over chemical substances and mixtures does not impede unduly or create unnecessary economic barriers to technologic innovation while ensuring that the innovation and commerce of chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment.¹⁷

Unfortunately, the TSCA has not met its goals. The law suffers from a number of defects that render it ineffective in assessing the risk posed by chemicals. Without sufficient information on the safety or health effects of chemicals, it is impossible for the EPA to engage in appropriate regulation. Key weaknesses of the TSCA include the following.

- Costs of TSCA safety testing are often borne by the public sector. Manufacturers of chemicals are not required to test chemicals before they are marketed or to collect data from tests that may have been performed by others. The TSCA places the burden of obtaining information about the potential toxicity of a chemical on the public rather than the manufacturer. The EPA is charged with developing information on toxicity, but the agency has neither the technical nor the financial resources to perform extensive

research on even a fraction of the tens of thousands of chemicals in commerce.

- The TSCA has created a non-evidence-based system for chemical management. Manufacturers are required to notify the EPA of their intent to market a new chemical; however, they are not required to perform any safety testing before notifying the EPA. The EPA estimates that most such notifications do not include test data of any type, and only approximately 15% include health or safety test data.¹⁸ It is ironic that companies may harm themselves by performing pre-manufacture testing, because they must disclose any health or safety data they obtain. This system discourages manufacturer safety testing and also results in chemicals for which there are less data seeming to be safer than chemicals for which there are more data.
- Concerns about chemicals are permitted to be kept from the public. In their notifications to the EPA, chemical companies may declare large amounts of information to be “confidential business information.” This broad exemption has effectively prevented the EPA from sharing information about potentially hazardous chemicals with community groups, local and state governments, and foreign governments or international organizations.

- Chemicals introduced before 1976 have little oversight. The TSCA distinguished between chemicals in existence in 1976 and those introduced after passage of the law. Those on the market in 1976 were assumed to be relatively safe and in need of less testing than “new” chemicals. To pursue regulation of these “grandfathered” chemicals, the EPA must demonstrate that a chemical has a high likelihood of causing harm before it can order testing to determine if there is a health risk. Between 1979 and 2005, the EPA used its authority to require testing on fewer than 200 chemicals in commerce.¹
- Implementation of TSCA regulatory action is unwieldy. Rule-making under the TSCA is extremely time-consuming and labor intensive. After a nearly decade-long effort to ban asbestos, the EPA found its initiative struck down by the courts on the basis that the agency had overstepped its authority under the TSCA. Since passage of the TSCA, the EPA has issued regulations to ban or limit only 5 existing chemicals or chemical classes.¹⁸
- The TSCA does not allow review of chemicals by group. The TSCA requires regulation on a chemical-by-chemical basis. With tens of thousands of chemicals in need of review and the multiyear process for each such undertaking, it would require many decades to review just the high-production chemicals. For example, the finding of toxicity of a radioactive substance such as plutonium would not allow another similar substance such as uranium to be defined as toxic. The TSCA would require that testing on the second compound be conducted completely anew.

THE EPA HAS ATTEMPTED TO IMPLEMENT THE TSCA THROUGH VOLUNTARY ACTION

The EPA has implemented several voluntary programs in attempts to compensate for inadequacies of the TSCA. These programs include the Endocrine Disruptor Screening Program, the Voluntary Children’s Chemical Evaluation Program, and the Chemical Assessment and Management Program. Because these programs are voluntary, the EPA cannot require companies to produce information about the health and safety risks of these chemicals. Each of these programs has produced few data over long periods of time, and none has led to any significant regulatory changes.^{1,19} For example, the Endocrine Disruptor Screening Program was called for in legislation passed in 1996, but the EPA only issued its first test orders, the first step in a multistep process, in October 2009.²⁰ The Voluntary Children’s Chemical Evaluation Program was launched by the EPA at the end of 2000. It had the meager goal of gathering information on health effects, exposure, risk, and data needs for 23 chemicals to which children have a high likelihood of exposure. More than a decade later, for various reasons, complete data are not available for any of those chemicals.²¹ Because of its inadequacies, in September 2009 the EPA replaced the Chemical Assessment and Management Program with what it hopes will be a “more comprehensive approach to chemicals management.”²²

CALLS TO REFORM THE TSCA

The American Medical Association,²³ the American Public Health Association,²⁴ and the American Nurses Association²⁵ have all endorsed the need for changes to the TSCA. Recognizing that “[t]he science of testing chemicals and understanding their health or environmental effects has evolved consider-

TABLE 2 Six Essential Principles for Reform of Chemical-Management Legislation (EPA³⁶)

Chemicals should be reviewed against safety standards that are based on sound science and reflect risk-based criteria protective of human health and the environment.
Manufacturers should provide the EPA with the necessary information to conclude that new and existing chemicals are safe and do not endanger public health or the environment.
Risk-management decisions should take into account sensitive subpopulations, cost, availability of substitutes, and other relevant considerations.
Manufacturers and the EPA should assess and act on priority chemicals, both existing and new, in a timely manner.
“Green” chemistry should be encouraged, and provisions that ensure transparency and public access to information should be strengthened.
The EPA should be given a sustained source of funding for implementation.

ably since TSCA was enacted,” the American Chemistry Council has also called for the modernization of the TSCA to “... help assure that we protect ... our children ...”²⁶

A number of environmental health policy entities have been critical of the TSCA.^{4,27–30} In addition, the US Government Accountability Office has issued a number of reports in which the TSCA was criticized.^{1,18,31–33} In 2009, the Government Accountability Office added the TSCA to its high-risk list for federal legislation that needs to be updated.³⁴ In 2009, the EPA established 6 essential principles for reform of chemicals management legislation (Table 2).³⁵ The proposed principles address many of the deficiencies of the TSCA discussed above.

STATE ATTEMPTS AT CHEMICAL-MANAGEMENT POLICY

In the absence of up-to-date federal regulatory policy, many states have attempted to fill the gap. A handful of state legislatures have undertaken measures to control individual chemicals, such as bisphenol A, or attempted the comprehensive identification, pri-

TABLE 3 State-Proposed Principles on Reform of the TSCA³⁸

Require chemical data-reporting
Demonstrate that chemicals and products are safe
Prioritize chemicals of concern
Protect the most vulnerable
Promote safer chemicals and products
Address emerging contaminants
Strengthen federal law and preserve states' rights
Fund state programs

oritization, and regulation of chemicals.³⁶ Some states have targeted their efforts specifically at chemicals of concern in children's products. Chemicals that have been the subject of state laws include phthalates and fire retardants. Officials from California, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Oregon, Vermont, and Washington have issued a list of principles on reform of the TSCA (Table 3).³⁷

EXAMPLES OF INTERNATIONAL EFFORTS TO REGULATE CHEMICALS

Over the past decade, an increasing number of nations have attempted to exert greater control over the entrance of new chemicals into commerce and their use in various contexts. A number of treaties have addressed certain classes of pollutants (eg, the Stockholm Convention on Persistent Organic Pollutants), and more comprehensive approaches have been attempted by individual nations or international entities.

In 1999, Canada passed legislation that requires the development of a categorization and prioritization system for the Domestic Substances List, its chemicals registry. The Domestic Substances List catalogued approximately 23 000 chemicals known to be in commerce in Canada since the mid-1980s. The review, which was completed in 2006, methodically categorized the chemicals to prioritize those of great-

est concern for review and possible restriction. On the basis of a screening assessment, chemicals were: designated as Canadian Environmental Protection Act (CEPA)–toxic, in which case they were subject to additional regulation and restriction; added to the priority substances list, which requires an in-depth assessment to be completed within 5 years; or set aside as not requiring further study at the time.³⁸ This process resulted in the designation of 85 substances as CEPA-toxic³⁹ and the placement of 67 on the priority substances list.⁴⁰ Although the Domestic Substances List categorization has been hailed as a model, critics have stated that Canadian law does not permit aggressive enough regulation to occur on those substances considered to be CEPA-toxic.

In early 2006, the United Nations Environment Program's Governing Council adopted the Strategic Approach to International Chemicals Management (SAICM), a strategy developed and negotiated with the participation of a wide range of stakeholders from more than 140 countries. The SAICM global plan of action sets out nearly 300 different activities that will help countries reach the plan's overall objective of achieving the sound management of chemicals throughout their life cycle so that, by 2020, they are used and produced in ways that reduce major adverse effects on health and the environment.^{41,42} The SAICM includes activities in the area of policy change, research, and capacity-building, among others. It must be noted, however, that the strategy is purely voluntary for all participating nations, and each country is free to adapt and alter the approaches used. There is no formal oversight of the strategy or any enforcement of its recommendations. In perhaps the most ambitious regulatory effort to date, the European Union (EU) established the new Registration,

Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation in 2006.⁴³ The stated aim of REACH is to "to improve protection of human health and the environment from the risks of chemicals while enhancing the competitiveness of the EU chemicals industry."⁴⁴ This system, which began to phase in during 2007 and will continue its staged implementation over a decade, sought to develop a comprehensive regulatory regime for chemicals with the ultimate goal of restricting the use of the most toxic substances. Companies must register all chemicals that are sold in the EU market in quantities above 1 metric ton. A list of substances of very high concern is under development, which will constitute chemicals for which substitution is required whenever feasible and which will require an authorization for each individual use of a substance of very high concern. As of late 2009, 16 substances had been officially identified as substances of very high concern,⁴⁵ but nonprofit organizations were pressing for the addition of at least 350 more substances to this designation.⁴⁶ Although REACH was developed as a system that will cover all EU countries, there is some flexibility for member nations to opt out of or alter certain provisions. Many key provisions of REACH have not yet been implemented, so its full impact is, as yet, unclear.

RECOMMENDATIONS FOR GOVERNMENT AND ADVOCACY

1. Whenever a new chemicals policy is developed or existing policy is revised, the wide range of consequences of chemical use on children and their families should be a core component.
2. Federal, state, and local policies should support and enforce sound chemical management. Policies should incorporate the following principles.

- a. The regulation of chemicals must be based on evidence. However, decisions to limit or ban chemicals or classes of chemicals from commerce or to promote the substitution of demonstrably less hazardous chemicals should be based on reasonable levels of concern and not depend on demonstrated negative health effects after release.
 - b. "Old" and "new" chemicals must meet the same requirements for evidence.
 - c. Although testing of individual chemicals should not be the sine qua non for decisions to limit or ban chemicals or classes of chemicals, when testing is appropriate, those who propose to market a chemical must be mandated to provide evidence that the product has been tested in systems that provide information that is relevant to the special needs of pregnant women and children, including data on reproductive toxicity; developmental toxicity, including but not limited to neurodevelopmental toxicity; and endocrine disruption, as it relates to reproduction, neurotoxicity, and puberty.
 - d. Decisions should be based on information about hazards, proposed use, and potential exposures. Hazard implies intrinsic properties of chemicals or classes based on molecular structure (eg, persistence, carcinogenicity, or neurotoxicity). When appropriate for hazard determination, there must be consideration of aggregate (exposure to a single pollutant via multiple pathways) and cumulative (concurrent exposures to multiple pollutants with a common mechanism of action via multiple pathways) exposure concepts similar to those of the Food Quality Protection Act.
 - e. Chemicals must meet safety standards similar to those met by pharmaceuticals or pesticide residues on food, that is, "reasonable certainty of no harm." Exceptions should be available for chemical use when no safer alternatives exist. Such exemptions should require individual regulatory approval and biannual review to ascertain whether the exemption is still necessary.
 - f. There must be postmarketing surveillance of the effects of a chemical, and the EPA must have the authority and means to remove a chemical if postmarketing surveillance indicates that it no longer meets the standard for being released to the market.
 - g. Companies that propose to place a new chemical on the market must develop a means for biomonitoring of that chemical before it is marketed.
 - h. Companies must develop a public information document for each new chemical marketed. This document must be in lay language and approved by the EPA before the chemical is marketed. A companion document must be developed for all consumer products that contain the chemical and must be updated with each new formulation of the product or every 3 years. This document must include the results of any premarket testing and any postmarket surveillance. It must include information about risks associated with acute, high-dose exposure and chronic low-dose exposure as well as contact information for people who need additional information.
3. The EPA must have a relatively simple process to require additional testing when information suggests the need for such testing.
 4. Federal biomonitoring programs, such as the Centers for Disease Control and Prevention National Biomonitoring Program, must be expanded. It is recognized that this program provides secondary prevention, but it may serve as an early warning system. Stored samples may allow look-backs when new problems develop in the future.
 5. Federal funding should be provided for research to prevent, identify, and evaluate the effects of child exposures to chemicals. Development of additional chemical testing methodologies is needed to ensure that exposures to existing and new chemicals can be identified. Consensus in the scientific community is needed on methods and biomarkers to identify and evaluate chemicals for adverse effects through endocrine disruption. Funding to support studies to examine long-term and subclinical chemical effects is needed.
 6. Federal policies should reward and promote developments in green chemistry that serve to replace existing chemicals of concern and their commercial applications.

RECOMMENDATIONS FOR PEDIATRICIANS

1. Pediatricians should familiarize themselves with the information about chemicals in the environment and their effects on child health. Many chemicals are reviewed in the

American Academy of Pediatrics manual *Pediatric Environmental Health*.⁴⁷ The third edition of this book will be available in 2011.

2. Pediatricians should learn about the resources contained in the Environmental Health and Toxicology pages of the National Library of Medicine Web site. (<http://sis.nlm.nih.gov/enviro.html>). Those portions that will be of most use in counseling families include Lact-Med (<http://toxnet.nlm.nih.gov/cgi-bin/sis/htmlgen?LACT>) (a peer-reviewed and fully referenced database of drugs to which breastfeeding mothers could be exposed) and the Household Products Database (<http://householdproducts.nlm.nih.gov>) (which links >8000 consumer brands to chemicals they may contain on the basis of Mate-

rial Safety Data Sheets provided by the manufacturers).

3. Pediatricians with questions about acute chemical exposures and toxicity should call the Poison Control Center at 800-222-1222. For questions about long-term, low-dose exposure or other issues related to children and chemicals, pediatricians should contact their regional Pediatric Environmental Health Specialty Unit (www.pehsu.net).
4. Pediatricians should advocate for chemical policies that consider the special vulnerabilities of children and pregnant women. The American Academy of Pediatrics, through its chapters, committees, councils, sections, and staff, can provide information and support for public policy advocacy efforts. See www.aap.org/advocacy.html or contact

your chapter leadership for further information.

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POLICY STATEMENT

Early Childhood Adversity, Toxic Stress, and the Role of the Pediatrician: Translating Developmental Science Into Lifelong Health

abstract

FREE

Advances in a wide range of biological, behavioral, and social sciences are expanding our understanding of how early environmental influences (the ecology) and genetic predispositions (the biologic program) affect learning capacities, adaptive behaviors, lifelong physical and mental health, and adult productivity. A supporting technical report from the American Academy of Pediatrics (AAP) presents an integrated ecobiodevelopmental framework to assist in translating these dramatic advances in developmental science into improved health across the life span. Pediatricians are now armed with new information about the adverse effects of toxic stress on brain development, as well as a deeper understanding of the early life origins of many adult diseases. As trusted authorities in child health and development, pediatric providers must now complement the early identification of developmental concerns with a greater focus on those interventions and community investments that reduce external threats to healthy brain growth. To this end, AAP endorses a developing leadership role for the entire pediatric community—one that mobilizes the scientific expertise of both basic and clinical researchers, the family-centered care of the pediatric medical home, and the public influence of AAP and its state chapters—to catalyze fundamental change in early childhood policy and services. AAP is committed to leveraging science to inform the development of innovative strategies to reduce the precipitants of toxic stress in young children and to mitigate their negative effects on the course of development and health across the life span. *Pediatrics* 2012;129:e224–e231

INTRODUCTION

"It is easier to build strong children than to repair broken men."

Frederick Douglass (1817–1895)

From the time of its inception as a recognized specialty of medicine, the field of pediatrics has attached great significance to both the process of child development and the social/environmental context in which it unfolds. When the American Academy of Pediatrics (AAP) was founded in 1930, the acute health care needs of children were largely infectious in nature.¹ Over the ensuing 80 years, as increasingly effective vaccines, hygiene, and other public health initiatives produced dramatic gains, astute observers began to note that many noninfectious disease entities, such as developmental, behavioral, educational, and

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KEY WORDS

advocacy, brain development, ecobiodevelopmental framework, family pediatrics, health promotion, human capital investments, new morbidity, toxic stress, resilience

ABBREVIATIONS

AAP—American Academy of Pediatrics

EBD—ecobiodevelopmental

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family difficulties, were playing increasingly prominent roles in affecting child health and well-being.

In 1975, the term “new morbidity” was introduced to describe those non-infectious entities that appeared to be most prevalent.² This important conceptualization underscored a growing realization that significant societal changes (eg, increasing numbers of single parents and families with 2 working parents) were challenging pediatric health care providers to address complex concerns that were not strictly medical in nature. Although the impact of these “new” morbidities on pediatrics, public health, and society in general is no longer in question,^{3–5} the professional training and practice of pediatricians continues to focus primarily on the acute medical needs of individual children. The pressing question now confronting contemporary pediatrics is how we can have a greater impact on improving the life prospects of children and families who face these increasingly complex and persistent threats to healthy development.

The need for creative, new strategies to confront these morbidities in a more effective way is essential to improve the physical and mental health of children, as well as the social and economic well-being of the nation.⁶ Developmental, behavioral, educational, and family problems in childhood can have both lifelong and intergenerational effects.^{7–18} Identifying and addressing these concerns early in life are essential for a healthier population and a more productive workforce.^{5,6,19–21} Because the early roots or distal precipitants of problems in both learning and health typically lie beyond the walls of the medical office or hospital setting, the boundaries of pediatric concern must move beyond the acute medical care of children and expand into the

larger ecology of the community, state, and society. Because this call for a broader, contextual approach to health is not new,²² and the track record of matching rhetoric with effective action is limited, there is a compelling need for bold, new thinking to translate advances in developmental science into more effective interventions.

THE MERITS OF AN ECOBIODEVELOPMENTAL FRAMEWORK

The accompanying technical report²³ presents an ecobiodevelopmental (EBD) framework for understanding the promotion of health and prevention of disease across the life span that builds on advances in neuroscience, molecular biology, genomics, and the social sciences. Together, these diverse fields provide a remarkably convergent perspective on the inextricable interactions among the personal experiences (eg, family and social relationships), environmental influences (eg, exposures to toxic chemicals and inappropriate electronic media), and genetic predispositions that affect learning, behavior, and health across the life span. Applying this EBD framework to the challenges posed by significant childhood adversity reveals the powerful role that toxic stress can play in disrupting the architecture of the developing brain, thereby influencing behavioral, educational, economic, and health outcomes decades and generations later.²⁴ In contrast to positive or tolerable stress, toxic stress is defined as the excessive or prolonged activation of the physiologic stress response systems in the absence of the buffering protection afforded by stable, responsive relationships.²⁵ Within the ongoing interplay among assets for health and risks for illness, toxic stress early in life plays a critical role by disrupting brain circuitry and

other important regulatory systems in ways that continue to influence physiology, behavior, and health decades later.²³ In short, an EBD approach to childhood adversity suggests that (1) early experiences with significant stress are critical, because they can undermine the development of those adaptive capacities and coping skills needed to deal with later challenges; (2) the roots of unhealthy lifestyles, maladaptive coping patterns, and fragmented social networks are often found in behavioral and physiologic responses to significant adversity that emerge in early childhood; and (3) the prevention of long-term, adverse consequences is best achieved by the buffering protection afforded by stable, responsive relationships that help children develop a sense of safety, thereby facilitating the restoration of their stress response systems to baseline.²⁵ An EBD approach recognizes that it is not adversity alone that predicts poor outcomes. It is the absence or insufficiency of protective relationships that reinforce healthy adaptations to stress, which, in the presence of significant adversity, leads to disruptive physiologic responses (ie, toxic stress) that produce “biological memories”²⁶ that increase the risk of health-threatening behaviors and frank disease later in life. The recent AAP technical report²³ summarizes the growing evidence base that links childhood toxic stress to the subsequent development of unhealthy lifestyles (eg, substance abuse, poor eating and exercise habits), persistent socioeconomic inequalities (eg, school failure and financial hardship), and poor health (eg, diabetes and cardiovascular disease). Given the extent to which costly health disparities in adults are rooted in these same unhealthy lifestyles and persistent inequalities,^{5,9} the reduction of toxic stress in young children ought to be

a high priority for medicine as a whole and for pediatrics in particular.

AN IMPORTANT ROLE FOR THE PEDIATRIC MEDICAL HOME

The effective reduction of toxic stress in young children could be advanced considerably by a broad-based, multisector commitment in which the profession of pediatrics plays an important role in designing, implementing, evaluating, refining, and advocating for a new generation of protective interventions. Pediatric providers are uniquely qualified and placed to assist in translating recent advances in developmental science into effective interventions for the home, the clinic, and the community. In addition to regular interactions with young children and an appreciation for the important role that families^{27–29} and communities³⁰ play in determining child well-being, pediatricians bring several time-honored perspectives to this challenging task. These perspectives include a developmental approach to health, an understanding of the advantages of prevention over remediation, and an awareness of the critical importance of effective advocacy to promote changes in well-established systems that influence child health and development, even when those systems lie outside the traditional realm of pediatric practice.³¹ In this context, it is essential that innovative and practical strategies continue to be developed that strengthen the capacity of the medical home to reduce sources of toxic stress and to mitigate their impact on the lives of young children. Rather than continuing the current trend of “doing more with less,” as pediatricians take on a wide range of additional responsibilities, payment reforms should reflect the value of pediatricians’ time and knowledge,

as well as the importance of a pediatrician-led medical home serving as a focal point for the reduction of toxic stress and for the support of child and family resiliency. This additional work and the reprioritization of efforts should reflect pediatricians’ interest in preventive care that is more developmentally relevant,³² parents’ desire for a greater emphasis on their child’s emerging skills and behavior,³³ the commitment to team-based services within the pediatric medical home,²⁸ and the growing evidence base that early developmental interventions can have significant effects on life-course trajectories.³⁴

As the most logical candidate for a universal platform to promote healthy development and optimal life course trajectories, the pediatric medical home has become the focus of both increasing expectations and formidable challenges. High expectations are grounded in the public’s deep respect for pediatricians as trusted guardians of child health. Compelling challenges include (1) the need for more extensive training for all health professionals on the adverse effects of excessive stress on the developing brain, as well as on the cardiovascular, immune, and metabolic regulatory systems (the technical report²³ is a start); (2) the significant constraints on existing, office-based approaches to fully address the new morbidities effectively; (3) the relatively limited availability of evidence-based strategies, within the medical home and across the full array of existing early childhood service systems, that have been shown to reduce sources of toxic stress in the lives of young children or mitigate their adverse consequences³⁵; and (4) the financial difficulties associated with the incorporation of evidence-based developmental strategies into the pediatric medical home.

A Critical Assessment of Prevention at the Practice Level

From immunizations to seat belts to parenting education, the field of pediatrics has always embraced the centrality of prevention. That said, some degree of childhood adversity is inevitable, and dealing with manageable levels of stress is an important part of healthy development. Because the essence of toxic stress is the absence of buffers needed to return the physiologic stress response to baseline, the primary prevention of its adverse consequences includes those aspects of routine anticipatory guidance that strengthen a family’s social supports, encourage a parent’s adoption of positive parenting techniques, and facilitate a child’s emerging social, emotional, and language skills. Examples include the promotion of the 7Cs of resilience (competence, confidence, connectedness, character, contribution, coping, and control),³⁶ optimism,³⁷ Reach Out and Read,^{38–40} emotional coaching,^{41–44} and numerous positive parenting programs (eg, Triple P,^{45–47} Incredible Years,⁴⁸ Home visiting,^{49,50} and Nurturing Parenting^{51,52}). Although AAP resources, such as *Bright Futures*,⁵³ *Connected Kids*,⁵⁴ and the clinical report “The Pediatrician’s Role in Child Maltreatment Prevention,”⁵⁵ already provide significant recommendations in this area, implementing a comprehensive, yet practical program of effective anticipatory guidance that nurtures the child’s emerging social, emotional, and language skills and promotes positive parenting remains an ongoing challenge.

Beyond working to improve the impact of anticipatory guidance provided in the medical home, some motivated pediatric providers also advocate for a variety of community-based interventions that are implemented in homes,^{56,57} preschools,⁵⁸ and

schools,^{59–61} as well as through an extended array of programs organized by faith-based organizations, social groups, and recreational centers. A more thorough description of the full range of practices designed to strengthen parenting skills and enhance child development can be found elsewhere.^{35,62–64} Although most primary prevention programs have not been evaluated systematically, those that show promise should be assessed and, if found to be effective, replicated and taken to scale. As the number of evidence-based services increases, the pediatric community needs to continue to advocate for systemic changes in reimbursement strategies that incentivize collaboration among pediatric medical homes and the full range of effective community-based resources.⁶⁵

Screening for Children and Families at Risk

Identifying children at high risk for toxic stress is the first step in providing targeted support for their parents and other caregivers. The challenges of developing secondary prevention strategies within the medical home begin with the implementation of practice-relevant screening and proceed through the complexities of diagnostic evaluations, sharing information, formulating joint action plans with parents, locating needed services beyond the medical home, arranging successful referrals, and conducting an ongoing monitoring and assessment of intervention impacts. That said, after several decades of prescriptive guidelines and outcome evaluations of a broad array of prevention strategies, the cumulative evidence of effectiveness is mixed. Some primary care practices have been successful in regularizing the identification and management of new morbidities within their daily routines.

Many continue to struggle with the basics of developmental screening, routine referral, and ongoing collaboration with community-based programs outside the medical system.³² All confront the limited availability of accessible and affordable preventive supports for children and families experiencing significant adversity.

Within this highly variable and multi-dimensional context, the AAP and others have encouraged pediatric providers to develop a screening schedule that uses age-appropriate, standardized tools to identify risk factors that are highly prevalent or relevant to their particular practice setting.^{29,66,67} In addition to the currently recommended screenings at 9, 18, and 24/36 months to assess children for developmental delays, pediatric practices have been asked to consider implementing standardized measures to identify other family- or community-level factors that put children at risk for toxic stress (eg, maternal depression, parental substance abuse, domestic or community violence, food scarcity, poor social connectedness). Pediatric providers have been encouraged to use *Current Procedural Terminology* code 99420 when they are assessing a child's risk and, if additional visits are needed to address any identified concerns, providers are encouraged to bill for that additional time by using codes 99401–4.⁶⁸ Continued advocacy at the national and state levels is needed, however, to ensure proper payment for the time needed for universal screening, problem identification, and ongoing assessments. More specific recommendations (regarding which screening tools should be used, when they should be administered, and how to secure reimbursement for their use) will be presented in a forthcoming AAP policy statement on social-emotional screening.

Collaborating With the Community

Routine screening for increased vulnerability is useful only if collaborative relationships exist with local services to address the identified concerns (as outlined in several previous reports^{69–71}); moreover, it is also essential that those services demonstrate evidence of effectiveness. This is particularly important for the identification of young children experiencing toxic stress, given the limited proportion of community-based interventions for which significant, positive impacts have been documented in this domain, and the relatively modest magnitude of impact found for those that have been shown to be effective.

Rethinking Advocacy Beyond the Office Setting

Because so many of the origins and consequences of childhood toxic stress lie beyond the boundaries of the clinical setting, pediatric providers are often called on to work collaboratively with parents, social workers, teachers, coaches, civic leaders, policy makers, and other invested stakeholders to influence services that fall outside the traditional realm of clinical practice.⁷² In many cases, these efforts extend even further afield, moving into the realm of ecologically based, public health initiatives that address the precipitants of toxic stress at the community, state, and national levels. Translating advances in developmental science into effective interventions and lifelong health will require a fundamental shift in the way the general public and policy makers view and invest in early childhood. Pediatric providers are integral to this effort, as they have a long history of advocating for systemic changes to advance child health and development.³¹

Examples of preventive interventions that could serve as targets for pediatrician-led advocacy campaigns include (1) education efforts focused

on parents, foster parents, child care providers, and preschool teachers to increase awareness of the adverse consequences of toxic stress in early childhood for lifelong outcomes in learning, behavior, and health; (2) calls for investments in the development of creative, new strategies that can be incorporated into home-, school-, and center-based services to reduce sources of toxic stress and to strengthen the relationships that buffer children from the long-term consequences of significant adversity; (3) investments in community-based mentoring activities (eg, after-school programs, Big Brother/Big Sister, Little League, gymnastics, martial arts programs) that provide supportive relationships for vulnerable children that help them learn to cope with adversity in an adaptive manner; (4) investments in selected early-intervention programs, early-childhood mental health services, specialized family therapies, and medicolegal partnerships that have demonstrated evidence of positive impacts on vulnerable young children and families; (5) professional development programs that educate judges and other key participants in the juvenile court and foster care systems about the biology of adversity and its implications for case management, child custody, and foster care of children who have been abused or neglected; and (6) collaborative efforts with social workers, mental health providers, and other related professionals to address urgent needs as early as possible and to integrate effective services for the most vulnerable children and their families.

Treatment of Toxic Stress

Finally, the pediatric community must provide strong, proactive advocacy for more effective interventions for

children with symptomatic evidence of toxic stress. These could include (1) the formation and/or continuous strengthening of local traumatic stress networks to treat children and families experiencing significant adversity; and (2) increasing the number of accessible, affordable, and culturally competent mental health professionals who are qualified to provide evidence-based treatments, such as trauma-based cognitive behavioral therapy and parent-child interaction therapy. In addition to the paucity of appropriately trained professionals in this area of significant unmet need, inadequate or inappropriate reimbursement mechanisms often block access to services for the most vulnerable young children. In such circumstances, pediatricians can be powerful advocates for expanded insurance coverage for childhood mental health services, even when they do not provide those services themselves.⁷³

REAFFIRMING A COMMITMENT TO LEAD

This Policy Statement builds on numerous previous statements, including those regarding the new morbidities,³ community pediatricians,³⁰ family-centered care,²⁷ home visitation,⁴⁹ and the prevention of child abuse.⁵⁵ The proposed EBD framework (1) incorporates growing evidence of the impact of toxic stress on the developing brain, (2) informs a deeper understanding of the early life origins of both educational failure and adult disease, and (3) underscores the need for collaborative efforts to prevent the long-term consequences of early adversity. The AAP is committed to leading an invigorated, science-based effort at transforming the way our society invests in the development of all children, particularly those who face significant adversity.⁷⁴

RECOMMENDATIONS

1. All health care professionals should adopt the proposed EBD framework as a means of understanding the social, behavioral, and economic determinants of lifelong disparities in physical and mental health (see technical report²³). Psychosocial problems and the new morbidities should no longer be viewed as categorically different from the causes and consequences of other biologically based health impairments.
2. The growing scientific knowledge base that links childhood toxic stress with disruptions of the developing nervous, cardiovascular, immune, and metabolic systems, and the evidence that these disruptions can lead to lifelong impairments in learning, behavior, and both physical and mental health, should be fully incorporated into the training of all current and future physicians (see technical report²³).
3. Pediatricians should adopt a more proactive leadership role in educating parents, child care providers, teachers, policy makers, civic leaders, and the general public about the long-term consequences of toxic stress and the potential benefits of preventing or reducing sources of significant adversity in early childhood. Protecting young children from adversity is a promising, science-based strategy to address many of the most persistent and costly problems facing contemporary society, including limited educational achievement, diminished economic productivity, criminality, and disparities in health.
4. Pediatricians should be vocal advocates for the development and implementation of new, evidence-based interventions (regardless of the provider or venue) that reduce sources of toxic stress and/or

mitigate their adverse effects on young children, as they are likely to produce better outcomes and potentially be more cost-effective than trying to treat or remediate the numerous consequences of excessive childhood stress that reach far into adulthood. Such advocacy is particularly important when budget constraints force critical reassessments of public spending priorities.

5. Pediatric medical homes should (1) strengthen their provision of anticipatory guidance to support children's emerging social-emotional-linguistic skills and to encourage the adoption of positive parenting techniques; (2) actively screen for precipitants of toxic stress that are common in their particular practices; (3) develop, help secure funding, and participate in innovative service-delivery adaptations that expand the ability of the medical home to support children at risk; and (4) identify (or advocate for the development of) local resources that address those risks for toxic stress that are prevalent in their communities.

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**Early Childhood Adversity, Toxic Stress, and the Role of the Pediatrician:
Translating Developmental Science Into Lifelong Health**

Committee on Psychosocial Aspects of Child and Family Health, Committee on Early
Childhood, Adoption, and Dependent Care, and Section on Developmental and
Behavioral Pediatrics, Andrew S. Garner, Jack P. Shonkoff, Benjamin S. Siegel, Mary
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Policy Statement—Chemical-Management Policy: Prioritizing Children's Health

COUNCIL ON ENVIRONMENTAL HEALTH

KEY WORD

environmental health

ABBREVIATIONS

TSCA—Toxic Substances Control Act

EPA—Environmental Protection Agency

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abstract

FREE

The American Academy of Pediatrics recommends that chemical-management policy in the United States be revised to protect children and pregnant women and to better protect other populations. The Toxic Substances Control Act (TSCA) was passed in 1976. It is widely recognized to have been ineffective in protecting children, pregnant women, and the general population from hazardous chemicals in the marketplace. It does not take into account the special vulnerabilities of children in attempting to protect the population from chemical hazards. Its processes are so cumbersome that in its more than 30 years of existence, the TSCA has been used to regulate only 5 chemicals or chemical classes of the tens of thousands of chemicals that are in commerce. Under the TSCA, chemical companies have no responsibility to perform premarket testing or postmarket follow-up of the products that they produce; in fact, the TSCA contains disincentives for the companies to produce such data. Voluntary programs have been inadequate in resolving problems. Therefore, chemical-management policy needs to be rewritten in the United States. Manufacturers must be responsible for developing information about chemicals before marketing. The US Environmental Protection Agency must have the authority to demand additional safety data about a chemical and to limit or stop the marketing of a chemical when there is a high degree of suspicion that the chemical might be harmful to children, pregnant women, or other populations. *Pediatrics* 2011;127:983–990

INTRODUCTION

Over the past several decades, tens of thousands of chemicals have entered commerce and the environment, often in extremely large quantities (eg, multiple millions of pounds per year). There has also been an explosion of knowledge about special vulnerabilities and differential exposures that children and pregnant women have to environmental toxicants. A growing body of research indicates potential harm to child health from a range of chemical substances.

The primary federal law that governs chemical management in the United States, the Toxic Substances Control Act (TSCA) (Pub L No. 94-469 [1976]), is not protective of the health of children and pregnant women and has not undergone any meaningful revision since its passage almost 35 years ago. Since then, of the tens of thousands of chemicals that are in commerce, the TSCA has been used to regulate only 5 chemicals or chemical classes: polychlorinated biphenyls (PCBs); fully halogenated chlorofluoroalkanes; dioxin; asbestos; and hexavalent chromium.¹ The TSCA is so ineffective that it took a separate act of

Congress to amend the TSCA so that the US Environmental Protection Agency (EPA) could regulate asbestos, one of the most dangerous toxic substances. It is because of the inadequacies of the TSCA that parents and pediatricians have been subjected to multiple high-profile media blitzes about specific chemicals, such as phthalates in toys and bisphenol A in infant bottles,^{2,3} that create anxiety without solving the problems of risky chemical exposures.

The American Academy of Pediatrics recommends that chemical-management policy in the United States be substantially revised to better protect children and pregnant women.

THE HOPE OF “BETTER LIVING THROUGH CHEMISTRY”

From the mid-19th century until today, there has been phenomenal growth in our knowledge about chemistry. Currently, there are more 80 000 chemicals in commerce in the United States, more than 3000 of which are considered to be “high-production volume” chemicals (chemicals produced in or imported into the United States in quantities of ≥ 1 million pounds/year). Under the EPA Inventory Update Reporting program, the chemical-manufacturing industry estimated that approximately 27 trillion pounds of chemicals were produced in or imported into the United States per year in the early part of this decade, which is the equivalent of approximately 74 billion pounds/day (nearly 250 pounds per person) and does not include fuels, pesticides, pharmaceuticals, or food products.⁴ Many of these chemicals are in the environment, and some affect the health of children.

From biomonitoring data from the Centers for Disease Control and Prevention⁵ and other documentation^{6–11} it is known that there is widespread human exposure to many of these sub-

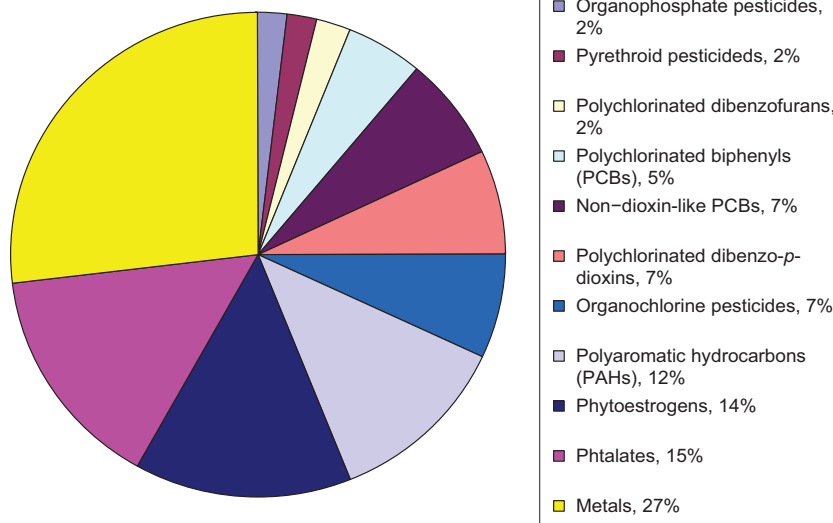


FIGURE 1

Distribution of detected chemicals in the Centers for Disease Control and Prevention biomonitoring study, 2005. (Modified with permission from Rushing R. *Reproductive Roulette: Declining Reproductive Health, Dangerous Chemicals, and a New Way Forward*. Washington, DC: Center for American Progress; 2009. Available at: www.americanprogress.org/issues/2009/07/reproductive_roulette.html.)

stances (see Fig 1). These chemicals are found throughout the tissues and body fluids of children and adults alike, including blood, cord blood, and human milk.

Few of the chemicals that are supposed to be controlled by the TSCA were intended for human consumption. Because the TSCA does not require premarket testing of these chemicals, scientific studies of their effects on the human body may be scarce or nonexistent. Food additives, pesticides, and pharmaceuticals, all of which are intended for human consumption (although at low levels in the case of pesticides), do require premarket testing and, depending on the product, some postmarket follow-up. However, the paradigm established for food additives, pesticides, and pharmaceuticals should not be taken as a model for chemical management. There are too many chemicals and too many tests that would need to be performed to use individual chemical testing as a means of ensuring safe chemical management.

CHILDREN ARE NOT LITTLE ADULTS

Children have unique physiologic, developmental, and behavioral differences that influence their environmental exposures. Because children are smaller than adults, their surface area-to-body mass ratio is greater. Children eat more food and drink more water per unit of body weight than do adults.¹² The respiratory minute ventilation—inspired air per unit time adjusting for weight—is greater in young children than in adults.¹³

Children’s behavior changes with age, and with it, the routes of exposure to chemicals change.¹⁴ Infants are incapable of independent locomotion, which makes it impossible for them to remove themselves from environmental hazards such as heat and cold. Children of all ages spend more time on the floor or ground than do adults. Therefore, children will come into more contact with contaminants on these surfaces.

Exposure of people to environmental toxicants may affect fertility. A recent

study of blood levels of polybrominated diphenyl ether (PBDE) flame retardants in women found that it took significantly longer for women with higher PBDE levels to get pregnant.¹⁵ Exposure of the fetus in utero to at least 1 pharmaceutical, diethyl stilbestrol (DES), is recognized to produce adverse health effects on the children and even the grandchildren of that fetus.¹⁶ Further research may reveal that there may be such a concern with chemicals in the environment as well.

As children grow and mature, their bodies may be especially vulnerable to certain chemical exposures during critical windows of development. Neurologic and endocrine systems have demonstrated particular sensitivity to environmental toxicants at certain stages of growth. These differences in biological susceptibility and exposures in children versus adults support the need for strong consideration of children in chemicals policies. This principle must underpin all chemical-management legislation and regulation.

THE TSCA FAILS TO PROTECT CHILDREN AND PREGNANT WOMEN

A number of federal laws govern the safety of food additives, cosmetics, pharmaceuticals, and pesticides (Table 1). The TSCA, which was passed in 1976, with subsequent modifications, sets out the current federal framework for the regulation of most chemicals. Congress established the following as the original goals of the TSCA:

1. to develop adequate data about the effects of chemical substances and mixtures on health and the environment and to ensure that the manufacturers and processors of such chemical substances and mixtures be responsible for the development of such data;
2. to provide adequate authority to regulate chemical substances and mixtures that present an unreasonable risk of injury to health or the

TABLE 1 US Legislation Concerning Chemicals

Act	Year Passed	Subject
Federal Food, Drug, and Cosmetics Act (FFDCA)	1938	Gives authority to the US Food and Drug Administration to oversee the safety of food, drugs, and cosmetics
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)	1972	Pesticides
Toxic Substances Control Act (TSCA)	1976	Chemicals 1988 and 1990: asbestos and radon 1992: lead-based paint 2002: healthy and high-performance schools
Food Quality Protection Act (FQPA)	1996	Pesticides

environment and to take action with respect to chemical substances and mixtures that are imminent hazards; and

3. to ensure that authority over chemical substances and mixtures does not impede unduly or create unnecessary economic barriers to technologic innovation while ensuring that the innovation and commerce of chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment.¹⁷

Unfortunately, the TSCA has not met its goals. The law suffers from a number of defects that render it ineffective in assessing the risk posed by chemicals. Without sufficient information on the safety or health effects of chemicals, it is impossible for the EPA to engage in appropriate regulation. Key weaknesses of the TSCA include the following.

- Costs of TSCA safety testing are often borne by the public sector. Manufacturers of chemicals are not required to test chemicals before they are marketed or to collect data from tests that may have been performed by others. The TSCA places the burden of obtaining information about the potential toxicity of a chemical on the public rather than the manufacturer. The EPA is charged with developing information on toxicity, but the agency has neither the technical nor the financial resources to perform extensive

research on even a fraction of the tens of thousands of chemicals in commerce.

- The TSCA has created a non-evidence-based system for chemical management. Manufacturers are required to notify the EPA of their intent to market a new chemical; however, they are not required to perform any safety testing before notifying the EPA. The EPA estimates that most such notifications do not include test data of any type, and only approximately 15% include health or safety test data.¹⁸ It is ironic that companies may harm themselves by performing pre-manufacture testing, because they must disclose any health or safety data they obtain. This system discourages manufacturer safety testing and also results in chemicals for which there are less data seeming to be safer than chemicals for which there are more data.
- Concerns about chemicals are permitted to be kept from the public. In their notifications to the EPA, chemical companies may declare large amounts of information to be “confidential business information.” This broad exemption has effectively prevented the EPA from sharing information about potentially hazardous chemicals with community groups, local and state governments, and foreign governments or international organizations.

- Chemicals introduced before 1976 have little oversight. The TSCA distinguished between chemicals in existence in 1976 and those introduced after passage of the law. Those on the market in 1976 were assumed to be relatively safe and in need of less testing than “new” chemicals. To pursue regulation of these “grandfathered” chemicals, the EPA must demonstrate that a chemical has a high likelihood of causing harm before it can order testing to determine if there is a health risk. Between 1979 and 2005, the EPA used its authority to require testing on fewer than 200 chemicals in commerce.¹
- Implementation of TSCA regulatory action is unwieldy. Rule-making under the TSCA is extremely time-consuming and labor intensive. After a nearly decade-long effort to ban asbestos, the EPA found its initiative struck down by the courts on the basis that the agency had overstepped its authority under the TSCA. Since passage of the TSCA, the EPA has issued regulations to ban or limit only 5 existing chemicals or chemical classes.¹⁸
- The TSCA does not allow review of chemicals by group. The TSCA requires regulation on a chemical-by-chemical basis. With tens of thousands of chemicals in need of review and the multiyear process for each such undertaking, it would require many decades to review just the high-production chemicals. For example, the finding of toxicity of a radioactive substance such as plutonium would not allow another similar substance such as uranium to be defined as toxic. The TSCA would require that testing on the second compound be conducted completely anew.

THE EPA HAS ATTEMPTED TO IMPLEMENT THE TSCA THROUGH VOLUNTARY ACTION

The EPA has implemented several voluntary programs in attempts to compensate for inadequacies of the TSCA. These programs include the Endocrine Disruptor Screening Program, the Voluntary Children’s Chemical Evaluation Program, and the Chemical Assessment and Management Program. Because these programs are voluntary, the EPA cannot require companies to produce information about the health and safety risks of these chemicals. Each of these programs has produced few data over long periods of time, and none has led to any significant regulatory changes.^{1,19} For example, the Endocrine Disruptor Screening Program was called for in legislation passed in 1996, but the EPA only issued its first test orders, the first step in a multistep process, in October 2009.²⁰ The Voluntary Children’s Chemical Evaluation Program was launched by the EPA at the end of 2000. It had the meager goal of gathering information on health effects, exposure, risk, and data needs for 23 chemicals to which children have a high likelihood of exposure. More than a decade later, for various reasons, complete data are not available for any of those chemicals.²¹ Because of its inadequacies, in September 2009 the EPA replaced the Chemical Assessment and Management Program with what it hopes will be a “more comprehensive approach to chemicals management.”²²

CALLS TO REFORM THE TSCA

The American Medical Association,²³ the American Public Health Association,²⁴ and the American Nurses Association²⁵ have all endorsed the need for changes to the TSCA. Recognizing that “[t]he science of testing chemicals and understanding their health or environmental effects has evolved consider-

TABLE 2 Six Essential Principles for Reform of Chemical-Management Legislation (EPA³⁶)

Chemicals should be reviewed against safety standards that are based on sound science and reflect risk-based criteria protective of human health and the environment.
Manufacturers should provide the EPA with the necessary information to conclude that new and existing chemicals are safe and do not endanger public health or the environment.
Risk-management decisions should take into account sensitive subpopulations, cost, availability of substitutes, and other relevant considerations.
Manufacturers and the EPA should assess and act on priority chemicals, both existing and new, in a timely manner.
“Green” chemistry should be encouraged, and provisions that ensure transparency and public access to information should be strengthened.
The EPA should be given a sustained source of funding for implementation.

ably since TSCA was enacted,” the American Chemistry Council has also called for the modernization of the TSCA to “... help assure that we protect ... our children ...”²⁶

A number of environmental health policy entities have been critical of the TSCA.^{4,27–30} In addition, the US Government Accountability Office has issued a number of reports in which the TSCA was criticized.^{1,18,31–33} In 2009, the Government Accountability Office added the TSCA to its high-risk list for federal legislation that needs to be updated.³⁴ In 2009, the EPA established 6 essential principles for reform of chemicals management legislation (Table 2).³⁵ The proposed principles address many of the deficiencies of the TSCA discussed above.

STATE ATTEMPTS AT CHEMICAL-MANAGEMENT POLICY

In the absence of up-to-date federal regulatory policy, many states have attempted to fill the gap. A handful of state legislatures have undertaken measures to control individual chemicals, such as bisphenol A, or attempted the comprehensive identification, pri-

TABLE 3 State-Proposed Principles on Reform of the TSCA³⁸

Require chemical data-reporting
Demonstrate that chemicals and products are safe
Prioritize chemicals of concern
Protect the most vulnerable
Promote safer chemicals and products
Address emerging contaminants
Strengthen federal law and preserve states' rights
Fund state programs

oritization, and regulation of chemicals.³⁶ Some states have targeted their efforts specifically at chemicals of concern in children's products. Chemicals that have been the subject of state laws include phthalates and fire retardants. Officials from California, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Oregon, Vermont, and Washington have issued a list of principles on reform of the TSCA (Table 3).³⁷

EXAMPLES OF INTERNATIONAL EFFORTS TO REGULATE CHEMICALS

Over the past decade, an increasing number of nations have attempted to exert greater control over the entrance of new chemicals into commerce and their use in various contexts. A number of treaties have addressed certain classes of pollutants (eg, the Stockholm Convention on Persistent Organic Pollutants), and more comprehensive approaches have been attempted by individual nations or international entities.

In 1999, Canada passed legislation that requires the development of a categorization and prioritization system for the Domestic Substances List, its chemicals registry. The Domestic Substances List catalogued approximately 23 000 chemicals known to be in commerce in Canada since the mid-1980s. The review, which was completed in 2006, methodically categorized the chemicals to prioritize those of great-

est concern for review and possible restriction. On the basis of a screening assessment, chemicals were: designated as Canadian Environmental Protection Act (CEPA)–toxic, in which case they were subject to additional regulation and restriction; added to the priority substances list, which requires an in-depth assessment to be completed within 5 years; or set aside as not requiring further study at the time.³⁸ This process resulted in the designation of 85 substances as CEPA-toxic³⁹ and the placement of 67 on the priority substances list.⁴⁰ Although the Domestic Substances List categorization has been hailed as a model, critics have stated that Canadian law does not permit aggressive enough regulation to occur on those substances considered to be CEPA-toxic.

In early 2006, the United Nations Environment Program's Governing Council adopted the Strategic Approach to International Chemicals Management (SAICM), a strategy developed and negotiated with the participation of a wide range of stakeholders from more than 140 countries. The SAICM global plan of action sets out nearly 300 different activities that will help countries reach the plan's overall objective of achieving the sound management of chemicals throughout their life cycle so that, by 2020, they are used and produced in ways that reduce major adverse effects on health and the environment.^{41,42} The SAICM includes activities in the area of policy change, research, and capacity-building, among others. It must be noted, however, that the strategy is purely voluntary for all participating nations, and each country is free to adapt and alter the approaches used. There is no formal oversight of the strategy or any enforcement of its recommendations. In perhaps the most ambitious regulatory effort to date, the European Union (EU) established the new Registration,

Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation in 2006.⁴³ The stated aim of REACH is to "to improve protection of human health and the environment from the risks of chemicals while enhancing the competitiveness of the EU chemicals industry."⁴⁴ This system, which began to phase in during 2007 and will continue its staged implementation over a decade, sought to develop a comprehensive regulatory regime for chemicals with the ultimate goal of restricting the use of the most toxic substances. Companies must register all chemicals that are sold in the EU market in quantities above 1 metric ton. A list of substances of very high concern is under development, which will constitute chemicals for which substitution is required whenever feasible and which will require an authorization for each individual use of a substance of very high concern. As of late 2009, 16 substances had been officially identified as substances of very high concern,⁴⁵ but nonprofit organizations were pressing for the addition of at least 350 more substances to this designation.⁴⁶ Although REACH was developed as a system that will cover all EU countries, there is some flexibility for member nations to opt out of or alter certain provisions. Many key provisions of REACH have not yet been implemented, so its full impact is, as yet, unclear.

RECOMMENDATIONS FOR GOVERNMENT AND ADVOCACY

1. Whenever a new chemicals policy is developed or existing policy is revised, the wide range of consequences of chemical use on children and their families should be a core component.
2. Federal, state, and local policies should support and enforce sound chemical management. Policies should incorporate the following principles.

- a. The regulation of chemicals must be based on evidence. However, decisions to limit or ban chemicals or classes of chemicals from commerce or to promote the substitution of demonstrably less hazardous chemicals should be based on reasonable levels of concern and not depend on demonstrated negative health effects after release.
 - b. "Old" and "new" chemicals must meet the same requirements for evidence.
 - c. Although testing of individual chemicals should not be the sine qua non for decisions to limit or ban chemicals or classes of chemicals, when testing is appropriate, those who propose to market a chemical must be mandated to provide evidence that the product has been tested in systems that provide information that is relevant to the special needs of pregnant women and children, including data on reproductive toxicity; developmental toxicity, including but not limited to neurodevelopmental toxicity; and endocrine disruption, as it relates to reproduction, neurotoxicity, and puberty.
 - d. Decisions should be based on information about hazards, proposed use, and potential exposures. Hazard implies intrinsic properties of chemicals or classes based on molecular structure (eg, persistence, carcinogenicity, or neurotoxicity). When appropriate for hazard determination, there must be consideration of aggregate (exposure to a single pollutant via multiple pathways) and cumulative (concurrent exposures to multiple pollutants with a common mechanism of action via multiple pathways) exposure concepts similar to those of the Food Quality Protection Act.
 - e. Chemicals must meet safety standards similar to those met by pharmaceuticals or pesticide residues on food, that is, "reasonable certainty of no harm." Exceptions should be available for chemical use when no safer alternatives exist. Such exemptions should require individual regulatory approval and biannual review to ascertain whether the exemption is still necessary.
 - f. There must be postmarketing surveillance of the effects of a chemical, and the EPA must have the authority and means to remove a chemical if postmarketing surveillance indicates that it no longer meets the standard for being released to the market.
 - g. Companies that propose to place a new chemical on the market must develop a means for biomonitoring of that chemical before it is marketed.
 - h. Companies must develop a public information document for each new chemical marketed. This document must be in lay language and approved by the EPA before the chemical is marketed. A companion document must be developed for all consumer products that contain the chemical and must be updated with each new formulation of the product or every 3 years. This document must include the results of any premarket testing and any postmarket surveillance. It must include information about risks associated with acute, high-dose exposure and chronic low-dose exposure as well as contact information for people who need additional information.
3. The EPA must have a relatively simple process to require additional testing when information suggests the need for such testing.
 4. Federal biomonitoring programs, such as the Centers for Disease Control and Prevention National Biomonitoring Program, must be expanded. It is recognized that this program provides secondary prevention, but it may serve as an early warning system. Stored samples may allow look-backs when new problems develop in the future.
 5. Federal funding should be provided for research to prevent, identify, and evaluate the effects of child exposures to chemicals. Development of additional chemical testing methodologies is needed to ensure that exposures to existing and new chemicals can be identified. Consensus in the scientific community is needed on methods and biomarkers to identify and evaluate chemicals for adverse effects through endocrine disruption. Funding to support studies to examine long-term and subclinical chemical effects is needed.
 6. Federal policies should reward and promote developments in green chemistry that serve to replace existing chemicals of concern and their commercial applications.

RECOMMENDATIONS FOR PEDIATRICIANS

1. Pediatricians should familiarize themselves with the information about chemicals in the environment and their effects on child health. Many chemicals are reviewed in the

American Academy of Pediatrics manual *Pediatric Environmental Health*.⁴⁷ The third edition of this book will be available in 2011.

2. Pediatricians should learn about the resources contained in the Environmental Health and Toxicology pages of the National Library of Medicine Web site. (<http://sis.nlm.nih.gov/enviro.html>). Those portions that will be of most use in counseling families include Lact-Med (<http://toxnet.nlm.nih.gov/cgi-bin/sis/htmlgen?LACT>) (a peer-reviewed and fully referenced database of drugs to which breastfeeding mothers could be exposed) and the Household Products Database (<http://householdproducts.nlm.nih.gov>) (which links >8000 consumer brands to chemicals they may contain on the basis of Mate-

rial Safety Data Sheets provided by the manufacturers).

3. Pediatricians with questions about acute chemical exposures and toxicity should call the Poison Control Center at 800-222-1222. For questions about long-term, low-dose exposure or other issues related to children and chemicals, pediatricians should contact their regional Pediatric Environmental Health Specialty Unit (www.pehsu.net).
4. Pediatricians should advocate for chemical policies that consider the special vulnerabilities of children and pregnant women. The American Academy of Pediatrics, through its chapters, committees, councils, sections, and staff, can provide information and support for public policy advocacy efforts. See www.aap.org/advocacy.html or contact

your chapter leadership for further information.

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City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00341

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

APPROVAL OF LOCALLY FUNDED AGREEMENT WITH STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR SAFETY IMPROVEMENTS WEST CERVANTES STREET CORRIDOR TRAFFIC FEASIBILITY STUDY

RECOMMENDATION:

That City Council authorize the Mayor to take all necessary action to execute a Locally Funded Agreement (LFA) with FDOT relating to cost sharing for the West Cervantes Street corridor pedestrian safety improvement, complete streets and corridor management project.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On December 14, 2016, the Florida-Alabama TPO adopted the West Cervantes Street Corridor Management Plan. The Plan identified short-term and long-term strategies to improve traffic flow and safety for all modes of travel along the corridor. The long-term strategies provided for a "road diet" with two options: (1) reduce the existing four-lane facility to a two-lane facility; or (2) rebalance the lanes by decreasing the width of the travel lanes and adding landscaped medians.

On July 13, 2017, the Pensacola City Council adopted Resolution No. 17-29 supporting the short-term and long-term recommendations within the West Cervantes Corridor Management Plan and the progression of the project through all phases by FDOT for design and roadway improvements. The County adopted a similar Resolution.

On September 20, 2017, the Pensacola City Council appropriated \$1.5 million of Local Option Sales Tax Series IV funding in Fiscal Year 2018 in order that West Cervantes Street improvements may be constructed to the fullest extent and as quickly as possible as well as funding the City's shared portion of the Traffic Feasibility Study

On May 29, 2018, the County and City entered into an Interlocal Agreement (ILA) to contribute proportionate funding to the Florida Department of Transportation (FDOT) for the completion of a Traffic Feasibility Study (TFS) for the West Cervantes Street corridor from Dominquez Street to "A"

Street.

On June 14, 2018, the Pensacola City Council authorized the use of funds dedicated to West Cervantes Street Corridor for short-term improvements.

Due to limited resources post-Hurricane Michael, FDOT was unsuccessful in programming the locally -funded TFS in the current year work-plan. At the TPO's December 12, 2018 meeting, FDOT staff recommended that the County and City allow the TPO's general planning consultant to perform the study. The City of Pensacola and Escambia County mutually supported the FDOT recommendation to retain the TPO's general planning consultant to perform the West Cervantes Street Corridor TFS.

On February 13, 2019, the TPO approved TPO staff to coordinate with City and County staff to finalize a scope of services and enter into a contract with the TPO's general planning consultant for the West Cervantes Street Corridor Traffic Feasibility Study.

On April 11, 2019, the City of Pensacola entered into and ILA with Escambia County, and the Emerald Coast Regional Council (ECRC) using the same consultant tasked with the design of the short-term improvements to provide a succinct evaluation of the viability of the long-term strategy. The City and the County portions are based upon the proportion of the corridor within each jurisdiction.

On February 21, 2019, Escambia County entered into a similar LFA with FDOT relating to cost sharing for the West Cervantes Street corridor pedestrian safety improvements, complete streets, and corridor management project. The County contribution is \$1,000,000.00.

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: \$1,000,000 West Cervantes Corridor - LOST Series IV

Actual: \$1,000,000 Construction Costs

FINANCIAL IMPACT:

Funds are available in the Local Option Sales Tax Fund.

STAFF CONTACT:

Don Kraher, Council Executive
Christopher L. Holley, City Administrator
Kerrith Fiddler, Assistant City Administrator
Keith Wilkins, Deputy City Administrator
L. Derrik Owens, Director of Public Work and Facilities / City Engineer
Sherry H. Morris, Planning Services Administrator

ATTACHMENTS:

- 1) LFA 443769-1-52-01 Locally Funded Agreement Between FDOT and City of Pensacola - West
Cervantes Street Corridor Safety Improvements

PRESENTATION: No

**LOCALLY FUNDED AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF PENSACOLA
(Lump Sum)**

Project #443769-1-52-01

This Locally Funded Agreement (“AGREEMENT”) is between the State of Florida Department of Transportation (“DEPARTMENT”), and the City of Pensacola, a Florida municipal corporation. (“PARTICIPANT”).

RECITALS

1. The DEPARTMENT is preparing a pedestrian safety, complete streets, and corridor management improvement project on SR 10A (US 90) West Cervantes Street from Dominguez Street to A Street, Financial Project Identification Number 443769-1-52-01, programmed in the DEPARTMENT’S Fiscal Year 2021. The construction phase shall be called the PROJECT for purposes of this AGREEMENT; and
2. The DEPARTMENT will undertake and administer the PROJECT, and the PARTICIPANT will contribute a lump sum payment to aid in the costs of the PROJECT; and
3. The PARTICIPANT is prepared to contribute ONE MILLION and 00/100 DOLLARS (\$1,000,000.00) to the DEPARTMENT for the PROJECT; and
4. The DEPARTMENT is authorized to enter into this AGREEMENT under Section 339.12, Florida Statutes, and other sections of the Florida Transportation Code, and PARTICIPANT has approved this AGREEMENT and authorized its duly authorized representative to sign on its behalf as set forth in the attached Resolution No. _____.

Therefore, the DEPARTMENT and the PARTICIPANT agree as follows:

5. The facts stated in the recitals above are true and correct and are incorporated into and made a part of this AGREEMENT.
6. The PARTICIPANT agrees that it will, at least fourteen (14) calendar days prior to the DEPARTMENT’S advertising the PROJECT for bid, furnish the DEPARTMENT a contribution in the amount of **ONE MILLION and 00/100 DOLLARS (\$1,000,000.00)** to be used for the estimated project cost for locally funded project number 443769-1-52-01. The DEPARTMENT may utilize this contribution for payment of the costs of the PROJECT.
7. If the actual cost of the PROJECT is less than the funds provided, the excess will be applied to other phases on the PROJECT.

8. The payment of funds under this Locally Funded Agreement will be made directly to the DEPARTMENT for deposit, and shall be made by wire transfer or ACH deposit. The reference line must contain "FDOT", an abbreviated purpose, and the financial project number (443769-1-52-01).

For Wiring and ACH Transfers, the instructions are:

Wells Fargo Bank, N.A.
Account # 4834783896
ABA # 121000248
Chief Financial Officer of Florida
Re: DOT – K 11-78, Financial Project # 443769-1-52-01

Upon completion of the wire transfer or ACH deposit, the PARTICIPANT shall notify the Locally Funded Agreement Section of the DEPARTMENT's General Accounting Office by calling Ms. Charmaine Small at telephone number 850-414-4885 and providing the financial project number 443769-1-52-01, the dollar amount of the transfer or deposit and the PARTICIPANT's name.

9. Notices pursuant to this AGREEMENT shall be sent by U.S. Mail to the following:

FOR THE PARTICIPANT:

City of Pensacola
222 W. Main Street
Pensacola, Florida 32502
Contact Person: Ryan Novota, Transportation Engineer
Telephone #: (850) 435-1755
Federal Employer ID # (FEIN): 59-6000406

FOR THE DEPARTMENT

Florida Department of Transportation
Attn: District Three Local Programs Administrator
1074 Highway 90 East
Chipley, Florida 32428
Phone: (850) 330-1227

10. The following provisions of Section 339.135(6)(a), F.S., are incorporated:

The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection shall be null and void, and no money may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be

executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of \$25,000.00 and which have a term for a period of more than 1 year.

11. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understanding applicable to the matters contained in this agreement and the parties agree that there are no commitments, agreements or understanding concerning the subject matter of this AGREEMENT that are not contained in this document. Accordingly, it is agreed that no deviation from the terms of this AGREEMENT shall be predicated upon any prior representation or agreements whether oral or written. It is further agreed that no modification, amendment, or alteration in the terms or conditions contained in this AGREEMENT shall be effective unless contained in a written properly-executed document.

12. This AGREEMENT shall not be more strictly construed against either party because one party drafted or prepared any or all of the terms and provisions.

13. This AGREEMENT shall be governed by and interpreted in accordance with the laws of the State of Florida.

14. This AGREEMENT may be executed in two or more counterparts, each of which shall be an original but all of which shall be deemed to be but one agreement.

15. The PARTICIPANT:

(a). Shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the PARTICIPANT during the term of the contract; and

(b). Shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

16. This AGREEMENT shall become effective when all parties have signed it. The date this AGREEMENT is signed by the last party to sign it (as indicated by the date set out under that party's signature) shall be deemed the date of this AGREEMENT.

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IN WITNESS WHEREOF, the PARTICIPANT and the DEPARTMENT have executed this AGREEMENT by their authorized representatives.

PARTICIPANT:

CITY OF PENSACOLA,
a Florida municipal corporation

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____
City Clerk

Legal in form and valid as drawn:

City Attorney

DEPARTMENT:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____
Executive Secretary (SEAL)

FDOT Legal Review:

Office of the General Counsel



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00306

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PENSACOLA ENERGY - AWARD OF TASK ORDERS 1-5 NATURAL GAS PIPELINE CONSTRUCTION MISCELLANEOUS UNIT PRICE WORK

RECOMMENDATION:

That City Council award Task Orders 1-5, Natural Gas Pipeline Construction Miscellaneous Work with R.A.W. Construction, LLC, in the amount of \$1,111,300 for the natural gas infrastructure replacement projects under the unit price and miscellaneous work option in Bid #19-005. In addition, that Council approve a 10% contingency of \$111,130 for a total approved amount of \$1,222,430 for a period of one year. Further, that Council authorize the Mayor to execute the task orders and take all actions necessary to complete the work.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On February 14, 2019, City Council awarded Bid #19-005 Natural Gas Pipeline Construction North Hill Low Pressure Area Upgrades to R.A.W. Construction, LLC. The bid pricing structure contains unit pricing for miscellaneous projects such as natural gas pipeline maintenance, replacement, and new construction. Task orders 1 through 3 are system improvement projects serving north Escambia County, task order 4 is to complete the primary main construction on Perdido Key, and task order 5 is to install a new gate station and eliminate farm taps from the system to reduce the regulatory burden.

Task Order 1	\$ 49,600	Extend 2,210 LF on Right of Way on West Quintette Road.
Task Order 2	\$187,200	Extend 13,875 LF on Right of Way on Neal Road
Task Order 3	\$ 36,500	Extend 3,000 LF on Right of Way on Molino Road
Task Order 4	\$478,500	Extend 21,600 LF on Right of Way on Perdido Key Drive
Task Order 5	\$359,500	Extend 29,500 LF to eliminate existing farm taps

Total Award \$1,111,300 plus 10% contingency of \$111,130

PRIOR ACTION:

February 14, 2019 - City Council awarded the contract for Bid #19-005.

FUNDING:

Budget: \$1,222,500.00

Actual:	\$1,111,300.00	Unit Price Option Work
	<u>111,130.00</u>	10% Contingency
Total	<u>\$1,222,430.00</u>	

FINANCIAL IMPACT:

Funds are available in the FY 2019 budget for Pensacola Energy.

CITY ATTORNEY REVIEW: Yes

6/28/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer
Don J. Suarez, Pensacola Energy Director

ATTACHMENTS:

None.

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00303

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

CITY OF PENSACOLA FY 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN AND HOME INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM

RECOMMENDATION:

That City Council approve the FY 2019-2020 CDBG Annual Action Plan for the period October 1, 2019 through September 30, 2020, for submission to U. S. Department of Housing and Urban Development, and the City of Pensacola 2019-2020 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 2019-2020 Annual Action Plan covers the period October 1, 2019 through September 30, 2020. The Annual Action Plan identifies housing and community development activities and presents the proposed budget for the FY 2019-2020 CDBG funding request. The HOME program activities and budget are presented in the City of Pensacola 2019-2020 CDBG and HOME Programs Proposed Budgets and Activities Summary. The approved plan is due to HUD on or before August 15, 2019.

The proposed Escambia Consortium Annual Action Plan summary was published in the Pensacola News Journal on May 18, 2019 allowing for a 30 day comment period. A public hearing was held May 21, 2019 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:

July 19, 2018 - City Council approved the FY 2018-2019 CDBG and HOME Annual Action Plan and budgets.

FUNDING:

	CDBG	HOME
Budget:	\$1,048,500	\$194,100
Actual:	\$775,799	\$152,140

FINANCIAL IMPACT:

The approved plan must be submitted to HUD on or before August 15, 2019 to remain in compliance with grant requirements and be eligible to receive the grant allocation.

CITY ATTORNEY REVIEW: Yes

7/3/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Marcie Whitaker, Housing Administrator

ATTACHMENTS:

- 1) City of Pensacola FY 2019-2020 CDBG Annual Action Plan
- 2) City of Pensacola FY 2019-2020 CDBG and HOME Programs Proposed Budgets and Activities Summary

PRESENTATION: No

COMMUNITY DEVELOPMENT BLOCK GRANT
2019 - 2020 ANNUAL ACTION PLAN
(October 1, 2019 - September 30, 2020)

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, 2019

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, 2019 to September 30, 2020. 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 meetings were held in relation to the development of the 2019 - 2020 Annual Action Plan. 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. 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 26, 2019 and May 21, 2019, 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 discussed the unmet needs in the community and the need for continued financial support. Proposed activities for FY

2019-2020 were presented at the public hearing. During the public hearing, general group discussion occurred regarding the proposed activities, Community Housing Development Organizations, and the Emergency Solutions Grant.

Attendees expressed support for the proposed activities.

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(I)

1. Introduction

Consultation of the plan began in March 2019 and was achieved through a variety of strategies, including public meetings and one on one meetings. Outreach was made to City Departments, Divisions, and Office of the Mayor in relation to the development of the 2019 - 2020 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 2019 - 2020 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 26, 2019 where input from community organizations, nonprofits, and citizens was solicited for preparation of the 2019 - 2020 Annual Action Plan. A public hearing was held May 21, 2019 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(I)).

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, Inc. (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.

Housing staff participated in the annual Point In Time (PIT) count and U-Count events, coordinated by the CoC. The U-Count event, held the day following the PIT, provides a “one stop” location for area service providers to co-locate for one day and offer their services to homeless individuals who participated in the PIT count in a coordinated setting.

In coordination with the VA, the Housing Division administers 203 HUD – VASH vouchers used to address housing needs of homeless veterans in the community. During August, 2018, 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. The contract has been extended through 2019. In April, 2019, the City and County hosted a homeless summit which included area service providers, quasi-public agencies, residents, and elected officials to begin a dialog with the service providers and community to determine how best to allocate resources.

During the March 26, 2019 public meeting and May 21, 2019 public hearing, the Emergency Solutions Grant funding for FY 2019 - 2020 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 critical populations 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 Need 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. The Executive Director serves on the Affordable Housing Advisory Committee and provides input to address unmet needs in the community.
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?	The City participates in ongoing coordination with this agency to address the unmet needs of residents.
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?	The City participates in ongoing coordination with this agency to address the unmet needs of residents.
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

	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>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.</p>
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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 2019-2020 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 2019 - 2020 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 26, 2019 and May 21, 2019, 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	News-paper Ad	Non-targeted broad community	March 7, 2019 publication in Pensacola News Journal Escambia Consortium public planning process and dates of public meetings, including March 26, 2019 in Pensacola/ Escambia County and March 21, 2019 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	News-paper Ad	Non-targeted /broad community	May 18, 2019 publication in Pensacola News Journal of City of Pensacola and Escambia Consortium Proposed Annual Action Plan Summary and notification of the public hearing May 21, 2019.	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 26, 2019 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 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 and hearing were posted to the City's web based 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 21, 2019 attendees representing elderly services, City CRA, and the public attended the hearing. The hearing was held at the City of Pensacola Housing Office. The City of Pensacola and Escambia County 2019/2020 Proposed Annual Action Plans were presented for comment from the public.	General discussion regarding activities, budgets, CHDOs, and ESG.	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, 2019 through September 30, 2020. For Fiscal Year 2019 - 2020, 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 program; 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	750,799	100,000	25,000	875,799	0	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 24 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. One home has been completed on a City incentive lot and sold to a qualifying family. The City has income qualified two additional families who will receive the incentive lot assistance.

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. During 2018 in support of the Authority's Urban Infill program, the City made one City owned property available for development of an affordable infill owner occupied house.

Discussion

The City, in its 2019-2020 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 \$368,026	Homeowner Housing Rehabilitation: 10 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 Education Program	2015	2019	Non- Homeless Special Needs	Income eligible Citywide	Public Service	CDBG \$42,617	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	2017	2019	Affordable Housing	Westside Redevelopment Area Eastside Redevelopment Area Urban Core Redevelopment Area Community Redevelopment Plan 2010 Income eligible Citywide	Housing Temporary Relocation	CDBG: \$20,000	Homeowner Housing Rehabilitated Benefit: 8 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: \$150,156	Other: 9,595 households

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, Inc.
	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 Educational Program
	Goal Description	Provides educational opportunities regarding home buying and foreclosure prevention through the City's homebuyer and foreclosure prevention educational classes.
4	Goal Name	Public Facilities and Improvements
	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) 2011-2015 ACS data, there are 22,105 households within the City. 59% of City residents are homeowners and 41% are renters. Of those households, 43% report incomes at or below 80% of area median. The American Community Survey (ACS) 5 Year Estimates from 2013-2017 data shows that 68% 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 42% 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 10 low income families through the residential rehabilitation program during the 2019 - 2020 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. In coordination with the VA, the City administers 203 HUD-VASH vouchers. These vouchers are used to support the housing first model adopted by HUD allowing veterans to be housed while the VA provides case management and support services.

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, 2019 to September 30, 2020. 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 Program; Public Facilities and Improvements to support revitalization 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 Aging of West Florida, Inc.
3	Homebuyer and Foreclosure Prevention Education Program
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:\$468,026
	Description	Funds provide for the City's Housing Rehabilitation Program and related activities.
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Estimate to assist approximately 10 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.
2	Project Name	Public Services: Council on Aging of West Florida, Inc. (COA)
	Target Area	Income eligible jurisdiction wide
	Goals Supported	Public Service
	Needs Addressed	Public Service

	Funding	CDBG: \$70,000
	Description	Provides direct services through two nutritional programs, Meals on Wheels and Senior Dining Sites, administered by COA which are made available to low and moderate income elderly and special needs residents within the jurisdiction. These services would otherwise not be available. Funding provides 1:10 leverage for other critical state and federal funding.
	Target Date	9/30/2020
	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 Education Program
	Target Area	Income eligible jurisdiction wide.
	Goals Supported	Homebuyer and Foreclosure Prevention Education Program
	Needs Addressed	Public Service
	Funding	CDBG: \$42,617
	Description	Provides pre-purchase and foreclosure prevention education classes to prepare residents for homeownership and provide guidance to avoid foreclosure and retain ownership of their homes.
	Target Date	9/30/2020

	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 education, guidance, and support classes. Assist City residents with a goal of owning their own home and provide foreclosure prevention education and assistance in an effort to assist residents avoid foreclosure and retain homeownership.
4	Project Name	Public Facilities and Improvements
	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: \$125,000
	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. Further \$25,000 from pre FY2015 funds will be allocated to this activity.
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Benefit 50 low moderate income families Approximately, 43% 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: \$20,000
	Description	Provides temporary relocation for families whose dwellings are being rehabilitated through the jurisdiction's rehabilitation programs.
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Estimate to assist approximately 8 households with income at or below 80% of area median located throughout the jurisdiction.
	Location Description	Jurisdiction wide.
	Planned Activities	Funds support temporary relocation for families whose dwelling units are being rehabilitated through the City's Housing Rehabilitation Program and HOME Reconstruction Program.
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: \$150,156
	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	9/30/2020
	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

Concentrations of minority families and areas of poverty are found along the western northwestern boundary of the jurisdiction. Many of these census tracts have poverty rates exceeding 20%.

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. While there has been a resurgence of housing construction in the urban core of the City, there continues to be a need for housing rehabilitation. Due to the age of the existing 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 education 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 committee presented their report to both jurisdictions in April, 2019. The report supported a number of strategies that are currently being implemented to support affordable housing development in the jurisdiction.

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 April, 2019, public policy barriers were reviewed and recommendations were made to City Council. City Council adopted the Affordable Housing Incentive Plan Review Report April 11, 2019. No new policy changes were recommended by the committee.

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

Introduction

The City proposes to undertake 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 financial literacy classes 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(I)(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(I)(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
Estimated - \$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
0

Total Program Income:	100,000
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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
2019-2020 Annual Action Plan**

City of Pensacola Reference Material

Comprehensive Housing Affordability Strategy ("CHAS") data

Summary Level: City

Created on: April 24, 2019

Data for: Pensacola city, Florida

Year Selected: 2011-2015 ACS

Income Distribution Overview	Owner	Renter	Total	
Household Income less-than or= 30% HAMFI	1,095	1,995	3,090	
Household Income >30% to less-than or= 50% HAMFI	1,015	1,420	2,435	
Household Income >50% to less-than or= 80% HAMFI	1,970	2,100	4,070	
Household Income >80% to less-than or=100% HAMFI	1,295	1,085	2,380	
Household Income >100% HAMFI	7,610	2,515	10,125	
Total	12,990	9,115	22,105	
Housing Problems Overview 1	Owner	Renter	Total	
Household has at least 1 of 4 Housing Problems	2,935	4,290	7,225	
Household has none of 4 Housing Problems	9,975	4,525	14,500	
Cost burden not available, no other problems	80	300	380	
Total	12,990	9,115	22,105	
Severe Housing Problems Overview 2	Owner	Renter	Total	
Household has at least 1 of 4 Severe Housing Problems	1,340	2,090	3,430	
Household has none of 4 Severe Housing Problems	11,570	6,720	18,290	
Cost burden not available, no other problems	80	300	380	
Total	12,990	9,115	22,105	
Housing Cost Burden Overview 3	Owner	Renter	Total	
Cost Burden less-than or= 30%	10,040	4,610	14,650	
Cost Burden >30% to less-than or= 50%	1,595	2,245	3,840	
Cost Burden >50%	1,275	1,939	3,214	
Cost Burden not available	80	325	405	
Total	12,990	9,115	22,105	
Income by Housing Problems (Owners and Renters)	Household has at least 1 of 4	Household has none of 4	Cost Burden not available,	Total
	Housing Problems	4 Housing Problems	no other housing problem	
Household Income less-than or= 30% HAMFI	2,350	355	380	3,090

Household Income >30% to less-than or= 50% HAMFI	1,690	745		2,435
Household Income >50% to less-than or= 80% HAMFI	1,940	2,125		4,070
Household Income >80% to less-than or= 100% HAMFI	525	1,860		2,380
Household Income >100% HAMFI	715	9,415		10,125
Total	7,225	14,500	380	22,105
Income by Housing Problems (Renters only)	Household has at least 1 of 4	Household has none of	Cost Burden not available,	Total
	Housing Problems	4 Housing Problems	no other housing problem	
Household Income less-than or= 30% HAMFI	1,445	245	300	1,995
Household Income >30% to less-than or= 50% HAMFI	1,100	320		1,420
Household Income >50% to less-than or= 80% HAMFI	1,350	745		2,100
Household Income >80% to less-than or= 100% HAMFI	160	925		1,085
Household Income >100% HAMFI	230	2,290		2,515
Total	4,290	4,525	300	9,115
Income by Housing Problems (Owners only)	Household has at least 1 of 4	Household has none of	Cost Burden not available,	Total
	Housing Problems	4 Housing Problems	no other housing problem	
Household Income less-than or= 30% HAMFI	905	110	80	1,095
Household Income >30% to less-than or= 50% HAMFI	590	425		1,015
Household Income >50% to less-than or= 80% HAMFI	590	1,380		1,970
Household Income >80% to less-than or= 100% HAMFI	365	935		1,295
Household Income >100% HAMFI	485	7,125		7,610
Total	2,935	9,975	80	12,990
Income by Cost Burden (Owners and Renters)	Cost burden > 30%	Cost burden > 50%	Total	
Household Income less-than or= 30% HAMFI	2,320	1,975	3,090	
Household Income >30% to less-than or= 50% HAMFI	1,680	850	2,435	
Household Income >50% to less-than or= 80% HAMFI	1,885	220	4,070	

Household Income >80% to less-than or= 100% HAMFI	490	110	2,385	
Household Income >100% HAMFI	675	60	10,130	
Total	7,050	3,215	22,105	
Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total	
Household Income less-than or= 30% HAMFI	1,415	1,245	1,995	
Household Income >30% to less-than or= 50% HAMFI	1,090	585	1,420	
Household Income >50% to less-than or= 80% HAMFI	1,315	65	2,100	
Household Income >80% to less-than or= 100% HAMFI	160	40	1,085	
Household Income >100% HAMFI	204	4	2,515	
Total	4,184	1,939	9,115	
Income by Cost Burden (Owners only)	Cost burden > 30%	Cost burden > 50%	Total	
Household Income less-than or= 30% HAMFI	905	730	1,095	
Household Income >30% to less-than or= 50% HAMFI	590	265	1,015	
Household Income >50% to less-than or= 80% HAMFI	570	155	1,970	
Household Income >80% to less-than or= 100% HAMFI	330	70	1,295	
Household Income >100% HAMFI	475	55	7,610	
Total	2,870	1,275	12,990	

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.



S2501

OCCUPANCY CHARACTERISTICS

2013-2017 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 Technical 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.

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		Percent occupied housing units		Owner-occupied housing units
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Occupied housing units	21,911	+/-636	21,911	+/-636	12,882
HOUSEHOLD SIZE					
1-person household	8,633	+/-636	39.4%	+/-2.1	4,462
2-person household	7,828	+/-503	35.7%	+/-2.1	4,918
3-person household	2,646	+/-303	12.1%	+/-1.4	1,693
4-or-more-person household	2,804	+/-245	12.8%	+/-1.3	1,809
OCCUPANTS PER ROOM					
1.00 or less occupants per room	21,624	+/-664	98.7%	+/-0.6	12,799
1.01 to 1.50 occupants per room	254	+/-127	1.2%	+/-0.6	83
1.51 or more occupants per room	33	+/-35	0.2%	+/-0.2	0
HOUSEHOLD TYPE (INCLUDING LIVING ALONE) AND AGE OF HOUSEHOLDER					
Family households	11,373	+/-392	51.9%	+/-2.2	7,857
Married-couple family	7,588	+/-448	34.6%	+/-2.3	5,965
Householder 15 to 34 years	1,190	+/-216	5.4%	+/-1.0	532
Householder 35 to 64 years	4,416	+/-370	20.2%	+/-1.7	3,565
Householder 65 years and over	1,982	+/-193	9.0%	+/-0.9	1,868
Other family	3,785	+/-393	17.3%	+/-1.8	1,892
Male householder, no wife present	748	+/-211	3.4%	+/-1.0	416
Householder 15 to 34 years	275	+/-163	1.3%	+/-0.7	99
Householder 35 to 64 years	309	+/-90	1.4%	+/-0.4	196
Householder 65 years and over	164	+/-83	0.7%	+/-0.4	121
Female householder, no husband present	3,037	+/-369	13.9%	+/-1.7	1,476
Householder 15 to 34 years	701	+/-146	3.2%	+/-0.7	76
Householder 35 to 64 years	1,652	+/-287	7.5%	+/-1.3	831
Householder 65 years and over	684	+/-167	3.1%	+/-0.7	569
Nonfamily households	10,538	+/-715	48.1%	+/-2.2	5,025
Householder living alone	8,633	+/-636	39.4%	+/-2.1	4,462
Householder 15 to 34 years	1,865	+/-350	8.5%	+/-1.5	405
Householder 35 to 64 years	3,751	+/-430	17.1%	+/-1.8	2,122

Subject	Pensacola city, Florida				
	Occupied housing units		Percent occupied housing units		Owner-occupied housing units
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Householder 65 years and over	3,017	+/-316	13.8%	+/-1.3	1,935
Householder not living alone	1,905	+/-303	8.7%	+/-1.3	563
Householder 15 to 34 years	1,072	+/-240	4.9%	+/-1.1	60
Householder 35 to 64 years	618	+/-168	2.8%	+/-0.7	318
Householder 65 years and over	215	+/-98	1.0%	+/-0.4	185
FAMILY TYPE AND PRESENCE OF OWN CHILDREN					
With related children of householder under 18 years	4,395	+/-314	20.1%	+/-1.6	2,521
With own children of householder under 18 years	4,000	+/-332	18.3%	+/-1.7	2,232
Under 6 years only	918	+/-204	4.2%	+/-1.0	516
Under 6 years and 6 to 17 years	676	+/-173	3.1%	+/-0.8	223
6 to 17 years only	2,406	+/-328	11.0%	+/-1.6	1,493
No own children of householder under 18 years	395	+/-114	1.8%	+/-0.5	289
No related children of householder under 18 years	17,516	+/-764	79.9%	+/-1.6	10,361

Subject	Pensacola city, Florida				
	Owner-occupied housing units	Percent owner-occupied housing units		Renter-occupied housing units	
	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Occupied housing units	+/-623	12,882	+/-623	9,029	+/-546
HOUSEHOLD SIZE					
1-person household	+/-470	34.6%	+/-2.6	4,171	+/-425
2-person household	+/-376	38.2%	+/-2.6	2,910	+/-349
3-person household	+/-258	13.1%	+/-2.0	953	+/-211
4-or-more-person household	+/-203	14.0%	+/-1.6	995	+/-242
OCCUPANTS PER ROOM					
1.00 or less occupants per room	+/-631	99.4%	+/-0.5	8,825	+/-551
1.01 to 1.50 occupants per room	+/-61	0.6%	+/-0.5	171	+/-100
1.51 or more occupants per room	+/-31	0.0%	+/-0.3	33	+/-35
HOUSEHOLD TYPE (INCLUDING LIVING ALONE) AND AGE OF HOUSEHOLDER					
Family households	+/-399	61.0%	+/-2.5	3,516	+/-347
Married-couple family	+/-417	46.3%	+/-3.1	1,623	+/-256
Householder 15 to 34 years	+/-158	4.1%	+/-1.2	658	+/-167
Householder 35 to 64 years	+/-359	27.7%	+/-2.7	851	+/-200
Householder 65 years and over	+/-188	14.5%	+/-1.5	114	+/-58
Other family	+/-289	14.7%	+/-2.1	1,893	+/-277
Male householder, no wife present	+/-161	3.2%	+/-1.2	332	+/-140
Householder 15 to 34 years	+/-109	0.8%	+/-0.8	176	+/-115
Householder 35 to 64 years	+/-84	1.5%	+/-0.6	113	+/-50
Householder 65 years and over	+/-65	0.9%	+/-0.5	43	+/-45
Female householder, no husband present	+/-258	11.5%	+/-1.9	1,561	+/-267
Householder 15 to 34 years	+/-52	0.6%	+/-0.4	625	+/-144
Householder 35 to 64 years	+/-192	6.5%	+/-1.4	821	+/-235
Householder 65 years and over	+/-146	4.4%	+/-1.1	115	+/-58
Nonfamily households	+/-475	39.0%	+/-2.5	5,513	+/-524
Householder living alone	+/-470	34.6%	+/-2.6	4,171	+/-425
Householder 15 to 34 years	+/-157	3.1%	+/-1.2	1,460	+/-324
Householder 35 to 64 years	+/-324	16.5%	+/-2.2	1,629	+/-288
Householder 65 years and over	+/-238	15.0%	+/-1.6	1,082	+/-180
Householder not living alone	+/-138	4.4%	+/-1.1	1,342	+/-280
Householder 15 to 34 years	+/-45	0.5%	+/-0.3	1,012	+/-242
Householder 35 to 64 years	+/-105	2.5%	+/-0.8	300	+/-124
Householder 65 years and over	+/-95	1.4%	+/-0.7	30	+/-29
FAMILY TYPE AND PRESENCE OF OWN CHILDREN					
With related children of householder under 18 years	+/-264	19.6%	+/-2.1	1,874	+/-306
With own children of householder under 18 years	+/-262	17.3%	+/-2.1	1,768	+/-292
Under 6 years only	+/-158	4.0%	+/-1.2	402	+/-142
Under 6 years and 6 to 17 years	+/-93	1.7%	+/-0.7	453	+/-176
6 to 17 years only	+/-235	11.6%	+/-1.9	913	+/-228
No own children of householder under 18 years	+/-94	2.2%	+/-0.7	106	+/-67
No related children of householder under 18 years	+/-632	80.4%	+/-2.1	7,155	+/-572

Subject	Pensacola city, Florida	
	Percent renter-occupied housing units	
	Estimate	Margin of Error
Occupied housing units	9,029	+/-546
HOUSEHOLD SIZE		
1-person household	46.2%	+/-3.3
2-person household	32.2%	+/-3.5
3-person household	10.6%	+/-2.4
4-or-more-person household	11.0%	+/-2.6
OCCUPANTS PER ROOM		
1.00 or less occupants per room	97.7%	+/-1.2
1.01 to 1.50 occupants per room	1.9%	+/-1.1
1.51 or more occupants per room	0.4%	+/-0.4
HOUSEHOLD TYPE (INCLUDING LIVING ALONE) AND AGE OF HOUSEHOLDER		
Family households	38.9%	+/-3.7
Married-couple family	18.0%	+/-2.7
Householder 15 to 34 years	7.3%	+/-1.9
Householder 35 to 64 years	9.4%	+/-2.1
Householder 65 years and over	1.3%	+/-0.6
Other family	21.0%	+/-3.1
Male householder, no wife present	3.7%	+/-1.6
Householder 15 to 34 years	1.9%	+/-1.3
Householder 35 to 64 years	1.3%	+/-0.6
Householder 65 years and over	0.5%	+/-0.5
Female householder, no husband present	17.3%	+/-3.0
Householder 15 to 34 years	6.9%	+/-1.7
Householder 35 to 64 years	9.1%	+/-2.6
Householder 65 years and over	1.3%	+/-0.7
Nonfamily households	61.1%	+/-3.7
Householder living alone	46.2%	+/-3.3
Householder 15 to 34 years	16.2%	+/-3.1
Householder 35 to 64 years	18.0%	+/-3.1
Householder 65 years and over	12.0%	+/-2.0
Householder not living alone	14.9%	+/-2.9
Householder 15 to 34 years	11.2%	+/-2.6
Householder 35 to 64 years	3.3%	+/-1.3
Householder 65 years and over	0.3%	+/-0.3
FAMILY TYPE AND PRESENCE OF OWN CHILDREN		
With related children of householder under 18 years	20.8%	+/-3.4
With own children of householder under 18 years	19.6%	+/-3.2
Under 6 years only	4.5%	+/-1.6
Under 6 years and 6 to 17 years	5.0%	+/-1.9
6 to 17 years only	10.1%	+/-2.6
No own children of householder under 18 years	1.2%	+/-0.7
No related children of householder under 18 years	79.2%	+/-3.4

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.

While the 2013-2017 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 populations, 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, 2013-2017 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.



S2504

PHYSICAL HOUSING CHARACTERISTICS FOR OCCUPIED HOUSING UNITS

2013-2017 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 Technical 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.

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		Percent occupied housing units		Owner-occupied housing units
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Occupied housing units	21,911	+/-636	21,911	+/-636	12,882
UNITS IN STRUCTURE					
1, detached	15,421	+/-581	70.4%	+/-1.9	12,035
1, attached	457	+/-129	2.1%	+/-0.6	241
2 apartments	911	+/-213	4.2%	+/-0.9	49
3 or 4 apartments	1,029	+/-229	4.7%	+/-1.1	114
5 to 9 apartments	1,075	+/-269	4.9%	+/-1.2	150
10 or more apartments	2,915	+/-393	13.3%	+/-1.7	257
Mobile home or other type of housing	103	+/-70	0.5%	+/-0.3	36
YEAR STRUCTURE BUILT					
2014 or later	86	+/-87	0.4%	+/-0.4	77
2010 to 2013	296	+/-104	1.4%	+/-0.5	164
2000 to 2009	1,564	+/-261	7.1%	+/-1.2	930
1980 to 1999	5,139	+/-422	23.5%	+/-1.7	2,963
1960 to 1979	7,667	+/-545	35.0%	+/-2.4	3,946
1940 to 1959	4,806	+/-448	21.9%	+/-1.8	3,258
1939 or earlier	2,353	+/-242	10.7%	+/-1.1	1,544
ROOMS					
1 room	402	+/-178	1.8%	+/-0.8	22
2 or 3 rooms	2,302	+/-340	10.5%	+/-1.5	195
4 or 5 rooms	8,301	+/-561	37.9%	+/-2.2	3,652
6 or 7 rooms	6,895	+/-435	31.5%	+/-1.7	5,302
8 or more rooms	4,011	+/-325	18.3%	+/-1.6	3,711
BEDROOMS					
No bedroom	405	+/-176	1.8%	+/-0.8	22
1 bedroom	2,283	+/-306	10.4%	+/-1.3	173
2 or 3 bedrooms	15,653	+/-623	71.4%	+/-2.0	9,472
4 or more bedrooms	3,570	+/-304	16.3%	+/-1.4	3,215

Subject	Pensacola city, Florida				
	Occupied housing units		Percent occupied housing units		Owner-occupied housing units
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
COMPLETE FACILITIES					
With complete plumbing facilities	21,902	+/-635	100.0%	+/-0.1	12,873
With complete kitchen facilities	21,762	+/-648	99.3%	+/-0.5	12,850
VEHICLES AVAILABLE					
No vehicle available	1,892	+/-268	8.6%	+/-1.2	404
1 vehicle available	9,138	+/-616	41.7%	+/-2.2	4,598
2 vehicles available	8,087	+/-407	36.9%	+/-1.9	5,417
3 or more vehicles available	2,794	+/-313	12.8%	+/-1.4	2,463
TELEPHONE SERVICE AVAILABLE					
With telephone service	21,267	+/-660	97.1%	+/-1.0	12,745
HOUSE HEATING FUEL					
Utility gas	5,684	+/-394	25.9%	+/-1.7	4,188
Bottled, tank, or LP gas	120	+/-49	0.5%	+/-0.2	63
Electricity	16,011	+/-627	73.1%	+/-1.7	8,615
Fuel oil, kerosene, etc.	5	+/-8	0.0%	+/-0.1	0
Coal or coke	0	+/-31	0.0%	+/-0.2	0
All other fuels	10	+/-16	0.0%	+/-0.1	10
No fuel used	81	+/-46	0.4%	+/-0.2	6

Subject	Pensacola city, Florida				
	Owner-occupied housing units	Percent owner-occupied housing units		Renter-occupied housing units	
	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Occupied housing units	+/-623	12,882	+/-623	9,029	+/-546
UNITS IN STRUCTURE					
1, detached	+/-580	93.4%	+/-1.4	3,386	+/-375
1, attached	+/-79	1.9%	+/-0.6	216	+/-97
2 apartments	+/-57	0.4%	+/-0.4	862	+/-202
3 or 4 apartments	+/-68	0.9%	+/-0.5	915	+/-220
5 to 9 apartments	+/-84	1.2%	+/-0.6	925	+/-248
10 or more apartments	+/-82	2.0%	+/-0.6	2,658	+/-393
Mobile home or other type of housing	+/-31	0.3%	+/-0.2	67	+/-60
YEAR STRUCTURE BUILT					
2014 or later	+/-86	0.6%	+/-0.7	9	+/-14
2010 to 2013	+/-83	1.3%	+/-0.6	132	+/-67
2000 to 2009	+/-197	7.2%	+/-1.5	634	+/-144
1980 to 1999	+/-295	23.0%	+/-2.0	2,176	+/-297
1960 to 1979	+/-318	30.6%	+/-2.2	3,721	+/-485
1940 to 1959	+/-354	25.3%	+/-2.2	1,548	+/-267
1939 or earlier	+/-176	12.0%	+/-1.3	809	+/-182
ROOMS					
1 room	+/-24	0.2%	+/-0.2	380	+/-180
2 or 3 rooms	+/-73	1.5%	+/-0.6	2,107	+/-333
4 or 5 rooms	+/-403	28.3%	+/-2.6	4,649	+/-427
6 or 7 rooms	+/-433	41.2%	+/-2.5	1,593	+/-283
8 or more rooms	+/-344	28.8%	+/-2.6	300	+/-104
BEDROOMS					
No bedroom	+/-24	0.2%	+/-0.2	383	+/-178
1 bedroom	+/-73	1.3%	+/-0.6	2,110	+/-285
2 or 3 bedrooms	+/-627	73.5%	+/-2.5	6,181	+/-543
4 or more bedrooms	+/-316	25.0%	+/-2.5	355	+/-113
COMPLETE FACILITIES					
With complete plumbing facilities	+/-622	99.9%	+/-0.1	9,029	+/-546
With complete kitchen facilities	+/-625	99.8%	+/-0.3	8,912	+/-555
VEHICLES AVAILABLE					
No vehicle available	+/-112	3.1%	+/-0.8	1,488	+/-239
1 vehicle available	+/-461	35.7%	+/-2.6	4,540	+/-475
2 vehicles available	+/-332	42.1%	+/-2.4	2,670	+/-326
3 or more vehicles available	+/-300	19.1%	+/-2.2	331	+/-119
TELEPHONE SERVICE AVAILABLE					
With telephone service	+/-628	98.9%	+/-0.8	8,522	+/-557
HOUSE HEATING FUEL					
Utility gas	+/-335	32.5%	+/-2.3	1,496	+/-237
Bottled, tank, or LP gas	+/-43	0.5%	+/-0.3	57	+/-44
Electricity	+/-534	66.9%	+/-2.3	7,396	+/-537
Fuel oil, kerosene, etc.	+/-31	0.0%	+/-0.3	5	+/-8
Coal or coke	+/-31	0.0%	+/-0.3	0	+/-31
All other fuels	+/-16	0.1%	+/-0.1	0	+/-31
No fuel used	+/-10	0.0%	+/-0.1	75	+/-44

Subject	Pensacola city, Florida	
	Percent renter-occupied housing units	
	Estimate	Margin of Error
Occupied housing units	9,029	+/-546
UNITS IN STRUCTURE		
1, detached	37.5%	+/-3.3
1, attached	2.4%	+/-1.1
2 apartments	9.5%	+/-2.1
3 or 4 apartments	10.1%	+/-2.5
5 to 9 apartments	10.2%	+/-2.8
10 or more apartments	29.4%	+/-3.7
Mobile home or other type of housing	0.7%	+/-0.7
YEAR STRUCTURE BUILT		
2014 or later	0.1%	+/-0.2
2010 to 2013	1.5%	+/-0.7
2000 to 2009	7.0%	+/-1.6
1980 to 1999	24.1%	+/-3.1
1960 to 1979	41.2%	+/-4.3
1940 to 1959	17.1%	+/-2.9
1939 or earlier	9.0%	+/-1.9
ROOMS		
1 room	4.2%	+/-2.0
2 or 3 rooms	23.3%	+/-3.4
4 or 5 rooms	51.5%	+/-3.6
6 or 7 rooms	17.6%	+/-2.9
8 or more rooms	3.3%	+/-1.1
BEDROOMS		
No bedroom	4.2%	+/-2.0
1 bedroom	23.4%	+/-3.0
2 or 3 bedrooms	68.5%	+/-3.8
4 or more bedrooms	3.9%	+/-1.3
COMPLETE FACILITIES		
With complete plumbing facilities	100.0%	+/-0.4
With complete kitchen facilities	98.7%	+/-1.0
VEHICLES AVAILABLE		
No vehicle available	16.5%	+/-2.7
1 vehicle available	50.3%	+/-3.8
2 vehicles available	29.6%	+/-3.2
3 or more vehicles available	3.7%	+/-1.3
TELEPHONE SERVICE AVAILABLE		
With telephone service	94.4%	+/-2.1
HOUSE HEATING FUEL		
Utility gas	16.6%	+/-2.6
Bottled, tank, or LP gas	0.6%	+/-0.5
Electricity	81.9%	+/-2.5
Fuel oil, kerosene, etc.	0.1%	+/-0.1
Coal or coke	0.0%	+/-0.4
All other fuels	0.0%	+/-0.4
No fuel used	0.8%	+/-0.5

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 2013-2017 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 populations, 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, 2013-2017 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.



DP04

SELECTED HOUSING CHARACTERISTICS

2013-2017 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 Technical 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.

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.

A processing error was found in the Year Structure Built estimates since data year 2008. For more information, please see the errata note #110.

Subject	Pensacola city, Florida			
	Estimate	Margin of Error	Percent	Percent Margin of Error
HOUSING OCCUPANCY				
Total housing units	25,098	+/-709	25,098	(X)
Occupied housing units	21,911	+/-636	87.3%	+/-1.3
Vacant housing units	3,187	+/-367	12.7%	+/-1.3
Homeowner vacancy rate	2.8	+/-1.2	(X)	(X)
Rental vacancy rate	8.1	+/-2.1	(X)	(X)
UNITS IN STRUCTURE				
Total housing units	25,098	+/-709	25,098	(X)
1-unit, detached	17,534	+/-651	69.9%	+/-1.7
1-unit, attached	527	+/-145	2.1%	+/-0.6
2 units	1,101	+/-220	4.4%	+/-0.8
3 or 4 units	1,222	+/-275	4.9%	+/-1.1
5 to 9 units	1,191	+/-284	4.7%	+/-1.1
10 to 19 units	1,196	+/-283	4.8%	+/-1.1
20 or more units	2,224	+/-302	8.9%	+/-1.2
Mobile home	103	+/-70	0.4%	+/-0.3
Boat, RV, van, etc.	0	+/-31	0.0%	+/-0.2
YEAR STRUCTURE BUILT				
Total housing units	25,098	+/-709	25,098	(X)
Built 2014 or later	86	+/-87	0.3%	+/-0.3
Built 2010 to 2013	315	+/-107	1.3%	+/-0.4
Built 2000 to 2009	1,748	+/-273	7.0%	+/-1.1
Built 1990 to 1999	2,143	+/-330	8.5%	+/-1.3
Built 1980 to 1989	3,662	+/-396	14.6%	+/-1.4
Built 1970 to 1979	4,954	+/-504	19.7%	+/-2.0
Built 1960 to 1969	3,759	+/-420	15.0%	+/-1.7
Built 1950 to 1959	3,873	+/-477	15.4%	+/-1.7
Built 1940 to 1949	1,763	+/-220	7.0%	+/-0.9

Subject	Pensacola city, Florida			
	Estimate	Margin of Error	Percent	Percent Margin of Error
Built 1939 or earlier	2,795	+/-279	11.1%	+/-1.1
ROOMS				
Total housing units	25,098	+/-709	25,098	(X)
1 room	441	+/-183	1.8%	+/-0.7
2 rooms	390	+/-112	1.6%	+/-0.4
3 rooms	2,306	+/-366	9.2%	+/-1.4
4 rooms	4,604	+/-437	18.3%	+/-1.7
5 rooms	5,454	+/-532	21.7%	+/-1.9
6 rooms	4,542	+/-380	18.1%	+/-1.5
7 rooms	2,989	+/-325	11.9%	+/-1.2
8 rooms	2,015	+/-289	8.0%	+/-1.2
9 rooms or more	2,357	+/-301	9.4%	+/-1.2
Median rooms	5.4	+/-0.1	(X)	(X)
BEDROOMS				
Total housing units	25,098	+/-709	25,098	(X)
No bedroom	444	+/-182	1.8%	+/-0.7
1 bedroom	2,605	+/-331	10.4%	+/-1.2
2 bedrooms	7,740	+/-601	30.8%	+/-2.1
3 bedrooms	10,400	+/-542	41.4%	+/-2.1
4 bedrooms	3,187	+/-323	12.7%	+/-1.2
5 or more bedrooms	722	+/-146	2.9%	+/-0.6
HOUSING TENURE				
Occupied housing units	21,911	+/-636	21,911	(X)
Owner-occupied	12,882	+/-623	58.8%	+/-2.2
Renter-occupied	9,029	+/-546	41.2%	+/-2.2
Average household size of owner-occupied unit	2.49	+/-0.08	(X)	(X)
Average household size of renter-occupied unit	2.23	+/-0.13	(X)	(X)
YEAR HOUSEHOLDER MOVED INTO UNIT				
Occupied housing units	21,911	+/-636	21,911	(X)
Moved in 2015 or later	3,133	+/-392	14.3%	+/-1.8
Moved in 2010 to 2014	6,896	+/-496	31.5%	+/-2.2
Moved in 2000 to 2009	5,614	+/-408	25.6%	+/-1.7
Moved in 1990 to 1999	2,583	+/-316	11.8%	+/-1.3
Moved in 1980 to 1989	1,475	+/-238	6.7%	+/-1.1
Moved in 1979 and earlier	2,210	+/-225	10.1%	+/-1.0
VEHICLES AVAILABLE				
Occupied housing units	21,911	+/-636	21,911	(X)
No vehicles available	1,892	+/-268	8.6%	+/-1.2
1 vehicle available	9,138	+/-616	41.7%	+/-2.2
2 vehicles available	8,087	+/-407	36.9%	+/-1.9
3 or more vehicles available	2,794	+/-313	12.8%	+/-1.4
HOUSE HEATING FUEL				
Occupied housing units	21,911	+/-636	21,911	(X)
Utility gas	5,684	+/-394	25.9%	+/-1.7
Bottled, tank, or LP gas	120	+/-49	0.5%	+/-0.2
Electricity	16,011	+/-627	73.1%	+/-1.7
Fuel oil, kerosene, etc.	5	+/-8	0.0%	+/-0.1
Coal or coke	0	+/-31	0.0%	+/-0.2
Wood	10	+/-16	0.0%	+/-0.1
Solar energy	0	+/-31	0.0%	+/-0.2
Other fuel	0	+/-31	0.0%	+/-0.2
No fuel used	81	+/-46	0.4%	+/-0.2

Subject	Pensacola city, Florida			
	Estimate	Margin of Error	Percent	Percent Margin of Error
SELECTED CHARACTERISTICS				
Occupied housing units	21,911	+/-636	21,911	(X)
Lacking complete plumbing facilities	9	+/-10	0.0%	+/-0.1
Lacking complete kitchen facilities	149	+/-101	0.7%	+/-0.5
No telephone service available	644	+/-209	2.9%	+/-1.0
OCCUPANTS PER ROOM				
Occupied housing units	21,911	+/-636	21,911	(X)
1.00 or less	21,624	+/-664	98.7%	+/-0.6
1.01 to 1.50	254	+/-127	1.2%	+/-0.6
1.51 or more	33	+/-35	0.2%	+/-0.2
VALUE				
Owner-occupied units	12,882	+/-623	12,882	(X)
Less than \$50,000	650	+/-129	5.0%	+/-1.0
\$50,000 to \$99,999	2,706	+/-296	21.0%	+/-2.0
\$100,000 to \$149,999	2,789	+/-317	21.7%	+/-2.0
\$150,000 to \$199,999	2,178	+/-298	16.9%	+/-2.1
\$200,000 to \$299,999	2,174	+/-307	16.9%	+/-2.3
\$300,000 to \$499,999	1,556	+/-249	12.1%	+/-1.9
\$500,000 to \$999,999	724	+/-152	5.6%	+/-1.2
\$1,000,000 or more	105	+/-50	0.8%	+/-0.4
Median (dollars)	155,700	+/-6,427	(X)	(X)
MORTGAGE STATUS				
Owner-occupied units	12,882	+/-623	12,882	(X)
Housing units with a mortgage	7,312	+/-513	56.8%	+/-2.6
Housing units without a mortgage	5,570	+/-417	43.2%	+/-2.6
SELECTED MONTHLY OWNER COSTS (SMOC)				
Housing units with a mortgage	7,312	+/-513	7,312	(X)
Less than \$500	123	+/-68	1.7%	+/-0.9
\$500 to \$999	1,999	+/-244	27.3%	+/-3.0
\$1,000 to \$1,499	2,476	+/-338	33.9%	+/-3.8
\$1,500 to \$1,999	1,179	+/-247	16.1%	+/-3.0
\$2,000 to \$2,499	605	+/-156	8.3%	+/-2.1
\$2,500 to \$2,999	388	+/-133	5.3%	+/-1.7
\$3,000 or more	542	+/-156	7.4%	+/-2.1
Median (dollars)	1,280	+/-62	(X)	(X)
Housing units without a mortgage	5,570	+/-417	5,570	(X)
Less than \$250	539	+/-150	9.7%	+/-2.7
\$250 to \$399	1,629	+/-233	29.2%	+/-3.4
\$400 to \$599	1,724	+/-210	31.0%	+/-3.0
\$600 to \$799	859	+/-177	15.4%	+/-3.0
\$800 to \$999	493	+/-133	8.9%	+/-2.3
\$1,000 or more	326	+/-85	5.9%	+/-1.4
Median (dollars)	461	+/-20	(X)	(X)
SELECTED MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME (SMOCAP)				
Housing units with a mortgage (excluding units where SMOCAP cannot be computed)	7,312	+/-513	7,312	(X)
Less than 20.0 percent	3,276	+/-362	44.8%	+/-4.0
20.0 to 24.9 percent	1,052	+/-229	14.4%	+/-3.0
25.0 to 29.9 percent	847	+/-195	11.6%	+/-2.5
30.0 to 34.9 percent	630	+/-180	8.6%	+/-2.2
35.0 percent or more	1,507	+/-233	20.6%	+/-2.9

Subject	Pensacola city, Florida			
	Estimate	Margin of Error	Percent	Percent Margin of Error
Not computed	0	+/-31	(X)	(X)
Housing unit without a mortgage (excluding units where SMOCAPI cannot be computed)	5,484	+/-401	5,484	(X)
Less than 10.0 percent	2,163	+/-218	39.4%	+/-3.4
10.0 to 14.9 percent	1,318	+/-246	24.0%	+/-3.7
15.0 to 19.9 percent	490	+/-128	8.9%	+/-2.3
20.0 to 24.9 percent	486	+/-135	8.9%	+/-2.3
25.0 to 29.9 percent	196	+/-71	3.6%	+/-1.3
30.0 to 34.9 percent	122	+/-60	2.2%	+/-1.1
35.0 percent or more	709	+/-151	12.9%	+/-2.6
Not computed	86	+/-50	(X)	(X)
GROSS RENT				
Occupied units paying rent	8,695	+/-549	8,695	(X)
Less than \$500	1,033	+/-155	11.9%	+/-2.0
\$500 to \$999	4,812	+/-481	55.3%	+/-4.0
\$1,000 to \$1,499	2,518	+/-390	29.0%	+/-3.9
\$1,500 to \$1,999	207	+/-97	2.4%	+/-1.1
\$2,000 to \$2,499	58	+/-42	0.7%	+/-0.5
\$2,500 to \$2,999	0	+/-31	0.0%	+/-0.5
\$3,000 or more	67	+/-51	0.8%	+/-0.6
Median (dollars)	884	+/-21	(X)	(X)
No rent paid	334	+/-114	(X)	(X)
GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME (GRAPI)				
Occupied units paying rent (excluding units where GRAPI cannot be computed)	8,411	+/-559	8,411	(X)
Less than 15.0 percent	829	+/-212	9.9%	+/-2.4
15.0 to 19.9 percent	892	+/-181	10.6%	+/-2.1
20.0 to 24.9 percent	1,263	+/-259	15.0%	+/-3.0
25.0 to 29.9 percent	881	+/-220	10.5%	+/-2.5
30.0 to 34.9 percent	846	+/-242	10.1%	+/-2.9
35.0 percent or more	3,700	+/-451	44.0%	+/-4.0
Not computed	618	+/-160	(X)	(X)

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.

Households not paying cash rent are excluded from the calculation of median gross rent.

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 2013-2017 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 populations, 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.

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 'L' 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 'L' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An 'U' 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 2019-2020 Annual Action Plan

Citizen Participation

Meeting Advertisements

Meeting Minutes

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PUBLIC NOTICE

The Escambia Consortium, comprised of Escambia County, the City of Pensacola, and Santa Rosa County, Florida, announces initiation of the public participation process that will facilitate the preparation of the 2019/20 Annual Housing and Community Development Plan for the period October 1, 2019 - September 30, 2020. This process serves as a collaborative tool for the community by identifying or updating existing conditions in the Consortium's member jurisdictions with respect to housing and community development needs, goals and objectives.

The Consortium's 2019/20 Annual Plan for Housing and Community Development will identify the community's housing and community development priorities, and target strategies to address priorities established in the 2015-19 Escambia Consortium Consolidated Plan which will be implemented during the next Federal Fiscal Year. The 2019/20 Annual Plan, when complete, will denote the Escambia Consortium's action plan for the utilization of resources provided through the FY 2019 Community Development Block Grant, FY 2019 HOME Investment Partnerships Act, FY 2019 Emergency Solutions 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 to provide input and recommendations regarding assisted housing, housing related needs/priorities, supportive housing needs, and non housing community development needs within the Consortium. The TWO public hearings concerning the development of the Annual Plan will be held at 5:30 P.M. on Tuesday, March 26, 2019, at the Pensacola Housing Office Conference Room, 420 West Chase Street, Pensacola, Florida; and at 9:30 A.M. on Thursday, March 21, 2019 in the Santa Rosa County Public Services Building, Media Room, 6051 Old Bagdad Highway, Milton, Florida.

In accordance with the Americans with Disabilities Act, any person needing accommodations to attend or participate, pursuant to the Americans with Disabilities Act, should contact 858 0350 (City) or 595-4947 (County) at least 72 hours 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 local housing needs or priorities will be accepted through April 8, 2019, and may be submitted to: Escambia Consortium, 221 Palafox Place, Suite 200, Pensacola, Florida 32523 or via NED@myescambia.com. For further information, contact Meredith Reeves at 595-4968 (Escambia County), Marcie Whitaker at 858 0323 (City of Pensacola), or Erin Malbeck at 981-7076 (Santa Rosa County).

Lumon J. May, Chair
Escambia County
Board of County Commissioners
Legal No.3421820, March 7, 2019

Grover C. Robinson, IV
Mayor
City of Pensacola

Sam Parker, Chair
Santa Rosa County
Board of County Commissioners

Minutes of Public Meeting
City of Pensacola and Escambia County
Escambia Consortium FY2019-2020 Annual Plan
Minutes of Public Hearing
March 26, 2019

A public hearing was held March 26, 2019 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 (PHD); Ursula Jackson, PHD; Meredith Reeves, Division Manager, Neighborhood Enterprise Division, Neighborhood and Human Services Department

Citizens present: Laura Garrett, Council on Aging of NWFL; John Johnson, Opening Doors NWFL; James Gulley, Westside CRA.

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 FY2019-2020 Annual Action Plan.
2. **OVERVIEW OF ANNUAL PLAN:** Marcie Whitaker explained that the Five Year Plan summarizes long range goals for local affordable housing and community development needs. In addition Ms. Whitaker explained that the FY19 Annual Plan would be the last annual plan in the current Five Year Plan, which encompasses fiscal years 2015-2019. She informed attendees that the allocation for FY19-20 has not been released and that funding has been reduced by 25%-30% over the last ten years. Meredith Reeves explained that the Escambia Consortium is comprised of Escambia County, the City of Pensacola, and Santa Rosa County.
3. **OVERVIEW OF CDBG, HOME, AND ESG PROGRAMS:** Marcie Whitaker explained the CDBG program requirements for an activity to qualify, Grant requirements, and sample CDBG projects. In addition, Meredith Reeves informed attendees of a reduction in funding for the Consortium and referred them to a handout listing grant funding amounts. Meredith Reeves provided an overview of the HOME program, explained the eligible activities and eligible grantees. Ms. Reeves informed attendees the ESG program was not funded for the current fiscal year.
4. **REVIEW OF PUBLIC PARTICIPATION SCHEDULE AND PLAN(S) PROCESS:** Marcie Whitaker and Meredith Reeves reviewed the Public Participation and Annual Plan Schedule for the remainder of the plan process (handout provided).
5. **PUBLIC COMMENTS AND QUESTIONS:** Mr. Gulley asked if the list of activities would be published in the paper. Ms. Whitaker stated the activities would be published and available for review at the public hearing. Mr. Johnson had questions regarding the Section 8 Housing Choice Voucher Program.

With no further questions or comments, the meeting adjourned at 6:05 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 Funding Levels
City of Pensacola Consolidated Plan Goals Summary
Public Participation Schedule Escambia Consortium FY 2019-2020 Annual Plan

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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 drafted the 2019/2020 Annual Housing and Community Development Plan for the period October 1, 2019-September 30, 2020. The draft Annual Plan denotes key agencies and individuals participating in the planning process and identifies the Consortium's 2019/2020 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 slum and blight; and targeted community development public facility 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 2019 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.

City of Pensacola	Escambia County
Housing Division	Neighborhood Enterprise Division
420 West Chase Street	Suite 200
Pensacola, Florida	221 Palafox Place
(Closed on Fridays)	Pensacola, Florida

Housing Programs Office
Santa Rosa County Public Services Complex
6051 Old Bagdad Highway
Milton, Florida

ESCAMBIA CONSORTIUM, FLORIDA ANNUAL ACTION PLAN SUMMARY (October 1, 2019 - September 30, 2020)

This section of the Plan incorporates the Consortium's application to the U.S. Department of Housing and Urban Development (HUD) for Program Year 2019 Community Development Block Grant (CDBG) and HOME Investment Partnerships Act (HOME) funding which is detailed as follows.

ESCAMBIA COUNTY 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROPOSED BUDGET AND ACTIVITIES

HOUSING REHABILITATION:

Housing Rehabilitation Program (General) \$150,000*
Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the rehabilitation of 3-4 substandard homeowner occupied units, including lead based paint assessment and abatement, and other related program operating cost, including program administration and temporary relocation as required. Funds may also be used to provide for sanitary sewer connection assistance, energy improvements, removal of architectural barriers for owners with disabilities, weatherization and storm protection/mitigation improvements, and other applicable improvements. (Unincorporated Escambia County)

*All program income from housing rehabilitation loans will be used to rehabili-

tate substandard homeowner occupied units for low and moderate income families located within unincorporated Escambia County (estimated program income is \$10,000). (Unincorporated Escambia County)

ADMINISTRATION/PLANNING:

General Grant Administration/Management \$269,168
Provides for oversight, management, coordination and monitoring of financial and programmatic administration of the CDBG Program, operating expenses, and indirect costs.

Escambia County Community Redevelopment Agency \$17,500
Provides support for planning and administrative staffing and operation of the Community Redevelopment Agency which targets designated areas of slum and blight within the County

PUBLIC SERVICES:

Council on Aging of West Florida, Inc. \$47,000
Funds support the Council on Aging's Rural Elderly Outreach Program which provides supportive services, including transportation, for approximately 450 rural elderly citizens in Cantonment, Century, Davisville and McDavid in Escambia County, Florida. (132 Mintz Lane, Cantonment)

Title Clearance \$60,000
Funds will support legal services to clear title for 20-25 low or moderate income clients in order to remove barriers to their ability to improve or maintain their properties, by becoming eligible for traditional financing or County/City rehabilitation programs. Cases may include probate, quiet title, bankruptcy and tax disputes and will allow clients to gain and maintain ownership of their homes. Support provided through Legal Services of North Florida.

Foreclosure Prevention Education \$15,500
Foreclosure prevention guidance and education to assist Escambia County residents avoid foreclosure and retain ownership of their homes. Individual instructional opportunities are provided to review the individual's current situation and discuss options for assistance. (County Wide, including Pensacola and Century)

Homeless Service \$50,000
Support for operational costs for homeless shelter, including HMIS and/or coordinated entry costs to support shelter operations.

DEMOLITION/CLEARANCE:

Demolition/Clearance of Unsafe Structures or Properties \$120,000
Funds will be used to provide direct assistance for demolition/clearance for income eligible property owners to eliminate dilapidated, structurally unsound buildings and/or abandoned lots/properties in the unincorporated County. Remaining funds may be used in designated areas of slum and blight, specifically the Atwood, Barrancas, Brownsville, Cantonment, Englewood, Ensley, Oakfield, Palafox & Warrington Community Redevelopment Areas and Century. 2019 proposed projects include clearance of blighted and unsafe structures at Alger Sullivan Lumber site in Century.

PUBLIC FACILITIES AND IMPROVEMENTS:

County Facility Handicapped Accessibility Improvement Project \$200,000
Completion of Americans with Disabilities Act (ADA) required handicapped accessibility planning, permitting, design and improvements to Escambia County public buildings and facilities. Funding to support improvements to Old County Courthouse, Century Volunteer Fire Department, Sheriff's Evidence Storage, Government Complex Office, Wildlife Sanctuary, Bellview Athletic Park, Cantonment Athletic Park, and/or Brent Athletic Park as funding permits. (County-wide)

CRA Neighborhood Improvement Project Enhancements \$505,295
Funds to provide enhancements in conjunction with other community redevelopment and housing projects located within eligible CDBG low and moderate income Community Redevelopment Areas (CRA) to include street rehabilitation/reconstruction; new or upgraded street lighting; sidewalk construction/ reconstruction; sanitary sewer and/or stormwater drainage improvements; and related infrastructure improvements, including those in support of housing development. 2019 proposed projects include the Lee Street Sidewalks/Sewer design (\$31,215), Lee Street Sidewalks/Sewer construction, and/or Avery Street sidewalks construction in the Brownsville area. Priority will be given to projects identified in the Redevelopment Plans for the County designated Community Redevelopment Areas: Atwood, Barrancas, Brownsville, Cantonment, Englewood, Ensley, Oakfield, Palafox & Warrington. Funds, if any, remaining after completion of CRA priorities may be expended in other CDBG eligible areas.

TOTAL 2019 ESCAMBIA COUNTY CDBG FUNDS PROJECTED \$ 1,434,463
=====

**CITY OF PENSACOLA
2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROPOSED BUDGET AND ACTIVITIES**

HOUSING REHABILITATION:

Housing Rehabilitation Loan/Grant Programs \$368,026*
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 8-10 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).

Temporary Relocation \$20,000
Funds will provide temporary relocation for families whose dwelling units are being rehabilitated via the City's Housing Rehabilitation Programs, which in-

cludes 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. Further, \$25,000 from Pre FY2015 grant funds will be allocated to the activity.

PUBLIC SERVICES:

Council on Aging of West Florida, Inc. (COA) \$70,000
Funds will provide support for two nutritional programs, Meals on Wheels and Senior Dining Sites, which are made available to low and moderate income elderly and special needs residents residing within the corporate limits of the City of Pensacola. Approximately 16,000 meals will be provided through these programs. The Meals on Wheels program provides nutritionally balanced meals to residents in their homes. The Senior Dining Sites program provides nutritional meals to eligible adult recipients at six sites located within the City and also an element of socialization and recreation. The six dining sites are the Fricker Resource Center, E. S. Cobb Resource Center, Bayview Senior Resource Center, Westminster Retirement Village, Gull Point Resource Center, and Council on Aging of West Florida's office. 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 Program \$42,617
Pre-purchase homeownership education, guidance, and support for lower income (80% or below of area median income) residents with a goal of owning their own home. Foreclosure prevention guidance, education, and assistance is provided to assist Pensacola residents avoid foreclosure and retain ownership of their homes.

PROGRAM PLANNING AND ADMINISTRATION:

General Grant Administration/Management \$150,156
Funds to administer the City's CDBG Program which includes personnel services and operating expenses.

TOTAL ESTIMATED FY 2019-2020 CDBG PROPOSED BUDGET \$ 750,779
Projected FY 2019-2020 CDBG Grant Allocation \$ 750,799
Pre FY 2015 Funds \$ 25,000

TOTAL 2019 CITY OF PENSACOLA CDBG FUNDS PROJECTED \$ 775,799

**ESCAMBIA CONSORTIUM
2019-2020 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
PROPOSED BUDGET AND ACTIVITIES
FOR MEMBER JURISDICTIONS**

ESCAMBIA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION \$476,122
Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 4 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (Escambia County)

CITY OF PENSACOLA:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION \$131,344
Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1-2 severely substandard homeowner occupied housing units. (City of Pensacola)

SANTA ROSA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION \$93,000
Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (Santa Rosa County)

HOMEBUYER ASSISTANCE

\$120,434
Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 12 families. (Santa Rosa County)

JOINT HOME ACTIVITIES (CONSORTIUM WIDE):

HOUSING DEVELOPMENT (CHDO SET ASIDE) \$164,180
Provide low interest and/or deferred loan assistance to designated Community Housing Development Organizations (CHDO's) for development of affordable single family units (5-10 units) for homeownership or affordable rental units (2 units) either through new construction or acquisition and rehab of substandard units.

ADMINISTRATION/MANAGEMENT (JOINT)

\$109,453
Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

2019 HOME Funds Available to the Consortium \$ 1,094,533
(HUD Required 25% Local match provided through SHIP funds and carry forward match balance)

TOTAL 2019 HOME FUNDS PROJECTED \$1,094,533
=====

TWO PUBLIC HEARINGS are being sponsored by the Consortium to afford citizens the opportunity to review, comment and/or provide input regarding the content of this Notice and/or the draft 2019/2020 Annual Plan. The hearings

will be held at 5:30 P.M. (CST) on May 21, 2019, at the Pensacola Housing Office, 420 West Chase Street, Pensacola, Florida and at 9:30 A.M. (CST) on May 22, 2019, at the Santa Rosa County Public Services Complex, Public Services Media Room, 6051 Old Bagdad Hwy, Milton, Florida. All interested citizens are urged to attend and participate.

In accordance with the Americans with Disabilities Act, any person needing accommodations to attend or participate, pursuant to the Americans with Disabilities Act, should contact 858-0350 (City) or 595-4947 (County) at least 72 hours in advance of the event in order to allow time to provide the requested services.

Written comments or input regarding local housing needs or priorities will be accepted through June 18, 2019, and may be submitted to: Escambia Consortium, 221 Palafox Place, Suite 200, Pensacola, Florida 32502 or via NED@myescambia.com. For further information, contact Meredith Reeves at 595-4968 (Escambia County), Marcie Whitaker at 858-0323 (City of Pensacola), or Erin Malbeck at 981-7076 (Santa Rosa County).

Lumon J. May, Chair Escambia County Board of County Commissioners	Grover C. Robinson, IV Mayor City of Pensacola	Sam Parker, Chair Santa Rosa County Board of County Commissioners
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Legal No.3570956, May 18, 2019

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

May 21, 2019

A public hearing was held May 21, 2019 at 5:30 p.m., at the City of Pensacola Housing Office, 420 W. Chase Street, Pensacola, Florida.

Staff members present: Meredith Reeves, Neighborhood Enterprise Division Manager, Neighborhood and Human Services Department, Escambia County, Eric Gipson, NED, Escambia County; Marcie Whitaker, Housing Administrator, PHD, Ursula Jackson, PHD.

Citizens present: James Gulley, Westside Community Redevelopment Agency (WSCRA); John Clark, Council on Aging of West Florida, Helen Gibson, City of Pensacola Community Redevelopment Agency.

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 FY2019-2020 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 18, 2019 Pensacola News Journal. Meredith Reeves noted that the county did not meet threshold requirements necessary to receive the Emergency Solutions Grant.
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 noting that comments would be accepted until June 18, 2019.
5. **PUBLIC COMMENTS AND QUESTIONS:** Helen Gibson asked about Foreclosure Prevention Education and its funding source. Meredith Reeves explained the Foreclosure Prevention Education is jointly funding by the City and the County and provides educational information to attendees. Marcie Whitaker explained that CEII is a HUD certified agency that provides a required homebuyer education class to homebuyers participating in the First Time Homebuyer Program. Meredith Reeves explained the county provides funding to CEII. Helen Gibson asked about Community Housing Development Organizations, (CHDO) funding requirements. Meredith Reeves provided an overview of funding for CHDO's.

With no further questions or comments, the meeting adjourned at 6:03 p.m.

Handouts:

Public Notice Escambia Consortium Consolidated Plan Summary published in the PJN May 18, 2019
Draft City of Pensacola Community Development Block Program FY2019-FY2020 Annual Action Plan

Community Development Block Grant 2019-2020 Annual Action Plan

Certifications

CITY OF PENSACOLA
CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any 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 funds other than 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 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, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official
Mayor, City of Pensacola

Date

CITY OF PENSACOLA
Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) **2017, 18, 19** (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its

jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Mayor, City of Pensacola

Title

**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

CERTIFICATION DOES NOT APPLY

Signature/Authorized Official

Date

Title

CITY OF PENSACOLA
Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Mayor, City of Pensacola

Title

ESG Certifications

The Emergency Solutions Grants Program Recipient certifies that:

Major rehabilitation/conversion – If an emergency shelter’s rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the jurisdiction will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the jurisdiction serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The jurisdiction will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals.

Matching Funds – The jurisdiction will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The jurisdiction has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the jurisdiction will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction’s consolidated plan.

Discharge Policy – The jurisdiction will establish and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from

publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

CERTIFICATION DOES NOT APPLY

Signature/Authorized Official

Date

Title

HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

CERTIFICATION DOES NOT APPLY

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING:

A. Lobbying Certification

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.

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☐ New
☒ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

City of Pensacola

* b. Employer/Taxpayer Identification Number (EIN/TIN):

59-6000406

* c. Organizational DUNS:

14-8083558

d. Address:

* Street1: 222 W. Main Street

Street2: P.O. Box 12910

* City: Pensacola

County/Parish: Escambia

* State: FL: Florida

Province:

* Country: USA: UNITED STATES

* Zip / Postal Code: 32502-5743 32521-0031

e. Organizational Unit:

Department Name:

City of Pensacola

Division Name:

Housing Division

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mrs.

* First Name: Marcie

Middle Name:

* Last Name: Whitaker

Suffix:

Title: Housing Administrator

Organizational Affiliation:

* Telephone Number: 850-858-0323

Fax Number: 850-595-0113

* Email: Mwhitaker@cityofpensacola.com

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Entitlement Grant CDBG

* 12. Funding Opportunity Number:

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Pensacola Map.pdf

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Homeowner housing rehabilitation; Public Services for seniors; Temporary Relocation; Homebuyer and Foreclosure Prevention Education Program; Neighborhood Improvement projects; Administration

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="750,799.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text" value="100,000.00"/>
* g. TOTAL	<input type="text" value="850,799.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☒ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

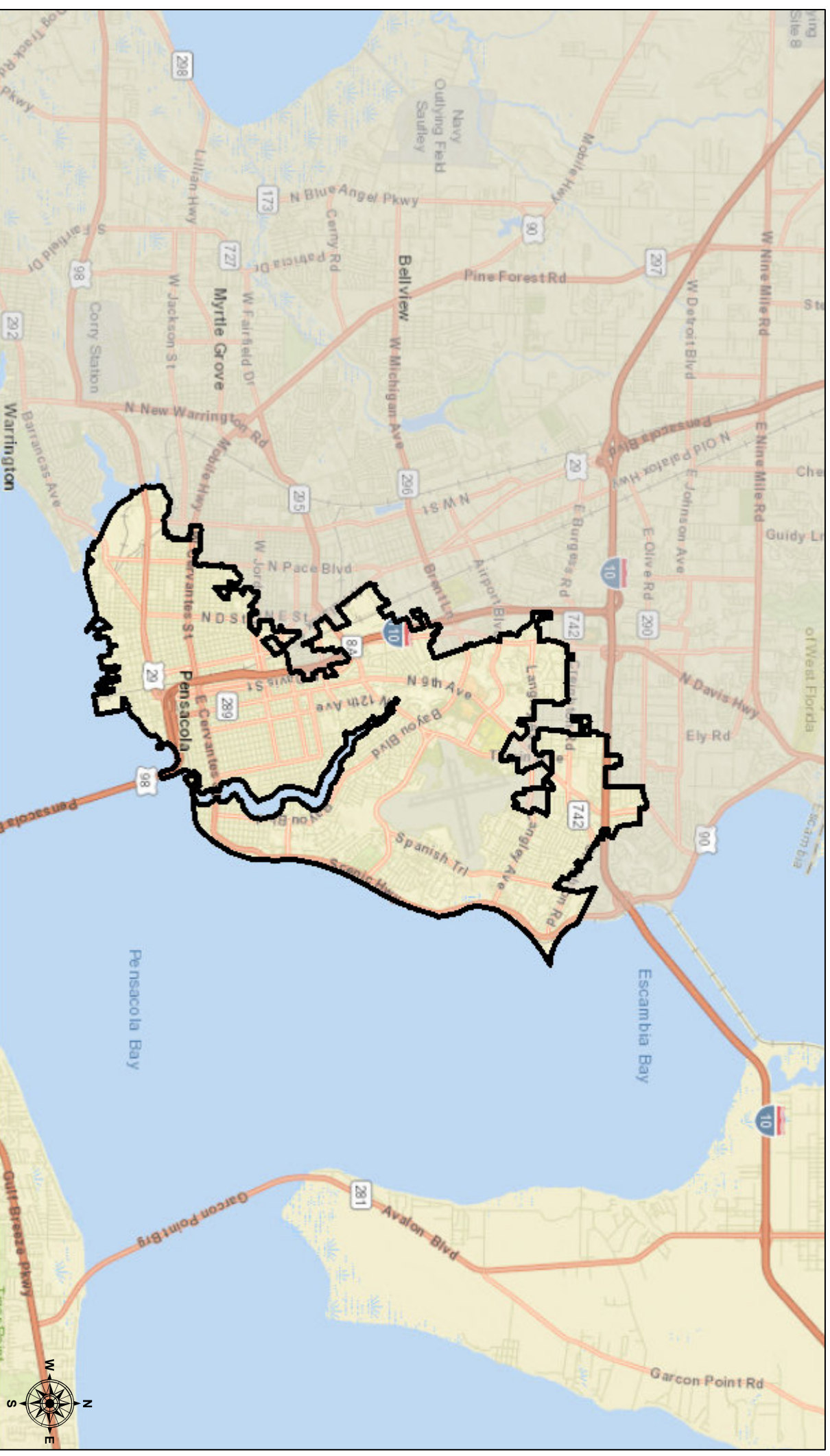
Suffix:

* Title: * Telephone Number: Fax Number: * Email:

* Signature of Authorized Representative:

* Date Signed:

City of Pensacola



July 11, 2018

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

**CITY OF PENSACOLA
FY 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROPOSED BUDGET AND ACTIVITY SUMMARY**

HOUSING REHABILITATION:

Housing Rehabilitation Loan/Grant Programs

FUNDING

\$368,026*

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 8-10 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).

FY 2018 Accomplishments: 27 Families assisted

Temporary Relocation

\$20,000

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.

FY 2018 Accomplishments: 9 Families assisted

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. Further, \$25,000 from Pre FY2015 grant funds will be allocated to the activity.

FY 2018 Accomplishments: Ongoing Kiwanis Park

PUBLIC SERVICES:

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

\$70,000

Funds will provide support for two nutritional programs, Meals on Wheels and Senior Dining

Sites, which are made available to low and moderate income elderly and special needs residents residing within the corporate limits of the City of Pensacola. Approximately 16,000 meals will be provided through these programs. The Meals on Wheels program provides nutritionally balanced meals to residents in their homes. The Senior Dining Sites program provides nutritional meals to eligible adult recipients at four sites located within the City and also an element of socialization and recreation. The four dining sites are the E. S. Cobb Resource Center, Fricker Resource Center, Gull Point Resource Center, and Westminster Retirement Village. 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.

FY 2018 Accomplishments: 16,488 Meals provided

Homebuyer and Foreclosure Prevention Education Program **\$42,617**

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

FY 2018 Accomplishments: 130 Families attended classes
71 Graduated to homeownership

PROGRAM PLANNING AND ADMINISTRATION:
General Grant Administration/Management **\$150,156**

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

FY 2018 Accomplishments: Satisfactory Assessment received from
HUD's Annual Community Planning and Development review

TOTAL ESTIMATED FY 2019-2020 CDBG PROPOSED BUDGET **\$ 750,779**

Projected FY 2019-2020 CDBG Grant Allocation	\$ 750,799
Pre FY 2015 Funds	<u>\$ 25,000</u>

TOTAL ESTIMATED CDBG FUNDS AVAILABLE **\$ 775,799**

**CITY OF PENSACOLA
FY2019-2020
HOME INVESTMENT PARTNERSHIPS ACT (HOME) PROGRAM
PROPOSED BUDGET AND ACTIVITIES**

**SUBSTANTIAL HOUSING
REHABILITATION/RECONSTRUCTION:**

**FUNDING
\$131,344**

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.

Program Administration/Management:

\$20,796

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

FY 2018 Accomplishments: 2 Families assisted

TOTAL HOME FUNDS AVAILABLE

\$ 152,140



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00334

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Jewel Cannada-Wynn

SUBJECT:

AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA

RECOMMENDATION:

That the City Council approve Amendment No. 1 to the Interlocal Agreement for Administrative Services between the Community Redevelopment Agency of the City of Pensacola, Florida and the City of Pensacola, Florida.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Since inception, the CRA's activities and administrative services have been provided by employees of the City of Pensacola through an Interlocal Agreement for Administrative Services. On July 11, 2016, the Community Redevelopment Agency (CRA) took an action to amend the Interlocal Agreement and its bylaws, in order to directly employ and supervise its staff.

New Mayoral/City Council strategic initiatives, aimed at improving City efficiency and interdepartmental collaboration, support a return to the previous staffing arrangement. The attached amendment to the Interlocal Agreement for Administrative Services will better align the CRA's staffing procedures with these goals.

PRIOR ACTION:

July 11, 2016 - The CRA approved the direct hire of Helen Gibson as CRA Administrator and authorized a solicitation to fill an Assistant Administrator position.

June 5, 2017 - The CRA amended its Bylaws to add provisions for supervision and direction of CRA staff.

September 11, 2017 - The CRA approved an Interlocal Agreement for Administrative Services.

September 14, 2017 - City Council approved an Interlocal Agreement for Administrative Services.

May 7, 2018 - The CRA approved salary increases for the CRA Administrator and Assistant CRA Administrator.

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive
M. Helen Gibson, AICP, CRA Administrator
Victoria D'Angelo, Assistant CRA Administrator

ATTACHMENTS:

- 1) Amendment No. 1 - Administrative Services Interlocal
- 2) City Organizational Chart

PRESENTATION: No

AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT
FOR ADMINISTRATIVE SERVICES
BETWEEN THE COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF PENSACOLA, FLORIDA AND
THE CITY OF PENSACOLA, FLORIDA

THIS AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT (“Amendment No. 1”) is made and entered into this ___ day of _____, 2019, by and between the Community Redevelopment Agency of the City of Pensacola (“CRA”), a public body corporate and politic of the State of Florida, and the City of Pensacola (“City”), a Florida municipal corporation created under the laws of the State of Florida (collectively, the “Parties”).

WHEREAS, on September 22, 2017, the CRA and the City entered into an Interlocal Agreement for administrative services (“Interlocal Agreement”); and

WHEREAS, the services to be provided to the CRA by the City are established in Article 2 of the Interlocal Agreement; and

WHEREAS, Article 2.2 of the Interlocal Agreement provides the terms in which personnel services are provided to the CRA; and

WHEREAS, the CRA and City now desire to amend the Interlocal Agreement upon the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the recitals above and mutual covenants and agreements herein contained, it is agreed by the CRA and City that the Interlocal Agreement shall be amended as follows:

1. The Parties agree that the recitals above are true and correct and are hereby incorporated into this Amendment.
2. Article 2.2 of the Interlocal Agreement is deleted in its entirety and replaced with the following:
 - 2.2. Personnel. The City shall assign employees to provide administration services to the Agency and to implement the Plans. The City shall assign an administrator with the consent of the Agency by an affirmative vote of a majority of Agency Board Members, who shall work under the direction and supervision of the Mayor. All other personnel assigned to the Agency shall be assigned by the City. The City, in its sole discretion, shall determine the number, type, and length of service of personnel assigned to provide services and support to the Agency. In the performance of their

duties, assigned personnel will receive direction from the City or by formal CRA action. Personnel assigned by the City shall be employees of the City, subject to policies and procedures of the City, and not officers, employees, or agents of the Agency.

3. The remaining provisions of the Interlocal Agreement shall remain in full force and effect.
4. This Amendment No. 1 to the Interlocal Agreement shall be recorded by the CRA upon full execution.

IN WITNESS WHEREOF, the Parties hereto have executed this instrument of amendment on the date first written above.

COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF PENSACOLA, FLORIDA

CITY OF PENSACOLA, FLORIDA

CRA Chairperson

Mayor

Attest:

Attest:

City Clerk

City Clerk

Approved as to Content:

Approved as to Content:

CRA Administrator

Chief Financial Officer

Legal in Form and Valid as Drawn:

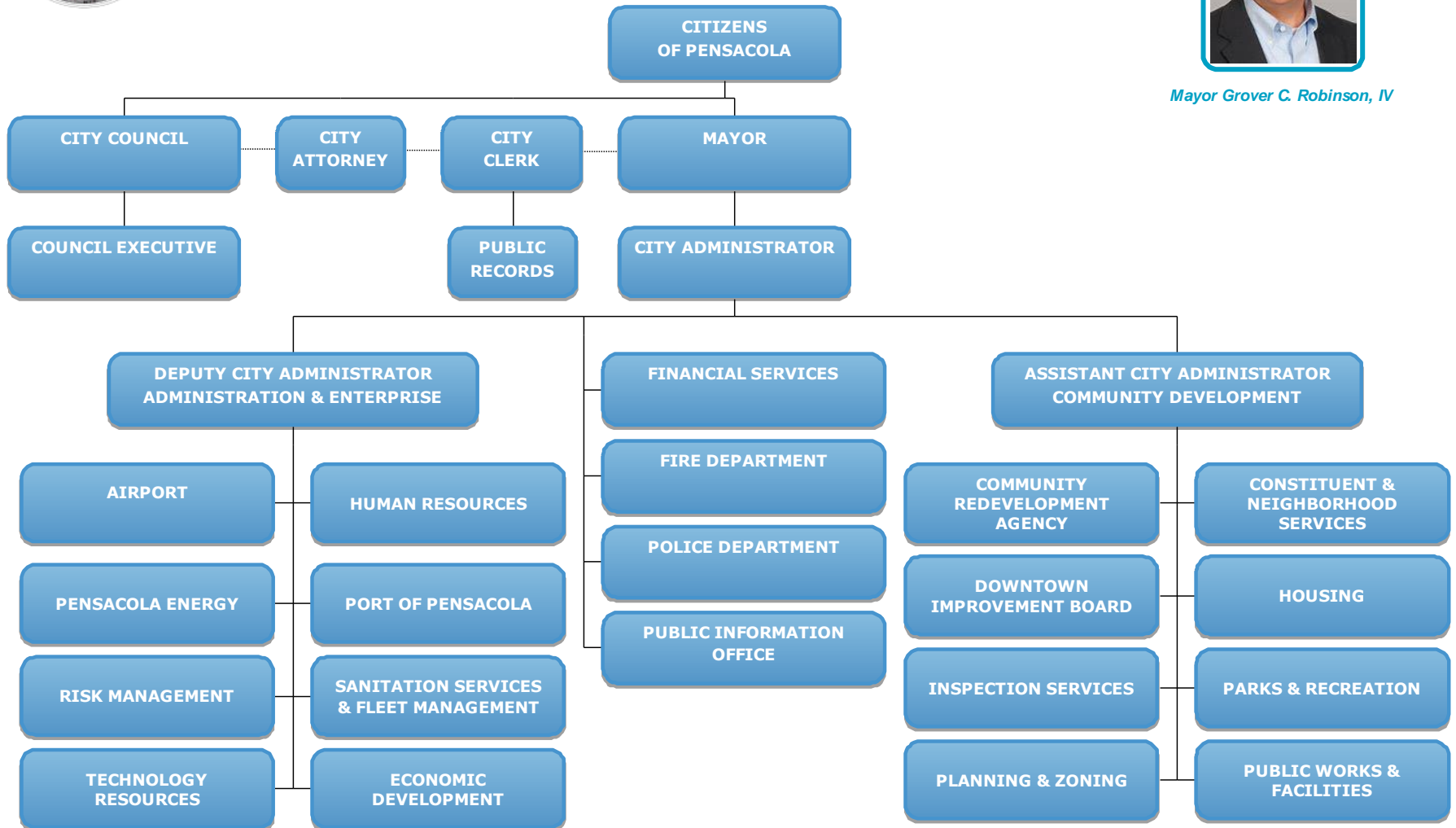
City Attorney



CITY OF PENSACOLA REPORTING STRUCTURE CHART



Mayor Grover C. Robinson, IV





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00319

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

APPOINTMENT - WESTSIDE COMMUNITY REDEVELOPMENT BOARD

RECOMMENDATION:

That City Council appoint one individual to the Westside Community Redevelopment Board that is either a redevelopment area resident, member of an area neighborhood association or owner or operator of a business located in the redevelopment area, to fill an unexpired term ending January 31, 2021.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Westside Community Redevelopment Board was established pursuant to the requirements of Florida Statute 163.2517(2)(a) and (b) regarding a neighborhood participation process that provides for the ongoing involvement of stakeholder groups in urban infill and redevelopment areas.

The Westside Community Redevelopment Board shall have the following authority and duties:

- (a) To prepare and recommend to the City Council five-year implementation plans for the implementation of the Westside Community Redevelopment Action Plan.
- (b) To prepare and recommend to the City Council an annual list of projects for funding from the Westside Community Redevelopment Trust Fund.
- (c) To monitor progress in the implementation of the Westside Community Redevelopment Plan and to make an annual report to the City Council on such progress.

The board shall consist of seven (7) members appointed by the City Council. One member shall be a member of City Council, and six (6) members shall be redevelopment area residents, members of area neighborhood associations or owners or operators of businesses located in the redevelopment area. No member shall be a paid employee of the City. Members of the board shall serve for terms of three (3) years or thereafter until their successors are appointed.

PRIOR ACTION:

City Council appoints members to this board every three (3) years.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Nomination Form - Norman Baker
- 3) Application of Interest - Norman Baker
- 4) Ballot

PRESENTATION: No

Westside Community Redevelopment Board

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Baldwin, Sr., Doug	Area Business Owner	Council	0	2019	1/31/2021	7/13/2017	3	
Cannada-Wynn, Jewel	Council Member Rep	Council	3	2019	11/30/2021	1/15/2015	2	
Davis (Pastor), C. Marcel	Area Pastor	Council	1	2019	1/31/2021	1/15/2015	3	
Gulley, James L.	Area Resident	Council	1	2019	1/31/2021	1/15/2015	3	
Perkins, Jimmie	Area Resident	Council	0	2019	1/31/2021	3/28/2019	3	
Puryear, Tederria	Area Resident	Council	0	2019	1/31/2021	4/12/2018	3	
Robinson, Dianne	Area Resident	Council	1	2019	1/31/2021	1/15/2015	3	

Term Length: Three (3) Years

The Westside Community Redevelopment Board was established pursuant to the requirements of F.S. 163.2517(2)(a) and (b) regarding a neighborhood participation process that provides for the ongoing involvement of stakeholder groups in urban infill and redevelopment area. (Ordinance No. 33-14 adopted by Council on 9/11/14)

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Ann Hill, do nominate Pastor Norman Baker
(Nominee)

(Home Address)

(Phone)

1200 W. Jackson St

850-434-0956

(Business Address)

(Phone)

norman.baker@gmail.com

(Email Address)

City Resident: YES

☒ NO

Property Owner within the City: YES

☒ NO

for appointment by the City Council for the position of:

**REDEVELOPMENT AREA RESIDENT, MEMBER OF AREA NEIGHBORHOOD ASSOCIATION,
OR OWNERS OR OPERATORS OF BUSINESS LOCATED IN THE REDEVELOPMENT AREA
WESTSIDE COMMUNITY REDEVELOPMENT BOARD
(Unexpired term ending 01/31/2021)**

Provide a brief description of nominee's qualifications:

Pastor Baker is at Springhill Missionary Baptist Church
in the Westside CRA and serves as CEO of Project ministries,
a non profit homeless ministry. His goal is to reach out
to the community and help make Pensacola a better
place to live.

Ann Hill
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
Ericka L. Burnett, City Clerk

Ericka Burnett

From: noreply@civicplus.com
Sent: Tuesday, June 25, 2019 10:24 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

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	Norman Lee Baker
Home Address	8657 blue jay way
Business Address	1200 west Jackson street
To which address do you prefer we send correspondence regarding this application?	Home
Preferred Contact Phone Number(s)	8504172276
Email Address	norman.baker@ymail.com
Upload Resume (optional)	Field not completed.

(Section Break)

Details

Are you a City resident?	No
If yes, which district?	<i>Field not completed.</i>
If yes, how long have you been a City resident?	Pensacola
Do you own property within the City limits?	No
Are you a registered voter in the city?	Yes
Board(s) of interest:	CRA westside
Please list the reasons for your interest in this position:	Redevelopment,safety cleanup adding opportunities for growth financially
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	African-American
Physically Disabled	No

(Section Break)

Acknowledgement of Terms I accept these terms.

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

Ballot – Westside Community Redevelopment Board

July 18, 2019

Unexpired term ending January 31, 2021

***Redevelopment area resident, member of area neighborhood association,
or owner or operator of a business located in the redevelopment area***

_____ Norman Baker

Vote for One

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00325

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

APPOINTMENTS - ZONING BOARD OF ADJUSTMENT

RECOMMENDATION:

That City Council appoint three (3) individuals who are residents or property owners of the City to the Zoning Board of Adjustment for a term of three (3) years, expiring July 14, 2022.

HEARING REQUIRED: No Hearing Required

SUMMARY:

This 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 are incumbents that wish to be considered for reappointment:

<u>Nominee</u>	<u>Nominated by</u>
David Del Gallo	Incumbent
Steven Shelley	Incumbent
Robby Williams	Incumbent

PRIOR ACTION:

Council makes appointments to this board annually.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Application of Interest - David Del Gallo
- 3) Application of Interest - Steven Shelley
- 4) Application of Interest - Robby Williams
- 5) Ballot

PRESENTATION: No

Zoning Board of Adjustment

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Del Gallo, David	Contractor/Developer	Council	2	2019	7/14/2019	1/28/2010	3	
Loneragan, Christopher	Business Owner	Council	0	2019	7/14/2020	11/14/2013	3	
Sebold, Steven	Real Estate	Council	0	2019	7/14/2021	7/19/2018	3	
Shelley, Steven M.	Business owner	Council	0	2019	7/14/2019	11/17/2016	3	
Stepherson, Troy	Office & Mkting Mgr	Council	0	2019	7/14/2021	7/13/2017	3	
Taylor, Clayton	Public Defender	Council	2	2019	7/14/2020	3/25/2010	3	
White, Boyce T.	Business	Council	0	2019	7/14/2020	7/17/2014	3	
Wiggins, Jonathon	Business/Technology	Council	0	2019	7/14/2021	7/19/2018	3	
Williams, Robby	Project Manager/Constr	Council	1	2019	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.

Ericka Burnett

From: noreply@civicplus.com
Sent: Thursday, May 23, 2019 10:59 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	DAVID DEL GALLO
------	-----------------

Home Address	P.O.Box 13452
--------------	---------------

Business Address	<i>Field not completed.</i>
------------------	-----------------------------

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

Preferred Contact Phone Number(s)	8504324084
-----------------------------------	------------

Email Address	ddg@moretteco.com
---------------	--

Upload Resume (optional)	<i>Field not completed.</i>
--------------------------	-----------------------------

(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	5
If yes, how long have you been a City resident?	Resident for 63 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
Please list the reasons for your interest in this position:	Serve now and would like to continue...
Do you currently serve on a board?	Yes
If yes, which board(s)?	Zoning Board & Parks and Rec.
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?	No

(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: Monday, June 3, 2019 3:12 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

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(Section Break)

Personal Information

Name	Steven Shelley
------	----------------

Home Address	1273 E Avery Street Pensacola, FL 32503
--------------	---

Business Address	1273 E Avery Street Pensacola, FL 32503
------------------	---

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

Preferred Contact Phone Number(s)	8503411600
-----------------------------------	------------

Email Address	smspensacola@gmail.com
---------------	--

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

(Section Break)

Details

Are you a City resident?	Yes
--------------------------	-----

If yes, which district?	<i>Field not completed.</i>
-------------------------	-----------------------------

If yes, how long have you been a City resident?	52 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
-----------------------	--------------

Please list the reasons for your interest in this position:	To serve
---	----------

Do you currently serve on a board?	Yes
------------------------------------	-----

If yes, which board(s)?	Zoning Board
-------------------------	--------------

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: Monday, June 10, 2019 2:19 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

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(Section Break)

Personal Information

Name	Robby Williams
------	----------------

Home Address	1901 E. Lee ST. Pensacola, FL 32503
--------------	-------------------------------------

Business Address	106 Stone Blvd. Cantonment, FL 32533
------------------	--------------------------------------

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

Preferred Contact Phone Number(s)	8505540525
-----------------------------------	------------

Email Address	robby@roadsinc.com
---------------	--

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

(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	4
If yes, how long have you been a City resident?	35 Years
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	City of Pensacola Zoning Board
Please list the reasons for your interest in this position:	Continuation of my term on the board
Do you currently serve on a board?	Yes
If yes, which board(s)?	City of Pensacola Zoning Board
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	Male
Race	Caucasian
Physically Disabled	No

(Section Break)

Acknowledgement of
Terms

I accept these terms.

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Ballot – Zoning Board of Adjustment

July 18, 2019

Three (3) year term expiring July 14, 2022

Member

_____ David Del Gallo

_____ Steven Shelley

_____ Robby Williams

Vote for Three

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00321

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

APPOINTMENTS - PLANNING BOARD

RECOMMENDATION:

That City Council appoint seven (7) individuals, one of whom is a Licensed Florida Architect, to the Planning Board for a term of two years, expiring July 14, 2021.

HEARING REQUIRED: No Hearing Required

SUMMARY:

This Board advises the City Council concerning the preparation, adoption, and amendment of the Comprehensive Plan; reviews and recommends to Council ordinances designed to promote orderly development as set forth in the Comprehensive Plan; hears applications and submits recommendations to Council on the following land use matters: proposed zoning changes, proposed amendments to zoning ordinance, proposed subdivision plats, proposed street/alley vacations. The Board initiates studies on the location, conditions, and adequacy of specific facilities of the area, i.e. housing, parks, and public buildings. The Board schedules and conducts public meetings and hearings pertaining to land development.

The following have been nominated or are incumbents that wish to be considered for reappointment:

Nominee

Nominated by

Member

Danny Grundhoefer	Incumbent
Kurt Larson	Incumbent
Nathan Monk	Incumbent
Laurie Murphy	Incumbent
Charletha Powell	Hill, Moore, Myers
Eladies Sampson	Cannada-Wynn
Ryan N. Wiggins	Incumbent

Licensed Florida Architect

Paul Ritz

Incumbent

PRIOR ACTION:

City Council appoints members to this board on a biennial basis.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Application of Interest - Danny Grundhoefer
- 3) Application of Interest - Kurt Larson
- 4) Application of Interest - Nathan Monk
- 5) Application of Interest - Laurie Murphy
- 6) Nomination Forms - Charletha Powell
- 7) Application of Interest - Charletha Powell
- 8) Resume - Charletha Powell
- 9) Application of Interest - Paul Ritz
- 10) Resume - Paul Ritz
- 11) Nomination Form - Eladies Sampson
- 12) Application of Interest - Eladies Sampson
- 13) Application of Interest - Ryan N Wiggins
- 14) Ballot - Licensed Florida Architect
- 15) Ballot - Member

PRESENTATION: No

Planning Board

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Campbell, Nina H.		Council	3	2019	7/14/2019	6/23/2011	2	Planning Board Rep. appt to ARB
Grundhoefer, Danny	Architect	Council	0	2019	7/14/2019	5/12/2016	2	appointed as Licensed Architect Member filling unexp. Term of Scott Sallis
Larson, Kurt	Fire prevention	Council	3	2019	7/14/2019	6/23/2011	2	
Monk, Nathan	Clergy	Council	1	2019	7/14/2019	5/14/2015	2	filled unexpired term of Bradley "Beej" Davis
Murphy, Laurie	Stormwater Consultant	Council	0	2019	7/14/2019	1/17/2019	2	filled unexpired term of Jared Moore
Ritz, Paul	Architect	Council	7	2019	7/14/2019	6/23/2005	2	2011 appointed as regular member not Architect
Wiggins, Ryan N.	Political Meda Consultant	Council	0	2019	7/14/2019	10/11/2018	2	filled unexpired term of Victor Jordan

Term Length: TWO YEAR TERMS

COMPOSED OF SEVEN (7) MEMBERS APPOINTED BY CITY COUNCIL . ONE APPOINTEE SHALL BE A LICENSED FLORIDA ARCHITECT. ALL MEMBERS SHALL BE RESIDENTS OR PROPERTY OWNERS OF THE CITY.

Ericka Burnett

From: noreply@civicplus.com
Sent: Friday, May 24, 2019 11:57 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	Danny Grundhoefer
------	-------------------

Home Address	2020 East Maxwell Street, Pensacola, FI 32503
--------------	---

Business Address	400 West Romana Street, Pensacola, FI 32502
------------------	---

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

Preferred Contact Phone Number(s)	8509829807
-----------------------------------	------------

Email Address	dgrundhoefer@ggarchitects.com
---------------	--

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

(Section Break)

Details

Are you a City resident?	Yes
--------------------------	-----

If yes, which district?	4
-------------------------	---

If yes, how long have you been a City resident?	28 years
---	----------

Do you own property within the City limits?	Yes
---	-----

Are you a registered voter in the city?	Yes
---	-----

Board(s) of interest:	Planning Board
-----------------------	----------------

Please list the reasons for your interest in this position:	To continue my position
---	-------------------------

Do you currently serve on a board?	Yes
------------------------------------	-----

If yes, which board(s)?	Planning Board
-------------------------	----------------

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: Thursday, June 6, 2019 12:36 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

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(Section Break)

Personal Information

Name	Kurt Larson
------	-------------

Home Address	2225 Inverness Drive, Pensacola, FL 32503
--------------	---

Business Address	4771 Bayou Blvd, #200, Pensacola, FL 32503
------------------	--

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

Preferred Contact Phone Number(s)	8504699063
-----------------------------------	------------

Email Address	kurt@fire-help.org
---------------	--

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

(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	3
If yes, how long have you been a City resident?	Pensacola
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Planning Board Fire Pension Board
Please list the reasons for your interest in this position:	Continue to make Pensacola THE City of choice in Florida
Do you currently serve on a board?	Yes
If yes, which board(s)?	Planning
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?	Yes

(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.](#)

Ericka Burnett

From: noreply@civicplus.com
Sent: Wednesday, May 29, 2019 6:37 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

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(Section Break)

Personal Information

Name	Nathan Monk
------	-------------

Home Address	606 E Gadsden St., Pensacola, FL 32501
--------------	--

Business Address	<i>Field not completed.</i>
------------------	-----------------------------

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

Preferred Contact Phone Number(s)	8504549910
-----------------------------------	------------

Email Address	faternathan@gmail.com
---------------	--

Upload Resume (optional)	<i>Field not completed.</i>
--------------------------	-----------------------------

(Section Break)

Details

Are you a City resident?	Yes
--------------------------	-----

If yes, which district?	<i>Field not completed.</i>
-------------------------	-----------------------------

If yes, how long have you been a City resident?	<i>Field not completed.</i>
---	-----------------------------

Do you own property within the City limits?	No
---	----

Are you a registered voter in the city?	Yes
---	-----

Board(s) of interest:	City planning
-----------------------	---------------

Please list the reasons for your interest in this position:	Reapplying
---	------------

Do you currently serve on a board?	Yes
------------------------------------	-----

If yes, which board(s)?	City planning
-------------------------	---------------

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: Friday, May 31, 2019 8:57 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	Laurie Murphy
------	---------------

Home Address	10015 Scenic Highway Pensacola, Florida 32514
--------------	---

Business Address	Same
------------------	------

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

Preferred Contact Phone Number(s)	850-292-5960
-----------------------------------	--------------

Email Address	laurie@npdessolutions.com
---------------	--

Upload Resume (optional)	BIO.docx
--------------------------	--------------------------

(Section Break)

Details

Are you a City resident?	No
If yes, which district?	<i>Field not completed.</i>
If yes, how long have you been a City resident?	<i>Field not completed.</i>
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	No
Board(s) of interest:	Planning Board
Please list the reasons for your interest in this position:	My background in stormwater mitigation and the City's Comprehensive Plan gives me authority on planning decisions brought forth to the board. My experience as the co-chair of the Climate Mitigation and Adaptation Task Force allowed me experience working with a diverse group of stakeholders for the development of City recommendations. I have enjoyed the short time I have had on the board so far and look forward to making the City of Pensacola a great place to live and visit!
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	Female
Race	Caucasian

Physically Disabled	No
---------------------	----

(Section Break)

Acknowledgement of Terms	I accept these terms.
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Email not displaying correctly? [View it in your browser.](#)

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Ann Hill, do nominate Charletha Powell
(Nominee)

5910 Otter Point Rd 850-529-6778
(Home Address) (Phone)

— —
(Business Address) (Phone)

charletha.d.powell@gmail.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

PLANNING BOARD

Provide a brief description of nominee's qualifications:

Charletha Powell has a doctorate in diversity studies, which helps her understand the unique needs of our community, including the needs of neighborhoods. She has served as an assistant school administrator and has all the qualities of a good leader.

Ann Hill
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
Ericka L. Burnett, City Clerk

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Jared Moore, do nominate Charletha Powell
(Nominee)

5910 Otter Point Rd 850.529.6778
(Home Address) (Phone)

(Business Address) (Phone)

charletha.d.powell@gmail.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

PLANNING BOARD

Provide a brief description of nominee's qualifications:

Extremely engaged in multiple facets of our community. Proven track record of holistic advocacy
for
quality of life issues!

Jared Moore

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

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Sherri Myers, do nominate Dr. Charletha Powell
(Nominee)
5910 Otter Point Rd. 850-529-6778
(Home Address) (Phone)

(Business Address) (Phone)
charletha.d.powell@gmail.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

PLANNING BOARD

Provide a brief description of nominee's qualifications:

Dr. Powell will bring diversity awarness
that is needed to represent our
diverse ethnic, racial and cultural
community

Sherri Myers
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
Ericka L. Burnett, City Clerk

Ericka Burnett

From: noreply@civicplus.com
Sent: Thursday, June 20, 2019 11:09 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

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(Section Break)

Personal Information

Name	Dr. Charletha D. Powell
------	-------------------------

Home Address	5910 Otter Point Rd
--------------	---------------------

Business Address	<i>Field not completed.</i>
------------------	-----------------------------

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

Preferred Contact Phone Number(s)	8505296778
-----------------------------------	------------

Email Address	Charletha.D.Powell@gmail.com
---------------	--

Upload Resume (optional)	CDPowell Resume_PlanningBoard App.pdf
--------------------------	---

(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	2
If yes, how long have you been a City resident?	Pensacola
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Planning Board
Please list the reasons for your interest in this position:	I would like to contribute to the current and future plans of the city by applying my research skills, business acumen, and passion for the successful growth of this city to the Comprehensive Plan that impacts the people that live, work, and play here.
Do you currently serve on a board?	Yes
If yes, which board(s)?	CAC to TPO, MTAC, Gallery Night, CNAPP, Chappie James Museum, Department of Juvenile Justice
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?	Yes

(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	Female
Race	African-American
Physically Disabled	No

(Section Break)

Acknowledgement of
Terms

I accept these terms.

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

CHARLETHA POWELL

5910 Otter Point Rd. | Pensacola, FL 32504-7947 | 850.529.6778 | charletha.d.powell@gmail.com

OBJECTIVE

To utilize my education, experience, and skills to become a member of the city of Pensacola's Planning Board.

EMPLOYMENT HISTORY

Assistant School Administrator

8/2016-Present

Iron Sharpens Iron Academy

- Responsible for researching rules and regulations for contracts and scholarships for private schools.
- Compilation of correspondence.
- Implementation of software and digital technologies.
- Scoring of Terra Nova 3 standardized tests.

Graduate Assistant/Graduate Teaching Assistant

1/1/2012 – 2018

University of West Florida, Pensacola, FL

- Research assistant responsible for literature reviews and data collection for various publications.
- Assist in the facilitation of online courses, which include but is not limited to providing communications, assisting with APA compliance, resolving technical issues with course modules, and preparing courses for online publication.
- Administrative assistance with course documentation.
- Assist with various task requested by the professor.

Administration and Operations

7/1/2012 – Present

C.O.R.E. Ministries, Warrington, FL

- Responsible for all administrative duties of the ministry that includes but is not limited to verbal/electronic communications, development of ministry programs, logistics, membership database maintenance, outreach programs, facility management, finances, and marketing.
- Developed sound and video presentation format including equipment purchase and installation as well as continued maintenance and improvement of same.

Vice President

9/1/2012 – Present

Future Leaders of Warrington (FLOW), Warrington, FL

- Facility management of Lexington Terrace Community Center, which includes working with the county commissioner to provide community activities and outreach opportunities, property management, and maintaining the facility calendar of events.
- Leader of the FLOW board of directors.
- Public relations liaison for the organization.

Intern

Summer 2012

Greater Pensacola Chamber of Commerce

- Assisted the head of the economic development department with research, database creation, correspondence, communications, small business incubator, and attended small business meetings and events.

North Florida Region Casualty Litigation Manager

1997 – 12/1/2010

Progressive Casualty Insurance Company, Jacksonville, FL

- Managed and directed over 250 claims representatives and 5 litigation managers in the settlement of statutory litigation, as it relates to automobile casualty insurance in Florida.

EDUCATION

- 2019 Ph.D. Diversity Studies
University of West Florida, Pensacola, FL
- 2016 Education Specialist
University of West Florida, Pensacola, FL
- 2003 M.B.A.
Webster University, Jacksonville, FL
- 1994 B.A. - English, Minor in Education
McNeese State University, Lake Charles, LA

CURRENT BOARDS

- CNAPP Advisory Board
- Citizens Advisory Council to TPO
- Mass Transit Advisory Council
- Chappie James Museum Board
- Ciclovia Pensacola Board
- Gallery Night Board
- Department of Juvenile Justice Board

ORGANIZATIONS

- Delta Sigma Theta Sorority, Inc.
- NAACP
- Pensacola Civitan
- Delta Sigma Pi
- National Black MBA Association, Inc.
- Sigma Tau Delta
- Ciclovia Pensacola
- Chappie James Museum Board

Ericka Burnett

From: noreply@civicplus.com
Sent: Wednesday, May 29, 2019 11:11 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	Paul D. Ritz
Home Address	1310 E. Gonzalez St. Pensacola, FL 32501
Business Address	Bullock Tice Architects 909 E. Cervantes St. Pensacola, FL 32501
To which address do you prefer we send correspondence regarding this application?	Home
Preferred Contact Phone Number(s)	850-206-9494
Email Address	pauldawnritz@gmail.com
Upload Resume (optional)	Paul Ritz City Planning.pdf

(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	6
If yes, how long have you been a City resident?	20 Years
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	City Planning Board
Please list the reasons for your interest in this position:	I am interested in continuing the efforts of the City to improve and be a place where citizens prefer to live and work. The City is a great place to be, and I want to help keep that momentum going.
Do you currently serve on a board?	Yes
If yes, which board(s)?	City Planning Board
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.](#)

PAUL RITZ, RA, CGC, LEED AP BD+C

ARCHITECT – FLORIDA AND ALABAMA
GENERAL CONTRACTOR - FLORIDA



Education: Master of Science in Construction Management, 2017, Florida International University
Bachelor of Architecture, 1991, University of Detroit

Registration: Architect: Florida # 15571, Alabama # 5188; NCARB #55349; LEED Accredited Professional, 10380286 BD+C; State of Florida Certified General Contractor License # CGC 1505798.

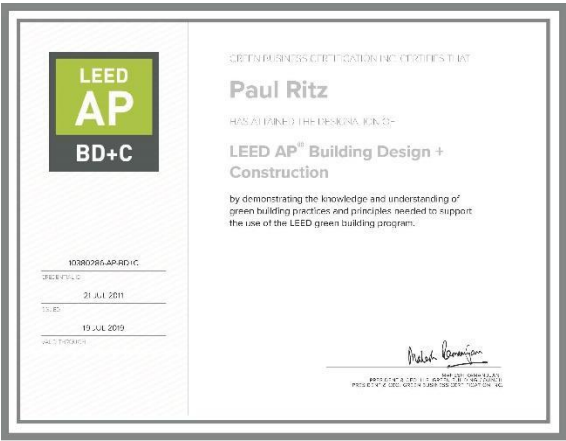
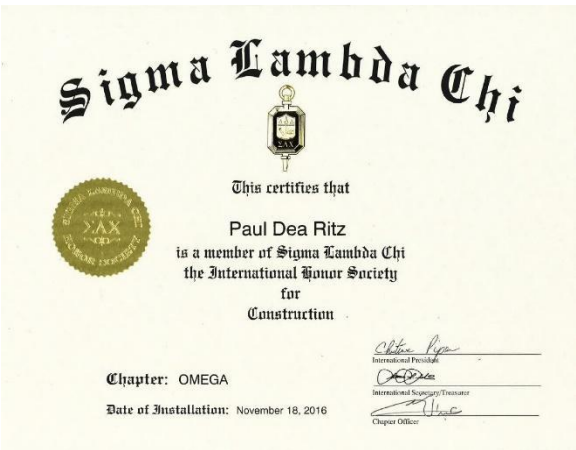
Professional Affiliations: City of Pensacola Planning Board Member 2004 - Present, Chairman 2008 – Present; Affordable Housing Advisory Committee Member 2016 – Present, Chairman 2017 to Present

Honor Societies:	$\Phi\K\Phi$	Phi Kappa Phi	Academic Honor Society (2017)
	$\Sigma\Lambda X$	Sigma Lambda Chi	International Construction Honor Society (2016)
	$A\Sigma N$	Alpha Sigma Nu	Honor Society of Jesuit Colleges & Universities (1990)
	$T\Sigma\Delta$	Tau Sigma Delta	Honor Society in Art & Architecture (1990)

Employment History: 2003 – Current – Bullock Tice Associates, Inc., Pensacola, FL
1991-2003 Caldwell Associates Architect, Inc., Pensacola, FL
1989-1990 Baskerville-Donovan, Inc. School Co-Op Student

Personal Statement:

I would like to apply for a position on the City of Pensacola Planning Council for the 2019-2021 term. I have been a Planning Board member for several years, and I feel I have made positive contributions to the City of Pensacola. I appreciate the way in which Pensacola is growing, and I would like to continue in the efforts to make this a top ranked city and a place where citizens enjoy living and working. I humbly ask for your continued confidence in my abilities to play a role in the forward momentum of Pensacola.



CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Jewel Canada-Wynn, do nominate Eladies Sampson
(Nominee)

6310 SAN MONICA RD. 850-501-0717
(Home Address) (Phone)

(Business Address) (Phone)

Eladies@cox.net City Resident: YES NO
(Email Address) Property Owner within the City: YES NO

for appointment by the City Council for the position of:

**MEMBER
PLANNING BOARD**

Provide a brief description of nominee's qualifications:

Ms. Sampson would be a great asset to the the board

Chana La-Wynn
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
Ericka L. Burnett, City Clerk

Ericka Burnett

From: noreply@civicplus.com
Sent: Tuesday, May 14, 2019 7:04 AM
To: Ericka Burnett; Robyn Tice
Subject: Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

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(Section Break)

Personal Information

Name	Eladies P. Sampson
------	--------------------

Home Address	6310 San Monica Rd. PENSACOLA, FL. 32504
--------------	--

Business Address	<i>Field not completed.</i>
------------------	-----------------------------

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

Preferred Contact Phone Number(s)	850-501-0717
-----------------------------------	--------------

Email Address	eladies@cox.net
---------------	--

Upload Resume (optional)	<i>Field not completed.</i>
--------------------------	-----------------------------

(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	1
If yes, how long have you been a City resident?	30 yrs
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Planning Board
Please list the reasons for your interest in this position:	I'm interested in the development and enrichment of all the citizens of PENSACOLA: I'm a retired Cox Communications employed; I've mentored in Escambia County schools and I've held lead positions in several civic and social organizations, I'm also an very active member of my church.
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	Female
Race	African-American
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: Thursday, May 23, 2019 11:27 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	Ryan N Wiggins
------	----------------

Home Address	1771 E. Mallory St.
--------------	---------------------

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

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

Preferred Contact Phone Number(s)	8507281521
-----------------------------------	------------

Email Address	ryan.n.wiggins@gmail.com
---------------	--

Upload Resume (optional)	bio.doc
--------------------------	-------------------------

(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	5
If yes, how long have you been a City resident?	Pensacola
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Planning Board
Please list the reasons for your interest in this position:	I have enjoyed my time on the board thus far. I enjoy being a voice for the citizens and having a positive impact on a community I love.
Do you currently serve on a board?	Yes
If yes, which board(s)?	Planning Board
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	Female
Race	Caucasian
Physically Disabled	No

(Section Break)

Acknowledgement of
Terms

I accept these terms.

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

Ballot – Planning Board

July 18, 2019

Two year term expiring July 14, 2021

Licensed Florida Architect

_____ Paul Ritz

Vote for One

Signed: _____
Council Member

Ballot – Planning Board

July 18, 2019

Two year term expiring July 14, 2021

Member

_____ Danny Grundhoefer

_____ Kurt Larson

_____ Nathan Monk

_____ Laurie Murphy

_____ Charletha Powell

_____ Eladies Sampson

_____ Ryan Wiggins

Vote for Six

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00057

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PUBLIC HEARING: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 12-10
FLOODPLAIN MANAGEMENT

RECOMMENDATION:

That City Council conduct a public hearing on July 18, 2019 to consider an amendment to the Land Development Code Chapter 12-10 Floodplain Management.

HEARING REQUIRED: Public

SUMMARY:

An amendment to the Land Development Code Chapter 12-10 regarding floodplain management is a result of a mandate from the State of Florida Division of Emergency Management. The amendment will enable the City to remain compliant with the National Flood Insurance Program (NFIP) and the Community Rating System (CRS). By maintaining the City's CRS rating, our citizens are able to enjoy discounts on their flood insurance premiums. The attached proposed language will completely replace the existing Chapter 12-10 and would satisfy the requirements of the State.

On May 8, 2018, the Planning Board unanimously recommended approval of the proposed Amendment to the Land Development Code Chapter 12-10. Floodplain Management.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

7/9/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Jonathan P. Bilby, CFM, Inspections Services Administrator

ATTACHMENTS:

- 1) May 8, 2018 Planning Board Minutes
- 2) Proposed Ordinance

PRESENTATION: Yes



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

May 8, 2018

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Nina Campbell, Kurt Larson, Jared Moore, Danny Grundhoefer, Victor Jordan

MEMBERS ABSENT: None

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, Don Kraher, Council Executive, Robyn Tice, Clerk's Office

OTHERS PRESENT: John McFarland, Diane Mack

AGENDA:

- Quorum/Call to Order
- Swearing in of New Board Member – Mr. Victor Jordan
- Approval of Meeting Minutes from April 10, 2018
- New Business:
 1. Request for Site Plan Approval for 5057 N. 9th Avenue – Publix
 2. Consider Amendment to LDC Chapter 12-10 Floodplain Management
 3. Consider Amendment to LDC Section 12-2-6 Residential/Office Land Use District & LDC Section 12-2-8 Commercial Land Use District.
 4. Consider Amendment to LDC Section 12-4-6 Temporary Signs and LDC Chapter 12-14 Definitions.
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:01 pm with a quorum present.

Swearing in of New Board Member – Mr. Victor Jordan was sworn in by the Clerk's Office.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the April 10, 2018 minutes, seconded by Ms. Campbell, and it carried unanimously.

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

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New Business

Request for Site Plan Approval for 5057 N. 9th Avenue - Publix

John McFarland, Jacobs Engineering, has submitted an application for aesthetic approval for exterior modifications to the property located at 5057 N. 9th Avenue.

This property is located within the North 9th Avenue Corridor Management Overlay District and is subject to the review provisions as outlined in Section 12-2-24. The improvements proposed include a canopy roof structure at existing supermarket entrance to provide protection from the elements for both patrons approaching and an exterior shopping cart stack area.

Mr. McFarland presented to the Board. Chairman Ritz advised the canopy fit the character of the supermarket. Ms. Campbell explained it was appropriate with the structure, and there was a need for it. Mr. Jordan observed the treatment was for one door and asked why the treatment was not appropriate for the second entrance. Mr. McFarland advised that so many of the stores have vestibules for cart storage; the thought here would be to protect shopping carts and combining it with an entrance canopy. He advised the company treated entrances differently. Mr. Larson asked if this design was standard, and Mr. McFarland advised he had not seen this one before. He stated they had a plan to place bollards in front of two existing ramps. Mr. Monk wanted clarification as to why this project was before the Board, and Chairman Ritz explained that with the 9th Avenue Corridor Overlay, projects would now come before this Board for aesthetic approval. Mr. McFarland stated the base would be split face concrete block which has a textured finish. Mr. Monk explained he preferred anything over textured cinderblock. Chairman Ritz suggested specifying some type of brick with a color to match the building in the motion, and stated the project would return for an abbreviated review by the Chairman for verification. **Mr. Monk made a motion that a tan colored brick be used as the product in place of split-face concrete block to return in an abbreviated review. It was seconded by Mr. Grundhoefer.** Mr. McFarland explained there might not have been a lot of thought put into the cultured stone. Mr. Monk explained the size of the cinderblock versus the size of the brick implies value and time. Ms. Campbell noted the textured surface on the right side and asked if there were any other options. Mr. McFarland stated they were trying to use the existing colors of the building, and there were several products which looked like cultured stone. Mr. Grundhoefer pointed out everything being discussed was foreign to the existing materials, with the desire being something durable and more elegant. He was agreeable with the brick since it would be attainable and compatible to the existing materials. **The motion then carried unanimously.**

Consider Amendment to LDC Chapter 12-10 Floodplain Management

Mr. Bill Weeks, Chief Building Official, is requesting consideration of a Land Development Code Amendment to Chapter 12-10 – Floodplain Management. This amendment is a mandate directly from the State of Florida Division of Emergency Management and will enable the City to remain compliant with the Community Rating System (CRS). By maintaining the City's CRS rating, our citizens are able to enjoy discounts on their flood insurance premiums. The attached proposed language will completely replace the existing Chapter 12-10 and would satisfy the requirements of the state.

Mr. Weeks explained that currently there are over 300 communities in the National Flood Insurance Program (NFIP) for the State of Florida with different floodplain ordinances. Participation in the program to reduce future floodplain risks makes federal flood insurance available against flood losses. Action was required by our community to repeal and replace local floodplain management regulations. Chairman Ritz offered that coming into compliance with this ordinance would be a positive direction and would bring Pensacola into compliance. Mr. Larson pointed out as being a responder who inspects facilities after an

event, if the ordinance was not approved as submitted, we would not be eligible for the lower income families to obtain the grant monies available and would hinder rebuilding. Mr. Monk agreed it was something the Board needed to do. Mr. Weeks advised that currently Pensacola was a Class 7 community with a 15% designation and by adopting this ordinance, we could become a Class 6 more easily which would give an additional 5% discount. **Mr. Jordan made a motion to approve, seconded by Ms. Campbell. The motion then carried unanimously.**

Consider Amendment to LDC Section 12-2-6 Residential/Office Land Use District & LDC Section 12-2-8 Commercial Land Use District.

On April 12, 2018, City Council referred to this Board for review and recommendation an Amendment to Land Development Code Section 12-2-6 Residential/Office Land Use District and 12-2-8 Commercial Land Use District. This proposed amendment would require all permitted uses requesting a drive through component to be subject to LDC Section 12-2-78 – Conditional Use Permits. If approval is recommended, staff will make the appropriate changes in each section of the code under each zoning district due to the cumulative nature of our code. The amendment would include all businesses that have a drive through component such as banks, pharmacies, dry cleaners, and restaurants. Chairman Ritz explained this amendment covered the entire city limits. Ms. Deese confirmed every drive-thru would come before this Board and the City Council for approval. Mr. Monk did not understand the motivation since we have more and more small local businesses with a drive-thru and did not see any reason to add another element to become an impediment to small businesses and a nuisance to big corporations. Mr. Grundhoefer explained if a person wanted to place a drive-thru next to a residential zone because it would be allowed, might not be an appropriate situation. The Board would look favorably on an establishment such as Taco Bell if it was not adjacent to residential, and the Board could actually review for aesthetic appeal. Ms. Campbell advised she would actually support this amendment.

Mr. Andrew Landis Power stated you could have the best of both worlds if you specified if they were in so many feet of a residential area, they would come before the Board. Ms. Deese advised there was a \$2000 filing fee for a Conditional Use Permit application. Mr. Monk thought of young entrepreneurs having a small coffee shop or dry cleaner enduring a \$2,000 filing fee when they could be denied while corporations would have no problem. This might cause the make or break of small businesses. Ms. Campbell offered if \$2,000 would make or break them, they didn't need to go into business. Mr. Monk explained the small business might not even choose to apply. **Ms. Campbell made a motion to accept the amendment as presented, seconded by Mr. Grundhoefer. The motion was denied 4 to 3, with Mr. Monk, Mr. Larson, Chairman Ritz, and Mr. Moore dissenting.**

Consider Amendment to LDC Section 12-4-6 Temporary Signs and LDC Chapter 12-14 Definitions.

In June 2015, the United States Supreme Court issued a decision in *Reed v. Town of Gilbert, Ariz.*, - U.S.-, 135 S. Ct. 2218 (2015) which clarified that temporary signs must be regulated in a content-neutral manner. This ruling impacted sign codes across the country, including the City of Pensacola's, because temporary signs are typically regulated by sign message. The Land Development Code currently provides specific regulations for temporary signs including real estate, political, construction, holiday displays, portable, garage sale, temporary banners, architectural or other temporary signs. These regulations are content-based and must be revised. Mr. Derek Cosson's comments have also been provided to the Board.

Chairman Ritz advised there was visual clutter with temporary signs especially during election times and agreed with Mr. Cosson's comments on the placement distance. He explained he lives on a road with a very large right-of-way, and if he went to the property line and stepped back 5 feet, he would

be quite a distance from the road and not visible. With that in mind, he preferred a shorter distance from the property line. Ms. Deese clarified the new ordinance would consist of a table with the maximum sign heights and square footage and four footnotes. Mr. Monk noted the decision from the Supreme Court and the desire of the City to conform, but he was still waiting on an answer regarding panhandling, and he was not in a rush to push this through especially in an election season. Mr. Jordan confirmed temporary signs could be up for one year or three days after the event takes place. City Attorney Bolin advised the Board needed to find a method to regulate temporary signs on a content-neutral basis. She pointed out the document was examined very carefully by Code Enforcement and Inspections to contain what was best for our community. This was the approach many cities were taking to revise the ordinances. Mr. Monk asked if the content-neutral approach would be limited to signs which were placed on metal brackets and placed in the ground or ones held by human beings. Ms. Bolin explained they would look at the definition of a sign in the Code which would not lend to a sign held by a human being. She directed the Board to page 5 for the language "Signs which are erected for a period of time not to exceed one (1) year." Per the Board's request, Ms. Deese read the definition of a sign from the current Land Development Code Section 12-14-1 *"Sign means any device, display or structure or a part thereof, which advertises, identifies, displays, directs or attracts attention to an object, person, institution, organization, business, product, service, event or location by the use of words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images."* Chairman Ritz emphasized the Board was not evaluating the content of the sign.

Diane Mack addressed the Board and stated they had been given a can of worms; what is before the Board is bad law, and what has happened is bad law making. She had read the Supreme Court decision word for word but noted that decision was delivered three years ago, and asked the Board not to rush into it. She explained the Council should be asked if they wanted to totally eliminate any kind of sign in the right-of-way which is a policy issue. She advised the Board needed to hear from Code Enforcement what would be workable and efficient enforcement. She recommended the Board conduct a workshop for fact finding with realtors, politicians and non-profit organizations. Mr. Jordan asked how the ordinance came before the Board, and Ms. Bolin advised they had drafted the ordinance for Council. Ms. Deese clarified that from time to time there were Code amendments from specific departments. This request was from a combination of departments including the City Attorney's Office, Code Enforcement and Building Inspections. **Mr. Monk made a motion for a workshop sometime after November 6, which was not a motion to approve but to workshop this particular ordinance with those agencies mentioned. It was seconded by Mr. Jordan.** Ms. Deese clarified that Planning staff does not deal with this particular Code section and noted it would not be appropriate to comment.

Steve Richards of Code Enforcement stated the constitutionality of the ordinance was questioned and brought to Administration who found there were some problems. The revised ordinance was more concise than the original one, and he explained he could get the information on who brought this ordinance forward. Chairman Ritz asked if often there were issues with improperly placed signs. Mr. Richards advised they worked with two ordinances dealing with temporary signs; this one identified political signs and the placement and length of time. He stated they worked all angles, and the ordinance was basically invalid, and they could not enforce it. Ms. Bolin stated they had anticipated that since the decision came down they would need to amend the Code, and Mr. Wells and Ms. Morris

worked on the redraft of the Code which is pending for Council approval. Chairman Ritz clarified the Board was acting on the revision of the ordinance and was it right for Pensacola. If the motion was approved, it would not go to City Council. Ms. Deese explained staff would notify Council staff on the Board's recommendation. The time limits state Planning Board has 45 days to make a decision unless a longer or shorter period is specified. Mr. Larson liked the idea of examining the distances of the property lines. Since the process required time, Chairman Ritz suggested the review process begin before November 6. Mr. Grundhoefer explained there were no dramatic changes in the ordinance, with the biggest element being allowing signs on the right-of-way, and he was embarrassed at the amount of existing signage on the right-of-ways. He explained one of the tasks of the Board was to protect the beauty of the city for its citizens. Mr. Richards advised the problem would only get worse.

Ms. Mack again addressed the Board and stated the fact the Supreme Court handed down its decision did not invalidate the current ordinance. Mr. Monk failed to see the sense of urgency on signage with \$15 fines, when real human beings have been arrested repeatedly for doing basic human functions without any answer; the sudden need for this change did not make sense. Mr. Jordan asked if Enforcement had been told to not enforce the ordinance, and Mr. Richards stated they were instructed by the City Administrator to hold off on enforcement of this particular ordinance and forward it to the Legal Department. Ms. Bolin explained that the current ordinance was valid until it was either changed by Council or challenged in court, however, they anticipated that Council could go forward with an ordinance without going through the Planning Board. It was a decision of Administration not to enforce, since it was anticipated that there would be new language. Chairman Ritz agreed the Board had set dates further down the calendar to allow interested parties to be involved. Mr. Wells advised he had worked on the ordinance, and the reason for the ordinance coming before the Board was the provision in the LDC that states the Council itself cannot amend the LDC without first bringing the issue before the Planning Board for its recommendation. He also stated the Council was probably not aware this document was with the Board today. Through the process of recodification, he noted many sections were amended which conflicted with what the signage should be. The City Administrator had asked the City Attorney to look at the political sign issue and come up with a proposed alternative to meet the criteria, and because the political sign was one of several issues in the temporary sign code section, she chose to provide an ordinance which dealt with all temporary signage. This ordinance was patterned after many cities in Florida. He explained putting off a decision until after the elections was a good decision, but it would not be a solution Mr. Richards could use without some direction from the City Administrator.

Mr. Monk said it sounded like someone who was running for office brought up the situation. Mr. Moore pointed out we all get angry about lawsuits for misspent tax dollars and asked about the timeline for a workshop. Ms. Deese explained it would be the same as a regular meeting with the normal advertisements, but no quorum was required since action would not be taken. Whatever consensus was found by the Board would be presented at a regularly scheduled Board meeting as an agenda item. Mr. Monk pointed out if the workshop was before the election, anyone who was running for office would have to address this issue, and he did not feel signs were the number one issue facing Pensacola. Passing it as is and if you had \$100,000 in your campaign fund, you could place political signs on every property your friend owns; it would be the "wild wild west" for political signs except they would not be in right-of-ways. Mr. Grundhoefer suggested the Board should act sooner

than November. Chairman Ritz explained if the process began in August and followed a specific timeline, it could take until after November to complete.

Ms. Bolin advised they had consulted with Code Enforcement, and it was correct legally based on what other communities were doing; it was content neutral, and as indicated, a revision was in the works, but the ordinance needed to be amended. Chairman Ritz asked for the earliest date available for the workshop. Ms. Deese confirmed that part of the process was looking at the Escambia County ordinance which had recently been amended, and this could serve as an example to consider. Ms. Deese explained that she would contact members in the next day or so for each member's availability for a workshop. Ms. Bolin advised she would work with Ms. Deese and obtain input from Ms. Mack and other key people and provide other examples of ordinances for the Board.

Mr. Monk amended his motion to have a workshop prior to the July 2018 Board meeting, seconded by Mr. Jordan, and it carried unanimously. Ms. Deese clarified that the Board was tasked to provide Council with a recommendation, and with postponing in favor of a workshop, the Board was withholding a recommendation, but she would still notify through Council staff the Board's decision and to make them aware that the issue would eventually come to Council.

Open Forum – None

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:08 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

PROPOSED
ORDINANCE NO. _____

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE REPEALING AND REPLACING SECTION 12-10-1 THROUGH SECTION 12-10-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR FLOODPLAIN MANAGEMENT REGULATIONS, DEVELOPMENT STANDARDS AND PROCEDURES FOR CONSTRUCTION IN AREAS SUBJECT TO FLOODING; CREATING SECTION 12-10-7 THROUGH SECTION 12-10-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INSPECTION OF FLOODPLAIN CONSTRUCTION; VARIANCES AND APPEALS; DEFINITIONS; REGULATING CONSTRUCTION AND SITING OF BUILDINGS, SUBDIVISIONS, MANUFACTURED HOMES, RECREATIONAL VEHICLES AND TRAILERS, TANKS AND OTHER DEVELOPMENTS; CREATING SECTION 14-1-133 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FLOODPLAIN AMENDMENTS SUPPLEMENTAL TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Pensacola and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Pensacola was accepted for participation in the National Flood Insurance Program on September 15, 1977 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the Florida Building Code that provide for more stringent requirements than those specified in the Code and allows for local administrative and local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program and incentives;

WHEREAS, the City of Pensacola previously adopted a requirement to increase the minimum elevation requirement, to limit partitioning of enclosed areas below elevated buildings, and to limit access to enclosed areas for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*;

WHEREAS, the City of Pensacola has determined that it is in the public interest to adopt the proposed technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 555.73(4), Florida Statutes.

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*,

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

SECTION 1. Section 12-10-1 through Section 12-10-6 of the Code of the City of Pensacola, Florida is hereby repealed and replaced with the following:

Sec. 12-10-1. Statutory authorization, findings of fact, purpose and objectives.

Sec. 12-10-1. - General

(A) Title. These regulations shall be known as the *Floodplain Management Ordinance* of City of Pensacola, hereinafter referred to as “this ordinance.”

(B) Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(C) *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

(D) *Coordination with the Florida Building Code.* This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

(E) *Warning.* The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

(F) *Disclaimer of Liability.* This ordinance shall not create liability on the part of the City Council of the City of Pensacola or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 12-10-2. - Applicability

(A) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(B) Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the City of Pensacola as established in Section 12-10-2(C) of this ordinance.

(C) Basis for establishing flood hazard areas. The Flood Insurance Study for Escambia County, Florida and Incorporated Areas dated September 29, 2006, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at Inspection Services at the City of Pensacola.

(D) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 12-10-5 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

(E) Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

(F) Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

(G) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and

- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 12-10-3 Duties and Powers of the Floodplain Administrator

(A) *Designation.* The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

(B) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 12-10-7 of this ordinance.

(C) *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

(D) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

(E) *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 12-10-7 of this ordinance.

(F) *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

(G) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 12-10-6 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(H) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 12-10-3(D) of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Pensacola are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”

(I) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Inspection Services of the City of Pensacola.

Sec. 12-10-4. - Permits

(A) *Permits required.* Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

(B) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(C) Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

(D) Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the City. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Section 12-10-5 of this ordinance.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

(E) Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of the City. The issuance of permits based on submitted applications, construction documents, and information

shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

(F) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(G) *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of the City.

(H) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The Northwest Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

Sec. 12-10-5. - Site Plans and Construction Documents

(A) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 12-10-5(B)(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM

or in the Flood Insurance Study, such elevations shall be established in accordance with Section 12-10-5(B)(1) of this ordinance.

- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- (9) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

(B) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed

engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(C) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 12-10-5(D) of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 12-10-5(D) of this ordinance.
- (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

(D) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 12-10-6. - Inspections

(A) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(B) *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

(C) *Buildings, structures and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

(D) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 12-10-5(B)(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(E) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 12-10-6(D) of this ordinance.

(F) *Manufactured homes.* The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

SECTION 2. Section 12-10-7 through Section 12-10-17 of the Code of the City of Pensacola, Florida, is hereby created to read:

Sec. 12-10-7. – Variances and Appeals

(A) *General.* The Construction Board of Adjustments and Appeals shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Construction Board of Adjustments and Appeals shall hear and decide appeals and requests for variances from the strict application of the flood resistant

construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

(B) *Appeals*. The Construction Board of Adjustments and Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision may appeal such decision by certiorari appeal to the Circuit Court.

(C) *Limitations on authority to grant variances*. Constructions Board of Adjustments and Appeals shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 12-10-7(G) of this ordinance, the conditions of issuance set forth in Section 12-10-7(H) of this ordinance, and the comments and recommendations of the Floodplain Administrator. The Construction Board of Adjustments and Appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

(D) *Restrictions in floodways*. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 12-10-5(C) of this ordinance.

(E) *Historic buildings*. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

(F) *Functionally dependent uses*. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 12-10-5(D), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(G) *Considerations for issuance of variances*. In reviewing requests for variances, the Construction Board of Adjustments and Appeals shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(H) *Conditions for issuance of variances.* Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the Construction Board of Adjustments and Appeals that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 12-10-8. - VIOLATIONS

(A) Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

(B) Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(C) Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Sec. 12-10-9. - General

(A) Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

(B) Terms defined in the Florida Building Code. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

(C) Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 12-10-10. - Definitions

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)"].

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Design flood. The flood associated with the greater of the following two areas:

- (a) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (b) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the “start of construction” commenced before September 15, 1977.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 15, 1977.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from:

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood hazard area. The greater of the following two areas:

- (a) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (b) The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes referenced in Ch. 553, Florida Statutes, adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Freeboard. The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24.

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after September 15, 1977 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 15, 1977.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

Recreational vehicle. A vehicle, including a park trailer, which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building

(including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

Substantial improvement. Any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (b) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Sec. 12-10-11. - Buildings

(A) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to Section 12-10-4(C) of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of section 12-10-17 of this ordinance.

(B) *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building* Section 3109 and Section 1612 or *Florida Building Code, Residential* Section R322.
- (2) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

Sec. 12-10-12. - Subdivisions

(A) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(B) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 12-10-5(B)(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Section 12-10-13 of this ordinance.

Sec. 12-10-13. - Site Improvements, Utilities and Limitations

(A) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(B) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, Florida Administrative Code and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(C) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, Florida Administrative Code and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(D) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 12-10-5(C)(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(E) *Limitations on placement of fill.* Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

(F) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 12-10-5(C)(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 12-10-17(H)(3) of this ordinance.

Sec. 12-10-14. – Manufactured Homes

(A) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(B) *Limitations on installation in floodways.* New installations of manufactured homes shall not be permitted in floodways.

(C) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 12-10-14(G) of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

(D) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(E) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 12-10-14(F) or 12-10-14(G) of this ordinance, as applicable.

(F) *General elevation requirement.* Unless subject to the requirements of Section 12-10-14(G) of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

(G) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to Section 12-10-14(F) of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or

- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 6 feet in height above grade.

(H) Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(I) Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

Sec. 12-10-15. – Recreational Vehicles and Park Trailers

(A) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(B) Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 12-10-15(A) of this ordinance for temporary placement shall meet the requirements of Section 12-10-14 of this ordinance for manufactured homes.

(C) Limitations on installation in coastal high hazard areas (Zone V). Owners of existing recreational vehicle parks in coastal high hazard areas shall not expand or increase the number of parking sites unless a plan for removal of units from the coastal high hazard area prior to a predicted flood event is prepared and submitted to Escambia County Emergency Management. Recreational vehicle park owners shall notify vehicle owners of the plan for removal.

Sec. 12-10-16. - Tanks

(A) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(B) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 12-10-16(C) of this ordinance shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions

of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

- (2) Not be permitted in coastal high hazard areas (Zone V).

(C) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(D) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 12-10-17. – Other Development

(A) General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 12-10-13(D) of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(B) Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 12-10-13(D) of this ordinance.

(C) Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 12-10-13(D) of this ordinance.

(D) Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 12-10-13(D) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 12-10-5(C)(3) of this ordinance.

(E) Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

(F) Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(G) Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, Florida Administrative Code, as filled systems or mound systems.

(H) Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 3. Section 14-1-133 of the Code of the City of Pensacola, Florida, is hereby created to read:

Sec. 14-1-133. Local Government Amendments to Florida Building Code.

The Florida Building Code permits local governments to adopt amendments which are more stringent than the minimum standards in state statutes, and amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of the local government. Pursuant to the provisions of F.S. 553.73 (4), the following amendments are adopted and applicable within the city limits of the City of Pensacola:

- (a) Section 1612.4.2 of the Florida Building Code, Building, is amended to provide:

Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 3 feet (914 mm), whichever is higher.

(b) Section R322.2.1 of the Florida Building Code, Residential, is amended to provide:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 3 feet (914 mm), or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 3 feet (914 mm), or not less than 3 feet (915 mm) if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation 3 feet (914 mm), or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

(c) Section R322.2.2 of the Florida Building Code, Building, is amended to provide:

R322.2.2 Enclosed areas below design flood elevation.

Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

(d) Section R. 322.3.2 of the Florida Building Code, Building, is amended to provide:

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 3 feet (914 mm) or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.

4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

(e) Section R322.3.4 of the Florida Building Code, Building, is amended to provide:

R322.3.4 Walls below design flood elevation.

Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - (4.1.) The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.
 - (4.2.) The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

(f) Section R322.3.5 of the Florida Building Code, Building, is amended to provide:

R322.3.5 Enclosed areas below the design flood elevation.

Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

SECTION 4. FISCAL IMPACT STATEMENT. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has

been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits for consumers.

SECTION 5. 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 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. 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.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 05-19

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 05-19 - AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 12-10 FLOODPLAIN MANAGEMENT AND CREATING SECTION 14-1-133 LOCAL GOVERNMENT AMENDMENTS TO FLORIDA CODE

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 05-19 on first reading.

AN ORDINANCE REPEALING AND REPLACING SECTION 12-10-1 THROUGH SECTION 12-10-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR FLOODPLAIN MANAGEMENT REGULATIONS, DEVELOPMENT STANDARDS AND PROCEDURES FOR CONSTRUCTION IN AREAS SUBJECT TO FLOODING; CREATING SECTION 12-10-7 THROUGH SECTION 12-10-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INSPECTION OF FLOODPLAIN CONSTRUCTION; VARIANCES AND APPEALS; DEFINITIONS; REGULATING CONSTRUCTION AND SITING OF BUILDINGS, SUBDIVISIONS, MANUFACTURED HOMES, RECREATIONAL VEHICLES AND TRAILERS, TANKS AND OTHER DEVELOPMENTS; CREATING SECTION 14-1-133 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FLOODPLAIN AMENDMENTS SUPPLEMENTAL TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

An amendment to the Land Development Code Chapter 12-10 regarding floodplain management is a result of a mandate from the State of Florida Division of Emergency Management. The amendment will enable the City to remain compliant with the National Flood Insurance Program (NFIP) and the Community Rating System (CRS). By maintaining the City's CRS rating, our citizens are able to enjoy discounts on their flood insurance premiums. The proposed language will replace the existing

Chapter 12-10 in its entirety and would satisfy the requirements of the State.

On May 8, 2018, the Planning Board unanimously recommended approval of the proposed amendment to the Land Development Code Chapter 12-10. Floodplain Management.

Section 14-1-133 Local Government Amendments to Florida Building Code is being created.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

5/30/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Jonathan P. Bilby, CFM, Inspection Services Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 05-19
- 2) May 8, 2018 Planning Board Minutes

PRESENTATION: No

PROPOSED
ORDINANCE NO. 05-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE REPEALING AND REPLACING SECTION 12-10-1 THROUGH SECTION 12-10-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR FLOODPLAIN MANAGEMENT REGULATIONS, DEVELOPMENT STANDARDS AND PROCEDURES FOR CONSTRUCTION IN AREAS SUBJECT TO FLOODING; CREATING SECTION 12-10-7 THROUGH SECTION 12-10-17 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INSPECTION OF FLOODPLAIN CONSTRUCTION; VARIANCES AND APPEALS; DEFINITIONS; REGULATING CONSTRUCTION AND SITING OF BUILDINGS, SUBDIVISIONS, MANUFACTURED HOMES, RECREATIONAL VEHICLES AND TRAILERS, TANKS AND OTHER DEVELOPMENTS; CREATING SECTION 14-1-133 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FLOODPLAIN AMENDMENTS SUPPLEMENTAL TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Pensacola and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Pensacola was accepted for participation in the National Flood Insurance Program on September 15, 1977 and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the Florida Building Code that provide for more stringent requirements than those specified in the Code and allows for local administrative and local technical amendments to the *Florida Building Code* to implement the National Flood Insurance Program and incentives;

WHEREAS, the City of Pensacola previously adopted a requirement to increase the minimum elevation requirement, to limit partitioning of enclosed areas below elevated buildings, and to limit access to enclosed areas for buildings and structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*;

WHEREAS, the City of Pensacola has determined that it is in the public interest to adopt the proposed technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 555.73(4), Florida Statutes.

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*,

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

SECTION 1. Section 12-10-1 through Section 12-10-6 of the Code of the City of Pensacola, Florida is hereby repealed and replaced with the following:

Sec. 12-10-1. Statutory authorization, findings of fact, purpose and objectives.

Sec. 12-10-1. - General

(A) *Title.* These regulations shall be known as the *Floodplain Management Ordinance* of City of Pensacola, hereinafter referred to as “this ordinance.”

(B) *Scope.* The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(C) *Intent.* The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- (7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- (8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

(D) Coordination with the Florida Building Code. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

(E) Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

(F) Disclaimer of Liability. This ordinance shall not create liability on the part of the City Council of the City of Pensacola or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 12-10-2. - Applicability

(A) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(B) *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the City of Pensacola as established in Section 12-10-2(C) of this ordinance.

(C) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Escambia County, Florida and Incorporated Areas dated September 29, 2006, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at Inspection Services at the City of Pensacola.

(D) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section 12-10-5 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

(E) *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

(F) *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

(G) *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 12-10-3 Duties and Powers of the Floodplain Administrator

(A) *Designation.* The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

(B) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 12-10-7 of this ordinance.

(C) *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

(D) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the

building or structure shall be the market value before the damage occurred and before any repairs are made;

- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

(E) *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 12-10-7 of this ordinance.

(F) *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

(G) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 12-10-6 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(H) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 12-10-3(D) of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* to determine that such certifications and documentations are complete;

- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Pensacola are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”

(I) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Inspection Services of the City of Pensacola.

Sec. 12-10-4. - Permits

(A) *Permits required.* Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

(B) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(C) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program

(44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

(D) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the City. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Section 12-10-5 of this ordinance.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

(E) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of the City. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

(F) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(G) *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of the City.

(H) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The Northwest Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

Sec. 12-10-5. - Site Plans and Construction Documents

(A) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 12-10-5(B)(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 12-10-5(B)(1) of this ordinance.

- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- (9) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

(B) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(C) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 12-10-5(D) of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 12-10-5(D) of this ordinance.
- (4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

(D) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 12-10-6. - Inspections

(A) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(B) *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

(C) Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

(D) Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 12-10-5(B)(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(E) Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 12-10-6(D) of this ordinance.

(F) Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

SECTION 2. Section 12-10-7 through Section 12-10-17 of the Code of the City of Pensacola, Florida, is hereby created to read:

Sec. 12-10-7. – Variances and Appeals

(A) General. The Construction Board of Adjustments and Appeals shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Construction Board of Adjustments and Appeals shall hear and decide appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

(B) Appeals. The Construction Board of Adjustments and Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by

the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision may appeal such decision by certiorari appeal to the Circuit Court.

(C) *Limitations on authority to grant variances.* Constructions Board of Adjustments and Appeals shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 12-10-7(G) of this ordinance, the conditions of issuance set forth in Section 12-10-7(H) of this ordinance, and the comments and recommendations of the Floodplain Administrator. The Construction Board of Adjustments and Appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

(D) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 12-10-5(C) of this ordinance.

(E) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

(F) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 12-10-5(D), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(G) *Considerations for issuance of variances.* In reviewing requests for variances, the Construction Board of Adjustments and Appeals shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;

- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(H) Conditions for issuance of variances. Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the Construction Board of Adjustments and Appeals that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 12-10-8. - VIOLATIONS

(A) Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

(B) Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(C) Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Sec. 12-10-9. - General

(A) Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

(B) Terms defined in the Florida Building Code. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

(C) Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 12-10-10. - Definitions

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Design flood. The flood associated with the greater of the following two areas:

- (a) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (b) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the “start of construction” commenced before September 15, 1977.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 15, 1977.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from:

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood hazard area. The greater of the following two areas:

- (a) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (b) The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes referenced in Ch. 553, Florida Statutes, adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Freeboard. The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA

amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24.

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of

buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after September 15, 1977 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 15, 1977.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

Recreational vehicle. A vehicle, including a park trailer, which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

Substantial improvement. Any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (b) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Sec. 12-10-11. - Buildings

(A) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to Section 12-10-4(C) of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of section 12-10-17 of this ordinance.

(B) *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building* Section 3109 and Section 1612 or *Florida Building Code, Residential* Section R322.
- (2) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

Sec. 12-10-12. - Subdivisions

(A) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(B) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 12-10-5(B)(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Section 12-10-13 of this ordinance.

Sec. 12-10-13. - Site Improvements, Utilities and Limitations

(A) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(B) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, Florida Administrative Code and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(C) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, Florida Administrative Code and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(D) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 12-10-5(C)(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(E) *Limitations on placement of fill.* Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

(F) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 12-10-5(C)(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 12-10-17(H)(3) of this ordinance.

Sec. 12-10-14. – Manufactured Homes

(A) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(B) *Limitations on installation in floodways.* New installations of manufactured homes shall not be permitted in floodways.

(C) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 12-10-14(G) of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

(D) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(E) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 12-10-14(F) or 12-10-14(G) of this ordinance, as applicable.

(F) *General elevation requirement.* Unless subject to the requirements of Section 12-10-14(G) of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

(G) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to Section 12-10-14(F) of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 6 feet in height above grade.

(H) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(I) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

Sec. 12-10-15. – Recreational Vehicles and Park Trailers

(A) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(B) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in Section 12-10-15(A) of this ordinance for temporary placement shall meet the requirements of Section 12-10-14 of this ordinance for manufactured homes.

(C) *Limitations on installation in coastal high hazard areas (Zone V).* Owners of existing recreational vehicle parks in coastal high hazard areas shall not expand or increase the number of parking sites unless a plan for removal of units from the coastal high hazard area prior to a predicted flood event is prepared and submitted to Escambia County Emergency Management. Recreational vehicle park owners shall notify vehicle owners of the plan for removal.

Sec. 12-10-16. - Tanks

(A) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(B) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 12-10-16(C) of this ordinance shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- (2) Not be permitted in coastal high hazard areas (Zone V).

(C) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(D) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 12-10-17. – Other Development

(A) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 12-10-13(D) of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(B) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 12-10-13(D) of this ordinance.

(C) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 12-10-13(D) of this ordinance.

(D) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated

floodways shall meet the limitations of Section 12-10-13(D) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 12-10-5(C)(3) of this ordinance.

(E) Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

(F) Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(G) Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not

structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, Florida Administrative Code, as filled systems or mound systems.

(H) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 3. Section 14-1-133 of the Code of the City of Pensacola, Florida, is hereby created to read:

Sec. 14-1-133. Local Government Amendments to Florida Building Code.

The Florida Building Code permits local governments to adopt amendments which are more stringent than the minimum standards in state statutes, and amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of the local government. Pursuant to the provisions of F.S. 553.73 (4), the following amendments are adopted and applicable within the city limits of the City of Pensacola:

(a) Section 1612.4.2 of the Florida Building Code, Building, is amended to provide:

Elevation requirements. The minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 3 feet (914 mm), whichever is higher.

(b) Section R322.2.1 of the Florida Building Code, Residential, is amended to provide:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 3 feet (914 mm), or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 3 feet (914 mm), or not less than 3 feet (915 mm) if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation 3 feet (914 mm), or the design flood elevation, whichever is higher.
Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

(c) Section R322.2.2 of the Florida Building Code, Building, is amended to provide:

R322.2.2 Enclosed areas below design flood elevation.

Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

(d) Section R. 322.3.2 of the Florida Building Code, Building, is amended to provide:

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 3 feet (914 mm) or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

(e) Section R322.3.4 of the Florida Building Code, Building, is amended to provide:

R322.3.4 Walls below design flood elevation.

Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - (4.1.) The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.
 - (4.2.) The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

(f) Section R322.3.5 of the Florida Building Code, Building, is amended to provide:

R322.3.5 Enclosed areas below the design flood elevation.

Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

SECTION 4. FISCAL IMPACT STATEMENT. In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits for consumers.

SECTION 5. 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 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. 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.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

May 8, 2018

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Nina Campbell, Kurt Larson, Jared Moore, Danny Grundhoefer, Victor Jordan

MEMBERS ABSENT: None

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, Don Kraher, Council Executive, Robyn Tice, Clerk's Office

OTHERS PRESENT: John McFarland, Diane Mack

AGENDA:

- Quorum/Call to Order
- Swearing in of New Board Member – Mr. Victor Jordan
- Approval of Meeting Minutes from April 10, 2018
- New Business:
 1. Request for Site Plan Approval for 5057 N. 9th Avenue – Publix
 2. Consider Amendment to LDC Chapter 12-10 Floodplain Management
 3. Consider Amendment to LDC Section 12-2-6 Residential/Office Land Use District & LDC Section 12-2-8 Commercial Land Use District.
 4. Consider Amendment to LDC Section 12-4-6 Temporary Signs and LDC Chapter 12-14 Definitions.
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:01 pm with a quorum present.

Swearing in of New Board Member – Mr. Victor Jordan was sworn in by the Clerk's Office.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the April 10, 2018 minutes, seconded by Ms. Campbell, and it carried unanimously.

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

New Business

Request for Site Plan Approval for 5057 N. 9th Avenue - Publix

John McFarland, Jacobs Engineering, has submitted an application for aesthetic approval for exterior modifications to the property located at 5057 N. 9th Avenue.

This property is located within the North 9th Avenue Corridor Management Overlay District and is subject to the review provisions as outlined in Section 12-2-24. The improvements proposed include a canopy roof structure at existing supermarket entrance to provide protection from the elements for both patrons approaching and an exterior shopping cart stack area.

Mr. McFarland presented to the Board. Chairman Ritz advised the canopy fit the character of the supermarket. Ms. Campbell explained it was appropriate with the structure, and there was a need for it. Mr. Jordan observed the treatment was for one door and asked why the treatment was not appropriate for the second entrance. Mr. McFarland advised that so many of the stores have vestibules for cart storage; the thought here would be to protect shopping carts and combining it with an entrance canopy. He advised the company treated entrances differently. Mr. Larson asked if this design was standard, and Mr. McFarland advised he had not seen this one before. He stated they had a plan to place bollards in front of two existing ramps. Mr. Monk wanted clarification as to why this project was before the Board, and Chairman Ritz explained that with the 9th Avenue Corridor Overlay, projects would now come before this Board for aesthetic approval. Mr. McFarland stated the base would be split face concrete block which has a textured finish. Mr. Monk explained he preferred anything over textured cinderblock. Chairman Ritz suggested specifying some type of brick with a color to match the building in the motion, and stated the project would return for an abbreviated review by the Chairman for verification. **Mr. Monk made a motion that a tan colored brick be used as the product in place of split-face concrete block to return in an abbreviated review. It was seconded by Mr. Grundhoefer.** Mr. McFarland explained there might not have been a lot of thought put into the cultured stone. Mr. Monk explained the size of the cinderblock versus the size of the brick implies value and time. Ms. Campbell noted the textured surface on the right side and asked if there were any other options. Mr. McFarland stated they were trying to use the existing colors of the building, and there were several products which looked like cultured stone. Mr. Grundhoefer pointed out everything being discussed was foreign to the existing materials, with the desire being something durable and more elegant. He was agreeable with the brick since it would be attainable and compatible to the existing materials. **The motion then carried unanimously.**

Consider Amendment to LDC Chapter 12-10 Floodplain Management

Mr. Bill Weeks, Chief Building Official, is requesting consideration of a Land Development Code Amendment to Chapter 12-10 – Floodplain Management. This amendment is a mandate directly from the State of Florida Division of Emergency Management and will enable the City to remain compliant with the Community Rating System (CRS). By maintaining the City's CRS rating, our citizens are able to enjoy discounts on their flood insurance premiums. The attached proposed language will completely replace the existing Chapter 12-10 and would satisfy the requirements of the state.

Mr. Weeks explained that currently there are over 300 communities in the National Flood Insurance Program (NFIP) for the State of Florida with different floodplain ordinances. Participation in the program to reduce future floodplain risks makes federal flood insurance available against flood losses. Action was required by our community to repeal and replace local floodplain management regulations. Chairman Ritz offered that coming into compliance with this ordinance would be a positive direction and would bring Pensacola into compliance. Mr. Larson pointed out as being a responder who inspects facilities after an

event, if the ordinance was not approved as submitted, we would not be eligible for the lower income families to obtain the grant monies available and would hinder rebuilding. Mr. Monk agreed it was something the Board needed to do. Mr. Weeks advised that currently Pensacola was a Class 7 community with a 15% designation and by adopting this ordinance, we could become a Class 6 more easily which would give an additional 5% discount. **Mr. Jordan made a motion to approve, seconded by Ms. Campbell. The motion then carried unanimously.**

Consider Amendment to LDC Section 12-2-6 Residential/Office Land Use District & LDC Section 12-2-8 Commercial Land Use District.

On April 12, 2018, City Council referred to this Board for review and recommendation an Amendment to Land Development Code Section 12-2-6 Residential/Office Land Use District and 12-2-8 Commercial Land Use District. This proposed amendment would require all permitted uses requesting a drive through component to be subject to LDC Section 12-2-78 – Conditional Use Permits. If approval is recommended, staff will make the appropriate changes in each section of the code under each zoning district due to the cumulative nature of our code. The amendment would include all businesses that have a drive through component such as banks, pharmacies, dry cleaners, and restaurants. Chairman Ritz explained this amendment covered the entire city limits. Ms. Deese confirmed every drive-thru would come before this Board and the City Council for approval. Mr. Monk did not understand the motivation since we have more and more small local businesses with a drive-thru and did not see any reason to add another element to become an impediment to small businesses and a nuisance to big corporations. Mr. Grundhoefer explained if a person wanted to place a drive-thru next to a residential zone because it would be allowed, might not be an appropriate situation. The Board would look favorably on an establishment such as Taco Bell if it was not adjacent to residential, and the Board could actually review for aesthetic appeal. Ms. Campbell advised she would actually support this amendment.

Mr. Andrew Landis Power stated you could have the best of both worlds if you specified if they were in so many feet of a residential area, they would come before the Board. Ms. Deese advised there was a \$2000 filing fee for a Conditional Use Permit application. Mr. Monk thought of young entrepreneurs having a small coffee shop or dry cleaner enduring a \$2,000 filing fee when they could be denied while corporations would have no problem. This might cause the make or break of small businesses. Ms. Campbell offered if \$2,000 would make or break them, they didn't need to go into business. Mr. Monk explained the small business might not even choose to apply. **Ms. Campbell made a motion to accept the amendment as presented, seconded by Mr. Grundhoefer. The motion was denied 4 to 3, with Mr. Monk, Mr. Larson, Chairman Ritz, and Mr. Moore dissenting.**

Consider Amendment to LDC Section 12-4-6 Temporary Signs and LDC Chapter 12-14 Definitions.

In June 2015, the United States Supreme Court issued a decision in *Reed v. Town of Gilbert, Ariz.*, - U.S.-, 135 S. Ct. 2218 (2015) which clarified that temporary signs must be regulated in a content-neutral manner. This ruling impacted sign codes across the country, including the City of Pensacola's, because temporary signs are typically regulated by sign message. The Land Development Code currently provides specific regulations for temporary signs including real estate, political, construction, holiday displays, portable, garage sale, temporary banners, architectural or other temporary signs. These regulations are content-based and must be revised. Mr. Derek Cosson's comments have also been provided to the Board.

Chairman Ritz advised there was visual clutter with temporary signs especially during election times and agreed with Mr. Cosson's comments on the placement distance. He explained he lives on a road with a very large right-of-way, and if he went to the property line and stepped back 5 feet, he would

be quite a distance from the road and not visible. With that in mind, he preferred a shorter distance from the property line. Ms. Deese clarified the new ordinance would consist of a table with the maximum sign heights and square footage and four footnotes. Mr. Monk noted the decision from the Supreme Court and the desire of the City to conform, but he was still waiting on an answer regarding panhandling, and he was not in a rush to push this through especially in an election season. Mr. Jordan confirmed temporary signs could be up for one year or three days after the event takes place. City Attorney Bolin advised the Board needed to find a method to regulate temporary signs on a content-neutral basis. She pointed out the document was examined very carefully by Code Enforcement and Inspections to contain what was best for our community. This was the approach many cities were taking to revise the ordinances. Mr. Monk asked if the content-neutral approach would be limited to signs which were placed on metal brackets and placed in the ground or ones held by human beings. Ms. Bolin explained they would look at the definition of a sign in the Code which would not lend to a sign held by a human being. She directed the Board to page 5 for the language "Signs which are erected for a period of time not to exceed one (1) year." Per the Board's request, Ms. Deese read the definition of a sign from the current Land Development Code Section 12-14-1 "*Sign means any device, display or structure or a part thereof, which advertises, identifies, displays, directs or attracts attention to an object, person, institution, organization, business, product, service, event or location by the use of words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.*" Chairman Ritz emphasized the Board was not evaluating the content of the sign.

Diane Mack addressed the Board and stated they had been given a can of worms; what is before the Board is bad law, and what has happened is bad law making. She had read the Supreme Court decision word for word but noted that decision was delivered three years ago, and asked the Board not to rush into it. She explained the Council should be asked if they wanted to totally eliminate any kind of sign in the right-of-way which is a policy issue. She advised the Board needed to hear from Code Enforcement what would be workable and efficient enforcement. She recommended the Board conduct a workshop for fact finding with realtors, politicians and non-profit organizations. Mr. Jordan asked how the ordinance came before the Board, and Ms. Bolin advised they had drafted the ordinance for Council. Ms. Deese clarified that from time to time there were Code amendments from specific departments. This request was from a combination of departments including the City Attorney's Office, Code Enforcement and Building Inspections. **Mr. Monk made a motion for a workshop sometime after November 6, which was not a motion to approve but to workshop this particular ordinance with those agencies mentioned. It was seconded by Mr. Jordan.** Ms. Deese clarified that Planning staff does not deal with this particular Code section and noted it would not be appropriate to comment.

Steve Richards of Code Enforcement stated the constitutionality of the ordinance was questioned and brought to Administration who found there were some problems. The revised ordinance was more concise than the original one, and he explained he could get the information on who brought this ordinance forward. Chairman Ritz asked if often there were issues with improperly placed signs. Mr. Richards advised they worked with two ordinances dealing with temporary signs; this one identified political signs and the placement and length of time. He stated they worked all angles, and the ordinance was basically invalid, and they could not enforce it. Ms. Bolin stated they had anticipated that since the decision came down they would need to amend the Code, and Mr. Wells and Ms. Morris

worked on the redraft of the Code which is pending for Council approval. Chairman Ritz clarified the Board was acting on the revision of the ordinance and was it right for Pensacola. If the motion was approved, it would not go to City Council. Ms. Deese explained staff would notify Council staff on the Board's recommendation. The time limits state Planning Board has 45 days to make a decision unless a longer or shorter period is specified. Mr. Larson liked the idea of examining the distances of the property lines. Since the process required time, Chairman Ritz suggested the review process begin before November 6. Mr. Grundhoefer explained there were no dramatic changes in the ordinance, with the biggest element being allowing signs on the right-of-way, and he was embarrassed at the amount of existing signage on the right-of-ways. He explained one of the tasks of the Board was to protect the beauty of the city for its citizens. Mr. Richards advised the problem would only get worse.

Ms. Mack again addressed the Board and stated the fact the Supreme Court handed down its decision did not invalidate the current ordinance. Mr. Monk failed to see the sense of urgency on signage with \$15 fines, when real human beings have been arrested repeatedly for doing basic human functions without any answer; the sudden need for this change did not make sense. Mr. Jordan asked if Enforcement had been told to not enforce the ordinance, and Mr. Richards stated they were instructed by the City Administrator to hold off on enforcement of this particular ordinance and forward it to the Legal Department. Ms. Bolin explained that the current ordinance was valid until it was either changed by Council or challenged in court, however, they anticipated that Council could go forward with an ordinance without going through the Planning Board. It was a decision of Administration not to enforce, since it was anticipated that there would be new language. Chairman Ritz agreed the Board had set dates further down the calendar to allow interested parties to be involved. Mr. Wells advised he had worked on the ordinance, and the reason for the ordinance coming before the Board was the provision in the LDC that states the Council itself cannot amend the LDC without first bringing the issue before the Planning Board for its recommendation. He also stated the Council was probably not aware this document was with the Board today. Through the process of recodification, he noted many sections were amended which conflicted with what the signage should be. The City Administrator had asked the City Attorney to look at the political sign issue and come up with a proposed alternative to meet the criteria, and because the political sign was one of several issues in the temporary sign code section, she chose to provide an ordinance which dealt with all temporary signage. This ordinance was patterned after many cities in Florida. He explained putting off a decision until after the elections was a good decision, but it would not be a solution Mr. Richards could use without some direction from the City Administrator.

Mr. Monk said it sounded like someone who was running for office brought up the situation. Mr. Moore pointed out we all get angry about lawsuits for misspent tax dollars and asked about the timeline for a workshop. Ms. Deese explained it would be the same as a regular meeting with the normal advertisements, but no quorum was required since action would not be taken. Whatever consensus was found by the Board would be presented at a regularly scheduled Board meeting as an agenda item. Mr. Monk pointed out if the workshop was before the election, anyone who was running for office would have to address this issue, and he did not feel signs were the number one issue facing Pensacola. Passing it as is and if you had \$100,000 in your campaign fund, you could place political signs on every property your friend owns; it would be the "wild wild west" for political signs except they would not be in right-of-ways. Mr. Grundhoefer suggested the Board should act sooner

than November. Chairman Ritz explained if the process began in August and followed a specific timeline, it could take until after November to complete.

Ms. Bolin advised they had consulted with Code Enforcement, and it was correct legally based on what other communities were doing; it was content neutral, and as indicated, a revision was in the works, but the ordinance needed to be amended. Chairman Ritz asked for the earliest date available for the workshop. Ms. Deese confirmed that part of the process was looking at the Escambia County ordinance which had recently been amended, and this could serve as an example to consider. Ms. Deese explained that she would contact members in the next day or so for each member's availability for a workshop. Ms. Bolin advised she would work with Ms. Deese and obtain input from Ms. Mack and other key people and provide other examples of ordinances for the Board.

Mr. Monk amended his motion to have a workshop prior to the July 2018 Board meeting, seconded by Mr. Jordan, and it carried unanimously. Ms. Deese clarified that the Board was tasked to provide Council with a recommendation, and with postponing in favor of a workshop, the Board was withholding a recommendation, but she would still notify through Council staff the Board's decision and to make them aware that the issue would eventually come to Council.

Open Forum – None

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:08 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a stylized flourish extending from the end.

Brandi C. Deese
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00312

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Ann Hill

SUBJECT:

PUBLIC HEARING: PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS - TO INCLUDE HISTORIC BUILDING DEMOLITION REVIEW

RECOMMENDATION:

That City Council conduct a public hearing on July 18, 2019 to consider an amendment to the Code of the City of Pensacola, Land Development Code Section 12-12-5 - Building Permits - to include Historic Building Demolition Review

HEARING REQUIRED: Public

SUMMARY:

In July of 2016, City Council referred to the Planning Board for review and recommendation a proposed ordinance for a Historic Building Demolition Review. Between August and November of 2016, the Planning Board discussed at regular meetings as well as workshops a proposed amendment to the Land Development Code (LDC), which would allow for Historic Building Demolition Review.

Currently the LDC only affords an application and review process for the issuance of demolition permits for those areas within a historic district or other similarly designated area requiring such review. The desire of this amendment was to provide a review process citywide regarding the issuance of demolition permits for historic structures as defined within the LDC.

In October of 2018, City Council referred to the Planning Board a proposed Historic Preservation Commission. In response, at its February 12, 2019 Planning Board Meeting, the Board brought forth a proposed amendment to the LDC allowing for a Historic Building Demolition Review process.

With the assistance of Inspections, Planning Staff, Legal and Council Staff, the proposed amendment to Section 12-12-5 of the LDC, Historic Building Demolition Review is brought forward for Council consideration.

PRIOR ACTION:

February 12, 2019 - Planning Board considered Council referral regarding a Historic Preservation Commission

October 11, 2018 - City Council referred to the Planning Board a proposed Historic Preservation Commission

August through November, 2016 - Planning Board discussed at regular meetings as well as workshops to provide a proposed amendment to the Land Development Code for a Historic Building Demolition Review

July 14, 2016 - City Council referred to Planning Board for their review and recommendation a Historic Building Demolition Review Ordinance

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance - Historic Demolition Review
- 2) February 12, 2019 Planning Board Minutes

PRESENTATION: No

PROPOSED
ORDINANCE NO. _____

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-12-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SUBSECTION 12-12-5(E) ESTABLISHING A PROCESS FOR THE REVIEW OF REQUESTS TO DEMOLISH BUILDINGS OF HISTORICAL, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE TO THE CITY; PROVIDING DEFINITIONS; PROVIDING ARCHITECTURAL REVIEW BOARD CRTERIA AND PROCEDURES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-12-5 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

SECTION 12-12-5. - Building permits.

This section is established to provide for building permits for review of compliance with the provisions of this land development code. A "building permit" means any building or construction permit required by Chapter 14-1.

(A) *Application.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Standard Building Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. All applications for building permit shall be accompanied by the following information and materials:

(a) Two (2) complete sets of building construction plans shall be required. In addition, a plot plan drawn to scale depicting the following information shall be required for residential and commercial building permits:

1. Lot dimensions, boundary lines, area of the lot, and its legal description.
 2. The locations and dimensions of buildings, structures or additions, including all overhangs, eaves and porches.
 3. The yard requirements indicating distance from all property lines to the proposed buildings, structures or additions in feet.
 4. The existing and proposed uses of each building, structure or addition.
 5. Access and parking layout, including driveway location. Where applicable, required loading and unloading spaces should be indicated.
 6. Elevations showing architectural features of each side of the existing and proposed construction.
 7. Where application is made to build upon a lot nonconforming in size or dimensions (lot of record), the application shall be accompanied by a recorded deed giving description of the property as of July 23, 1965.
 8. For all plans except single-family or duplex dwellings a landscape plan is required pursuant to section 12-6-4.
- (b) Proof of sewer tap from Escambia County Utilities Authority.
- (c) Completed current Florida Model Energy Efficiency Code Building Construction.

One (1) copy of the plans shall be returned to the applicant by the building official after he has marked such copy either as approved or disapproved and attested same by his signature on such copy. The original, similarly marked, shall be retained by the building official.

- (B) *Issuance of building permits.* No application for a building permit shall be approved by the building official for any building, structure, or addition on any lot in violation of this chapter or not in compliance with any provisions of this chapter, unless authorized under subsection 12-12-2(A)(2), Variances.
- (C) *Construction and occupancy to be as provided in applications.* Building permits issued on the basis of plans and applications approved by the building official authorize only the occupancy, arrangement, and

construction set forth in such approval plans and applications, and no other occupancy, arrangement, or construction. Occupancy, arrangement, or construction in variance with that authorized shall be deemed a violation of this chapter, unless such change is reviewed and approved by the building official.

- (D) *Expiration of building permits.* Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed, and such extensions shall be in writing by the building official.

- (E) This section shall be known and cited as the City of Pensacola's Historic Building Demolition Review Ordinance. The purpose of this section is to establish a predictable process for reviewing requests to demolish certain buildings in order to establish an appropriate waiting period during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City.

(1) Definitions.

For the purposes of this section only, the following words and phrases, whether or not capitalized, shall have the following meanings:

Applicant means the person or persons filing an application for review under this Section.

Application means a Demolition Permit application for review under this Section, filed with the City's Inspection Services Division.

Application filing date means the date on which the application was filed with the City's Inspection Services Division.

Architectural Review Board means the City's Architectural Review Board as advisors to the City Council.

Contributing Structure means any building adding to the historic significance of a property or district.

Day means any day, including Saturdays, Sundays, and holidays.

Demolition means any act of pulling down, destroying, razing, or removing a building.

Demolition permit means a permit issued by the Inspection Services Division authorizing the demolition of a building pursuant to an application.

Historic Building means a building or structure that is:

- (a) Individually listed in the National Register of Historic Places; or
- (b) A contributing property in a National Register of Historic Places listed district; or
- (c) Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district; or
- (d) Determined potentially eligible as meeting the requirements for listing in the National Register of Historic Places, either individually or as a contributing property in a district, by the Secretary of the Interior.

Historic Site means a place, or associated structures, having historic significance.

Historic Structure means a building, bridge, lighthouse, monument, pier, vessel or other construction that is 50 years in age or more and is designated or that is deemed eligible for such designation by a local, regional or national jurisdiction as having historical, architectural or cultural significance.

Neighborhoods means all the areas of the City.

Significant building means a building with respect to which the Architectural Review Board has made a determination, that further examination, including the public hearing required by this Section, is warranted to determine whether a delay in demolition should be required.

National Register of Historic Places means the official Federal lists of districts, sites, buildings, structures and objects determined significant in American history, architecture, archaeology, engineering and culture.

(2) Buildings Subject to Review.

The following buildings are subject to review by the Architectural Review Board for the purpose of determining whether such buildings are significant:

Any building located in the Neighborhoods of the city of Pensacola if:

- (a) Such building, or the portion thereof to which the application relates, is 50 years old or older; or
- (b) Such building is listed on the City of Pensacola's "Local Registry of Historic or Significant Buildings", or
- (c) Such building or the portion thereof is determined to be a significant building pursuant to subsection (4) 3, herein.
- (d) Such building is located in one of the City of Pensacola's historic preservation districts AND is confirmed as a contributing structure to that district.

(3) Enforcement.

- (a) Issuance of Demolition Permit. The requirements set forth in this Section are in addition to, and not in lieu of, the requirements of any other codes, ordinances, statutes, or regulations applicable to the demolition of buildings. The Building Official shall not issue any demolition permit relating to a building that is subject to review, unless:
 - 1. The Building Official has determined that the building is unsafe in accordance with City Code Section 14-1-139.
 - 2. The Building Official: (i) has received a notice issued by the Architectural Review Board, that the building is not subject to review under this section, or is not a significant building, or (ii) has not received

- such notice within the time period set forth in subsection (4)(a); or
3. The Building Official: (i) has received a notice issued by the Architectural Review Board that no demolition delay is required; or (ii) has not received such notice within the time period set forth in subsection (4)(a); or
 4. The Building Official has received a notice issued by the Architectural Review Board that there is no feasible alternative to demolition; or
 5. The demolition delay period set forth in subsection (4)(a) has expired.

(b) Required Demolition or Repair.

1. Demolition. Nothing in this section shall restrict the authority of the Building Official to order the building owner, or the City, to demolish a building at any time if the Building Official determines that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.

(4) Procedure.

- (a) Application. An application for review under this section shall be made in the manner provided below. The process, from start (application) to finish (determination and/or permit issuance) shall not exceed 120 days. If the Applicant is not the owner of record of the building, the owner or owners of record shall co-sign the application.

1. Time for Filing Application. The Applicant (or building owner) is encouraged to apply for review under this section as early as possible, so that any necessary review, and any delay period required by this Section, may be completed prior to, or during, any other review to which the building or its site may be subject.
2. Application for Early Review. At any time prior to filing an application for a demolition permit, the Applicant may apply for review under this Section by submitting a request in writing to the Architectural Review Board.

3. Informational evidence: The Applicant must submit for review sufficient information to enable the Architectural Review Board to make their determination, including a site plan showing the footprint, photos of the subject building and surrounding properties.

- (b) Determination: Applicability of Review and Significance of Building. After its receipt of an application from Planning Staff, the Architectural Review Board shall determine: (1) whether the building is subject to review under this Section, and (2) whether the building is a historically significant building. The Architectural Review Board may seek the assistance of City staff or the University of West Florida's Historic Trust or the University of West Florida Archaeological Institute.

The initial review process shall be handled as an abbreviated review involving staff and the Chairman or his/her designee of the Architectural Review Board. If it is determined by the abbreviated review panel to be potentially architecturally significant, the application would then go to the full Architectural Review Board for review.

The Architectural Review Board shall issue a notice of its determination within forty-five (45) days of an application being received. If the Architectural Review Board determines that the building is significant, such notice shall:

1. indicate that the Architectural Review Board will hold a public hearing within the time period required by this Section; and
2. invite the Applicant to submit any information that the Applicant believes will assist the Architectural Review Board in: (i) determining whether the building is subject to demolition delay according to the criteria set forth herein, and (ii) evaluating alternatives to demolition.

(c) Criteria for Determining Significance. The Architectural Review Board shall determine that the building to which the application relates is a significant building if:

1. The building is associated with events had have made a significant contribution to the broad patterns of our national, regional or historical history; or
2. The building is associated with the lives of persons significant in our national, regional or local past; or
3. The building embodies the distinctive characteristics of a type, period or method of construction , or that represents the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack; or
4. The building has yielded, or may be likely to yield, information important in nations, regional or local history; or

(d) Architectural Review Board Hearing to Determine Whether Significant Building is Subject to Demolition Delay.

1. Hearing Requirement; Time for Issuance of Determination. If the Architectural Review Board has determined that a building is significant, the Architectural Review Board shall hold a public hearing to determine whether the building is subject to the demolition delay required herein. At such hearing, the Architectural Review Board also may consider alternatives to demolition. The Architectural Review Board shall issue its determination pursuant to such hearing within forty-five days (45) of the Public Hearing. Additionally, the Architectural Review Board may consult with the Florida Division of Historical Resources and State Historical Preservation Office for comment within thirty (30) days of the Public Hearing.
2. Criteria for Requiring Demolition Delay. The Architectural Review Board shall make its determination concerning the requirement of

demolition delay according to the criteria set forth herein. The Applicant is encouraged to present any information the Applicant believes will assist the Architectural Review Board in making its determination.

3. Early Determination of No Feasible Alternative. At the hearing, the Applicant may present any information the Applicant believes will assist the Architectural Review Board in evaluating alternatives to demolition. If, at such hearing, the Architectural Review Board finds that demolition delay is required, and also finds that the information presented at such hearing is sufficient for the Board to issue a determination that there is no feasible alternative to demolition, the Board shall issue such determination within the time period set forth in this subsection for the issuance of the Architectural Review Board's hearing determination.

4. Hearing Notice and Procedure. Except where otherwise specified in this Section, the conduct of any public hearing held, including public notices, hearing procedures, votes, records, and the like, shall be governed by the rules and procedures established by the Architectural Review Board through its duly adopted regulations and by-laws.

(e) Criteria for Determination that Building is Subject to Demolition Delay. To determine that a significant building is subject to the demolition delay, the Architectural Review Board must find that, in the public interest, it is preferable that the building be preserved or rehabilitated rather than demolished. In making such finding, the Architectural Review Board shall consider the criteria for determining significance.

(f) Demolition Delay.

1. Delay Period. If the Architectural Review Board has issued a determination, that a significant building is subject to demolition delay, the Building Official shall not issue a demolition

permit until one hundred and twenty (120) days have elapsed following the close of the public hearing.

Upon expiration of the delay period, the Architectural Review Board shall issue a notice in writing stating that such delay period has expired, and the date of such expiration, unless the Architectural Review Board has issued a determination that there is no feasible alternative to demolition.

2. Invitation to Consider Alternatives. If the Architectural Review Board has determined that a significant building is subject to demolition delay, and has not determined, at the hearing that there is no feasible alternative to demolition, the Architectural Review Board shall invite the Applicant (or the owner of record, if different from the Applicant) to participate in an investigation of alternatives to demolition. The Architectural Review Board also may invite the participation, on an advisory basis, of City Staff, as well as any individual or representative of any group whose participation the Applicant (or owner) requests, to assist in considering alternatives.

(g) Evaluation of Alternatives to Demolition. In evaluating alternatives to demolition, the Architectural Review Board may consider such possibilities as: the incorporation of the building into the future development of the site; the adaptive re-use of the building; the use of financial or tax incentives for the rehabilitation of the building; the removal of the building to another site; and, with the owner's consent, the search for a new owner willing to purchase the building and preserve, restore, or rehabilitate it.

In evaluating alternatives to demolition, the Architectural Review Board shall consider, and shall invite the Applicant to present, the following information:

1. The cost of stabilizing, repairing, rehabilitating, or re-using the building;
 2. A schematic, conceptual design drawing;
 3. Any conditions the Applicant proposes to accept for the redevelopment of the site that would mitigate the loss of the building; and
 4. The availability of other sites for the Applicant's intended purpose or use.
- (h) Determination of No Feasible Alternative. If, based on its evaluation of alternatives to demolition, the Architectural Review Board is satisfied that there is no feasible alternative to demolition, the Architectural Review Board may issue a determination prior to the expiration of the delay period, authorizing the building official to issue a demolition permit.
- (i) Notice. Any determination or notice issued by the Architectural Review Board or its staff shall be transmitted in writing to the Applicant, with copies to the building official and, where applicable, to any individual or group that the Architectural Review Board has invited to participate in an exploration of alternatives to demolition.

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 City Council

Attest:

City Clerk

PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

February 12, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Danny Grundhoefer, Kurt Larson, Ryan Wiggins, Nina Campbell, Laurie Murphy

MEMBERS ABSENT: Nathan Monk

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Robyn Tice, Clerk's Office, Ross Pristera, Advisor

OTHERS PRESENT: Daniel Rivera, Teresa Hill, George Biggs, Laurie Byrne, Bobby Kickliter, Barbara Mayall, David Peaden, Derek Cosson, Fred Gunther, Drew Buchanan, Marcie Whitaker, Sandy Boyd, Councilwoman Ann Hill, Councilwoman Sherri Myers

AGENDA:

- Quorum/Call to Order
- Swearing in of New Member (Laurie Murphy)
- Approval of Meeting Minutes from January 8, 2019.
- **New Business:**
 1. Consider Rezoning for 3100 Navy Boulevard from C-1, C-2 to C-3.
 2. Amendment to LDC Section 12-12-5 Building Permits - Historic Building Demolition Review
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and explained the Board procedures to the audience.

Swearing in of New Member (Laurie Murphy) The Clerk's Office swore in new board member Laurie Murphy.

Approval of Meeting Minutes

Ms. Wiggins made a motion to approve the January 8, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

New Business

Consider Rezoning for 3100 Navy Boulevard from C-1, C-2 to C-3

Mr. George Biggs on behalf of Centennial Imports, LLC is requesting to rezone the property located at 3100 Navy Boulevard from Commercial (C-1 and C-2) to Commercial (C-3). The current future land use category of Commercial would accommodate this rezoning and so this request does not include a change to the future land use designation. The property is currently occupied by Centennial Imports, LLC, a used car dealership. The applicant indicates the reason for this request is to make the zoning consistent. This request has been routed through the various City departments and utility providers with no significant comments received.

Chairman Ritz stated this was of a serious nature due to C-3 being the most intense commercial district and requested that Mr. Biggs speak.

Mr. Biggs addressed the Board on behalf of John Mobley, the owner. Mr. Mobley had acquired the lots as they became available, and his intent was to refurbish the area, but the design was difficult to accomplish within the three zoning districts. Ms. Deese confirmed the largest parcel was C-3. Chairman Ritz reminded the Board and the audience that if approved as C-3, anything allowed in C-3 under this owner would be available to future owners as well. Mr. Biggs advised the current car dealership was within the C-2 and C-3 districts. He then provided an overlay to demonstrate what the owner planned to develop, and Ms. Deese confirmed the owner needed C-3 for a car dealership. Mr. Biggs pointed out there would still be the required buffers and landscaping.

Chairman Ritz asked for audience input, and there were no speakers. Mr. Biggs stated the existing used car building would be removed and replaced with a whole new configuration. The owner renovated the Mercedes Benz recently which included Volvo, but Volvo now wanted their own space; this was the used car building on the other side of Davidson Street. Chairman Ritz explained this homogenizes the zoning, and this had been a car lot for some time and there were protections for the R-1A district north of it. He felt this would likely improve the entire area and was in favor of approving the request. Mr. Grundhoefer stated he was also in favor of the request since when the zoning maps were drawn, they could easily have been drawn as C-3.

Mr. Larson made a motion to approve, seconded by Ms. Campbell, and the motion carried unanimously.

Amendment to LDC Section 12-12-5 Building Permits - Historic Building Demolition Review

On October 11, 2018, City Council referred to this Board for review and recommendation an Amendment to the Land Development Code to include the addition of a Historic Preservation Commission. Planning Board discussed this agenda item during their November 13, 2018 meeting as well as the January 8, 2019 meeting. This Board directed staff to bring back a previous agenda item that was a recommendation to City Council on November 8, 2016 which addressed this concern from a different angle. The proposed ordinance from 2016 amends Land Development Code Section 12-12-5 Building Permits and sets out a process for review of demolition requests for historic buildings citywide. This would provide standards to be met before demolition permits are issued instead of the creation of a Historic Preservation Commission.

Chairman Ritz pointed out this version references buildings built before 1940 and refers to the Planning Board for some determinations on the historic aspects. Mr. Grundhoefer explained the Board had felt there was no need for an added commission for historic demolition delay. Mr. Larson added the discussion was about the City putting out additional funds for a historic commission and obtaining grant funds.

Chairman Ritz advised the Board would be making the City create additional boards and commissions, whereas this document sticks with what is in play now, and the Board did not believe this would not place an undue burden on this Board. He then asked for audience input.

Mr. Gunther was troubled by the idea of this being controlled by a City employee who was hired and controlled by the Mayor, and it would make more sense to hire someone like Mr. Pristera to determine if the property was historic. Also, it was unclear to him if you wanted to make an application to demolish something, you had to have permits or drawings for what was to replace the structure. He felt this was a little onerous since someone could conceivably be working on plans for replacement while the demolition is ongoing. Ms. Campbell explained she was on the Architectural Review Board (ARB), and when a request is received for a demolition, it is in their comfort zone to know what will replace the structure. In the event the person requesting the demolition has not done all the due diligence, it is in their comfort zone to see what is coming. Mr. Gunther stated that made sense to him in the historic district, but for large areas downtown, it would delay the process unnecessarily. Mr. Grundhoefer explained the intent was that if you want to demolish a building and build something, it helps move the process along since the Board would see the plans for replacement. Ms. Wiggins pointed out Mr. Gunther was not wrong about the mayor, and agreed we have a great mayor. However, she works with another community and had concerns about the current mayor's integrity; he used his staff to punish people who were not his supporters, and she thought that was a point well made with having this in the hands of a City staffer. Ms. Deese clarified this would come before the Planning Board and not as an administrative decision. Chairman Ritz explained the request would come before the Building Official as far as formality and then would be referred to the Board. Ms. Deese read from Page 3, Section (2) Buildings Subject for Review. Ms. Campbell referred to Section 3 Criteria for Determining Significance and the building not necessarily being historical, and this language would be something reviewed by the Board.

Teresa Hill thanked the Board for trying to obtain answers. The demolition of the Sunday House resulted in a demolition moratorium. She advised this process is for districts with no protection, and this ordinance was fully vetted through workshops with public input, however, it was pulled from Council just before the Hallmark demolition. She pointed out the actual existing process to get a demolition required \$100 for the application in which the applicant agrees there is no asbestos, etc., but there is no preemptive site visit; she referred to 1207 Cervantes Street where two houses were demolished. She stated there needs to be some kind of review or public notice for people who might have breathing difficulties. She explained the public was asking for help in protecting areas like Longhollow and Tanyard, giving breathing room for when the demolition permit is issued to when it actually happens.

Mr. Cosson stated he understood the desire for no additional boards. He explained Florida has the Certified Local Government program which is the gateway to national Park Service Grant opportunities for historic properties. Two requirements for becoming a Certified Local Government specifies a Historic Preservation Ordinance which conforms to State guidelines, and a Historic Preservation Board; it is not enough for the duties to be placed on another board, but it requires an additional board to obtain grant monies. He encouraged the Board to consider this path to open up opportunities for Pensacola. Ms. Wiggins indicated the Board spent the majority of the time in the last meeting discussing the positives and negatives of that path.

Mr. Pristera stated he examined the document and the 1940 date.

He pointed out as time marches on, eventually that date would have to be revised and suggested staying with the National Standard of 50 years; if that was not comfortable, try 60 or 75 years, but remove any mention of a hard date. He pointed out the UWF Historic Trust was mentioned in the document as a reviewing party, and that would be a part of their services offered; they could provide research and an unbiased review for determination by the Board. He explained having them as part of the review was critical. He pointed out historical significance was also a National Standard where we use the building to tell a story. He felt it was easier to stay within the National Standard which had already been developed and was the model for many other locations. He also stated if a building was delayed in demolition, it would give his team enough time to document if it was deemed significant and placed it in their records; if it was approved for demolition, they would have some evidence of what it looked like. Mr. Pristera indicated he was not able to get inside of the Hallmark School and was not able to work with anyone to salvage pieces or come up with plans on what could be done afterwards, and this document would give time to consider other solutions.

Mr. Peaden suggested going out and finding what was on the ground before passing a new ordinance or form another layer of regulation. Concerning other alternatives for the applicant to consider, how much can a city or board tell a citizen what they can or cannot do with the property they are trying to get the best use and value out of.

Councilwoman Hill stated she supported the ordinance in 2016 with the delay on demolition, the six-month moratorium, and had worked with Mr. Pristera at other locations and appreciated his thorough job. Taking a demolition one at a time was less time consuming than a full review of the city, and she wanted the Board to support the ordinance.

Chairman Ritz considered Mr. Peaden's suggestion to consider what is here and meshing that with 50 years old designation. Many subdivisions north of I-10 are more than 50 years old which would create huge swaths of the city to be considered historically significant. He considered how much level of effort he would want to go through in order to tear down his own home for something new. Ms. Wiggins pointed out just because a structure is old does not mean it is historic. She also explained we need to be careful with categorizing. Because of its time period (ranch houses), it would be classified historic. She also asked who would maintain the structure if it was determined historic. She agreed with Mr. Pristera that at least the structure should be documented before demolition. She asked if a property owner had a specific plan for a property and was not interested in any alternatives, should they have to wait 120 days. Mr. Grundhoefer explained that delay allowed the Board some time to vet the request. Mr. Larson asked if we allowed everything to be demolished just because someone bought the property, considering shotgun houses, we could lose the history; where would we put the brakes on to say we value the history or we tear down and build new structures. Ms. Wiggins explained there was a cost to maintain the property, and if the City did not maintain it, would it be put on the property owner; we may not want to keep that property since it might become dilapidated. Mr. Grundhoefer pointed out the Board did not have the authority to demand the structure not be demolished, so within a four to five-month period, a house in bad condition would not be in worse condition; he stressed we are trying to preserve our history. Mr. Larson explained we are taking a second look at the requests.

Councilwoman Myers advised she supported this effort even if the Board could not force someone to do something; pushing the pause button was very important since our heritage is quickly being destroyed.

She was most concerned with the Board of Education building on Garden Street which has historical significance relating to WWII and the WPA where women were trained to support the war effort. She stressed before the building is demolished, the public should be able to speak on its preservation. She indicated that building is the rightful heritage of women, and inanimate objects without power to speak for themselves need humans to speak for them before they are destroyed. She also advised the City of Milton has a Historic Preservation Board along with many other cities in Florida.

Chairman Ritz explained whether it was the cultural significance or historical significance of houses or other buildings we may have lost, trying to balance that with someone's economic forward movement for the city was what he wrestled with personally. He explained his father owned the former Sacred Heart Hospital on 12th Avenue, purchasing that building so it would not be torn down; there are few people who would want to make that their life's labor. However, his business makes money in designing new buildings but also in restoring old ones. Mr. Grundhoefer stated there should be a Preservation Board. If this document passes and we see what level of involvement the Board will have and how many projects are referred to the Board, should it become overwhelming, then the City may possibly determine a Historic Board should be developed. He was not prepared to accept the language in the previous document, but this was a good first step, and maybe three to ten years from now, another board could be developed. Chairman Ritz pointed out the powers of this Board did not want to extend beyond what was appropriate by creating another board or saying for the City to create another board; he felt it should originate from the City. Mr. Larson asked if the Board recommended this document to Council, could it ask the question was it the intent of Council to have a Certified Local Government; that would change the whole complexion of the discussion. They had asked the Board to pass a Historic Preservation Commission to maintain our history, but after discussion, the Board did not feel that was in the best interest financially for the City at this time. If their goal is to become a Certified Local Government, then that should return to the Board at that time when that is their focus.

Chairman Ritz pointed out the Board could amend the document for the 1940 hard date. If the date was 1950, there would be a lot of structures such as the Cordova Park, Camelot and entire subdivisions being considered. Ms. Campbell explained if the Board saw the workload becoming overwhelming, then a separate board would be encouraged. Ms. Murphy pointed out some gray areas in determining significance and thought it was a lot of responsibility for the Board. She asked if there was a consultant available for determination for historical or historical significance. Chairman Ritz explained the Board could request outside input, but the document did not guarantee outside input. Mr. Grundhoefer stated the Board had asked Mr. Weeks, the Building Official, how many demolitions were requested; he advised there were only two or three per month at that time. Ms. Deese pointed out demolition permits were issued by Building Inspections, but she remembered the number in 2016 being fewer than they anticipated. Ms. Campbell was interested in the last three years, and Mr. Grundhoefer understood that most of the permits were for unsafe buildings. Ms. Wiggins was more comfortable with razing than demolition as outlined in the document since a remodel fell within a demolition. If she wanted to remodel her home in Cordova Park, it would be considered a demolition because she wanted to remodel a room with an exterior wall facing a public street, and she would come before this Board with a wait of 120 days. Mr. Grundhoefer pointed out the Board was not tasked to review additions like the ARB, however, the exterior wall would come before this Board. Ms. Deese advised in 2019 there were 98 demolitions, in 2017 99 demolitions, in 2018 90 demolitions, and in 2019 10 so far; this totaled 297 in the last three years for commercial and residential.

Chairman Ritz indicated the direction of the Board could be to fine tune the document, and it would still go through a process for approval with Council. He pointed out except for designated districts, there was nothing citywide for protections.

Ms. Campbell made a motion to change the language from built prior to 1940 to over 60 years old (page 3) and recommending approval of the ordinance as submitted. It was seconded by Mr. Larson. Chairman Ritz was still concerned with the 25% removal of roofs or exterior walls (page 2). **The motion then carried 5 to 1 with Ms. Wiggins dissenting.** Since Council was meeting twice a month, Ms. Deese advised the ordinance would most likely be considered at a March Council meeting. Mr. Grundhoefer wanted assurance this item would not be dropped, and Councilwoman Hill said she would make sure it was not.

Open Forum – Mr. Larson stated since Councilwoman Cannada-Wynn asked the Board to look at a Historic Preservation Commission, could the Board ask if that was their goal to be a Certified Local Government, and if so, that would change the complexion of why the Board said no to begin with. He asked if the Board could ask Council if their goal was to be a Certified Local Government. Ms. Campbell advised this had been tossed around for so long even with Mr. Spencer, and he never pursued it. Chairman Ritz agreed the Board could ask that question to Council and await an answer. Ms. Deese referred to the Board's previous meeting where the Council Executive did touch base with Councilwoman Cannada-Wynn and reported back that the basic concept was she wanted some protection for those areas outside the special review districts, and it may or may not be in the form of a Historic Preservation Commission. Chairman Ritz confirmed the conversation was centered around a protection issue. He advised that as the Council read the minutes, they could determine if it was important at that time or as it develops. Ms. Deese stated the Council meetings were on March 14 and 28, and the ordinance would probably be placed on one of those agendas.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 3:26 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 #: 24-19

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Ann Hill

SUBJECT:

PROPOSED ORDINANCE NO. 24-19 - AMENDING THE CODE OF THE CITY OF PENSACOLA, LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS; PROVIDING FOR HISTORIC DEMOLITION REVIEW

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 24-19 on first reading:

AN ORDINANCE AMENDING SECTION 12-12-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SUBSECTION 12-12-5(E) ESTABLISHING A PROCESS FOR THE REVIEW OF REQUESTS TO DEMOLISH BUILDINGS OF HISTORICAL, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE TO THE CITY; PROVIDING DEFINITIONS; PROVIDING ARCHITECTURAL REVIEW BOARD CRITERIA AND PROCEDURES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

In July of 2016, City Council referred to the Planning Board for review and recommendation a proposed ordinance for a Historic Building Demolition Review. Between August and November of 2016, the Planning Board discussed at regular meetings as well as workshops a proposed amendment to the Land Development Code (LDC), which would allow for Historic Building Demolition Review.

Currently the LDC only affords an application and review process for the issuance of demolition permits for those areas within a historic district or other similarly designated area requiring such review. The desire of this amendment was to provide a review process citywide regarding the issuance of demolition permits for historic structures as defined within the LDC.

In October of 2018, City Council referred to the Planning Board a proposed Historic Preservation Commission. In response, at its February 12, 2019 Planning Board Meeting, the Board brought forth a proposed amendment to the LDC allowing for a Historic Building Demolition Review process.

With the assistance of Inspections, Planning Staff, Legal and Council Staff, the proposed amendment to Section 12-12-5 of the LDC, Historic Building Demolition Review is brought forward for Council consideration.

PRIOR ACTION:

February 12, 2019 - Planning Board considered Council referral regarding a Historic Preservation Commission

October 11, 2018 - City Council referred to the Planning Board a proposed Historic Preservation Commission

August through November, 2016 - Planning Board discussed at regular meetings as well as workshops to provide a proposed amendment to the Land Development Code for a Historic Building Demolition Review

July 14, 2016 - City Council referred to Planning Board for their review and recommendation a Historic Building Demolition Review Ordinance

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 24-19

PRESENTATION: No

PROPOSED
ORDINANCE NO. 24-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-12-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SUBSECTION 12-12-5(E) ESTABLISHING A PROCESS FOR THE REVIEW OF REQUESTS TO DEMOLISH BUILDINGS OF HISTORICAL, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE TO THE CITY; PROVIDING DEFINITIONS; PROVIDING ARCHITECTURAL REVIEW BOARD CRITERIA AND PROCEDURES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-12-5 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

SECTION 12-12-5. - Building permits.

This section is established to provide for building permits for review of compliance with the provisions of this land development code. A "building permit" means any building or construction permit required by Chapter 14-1.

(A) *Application.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Standard Building Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. All applications for building permit shall be accompanied by the following information and materials:

(a) Two (2) complete sets of building construction plans shall be required. In addition, a plot plan drawn to scale depicting the following information shall be required for residential and commercial building permits:

1. Lot dimensions, boundary lines, area of the lot, and its legal description.
 2. The locations and dimensions of buildings, structures or additions, including all overhangs, eaves and porches.
 3. The yard requirements indicating distance from all property lines to the proposed buildings, structures or additions in feet.
 4. The existing and proposed uses of each building, structure or addition.
 5. Access and parking layout, including driveway location. Where applicable, required loading and unloading spaces should be indicated.
 6. Elevations showing architectural features of each side of the existing and proposed construction.
 7. Where application is made to build upon a lot nonconforming in size or dimensions (lot of record), the application shall be accompanied by a recorded deed giving description of the property as of July 23, 1965.
 8. For all plans except single-family or duplex dwellings a landscape plan is required pursuant to section 12-6-4.
- (b) Proof of sewer tap from Escambia County Utilities Authority.
- (c) Completed current Florida Model Energy Efficiency Code Building Construction.

One (1) copy of the plans shall be returned to the applicant by the building official after he has marked such copy either as approved or disapproved and attested same by his signature on such copy. The original, similarly marked, shall be retained by the building official.

- (B) *Issuance of building permits.* No application for a building permit shall be approved by the building official for any building, structure, or addition on any lot in violation of this chapter or not in compliance with any provisions of this chapter, unless authorized under subsection 12-12-2(A)(2), Variances.
- (C) *Construction and occupancy to be as provided in applications.* Building permits issued on the basis of plans and applications approved by the building official authorize only the occupancy, arrangement, and

construction set forth in such approval plans and applications, and no other occupancy, arrangement, or construction. Occupancy, arrangement, or construction in variance with that authorized shall be deemed a violation of this chapter, unless such change is reviewed and approved by the building official.

(D) *Expiration of building permits.* Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed, and such extensions shall be in writing by the building official.

(E) This section shall be known and cited as the City of Pensacola's Historic Building Demolition Review Ordinance. The purpose of this section is to establish a predictable process for reviewing requests to demolish certain buildings in order to establish an appropriate waiting period during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City.

(1) Definitions.

For the purposes of this section only, the following words and phrases, whether or not capitalized, shall have the following meanings:

Applicant means the person or persons filing an application for review under this Section.

Application means a Demolition Permit application for review under this Section, filed with the City's Inspection Services Division.

Application filing date means the date on which the application was filed with the City's Inspection Services Division.

Architectural Review Board means the City's Architectural Review Board as advisors to the City Council.

Contributing Structure means any building adding to the historic significance of a property or district.

Day means any day, including Saturdays, Sundays, and holidays.

Demolition means any act of pulling down, destroying, razing, or removing a building.

Demolition permit means a permit issued by the Inspection Services Division authorizing the demolition of a building pursuant to an application.

Historic Building means a building or structure that is:

- (a) Individually listed in the National Register of Historic Places; or
- (b) A contributing property in a National Register of Historic Places listed district; or
- (c) Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district; or
- (d) Determined potentially eligible as meeting the requirements for listing in the National Register of Historic Places, either individually or as a contributing property in a district, by the Secretary of the Interior.

Historic Site means a place, or associated structures, having historic significance.

Historic Structure means a building, bridge, lighthouse, monument, pier, vessel or other construction that is 50 years in age or more and is designated or that is deemed eligible for such designation by a local, regional or national jurisdiction as having historical, architectural or cultural significance.

Neighborhoods means all the areas of the City.

Significant building means a building with respect to which the Architectural Review Board has made a determination, that further examination, including the public hearing required by this Section, is warranted to determine whether a delay in demolition should be required.

National Register of Historic Places means the official Federal lists of districts, sites, buildings, structures and objects determined significant in American history, architecture, archaeology, engineering and culture.

(2) Buildings Subject to Review.

The following buildings are subject to review by the Architectural Review Board for the purpose of determining whether such buildings are significant:

Any building located in the Neighborhoods of the city of Pensacola if:

- (a) Such building, or the portion thereof to which the application relates, is 50 years old or older; or
- (b) Such building is listed on the City of Pensacola's "Local Registry of Historic or Significant Buildings", or
- (c) Such building or the portion thereof is determined to be a significant building pursuant to subsection (4) 3, herein.
- (d) Such building is located in one of the City of Pensacola's historic preservation districts AND is confirmed as a contributing structure to that district.

(3) Enforcement.

- (a) Issuance of Demolition Permit. The requirements set forth in this Section are in addition to, and not in lieu of, the requirements of any other codes, ordinances, statutes, or regulations applicable to the demolition of buildings. The Building Official shall not issue any demolition permit relating to a building that is subject to review, unless:
 - 1. The Building Official has determined that the building is unsafe in accordance with City Code Section 14-1-139.
 - 2. The Building Official: (i) has received a notice issued by the Architectural Review Board, that the building is not subject to review under this section, or is not a significant building, or (ii) has not received

- such notice within the time period set forth in subsection (4)(a); or
3. The Building Official: (i) has received a notice issued by the Architectural Review Board that no demolition delay is required; or (ii) has not received such notice within the time period set forth in subsection (4)(a); or
 4. The Building Official has received a notice issued by the Architectural Review Board that there is no feasible alternative to demolition; or
 5. The demolition delay period set forth in subsection (4)(a) has expired.

(b) Required Demolition or Repair.

1. Demolition. Nothing in this section shall restrict the authority of the Building Official to order the building owner, or the City, to demolish a building at any time if the Building Official determines that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.

(4) Procedure.

- (a) Application. An application for review under this section shall be made in the manner provided below. The process, from start (application) to finish (determination and/or permit issuance) shall not exceed 120 days. If the Applicant is not the owner of record of the building, the owner or owners of record shall co-sign the application.

1. Time for Filing Application. The Applicant (or building owner) is encouraged to apply for review under this section as early as possible, so that any necessary review, and any delay period required by this Section, may be completed prior to, or during, any other review to which the building or its site may be subject.
2. Application for Early Review. At any time prior to filing an application for a demolition permit, the Applicant may apply for review under this Section by submitting a request in writing to the Architectural Review Board.

3. Informational evidence: The Applicant must submit for review sufficient information to enable the Architectural Review Board to make their determination, including a site plan showing the footprint, photos of the subject building and surrounding properties.

- (b) Determination: Applicability of Review and Significance of Building. After its receipt of an application from Planning Staff, the Architectural Review Board shall determine: (1) whether the building is subject to review under this Section, and (2) whether the building is a historically significant building. The Architectural Review Board may seek the assistance of City staff or the University of West Florida's Historic Trust or the University of West Florida Archaeological Institute.

The initial review process shall be handled as an abbreviated review involving staff and the Chairman or his/her designee of the Architectural Review Board. If it is determined by the abbreviated review panel to be potentially architecturally significant, the application would then go to the full Architectural Review Board for review.

The Architectural Review Board shall issue a notice of its determination within forty-five (45) days of an application being received. If the Architectural Review Board determines that the building is significant, such notice shall:

1. indicate that the Architectural Review Board will hold a public hearing within the time period required by this Section; and
2. invite the Applicant to submit any information that the Applicant believes will assist the Architectural Review Board in: (i) determining whether the building is subject to demolition delay according to the criteria set forth herein, and (ii) evaluating alternatives to demolition.

(c) Criteria for Determining Significance. The Architectural Review Board shall determine that the building to which the application relates is a significant building if:

1. The building is associated with events had have made a significant contribution to the broad patterns of our national, regional or historical history; or
2. The building is associated with the lives of persons significant in our national, regional or local past; or
3. The building embodies the distinctive characteristics of a type, period or method of construction , or that represents the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack; or
4. The building has yielded, or may be likely to yield, information important in nations, regional or local history; or

(d) Architectural Review Board Hearing to Determine Whether Significant Building is Subject to Demolition Delay.

1. Hearing Requirement; Time for Issuance of Determination. If the Architectural Review Board has determined that a building is significant, the Architectural Review Board shall hold a public hearing to determine whether the building is subject to the demolition delay required herein. At such hearing, the Architectural Review Board also may consider alternatives to demolition. The Architectural Review Board shall issue its determination pursuant to such hearing within forty-five days (45) of the Public Hearing. Additionally, the Architectural Review Board may consult with the Florida Division of Historical Resources and State Historical Preservation Office for comment within thirty (30) days of the Public Hearing.
2. Criteria for Requiring Demolition Delay. The Architectural Review Board shall make its determination concerning the requirement of

demolition delay according to the criteria set forth herein. The Applicant is encouraged to present any information the Applicant believes will assist the Architectural Review Board in making its determination.

3. Early Determination of No Feasible Alternative. At the hearing, the Applicant may present any information the Applicant believes will assist the Architectural Review Board in evaluating alternatives to demolition. If, at such hearing, the Architectural Review Board finds that demolition delay is required, and also finds that the information presented at such hearing is sufficient for the Board to issue a determination that there is no feasible alternative to demolition, the Board shall issue such determination within the time period set forth in this subsection for the issuance of the Architectural Review Board's hearing determination.

4. Hearing Notice and Procedure. Except where otherwise specified in this Section, the conduct of any public hearing held, including public notices, hearing procedures, votes, records, and the like, shall be governed by the rules and procedures established by the Architectural Review Board through its duly adopted regulations and by-laws.

(e) Criteria for Determination that Building is Subject to Demolition Delay. To determine that a significant building is subject to the demolition delay, the Architectural Review Board must find that, in the public interest, it is preferable that the building be preserved or rehabilitated rather than demolished. In making such finding, the Architectural Review Board shall consider the criteria for determining significance.

(f) Demolition Delay.

1. Delay Period. If the Architectural Review Board has issued a determination, that a significant building is subject to demolition delay, the Building Official shall not issue a demolition

permit until one hundred and twenty (120) days have elapsed following the close of the public hearing.

Upon expiration of the delay period, the Architectural Review Board shall issue a notice in writing stating that such delay period has expired, and the date of such expiration, unless the Architectural Review Board has issued a determination that there is no feasible alternative to demolition.

2. Invitation to Consider Alternatives. If the Architectural Review Board has determined that a significant building is subject to demolition delay, and has not determined, at the hearing that there is no feasible alternative to demolition, the Architectural Review Board shall invite the Applicant (or the owner of record, if different from the Applicant) to participate in an investigation of alternatives to demolition. The Architectural Review Board also may invite the participation, on an advisory basis, of City Staff, as well as any individual or representative of any group whose participation the Applicant (or owner) requests, to assist in considering alternatives.

(g) Evaluation of Alternatives to Demolition. In evaluating alternatives to demolition, the Architectural Review Board may consider such possibilities as: the incorporation of the building into the future development of the site; the adaptive re-use of the building; the use of financial or tax incentives for the rehabilitation of the building; the removal of the building to another site; and, with the owner's consent, the search for a new owner willing to purchase the building and preserve, restore, or rehabilitate it.

In evaluating alternatives to demolition, the Architectural Review Board shall consider, and shall invite the Applicant to present, the following information:

1. The cost of stabilizing, repairing, rehabilitating, or re-using the building;
 2. A schematic, conceptual design drawing;
 3. Any conditions the Applicant proposes to accept for the redevelopment of the site that would mitigate the loss of the building; and
 4. The availability of other sites for the Applicant's intended purpose or use.
- (h) Determination of No Feasible Alternative. If, based on its evaluation of alternatives to demolition, the Architectural Review Board is satisfied that there is no feasible alternative to demolition, the Architectural Review Board may issue a determination prior to the expiration of the delay period, authorizing the building official to issue a demolition permit.
- (i) Notice. Any determination or notice issued by the Architectural Review Board or its staff shall be transmitted in writing to the Applicant, with copies to the building official and, where applicable, to any individual or group that the Architectural Review Board has invited to participate in an exploration of alternatives to demolition.

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 City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00314

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

TENTATIVE MILLAGE RATE - FISCAL YEAR 2020

RECOMMENDATION:

That City Council set the tentative Fiscal Year 2020 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 the Fiscal Year 2020 millage rates be held on September 11, 2019 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 2020 advertised ad valorem tax rate is August 4, 2019. 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 \$4,098,849,940, which is an increase of 8.47% from the final adjusted FY 2019 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 7.7256 mils, which equates to an additional \$13.4 million in property tax revenue. However, the Mayor is recommending maintaining the same millage rate as FY 2019 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 11, 2019 at 5:30 p.m. in Council Chambers. The second hearing is tentatively set for September 18, 2019 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 2020 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 \$4,098,203,176, an increase of 8.47%. This valuation will result in an increase of property tax revenue of \$1,393,200 (net of TIF \$976,600) from the Fiscal Year 2019 beginning budget.

The June 1, 2019 and the July 1, 2019 Taxable Value Estimates provided by the Escambia County Property Appraiser are attached.

CITY ATTORNEY REVIEW: Yes

7/3/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer

ATTACHMENTS:

- 1) Fiscal Year 2020 Taxable Value Estimates

PRESENTATION: No

**CITY OF PENSACOLA
FISCAL YEAR 2020
TAXABLE VALUE ESTIMATES**

	ADJUSTED FY 2019 FINAL	FY 2020 JUNE 1ST ESTIMATE	DIFFERENCE	%
City of Pensacola Valuation	3,778,167,555	4,083,988,353	305,820,798	8.09%
DIB Valuation	213,613,133	283,342,727	69,729,594	32.64%

CRA

Urban Core TIF (City/County)	545,035,362	615,879,367	70,844,005	13.00%
Urban Core TIF (DIB)	132,383,318	200,243,045	67,859,727	51.26%
Eastside TIF	15,369,311	19,854,997	4,485,686	29.19%
Westside TIF	41,713,366	60,076,966	18,363,600	44.02%

	ADJUSTED FY 2019 FINAL	FY 2020 JULY 1ST ESTIMATE	DIFFERENCE	%
City of Pensacola Valuation	3,778,167,555	4,098,203,176	320,035,621	8.47%
DIB Valuation	213,613,133	284,645,543	71,032,410	33.25%

CRA

City/County	545,035,362	623,414,343	78,378,981	14.38%
DIB	132,383,318	200,289,848	67,906,530	51.30%
Eastside TIF	15,369,311	19,500,265	4,130,954	26.88%
Westside TIF	41,713,366	61,435,861	19,722,495	47.28%



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00317

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Sherri Myers

SUBJECT:

REFERRAL TO PLANNING BOARD AND ENVIRONMENTAL ADVISORY BOARD - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE, SECTION 12-6 - TREE / LANDSCAPE REGULATIONS

RECOMMENDATION:

That City Council refer to the Planning Board and Environmental Advisory Board for review and recommendation a proposed amendment to Section 12-6 of the Land Development Code - Tree / Landscape Regulations.

HEARING REQUIRED: No Hearing Required

SUMMARY:

In September of 2009, City Council amended Section 12-6 of the Land Development Code pertaining to Tree / Landscape regulations; since that time, minor changes have been made to this section.

Due to the increase in development over the years and the development that is currently taking place, a need exists to review the current ordinance, add needed protections and provide an overall update Section 12-6 of the Land Development Code, the proposed amendment is provided for Council consideration.

Laurie Murphy has worked on this item with outside legal assistance while also obtaining input from the Mayor's Office as well as Inspection Services.

PRIOR ACTION:

September 10, 2009 - City Council amended Section 12-6 of the Land Development Code - Tree / Landscape Regulations

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Amendments - Chapter 12-6 Tree/Landscape Regulations

PRESENTATION: No

CHAPTER 12-6. TREE/LANDSCAPE REGULATIONS[4] (REVISED)

Footnotes:

--- (4) ---

Editor's note—Ord. No. 31-09, § 1, adopted Sept. 10, 2009, amended Ch. 12-6, in its entirety to read as herein set out. Prior to inclusion of said ordinance, 12-6, pertained to similar subject matter. See also the Code Comparative Table.

Sec. 12-6-1. - Purpose.

The purpose of this chapter is to establish protective regulations for trees and landscaped areas within the city. Such areas preserve the ecological balance of the environment, control erosion, sedimentation and stormwater runoff, provide shade and reduce heat and glare, abate noise pollution, and buffer incompatible land uses. The intent of this chapter is to encourage the preservation of existing trees. It is critical that a balance be maintained between developed areas and natural/landscaped areas with appropriate existing and/or newly planted trees and other vegetation. The intent is also to provide for the future of our citizens through maintaining vital vegetative species that will reproduce for future generations.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-2. - Applicability.

(A) *Zoning districts.* The provisions of this chapter shall be applicable within the following zoning districts:

- (1) *Residential districts.*
 - (a) R-1AAAAA through R-1A districts
 - (b) R-ZL (zero lot line dwelling district)
 - (c) R-2A and R-2B (multiple-family)
- (2) *Mixed residential districts.*
 - (a) R-2 (residential/office)
 - (b) R-NC (residential/neighborhood commercial)
- (3) *Commercial districts.*
 - (a) C-1 (local commercial)
 - (b) C-2 (general commercial)
 - (c) R-C (residential commercial)
 - (d) C-3 (general commercial and limited industry)
- (4) *Industrial districts.*
 - (a) M-1 (wholesale/light industry)
 - (b) M-2 (light industry)

- (5) *Other districts.* The provisions of this chapter shall also be used as guidelines in reviewing site plans in site specific zoning and development (SSD) amendment applications, airport transition zone (ATZ-1 and ATZ-2) districts and in applications for special planned developments.
- (B) *Public institutional uses and churches.* The provisions of this chapter shall be applicable to public institutional uses and churches. Public institutional uses and churches located in R-1AAAAA through R-1A zones shall not be exempt from the provisions of this chapter. In addition, these uses shall conform with the requirements of subsection 12-6-3(A) and all other sections of this title applicable to the R-ZL, R-2A, R-2B and R-2 zones.
- (C) *Exemptions.* All single-family and duplex uses are exempt from the provisions of this chapter, except as provided for in section 12-2-32 (buffer yards), subsection 12-6-2(D) (heritage trees) and subsection 12-6-6(D) (new subdivisions). The C-2A downtown retail commercial district is exempt from the provisions of this chapter, except as provided for in subsections 12-6-6(A), (E), (F), and (G). ~~All healthcare related uses of property owned or controlled by an entity which is licensed as an acute care hospital under F.S. Ch. 395, owned or controlled by a parent company of an entity which is licensed as an acute care hospital under F.S. Ch. 395 are exempt from the provisions of this chapter, except as provided for in section 12-6-3 and subsections 12-6-6(A), (C), (E), (F), and (G). In conjunction with the development of any such healthcare related use, a payment of five thousand dollars (\$5,000.00) per acre of new developed impervious surface area shall be made to the tree planting trust fund.~~ The designated clear zone areas around the Pensacola Regional Airport and any other area identified by the airport manager and approved by the city council as critical to aircraft operations shall be exempt from this chapter.
- (D) *Heritage trees.* A protected tree identified by species in Appendix A of this chapter which is twelve (14) {34} inches or greater in diameter as measured at Diameter Breast Height (DBH). Heritage trees are protected in all the zoning districts listed in section 12-6-2, and for all land uses. Removal, cutting, *relocating* or pruning of heritage trees on proposed development sites may be permitted upon approval of a landscape and tree protection plan (section 12-6-4) *and review by the Parks and Recreation Board (section 12-6-7).* Removal, cutting, *relocating* or pruning of heritage trees on developed property may be authorized upon issuance of a permit per section 12-6-7. A permit will be required for removal of a heritage tree in all zoning districts listed in section 12-6-2, and for all land uses, including single-family or duplex as set out in section 12-6-7.
- (E) *Removal of protected trees in connection with conservation easements, conservation management areas or parcels managed as nature parks or preserves. No live preserved trees may be removed, pruned or relocated in these protected areas unless it is done to further the restoration towards the improvement of soils or remnant vegetation, streambank stabilization, hydrological systems or geological conditions.*
- (F) *DBH.* All tree measurements shall be taken at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (54 inches) above ground. If the tree has a bump or branch at four and one-half (4½) feet above ground then DBH shall be measured immediately below the bump or branch. If the tree is growing vertically on a slope, DBH shall be measured from the midpoint of the trunk along the slope. If the tree is leaning, DBH shall be measured from the midpoint of the lean. If the tree forks below or near DBH the tree shall be measured at the narrowest part of the main stem below the fork. If the tree splits into more than one (1) trunk close to ground level, DBH shall be determined by measuring each of the trunks separately and then taking the square root of the sum of all squared stem DBHs.
- (G) Notwithstanding any other provision of this chapter, the mitigation cost to a residential property owner (single-family and duplex uses) shall not exceed one thousand dollars (\$2,000.00).

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-3. - Landscaping requirements.

The following landscaping requirements apply to all types of land uses and zoning districts listed in section 12-6-2 of this chapter:

- (A) *Landscape area requirements.* The minimum percentage of the total developable site, which shall be devoted to landscaping, unless otherwise specified in this chapter, shall be as follows:

ZONING DISTRICT		PERCENT
R-ZL, R-2A, R-2B, R-2	.....	25
R-NC, C-1, C-2, R-C	.....	25
C-3, M-1, M-2	.....	20
SSD, ATZ-1, ATZ-2	.....	25

- (B) *Off-street parking and vehicle use areas.* Off-street parking regulations apply to all parking facilities of twenty (20) spaces or more. Off-street parking facilities and other vehicular use areas shall meet the following requirements:

- (1) *Perimeter requirements.* A ten-foot wide strip of privately owned land, located along the front and/or side property line(s) adjacent to a street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten-foot wide perimeter landscape area. This perimeter landscape requirement shall be credited toward the percentage required for the total developable site in subsection 12-6-3(A), above. Material requirements in perimeter area are as follows:

- (a) One (1) *high quality shade tree* for each thirty-five (35) feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of **six (6)** [3] inches DBH. The trees shall be container grown if planted during the months of March through October. During the remaining months, balled and burlapped (B&B) material may be used. Appropriate documentation shall be provided to the parks and recreation department. An automatic irrigation system shall be required with a separate zone with bubblers to each tree planted on site. When multiple trunk trees are specified, such as crape myrtle, each stem must be a minimum of **two (2)** [4-5] inches DBH, with a minimum of three (3) stems. These type trees shall not be cut back prior to planting. Seventy (75) percent of the trees for any site shall be shade trees, ~~unless a lesser percentage is approved by the parks and recreation department.~~ The remaining area within the perimeter strip shall be landscaped with other landscape materials.
- (b) Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) [feet] and nine (9) feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.

- (c) If trees are required where overhead utilities exist, and such trees may create a maintenance potential, *only species* whose expected height at maturity will not create interference may be planted.

in Appendix B, 11-34 may be planted.

- (d) A minimum ten-foot separation shall be provided between street trees and street stormwater inlets, except where bioretention inlets that incorporate trees are utilized.
 - (e) Where possible, developments shall be designed to preserve as street trees any existing champion or high quality heritage trees which are located in the right-of-way or on private property within 20 feet of the right-of-way. Where these trees are preserved, no new construction or grading shall occur within the tree root plate and new buildings shall to be designed so that no more than 25 percent of the crown of the trees is removed.
- (2) *Interior planting areas.* Interior planting areas within parking lots shall be determined by subtracting the area set aside in the ten-foot perimeter strip from the total minimum area required to be landscaped in subsection 12-6-3(A), above. This remaining percentage shall be allocated throughout the parking lot or in areas, which are adjacent to the parking lot other than in the perimeter strip. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Minimum sizes of interior planting areas are as follows:
- (a) A minimum of one hundred (100) square feet of planting area shall be required for each new species type A tree identified in Appendix "A" and small species identified in Appendix "B".
 - (b) A minimum of two hundred (200) square feet of planting area shall be required for each new species type B and type C tree identified in Appendix "A" and medium and large species identified in Appendix "B".
 - (c) A twelve-foot by thirty-six-foot planting island shall be required on each end of every double row of parking and a twelve-foot by eighteen-foot island on each end of a single row of parking shall be required. Also, a minimum of one (1) additional island at the midpoint of the parking bays for rows having over ten (10) parking spaces shall be required. The additional island shall be centered in each row. At no time shall a row of parking have landscape islands greater than 126 feet apart or closer than 36 feet apart. Each required landscape island shall contain at least one high quality shade tree listed in Appendices A** and B** as a species appropriate for lot planting. Such tree(s) shall be located within the landscaped area of at least 140 square feet to maximize the shading of the pavement. Any adjustment to this requirement must have written approval from the building official.
 - (d) A minimum planting area of seventy-five (75) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than seventy-five (75) percent is needed to preserve the tree, the city shall have the right to require up to one hundred (100) percent of the dripline. Approved pavers may be used in certain situations, if approved by the building official. Pervious surfaces are strongly encouraged.
- (3) *Vehicle overhang.* Vehicles shall not overhang any interior planting area or perimeter strip. Tire stops are required to be used in these situations.
- (4) *Curbs; protection of vegetation.* Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of the water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).
- (5) Head-to-head parking rows shall contain eight foot wide landscape strips between the rows allowing for two-foot vehicle overhangs on each side. Shade trees shall be planted every

50 feet on average within these landscaped areas, but outside of the two-foot vehicle overhangs. As an alternative, every other row of head-to-head parking may provide a 16-foot-wide curbed landscape strip with shade trees every 35 feet on average and may contain sidewalks. Each landscape strip must contain a curb-cut design or made into an attractive ditch, channel or culvert that contains appropriate vegetation for stormwater reduction. See Appendix C.

(6) The Parks and Recreation board may allow the relocation of interior landscaped areas to preserve existing trees, or where it is determined upon review and recommendation of the community development department inspection services division, that the relocation is necessary for the safe maneuvering of vehicles or pedestrians.

(7) In those vehicular use areas including, but not limited to auto dealerships, storage of service or delivery vehicles, or attendant parking where interior landscaping would interfere with the customary storage or display of vehicles, the Parks and Recreation board or appropriate review board may allow some or all of the required interior landscaping to be located near the perimeters of the paved area, including such perimeters which may be adjacent to a building on the site. Such landscaped area would be in addition to required perimeter landscaping in the amount of one square foot of landscaped area for each 60 square feet of paved area. For each 140 square foot of relocated landscaped area, a high quality shade tree shall be provided.

(C) *Buffer yards between zoning districts and uses.* Regulations applicable to buffer yards are specified in section 12-2-32 of this Code and may not impede the development of appropriate pedestrian, handicapped and bicycle accessways between these uses.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-4. - Landscape and tree protection plan.

A landscape and tree protection plan shall be required as a condition of obtaining any building permit or site work permit for townhouse residential, multi-family residential, commercial and industrial development as specified in section 12-6-3. The plan shall be submitted to the community development department inspection services division. A fee shall be charged for services rendered in the review of the required plan (see chapter 7-14 of this Code).

No building permit or site work permit shall be issued until a landscape and tree protection plan has been submitted and approved. Clearing and grubbing is only permitted after a site has received development plan approval and appropriate permits have been issued. The building official may authorize minimal clearing to facilitate surveying and similar site preparation work prior to the issuance of permits. No certificate of occupancy shall be issued until the building official has determined after final inspection that required site improvements have been installed according to the approved landscape and tree protection plan. In lieu of the immediate installation of the landscaping material and trees, the city may require a performance bond or other security in an amount equal to the cost of the required improvements in lieu of withholding a certificate of occupancy, and may further require that improvements be satisfactorily installed within a specified length of time.

(A) *Contents of landscape and tree protection plan.* The landscape and tree protection plan shall be drawn to scale by a landscape architect, architect or civil engineer licensed by the State of Florida, and shall include the following information unless alternative procedures are approved per sections 12-6-8 or 12-6-9:

- Location, size and species of all trees and shrubs to be planted showing the botanical name, size, spacing and number of plant materials. Architectural symbols depicting trees to be installed shall not exceed the scale equivalent of five feet in diameter with a solid line; a hatched line around the solid line shall show the expected canopy dimension after twenty (20) years.

- Location of proposed structures, driveways, parking areas, utilities, lighting systems, required perimeter and interior landscaped areas, and other improvements to be constructed or installed.
- Location of irrigation system to be provided. All planted areas shall have an underground irrigation system designed to provide one hundred-percent coverage.
- Landscape and tree protection techniques proposed to prevent damage to vegetation, during construction and after construction has been completed.
- Location of all protected trees noting species and DBH.
- Identification of protected trees to be preserved, protected trees to be removed, including dead trees, and trees to be replanted on site.
- Proposed grade changes which might adversely affect or endanger protected trees with specifications on how to maintain trees.

• Stormwater basins shall be designated as wet or dry.

- Certification that the landscape architect, architect or civil engineer submitting the landscape and tree protection plan has read and is familiar with Ch. 12-6 of the Code of the City of Pensacola, Florida, pertaining to Tree and Landscape Regulation.

- (B) *Installation period.* All landscape materials and trees depicted on the approved landscape plan shall be installed within one (1) year of the date of issuance of the building permit for the site.
- (C) *Quality.* All plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", current edition, State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industry, Tallahassee, Florida, a copy of which shall be maintained for public inspection in the department of leisure services.
- (D) *Notice.* If removal is sought for two (2) or more heritage trees or for more than ten (10) protected trees (including heritage trees sought to be removed) and/or if removal of more than fifty (50) of existing protected trees is sought within any property in any zoning district identified in section 12-6-2, a sign shall be posted no further back than four (4) feet from the property line nearest each respective roadway adjacent to the property. One (1) sign shall be posted for every one hundred (100) feet of roadway frontage. Each sign shall contain two (2) horizontal lines of legible and easily discernable type. The top line shall state: "Tree Removal Permit Applied For." The bottom line shall state: "For Further Information Contact the City of Pensacola." The top line shall be in legible type no smaller than six (6) inches in height. The bottom line shall be in legible type no smaller than three (3) inches in height. There shall be a margin of at least three (3) inches between all lettering and the edge of the sign. The signs shall be posted at by the applicant at their expense, and shall remain continuously posted until the requisite building, site work, or tree removal permit has issued.

(E) All stormwater basins shall be designed and landscaped to meet the following criteria:

- (1) Shade trees shall be planted at an average of one tree for every 35 linear feet of the basin perimeter. Spacing of trees may be closer when trees are planted in groups for aesthetic effect, but the minimum distance between the trees shall be ten linear feet. Trees shall be selected from the Gainesville tree list that are appropriate for use within stormwater areas, and all landscaping shall be selected according to the function as a wet or dry basin. Trees shall be located at least 20 feet away from inflow and outflow structures. Bioretention swales and exfiltration facilities are exempt from these tree planting requirements.
- (2) Twenty-five percent or more of the appropriate planting area of the basin perimeter or littoral zone shall be landscaped with shrubs, groundcover, native perennials, or aquatic plants.

- (a) Individual stormwater basins that are greater than 5,000 square feet in total area shall be designed with curvilinear sides that mimic a natural wetland, lake, or stream. The landscaping for these basins shall be integrated with the other required site landscaping. As an alternative, the city manager or designee or reviewing board may approve basins that have parallel sides where they are designed with pedestrian amenities and are directly integrated into a streetscape, park, or plaza.
- (b) Individual stormwater basins that are greater than 40,000 square feet in total area shall also be designed to meet at least one of the following criteria:
- (1) Provide a recreational or functional pathway for pedestrians or bicyclists and an aesthetic focal point such as a water feature or pedestrian structure; or
 - (2) Be designed to preserve and incorporate a significant tree or tree grouping; or
 - (3) Be designed to maintain an existing wetland function or to preserve or establish habitat for native animal species.
- (F) Design principles and standards. All landscaped areas required by this article shall conform to the following general guidelines:
- a. The preservation of structurally sound native trees of high quality shade tree species and shrubs is strongly encouraged to maintain healthy, varied and energy-efficient vegetation throughout the city, and to maintain habitat for native wildlife species. Developments should be designed to preserve existing high quality heritage trees, especially those located within 20 feet of the public right-of-way.
 - b. The landscaping plan should integrate the elements of the proposed development with existing topography, hydrology and soils in order to prevent adverse impacts such as sedimentation of surface waters, erosion and dust.
 - c. The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscape plan. The landscaped areas should be integrated, especially to promote the continuity of on-site and off-site open space and greenway systems, and to enhance environmental features, particularly those features regulated by the environmental overlay districts (Article VIII).
 - d. The selection and placement of landscaping materials should maximize the conservation of energy through shading of buildings, streets, pedestrian ways, bikeways and parking areas. Where possible, shade trees should be planted along internal sidewalks that connect buildings to the street sidewalk and to other buildings on the site.
 - e. Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to their expected function as short-term or long-term elements. The natural and visual environment should be enhanced through the use of materials which achieve a variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity.
 - f. The placement of trees around buildings should permit access to the building by emergency vehicles.
 - g. The installation of the following invasive nonnative species is prohibited as is installation of any species labeled as "Prohibited" in the most recently published version of the Institute of Food and Agricultural Science (IFAS) Invasive Species Assessment:

INVASIVE, NONNATIVE
PLANT SPECIES

<u>Common Name</u>	<u>Scientific Name</u>
<u>Air potato</u>	<u>Dioscorea bulbifera</u>
<u>Arrow bamboo</u>	<u>Pseudosasa japonica</u>
<u>Brazilian pepper</u>	<u>Schinus terebenthifolius</u>
<u>Catclaw vine</u>	<u>Macfadyena unguis-cati</u>
<u>Chinaberry</u>	<u>Melia azedarach</u>
<u>Chinese privet</u>	<u>Ligustrum sinense</u>
<u>Chinese tallow tree</u>	<u>Sapium sebiferum</u>
<u>Chinese wisteria</u>	<u>Wisteria sinensis</u>
<u>Climbing fern</u>	<u>Lygodium japonicum and</u> <u>Lvgodium microphyllum</u>
<u>Cogon grass</u>	<u>Imperata cylindrica</u>
<u>Coral ardesia</u>	<u>Ardisia iaponica</u>
<u>Coral berry</u>	<u>Ardisia crenata</u>
<u>Elephant's ears</u>	<u>Xanthosoma sagittifolium</u>
<u>Glossy privet</u>	<u>Ligustrum lucidum</u>

<u>Golden raintree</u>	<u>Koelreuteria paniculata and Koelreuteria bipinnata</u>
<u>Golden bamboo</u>	<u>Phyllostachys aurea</u>
<u>Henon bamboo</u>	<u>P. nigra cv. "Henon"</u>
<u>Hydrilla</u>	<u>Hydrilla verticillata</u>
<u>Hygrophia</u>	<u>Hygrophia polysperma</u>
<u>Japanese ardisia</u>	<u>Ardisia japonica</u>
<u>Japanese honeysuckle</u>	<u>Lonicera japonica</u>
<u>Japanese paper mulberry</u>	<u>Broussonetia papyrifera</u>
<u>Kudzu</u>	<u>Pueraria lobata</u>
<u>Mimosa</u>	<u>Albizia julibrissin</u>
<u>Miramar weed</u>	<u>Hygrophila polysperma</u>
<u>Oyster plant</u>	<u>Tradescantia spathacea</u>
<u>Palm leaf bamboo</u>	<u>Sasa palmata (Arundinaria palmata)</u>
<u>Skunk vine</u>	<u>Paederia foetida</u>

<u>Tropical soda apple</u>	<u>Solanum viarum</u>
<u>White-flowered small-leaved spiderwort</u>	<u>Tradescantia fluminensis</u>
<u>Wandering spiderwort</u>	
<u>Water hyacinth</u>	<u>Eichornia crassipes</u>
<u>Wild taro</u>	<u>Colocasia esculenta</u>

- h. For all new development, or redevelopment of existing property, the applicant shall remove invasive nonnative plant species listed on the Florida Prohibited Aquatic Plants List or the Florida Noxious Weed List from the property in accordance with the management plan prior to issuance of the certificate of occupancy. On property with invasive nonnative plant species, a plan shall be submitted with the development application that includes a timeline, success criteria, treatment recommendations, and identifies methods that will have minimal impact on non-target species. All herbicide applications to control invasive, nonnative plants in wetland or upland set-aside areas (including buffers) shall be applied by a contractor licensed by the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, with a current certification in Natural Areas Weed Management. The city manager or designee should inspect such sites for a minimum of three years after completion to verify effectiveness of control efforts. The plan shall state the entity responsible for additional treatments during the three-year follow-up if the populations of invasive nonnative plants rebound and cover more than ten percent of any previously infested area within the wetland or upland set-aside areas.
- i. Loblolly and slash pines should be at least 25 feet apart post-development to reduce southern pine beetle infestation outbreaks.

(Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-5. - Maintenance.

The legal owner of record as appears on the current tax assessment roll or the designated lessee or agent shall be responsible for the maintenance of all landscape areas which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Within three (3) months of a determination by the building official or other city-designated official, that a protected tree required to be retained on a development site (as part of an approved site development

plan) or required landscaping is dead or severely damaged or diseased, the protected tree or landscaping shall be replaced by the owner in accordance with the standards specified in this chapter (chapter 12-6). The building official may approve additional time appropriate to the growing season of the species in question, not to exceed one (1) year.

All portions of any irrigation system shall be continuously maintained in a condition such that the intent of an irrigation design is fulfilled. Such irrigation shall promote water conservation by such methods as as drip irrigation and/or sprinkler zoning, as well as reducing the amount of irrigation as plants become established. Each required tree shall be served by a drip ring or bubblers or other appropriate means necessary to ensure that the entire rootball is irrigated. The irrigation system should be designed and located to minimize the watering of impervious surfaces. After the successful establishment of trees, the use of the automatic irrigation system may be discontinued. Uncontrolled emission of water from any pipe valve, head, emitter, or other irrigation device shall be considered evidence of non-maintenance.

Landscape areas that are not planted shall be grassed or mulched with organic materials. Grassed areas shall be planted with sod that has been certified free of noxious weeds by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-6. - Protected trees.

Protected trees are those trees identified by species and size in Appendix A of this chapter if living and viable. Where protected trees are identified on a site proposed for lot clearing within the applicable zoning districts identified in section 12-6-2, the number of protected trees to be preserved on the site shall be determined based upon the final approved location of proposed structures, driveways, parking areas, and other improvements to be constructed or installed.

(A) *Preservation Incentives.*

- (1) *Parking space reduction.* A reduction of required parking spaces may be allowed when the reduction would result in the preservation of a protected tree with a trunk of twelve (12) inches DBH or greater. Such reduction shall be required when the reduction would preserve a heritage tree. The following reduction schedule shall apply:

REDUCTION SCHEDULE

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1—4	0
5—9	1
10—19	2
20 or above	10 percent of total number of spaces (total reduction regardless of number of trees preserved).

- (2) *Consideration of park and open space requirement.* A reduction or waiver of the required park and open space (or payment in lieu of land dedication) for new residential subdivisions specified in section 12-8-6 may be approved by the mayor or their designee when it is determined that said waiver will result in the preservation of five (5) or more protected trees with a trunk of twelve (12) inches DBH or greater.
 - (3) *Sidewalks.* Modifications to sidewalks, their required location, and width and curb requirements, may be allowed as necessary to facilitate the preservation of any protected tree.
 - (4) *Credit for additional landscaping.* The mayor or his or her designee may authorize up to one-half (½) of the total calculated mitigation cost (as determined according to subsection 12-6-6(B)(4), (5)) to be used by the applicant for additional landscaping, which is defined as landscaping that is not required by this chapter or any other law. Additional landscaping shall meet the following minimum standards:
 - (a) A minimum of seventy-five (75) percent of all required plant material shall consist of evergreen species.
 - (b) All landscape material shall be placed so as to maximize its screening and/or coverage potential at maturity.
 - (c) All shrub material shall be a minimum height of thirty (30) inches and have a minimum crown width of twenty-four (24) inches when planted and shall be a species capable of achieving a minimum height of eight (8) feet at maturity.
- (B) *Retention, relocation, removal, replacement, and mitigation of protected trees.*
- (1) *Retention of protected trees.* Every effort must be made to protect and retain existing protected trees on proposed development sites. A minimum of twenty-five (25) ~~[40]~~ percent of the total combined trunk diameter of protected trees on a proposed development site not located within jurisdictional wetlands shall be retained in place or relocated on site.
 - (a) Credit for retention of protected trees above minimum requirements. For each inch of trunk diameter above the minimum twenty-five (25) ~~[40]~~ percent requirement that is protected in place or relocated on site, an equivalent trunk diameter inch credit shall be given against replacement and mitigation requirements as provided in subparagraphs (4) and (5) below.
- (C) *Barrier zones.* All regulated trees in areas of demolition or construction that have not been permitted nor designated for removal by either the terms of the permit or approved development order shall be protected by barrier zones erected and inspected prior to construction of any structures, road, utility service or other improvements. Barricades shall comply with the following:
- (1) Protective barriers shall be plainly visible and shall create a continuous boundary around trees or vegetation clusters in order to prevent encroachment by machinery, vehicles or stored materials. To further protect tree roots, a layer of wood chips at least eight inches thick shall cover the soil within the barricade. Barricades must be at least three feet tall and must be constructed of either wooden corner posts at least two by four inches buried at least one foot deep, with at least two courses of wooden side slats at least one by four inches with colored flagging or colored mesh attached, or constructed of one-inch angle iron corner posts with brightly colored mesh construction fencing attached. High quality heritage trees shall be protected by galvanized chain link fencing a minimum of 48 inches high, 11-gauge wire, two-inch mesh size secured with 1 7/8 inch line posts no further than 10 feet apart secured at a depth of three feet below soil line. Corners shall be secured with 2 3/8 inch line posts secured to a depth of four feet below soil line.
 - (2) Barriers shall be placed at the greater of the following:
 - a. At or outside the dripline for all heritage and champion trees and all regulated pine and palm trees;

b. At a minimum of two-thirds of the area of the dripline for all other regulated species; or

c. At the tree root plate.

(3) If complying with the above placement of barriers is found to unduly restrict development of the property, the city manager or designee, or the appropriate reviewing board may approve alternative barrier placements or methods of protection provided that at least 50 percent of the area under the canopy dripline remains undisturbed (no grade change or root cut) and further provided that there shall be no disturbance to the tree root plate. Protective barriers may not be removed or relocated without such approval.

(4) No grade changes shall be made within the protective barrier zones without prior approval of the city manager or designee. Where roots greater than one inch in diameter are damaged or exposed, they shall be cut cleanly and re-covered with soil within one hour of damage or exposure.

(5) Protective barriers shall remain in place and intact until such time as landscape operations begin. If construction needs dictate a temporary removal (for less than 24 hours), the city manager or designee, may approve or deny the temporary removal of protective barriers.

(6) Landscape preparation in the protected area shall be limited to shallow discing of the area. Discing shall be limited to a depth of four inches unless specifically approved otherwise by the city manager or designee.

(7) No building materials, machinery or harmful chemicals shall be placed within protective barriers, except short-duration placements of clean fill soil that will not harm the tree. Such short-duration placements shall not exceed seven days. The city manager or designee shall be notified of the dates the short duration placement will begin and end. The original soil grade that existed within the protected areas prior to the placement of such fill shall be restored.

(8) The American National Standards Institute A-300 Part V: Management of Trees and Shrubs During Site Planning, Site Development, and Site Construction or other nationally recognized arboricultural standards approved by the city manager or designee shall be used as guidelines for tree protection, planting, pruning and care during development and construction.

(D) *Preservation generally.* Trees may be preserved on development sites in locations where a new tree would be required. Credit for the preservation of such a tree will be given if the requirements listed below are met. During construction, if the requirements are not being met and/or the preserved tree is unlikely to survive in satisfactory condition, the owner shall apply for a tree removal permit in accordance with the requirements of this code.

(1) 50 percent of the area within the dripline of the tree shall be naturally preserved, both above- and below-ground. Under no circumstances shall permission be given for any construction activity within the tree root plate. The 50 percent protection zone must include the entire tree root plate. Landscape materials are permitted within the 50 percent protection zone but only mulch is permitted within the tree root plate. Within the 50 percent protection zone there shall be no alteration to the existing grade, no trenching or cutting of roots, nor shall there be any storage of materials or fill. No heavy equipment shall be permitted within the protection zone. All work must be done by hand. There shall be no compaction of the soil, as from heavy construction equipment, and no concrete, paint, chemicals or other foreign substances placed within this protection zone.

(2) The city manager or designee may approve paving blocks within the protection zone, provided that all work is done by hand (no machinery), and that the soil area under the pavers is not compacted beyond the bulk density limits of 1.40 g/cc in clay, 1.50 g/cc in loam, or 1.70 g/cc in sand. No lime rock or other material shall be used underneath the pavers. Pavers may not be placed within the tree root plate.

(3) There shall be no evidence of active insect infestation potentially lethal to the trees, and no damage from skinning, barking or bumping.

- (4) The root plate of regulated trees within the public right-of-way should not be impacted by adjacent development, even where the tree root plate encroaches on the private property. The installation of new utilities or improvements to public utilities required to serve the development should not require the removal of trees on the public right-of-way, where the required separations from the utilities can be met.
- (5) If any preserved tree is not alive and healthy three years after the certificate of occupancy is granted, it shall be removed and replaced with the tree or trees which originally would have been required by this code. The area that was preserved to accommodate the preserved tree shall be maintained in an unpaved condition and the replacement trees established in this area.
- (6) The planning and development services department shall maintain, and make available to the public, descriptions and illustrations of tree preservation and protection practices which will assist in assuring that preserved trees survive construction and land development.
- (E) *Inspections.* The city manager or designee shall conduct periodic inspections of the site before work begins and/or during clearing, construction and/or post-construction phases of development in order to ensure compliance with these regulations and the intent of this section.
- (F) *Denial; conditions.* The reviewing board or city manager or designee may deny a proposal for development because one or more champion or high quality heritage trees have not been preserved or adequately protected, or may require special conditions of approval that may include but are not limited to the following:
- (1) Requiring the trees to be protected with chainlink barricades.
 - (2) Requiring a soil aeration system in the vicinity of tree roots as needed, particularly where fill will be added over roots of preserved trees or where compaction may reduce the availability of water and oxygen to tree roots.

(G)

Removal of protected trees. Subject to the requirements of (1) above, protected trees may be approved for removal if one (1) or more of the following conditions are present:

- (1) *Visibility hazard.* Necessity to remove trees which will pose a safety hazard to pedestrians or vehicular traffic upon completion of the development.
- (2) *Safety hazard.* Necessity to remove trees which will threaten to cause disruption of public services or which will pose a safety hazard to persons or buildings or adjacent property or structures.
- (3) *Construction of improvements.* Necessity to remove trees in order to construct proposed improvements as a result of the location of driveways, if the location of a driveway or ingress/egress is specified and required by DOT or other regulations, buildings, utilities, stormwater/drainage facilities, or other permanent improvements. The architect, civil engineer, or planner shall make every reasonable effort to locate such improvements so as to preserve any existing tree.
- (4) *Site conditions.* Necessity to remove trees as a result of characteristics of the site such as site dimensions, topographic conditions and grading requirements necessary to implement standard engineering and architectural practices. Grading shall be as limited as possible. In order to justify the removal of protected trees on the ground of site conditions, the request must be reviewed by the appropriate city staff and must be approved by the mayor or his or her designee. Appeals from the decision of the mayor or his designee shall be to the Zoning Board of Adjustment.
- (5) *Diseased or weakened trees.* Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury;
- (6) *Compliance with other ordinances or codes.* Necessity for compliance with other city codes such as building, zoning, subdivision regulations, health provisions, and other environmental ordinances.

- (H) *Relocation of protected trees.* Where feasible, when conditions necessitate removal of protected trees, said trees shall be relocated on the site in the required perimeter or interior landscaped areas. Should the relocated tree expire within a specified period of time, the appropriate mitigation (planting of replacement trees or payment to the tree planting trust fund) shall be required. For each protected tree that cannot feasibly be relocated (or all of them), a written statement from a qualified professional shall be provided stating for each tree (or all of them) that relocation is not feasible and briefly explaining why relocation is not feasible.
- (I) *Replacement of protected trees.* When a protected tree is approved for removal, it shall be replaced with a like species of the tree removed. The prescribed number of trees shall be planted for each tree removed. The minimum diameter of a replacement tree shall be **six (6)** ~~{3}~~ inches DBH. The replacement formula is:
- A trunk diameter of four (4) inches to eleven (11) inches = Two (2) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - A trunk diameter of twelve (12) inches to nineteen (19) inches = Three (3) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - A trunk diameter of twenty (20) inches to twenty-nine (29) inches = Five (5) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - A trunk diameter of thirty (30) inches to thirty-five (35) inches = Eight (8) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - A trunk diameter of thirty-six (36) inches to forty-three (43) inches = Ten (10) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - A trunk diameter of forty-four (44) inches or greater = Eleven (11) **six (6)** ~~{3}~~-inch DBH trees planted for each one removed.
 - Replacement trees must be exact replacements of the species removed to preserve the natural tree community.
- (5) *Mitigation of protected trees.* Any replacement trees that cannot be planted on site because of lack of space, once agreed to by the city, shall be valued at **eight** ~~{four}~~ hundred dollars (**\$800.00**) ~~[400.00]~~ each and the owner shall pay that total to the tree planting trust fund. Trees identified as dead and verified as such in writing by the city shall not be required to be replaced or mitigated.
- (J) *New planting of protected trees.* On sites proposed for development or redevelopment where no existing protected trees are identified, the owner or his agent shall be required to plant one (1) new tree species identified in the protected tree list (Appendix "A") or the tree replant list (Appendix "B"), a minimum of **six (6)** ~~{three (3)}~~ inches DBH, for each one thousand (1,000) square feet of impervious surface area. *Seventy-five percent of these trees must be a high quality shade tree.* New trees or replacement trees shall be planted during the year as indicated in subsection 12-6-3(B)(1)(a) of this chapter.
- (K) *New residential subdivisions.* In new residential subdivisions the private property owner of each lot shall plant one (1) tree in the front yard within ten (10) feet of the right-of-way, provided there is no existing tree in the front yard. If the existing tree is not within ten (10) feet of the right-of-way, then one (1) additional tree shall be required (sized as noted in (1) below).
- Where a protected or replant tree species is required to be replanted, such tree shall be a minimum of **six (6)** ~~{three (3)}~~ inches DBH.
 - The location of an existing protected tree on the lot or the proposed location of a new protected or replant species, where required in this subsection, shall be identified on the plot plan submitted as part of the information submitted for a building permit.
- (L) *Road right-of-way tree protection.* No person or agency shall cut, prune, remove, or in any way damage any protected tree in any street right-of-way or create any condition injurious to any

such tree without first obtaining a permit to do so from the parks and recreation department as specified in section 12-6-7.

- (1) The parks and recreation department may issue an annual permit to public utility companies exempting them from the provisions of this subsection concerning tree preservation. In the event of flagrant or repeated disregard for the intent and purpose of this chapter, the department may revoke said permit. The reasons for revoking such a permit shall be provided in writing to the offender.
 - (2) Prior to entering a targeted area for pruning by the utility, the utility representative shall submit for approval to the city a clearly marked plan of the area, showing location of trees and noting what is being requested by the utility company. The parks and recreation department shall approve the plan and an additional permit fee of seventy-five dollars (\$75.00) shall be paid to the City of Pensacola for the specific area noted on the plan submitted (see chapter 7-14 of this Code).
 - (3) All public utilities, governmental agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees on public or private property. Notice shall be provided to landowners at least one (1) week in advance of pruning and/or removing landowners' trees on private property. Emergency removal requiring immediate action to protect the health and safety of the public is not subject to this chapter. In no case shall the utility company be permitted to prune more than thirty (30) percent of the existing tree canopy.
- (M) *Tree protection.* Removing, pruning, or cutting tree growth away from a permanent nonaccessory sign (billboard) on public or private property shall be permitted only if a permit is obtained from the parks and recreation department. All agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees.
- (N) *Canopy road tree protection zone.* All lands within ten (10) feet of the outer boundary of the right-of-way of the below described roads are hereby declared to be canopy tree protection zones:
- Blount Street from "A" Street to Bayview Park.
 - Lakeview Avenue from 9th Avenue to 20th Avenue.
 - Garden Street from Alcaniz Street to Jefferson Street and from "J" Street to "N" Street.
 - 17th Avenue from Gregory Street to Texar Drive.
 - 12th Avenue from Barcia Drive to Fairfield Drive.
 - Baylen Street from LaRua Street to Jordan Street.
 - Spring Street from LaRua Street to Jordan Street.
 - Bayou Boulevard from Lee Street to Strong Street.
 - Cervantes Street/Scenic Highway from the eastern side of Bayou Texar to the city limits.

No person or agency shall cut, remove, prune or in any way damage any protected tree in any canopy road tree protection zone or create any condition injurious to any such tree without first obtaining a permit to do so from the parks and recreation department as specified in section 12-6-7. The exemption for utility companies noted in subsection (E), above shall also apply to the canopy road tree protection zone.

- (O) *Heritage trees.* No person or agency shall cut, remove, prune or in any way damage any heritage tree in any zoning district without first obtaining approval of a landscape and tree protection plan per section 12-6-4 for new development sites or a permit from the parks and recreation department as specified in section 12-6-7 for developed property. The provisions of this subsection related to pruning do not apply to existing single-family and duplex uses.

(Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 217, 218, 9-9-10)

Sec. 12-6-7. - Tree removal and pruning permit in right-of-way and canopy road tree protection zones and heritage trees on developed property.

No person shall cut, remove, prune, or in any way damage any heritage tree on developed property or protected tree within the road right-of-way and canopy road tree protection zones identified in subsections 12-6-6(E) and (G), without first obtaining a tree removal and pruning permit from the parks and recreation department as provided below. An inspection fee of seventy-five dollars (\$75.00) shall be charged for services rendered by the parks and recreation department in the required review and on-site inspection for tree removal or pruning permits (see chapter 7-14 of this Code).

- (A) *Canopy road tree protection zone and road right-of-way tree protection zone.* Prior to cutting, removing, pruning or in any way damaging a protected tree in the canopy road tree protection zone and road right-of-way tree protection zone, an owner, developer or his agent must submit a copy of an accurately scaled drawing including the following information:
- (1) Location of the subject protected tree, noting species, size and general condition.
 - (2) The parks and recreation department may issue an annual permit to public utilities exempting them from this requirement as specified in subsection 12-6-6(E).
- (B) *On-site inspection.* Prior to the issuance of a tree removal and pruning permit, the parks and recreation department shall conduct an on-site inspection and shall issue a written report setting forth a recommendation for granting or denying the permit including any explanation necessary to clarify the basis for the recommendation.
- (C) *Conditions of approval.* The parks and recreation department may approve the permit if one (1) or more of the conditions set forth in subsections 12-6-6(B)(2)(a)—(f) is present.
- (D) *Review.* In the event an application is denied, the parks and recreation department shall specify to the applicant in writing the reason for said action.
- (E) *Heritage tree removal mitigation.* In the event that a heritage tree is approved for removal, tree replacement shall be provided per subsection 12-6-6(B)(4)(f) or a fee shall be paid into the tree planting trust fund per subsection 12-6-6(B)(5).
- (F) *Pruning permitted on residential properties.* Notwithstanding any contrary provision, pruning of heritage trees on properties with existing single-family and duplex land uses shall not require compliance with this section. However, no more than one-third (1/3) of the existing, healthy tree crown may be removed. If trimming of any heritage tree on a residential property results in substantial and irreparable harm or death to the heritage tree, such trimming shall be deemed an unauthorized and unpermitted removal of such heritage tree and shall be subject to penalties as such.

(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-8. - Best management practices.

The mayor or his or her designee may determine that the required irrigation or mitigation percentage for a site may be reduced, and may also reduce the required mitigation payment into the Tree Planting Trust Fund when it has been demonstrated and set forth in writing that Best Management Practices have

exceeded the requirements of this article. In the proposed plans for development of a site, areas in which the utilization of Best Management Practices would be applicable include, but are not limited to: Enviroscaping; Xeriscaping; Landscape Irrigation; and LEED/Green Building Techniques such as, but not limited to, green roofs, rain garden landscape design, shading constructed surfaces on the site with landscape features, and minimizing the overall building footprint and parking area; which are designed to reduce heat islands (thermal gradient differences between developed and undeveloped areas) to minimize impact on the environment.

Best Management Practices for a site include a demonstrating to the mayor or his or her designee, that the property owner has met the minimum requirements of this section in addition to the proposed best management practices to be utilize.

** "Waterwise Florida Landscapes" is the required reference guide for Xeriscaping and irrigation techniques.

(Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 219, 9-9-10)

Sec. 12-6-9. - Modifications.

Under certain circumstances, the application of the standards of this chapter may be either inappropriate or ineffective in achieving the purpose of this chapter. When planting is required by this chapter or by other provisions herein, and the site design, topography, unique relationships to other properties, natural vegetation or other special considerations exist relative to the proposed development; the developer may submit a specific alternate plan for the planting. This plan must demonstrate how the purposes and standards of this chapter will be met by measures other than those in sections 12-6-3 and 12-6-6. The building official shall review the alternate proposal and advise the applicant of the disposition of the request within fifteen (15) working days of submission by the applicant. Any appeals by the applicant shall be in accordance with section 12-6-11 of this chapter.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-10. - Enforcement.

(A) *Stop work order.* Whenever the building official determines that a violation of this chapter has occurred, the following actions shall be initiated:

- (1) *Written notice.* Immediately issue written notice by personal delivery or certified mail to the person violating this chapter of the nature and location of the violation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial action and shall have ten (10) working days after receipt of said notice, or such longer time as may be allowed by the building official, to complete the remedial action set forth in said notice.
- (2) *Remedial work and stop work orders.* If a subsequent violation occurs during the ten (10) working days referred to in subsection (A)(1) above, or if remedial work specified in the notice of violation is not completed within the time allowed, or if clearing and development of land is occurring without a permit, then the building official shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land upon which the clearing and development is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the person responsible for the development activity, directing him forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended remedial action within the time allowed, or fails to take the

recommended action after the issuance of such stop work order, then the building official may issue a stop work order on all or any portion of the entire project.

- (3) *Notice of compliance.* Upon completion of remedial steps required by notice the building official shall issue a notice of compliance and cancellation of said notice or stop work order.
- (B) *Penalty.* The fine for violating this chapter shall be based on the size of limb(s) or the tree(s) removed without a permit. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. If a tree is removed, the trunk caliper shall be measured at DBH and at the point of removal for a limb or each limb. If, in the opinion of the parks and recreation department, the tree has been substantially damaged so that its normal growth character will never return, i.e., a tree is topped and will never recover the original character, then the fine may be based upon the caliper of the tree trunk or each limb removed, whichever is the greater. Each day a violation of a stop work order continues shall constitute a separate offense (see subsection 7-14-6(2), penalty fees, of this Code). Each protected tree removed without a permit or in violation of a permit shall constitute a separate offence. Any person may seek an injunction against any violation of this chapter, and recover such damages as he may suffer. In addition to the fines and prohibitions contained herein, the provisions of section 1-1-8 of the Code shall apply applicable to willful violations of this chapter.
- (C) *Tree planting trust fund.* A tree planting trust fund has been established and funded by the fines pursuant to subsection (B) and mitigation fees paid pursuant to section 12-6-6. Expenditures from the tree planting trust fund are hereby authorized and may be made by the mayor for projects up to [\$25,000] to replant trees, or to plant new trees and other appropriate landscape vegetation, purchase irrigation supplies and purchase equipment dedicated to the planting and maintaining of the city's trees. The first priority for expenditure of funds deposited in the tree planting trust fund **must be** for restoration of the tree canopy in the area where trees generating the funds were removed. Any expenditure in excess of [\$25,000] must be approved by the city council following review by the environmental advisory board.

A grant program is hereby established for community organizations such as neighborhood associations, civic organizations, and garden clubs, according to the following criteria:

- Each grant is limited to seventy-five (75) percent of the cost of the proposed project up to seven thousand five hundred dollars (\$7,500.00);
- The required twenty-five (25) percent grant match may be waived for projects deemed as a high priority canopy restoration project by the city council;
- The tree planting trust fund must have sufficient funds for the project requested;
- Grant requests must be submitted to the environmental advisory board for review prior to consideration by the city council;
- The city council must approve each grant request; and
- The funds must be utilized for providing trees or other appropriate vegetation along with associated irrigation that will help restore the tree canopy as deemed appropriate by proper planting location requirements and may enhance the natural beauty of the community, serve to deter graffiti or the defacement of public or private property, and may create sound buffers where desirable.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 220, 9-9-10; Ord. No. 21-15, § 1, 12-9-15)

Sec. 12-6-11. - Appeal.

Any person directly and adversely affected by a decision of the parks and recreation department, the building official, or the mayor or his or her designee in the interpretation or enforcement of the provisions

of this chapter may appeal such decision to the zoning board of adjustment. Such appeal shall be submitted in writing to the planning administrator within thirty (30) days of the rendering of the subject order, requirement, decision or determination.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 221, 9-9-10)

APPENDIX A
PROTECTED TREE LIST*

<i>Species Type A (Small, 4" + diameter trunk)</i>	
1.	Dogwood (<i>Cornus florida</i>)
2.	Redbud (<i>Cercis canadensis</i>)
3.	Crape Myrtle (<i>Lagerstroemia indica</i>)
4.	Fringe Tree (<i>Chionanthus virginicus</i>)
5.	Flatwoods Plum (<i>Prunus umbellata</i>)
6.	Crabapple (<i>Malus angustifolia</i>)
7.	Sand Oak (<i>Quercus geminata</i>)
<i>Species Type B (Medium, 6" + diameter trunk)</i>	
1.	American Holly (<i>Ilex opaca</i>)
2.	Dahoon Holly (<i>Ilex cassine</i>)
3.	Southern Magnolia (<i>Magnolia grandiflora</i>) **
4.	Eastern Red Cedar (<i>Juniperus virginiana</i>) **
5.	Southern Red Cedar (<i>Juniperus silicicola</i>) **
6.	White Cedar (<i>Chamaecyparis thyoides</i>)
7.	River Birch (<i>Betula nigra</i>)
<i>Species Type C (Large, 8" + diameter trunk)</i>	
1.	Live Oak (<i>Quercus virginiana</i>)**
2.	Laurel Oak (<i>Quercus laurifolia</i>)**
3.	Sweet Gum (<i>Liquidambar styraciflua</i>)**
4.	Sycamore (<i>Platanus occidentalis</i>)**
5.	Pecan (<i>Carya illinoensis</i>)**
6.	Red Maple (<i>Acer rubrum</i>)**
7.	Hickory (<i>Carya spp.</i>)**
8.	White Oak (<i>Quercus alba</i>)**

9.	Southern Red Oak (<i>Quercus falcata</i>)
10.	Florida Sugar Maple (<i>Acer barbatum</i>)
11.	Black Tupelo (<i>Nyssa sylvatica</i>)
12.	Silver Maple (<i>Acer saccharinum</i>)
13.	<u>Longleaf Pine (<i>Pinus palustris</i>)**</u>

B. When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name controls for compliance purposes. Common names are furnished for reference purposes only.

** Shade trees.

APPENDIX B TREE REPLANT LIST

<i>A. Small Trees:</i>	
1.	Crape Myrtle (<i>Lagerstroemia indica</i>)
2.	Holly, Dahoon (<i>Ilex cassine</i>) **
3.	Hop-hornbeam (<i>Ostrya virginiana</i>)
4.	Hornbeam (<i>Carpinus caroliniana</i>)
5.	Fringe Tree (<i>Chionanthus virginicus</i>)
6.	Smooth Redbay (<i>Persea borbonia</i>) **
7.	Glossy Privet (<i>Ligustrum lucidum</i>)
8.	Loquat (<i>Eriobotrya japonica</i>)
9.	Red Buckeye (<i>Aesculus pavia</i>)

10.	Hawthorne (<i>Crataegus spp.</i>)
11.	American Holly (<i>Ilex opaca</i>)
12.	Savannah Holly (<i>Ilex 22ortune2222/cassine × opaca</i>)
13.	East Palatka Holly (<i>Ilex 22ortune2222/cassine × opaca</i>)
14.	Eagleston Holly (<i>Ilex 22ortune2222/cassine × opaca</i>)
15.	Fineline Holly (<i>Ilex cornuta</i>)
16.	Emily Bruner Holly (<i>Ilex latifolia × cornuta</i>)
17.	East Bay Holly (<i>Ilex latifolia × cornuta</i>)
18.	Mary Neil Holly (<i>Ilex/cornuta × pernyi</i>)
19.	Nellie R. Stevens Holly (<i>Ilex aquifolium × cornuta</i>)
20.	Green Japanese Maple (<i>Acer palmatum</i>)
21.	Eastern Red Bud (<i>Cercis 22ortune222222</i>)
22.	Drake Elm (<i>Ulmus parvifolia</i>)
23.	Yaupon Holly (<i>Ilex vomitoria</i>)
24.	Ashe Magnolia (<i>Magnolia ashei</i>)
25.	Wax Myrtle (<i>Myrica cerifera</i>)
26.	Flatwoods Plum (<i>Prunus 22ortune2222</i>)
27.	Myrtle Oak (<i>Quercus myrtifolia</i>)
28.	Rusty Blackhawk (<i>Viburnum rufidulum</i>)
29.	Dogwood (<i>Cornus florida</i>)

30.	Red Bud (<i>Cercis fortune232323</i>)
Trees listed 13 through 34 are native. [*Note discrepancy in number 34 here and below.]	
Trees listed 11 through 34 are suitable for planting beneath utility lines.	
<i>B. Medium and Large Trees:</i>	
1.	American Sycamore (<i>Plantanus occidentalis</i>)
2.	Ash, White (<i>local</i>) (<i>Fraxinus fortune2323</i>) **
3.	Birch, River (<i>Betula nigra</i>) **
4.	Cedar, Atlantic White (<i>Chamaecyparis thyoides</i>)
5.	Cedar, Southern Red (<i>Juniperus silicicola</i>)
6.	Chalkbark Maple (<i>Acer leucoderme</i>)
7.	Chinese Pistache (<i>Pistacia chinensis</i>)
8.	Bald Cypress (<i>Taxodium distichum</i>)
9.	Eastern Poplar (<i>Populus fortune23</i>)
10.	Elm, Florida (<i>Ulmus fortune2323 var. floridana</i>) **
11.	Elm, Winged (<i>Ulmus alata</i>) **
12.	Hickory (<i>Carya spp.</i>) **
13.	Holly, American (<i>Ilex opaca</i>)
14.	Loblollybay (<i>Gordonia lasianthus</i>) **
15.	Loblolly Pine (<i>Pinus taeda</i>)
16.	Maple, Florida Sugar (<i>Acer barbatum floridanum</i>) **

17.	Mulberry, Red (<i>Morus rubra</i>)
18.	Oak, Nuttall (<i>Quercus nuttallii</i>)
19.	Oak, Post (<i>Quercus 24ortune24</i>) **
20.	Oak, Shumard (<i>Quercus shumardii</i>) **
21.	Oak, Southern Red (<i>Quercus 24ortune</i>) **
22.	Oak, White (<i>Quercus alba</i>) **
23.	Oak, Overcup (<i>Quercus lyrata</i>)
24.	Live Oak (<i>Quercus virginiana</i>) **
25.	Palm, Cabbage (<i>Sabal palmetto</i>)
26.	Palm, Pindo (<i>Butia capitata</i>)
27.	Red Maple (<i>Acer rubrum</i>)
28.	Swamp Red Maple (<i>Acer rubrum var. drummondii</i>)
29.	Sweetbay (<i>Magnolia virginiana</i>) **
30.	Sweet Gum (<i>Liquidambar styraciflua</i>)
31.	Tulip Tree (<i>Liriodendron tulipifera</i>)
32.	Tupelo, Water (<i>Nyssa 24ortune</i>)
33.	Walnut, Black (<i>Juglans nigra</i>) **
34.	Willow Oak (<i>Quercus phellos</i>)
35.	Windmill Palm (<i>Trachycarpus 24ortune</i>)
36.	Southern Magnolia (<i>Magnolia grandiflora</i>) **

37.

Longleaf Pine (*Pinus palustris*)**

Appendix C

Appropriate vegetation for stormwater management

Trees

Deciduous

Red Maple – *Acer rubrum* (s-sh)

River Birch – *Betula nigra* (s)

Black Gum – *Nyssa sylvatica* (s-sh)

Bald Cypress – *Taxodium distichum* (s/sh) Evergreen

Dahoon Holly - *Ilex cassine* (s-sh)

Yaupon Holly – *Ilex vomitoria* (s-sh)

Sweetbay Magnolia – *Magnolia virginiana* (s-sh) Longleaf Pine – *Pinus palustris* (s)

Cabbage Palm – *Sabal palmetto* (s)

Shrubs

Deciduous

Beautyberry – *Callicarpa americana* (s-sh) Buttonbush – *Cephalanthus occidentalis* (s-sh) Virginia

Willow – *Itea virginica* (sh)

Snowbell – *Styrax americana* (sh)

Evergreen

Gallberry – *Ilex glabra* (s-sh)

Wax Myrtle – *Myrica cerifera* (s-sh)

Dwarf Palmetto – *Sabal minor* (sh)

Palmetto – *Serenoa repens* (s-sh)

Walter's Viburnum – *Viburnum obovatum* (s-sh)

Perennials

Swamp Milkweed – *Asclepias incarnata* (s) Climbing Aster – *Aster carolinianus* (s-sh) Tickseed – *Coreopsis lanceolata* (s)

Swamp Sunflower – *Helianthus angustifolius* (s) Scarlet Hibiscus – *Hibiscus coccineus* (s)

Blue Flag Iris – *Iris virginica* (s-sh)

Cinnamon Fern – *Osmunda cinnamomea* (sh) Royal Fern – *Osmunda regalis* (s)

Rudbeckia – *Rudbeckia hirta* (s-sh)

Blue-eyed Grass – *Sisyrinchium angustifolium* (s) Ironweed – *Vernonia gigantea* (s-sh) Ornamental

Grasses

River Oats – *Chasmanthium latifolium* (s) Muhly Grass – *Muhlenbergia capillaries* (s) Sand Cordgrass – *Spartina bakeri* (s)

* When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name shall control for compliance purposes. Common names are furnished for reference purposes only.

** Shade Trees.

Source: Native Trees for North Florida, Florida Cooperative Extension Service, University of Florida. Florida-Friendly Plant List 2006, Florida Yards and Neighborhoods, Cooperative Extension Service, University of Florida.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00322

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Sherri Myers

SUBJECT:

REQUIRE PARKS AND RECREATION BOARD TO CHANGE MONTHLY MEETING TIME

RECOMMENDATION:

That City Council direct the Parks and Recreation Board to change their monthly meeting time from 8:00 a.m. to a time between 1:00 - 4:00 p.m. in order to allow greater citizen participation.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Currently the Parks and Recreation Board meets the third Thursday of the month beginning at 8:00 a.m.

There has been a citizen request and a Council member request for the Parks and Recreation Board to change its meeting time to allow for the opportunity for greater citizen participation. These requests, while discussed by the Parks and Recreation Board, have not resulted in change.

According to Section 5.05 - City Boards, Commissions and Authorities of the City Charter, "...Unless otherwise provided by law, City Council shall establish or terminate by ordinance, such boards, commission and authorities as it may deem advisable from time to time."

For reference purposes, other City Boards that routinely have greater citizen participation normally take place in the afternoon:

Planning Board - 2:00 p.m.

Architectural Review Board - 2:00 p.m.

Zoning Board of Adjustment - 3:00 p.m.

Environmental Advisory Board - 2:00 p.m.

Boards that routinely receive less citizen participation have earlier meeting times:

Police Pension Board - 8:00 a.m.

Gateway Review Board - 11:00 a.m.

International Relations Advisory Board - 10:00 a.m.

Due to the number of parks as well as the impact on all citizens, the opportunity for greater citizen participation at the Parks and Recreation Board meetings would be desired.

PRIOR ACTION:

February 11, 2010 - City Council amended Sections 6-2-1 through 6-2-5 of the City Code pertaining to Parks and Recreation

August 9, 2012 - City Council amended Section 6-2-1 of the City Code pertaining to the Parks and Recreation Board

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 #: 19-00339

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Jewel Cannada-Wynn

SUBJECT:

TRAFFIC ENGINEERING STUDY OF CERTAIN STATE ROADWAYS

RECOMMENDATION:

That the City conduct a traffic study on the following state roadways:

- Pace Boulevard from Main Street to the City Limits
- Barrancas Avenue from Pace Boulevard to Garden Street
- Garden Street from Pace Boulevard to Alcaniz Street
- 9th Avenue from Bayfront Parkway to Creighton Road
- Bayfront Parkway / Main Street from the New Pensacola Bay Bridge to "A" Street

Additionally, the study will include the needs for traffic signals, lighting, traffic signs, intersection management, road surface markings and flooding. Further, the study should also focus on safe patterns of pedestrian traffic as well as ADA compliance within the movement of people.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Currently there is no list of priorities or identifiable projects for these above mentioned roadways.

Because they are state roadways, it is necessary to identify potential projects in order to take advantage of any funding opportunities from the State of Florida. This study may require the hiring of experts in the field.

At the February 14, 2019 City Council Meeting, an item was presented requesting a Garden Street Safety Assessment. At that time, a request was made by the Mayor to hold this item so that a process could be identified for looking at all streets. As of yet, a process has not been identified.

PRIOR ACTION:

February 14, 2019 - Garden Street Safety Assessment - Item Withdrawn

FUNDING:

Budget: \$ 0

Actual: \$ TBD

FINANCIAL IMPACT:

The cost of the study and possible hiring of outside experts.

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

None.

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00316

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

MEMORANDUM OF AGREEMENT FOR ADVANCE TRAFFIC MANAGEMENT SYSTEM

RECOMMENDATION:

That City Council authorize the Mayor to execute the Memorandum of Agreement for the Unified Development, Operation, and Maintenance and Stakeholder Allocation of a Regional Advanced Traffic Management System (ATMS) and a Regional Transportation Management Center (TMC).

HEARING REQUIRED: No Hearing Required

SUMMARY:

A Regional Advanced Traffic Management System (RATMS) consists of advanced communication technologies integrated into transportation infrastructures such as traffic signal control systems, monitoring/detection subsystems, and motorist information designed to maximize the use of existing transportation systems. The RATMS includes the computerized signal systems and certain Intelligent Transportation System (ITS) components including communications and networking, traffic signals, dynamic message signs (DMS), closed-circuit television (CCTV) video monitoring, incident detection, data collection and monitoring system, traffic operations center, regional center-to-center communications, and a public information portal.

The benefits of this RATMS include improved safety, air quality mitigation, traffic congestion mitigation, emergency response, regional growth adaptability, improved evacuations abilities, system security, transportation agency operations, and reduced operations and maintenance costs by providing capabilities to remotely troubleshoot hardware and traffic operations before sending a technician to a traffic signal.

The FL-AL Transportation Planning Organization (TPO) has designated the Escambia/Santa Rosa Regional ATMS Project as its first priority in the FL-AL TPO's Project Priority list. On September 8, 2010, through Resolution FL-AL 10-37, the Florida-Alabama TPO approved the Regional Intelligent Transportation System (ITS) Plan, which includes the Florida-Alabama TPO, Okaloosa-Walton TPO, and Bay County TPO regions. An ITS Technical Working Group was created to oversee the ITS implementation efforts in Escambia and Santa Rosa Counties. The Escambia-Santa Rosa ITS

Working Group, representatives from Escambia and Santa Rosa Counties, the City of Milton, the City of Gulf Breeze, the City of Pensacola, West Florida Regional Council, and Florida Department of Transportation (FDOT), meets monthly, working together to ensure the ITS system is comprehensive and includes a funding plan for the implementation and operation of a regional Advance Traffic Management System (ATMS), a regional Traffic Management Center (TMC), and related infrastructure.

In 2015, following a 5 year contract with the City of Pensacola and using FDOT funds, Escambia County entered into a continuing professional services contract with an engineering consultant to provide general traffic engineering operation and management services including signal retiming, transportation engineering, planning, and other support services for Escambia and Santa Rosa Counties. In general, the consultant serves as an extension of staff for traffic engineering related services for the region.

On September 12, 2018, the TPO approved Resolution FL-AL 18-31, which states that the TPO agrees to be the lead agency in the development of a Regional Traffic Management Center (RTMC) and Regional ATMS build out for the on-system roadways within the TPO area, and that the TPO agrees to obligate 90% of the Federal Urbanized (SU) funds in Fiscal Year 2023-2024 towards the development of the RTMC and on-system Regional ATMS improvements. The Resolution also stated that the TPO intends to obligate an additional 90% of allocated Federal Urbanized (SU) funds in Fiscal Year 2024-2025 towards the development of the TMC and on-system ATMS improvements and that it intends to utilize additional signal maintenance funding and TPO Federal Urbanized (SU) funds for operations and maintenance of the built, on-system Regional TMS for subsequent years thereafter. The resolution affirms that the TPO will continue to work with local governments to encourage the development and tie-in of local off-system ATMS improvements and expansion of the system. The TPO took this action in order to send a unified voice of support for this regional project.

In an effort to be the lead agency and to include all of the TPO area, on April 11, 2019, the TPO published a Request for Qualifications (RFQ) for a new professional services contract to exist between the FL-AL TPO and a firm to provide general traffic engineering operation and management services for the entire Florida-Alabama TPO area, and redirect the box funds through the TPO to support the contract. A selection committee was also established to review and rank all proposals.

This MOA is the next step in this process, allowing the TPO to work with the local stakeholders with regards to their contribution. The Emerald Coast Regional Council (ECRC) staff and the TPO have met with the directors of the District 3 FDOT who are looking for the stakeholders in the region to show their willingness to contribute their proportionate share to the budget for operation of this RATMS via the RTMC.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

Funding will be included in the General Fund Public Works Departmental Budget beginning in Fiscal Year 2024. The City of Pensacola's proportionate share is estimated to be estimated to be \$231,900.00 annually.

CITY ATTORNEY REVIEW: Yes

7/9/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
L. Derrik Owens, P.E., Director of Public Works/City Engineer

ATTACHMENTS:

- 1) Memorandum of Agreement

PRESENTATION: No

MEMORANDUM OF AGREEMENT RELATING TO THE DEVELOPMENT, OPERATION, AND MAINTENANCE OF A REGIONAL ADVANCED TRAFFIC MANAGEMENT SYSTEM AND REGIONAL TRANSPORTATION MANAGEMENT CENTER

THIS MEMORANDUM OF AGREEMENT is entered into by and between the Florida-Alabama Transportation Planning Organization, the designated Metropolitan Planning Organization for the Pensacola, FL-AL Urbanized Area (hereinafter referred to as "FL-AL TPO and/or Lead Agency") and Escambia County, a political subdivision of the State of Florida, Santa Rosa County, a political subdivision of the State of Florida, the City of Pensacola, a municipal corporation created and existing under the laws of the State of Florida, the City of Milton, a municipal corporation created and existing under the laws of the State of Florida, and the City of Gulf Breeze, a municipal corporation created and existing under the laws of the State of Florida (hereinafter referred to collectively as "Participating Agencies").

WITNESSETH:

WHEREAS, a regional Advanced Traffic Management System (RATMS) consists of advanced communication technologies integrated into transportation infrastructure such as traffic control systems, monitoring/detection subsystems, and motorist information designed to maximize the use of existing transportation systems; and

WHEREAS, a RATMS includes computerized signal systems and certain Intelligent Transportation System (ITS) components, including communications and networking, traffic signals, dynamic message signs (DMS), closed-circuit television (CCTV) video monitoring, incident detection, data collection and monitoring system, traffic operations center, regional center-to-center communications, and a public information portal; and

WHEREAS, the benefits of a RATMS include improved safety, air quality mitigation, congestion mitigation, emergency response, regional growth adaptability, evacuations, system communications, cross-jurisdictional traffic flow, integration of transportation systems, regional security, transportation agency operations, as well as reduced operation and maintenance costs by providing capabilities to remotely troubleshoot hardware and traffic operations before sending a technician to a traffic signal; and

WHEREAS, the development of ITS components such as ATMS, Advanced Traveler Information, and Emergency Management Systems is an effective and efficient method to improve public safety, reduce fuel consumption, and reduce traffic congestion; and

WHEREAS, the FL-AL TPO has designated the Escambia/Santa Rosa Regional ATMS Project as its first priority in the FL-AL TPO's Fiscal Year 2017 - 2021 Project Priority List; and

WHEREAS, the Escambia-Santa Rosa ITS Technical Working Group comprised of technical staff from Escambia County, Santa Rosa County, the City of Pensacola, the City of Milton, the City of Gulf Breeze, the Emerald Coast Regional Council (ECRC), and the Florida Department of Transportation (FDOT) has been formed to provide oversight for implementation of the Escambia-Santa Rosa regional ITS improvements; and

WHEREAS, in 2017, the Escambia-Santa Rosa RATMS Feasibility Study and Implementation Plan project was completed by the FDOT; and

WHEREAS, the Escambia-Santa Rosa RATMS Feasibility Study and Implementation Plan defines a comprehensive plan to update and modernize traffic management tools and capabilities to prepare and assist the local agencies to meet their increasingly complex future transportation

challenges, and the Implementation Plan will serve as a blueprint for the modernization of the Escambia County and Santa Rosa County transportation systems; and

WHEREAS, the FL-AL TPO and the Participating Agencies agree that the joint development, operation, and maintenance of a RATMS and a regional Transportation Management Center (RTMC) will ultimately result in more cost-effective management of traffic within Escambia County and Santa Rosa County; and

WHEREAS, the FL-AL TPO and the Participating Agencies desire to develop the unified operation of a RATMS at a RTMC to provide enhanced benefits to the public by streamlining communication and interagency coordination; and

WHEREAS, in 2016, the Participating Agencies unanimously passed resolutions of support for the creation of a unified RTAMS and RTMC; and

WHEREAS, on August 8, 2018, the FL-AL TPO passed Resolution FL-AL 18-18, supporting the allocation of funds in the Transportation Improvement Program (TIP) priority list and Resolution FL-AL18-31, supporting the FL-AL TPO as the Lead Agency for development of a RATMS and RTMC; and

WHEREAS, on September 12, 2018, the FL-AL TPO passed Resolution 18-31, agreeing: 1) to serve as the Lead Agency in the development of a RTMC and RATMS build out for the on-system roadways within the FL-AL TPO area; 2) to obligate 90% of the Federal Urbanized (SU) funds in Fiscal Year 2023-2024 towards the development of the RTMC and on-system Regional ATMS improvements; 3) to obligate an additional 90% of allocated Federal Urbanized (SU) funds in Fiscal Year 2024-2025 towards the development of the RTMC and on-system RATMS improvements; 4) to utilize additional signal maintenance funding and FL-AL TPO Federal Urbanized (SU) funds for operation and maintenance of the built, on-system Regional ATMS for subsequent years thereafter; and 5) to continue working with local governments to encourage the development and tie-in of local off-system ATMS improvements and expansion of the system; and

WHEREAS, the FL-AL TPO, as the Lead Agency, plans to request that the FDOT fund and administer the design and construction of the Escambia-Santa Rosa RATMS and RTMC; and

WHEREAS, the FL-AL TPO and the Participating Agencies desire to enter into an agreement relating to the operation and maintenance of the Escambia-Santa Rosa RATMS-RTMC.

NOW THEREFORE, for and in consideration of the mutual benefits to be derived from this Memorandum of Agreement, the parties agree as follows:

1. Recitals. The recitals contained in the preamble are true and correct and incorporated herein by reference.
2. Purpose. The purpose of this Agreement is to establish the roles and responsibilities of the Lead Agency and the Participating Agencies relating to the development, operation, and maintenance of the Escambia-Santa Rosa RATMS and RTMC.
3. Scope. The RATMS will include the design and installation of ITS field elements, which include dynamic message signs (DMS), closed circuit television (CCTV) cameras, microwave detection, and fiber optic communications cable and transmission equipment throughout Escambia and Santa Rosa County. The RTMC will include designated office space for the Participating Agencies' Traffic Engineering Staff and will house monitoring and control capabilities of ITS components and the staff necessary to operate these systems.

3.1 Design and Construction Phase. The parties anticipate the FDOT will determine the roles and responsibilities of the Lead Agency and the Participating Agencies during the design and construction phase of the RATMS and RTMC and anticipate that the FDOT will be responsible for the development, procurement, award and management of all design and construction related contracts. The implementation plan will be to expand the existing ATMS Phase I and establish a region-wide communications network and include key upgrades for intersections throughout the region with new controllers, cabinets, and cameras. Then follow as a complete build-out of the system by constructing an RTMC for colocated operations and adding additional ITS devices along system corridors. RTMC construction can be scheduled at a point where corridor-based expansion and number of intersections managed clearly warrants additional space for expanded staff requirements.

3.2 Operation and Maintenance. Representatives from the Lead Agency and Participating Agencies who are responsible for RATMS operation and maintenance will develop and maintain standard operating procedures, make operational and maintenance decisions, and staff the RTMC. Operation of the RATMS shall be monitored and controlled by the Lead Agency from the RTMC, which will house the Lead Agency's staff and consultant(s), personnel from the Participating Agencies and the FDOT, and law enforcement representatives. RTMC staff will have connectivity and the ability to monitor cameras and other system devices. Participating Agency personnel will be granted read-write and priority control permissions for equipment within their jurisdictions.

3.2.1 The roles and responsibilities of the Lead Agency shall include:

- Developing traffic signal timing plans to facilitate cross-jurisdictional traffic flow;
- Providing a forum for discussing the region's traffic signal operations issues;
- Identifying and establishing priorities, corridors of significance, and performance goals and measures of the region's traffic signals;
- Facilitating the deployment of advanced traffic management concepts and control strategies;
- Providing consistency in signal timing practices between agencies;
and
- Providing outreach to the public and decision makers.

3.2.2 The Lead Agency will use consultant(s) to fully or partially conduct operations and maintenance of the RATMS and RTMC. The consultant services contract may include the following:

- Overseeing the design and construction of the RATMS and RTMC;
- Expectations for communications among, meetings with, and solicitations of input from the local entities and other stakeholders impacted by the project(s);
- Data collection roles and responsibilities;
- Acceptable processes and procedures for analyzing existing conditions;
- Permitted tools and techniques for analyzing and optimizing corridor-level traffic signal operations;
- Acceptable processes and procedures for developing optimal initial and actuated timing plan settings;

- Requirements for developing coordination timing plans;
- Expectations for assisting in the deployment and fine-tuning of implemented signal timings;
- Before-and-after evaluation roles and responsibilities;
- Expected type and schedule for deliverables; and
- Regulatory restrictions, insurance requirements, and other legally binding language specific to the contracting agency.

3.2.3 RTMC staff responsible for the RATMS operations and maintenance will also be responsible for signal timing modifications, evaluating any system or signal malfunctions, and coordinating and communicating the repair of any deficiencies found with the ITS communications system or the individual signals with the relevant Participating Agency. Signal maintenance and repairs will be the responsibility of each Participating Agency according to the Agency's Signal Maintenance and Compensation Agreement with the FDOT.

3.2.4 Prior to completion of the RTMC, control and operation of RATMS field devices will occur at either the Escambia County Traffic Signal Operations Center (TSOC) or the City of Pensacola TSOC. Secure remote access can be provided from the County and City TSOCs to Santa Rosa County, City of Milton, and City of Gulf Breeze for system monitoring and operation of field devices.

3.2.5 RTMC staff will be responsible for configuration, operation, maintenance, and placement of the RATMS network infrastructure, from the core network devices in the primary control center to the network demarcation point in each connected roadside cabinet throughout the region. The network demarcation point in each cabinet is typically a managed field Ethernet switch (MFES). The network infrastructure includes fiber optic cables, conduits, pull-boxes, splice boxes, aerial and underground splice closures, and all other components associated with the RATMS WAN. RTMC staff will also be responsible for the configuration, operation, and maintenance of the following field devices throughout the region: traffic data detection systems, probe data detection systems, CCTV cameras, MFESs, device servers, digital video encoders, media converters, and DMSs. These field devices are commonly categorized as ITS devices.

3.2.6 The Lead Agency and all Participating Agencies anticipate that the FDOT District Three RTMC operators will monitor and operate FDOT assets and view RATMS information.

3.2.7 RATMS user types and profiles include the following:

RATMS Operators – This user has access and control of ITS devices to monitor and manage traffic flow on arterial corridors and local roads throughout the region. The operator will be able to operate Pan Tilt Zoom (PTZ) cameras, post messages to DMS, ensure the traffic signal control system is working properly, and gather data collected by the vehicle detection system. The operator will also verify the overall health of the system and dispatch maintenance crews to devices that are not functioning properly. The operator will assist emergency response teams to decrease response times and manage traffic while incidents are cleared. ATMS operators have the capability to view traffic and receive travel time information to help determine recommended routes for responders as well as guide and direct motorists in the

impacted area.

Traffic Analysts and Traffic Operation Engineers – Traffic analysts and operation engineers analyze and use ITS data to make decisions in real-time as well as plan for future roadway and safety projects. The data gathered by ITS can be used to support decisions regarding roadway and safety improvements and quantify increases or decreases in roadway system performance resulting from many factors.

RATMS Field Maintenance Personnel (Electronic Technicians) – This user is responsible for maintaining ITS field devices and minimizing device and system downtime. This user will routinely access ITS devices, network equipment, and RATMS network to verify proper operation and repair or replace equipment that is not functioning properly. In addition, they will be responsible for implementing updates to field equipment, device installation/integration, and the overall upkeep of the networks and devices that comprise the RATMS. Field maintenance personnel will work to ensure the fiber optic network is functioning properly, free from damage.

RATMS Network Support Personnel – RATMS network support personnel will ensure that the overall RATMS network, including network devices, servers, computers, software, RTMC equipment, and other system components are functioning properly. They will also be responsible for maintaining system documentation, applying updates to RTMC servers and computers, establishing and maintaining network policies and procedures in accordance with best practices and local agency requirements, and coordinating with local agency and third-party information technology staff, as necessary.

3.3 Current Signal Maintenance Responsibilities. The Participating Agencies shall continue to be responsible for operation, maintenance, and placement of signalization equipment within their respective jurisdictions. Signalization equipment includes traffic controller assemblies, vehicle detection systems associated with signal actuation, pedestrian detection systems, grounding and lightning protection, span wire assemblies, electrical power service assemblies, poles, mast arms, signal assemblies, system control equipment, traffic control system auxiliaries, and illuminated signs. Signalization equipment also includes conduits, pull-boxes, and cables from the local cabinet to traffic control devices installed at the intersection.

3.4 RATMS Operational Scenarios:

3.4.1 RATMS and associated devices will be operated and maintained by the RATMS operators. They will be responsible for maintaining the communications system down to the edge of the Ethernet switch that serves as a point of connection for traffic controllers and other roadside equipment.

3.4.2 RATMS operators will maintain bluetooth readers, dynamic message sign (DMS), Microwave Vehicle Detection System (MVDS) units, CCTV Cameras, Road Weather Information Systems (RWIS), network devices, surge protective devices, and other equipment associated with the RATMS. Day-to-day operations and maintenance of RATMS will include several common RATMS operational scenarios. While the RATMS will be capable of operating and managing the region's traffic signal system on 24-hours a day, 7-days a week, initial core hours of operation are expected to be Monday through Friday from 8:00 a.m. to 5:00 p.m. Hours and shifts for RATMS operators can fall outside of these core hours so that there is coverage during morning and evening traffic peaks and special events. As the scope and responsibility of the RATMS and RTMC increases, additional staff can be added into overlapping

shifts that provides coverage from 6:00 a.m. to 7:00 p.m. and beyond. In all cases, on-call staffing will be required to respond to emergencies and special events outside of normal business hours, such as major airshows held at area beaches and military installations and other significant tourist events.

3.4.3 Normal Operations: During normal operations and traffic conditions, operators will monitor the system and respond to maintenance issues, changes in traffic, or minor incidents as they occur. Maintenance issues uncovered during normal operations or in response to reports from motorists, such as problems with devices or intersection operation, will be logged and reported to the appropriate local maintaining agency to address.

3.4.4 Peak Congestion Operations: During peak congestion, operators will primarily monitor cameras at major interchanges and along major arterials to respond quickly if problems occur. The travel time system will detect and indicate increased travel times and traffic volumes. Operators will note recurring problem areas and, if necessary, signal timings can be temporarily adjusted by operators to flush queues or relieve unexpected congestion. Operators will be required to scan camera feeds and watch for incidents and other problems. If there is an incident or other disruption, for example a disabled vehicle, the operator will coordinate with responders to dispatch proper personnel and post information on upstream dynamic message signs to alert motorists and provide guidance.

3.4.5 Incident and Event Operations: Camera feeds will allow operators, analysts, and engineers to quickly confirm incidents or other unplanned events and react with appropriate measures. Operators will be able to coordinate dispatch of responders with the proper emergency services agency and provide information about the scene if emergency personnel are not already on-site. The RATMS will detect increased travel times, reduced speeds, and increased occupancy. Operators will be able to adjust timings or change plans to flush queues or relieve unexpected congestion. Operators will post incident/event information on upstream DMS to alert motorists and provide guidance, and future Emergency Vehicle Priority (EVP) systems will provide priority to emergency vehicles as they approach signalized intersections on route to the scene. The operators, analysts, and engineers will be able to view affected intersections and take over signal control if necessary. There may also be instances where the operators, analysts, and engineers will work with the FDOT District Three operators under incident conditions, AMBER/Silver alerts, and hurricane evacuations to coordinate route plans, communicate information to motorists, and recommend detours around major incidents and events.

3.4.6 Maintenance Operations: As part of routine duties, operators will check system logs and perform spot checks to verify the operation of devices at the beginning of every shift. If a device is not working properly, the operator will notify maintenance personnel and dispatch them to the site for further investigation and repairs as needed. Maintenance staff from each local jurisdiction will coordinate their efforts with the RTMC and notify operators when repairs are complete so that quick checks can be performed to ensure functionality has been restored. Repairs should be performed as soon as possible to ensure that operators have the information and capabilities they need for operations and traffic management during incidents, events, and emergencies.

3.5 Standard Operating Procedures. Pursuant to the terms of a separate agreement, the Lead Agency, Participating Agencies, and the FDOT will agree on Standard Operating Guidelines for all personnel with access to the RTMC. These Standard Operating Guidelines

will include, but not be limited to, the following:

3.5.1 Establish access security protocols and hierarchy by identifying personnel from the respective Participating Agencies who have access to the RTMC. The Lead Agency and FDOT shall have unrestricted, permanent access to and use of designated space, including, but not limited to, offices, the control center, the computer room, and other common areas.

3.5.2 Roles, responsibilities, and access of the Lead Agency, Participating Agencies, FDOT, and other stakeholders' personnel working within the RTMC and sharing the operation of the RATMS.

3.5.3 Guidelines for personnel to manage or respond to incidents and events as they occur.

3.6 Operation and Maintenance Funding. The Lead Agency and Participating Agencies anticipate that funds for the operation of the RTMC will be provided through local and state funds identified and allocated through the FL-AL TPO project prioritization as it relates to the Transportation Improvement Plan (TIP) and may be supplemented by the FDOT's annual compensation for interconnected signals.

3.6.1 The Participating Agencies will each bear their proportional share of the ongoing operational costs of the RTMC associated with the operation of the joint traffic monitoring/control systems including physical plant maintenance, utilities, locating, and equipment repair/replacement. The exact proportional allocation shall be based upon the number of signals maintained by each Participating Agency and state/TPO funding appropriations. All funding shall be subject to the annual appropriation of funds by the respective Participating Agency. The estimated annual operational costs of the RATMS and RTMC and the estimated prorated share apportioned to each Participating Agency is provided in **Exhibit 1**, attached hereto and incorporated herein.

3.6.2 Funding for maintenance of the RATMS will be provided by Participating Agencies and the FDOT in accordance with the terms of each Agency's existing Signal Maintenance and Compensation Agreement with the FDOT.

3.7 RATMS and RTMC Implementation and Oversight.

3.7.1 The Lead Agency and the Participating Agencies agree that the long-term success of this Agreement will depend on jurisdictional cooperation and coordination between the stakeholders at a management level. Therefore, the Lead Agency and the Participating Agencies hereby create the RATMS Technical Working Group to provide leadership, guidance, and oversight of the daily operation of the RTMC and RATMS.

3.7.2 Specific duties of the RATMS Technical Working Group shall include the following:

a) Creating an operating plan for the implementation of this Agreement, including technical and operational policies and procedures to be followed by RTMC staff, consistent with the adopted system architecture and master plan adopted by the Lead Agency and the Participating Agencies;

b) Reviewing and providing recommendations to the Lead Agency regarding the operational budget of the RTMC;

c) Creating a long-range plan to recommend to the Lead Agency concerning items

such as future funding sources, future significant infrastructure or staffing needs, and future operations, maintenance and expansion of the RATMS;

d) Providing periodic reports, as may be requested, to the governing bodies of the Participating Agencies, the Lead Agency and its staff, and other relevant governmental bodies; and

e) Performing such other duties as the Lead Agency may from time to time, ask the RATMS Technical Working Group to perform.

3.7.3 Any party to this Agreement may request that the RATMS Technical Working Group take up a matter for discussion, recommendation or study. Notwithstanding any other provision herein, the Lead Agency and Participating Agencies acknowledge that in creating the RATMS Technical Working Group they are not and do not intend to create a separate legal entity with any authority or status not provided for herein. Each Participating Agency maintains control over the work of their respective employees, contractors, or agents.

4. Term and Termination: This Agreement shall commence upon the date last executed and continue unless or until terminated, in whole or in part, as provided herein. This Agreement may be terminated by any party with or without cause upon providing sixty (60) days written notice to the other parties; provided, however, that termination shall not affect the reimbursement of any costs then owing or which are subsequently owed as a result of actions concluded following the effective date of termination.

5. Liability: The parties hereto, their respective elected officials, officers, and employees shall not be deemed to assume any liability for the acts, omissions, or negligence of any other party. Nothing herein is intended to serve as a waiver of sovereign immunity by any party and nothing herein shall be construed as consent by any party to be sued by third parties in any matter arising out of this agreement.

6. Records: The parties acknowledge that this agreement and any related financial records, audits, reports, plans, correspondence, and other documents may be subject to disclosure to members of the public pursuant to Chapter 119, Florida Statutes, as amended. In the event any party fails to abide by the provisions of Chapter 119, Florida Statutes, any non-breaching party may, without prejudice to any right or remedy and after giving seven (7) days written notice, during which period the party fails to allow access to such documents, terminate this agreement.

7. Assignment: This agreement or any interest herein shall not be assigned, transferred, or otherwise encumbered, under any circumstances, by the parties, without the prior written consent of the parties.

8. All Prior Agreements Superseded:

- (a) This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written.
- (b) It is further agreed that no modification, amendment, or alteration in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

9. Headings: Headings and subtitles used throughout this agreement are for the purpose of

convenience only, and no heading or subtitle shall modify or be used to interpret the text of any section.

10. Survival: All other provisions, which by their inherent character, sense, and context are intended to survive termination of this agreement, shall survive the termination of this agreement.

11. Interpretation: For the purpose of this agreement, the singular includes the plural and the plural shall include the singular. References to statutes or regulations shall include all statutory or regulatory provisions consolidating, amending, or replacing the statute or regulation referred to. Words not otherwise defined that have well-known technical or industry meanings, are used in accordance with such recognized meanings. References to persons include their respective permitted successors and assigns and, in the case of governmental persons, persons succeeding to their respective functions and capacities.

(a) If any party discovers any material discrepancy, deficiency, ambiguity, error, or omission in this agreement, or is otherwise in doubt as to the meaning of any provision of the agreement, it shall immediately notify the other party and request clarification of the interpretation of this agreement.

(b) This agreement shall not be more strictly construed against any party hereto by reason of the fact that one party may have drafted or prepared any or all of the terms and provisions hereof.

12. Severability: The invalidity or non-enforceability of any portion or provision of this agreement shall not affect the validity or enforceability of any other portion or provision. Any invalid or unenforceable portion or provision shall be deemed severed from this agreement and the balance hereof shall be construed to be enforced as if this agreement did not contain such invalid or unenforceable portion of provision.

13. Further Documents: The parties shall execute and deliver all documents and perform further actions that may be reasonably necessary to effectuate the provisions of this agreement.

14. Governing Law: This agreement shall be governed by and construed in accordance with the laws of the State of Florida, and the parties stipulate that venue, for any matter, which is the subject of this agreement shall be in the County of Escambia.

15. Notices: All notices required or made pursuant to this agreement by any party to the other shall be in writing and delivered by hand or by United States Postal Service, first class mail, postage prepaid, return receipt requested, addressed to the following:

Escambia County:
County Administrator
221 Palafox Place, Suite 420
Post Office Box 1591
Pensacola, FL 32597

Santa Rosa County:
County Administrator
6495 Caroline Street
Suite D
Milton, FL 32570

City of Gulf Breeze:
City Manager
1070 Shoreline Drive
Post Office Box 640
Gulf Breeze, FL 32561

City of Pensacola:
City Administrator
222 West Main Street
Post Office Box 12910
Pensacola, FL 32521

City of Milton:
City Manager
6738 Dixon Street
Post Office Box 909
Milton, FL 32572

FL – AL TPO:
ECRC – Executive Director
4081 E. Olive Road, Suite A
Pensacola, FL 32514

Any party may change its above noted address by giving written notice to the other parties in accordance with the requirements of this section.

16. No Waiver: The failure of a party to insist upon the strict performance of the terms and conditions hereof shall not constitute or be construed as a waiver or relinquishment of any other provision or of any party's right to thereafter enforce the same in accordance with this agreement.

IN WITNESS WHEREOF, the undersigned parties have executed this Memorandum of Agreement on behalf of the referenced legal entities.

ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS

BY: _____
Lumon J. May, Chairman

DATE: _____

ATTEST: _____
Deputy Clerk

BCC APPROVED: _____

SANTA ROSA COUNTY BOARD OF COUNTY COMMISSIONERS

BY: _____
Robert A. Cole, Chairman

DATE: _____

ATTEST: _____
Deputy Clerk

BCC APPROVED: _____

CITY OF PENSACOLA

BY: _____
Mayor Grover Robinson, IV

DATE: _____

ATTEST: _____
City Clerk

CITY OF MILTON

BY: _____
Mayor Heather Lindsay

DATE: _____

ATTEST: _____
City Clerk

CITY OF GULF BREEZE

BY: _____
Mayor Cherry Fitch

DATE: _____

ATTEST: _____

**FLORIDA – ALABAMA
TRANSPORTATION PLANNING ORGANIZATION**

BY: _____
Jeff Bergosh, Chairman

DATE: _____

ATTEST: _____

EXHIBIT 1

Estimated Operations and Maintenance Cost of Escambia-Santa Rosa RATMS

Number of Staff	Position	Annual Salary	Total
4	Operators	\$ 35,000.00	\$ 140,000.00
2	Shift Supervisors	\$ 55,000.00	\$ 110,000.00
1	Traffic Engineer	\$ 95,000.00	\$ 95,000.00
1	IT Support	\$ 55,000.00	\$ 55,000.00
2	Locators	\$ 40,000.00	\$ 80,000.00
2	Electronic Specialists	\$ 50,000.00	\$ 100,000.00
1	Traffic Signal Analyst	\$ 50,000.00	\$ 50,000.00
Annual Operation Staffing Sub-Total			\$ 630,000.00
Employee Benefits			\$ 100,000.00
Annual Software Licensing Fees			\$ 60,000.00
Annual Utility Fees			\$ 40,000.00
Specialized Tools for Fiber Communications Maintenance (i.e. OTDR, Power Meter, Fusion Splicer, Splice Van)			\$ 90,000.00
Total			\$ 920,000.00

Notes:

- 1) The operation costs do not reflect a 24/7 operation. Assume two shifts at five days per week.
- 2) This operational cost does not include FDOT operations.
- 3) This assumes a single agency performs the operations.
- 4) Specialized tools amount is a one-time cost and can be amortized over a period of years.
- 5) Annual Software licensing fees may vary depending on vendors chosen and is based upon full buildout of system. Amount based on number of devices installed.
- 6) Annual utility costs are estimated for a Regional Traffic Management Center.

Agencies Estimated Annual O & M Cost of RATMS:

Agencies	No of Signals	% of Total	O & M Cost
Escambia County	195	53%	\$ 491,506.85
City of Pensacola	92	25%	\$ 231,890.41
Santa Rosa County	58	16%	\$ 146,191.78
City of Milton	15	4%	\$ 37,808.22
City of Gulf Breeze	5	1%	\$ 12,602.74
Total	365	100%	\$ 920,000.00



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00329

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

CITY COUNCIL APPROVAL OF THE STRATEGIC PLAN MISSION, VALUES AND PRIORITY AREAS

RECOMMENDATION:

That City Council approve and adopt the Strategic Plan Mission, Values and Priority Areas.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On May 9, 2019 City Council held a workshop to discuss developing a strategic plan derived from the Mayor's Transition Team Recommendations. At that meeting, consensus was developed on the following:

- Mission Statement: *"We desire the highest quality of life for all our citizens".*
- Values: *Transparency, Service Orientation, Accountability, Inclusivity, Collaborate for Impact and Sustainability Mindset*
- Priority Areas: *Organizational Excellence, Crime and Safety, Neighborhoods, Economic Development and Environment.*

Priority area criteria: Alignment with Core Mission, Reach across the Community, Feasibility and Partnership Possibilities.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

7/5/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Keith Wilkins, Deputy City Administrator

ATTACHMENTS:

- 1) City of Pensacola Strategic Plan

PRESENTATION: Choose an item.

City of Pensacola – Strategic Plan

Mission

We desire the highest quality of life for all our citizens

We do that by:

- Providing cost effective municipal services, including public safety, infrastructure, and public amenities
- Working together with the community to create a healthy environment and growing economy

Values

Transparency	Service Orientation	Accountability	Inclusivity	Collaborate for Impact	Sustainability Mindset
We exist to serve the people and the people should have visibility into what we're doing, and why.	We are in service of the people. As a result we strive to: <ul style="list-style-type: none">• Provide a good service experience• Listen to citizens• Find ways for citizens to make a contribution to solutions.	We use the people's money and we should be able to demonstrate where it went and what we got for it.	We need to be mindful of all of our citizens' unique circumstances. We strive to distribute resources equitably for the benefit of all our citizens.	We work together with intergovernmental and private partners on things that benefit the community but are not the core mission of City Government.	We need to think for the long term and ensure that we take actions that can be sustained and supported over time.

Priority Areas

Prioritization Criteria

- Alignment with Core Mission
- Feasibility
- Reach across the Community
- Partnership Possibilities

Organizational Excellence

COMPLETE

- Create mission, vision, values
- Establish organizational structure
- Conduct employee engagement survey
- Fully staff City attorney's office

IN PROGRESS

- Create city-wide dashboard with measurable goals
- Invest in training and development of employees
- Commit to succession planning
- Implement performance-based pay system
- Create HR manual
- Implement competitive pay class system
- Maintain financial sustainability

Crime and Safety

- Maintain a safe community
- Ensure adequate staffing based on call volume
- Provide adequate funding for vehicle and equipment needs

Neighborhoods

- Improve neighborhood infrastructure (Lighting, stormwater management, walkability)
- Implement complete streets concept
- Adopt neighborhood focused approach or structure
- Maintain high quality parks and open spaces
- Honor historical culture

Economic Development

- Increase affordable housing inventory
- Target development zones including West Cervantes, 9th Avenue
- Enhance public access to waterfront
- Maintain momentum on downtown redevelopment
- Collaborate with private sector to build a more resilient economy

Environment

- Complete strategic stormwater quality projects
- Collaborate with supportive agencies to stem the spread of exotic/invasive species and restore natural habitats
- Protect and restore surface water quality within the bays and bayous
- Work with the appropriate agencies to preserve and protect air quality



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-01

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

RESOLUTION NO. 2019-01 - AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY PERTAINING TO THE ISSUANCE BY THE CITY OF GAS SYSTEM REVENUE BONDS.

RECOMMENDATION:

That City Council adopt Resolution No. 2019-01.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY; PROVIDING FOR THE ISSUANCE OF GAS SYSTEM REVENUE BONDS TO PAY THE COST OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S GAS SYSTEM AND TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; PLEDGING THE NET REVENUES OF THE GAS SYSTEM TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On February 16, 1994 City Council adopted Resolution No. 4-94, as amended and supplemented (the "Original Bond Resolution") providing for the issuance of Gas System Revenue Bonds. This Original Bond Resolution acts as the master resolution for all subsequent debt issuances. The Original Bond Resolution has two sections in particular that would prove beneficial to the City to update, Section 15C of the Original Resolution with respect to the funding of a Renewal and Replacement Fund and Section 15T(a) of the Original Resolution to revise the requirements for the issuance of Additional Parity Obligations.

Section 15C(7) of the Original Bond Resolution requires funding of a Renewal and Replacement Fund which is to be used to pay for the cost of extensions, enlargements or additions to, or the

replacement of capital assets of the Gas System. Such funding is now built into the rates and charges therefore the Renewal and Replacement Fund is no longer relevant. The primary reason for the amendment to Section 15C is to remove the requirement of the Renewal and Replacement Fund.

Section 15T(a) of the Original Bond Resolution requires, as a condition to the issuance of parity debt obligations, an audit of the collection and receipt of revenues derived from the operation of the Gas System for the fiscal year immediately preceding the date of sale of the proposed additional parity obligations or for any twelve (12) consecutive month period out of the eighteen (18) consecutive months immediately preceding the date of sale of the proposed additional parity obligations. The primary reason for the amendment to Section 15T(a) is to allow the Chief Financial Officer of the City of Pensacola to certify the collection and receipt of revenues derived from the operation of the Gas System for any twelve (12) consecutive months out of the twenty four (24) consecutive months immediately preceding the date of sale of the proposed additional parity obligations. This amendment will allow the City of Pensacola to save on professional fees should Pensacola Energy wish to issue additional parity obligations in the future and to use the most recent audited numbers to apply the coverage test.

In addition, the City's bond counsel Randy Clement, Esq. with Bryant Miller Olive, has reviewed the document in whole and updated language throughout the document in order to make it current with present day terminology and practice. The City of Pensacola currently has the Gas System Revenue Note, Series 2011 and the Gas System Revenue Note, Series 2016 outstanding. Julie Santamaria, the City's Financial Advisor with RBC Capital Markets, LLC, has contacted both noteholders and received their consent to the amendments.

PRIOR ACTION:

February 16, 1994 - City Council adopted Resolution No. 4-94, as amended and supplemented (the "Original Bond Resolution") providing for the issuance of Gas System Revenue Bonds.

December 15, 2011 - City Council adopted Resolution No. 33-11 issuing the Gas System Revenue Note, Series 2011, constituting an Additional Parity Obligation under the Original Bond Resolution.

November 29, 2016 - City Council adopted Resolution No. 48-16 issuing the Gas System Revenue Note, Series 2016, constituting an Additional Parity Obligation under the Original Bond Resolution.

FUNDING:

N/A

FINANCIAL IMPACT:

N/A

CITY ATTORNEY REVIEW: Yes

4/15/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer
Don Suarez, Pensacola Energy Director

ATTACHMENTS:

- 1) Resolution No. 2019-01

PRESENTATION: No

RESOLUTION NO. 2019-01

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AMENDING AND RESTATING RESOLUTION NO. 4-94 IN ITS ENTIRETY; PROVIDING FOR THE ISSUANCE OF GAS SYSTEM REVENUE BONDS TO PAY THE COST OF CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S GAS SYSTEM AND TO PAY THE COST OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS OF THE CITY; PLEDGING THE NET REVENUES OF THE GAS SYSTEM TO SECURE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING FOR THE PAYMENT THEREOF; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola, Florida (the "Issuer") previously adopted Resolution No. 4-94 on February 16, 1994, as amended and supplemented (the "Original Bond Resolution") providing for the issuance by the Issuer of its Gas System Revenue Bonds; and

WHEREAS, pursuant to Resolution No. 33-11 adopted by the City Council of the Issuer (the "City Council") on December 15, 2011, the Issuer previously issued and there is currently outstanding the City of Pensacola, Florida Gas System Revenue Note, Series 2011 (the "2011 Note"), constituting an Additional Parity Obligation under the Original Resolution; and

WHEREAS, pursuant to Resolution No. 48-16 adopted by the City Council on November 29, 2016, the Issuer previously issued and there is currently outstanding the City of Pensacola, Florida Gas System Revenue Note, Series 2016 (the "2016 Note"), constituting an Additional Parity Obligation under the Original Resolution; and

WHEREAS, the Issuer deems it necessary and advisable for convenience of reference to amend and restate the Original Resolution in its entirety and desires to amend, in particular, Section 15C of the Original Resolution with respect to the funding of a Renewal and Replacement Fund and Section 15T(a) of the Original Resolution to revise the requirements for the issuance of Additional Parity Obligations under the Original Resolution; and

WHEREAS, the 2011 Note and the 2016 Note are the only "Bonds" of the Issuer outstanding under the Original Resolution and the registered owners thereof have consented to the herein described amendments to the Original Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Pensacola, Florida, that Resolution No. 4-94 is hereby amended and restated in its entirety to read as follows:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the provisions of the Act, hereinafter defined, and the Original Resolution.

SECTION 2. DEFINITIONS. The following terms in this Resolution shall have the following meanings unless the text otherwise expressly requires:

“Act” means Chapter 166, Part II, Florida Statutes, as amended, the Charter of the Issuer effective January 1, 2010, and other applicable provisions of law.

“Additional Parity Obligations” shall mean any additional obligations hereafter issued in compliance with the terms, conditions and limitations contained herein and which shall have an equal lien upon the Pledged Revenues, and rank equally in all respects with the outstanding Parity Obligations.

“Amortization Installments” with respect to any Term Bonds of a series, shall mean an amount so designated which is established for the Term Bonds of such series, provided that (i) each such installment shall be deemed to be due on such interest or principal maturity date of each applicable year as is fixed by resolution of the Issuer, and (ii) the aggregate of such installments for such series shall equal the aggregate principal amount of Term Bonds of such series authenticated and delivered on original issuance.

“Authorized Investments” shall mean any of the following which at the time are legal investments for the Issuer under applicable laws, for the moneys held under this Resolution then proposed to be invested therein: (a) United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest, and/or (b) obligations of Federal Farm Credit Banks, or their predecessor issuers, which are Federal Land Banks, the Banks for Cooperatives, and the Federal Intermediate Credit Banks, and/or (c) obligations of the Federal National Mortgage Association, and/or (d) time (including savings accounts) or demand deposits in any bank or trust company authorized to accept deposits of public funds, which are fully insured by FDIC, and/or (e) repurchase agreements with a financial institution or recognized dealer which are fully secured at all times by obligations described in (a) through (c) of this definition, and/or (f) Municipal Obligations, and/or (g) investments under the Investment of Local Government Surplus Funds Act, Chapter 218, Part IV, Florida Statutes or any successor law, and/or Resolution Funding Corp. (REFCORP) only the interest component of REFCORP strips which have been stripped by request to the Federal Reserve Bank of New York in book entry form are acceptable.

“Average Bond Service Requirement” shall mean for any series of Bonds the sum of the Bond Service Requirements in each year in which such series of Bonds is outstanding divided by the number of years such series of Bonds is scheduled to remain outstanding.

“Bond Insurer” shall mean the Municipal Insurer.

“Bond Service Requirement” for any Bond Year, as applied to the Bonds of any series, shall mean the sum of:

(1) The amount required to pay the interest becoming due on the Bonds of such series during such Bond Year, except to the extent that such interest shall have been provided by payments into the Sinking Fund out of bond proceeds for a specified period of time. In computing the amount of interest becoming due on any series of Bonds which bear interest at a variable rate, the amount of interest to become due on such series of Bonds at such variable rate shall be assumed to be the rate of interest per annum equal to the higher of (1) the actual rate of interest per annum borne by such Bonds on the date the Bond Service Requirement for such series is computed, or (2) the maximum variable interest rate borne by such series of Bonds for the last twelve months preceding the month of computation of the Bond Service Requirement for such series or such lesser period as such Bonds may have actually been outstanding; provided, however, that in determining the Bond Service Requirement on such variable rate Bonds for purposes of establishing the initial deposit into the Reserve Account for such Bonds and for purposes of Section 15(T) in the issuance of such Bonds as Additional Parity Obligations, such variable rate shall be assumed to be equal to the 20-year Bond Buyer Revenue Bonds Index rate per annum prevailing on the date of issuance, or such other rate as the Municipal Insurers, if any, of the then Outstanding Bonds shall approve.

(2) The amount required to pay the principal of Serial Bonds of such series maturing in such Bond Year.

(3) The Amortization Installment for the Term Bonds of such series for such Bond Year. In computing the Bond Service Requirement for any Bond Year for Bonds of any series, the Issuer shall assume that an amount of the Term Bonds of such series equal to the Amortization Installment for the Term Bonds of such series for such Bond Year will be retired by purchase or redemption in such Bond Year or that payment of such amount of Term Bonds at maturity will be fully provided for in such Bond Year. When determining the amount of principal of and interest on the Bonds which mature in any year, for purposes of this Resolution or the issuance of any Additional Parity Obligations, the stated maturity date of Term Bonds shall be disregarded, and the Amortization Installment, if any, applicable to Term Bonds in such year shall be deemed to mature in such year. In the event the Issuer has purchased or entered into an agreement to purchase Federal Securities from moneys in the Bond Amortization Account, then the income received or to be received on such Federal Securities from the date of acquisition thereof to the date of maturity thereof, shall be taken into consideration in calculating the payments which will be required to be made into the Sinking Fund.

The Bond Service Requirement for any Bond Year shall be adjusted to reflect any amounts on deposit in the Sinking Fund in excess of current requirements (including amounts required to cure any deficiencies in prior deposits) and available for the payment of the Bond Service Requirement in such Bond Year.

“Bond Year” shall mean the annual period ending on a principal maturity date, or, with respect to the Rebate Fund, the period defined by the Code.

“Bonds” shall mean the outstanding Parity Obligations and all Additional Parity Obligations hereafter issued.

“Capital Appreciation Bonds” shall mean Bonds of a series so designated, the interest on which shall be compounded semiannually and payable only at maturity or earlier redemption.

“Chief Financial Officer” means the Chief Financial Officer of the Issuer, or his or her designee.

“City” shall mean the City of Pensacola, Florida, a municipal corporation of the State.

“City Administrator” means the City Administrator of the Issuer, or any acting or interim City Administrator, or his or her designee.

“City Attorney” means the City Attorney of the Issuer, or his or her designee.

“Clerk” means the Clerk of the Issuer, any acting, deputy, or assistant Clerk, or his or her designee.

“Code” shall mean the Internal Revenue Code of 1986, as amended.

“Consulting Engineer” shall mean such qualified and recognized independent consulting engineer, having favorable reputation or skill and experience, with respect to the acts and duties to be provided to the Issuer, as employed or retained by the Issuer to perform the acts and carry out the duties herein provided.

“Cost of Operation and Maintenance” of the System shall mean all current expenses, paid or accrued, for the operation, maintenance and repair of all facilities of the System, as calculated in accordance with generally accepted accounting principles, and shall include, without limiting the generality of the foregoing, insurance premiums, Issuer's overhead expenses allocable to the System, labor, cost of materials and supplies used for current operation, and charges for the accumulation of appropriate reserves for current expenses not annually recurrent but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice, but excluding any reserve for renewals or replacements, for extraordinary repairs or any allowance for renewal, replacements and depreciation.

“Federal Securities” shall mean direct obligations of the United States of America and obligations the principal of and interest on which are fully guaranteed by the United States of America, none of which permit redemption prior to maturity at the option of the obligor.

“Fiscal Year” shall mean the period commencing on October 1 of each year and continuing to and including the succeeding September 30, or such other annual period as may be established by law as the Issuer’s fiscal year.

“Fitch” means Fitch Ratings, Inc., a corporation organized and existing under the laws of the State of New York, its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “Fitch” shall be deemed to refer to any other nationally recognized securities rating agency designated by Issuer.

“Gross Revenues” or “Revenues” shall mean all moneys, received or receivable by the Issuer or accruing to it in the operation or ownership of the System, from rates, fees, rentals, or other charges for the services or facilities of the System, and income derived from the investment of funds held pursuant to this Resolution (other than amounts on deposit in the Rebate Fund), excluding any franchise fees and state and federal grants and grants in aid of construction, unless otherwise provided herein, all calculated in accordance with generally accepted accounting principles, and shall also include amounts deposited in the Revenue Fund established pursuant to Section 15A hereof representing reimbursements of advances of System Revenues or Bond proceeds for any projects not constituting a part of the System. “Gross Revenues” or “Revenues” shall not be deemed to include any amounts received by the Issuer as Special Assessments or Impact Fees for any projects not financed in whole or in part, directly or indirectly, with the proceeds of any Bonds.

“Holder of Bonds,” “Bondholders,” “Registered Owner” or “Owner” or any similar term shall mean the owner of any registered Bond, as shown on the Bond Register. The Issuer may deem and treat the person in whose name any Bond is registered as the absolute owner thereof for the purpose of receiving payment of, or on account of, the principal or redemption price thereof and interest due thereon, and for all other purposes.

“Impact Fees” shall mean fees or charges imposed by the Issuer representing allocations of capital costs of the System, but only to the extent such fees or charges cannot legally be used to pay operating or maintenance costs of the System or debt service on the Bonds.

“Issuer” shall mean the City of Pensacola, Florida.

“Maximum Bond Service Requirement” for any series of Bonds shall mean, as of any particular date of calculation, the greatest amount of aggregate Bond Service Requirements for the then current or any future Bond Year.

“Mayor” means the Mayor of the Issuer or the City Administrator or the Chief Financial Officer on behalf of the Mayor.

“Moody’s” means Moody’s Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a

securities rating agency, “Moody’s” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“Municipal Bond Insurance Policy” shall mean a bond purchase agreement, letter or line of credit, surety bond, insurance policy, credit facility or guaranty issued by a Municipal Insurer at the request of the Issuer in connection with a series of Bonds, securing the timely payment of principal of and interest on the Bonds of such Series.

“Municipal Insurer” shall mean any nationally recognized financial institution or insurer of principal and interest on the Bonds whose bond purchase agreement, letter or line of credit, surety bond, insurance policy, credit facility or guaranty would result in such Bonds being rated at the time of issuance thereof in one of the highest two categories by Standard & Poor’s, Moody’s or Fitch.

“Municipal Obligations” shall mean obligations, the interest on which is exempt from Federal income tax under Section 103(a) of the Internal Revenue Code of 1954, as amended, or which is excluded from individual gross income pursuant to Section 103 of the Code.

“Net Revenues” shall mean Gross Revenues less Cost of Operation and Maintenance and amounts required to be deposited in the Rebate Fund as provided herein.

“Parity Obligations” shall mean the outstanding 2011 Note and 2016 Note.

“Paying Agent” shall mean the bank or trust company or such other person, firm or corporation as may, from time to time be designated by the Issuer as the Paying Agent for the Bonds.

“Pledged Revenues” shall mean the Net Revenues.

“Project” shall mean the acquisition and construction of additions, extensions and improvements to the System pursuant to the plans and specifications on file, or to be on file, with the Issuer.

“Rebate Fund” shall mean the fund as designated and created pursuant to Section 15(U) hereof.

“Registrar” shall mean the paying agent for the Bonds, or such other person, firm or corporation as may, from time to time be designated by the Issuer as the Registrar for the Bonds.

“Reserve Account Insurance Policy” shall mean, with respect to any Series of Bonds, a policy of insurance, surety bond, credit facility, line of credit or letter of credit issued by a Municipal Insurer providing for the payment of an amount equal to the Reserve Requirement to the Paying Agent in lieu of payment from the Reserve Account, provided, however, that if such Series of Bonds shall be secured by a Municipal Bond Insurance Policy, such Reserve Account

Insurance Policy shall have been approved by the Municipal Insurer issuing such Municipal Bond Insurance Policy.

“Reserve Requirement” shall mean the amount, if any, designated by the Issuer as the Reserve Requirement with respect to a Series of Bonds.

“Resolution” shall mean this resolution of the Issuer as hereafter amended and supplemented from time to time in accordance with the provisions hereof.

“Serial Bonds” shall mean the Bonds of a series which shall be stated to mature in annual installments.

“Special Assessments” shall mean revenues derived by the Issuer from special assessments or other charges imposed upon benefitted property in connection with the acquisition or construction of a project of additions, extensions or improvements to the System.

“Standard & Poor’s” shall mean means S&P Global Ratings, a division of S&P Global Inc., a corporation organized and existing under the laws of the State of New York, its successors and their assigns, and, if such organization shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, “S&P” shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

“State” shall mean the State of Florida.

“System” shall mean the gas utility system now owned, operated and maintained by the Issuer, together with any and all assets, improvements, extensions and additions thereto hereafter constructed or acquired.

“Term Bonds” shall mean the Bonds of a series all of which shall be stated to mature on one date and which shall be subject to retirement by operation of the Bond Amortization Account.

"2011 Note" shall mean the City of Pensacola, Florida Gas System Revenue Note, Series 2011, authorized pursuant to the 2011 Note Resolution.

"2011 Note Resolution" shall mean Resolution No. 33-11 adopted by the City Council of the Issuer on December 15, 2011.

"2016 Note" shall mean the City of Pensacola, Florida Gas System Revenue Note, Series 2016, authorized pursuant to the 2016 Note Resolution.

"2016 Note Resolution" shall mean Resolution No. 48-16 adopted by the City Council on November 29, 2016.

SECTION 3. FINDINGS. It is hereby found, determined and declared that:

A. The Issuer now owns, operates and maintains the System and derives revenues from rates, fees, rentals and other charges made and collected for the services of such System.

B. The Pledged Revenues are not now pledged or encumbered in any manner, except for the payment of the Parity Obligations.

C. The principal of and interest on the Bonds and all required Sinking Fund, Reserve and other payments shall be limited obligations of the Issuer, payable solely from and secured by an irrevocable lien upon and pledge of the Pledged Revenues, as provided herein. The Bonds shall not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith, credit or taxing power of the Issuer, the State, or any political subdivision thereof, within the meaning of any constitutional or statutory provisions. Neither the State, nor any political subdivision thereof, nor the Issuer shall be obligated (1) to levy ad valorem taxes on any property to pay the principal of the Bonds, the interest thereon, the reserves therefor, or other costs incidental thereto or (2) to pay the same from any other funds of the Issuer, except from the Pledged Revenues, on a parity with the Parity Obligations.

The Bonds shall not constitute a lien upon the System, or any part thereof, or on any other property of the Issuer, but shall constitute a lien only on the Pledged Revenues in the manner provided herein.

SECTION 4. THIS RESOLUTION TO CONSTITUTE CONTRACT. In consideration of the acceptance of the Bonds authorized to be issued hereunder by those who shall hold the same from time to time, this Resolution shall be deemed to be and shall constitute a contract between the Issuer and the Registered Owners thereof. The covenants and agreements herein set forth to be performed by the Issuer shall be for the equal benefit, protection and security of the owners of any and all of the Bonds, all of which shall be of equal rank and without preference, priority or distinction of any of the Bonds over any other thereof, except as expressly provided therein and herein.

The provisions hereof shall also be deemed to be for the benefit of each Municipal Insurer, subject only to the rights of the owners of the Bonds.

SECTION 5. RESERVED.

SECTION 6. AUTHORIZATION OF BONDS. Subject and pursuant to the provisions hereof, obligations of the Issuer to be known generally as "Gas System Revenue Bonds, Series _____" are authorized to be issued in the aggregate principal amounts set forth in resolutions adopted from time to time by the Issuer in accordance with, and upon compliance with the requirements of the provisions hereof.

SECTION 7. DESCRIPTION OF BONDS. The Bonds shall be dated as of such date, shall be numbered consecutively, from one upward, shall be in the denomination of \$5,000 each

or integral multiples thereof or such other denominations as specified by the Issuer; shall bear interest at such rate or rates not exceeding the maximum rate allowed by law, such interest to be payable on such dates and in such years and amounts and shall mature on such dates, all as provided by subsequent resolution of the Issuer, duly adopted prior to the issuance of such Bonds.

The Bonds shall be issued in fully registered form, shall be payable with respect to both principal and premium, if any, upon presentation and surrender on the date fixed for maturity or redemption thereof at the corporate trust office of the Paying Agent named by resolution of the Issuer adopted prior to the delivery of any Bonds, and shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public or private debts, all in accordance with and pursuant to the terms of this Resolution. No Bond issued in fully registered form shall be or become valid or binding for any purpose unless the same shall have been duly executed by the manual signature of an authorized signatory of the Registrar.

Except as may otherwise be provided for a series of Bonds by the resolution authorizing such Bonds, interest on Bonds in registered form, when due and payable, shall be paid by check or draft mailed to the person in whose name the Bond is registered, at the address shown in the Bond Register, at the close of business on the 15th day of the month (whether or not a business day) next preceding the interest payment date for the Bonds (the "Record Date") irrespective of any transfer of the Bonds subsequent to such Record Date and prior to such interest payment date, unless the Issuer shall be in default in the payment of interest due on such interest payment date: provided, however, that the Registrar will, at the request of any Registered Owner of One Million Dollars (\$1,000,000) or more in aggregate principal amount of Bonds, make payments of interest on such Bonds by wire transfer to the account within the United States designated by such Registered Owner to the Registrar in writing at least five (5) days before the Record Date of such payments. In the event of any such default, such defaulted interest shall be payable to the persons in whose names the Bonds are registered at the close of business on a special record date for the payment of defaulted interest as established by notice mailed by the Bond Registrar to the Registered Owners of the Bonds not less than fifteen days preceding such special record date. Such notice shall be mailed to the persons in whose names such Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing.

Except as may otherwise be provided for a series of the Bonds in the resolution of the Issuer authorizing such Bonds, if the date for payment of the principal of, premium, if any, or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which the banking institutions in the city where the corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday or legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

SECTION 8. EXECUTION OF BONDS. The Bonds shall be executed in the name of the Issuer by its Mayor, such execution to be attested under seal by the City Clerk, approved as to substance by the Chief Financial Officer and designated as legal in form and valid as drawn by the City Attorney, and its official seal or a facsimile thereof shall be affixed thereto or reproduced thereon. The facsimile signature of such officers may be imprinted or reproduced on the Bonds in lieu of manual signatures. The Certificate of Authentication of the Bond Registrar, hereinafter described, shall appear on the Bonds, and no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Resolution unless such certificate shall have been duly executed on such Bond. The authorized signature for the Bond Registrar shall at all times be a manual signature. In case any officer whose signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Any Bonds may be signed and sealed on behalf of the Issuer by such person who at the actual time of the execution of such Bonds shall hold the proper office with the Issuer, although at the date of adoption of this Resolution such person may not have held such office or may not have been so authorized.

SECTION 9. NEGOTIABILITY, REGISTRATION AND EXCHANGE.

A. Subject to the provisions hereof respecting registration and transfer, the Bonds shall be and shall have all the qualities and incidents of negotiable instruments under the laws of the State, and each successive holder, in accepting any of the Bonds, shall be conclusively deemed to have agreed that the Bonds shall be and have all of such qualities and incidents of negotiable instruments under the Uniform Commercial Code - Investment Securities of the State.

B. Except as otherwise specified for a series of Bonds by resolution adopted by the Issuer prior to the issuance of such Bonds, there shall be a Bond Registrar for the Bonds which shall be a bank or trust company located within or without the State. The Bond Registrar shall maintain the registration books of the Issuer and be responsible for the transfer and exchange of the Bonds. The Bond Registrar shall maintain the books for the registration of the transfer and exchange of the Bonds in compliance with the Florida Registered Public Obligations Act and the system of registration as established by the Issuer pursuant thereto.

Such Bonds may be transferred upon the registration books, upon delivery to the Registrar, together with written Instructions as to the details of the transfer of such Bonds, along with the social security number or federal employer identification number of such transferee and, if such transferee is a trust, the name and social security or federal employee identification numbers of the settlor and beneficiaries of the trust, the date of the trust and the name of the trustee. No transfer of any Bond shall be effective until entered on the registration books maintained by the Bond Registrar.

Upon surrender for transfer or exchange of any Bond, the Issuer shall execute and the Bond Registrar shall authenticate and deliver in the name of the registered owner or the

transferee or transferees, as the case may be, a new fully registered Bond or Bonds of authorized denominations of the same maturity and interest rate for the aggregate principal amount which the registered owner is entitled to receive at the earliest practicable time in accordance with the provisions of this Resolution. The Issuer or the Bond Registrar may charge the owner of such Bond for every such transfer or exchange an amount sufficient to reimburse them for their reasonable fees and for any tax, fee, or other governmental charge required to be paid with respect to such transfer, and may require that such charge be paid before any such new Bond shall be delivered.

All Bonds presented for transfer, exchange, redemption or payment (if so required by the Bond Registrar), shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and with guaranty of signature satisfactory to the Bond Registrar, duly executed by the registered owner or by his duly authorized attorney in fact or legal representative.

All Bonds delivered upon transfer or exchange shall be dated and shall bear interest from such date that neither gain nor loss in interest shall result from the transfer or exchange. New Bonds delivered upon any transfer or exchange shall be valid obligations of the Issuer, evidencing the same debt as the Bond surrendered, shall be secured by this Resolution and shall be entitled to all of the security and the benefits hereof to the same extent as the Bonds surrendered.

The Issuer and the Bond Registrar may treat the registered owner of any Bond as the absolute owner thereof for all purposes, whether or not such Bonds shall be overdue, and shall not be bound by any notice to the contrary. The person in whose name any Bond is registered may be deemed the registered owner thereof by the Issuer and the Bond Registrar, and any notice to the contrary shall be binding upon the Issuer and the Bond Registrar.

C. Whenever any Bonds shall be delivered to the Bond Registrar for cancellation, upon payment of the principal amount thereof, or for replacement, transfer or exchange, such Bonds shall be cancelled and, upon request of the Issuer, destroyed by the Bond Registrar. Counterparts of the certificate of destruction evidencing any such destruction shall be furnished to the Issuer.

D. BOOK ENTRY SYSTEM. Prior to the delivery of a series of Bonds, the Mayor, on behalf of the Issuer and with the consent of the underwriters, may enter into an agreement in usual and customary form (the "Book Entry Agreement") with the Registrar and Paying Agent and with Depository Trust Company ("DTC") or any successor thereto, or other securities depository, with such changes in the Book Entry Agreement as may be approved by the Mayor, his execution thereof to be conclusive proof of his approval, and make such other provision and perform such further acts as may be necessary or convenient to provide for the distribution of the Bonds in book entry form. In connection therewith, the Mayor shall be authorized to execute and deliver an appropriate letter of representations regarding the book-entry system.

The Book Entry Agreement may provide that the Bonds shall be immobilized in the custody of DTC, with the beneficial owners of the Bonds having no right to receive the Bonds in the form of physical securities or certificates. In such event, ownership of the Bonds shall be shown by book entry on the system maintained and operated by DTC and its participants, and transfers of ownership of beneficial interests shall be made only by DTC and its participants, by book entry, the Issuer having no responsibility therefor. The Bonds in book entry form as set forth herein shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Issuer.

SECTION 10. BONDS MUTILATED, DESTROYED, STOLEN OR LOST. Except as otherwise provided for a series of Bonds by resolution of the Issuer authorizing such Bonds, in case any Bond shall become mutilated, or be destroyed, stolen or lost, the Issuer may in its discretion issue and deliver a new Bond of like tenor as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond upon surrender and cancellation of such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, and upon the owner furnishing the Issuer proof of his ownership thereof and satisfactory indemnity and complying with such other reasonable regulations and conditions as the Issuer may prescribe and paying such expenses as the Issuer may incur. All Bonds so surrendered shall be cancelled by the Registrar for the Bonds. If any of the Bonds shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Bonds be lost, stolen or destroyed, without surrender thereof.

Any such duplicate Bonds issued pursuant to this section shall constitute original, additional contractual obligations on the part of the Issuer whether or not the lost, stolen or destroyed Bonds be at any time found by anyone, and such duplicate Bonds shall be entitled to equal and proportionate benefits and rights as to lien on the source and security for payment from the funds, as hereinafter pledged, to the same extent as all other Bonds issued hereunder.

SECTION 11. PROVISIONS FOR REDEMPTION. The Bonds shall be subject to such provisions regarding redemption by operation of the Bond Amortization Account and at the option of the Issuer, as provided by subsequent resolution of the Issuer duly adopted prior to the issuance of each series or subseries of the Bonds.

Bonds in denominations greater than an authorized denomination (or authorized Maturity Amount in the case of Capital Appreciation Bonds) shall be deemed to be an equivalent number of Bonds in the denomination of an authorized denomination (or Maturity Amount). If a Bond is of a denomination (or Maturity Amount) larger than an authorized denomination (or Maturity Amount), a portion of such Bond may be redeemed, in the amount of an authorized denomination (or Maturity Amount) or integral multiples thereof.

Except as may be otherwise provided with respect to a series of Bonds in the resolution authorizing such series, notice of the redemption of any Bonds or portions thereof are called for redemption as aforesaid, shall be given as follows:

Notice will be given by the Registrar in the name of the City, of the redemption of such Bonds, which notice shall specify the series and maturities and interest rates within maturities, if any, of the Bonds to be redeemed, the date of issue of such Bonds as originally issued, the redemption date and the place or places where amounts due upon such redemption will be payable and, if fewer than all of the Bonds of any like series, maturity and interest rate within maturities are to be redeemed, the letters and numbers or other distinguishing marks of such Bonds so to be redeemed, the CUSIP numbers of such Bonds to be redeemed, and, in the case of the Bonds to be redeemed in part only, such notice shall also specify the respective portions of the principal amount thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the redemption price thereof, or the redemption price of the specified portions of the principal thereof in the case of Bonds to be redeemed in part only, together with interest accrued to the redemption date, and that from and after such date interest thereon shall cease to accrue and be payable. Such notice shall be mailed by the Registrar, by first class mail postage prepaid, not less than 30 nor more than 60 days before the redemption date, to the registered owners of any Bonds (including Bonds registrable only as to principal) or portions of Bonds which are to be redeemed, at their last addresses appearing upon the Bond Register at the close of business on the last business day of the month preceding the month for which notice is mailed. In the event of any redemption of Bonds at the option of the Issuer, such notice shall be mailed in like manner to the applicable Municipal Insurer, if any, of such Bonds. In the event that any series of Bonds is issuable in bearer form, such notice shall also be published in the manner set forth in the supplemental trust indenture authorizing the issuance of such series. Failure to give such notice, to the registered owner of any Bonds or any defect therein shall not affect the validity of the proceedings for the redemption of Bonds.

In addition to the foregoing notice requirements, the Issuer shall give notice and make redemptions in accordance with Securities and Exchange Commission Release No. 34-3856, if then in effect, or any other release, regulation, procedure, ruling, decision or statute modifying or superseding that release then in effect: provided that if notice complying with the other requirements of this Section is given, neither the failure to comply with this paragraph nor any defect in the giving of any notice pursuant to this paragraph shall affect or invalidate the proceedings for such redemption.

Any notice of optional redemption given pursuant to this Section 11 may state that it is conditional upon receipt by the Paying Agent of moneys sufficient to pay the redemption price, plus interest accrued to such redemption date, or upon the satisfaction of any other condition, and that it may be rescinded upon the occurrence of any such condition, and any conditional notice so given may be rescinded at any time before payment of such redemption price and accrued interest if any such condition so specified is not satisfied. Notice of such rescission

shall be given by the Paying Agent to affected Registered Owners as promptly as practicable upon the failure of such condition or the occurrence of such other event.

Notice having been mailed to the Registered Owners in the manner and under the conditions hereinabove provided and any conditions provided in such notice having been satisfied, the Bonds or portions of Bonds so called for redemption shall, on the redemption date designated in such notice, become and be due and payable at the redemption price provided for redemption of such Bonds or portions of Bonds on such date. On the date so designated for redemption, notice having been mailed and filed and moneys for payment of the redemption price being held in separate accounts in trust for the holders of the Bonds or portions thereof to be redeemed, all as provided in this Resolution, interest on the Bonds or portions of Bonds so called for redemption shall cease to accrue, such Bonds and portions of Bonds shall cease to be entitled to any lien, benefit or security under this Resolution, and the Owners of such Bonds or portions of Bonds, shall have no rights in respect thereof except to receive payment of the redemption price thereof.

Upon surrender of any Bond for redemption in part only, the Issuer shall issue and deliver to the Registered Owners thereof, the costs of which shall be paid by the Issuer, a new Bond or Bonds of authorized denominations in aggregate principal amount equal to the unredeemed portion surrendered.

Section 12. FORM OF BONDS. The text of the Bonds shall be in substantially the following form with such omissions, insertions and variations as may be necessary and desirable and authorized and permitted by this Resolution or by any subsequent resolution adopted prior to the issuance thereof:

[Remainder of page intentionally left blank]

(Form of Bonds)

Registered
No. R-[]

Registered
\$ _____

**UNITED STATES OF AMERICA
STATE OF FLORIDA**

**CITY OF PENSACOLA, FLORIDA
GAS SYSTEM REVENUE [REFUNDING] BONDS, SERIES []**

Rate of Interest

Maturity Date

Dated Date

CUSIP

Registered Owner:

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS, that the City of Pensacola, Florida, a municipal corporation of the State of Florida (hereinafter called "Issuer") for value received, hereby promises to pay to the Registered Owner set forth above, or registered assigns, on the Maturity Date set forth above, upon presentation and surrender hereof, the Principal Amount set forth above, solely from the revenues hereinafter mentioned, and to pay solely from such revenues, interest on said sum from the Dated Date of this Bond or from the most recent interest payment date to which interest has been paid, at the Rate of Interest per annum set forth above, until the payment of such principal sum, such interest being payable [], and [semiannually] thereafter on the first days of [] and [] of each year. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof on the date fixed for maturity or redemption at the principal office of [] (the "Paying Agent" and "Registrar") in [], or at the office designated for such payment of any successor thereof. The interest on this Bond, when due and payable, shall be paid by check or draft mailed to the Registered Owner, at his address as it appears on the Bond Register, at the close of business on the 15th day of the month (whether or not a business day) next preceding the interest payment date (the "Record Date"), irrespective of any transfer of this Bond subsequent to such Record Date and prior to such interest payment date, unless the Issuer shall be in default in payment of interest due on such interest payment date: except that the Registrar will, at the request of any Registered Owner of one million dollars (\$1,000,000) or more in aggregate principal amount of Bonds, make payments of interest on such Bonds by wire transfer to the account within the United States designated by such Registered Owner to the Registrar in writing at least five (5) days before the Record Date of such payments. In the event the Issuer shall be in default in the payment of interest due on such interest payment date, such defaulted interest shall be payable to the Registered Owner at the close of business on a special record date for the payment of defaulted interest as established by notice mailed by the

Bond Registrar to the Registered Owner of this Bond not less than fifteen days preceding such special record date. Such notice shall be mailed to the person in whose name this Bond is registered at the close of business on the fifth (5th) day preceding the date of mailing. All amounts due hereunder shall be payable in any coin or currency of the United States, which is, at the time of payment, legal tender for the payment of public or private debts.

This Bond is one of a duly authorized issue of Bonds in the aggregate principal amount of \$[_____], of like date, tenor and effect, except as to number, installment, redemption provisions, maturity and interest rate, authorized for the purposes of financing the [refunding of certain outstanding revenue bonds of the Issuer] [the cost of the acquisition and construction of additions, extensions and improvements to the complete gas system (the "System")] now owned, operated and maintained by the Issuer, pursuant to the authority of and in full compliance with the Constitution and laws of the State of Florida, including particularly Chapter 166, Part II, Florida Statutes, as amended, the Charter of the Issuer effective January 1, 2010, and other applicable provisions of law, and Resolution No. 4-94 duly adopted by the City Council of the Issuer on February 16, 1994, as amended and restated by Resolution 2019-01 duly adopted by the City Council of the Issuer on April 25, 2019 (collectively, the "Gas System Revenue Bond Resolution"), and as particularly amended and supplemented by Resolution No. __-__ (the "____ Supplemental Resolution") duly adopted by the Issuer on _____, 20__ (collectively, the "Resolution"), This Bond is subject to all the terms and conditions of such Resolution, a copy of which is on file with the Issuer. All capitalized undefined terms used herein shall have the meaning set forth in the Resolution.

This Bond, and the issue of Bonds of which it is a part, are limited obligations of the Issuer payable solely from and secured by an irrevocable lien upon and pledge of the Pledged Revenues, as defined in the Resolution, which consist of the Net Revenues of the System, all as defined and described in the Resolution. This Bond does not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith, credit or taxing power of the Issuer, the State of Florida, or any political subdivision thereof, within the meaning of any constitutional or statutory provisions. Neither the State of Florida, nor any political subdivision thereof, nor the Issuer shall be obligated (1) to levy ad valorem taxes on any property to pay the principal of the Bonds, the interest thereon, the reserves therefor or other costs incidental thereto or (2) to pay the same from any other funds of the Issuer, except from the Pledged Revenues, on a parity with the Parity Obligations, in the manner provided in the Resolution. It is further agreed between the Issuer and the registered owner of this Bond that this Bond and the indebtedness evidenced hereby shall not constitute a lien upon the System, or any part thereof, or on any other property of the Issuer, but shall constitute a lien only on the Pledged Revenues, in the manner provided in the Resolution.

In and by the Resolution, the Issuer has covenanted and agreed with the Registered Owners of the Bonds of this issue that it will fix, establish, revise from time to time whenever necessary, maintain and collect always, such fees, rates, rentals and other charges for the use of the product, services and facilities of the System which will always provide gross revenues in each year sufficient to pay, and out of such funds pay, 100% of all costs of operation and

maintenance of the System in such year and all reserve and other payments provided for in the Resolution and 115% of the bond service requirement due in such year on the Bonds of this issue, and on all other obligations payable on a parity therewith, and that such fees, rates, rentals and other charges shall not be reduced so as to be insufficient to provide adequate revenues for such purposes. The Issuer has entered into certain further covenants with the Registered Owners of the Bonds of this issue for the terms of which reference is made to the Resolution. Pursuant to the Resolution, the Issuer has reserved the right to amend the Resolution and to issue Additional Bonds, payable on a parity with the Bonds of this issue, in the manner, and upon the terms and conditions provided in the Resolution.

Optional Redemption.

[Insert Redemption Provisions] Any such redemption, either in whole or in part, shall be made in the manner and upon the terms and conditions provided in the Resolution.

Bonds in denominations greater than \$5,000 shall be deemed to be an equivalent number of Bonds of the denomination of \$5,000. In the event a Bond is of a denomination larger than \$5,000, a portion of such may be redeemed, but Bonds shall be redeemed only in the principal amount of \$5,000 or any integral multiple thereof. In the event any of the Bonds or portions thereof are called for redemption as aforesaid, notice thereof identifying the Bonds or portions thereof to be redeemed will be given by the Registrar (who shall be the Paying Agent for the Bonds, or such other person, firm or corporation as may from time to time be designated by the Issuer as the Registrar for the Bonds) by mailing a copy of the redemption notice by first-class mail to the Registered Owner of each Bond to be redeemed in whole or in part at the address shown on the registration books in the manner provided in the Resolution. Failure to give such notice by mailing to any Registered Owner of Bonds, or any defect therein, shall not affect the validity of any proceeding for the redemption of the Bonds. All Bonds so called for redemption will cease to bear interest after the specified redemption date provided funds for their redemption are on deposit at the place of payment at that time. Upon surrender of any Bond for redemption in part only, the Issuer shall issue and deliver to the Registered Owner thereof, the costs of which shall be paid by the Issuer, a new Bond or Bonds of authorized denominations in aggregate principal amount equal to the unredeemed portion surrendered.

If the date for payment of the principal of, premium, if any, or interest on this Bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the corporate trust office of the Paying Agent is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

It is hereby certified and recited that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond exist, have happened and have been performed in regular and due form and time as required by the laws and

Constitution of the State of Florida applicable thereto, and that the issuance of the Bonds of this issue does not violate any constitutional or statutory limitations or provisions.

Subject to the provisions set forth herein for registration and transfer, this Bond is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code - investment Securities of the State of Florida.

The Bonds are issued in the form of fully registered bonds without coupons in denominations of \$5,000 or any integral multiple of \$5,000. Subject to the limitations and upon payment of the charges provided in the Resolution, Bonds may be exchanged for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations. This Bond is transferable by the Registered Owner hereof in person or by his attorney duly authorized in writing, at the principal office of the duly appointed Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Resolution, and upon surrender and cancellation of this Bond. Any Bonds delivered for transfer shall be accompanied by written instrument of transfer, in form and with guaranty of signature satisfactory to the Registrar, specifying the details of the transfer of such Bonds, along with the social security number or federal employer identification number of such transferee and, if such transferee is a trust, the name and social security or federal employer identification numbers of the settlor and beneficiaries of the trust, the federal employer identification number and date of the trust and the name of the trustee. In all cases of the transfer of a Bond, the Registrar shall enter the transfer of ownership in the registration books and shall authenticate and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of authorized denominations of the same maturity and interest rate for the aggregate principal amount which the Registered Owner is entitled to receive at the earliest practicable time in accordance with the provisions of the Resolution. No transfer of any Bond shall be effective until entered on the registration books maintained by the Bond Registrar. The Issuer may deem and treat the Registered Owner hereof as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Issuer shall not be affected by any notice to the contrary.

This Bond shall not be deemed valid or obligatory for any purpose unless it shall have been duly executed by the manual signature of an authorized officer of the Registrar.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the City of Pensacola, Florida, has issued this Bond and has caused the same to be executed by the manual or facsimile signature of the Mayor, attested under seal by the City Clerk, approved as to substance by the Chief Financial Officer, and designated legal in form and valid as drawn by the City Attorney, as of the Dated Date set forth above.

CITY OF PENSACOLA, FLORIDA

[SEAL]

By: _____
[_____] , Mayor

ATTEST:

By: _____
[_____] , City Clerk

Approved as to Substance:

By: _____
[_____]
Chief Financial Officer

Legal in Form and Valid as Drawn:

By: _____
[_____]
City Attorney

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned _____

_____ (the "Transferor"),

hereby sells, assigns, and transfers unto _____

_____ (Please insert name and Social

Security or Federal Employer Identification number of assignee) the within Bond and all rights

thereunder, and hereby irrevocably constitutes and appoints _____

_____ (the "Transferee") as attorney to

register the transfer of the within Bond on the books kept for registration thereof, with full

power of substitution in the premises.

Date: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or a trust company.

NOTICE: No transfer will be registered and no new Bond will be issued in the name of the Transferee, unless the signature(s) to this assignment corresponds with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever and the Social Security or Federal Employer Identification Number of the Transferee is supplied.

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Issue of the within described Bonds. The Dated Date, the Principal Amount, Rate of Interest, Maturity Date and Registered Owner shown above are correct in all respects and have been recorded, along with the applicable federal taxpayer identification number and the address of the Registered Owner, in the Register maintained for such purposes at the principal offices of the undersigned.

[REGISTRAR]

By: _____
Authorized Signature

Date of Authentication

The following abbreviations, when used in the inscription on the face of the within bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

TEN ENT -- as tenants by the entireties

JT TEN -- as joint tenants with right of
survivorship and not as tenants
in common

UNIF TRANS MIN ACT -- _____
(Cust.)

Custodian for _____

under Uniform Transfers to Minors Act of _____
(State)

Additional abbreviations may also be used though not in list above.

SECTION 13. [RESERVED].

SECTION 14. SPECIAL OBLIGATIONS OF ISSUER. The Bonds shall be limited obligations of the Issuer, payable solely from the Pledged Revenues as herein provided. The Bonds do not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith, credit or taxing power of the Issuer, the State or any political subdivision thereof, within the meaning of any constitutional or statutory provisions. Neither the State, nor any political subdivision thereof, nor the Issuer shall be obligated (1) to levy ad valorem taxes on any property to pay the principal of the Bonds, the interest thereon, the reserves therefor or other costs incidental thereto or (2) to pay the same from any other funds of the Issuer, except from the Pledged Revenues, on a parity with the Parity Obligations, in the manner provided herein. The acceptance of the Bonds by the Owners from time to time thereof shall be deemed an agreement between the Issuer and such Owners that the Bonds and the indebtedness evidenced thereby shall not constitute a lien upon the System, or any part thereof, or any other property of the Issuer, but shall constitute a lien only on the Pledged Revenues, in the manner hereinafter provided.

The payment of the principal of and the interest on the Bonds shall be secured forthwith equally and ratably by an irrevocable lien on the Pledged Revenues, as defined herein, and the Issuer does hereby irrevocably pledge such Pledged Revenues to the payment of the principal of and the interest on the Bonds, for the reserves therefor and for all other required payments, on a parity with the Parity Obligations, as provided herein.

SECTION 15. COVENANTS OF THE ISSUER. For as long as any of the principal of and interest on any of the Bonds shall be outstanding and unpaid, or until payment has been provided for as herein permitted, or until there shall have been set apart in the Sinking Fund, herein established, including the Reserve Account therein, a sum sufficient to pay when due the entire principal of the Bonds remaining unpaid, together with interest accrued and to accrue thereon, the Issuer covenants with the Holder of any and all Bonds as follows:

A. **REVENUE FUND.** Subject to the provisions of Section 15(V) hereof, the entire Gross Revenues, except the income from investments (hereinafter provided for), shall upon receipt thereof be deposited in the "City of Pensacola Gas System Revenue Bonds Revenue Fund" (hereinafter called the "Revenue Fund"), hereby created and established. Such Revenue Fund shall constitute a trust fund for the purposes herein provided, and shall be kept separate and distinct from all other funds of the Issuer and used only for the purposes and in the manner and order herein provided.

B. **SINKING FUND.** There is hereby created and established a separate fund to be designated "City of Pensacola Gas System Revenue Bonds Sinking Fund" (hereinafter called "Sinking Fund"). There are also hereby created and established in the Sinking Fund four accounts to be known as the "Interest Account", "Principal Account", "Reserve Account" and "Bond Amortization Account".

C. DISPOSITION OF REVENUES. All Revenues at any time remaining on deposit in the Revenue Fund shall be disposed of on or before the fifteenth (15th) day of each month commencing in the month immediately following the delivery of the Bonds, first to deposit to the Rebate Fund established under Section 15(U) of this Resolution an amount estimated to be sufficient to timely provide for the Rebate Deposit required thereunder, and then only in the following manner and in the following order of priority:

(1) Revenues shall first be used to deposit in the "City of Pensacola Gas System Operation and Maintenance Fund" (the "Operation and Maintenance Fund") which fund is hereby created and established, such sums as are necessary for the Cost of Operation and Maintenance, as hereinabove defined, for the next ensuing month.

(2) Revenues shall next be used for deposit into the Interest Account, such sums as will be sufficient to pay one-sixth (1/6) of all interest becoming due on the Bonds on the next semiannual interest payment date; provided, however, if the period to elapse between interest payment dates will be other than six (6) months, the monthly deposits to the Interest Account will be adjusted as appropriate.

(3) Revenues shall next be used for deposit into the Principal Account, in any Bond Year in which a Serial Bond matures, such sums as will be sufficient to pay one-twelfth (1/12) of the principal maturing on Serial Bonds in such Bond Year; provided, however, if the period between delivery of any Bonds issued hereunder and the first principal maturity date or the period between the principal maturity dates will be other than twelve (12) months, the monthly deposits to the Principal Account will be adjusted as appropriate.

(4) Revenues shall be used for deposit into the Bond Amortization Account, on a parity with the deposits under paragraph (3) above, in any Bond Year in which an Amortization Installment is due, such sums as will be sufficient to pay one-twelfth (1/12) of the Amortization Installment required to be made in such Bond Year; provided however, that such deposits shall be subject to adjustment, as appropriate, if the period between Amortization Installments is less than twelve (12) months. Such payments shall be credited to a separate special account for each series of Term Bonds outstanding, and if there shall be more than one stated maturity for Term Bonds of a series, then into a separate special account in the Bond Amortization Account for each such separate maturity of Term Bonds. The funds and investments in each such separate account shall be pledged solely to the payment of principal of the Term Bonds of the series or maturity within a series for which it is established and shall not be available for payment, purchase or redemption of Term Bonds of any other series or within a series, or for transfer to any other account in the Sinking Fund to make up any deficiencies in required payments therein. Upon the sale of any series of Term Bonds, the Issuer shall, by resolution, establish the amounts and maturities of such Amortization Installments for each series, and if there shall be more than one maturity of Term Bonds within a series, the Amortization Installments for the Term Bonds of each maturity. In the event the moneys deposited for retirement of a maturity of Term Bonds are required to be invested, in the manner provided below, then the Amortization Installments may be stated in terms of either the

principal amount of the investments to be purchased on, or the cumulative amounts of the principal amount of investments required to have been purchased by, the payment date of such Amortization Installment.

Moneys on deposit in each of the separate special accounts or subaccounts in the Bond Amortization Account shall be used for the open market purchase or the redemption of Term Bonds of the series or maturity of Term Bonds within a series for which such separate special account is established or may remain in said separate special account and be invested until the stated date of maturity of the Term Bonds. The resolution establishing the Amortization Installments for any series or maturity of Term Bonds may limit the use of moneys to any one or more of the uses set forth in the preceding sentence.

The required deposits to the Principal Account, Interest Account and Bond Amortization Account shall be adjusted in order to take into account the amount of money currently on deposit therein and as necessary to fund amounts payable on the next principal or interest payment date.

(5) (a) Revenues shall next be applied by the Issuer to maintain in the Reserve Account, or any subaccount created therein, a sum equal to the Reserve Requirement with respect thereto, if any, which sum shall initially be deposited therein from the proceeds of the sale of the Bonds unless a Reserve Account Insurance Policy has been established therefor as provided herein. The amount required to be on deposit in the Reserve Account shall be recomputed not less than annually, and any surplus may be transferred to the Revenue Fund. In the event any separate subaccounts have been created in the Reserve Account as provided in paragraph (d) below, the Revenues shall be applied pro-rata to the Reserve Account and the subaccounts therein, in proportion to the deficiencies therein.

(b) Any withdrawals from the Reserve Account which reduce the balance below the then applicable Reserve Requirement shall be subsequently restored from the first moneys available in the Revenue Fund after all required current payments for the Operation and Maintenance Fund and Sinking Fund (including all deficiencies in prior payments to those Funds) have been made in full.

(c) Moneys in the Reserve Account shall be used only for the purpose of the payment of maturing principal of or interest on the Bonds, or maturing Amortization Installments, if any, when the other moneys in the Sinking Fund are insufficient therefor with respect to the applicable Series of Bonds, and for no other purpose.

(d) Pursuant to the 2011 Note Resolution and the 2016 Note Resolution, the Issuer has determined that neither the 2011 Note nor the 2016 Note shall be secured by the Reserve Account and that there shall be no Reserve Requirement with

respect thereto. Neither the 2011 Note nor the 2016 Note shall have any claim upon or right to payment from the Reserve Account or any subaccount established therein.

(6) Upon the issuance of any Additional Parity Obligations under the terms, limitations and conditions as are herein provided, the payments into the several accounts in the Sinking Fund shall be increased in such Amounts as shall be necessary to make the payments for the principal of, interest on and reserves for such Additional Parity Obligations and, if Term Bonds are issued, the Amortization Installments, on the same basis as hereinabove provided with respect to the Bonds initially issued under this Resolution: provided, however, that if such Additional Parity Obligations bear interest at a variable rate, the amount, if any, required to be on deposit in the Reserve Account with respect to such Additional Parity Obligations shall be equal to the Reserve Requirement on such Additional Parity Obligations.

The Issuer shall not be required to make any further payments into the Sinking Fund when the aggregate amount of money in the Sinking Fund is at least equal to the total Bond Service Requirement of the Bonds then outstanding, plus the amount of redemption premium, if any, then due and thereafter to become due on such Bonds then outstanding by operation of the Bond Amortization Account.

(7) Notwithstanding the foregoing deposit requirements of this Section 15C, so long as (1) the Issuer is not in default in the payment of principal, premium, if any, and interest on the Bonds, and (2) all amounts required to be on deposit in the Debt Service Reserve Fund pursuant to Section 15C(5) hereof are then current, and (3) the Issuer has not been notified of its default under the provisions of any applicable Reserve Account Insurance Policy, then the failure to deposit the Revenues into the Revenue Fund and Sinking Fund in the amounts required hereunder shall not be deemed a default hereunder so long as the full amount of such deposits necessary to make all such payments with respect to the Bonds then outstanding are deposited with the Paying Agent on or prior to the date such payments are due.

(8) The balance of any moneys remaining in the Revenue Fund after the above required payments have been made may be used by the Issuer for any lawful purpose.

(9) The Operation and Maintenance Fund, the Sinking Fund, the Revenue Fund, and all accounts therein and any other special funds herein established and created shall constitute trust funds for the purposes provided herein for such funds. All such funds shall be continuously secured in the same manner as deposits of governmental funds are authorized to be secured by the laws of the State.

Monies on deposit in the Revenue Fund and the Sinking Fund (except the Reserve Account therein) may be invested and reinvested in the manner provided by law provided such investments either mature or are redeemable at not less than par at the option of the Issuer not later than the dates on which the moneys on deposit therein will be needed for the purpose of such fund. The moneys in the Reserve Account in the Sinking Fund may be invested and reinvested only in Authorized Investments, in the manner provided by law. All

income on such investments shall be deposited into the Revenue Fund, except however that investment income earned in the Bond Amortization Account shall remain therein or be transferred to the Principal Account or the Interest Account and used to pay maturing principal, Amortization Installments and interest on the Bonds.

(10) The cash required to be accounted for in each of the foregoing funds established herein may be deposited in a single bank account, provided that adequate accounting records are maintained to reflect and control the restricted allocation of the cash on deposit therein for the various purposes of such Funds as herein provided.

The designation and establishment of the various funds in and by this Resolution shall not be construed to require the establishment of any completely independent, self-balancing funds as such term is commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of certain revenues and assets of the System for certain purposes and to establish certain priorities for application of such revenues and assets as herein provided.

The gross amount required to pay principal or interest and Amortization Installments on the Bonds on any payment date shall be deposited in trust for such purposes with the Paying Agent in immediately available funds on such payment date. Any provision hereof to the contrary notwithstanding, so long as the Issuer is not in default in the payment of principal, premium, if any, and interest on the Bonds, then the failure to deposit the Pledged Revenues into the Revenue and Sinking Funds created herein in the amounts required hereunder shall not be deemed a default hereunder so long as the full amount of such deposits necessary to make all such payments with respect to the Bonds are deposited in such Funds on or prior to the date such payments are due.

D. OPERATION OF BOND AMORTIZATION ACCOUNT. Money held for the credit of the Bond Amortization Account shall be applied to the retirement of term obligations as follows:

(1) Subject to the provisions of Paragraph 3 below, the Issuer shall endeavor to purchase Term Bonds then outstanding at the most advantageous price obtainable with reasonable diligence, such price not to exceed the principal of such Term Bonds plus the accrued interest to the date of delivery thereof. The Issuer shall pay the interest accrued on such Term Bonds to the date of delivery thereof from the Interest Account and the purchase price from the Bond Amortization Account, but no such purchase shall be made by the Issuer within the period of 45 days immediately preceding any interest payment date on which Term Bonds are subject to call for redemption, except from money in excess of the amounts set aside or deposited for the redemption of Term Bonds.

(2) Subject to the provisions of Paragraph 3 below, whenever sufficient money is on deposit in the Bond Amortization Account to redeem \$5,000 or more principal amount of Term Bonds, the Issuer shall call for redemption from money in the Bond

Amortization Account such amount of Term Bonds then subject to redemption as, with the redemption premium, if any, will exhaust the money then held in the Bond Amortization Account as nearly as may be practicable. Prior to calling Term Bonds for redemption, the Issuer shall withdraw from the Interest Account and from the Bond Amortization Account and set aside in separate accounts or deposit with the Paying Agent the respective amounts required for paying the interest on and the principal of and redemption premium applicable to the Term Bonds so called for redemption.

(3) Money in the Bond Amortization Account shall be applied by the Issuer in each fiscal year to the retirement of Term Bonds then outstanding in the following order:

(a) The Term Bonds of each series of Bonds, to the extent of the Amortization Installment, if any, for such Fiscal Year for the Term Bonds of each such series then outstanding, plus the applicable premium, if any, and, if the amount available in such Fiscal Year shall not be sufficient therefor, then in proportion to the Amortization Installment, if any, for such Fiscal Year for the Term Bonds of each such series then outstanding, plus the applicable premium, if any: provided, however, that if the Term Bonds of any such series shall not then be subject to redemption from money in the Bond Amortization Account and if the Issuer shall at any time be unable to exhaust the money applicable to the Term Bonds of such series under the provisions of this clause or in the purchase of such Term Bonds under the provisions of Paragraph 1 above, such money or the balance of such money, as the case may be, shall be retained in the Bond Amortization Account and, as soon as it is feasible, applied to the Term Bonds of such series: and

(b) Any balance then remaining, other than money retained under the first clause of this paragraph 3, shall be applied to the retirement of such Term Bonds as the Issuer in its sole discretion shall determine, but only, in the case of the redemption of Term Bonds of any series, in such amounts and on such terms as may be provided in the resolution authorizing the issuance of the obligations of such series.

(4) The Issuer shall deposit into the Bond Amortization Account Amortization Installments for the amortization of the principal of the Term Bonds, together with any deficiencies for prior required deposits, such Amortization Installments to be in such amounts and to be due in such years as shall be determined by resolution of the governing body of the Issuer prior to the delivery of the Bonds.

The Issuer shall pay from the Sinking Fund all expenses in connection with any such purchase or redemption.

E. OPERATION AND MAINTENANCE. The Issuer will maintain the System and all parts thereof in good condition and will operate the same in an efficient and economical manner making such expenditures for equipment and for renewals, repairs and replacements as may be proper for the economical operation and maintenance thereof.

F. ANNUAL BUDGET. The Issuer shall annually prepare and adopt prior to the beginning of each of its Fiscal Years, a detailed budget of the estimated expenditures for operation and maintenance of the System during such next succeeding Fiscal Year. The Issuer shall make available copies of such annual budgets and good and sufficient evidence of all official action authorizing increased expenditures for operation and maintenance to each Bond Insurer, any nationally recognized bond rating services which, upon application of the Issuer prior to the issuance of the Bonds have published a rating on the Bonds (the "Rating Services"), and any Holder or Holders of Bonds.

G. RATE ORDINANCE. The Issuer covenants to fix, establish, revise from time to time whenever necessary, maintain and collect always such fees, rates, rentals and other charges for the use of the product, services and facilities of the System which will always provide Gross Revenues in each year sufficient to pay, and out of such funds pay, 100% of all Costs of Operation and Maintenance of the System in such year and all reserve and other payments provided for in this Resolution, other than principal and interest, and 115%, of the Bond Service Requirement due in such year on all outstanding Bonds. Such rates, fees, rentals or other charges shall not be reduced so as to be insufficient to provide Gross Revenues for such purposes.

The Issuer further covenants and agrees that the Issuer will annually within ninety (90) days after adoption of the budget described in the preceding Subsection F revise such fees, rates, rentals and other charges for the use of the product, services and facilities of the System to the extent necessary for the estimated Gross Revenues to be derived from the operation of the System during the next succeeding Fiscal Year to increase so as to be sufficient to pay the estimated expenditures for operation and maintenance of the System during such next succeeding Fiscal year and otherwise comply with all covenants in this Resolution.

H. BOOKS AND RECORDS. The Issuer shall also keep books and records of the Pledged Revenues of the System which shall be kept separate and apart from all other books, records and accounts of the Issuer.

I. ANNUAL AUDIT. The Issuer shall also, at least once a year, within 180 days after the close of its Fiscal Year, cause the financial statements relating to the Issuer to be properly audited by a recognized independent firm of certified public accountants and shall make generally available the report of such audits to any Holder or Holders of Bonds. Such audits shall contain the audited financial statements of the Issuer prepared in accordance with auditing standards generally accepted in the United States of America.

J. NO MORTGAGE OR SALE OF THE SYSTEM. The Issuer will not sell, lease, mortgage, pledge or otherwise encumber the System, or any substantial part thereof, or any revenues to be derived therefrom, except as herein provided.

The foregoing provision notwithstanding, the Issuer shall have and hereby reserves the right to sell, lease or otherwise dispose of any of the property comprising a part of

the System which the Issuer shall hereafter determine, to be no longer necessary, useful or profitable in the operation of the System.

K. INSURANCE. For so long as any of the Bonds are outstanding, the Issuer will carry adequate fire and windstorm insurance on all buildings and structures of the works and properties of the System which are subject to loss through fire or windstorm, and will otherwise carry insurance of all kinds and in the amounts normally carried in the operation of similar facilities and properties in Florida: provided, however, that in lieu of such insurance the Issuer may establish a qualified plan of self-insurance in accordance with the laws of the State. Any such insurance shall be carried for the benefit of the holders of the Bonds. All moneys received for losses under any of such insurance, except public liability, are hereby pledged by the Issuer as security for the Bonds, until and unless such proceeds are used to remedy the loss or damage for which such proceeds are received, either by repairing the property damaged or replacing the property destroyed as soon as practicable.

L. NO FREE SERVICE. The Issuer will not render or cause to be rendered any free services of any nature by its System, nor will any preferential rates be established for users of the same class. This covenant shall not prevent individual contract with other governmental entities for the wholesale delivery of services of the System. Whenever the Issuer, including its departments, agencies and instrumentalities, shall avail itself of the product, facilities or services provided by the System, or any part thereof, the same rates, fees or charges applicable to other customers receiving like services under similar circumstances shall be charged to the Issuer and any such department, agency or instrumentality.

M. MANDATORY CUT OFF. The Issuer will, under reasonable rules and regulations, to the full extent permitted by law, shut off and discontinue the supplying of gas services to any users of the System for the non-payment of fees, rentals or other charges for such gas services, and will not restore such services until all delinquent charges for the same, together with interest and reasonable penalties, have been paid in full or arrangement for payment thereof satisfactory to the Issuer has been made.

N. ENFORCEMENT OF COLLECTIONS. The Issuer will diligently impose, assess, enforce and collect the rates, fees and other charges for the services and facilities of the System herein pledged: will take all reasonable steps, actions and proceedings for the imposition, assessment, enforcement and collection of such rates, charges and fees as shall become delinquent to the full extent permitted or authorized by law: and will maintain accurate records with respect thereof. All such fees, rates, charges and revenues herein pledged shall, as collected, be held in trust to be applied as herein provided and not otherwise.

O. REMEDIES. Any Holder of Bonds or any coupons appertaining thereto, issued under the provision hereof or any trustee acting for the Holders of such Bonds, may either at law or in equity, by suit, action, mandamus or other proceedings in any court of competent jurisdiction, protect and enforce any and all rights, including the right to the appointment of a receiver, existing under the laws of the State, or granted and contained herein, and may enforce

and compel the performance of all duties required herein or by any applicable statutes to be performed by the Issuer or by any officer thereof.

Nothing herein, however, shall be construed to grant to any Holder of the Bonds any lien on the System or any real or personal property of the Issuer.

P. CONSULTING ENGINEER. The Issuer shall retain a Consulting Engineer capable of providing the Issuer with competent counsel affecting the proper, efficient and economical operation and maintenance of the System and in connection with the making of capital improvements and renewals and replacements to the System. The Consulting Engineer shall advise the Issuer with respect to the management of the properties of the System, the sufficiency of the rates and charges for services, the proper maintenance of the properties of the System, and the necessity for capital improvements and recommendations therefor.

If any report or survey of the Consulting Engineer shall set forth that the provisions hereof have not been complied with, the Issuer shall immediately take such reasonable steps as are necessary to comply with such requirements and recommendations.

Q. COMPLIANCE WITH FRANCHISE. The Issuer shall comply with all provisions of the franchise agreements applicable to the service area of the System outside the territorial limits of the Issuer, and shall take no action which would adversely affect its ability to operate the System within such service area; provided, however, that nothing herein shall require the Issuer to provide new service in such franchised area if the Consulting Engineers shall determine that it would not be feasible for the Issuer to provide such services to any specific area within the three years succeeding a request to provide such service, the Issuer may authorize or allow or consent to the granting of a franchise or permit for such area to other utility providers upon such terms and conditions as it may approve.

R. NO COMPETING SYSTEM. To the full extent permitted by law, the Issuer will not hereafter grant, or cause, consent to, or allow the granting of, any franchise or permit to any person, firm, corporation or body, or agency or instrumentality whatsoever, for the furnishing of gas utility services to or within the boundaries of the Issuer: provided, however, that if the Consulting Engineer renders an opinion that it would not be feasible for the Issuer to provide such services to any specific area within the three years succeeding a request to provide such service, the Issuer may authorize or allow the granting of such franchise or permit for such area upon such terms and conditions as it may approve.

S. ISSUANCE OF OTHER OBLIGATIONS. The Issuer will not hereafter issue any other obligations payable from the Revenues of the System nor voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the Bonds and the interest thereon upon said Revenues except under the conditions and in the manner provided herein. Any obligations issued by the Issuer other than the Parity Obligations and any Additional Parity Obligations provided for in Subsection T below, payable from such Revenues, shall contain an express statement that such

obligations are junior and subordinate in all respects to the Bonds, as to lien on and source and security for payment from such Revenues.

T. ISSUANCE OF ADDITIONAL PARITY OBLIGATIONS. Additional Parity Obligations, payable on a parity from the Net Revenues of the System with the Bonds, may be issued for the Project, or the construction and acquisition of additions, extensions and improvements to the System or for refunding purposes and upon the conditions and in the manner herein provided:

(a) There shall have been obtained and filed with the Issuer a certificate of the Chief Financial Officer of the Issuer, or his or her designee: (i) setting forth the amount of Net Revenues, as defined herein, received by the Issuer for any twelve (12) consecutive months out of the twenty four (24) consecutive months immediately preceding the date of sale of the proposed Additional Parity Obligations, (ii) stating that the Net Revenues described in (i) above, as may be adjusted as permitted in paragraph (b)(i) below, equal at least 1.00 times the Maximum Bond Service Requirement on all Bonds then outstanding and on the proposed Additional Parity Obligations with respect to which such certificate is made and (iii) stating that the projected Net Revenues described in (ii) above, adjusted as permitted in subparagraph (b) below, equal at least 1.15 times the Maximum Bond Service Requirement on all Bonds then outstanding and on the proposed Additional Parity Obligations with respect to which such certificate is made.

(b) If determined by the Chief Financial Officer to be desirable, the Net Revenues may be adjusted by the Consulting Engineers as follows: (i) to reflect for such period new customers actually connected to the System, and changes made and actually in effect in the rates, fees, rentals or other charges from the services of the System, subsequent to the commencement of such preceding audited period referred to in (a) above: (it) to reflect any change made in the rates, fees, rentals or other charges for the services of the System which have been adopted but not yet implemented at the time of calculation, commencing after their scheduled effective dates; (iii) to include for such period an amount equal to the Net Revenues estimated to be derived from the operation of any project the cost of which has been funded (from Bond proceeds or otherwise) but not yet completed, provided that such projects will serve existing, occupied businesses and dwellings for which there are binding agreements to connect to the System when service is made available, but such Net Revenues may be taken into account only from and after the date on which service from such projects is projected to become available.

(c) Each resolution authorizing the issuance of Additional Parity Obligations will recite that the applicable covenants herein contained will be applicable to such Additional Parity Obligations.

(d) Immediately following the issuance of such Additional Parity Obligations, the Issuer shall not be in default in performing any of the covenants and

obligations assumed hereunder, and all payments herein required to have been made into the accounts and funds, as provided hereunder, shall have been made to the full extent required.

(e) The requirements of Section 15T(a) above shall not apply to any Additional Parity Obligations issued to refund and defease any outstanding Bonds but only if the Average Bond Service Requirement on such Additional Parity Obligations is less than the Average Bond Service Requirement on the Bonds so refunded and defeased and such Additional Parity Obligations do not mature later than such Bonds so refunded.

(f) As to any series of Bonds, the payment of principal and interest on which is guaranteed by a Municipal Insurer, the Municipal Insurer may consent to the issuance of Additional Parity Obligations upon terms not contemplated in this Section 15, in the manner provided in Section 16 hereof. Any such consent shall be deemed the consent of the Owners of such series of Bonds to the issuance of such Additional Parity Obligations.

U. TAX COMPLIANCE.

(1) The Issuer at all times while the Bonds and the interest thereon are outstanding will comply with all applicable provisions of the Code, in order to ensure that the interest on the Bonds will be excluded from gross income for Federal income tax purposes, except that the provisions of this Section 15U shall not apply to any Bonds issued as taxable Bonds. The Issuer hereby covenants with the Registered Owners of the Bonds that it will make no investment or other use of the proceeds of the Bonds or any other series of Additional Parity Obligations issued under the Resolution, the income on which is excluded from gross income for federal income tax purposes, which would cause such series of Bonds to be "arbitrage bonds" as that term is defined in Section 148 of the Code and that it will comply with the requirements of that Section of the Code and regulations promulgated thereunder throughout the term of such series of Bonds.

(2) Rebate Fund. (A) The Issuer shall establish a Rebate Fund, outside the lien of this Resolution, which shall be a separate trust fund held by the Issuer, solely for the purposes hereof, and the amounts therein shall be applied solely as specified herein or in a letter of instructions in connection with the Issuer's certification of compliance with the provisions of Section 148 of the Code at the time of issuance of the Bonds. The Issuer shall engage an accountant or other person or firm of suitable experience to make such periodic calculations of the Issuer's rebate liability on the Bonds as shall be required to comply with Section 148(e) of the Code and shall deposit to the credit of the Rebate Fund, hereby created, the full amount of the Issuer's accrued and unpaid rebate liability under Section 148(e) of the Code. The Issuer shall keep such records of the computations made pursuant to this Section as are required under Section 148(e) and other applicable provisions of the Code. The Issuer shall keep such records concerning the investments of the gross proceeds of the Bonds subject to Rebate

and the investments of earnings from those investments as may be required in order to make the aforesaid computations. This subsection (2) may be superseded or amended by new calculations accompanied by an opinion of nationally recognized bond counsel addressed to the Issuer to the effect that the use of the new calculations are in compliance with this Resolution and will not cause the interest on the Bonds to become included in gross income for Federal income tax purposes.

(3) The Issuer covenants that upon request it will make all filings of reports or other documents as may be required by Section 149(e) of the Code and regulations promulgated thereunder throughout the term of the Bonds of such series.

(4) The Issuer covenants that it will not take any action or allow any action which would cause the Bonds to become private activity bonds as described in Section 141 of the Code.

(5) The Issuer covenants to take all actions reasonable and necessary to maintain the exclusion of the interest on the Bonds (other than Bonds issued as taxable Bonds) from gross income for federal income tax purposes, including compliance with the letter of instructions received by the Issuer in connection with its certification regarding arbitrage at the time of delivery of any series of Bonds. The Issuer covenants to budget and appropriate in each fiscal year in which any deposit to the Rebate Fund may be required pursuant hereto, from Revenues of the System, an amount sufficient to make such deposit.

(6) The provisions of this Subsection U may be modified or amended by resolution of the Issuer without the consent of any Municipal Insurer or Registered Owner of any Bonds, upon receipt of an opinion of nationally recognized bond counsel to the effect that such modification or amendment will not adversely affect the exclusion from gross income of interest on the Bonds for purposes of federal income taxation.

SECTION 16. MODIFICATION OR AMENDMENT. No material modification or amendment of this Resolution or of any resolution amendatory hereof or supplemental hereto, may be made without the consent in writing of the owners of not less than two-thirds of the principal amount of Bonds then outstanding and affected thereby; provided, however, no modification or amendment shall permit a change in the maturity of such Bonds or a reduction in the rate of interest thereon, or in the amount of the principal obligation or affect the unconditional promise of the Issuer to pay the principal of and interest on the Bonds as the same shall come or reduce the percentage of the holders of the Bonds required to consent to any material modification or amendment hereof, without the consent in writing of the holder or holders of all such Bonds; provided, further, that no such modification or amendment shall allow or permit any acceleration of the payment of principal of or interest on the Bonds upon any default in the payment thereof whether or not the holders of the Bonds consent thereto.

In addition to the other provisions of this Resolution permitting amendments and modifications, this Resolution may be amended, changed, modified and altered without the

consent of the Holders of Bonds (i) to cure any ambiguity, correct or supplement any provision contained herein which may be defective or inconsistent with any other provisions contained herein, (ii) to provide any technical or mechanical provision necessary or desirable for the issuance of Capital Appreciation Bonds or Bonds bearing interest at a variable rate, (iii) to provide other changes which will not adversely affect the interest of such Holder of Bonds, (iv) to provide for the issuance of Bonds in coupon form if, in the opinion of a nationally recognized bond counsel, such issuance will not affect the exemption from federal income taxation of interest on the Bonds, and (v) to provide for the issuance of Bonds, the interest on which is not excluded from gross income for federal tax purposes.

SECTION 17. DEFEASANCE. If, at any time, the Issuer shall have paid, or shall have made provision for payment of, the principal, interest and redemption premiums, if any, with respect to the Bonds, then, and in that event, the pledge of and lien on the Pledged Revenues in favor of the Holders of the Bonds shall be no longer in effect. For purposes of the preceding sentence, deposit of Federal Securities or bank certificates of deposit fully secured as to principal and interest by Federal Securities or Municipal Obligations fully insured as to principal and interest by a Municipal Insurer (or deposit of any other securities or investments which may be authorized by law from time to time and sufficient under such law to effect such a defeasance) in irrevocable trust with a banking institution or trust company, for the sole benefit of the Bondholders, in respect to which such Federal Securities or certificates of deposit (or such other securities or investments), the principal of which, together with the income thereon, will be sufficient to make timely payment of the principal, interest, and redemption premiums, if any, on the outstanding Bonds, shall be considered "provision for payment." Nothing herein shall be deemed to require the Issuer to call any of the outstanding Bonds for redemption prior to maturity pursuant to any applicable optional redemption provisions, or to impair the discretion of the Issuer in determining whether to exercise any such option for early redemption.

In the event that the principal and/or interest due on the Bonds shall be paid by the Bond Insurer pursuant to the Municipal Bond Insurance Policy, the Bonds shall remain outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the Issuer, and the assignment and pledge of the Pledged Revenues and all covenants, agreements and other obligations of the Issuer to the registered owners of the Bonds shall continue to exist and shall run to the benefit of the Bond Insurer, and the Bond Insurer shall be subrogated to the rights of such registered owners.

SECTION 18. ARBITRAGE. No use will be made of the proceeds of the Bonds which would cause the same to be "arbitrage bonds" within the meaning of the Code. The Issuer at all times while the Bonds are outstanding will comply with the requirements of Section 148 of the Code and any valid and applicable rules and regulations promulgated thereunder.

SECTION 19. RESERVED.

SECTION 20. USE OF ADDITIONAL FUNDS FOR DEBT PAYMENT. Subject to the provisions of the Florida Constitution, nothing herein contained shall preclude the Issuer from using any legally available funds, in addition to the Pledged Revenues herein provided, which may come into its possession, including but not limited to the proceeds of sale of the Bonds, contributions or grants, for the purpose of payment of principal of and interest on the Bonds, or the payment of Amortization Installments, if any, or the purchase or redemption of such Bonds in accordance with the provisions of this Resolution.

SECTION 21. SEVERABILITY. If any one or more of the covenants, agreements, or provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this Resolution or of the Bonds or coupons issued hereunder.

SECTION 22. REPEAL OF INCONSISTENT INSTRUMENTS. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 23. EFFECTIVE DATE. 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: April 25, 2019

[SEAL]

Approved: _____
Council President

ATTEST:

Ericka L. Burnett, City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-31

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

RESOLUTION NO. 2019-31 - AUTHORIZING A FINANCING IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$58,200,000 TO FINANCE THE ADVANCE REFUNDING OF THE OUTSTANDING CITY OF PENSACOLA, FLORIDA REDEVELOPMENT REVENUE BONDS, SERIES 2009B, AND FUND CERTAIN COMMUNITY REDEVELOPMENT IMPROVEMENTS IN THE URBAN CORE COMMUNITY REDEVELOPMENT AREA, AND AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PENSACOLA AND THE COMMUNITY REDEVELOPMENT AGENCY RELATING TO SUCH FINANCING.

RECOMMENDATION:

That City Council adopt Resolution No. 2019-31.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AUTHORIZING THE ISSUANCE BY THE CITY OF AN URBAN CORE REDEVELOPMENT REFUNDING AND IMPROVEMENT REVENUE BOND, SERIES 2019, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$58,200,000 TO FINANCE THE ADVANCE REFUNDING OF THE OUTSTANDING CITY OF PENSACOLA, FLORIDA REDEVELOPMENT REVENUE BONDS, SERIES 2009B (FEDERALLY TAXABLE - BUILD AMERICA BONDS - DIRECT PAYMENT) AND CERTAIN COMMUNITY REDEVELOPMENT IMPROVEMENTS IN THE URBAN CORE COMMUNITY REDEVELOPMENT AREA AS DESCRIBED HEREIN; PLEDGING AS SECURITY FOR THE PAYMENT OF SAID SERIES 2019 BOND THE TAX INCREMENT REVENUES OF THE URBAN CORE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE RIGHTS, SECURITY, AND REMEDIES FOR THE REGISTERED OWNER OF THE SERIES 2019 BOND; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE AWARD OF THE SALE OF THE SERIES 2019 BOND; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW HOLDER THEREUNDER; APPOINTING A VERIFICATION AGENT; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF THE SERIES 2019 BOND; PROVIDING CERTAIN AMENDMENTS TO RESOLUTION NO. 33-09; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL

AGREEMENT BETWEEN THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On December 21, 2009, the City issued its Redevelopment Revenue Bonds, Series 2009A in the aggregate principal amount of \$6,715,000 (the "Series 2009A Bonds") and its Redevelopment Revenue Bonds, Series 2009B (Federally Taxable - Build America Bonds - Direct Payments) in an aggregate principal amount of \$38,925,000 (the "Series 2009B Bonds" and together with the Series 2009A Redevelopment Bonds, the "Series 2009 Bonds"). The Series 2009 Bonds were issued for the purpose of financing the public recreation, exhibition, entertainment and exposition facilities and public infrastructure portions of the Maritime Park Project. The Series 2009A Bonds mature on April 1, 2020 and the Series 2009B Bonds mature on April 1, 2039.

At the March 11, 2019 CRA Board meeting and at the May 28, 2019 City Council Agenda Conference, as part of the May 2019 Monthly Financial Review, the CRA and the City Council was informed of the potential refunding of the Series 2009B Bonds. The outstanding Series 2009B Bonds bear interest at fixed rates, ranging from 4.25% to 7.263% for the remaining bond years. In order to take advantage of the lower interest rate market and in anticipation of the need for additional project funds, City staff along with the City's Financial Advisor, Julie Santamaria of RBC Capital Markets, LLC, began reviewing market conditions and refinancing options. Current conditions indicate significant savings above the 3% minimum required by the City's Debt Incurrence and Administration Policy. With approximately twenty years and eight months left until maturity and \$38,925,000 in total principal amount outstanding, the recommendation to refinance the Series 2009B Bonds with a note privately placed with a financial institution is being brought forward for Council action. A refunding with long term, publicly offered bond financing was considered, however, professional fees are lower and disclosure requirements are less encumbering with a private placement as compared to a publicly offered bond issuance. The portion of the Series 2019 Bond issue allocated to the refunding of the Series 2009B Bonds will mature not later than the maturity date of the refunded Series 2009B Bonds. In addition, by issuing new money bonds maturing out to the December 31, 2043 sunset date of the Urban Core Redevelopment Area, the City is able to obtain an estimated \$17.744 million in new money to fund projects.

Upon approval of the financing by City Council, the Series 2019 Bond proceeds will be available at closing to fund capital improvements included in the SCAPE Waterfront Plan (such as the construction of certain street and streetscape projects and Bruce Beach improvements), Community Maritime Park Day Marina, sidewalk repairs and improvements and certain other community redevelopment capital improvements to the Urban Core Community Redevelopment Area included in Urban Core Community Redevelopment Plan. While the cost of the projects have not yet been determined, City staff anticipates setting aside funding for each project in the amounts identified below.

SCAPE - Bruce Beach	\$ 10,000,000
SCAPE - Street and Streetscape Improvements	4,000,000
Community Maritime Park Day Marina	2,100,000
Sidewalk Repairs & Improvements	1,500,000
Contingency	<u>144,000</u>
Total	<u>\$ 17,744,000</u>

The City's Financial Advisor has recommended BBVA Mortgage Corporation, formally known as Compass Mortgage Corporation, an affiliate of BBVA Compass Bank, as the lender. BBVA Mortgage Corporation has offered a twenty-four year and five month private placement financing with a fixed interest rate of 3.40%. Interest will be paid semi-annually on October 1 and April 1 of each year commencing on October 1, 2019 and principal payments will be paid annually on April 1 commencing on April 1, 2021 and maturing on December 31, 2043. The pledged revenues include Tax Increment Revenues derived from the Urban Core Redevelopment Area, and in the event that these revenues are insufficient, certain Non-Ad Valorem Revenues budgeted and appropriated for such purposes. The City's bond attorney has incorporated within the Resolution an Interlocal Agreement between the City of Pensacola and the CRA whereby the CRA agrees that in the event that Tax Increment Revenues are insufficient to fully pay the principal and interest on the Series 2019 Bond and the City advances any Non-Ad Valorem Revenues for the payment thereof, the CRA shall repay such advance plus interest to the City once funds become available. Since the Series 2019 Bond pledges the same revenue stream as the Series 2009A Bonds and the Urban Core Redevelopment Revenue Bond, Series 2017 ("Series 2017 Bond"), the Series 2019 Bond will be issued on parity with the Series 2009A Bonds and the Series 2017 Bond. In accordance with the Series 2009 Bonds Resolution, the City's bond attorney has incorporated within the Resolution the Report and Certificate of the Chief Financial Officer.

Based on current projections, Tax Increment Revenues are sufficient to meet debt service requirements for the twenty-four year and five month financing term as well as cover operating expenditures as currently structured in the Fiscal Year 2019 Budget. It is also projected that for the next twenty-four years and five months, should Tax Increment Revenues continue to increase as it has since fiscal year 2015, funds will continue to be available for additional projects.

BBVA Mortgage Corporation is represented by John Gormley, Senior Vice President of BBVA Compass Bank, Pensacola, FL. The financing team also included Randy Clement, Esq. with Bryant Miller Olive, the City's Bond Counsel.

In accordance with Section 163.346, Florida Statutes, a notice regarding the proposed issuance of the Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019 ("Series 2019 Bond") has been sent to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. Further, a notice of the public meeting has been published in the Pensacola News Journal of such proposed action in accordance with Florida Statutes.

PRIOR ACTION:

October 8, 2009 - City Council approved Resolution No. 33-09 providing for the issuance of the

Redevelopment Revenues Bonds, Series 2009A and Redevelopment Revenue Bonds, Series 2009B (Federally Taxable - Build America Bonds) in the amount of \$45,640,000.

November 9, 2017 - City Council approved Resolution No. 17-78 providing for the issuance of the Urban Core Redevelopment Revenue Bond, Series 2017 in the amount of \$8,000,000.

FUNDING:

N/A

FINANCIAL IMPACT:

Estimated closing costs of \$151,000 and estimated escrow costs for refinancing the Series 2009B Bonds of \$40,245,000 will be paid from the estimated \$58,140,000 in bond proceeds resulting in remaining estimated project funds of \$17,744,000. The City will receive final numbers once the securities for the investment if the escrow are bid. The anticipated closing date is July 25, 2019.

Based on discussions with the City's Financial Advisor, on May 30, 2019, the Chief Financial Officer locked in a 3.40% fixed rate with BBVA Mortgage Corporation, which will remain effective through July 29, 2019. Based on preliminary numbers, debt service payable from Tax Increment Revenues of the Urban Core Community Area will increase on average:

- \$342,400 for fiscal years 2021-2027
- \$473,500 for fiscal years 2028-2040 and
- \$4,205,600 in new debt service for fiscal years 2041-2044

CITY ATTORNEY REVIEW: Yes

6/28/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer
M. Helen Gibson, AICP, CRA Administrator

ATTACHMENTS:

- 1) Resolution No. 2019-31

PRESENTATION: No

RESOLUTION NO. 2019-31

OF THE

CITY OF PENSACOLA, FLORIDA

ADOPTED JULY 18, 2019

RELATING TO:

NOT TO EXCEED

\$58,200,000

CITY OF PENSACOLA, FLORIDA

URBAN CORE REDEVELOPMENT REFUNDING
AND IMPROVEMENT REVENUE BOND,
SERIES 2019

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EXHIBIT D – PROPOSAL OF LENDER

EXHIBIT E – FORM OF ESCROW DEPOSIT AGREEMENT

EXHIBIT F - FORM OF INTERLOCAL AGREEMENT

EXHIBIT G – REPORT AND CERTIFICATE OF CHIEF FINANCIAL OFFICER

RESOLUTION NO. 2019-31

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA AUTHORIZING THE ISSUANCE BY THE CITY OF AN URBAN CORE REDEVELOPMENT REFUNDING AND IMPROVEMENT REVENUE BOND, SERIES 2019, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$58,200,000 TO FINANCE THE ADVANCE REFUNDING OF THE OUTSTANDING CITY OF PENSACOLA, FLORIDA REDEVELOPMENT REVENUE BONDS, SERIES 2009B (FEDERALLY TAXABLE – BUILD AMERICA BONDS – DIRECT PAYMENT) AND CERTAIN COMMUNITY REDEVELOPMENT IMPROVEMENTS IN THE URBAN CORE COMMUNITY REDEVELOPMENT AREA AS DESCRIBED HEREIN; PLEDGING AS SECURITY FOR THE PAYMENT OF SAID SERIES 2019 BOND THE TAX INCREMENT REVENUES OF THE URBAN CORE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE RIGHTS, SECURITY, AND REMEDIES FOR THE REGISTERED OWNER OF THE SERIES 2019 BOND; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE AWARD OF THE SALE OF THE SERIES 2019 BOND; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW HOLDER THEREUNDER; APPOINTING A VERIFICATION AGENT; AUTHORIZING FURTHER OFFICIAL ACTION IN CONNECTION WITH THE DELIVERY OF THE SERIES 2019 BOND; PROVIDING CERTAIN AMENDMENTS TO RESOLUTION NO. 33-09; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Authority for this Resolution.

This Resolution is adopted pursuant to the Constitution of the State of Florida, Chapter 163, Part III, Florida Statutes, Chapter 166, Part II, Florida Statutes, the municipal charter of the City of Pensacola, Florida (the "Issuer"), and other applicable provisions of law (collectively, the "Act"), and pursuant to Section 15.J of Resolution No. 33-09 duly adopted by the Issuer on October 8, 2009, as amended and supplemented (collectively, the "Original Resolution"). This Resolution shall be deemed a supplement to the Original Resolution (as supplemented hereby, the "Resolution").

Section 2. Definitions.

All terms defined in the Original Resolution shall have the same meaning herein, unless the text otherwise expressly requires. Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations. The following terms shall have the following meanings herein:

"Act" shall have the meaning ascribed thereto in Section 1 of this Resolution.

"Agency" means The Community Redevelopment Agency of the City of Pensacola, Florida, created pursuant to Resolution No. 55-80 adopted by the City Council on September 25, 1980, as confirmed and ratified by Resolution No. 65-81 adopted by the City Council on September 22, 1981.

"Authorized Investments" means, with respect to the Series 2019 Bond, and after payment or defeasance of the 2009 Bonds, any investment, obligation, agreement or other financial instrument to the extent not inconsistent with the terms of the investment policy of the Issuer and applicable law.

"Bond Counsel" means Bryant Miller Olive P.A. or any subsequent nationally recognized bond counsel appointed by to the Issuer.

"Business Day" means any day of the year other than a day on which the Lender or the Issuer are lawfully closed for business.

"Charter" means the municipal charter of the Issuer.

"Chief Financial Officer" means the Chief Financial Officer of the Issuer, or his or her designee.

"City Administrator" means the City Administrator of the Issuer, or any acting or interim City Administrator, or his or her designee.

"City Attorney" means the City Attorney of the Issuer, or his or her designee.

"Clerk" means the Clerk of the Issuer, any acting, deputy, or assistant Clerk, or his or her designee.

"Date of Delivery" means July 25, 2019, or such other date which shall be agreed upon by the Issuer and the Lender.

"Default" or "Event of Default" shall mean, with respect to the Series 2019 Bond, an Event of Default as defined and described in Section 16(A) hereof.

"Financial Advisor" means RBC Capital Markets, LLC.

"Interest Payment Date" means, with respect to the Series 2019 Bond, each April 1 and October 1, commencing October 1, 2019, and continuing to the Maturity Date.

"Interlocal Agreement" means the Interlocal Agreement between the Issuer and the Agency and relating to the Series 2019 Bond, the form of which is approved pursuant to Section 24 hereof.

"Issuer" means the City.

"Lender" means BBVA Mortgage Corporation, an Alabama corporation f/k/a Compass Mortgage Corporation, and its successors and assigns.

"Maturity Date" means December 31, 2043.

"Maximum Annual Non-Ad Valorem Debt Service" shall mean the maximum annual debt service requirement on a consolidated basis of all Non-Ad Valorem Revenue Obligations then outstanding for the then current or any subsequent Fiscal Year.

"Mayor" means the Mayor of the Issuer or the City Administrator or Chief Financial Officer on behalf of the Mayor.

"Non-Ad Valorem Revenue Obligations" shall mean obligations evidencing indebtedness for borrowed money (i) payable from or secured by a pledge of or lien on one or more Non-Ad Valorem Revenues or covenant to budget and appropriate Non-Ad Valorem Revenues, or (ii) payable directly or indirectly from a covenant to budget and appropriate Non-Ad Valorem Revenues, but only if the Issuer reasonably expects to apply Non-Ad Valorem Revenues to the payment of debt service, directly or indirectly, on such obligations and only to the extent that amounts other than Non-Ad Valorem Revenues available and pledged to pay such obligations during the prior Fiscal Year for which audited financial statements are available were less than the maximum annual debt service for such obligations for the then current or any subsequent Fiscal Year. Non-Ad Valorem Revenue Obligations shall not include indebtedness for borrowed money payable from or secured by a pledge or lien on Non-Ad Valorem Revenues of any enterprise fund of the Issuer.

"Non-Ad Valorem Revenues" shall mean the revenues of the Issuer in the General Fund which are legally available for payment of principal of and interest on the Series 2019 Bond in each year and which are derived by the Issuer from all sources other than ad valorem taxation on real and personal property. By subsequent resolution duly adopted, the Issuer may include in the definition of Non-Ad Valorem Revenues additional revenues from sources other than ad valorem taxation on real and personal property, so long as such revenues are legally available for payment of principal of and interest on the Series 2019 Bond in each year.

"Parity Obligations" shall mean, collectively, the Issuer's outstanding Redevelopment Revenue Bonds, Series 2009A dated as of December 21, 2009 and Urban Core Redevelopment Revenue Bond, Series 2017 dated as of November 15, 2017.

"Paying Agent" means an officer of the Issuer or the bank or trust company which the Issuer may from time to time designate to serve as paying agent for the Series 2019 Bond, initially, the Chief Financial Officer.

"Payment Date" means any Interest Payment Date or Principal Payment Date.

"Permitted Lenders" means any bank, trust company, savings institution, insurance company, dealer, investment company or qualified institutional buyer as contemplated by Section 517.061(7), Florida Statutes, that is engaged as a regular part of its business in making loans and is authorized to do business in the State of Florida.

"Principal Payment Date" means, with respect to the Series 2019 Bond, each April 1 commencing April 1, 2021, and continuing through and including the Maturity Date.

"Project Costs" means a portion of the cost of undertaking the Series 2019 Project including, but not limited to: engineering, legal, accounting, and financial expenses; expenses for estimates of costs and of revenues; expenses for plans, specifications and surveys; fees of fiscal agents, financial advisors or consultants; administrative expenses relating solely to the Series 2019 Project; costs of issuance with respect to the Series 2019 Bond; the cost of acquiring and constructing the Series 2019 Project, reimbursement to the Issuer for any sums heretofore expended for the foregoing purposes and such other costs and expenses as may be necessary or incidental to the financing or refinancing of the Series 2019 Project.

"Project Fund" means the Project Fund established with respect to the Series 2019 Bond pursuant to Section 13(B) hereof.

"Proposal" means the proposal for the purchase of the Series 2019 Bond submitted to the Issuer by the Lender, attached hereto as Exhibit D, and accepted by the Issuer with such changes as agreed to by the Issuer and the Lender.

"Refunded Bonds" means the City of Pensacola, Florida Redevelopment Revenue Bonds, Series 2009B (Federally Taxable – Build America Bonds – Direct Payment), presently outstanding in the aggregate principal amount of \$38,925,000.

"Registered Owner" shall have the meaning ascribed thereto in the Original Resolution, and with respect to the Series 2019 Bond, shall mean the Lender.

"Registrar" shall mean, with respect to the Series 2019 Bond, the Chief Financial Officer.

"Regulations" means the Income Tax Regulations promulgated by the Internal Revenue Service under Sections 103 and 141 through 150 of the Code.

"Resolution" shall have the meaning ascribed thereto in Section 1 hereof.

"Series 2019 Bond" means the City of Pensacola, Florida, Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019, authorized herein, in substantially the form attached hereto as Exhibit A, with such changes, modifications, insertions or deletions as are authorized herein.

"Series 2019 Project" means capital improvements included in the SCAPE Waterfront Plan (such as the construction of certain street and streetscape projects and Bruce Beach improvements), the Community Maritime Park Day Marina, sidewalk repairs and improvements and certain other community redevelopment capital improvements to the Urban Core Community Redevelopment Area included in Urban Core Community Redevelopment Plan, the costs of which are eligible for payment from Tax Increment Revenues.

"Tax Certificate" means the Issuer's Tax Certificate as to Arbitrage and the Provisions of Sections 141-150 of the Internal Revenue Code of 1986, as amended, dated as of the Delivery Date.

"Tax Increment Revenues" shall have the meaning ascribed thereto in the Original Resolution and includes the tax increment revenues paid into the Urban Core Community Redevelopment Trust Fund.

"Urban Core Community Redevelopment Area" means the "Redevelopment Area" as defined in the Original Resolution and includes the area designated as a community redevelopment area pursuant to the Act, Resolution No. 54-80 adopted by the City Council on September 25, 1980, as readopted and reaffirmed by Resolution No. 65-81 adopted by the City Council on September 22, 1981, and known generally as the "Urban Core Community Redevelopment Area".

"Urban Core Community Redevelopment Plan" means the Urban Core Community Redevelopment Area Plan approved by the Issuer pursuant to Resolution No. 02-10 adopted by the City Council on January 14, 2010, as the same may be amended from time to time.

"Urban Core Community Redevelopment Trust Fund" means "Redevelopment Trust Fund" as defined in the Original Resolution and includes the Urban Core Community Redevelopment Trust Fund established under Section 163.387, Florida Statutes, and Ordinance 13-84 of the Issuer enacted on March 8, 1984, into which the Tax Increment Revenues are deposited from time to time.

Section 3. Findings.

(A) Pursuant to Resolution No. 54-80 adopted by the City Council on September 25, 1980, and as confirmed and ratified pursuant to Resolution 65-81 adopted by the City Council on September 22, 1981, the City Council found and determined that an area designated therein as the "Pensacola Inner City" is a blighted area as therein described, that a combination of rehabilitation, conservation and redevelopment of the Pensacola Inner City is necessary, that there exists a need for a community redevelopment agency to function in the City to carry out community redevelopment purposes pursuant to Part II, Chapter 163, Florida Statutes, and that

the Pensacola Inner City is appropriate for community redevelopment projects and is thereby designated a community redevelopment area.

(B) Pursuant to Resolution No. 55-80 adopted by the City Council on September 25, 1980, and as readopted and reaffirmed pursuant to Resolution 65-81 adopted by the City Council on September 22, 1981, the City Council declared itself to be the "Community Redevelopment Agency" in the City and vested all rights, powers, duties, privileges and immunities vested in a community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes, in the City Council, subject to all responsibilities and liabilities imposed or incurred, and enumerated certain powers of an Executive Committee therein described and certain powers of the City Council, including the power to issue revenue bonds.

(C) Resolution No. 22-10 adopted by the City Council on August 19, 2010, amended the composition of the Agency pursuant to the City's Charter which became effective on January 10, 2011, such that the Agency be comprised of the members of the City Council seated pursuant to the Charter and that such City Council assume the powers of the Executive Committee therein dissolved. An Interlocal Agreement dated April 12, 2017, between the City and the Agency, provides the Mayor certain executive authority and supervision over the daily operations of the Agency for the current Fiscal Year.

(D) Pursuant to Resolution 65-81 adopted by the City Council on September 22, 1981, the City Council designated the boundaries and found and determined that an area designated therein as the "Urban Core Community Redevelopment Area" is a blighted area as therein described and that the rehabilitation, conservation and redevelopment is necessary and in the public interest.

(E) Pursuant to Ordinance No. 13-84 enacted by the City Council on March 8, 1984, the Urban Core Community Redevelopment Trust Fund was established and provided that funds allocated to and deposited in such fund shall be used for the purpose of financing the implementation of the Urban Core Community Redevelopment Plan. The Urban Core Community Redevelopment Trust Fund is required to be maintained and administered as a separate account of the City for the purposes expressed in such ordinance and Chapter 163, Florida Statutes.

(F) On January 14, 2010, the City Council adopted Resolution No. 02-10 approving an "Urban Core Community Redevelopment Plan 2010" for the Urban Core Community Redevelopment Area.

(G) Pursuant to the Interlocal Agreement, the Agency shall acknowledge the Issuer's issuance of the Series 2019 Bond and confirm, consent to and accept the terms thereof and as set forth herein. The Agency will further pledge the Tax Increment Revenues to the City and covenant to fund, pay, reimburse and repay the Issuer the amounts due under the Series 2019 Bond and hereunder, including payment of the principal of and interest on the Series 2019 Bond

from Tax Increment Revenues or from any other funds of the Agency legally available for such purpose.

(H) Pursuant to the Original Resolution, the Agency previously issued the Refunded Bonds.

(I) In order to achieve significant debt service savings, it is in the best financial interests of the Agency and the Issuer to issue the Series 2019 Bond in part to finance the advance refunding of the Refunded Bonds. The principal amortizations of the Series 2019 Bond maturing prior to April 1, 2040, the latest maturity date of the Refunded Bonds, exceed the principal amount of the Refunded Bonds and therefore, the portion of the Series 2019 Bonds attributable to the refunding of the Refunded Bonds does not mature later than the final maturity date of the Refunded Bonds in compliance with Section 163.385(1)(a), Florida Statutes.

(J) The Issuer has determined that it is necessary and in the best interests of the health, safety and welfare of the Issuer and its inhabitants that the Issuer undertake the Series 2019 Project and that the Series 2019 Project shall constitute and serve the purposes of "community redevelopment" within the meaning and in accordance with the Act. Issuance of the Series 2019 Bond to finance the Series 2019 Project serves a paramount public purpose.

(K) The Issuer is without currently available funds to pay the cost of the Series 2019 Project, and it is necessary and desirable that the Issuer borrow the moneys necessary to provide for payment of the Series 2019 Project.

(L) The Series 2019 Bond will be payable from the Pledged Revenues on a parity with the Parity Obligations, as and to the extent provided herein, and any Additional Parity Obligations hereafter issued in accordance with the Original Resolution. The Pledged Revenues are not currently pledged or encumbered to pay any obligations of the Agency or the Issuer except for payment of the Parity Obligations and, on a subordinate basis, the Interlocal Agreement between the Issuer and the Agency dated November 15, 2017. It is estimated that the Pledged Revenues will be sufficient to pay the principal of and interest on the Series 2019 Bond herein authorized and to pay the Parity Obligations, as the same become due, and to make all deposits required by the Resolution or otherwise required to be paid from the Pledged Revenues.

(M) Section 15.J. of the Original Resolution provides for the issuance of Additional Parity Obligations under the terms, limitations and conditions provided therein.

(N) The City Council hereby accepts the Report and Certificate of the Chief Financial Officer attached hereto as Exhibit G in satisfaction of the requirements of Section 15.J.(a) and (c) of the Original Resolution with respect to the issuance of the Series 2019 Bond. The Issuer has complied, or will comply prior to delivery of the Series 2019 Bond, with all the terms, conditions and restrictions contained in the Original Resolution. The Issuer is therefore legally entitled to issue the Series 2019 Bond as an "Additional Parity Obligation".

(O) The Series 2019 Bond herein authorized shall be on a parity and rank equally, as to lien on and source and security for payment from the Pledged Revenues, to the extent described herein and in the Original Resolution, and in all other respects, with the Parity Obligations and any Additional Parity Obligations hereafter issued in compliance with the Original Resolution. The Original Resolution shall remain in effect with respect to the Series 2019 Bond after the Parity Obligations are retired.

(P) The principal of and interest on the Series 2019 Bond and all required Sinking Fund and other payments shall be limited obligations of the Issuer, payable solely from and secured by an irrevocable lien upon and pledge of the Pledged Revenues on a parity with the Parity Obligations and any Additional Parity Obligations hereafter issued, as provided herein and in the Original Resolution, and to the extent Pledged Revenues are insufficient, from certain Non-Ad Valorem Revenues budgeted and appropriated for such purposes, all as further described herein. The Series 2019 Bond shall not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith, credit or taxing power of the Issuer, the State, or any political subdivision or public agency thereof, within the meaning of any constitutional or statutory provisions. Neither the State, nor any political subdivision or public agency thereof, nor the Issuer shall be obligated (1) to levy ad valorem taxes on any property to pay the principal of the Series 2019 Bond, the interest thereon or other costs incidental thereto or to continue or maintain activities or services which generate Non-Ad Valorem Revenues, or (2) to pay the same from any other funds of the Issuer, except from the Pledged Revenues, and to the extent budgeted and appropriated therefor, the Non-Ad Valorem Revenues, all in the manner provided herein and in the Original Resolution.

The Series 2019 Bond shall not constitute a lien upon any property of the Issuer, but shall constitute a lien only on the Pledged Revenues on a parity with the Parity Obligations and any Additional Parity Obligations hereafter issued, all in the manner provided herein and in the Original Resolution.

(Q) It is necessary and desirable to provide for the securing of the Series 2019 Bond, the issuance of the Series 2019 Bond and the taking of all other action in connection therewith.

(R) It is necessary and desirable to approve the estimated costs of issuance to be paid by the Issuer in connection with the delivery of the Series 2019 Bond.

(S) The Financial Advisor, after discussing terms upon which they would purchase the Series 2019 Bond with several potential purchasers, is recommending the Issuer award the Series 2019 Bond in a negotiated sale to the Lender pursuant to the terms in the Proposal.

(T) The Issuer has received an offer from the Lender to purchase the Series 2019 Bond.

Section 4. Authorization of Series 2019 Bond, Authorization of Refunding of Refunded Bonds, Authorization of Series 2019 Project.

(A) Subject and pursuant to the provisions hereof and of the Original Resolution, an obligation of the Issuer to be known as the "City of Pensacola, Florida Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019" is hereby authorized to be issued under and secured by the Resolution in A principal amount not to exceed \$58,200,000 for the purposes of financing the advance refunding of the Refunded Bonds and the Series 2019 Project and paying the costs of issuing the Series 2019 Bond. Such Series 2019 Bond shall be issued as an "Additional Parity Obligation" under the Original Resolution. The Series 2019 Bond shall not constitute BABs as defined in the Original Resolution.

(B) The advance refunding and defeasance of the Refunded Bonds in accordance with the terms of the Original Resolution and the Escrow Deposit Agreement hereinafter authorized are hereby authorized.

(C) The financing and/or reimbursing of the Series 2019 Project is hereby authorized. The City Council and the proper officers of the Issuer are hereby directed to take all action and steps deemed necessary to construct the Series 2019 Project, which are not inconsistent with the terms and provisions of this Resolution.

Section 5. Award of Series 2019 Bond.

Because of the characteristics of the Series 2019 Bond, prevailing and expected market conditions it is in the best interest of the Issuer and shall effectuate the purpose of Chapter 163, Part III, Florida Statutes to accept the offer of the Lender to purchase the Series 2019 Bond at a private negotiated sale. Prior to the issuance of the Series 2019 Bond, the Issuer shall receive from the Lender a Lender's Certificate, in substantially the form attached hereto as Exhibit B and a Disclosure Letter containing the information required by Section 218.385, Florida Statutes, in substantially the form attached hereto as Exhibit C.

The Issuer hereby accepts the Proposal of the Lender; provided, however, in the event of any inconsistencies as between such Proposal and the Series 2019 Bond and the Resolution, the provisions of the Series 2019 Bond and the Resolution shall control.

Section 6. The Resolution to Constitute Contract.

In consideration of the acceptance of the Series 2019 Bond authorized to be issued hereunder by those who shall be Registered Owners of the same from time to time, the Resolution shall be deemed to be and shall constitute a contract between the Issuer and such Registered Owners.

Section 7. Description of the Series 2019 Bond.

The Series 2019 Bond shall be dated the Date of Delivery and shall be subject to the following terms:

(A) Principal Amount. The Series 2019 Bond shall be in a principal amount not to exceed \$58,200,000.

(B) Interest Rate. The interest rate on the Series 2019 Bond shall be a fixed rate equal to 3.40% per annum. Interest on the Series 2019 Bond shall be calculated using a 360-day year consisting of twelve 30-day months and shall be paid by wire transfer or other medium acceptable to the Issuer and the Lender.

(C) Principal and Interest Payment Dates. Principal on the Series 2019 Bond shall be paid annually on each Principal Payment Date, in amounts specified in Schedule 1 attached to the Series 2019 Bond, and shall mature on the Maturity Date. Interest on the Series 2019 Bond shall be paid semi-annually on each Interest Payment Date.

(D) Prepayment of the Series 2019 Bond. The Issuer may prepay the Series 2019 Bond in whole on or in part on any date prior to the tenth anniversary of the date of issuance thereof, upon at least 10 days prior written notice to the Registered Owner subject to the "make whole" provisions provided in Schedule 2 attached to the Series 2019 Bond. The Issuer may prepay the Series 2019 Bond in whole or in part on any Payment Date on or after the tenth anniversary of the date of issuance upon at least 10 days prior written notice to the Registered Owner at a price of par plus accrued interest to the date of prepayment. All prepayments in part shall be applied against principal amortization installments in such order as determined by the Issuer.

(E) Form of Series 2019 Bond. The Series 2019 Bond shall be in substantially the form attached hereto as Exhibit A, with such variations, omissions and insertions as may be necessary, desirable and authorized or permitted by this Resolution. The Mayor is hereby authorized to approve the final principal amortization schedule attached as Schedule 2 to the Series 2019 Bond as shall comply with the terms of the Original Resolution and shall be accepted by the Lender; provided that the aggregate principal amount of the Series 2019 Bond shall not exceed \$58,200,000.

(F) Original Denomination. The Series 2019 Bond shall originally be issued in a single denomination in an amount equal to the original principal amount authorized hereunder.

Section 8. Execution and Delivery of Series 2019 Bond.

Notwithstanding the provisions of Section 8 of the Original Resolution and pursuant to Section 4.01(1) of its Charter, the Issuer hereby authorizes the Mayor to execute the Series 2019 Bond, such execution to be attested under seal by the City Clerk, approved as to content by the Chief Financial Officer and designated as legal in form and valid as drawn by the City Attorney

and further authorizes the Mayor to deliver the Series 2019 Bond to the Lender, and to take such other actions as shall be necessary to consummate the loan. In case any one or more of the officers who shall have signed or sealed the Series 2019 Bond or whose facsimile signature shall appear thereon shall cease to be such officer of the Issuer before the Series 2019 Bond so signed and sealed has been actually sold and delivered, such Series 2019 Bond may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Series 2019 Bond had not ceased to hold such office. The Series 2019 Bond may be signed and sealed on behalf of the Issuer by such person who at the actual time of the execution of such Series 2019 Bond shall hold the proper office of the Issuer, although, at the date of such Series 2019 Bond, such person may not have held such office or may not have been so authorized. The Issuer may adopt and use for such purposes the facsimile signatures of any such persons who shall have held such offices at any time after the date of the adoption of this Resolution, notwithstanding that either or both shall have ceased to hold such office at the time the Series 2019 Bond shall be actually sold and delivered

Section 9. Registration and Exchange of the Series 2019 Bond.

The Series 2019 Bond shall be in fully registered form. There shall be a Registrar who shall be responsible for maintaining the Register. The person in whose name ownership of a Series 2019 Bond is shown on the Register shall be deemed the Registered Owner thereof by the Issuer and the Registrar, who may treat the Registered Owner as the absolute owner of the Series 2019 Bond for all purposes, whether or not the Series 2019 Bond shall be overdue, and any notice to the contrary shall not be binding upon the Issuer or the Registrar.

Ownership of the Series 2019 Bond may be transferred or assigned only as a whole and only upon the Register. Transfer of the Series 2019 Bond (i) shall be restricted to Permitted Lenders and (ii) is not permitted in the event the remaining principal amount outstanding of the Series 2019 Bond is less than \$100,000. The Series 2019 Bond shall contain a legend that provides that the Registered Owner thereof shall not transfer the Series 2019 Bond except as provided herein.

Upon surrender to the Registrar for transfer or exchange of the Series 2019 Bond accompanied by an assignment or written authorization for exchange, whichever is applicable, duly executed by the Registered Owner or its attorney duly authorized in writing, the Registrar shall deliver in the name of the transferee a new fully registered Series 2019 Bond of the same amount, maturity and interest rate as the Series 2019 Bond surrendered. Provided, however, that any assignment or transfer by the Registered Owner of the Series 2019 Bond shall be in whole and not in part.

The Series 2019 Bond presented for transfer, exchange, redemption or payment (if so required by the Issuer or the Registrar) shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guaranty of signature satisfactory to the Registrar, duly executed by the Registered Owner or by his duly authorized attorney.

The Issuer and the Registrar may charge the Registered Owner a sum sufficient to reimburse them for any expenses incurred in making any exchange or transfer after the first such exchange or transfer following the delivery of such Series 2019 Bond. The Registrar or the Issuer may also require payment from the Registered Owner or his transferee, as the case may be, of a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto by any governmental entity other than the Issuer. Such charges and expenses shall be paid before any such new Series 2019 Bond shall be delivered.

The new Series 2019 Bond delivered upon any registered transfer or exchange shall be a valid obligation of the Issuer, evidencing the same debt as the Series 2019 Bond surrendered, shall be secured under this Resolution, and shall be entitled to all of the security and benefits hereof to the same extent as the Series 2019 Bond surrendered.

Whenever a Series 2019 Bond shall be delivered to the Registrar for cancellation, upon payment of the principal amount thereof, or for replacement, transfer or exchange, such Series 2019 Bond shall be cancelled and destroyed by the Registrar, and counterparts of a certificate of destruction evidencing such destruction shall be furnished to the Issuer.

Section 10. Application of Provisions of the Original Resolution.

(A) The Series 2019 Bond shall for all purposes be considered upon issuance to be an "Additional Parity Obligation" and a "Bond" issued under the authority of the Original Resolution, and shall be entitled to all the protection and security provided therein for the Parity Obligations with respect to the Pledged Revenues, and shall be in all respects entitled to the same security, rights and privileges enjoyed by the Parity Obligations with respect to the Pledged Revenues; provided that, anything provided in the Resolution to the contrary notwithstanding, the Series 2019 Bond shall not share in any subaccount of the Reserve Account hereafter established for any Additional Parity Obligations hereafter issued unless the resolution authorizing the same expressly provides otherwise.

The covenants and pledges contained in the Original Resolution shall be applicable to the Series 2019 Bond in like manner as applicable to the Parity Obligations, except to the extent the same are applicable in accordance with the terms of the Original Resolution solely to the Parity Obligations and except as specifically set forth therein and herein. The principal of and interest on the Series 2019 Bond shall be payable from the applicable funds and accounts established pursuant to the Original Resolution, all as provided herein and in the Original Resolution, on a parity with the Parity Obligations and any Additional Parity Obligations hereafter issued. The Pledged Revenues shall be deposited in the Revenue Fund as provided in the Original Resolution and applied to the payment of the Series 2019 Bond, on a parity with the Parity Obligations and any Additional Parity Obligations hereafter issued.

The Series 2019 Bond shall not be entitled to payment from any moneys in the Reserve Account or any subaccount of the Reserve Account hereafter established and no deposit to any subaccount of the Reserve Account is being made with respect to the Series 2019 Bond. Whenever

the moneys in the Sinking Fund are insufficient for payment of all amounts due thereunder, any amounts therein shall be applied ratably to all of the Bonds outstanding, including the Series 2019 Bond; provided, however, moneys in any subaccount of the Reserve Account hereafter established shall be applied solely to pay the Bond Service Requirement in respect to such Additional Parity Obligations then outstanding entitled to payment from such subaccount, which shall not include the Series 2019 Bond.

(B) Upon the issuance of the Series 2019 Bond, the Issuer shall, in each month thereafter, increase the amounts of the deposits from Pledged Revenues in the Revenue Fund on a parity with the other payments to the Sinking Fund pursuant to Section 15.C. of the Original Resolution to provide for the payment of the principal (including principal amortization installments) and interest required in respect of the Series 2019 Bond.

(C) The gross amount required to pay principal of or interest and principal amortization installments on the Series 2019 Bond on any payment date shall be deposited in trust for such purposes with the Paying Agent in immediately available funds on such payment date. In accordance with the Original Resolution, any provision hereof to the contrary notwithstanding, so long as the Issuer is not in default in the payment of principal, premium, if any, and interest on the Bonds, then the failure to deposit the Pledged Revenues into the Revenue Fund and Sinking Fund in the amounts required hereunder and under the Original Resolution shall not be deemed a default thereunder or hereunder so long as the full amount of such deposits necessary to make all such payments with respect to the Bonds are deposited in such funds on or prior to the date such payments are due.

Section 11. Additional Covenants.

Until the principal of and interest on the Series 2019 Bond shall have been paid in full or provision for payment of the Series 2019 Bond shall have been made in accordance with the provisions of the Resolution, the Issuer covenants with the Registered Owner of the Series 2019 Bond as follows:

(A) Disposition of Pledged Revenues. To the extent permitted by the Original Resolution and applicable law, those portions of the Tax Increment Revenues paid by Escambia County, Florida and the Downtown Improvement Board shall be deposited to the credit of the Sinking Fund and used to pay the Bond Service Requirement on the Series 2019 Bond prior to that portion of the Tax Increment Revenues paid by the City. To the extent Tax Increment Revenues and other amounts therein are insufficient to make such payments, the Issuer shall deposit prior to each Payment Date, Non-Ad Valorem Revenues budgeted and appropriated therefor as provided in Section 12 hereof sufficient to cause the amount on deposit in the Principal Account and Interest Account, respectively, to be sufficient to pay the principal of and interest on the Series 2019 Bond becoming due and payable on such Payment Date.

Pursuant to Section 15.C.(6) of the Original Resolution, Tax Increment Revenues in excess of the amounts necessary to make the deposits required hereby and by the Original Resolution

may be used by the Agency and the Issuer for any lawful purpose of the Urban Core Community Redevelopment Trust Fund and of the Issuer, respectively.

(B) Tax Covenant. Neither the Issuer, nor any third party over whom the Issuer has control, will make any use of, or permit an omission of use, of the proceeds of the Series 2019 Bond at any time during the term of the Series 2019 Bond which would cause the Series 2019 Bond to be (a) a "private activity bond" within the meaning of Section 103(b)(1) of the Code or (b) an "arbitrage bond" within the meaning of Section 103(b)(2) of the Code. The Issuer covenants throughout the term of the Series 2019 Bond to comply with the requirements of the Code and the Regulations, as amended from time to time, and to take all actions, and to not permit the omission of any actions, necessary to maintain the exclusion from gross income for purposes of the Code of interest on the Series 2019 Bond, including, without limitation, the payment of arbitrage rebate, if required.

The Issuer hereby makes each of the representations, warranties and covenants contained in the Tax Certificate. By this reference, all terms, conditions, and covenants in said Tax Certificate are incorporated in and made a part of this Resolution.

(C) Financial Statements. The Issuer shall provide to the Lender, at no cost to the Lender, audited financial statements of the Issuer prepared in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Governmental Auditing Standards*, issued by the Comptroller General of the United States for each Fiscal year thereof within five (5) days of receipt, but no later than 180 days after the close of such Fiscal Year.

(D) Annual Budget and Other Information. The Issuer will prepare its annual budget in accordance with the Act, and will provide at no cost to the Lender a copy of its final annual budget for each Fiscal Year within thirty (30) days of the beginning of each Fiscal Year, and the Issuer shall provide the Lender such other financial or public information as the Lender may reasonably request.

(E) Additional Debt. The Issuer covenants and agrees that it will not issue debt obligations which are secured by or payable from Non-Ad Valorem Revenues unless its Non-Ad Valorem Revenues for the most recent two (2) Fiscal Years for which audited financial statements are available (average of actual receipts over the prior two (2) years) plus reasonably projected receipts of any new source of Non-Ad Valorem Revenues that has been levied to the extent not fully reflected in such audited financial statements less Non-Ad Valorem Revenues arising from and accounted for in any enterprise fund of the Issuer (except those funds which have been transferred from any retained earnings of such enterprise fund to the Issuer's general fund for general fund expenditure) shall equal at least two (2.0) times the combined Maximum Annual Non-Ad Valorem Debt Service on all Non-Ad Valorem Revenue Obligations, including Non-Ad Valorem Revenue Obligations proposed to be issued.

Debt service on any Non-Ad Valorem Revenue Obligations shall be computed in accordance with the requirements of the documents under which such portion of the Non-Ad Valorem Revenue Obligations were issued or incurred; provided, however, that for purposes of this Section 12.E., interest on any Non-Ad Valorem Revenue Obligations which bear interest at a variable rate of interest shall be deemed to bear interest at the greater of (i) 1.25 times the most recent 20 Bond Index published by *The Bond Buyer*, or (ii) 1.25 times actual average interest rate during the prior Fiscal Year of the Issuer. The maximum annual debt service on Non-Ad Valorem Revenue Obligations, whether bearing interest at a fixed or variable interest rate, constituting Balloon Indebtedness, shall be determined assuming such Non-Ad Valorem Revenue Obligations are amortized over 20 years from the date of original issuance on an approximately level debt service basis. For purposes of the foregoing sentence, "Balloon Indebtedness" means Non-Ad Valorem Revenue Obligations, 25% or more of the original principal of which matures during any one Fiscal Year.

(F) No Impairment. The Issuer covenants with the Registered Owner that it will not, without the written consent of the Registered Owner, enact any ordinance or adopt any resolution which repeals, impairs, or modifies in any manner adverse to the Registered Owner the Tax Increment Revenues.

(G) Receipt of Pledged Revenues. The Issuer covenants to do all things necessary or required on its part by the Act, or other applicable provisions of law, to enforce the collection and receipt of the Tax Increment Revenues. The Issuer shall exercise all legally available remedies to enforce such collection and receipt now or hereafter available under law.

(H) Expenditure of Proceeds. Proceeds of the Series 2019 Bond shall be expended only for costs which are eligible for payment from Tax Increment Revenues.

Section 12. Covenant to Budget and Appropriate.

To the extent that receipts of the Pledged Revenues are insufficient in any Fiscal Year to pay the Bond Service Requirement on the Series 2019 Bond, the Issuer covenants to budget and appropriate sufficient Non-Ad Valorem Revenues to cure such deficiency. Nothing herein shall be deemed to pledge ad valorem taxation revenues or to permit or constitute a mortgage or lien upon any assets or property owned by the Issuer, and neither the Lender nor any other person may compel the levy of ad valorem taxes on real or personal property within the boundaries of the Issuer for the purpose of making up such deficiency or maintain or continue any program or services which generate Non-Ad Valorem Revenues. The obligations hereunder do not constitute a general obligation indebtedness of the Issuer within the meaning of any constitutional, statutory or charter provision or limitation, and neither the Lender nor any other person shall have the right to compel the exercise of the ad valorem taxing power of the Issuer or taxation of any real or personal property therein for the payment by the Issuer of its obligations hereunder. Except to the extent expressly set forth herein, this Resolution and the obligations of the Issuer hereunder shall not be construed as a limitation on the ability of the Issuer to pledge or covenant to budget and appropriate said Non-Ad Valorem Revenues or any revenues or taxes of the Issuer for other

legally permissible purposes. Notwithstanding any provisions of this Resolution or the Series 2019 Bond to the contrary, the Issuer shall never be obligated to maintain or continue any of the activities of the Issuer which generate user service charges, regulatory fees or any Non-Ad Valorem Revenues or the rates for such services or regulatory fees. Neither this Resolution nor the obligations of the Issuer hereunder shall be construed as a pledge of or a lien on all or any Non-Ad Valorem Revenues of the Issuer other than Pledged Revenues, but shall be payable solely as provided in this Section and are subject in all respects to the provisions of Section 166.241, Florida Statutes, and are subject, further, to the funding of services and programs which are for essential public purposes affecting the health, welfare and safety of the inhabitants of the Issuer.

The amount of Non-Ad Valorem Revenues available to be budgeted and appropriated to make the Bond Service Requirements with respect to the Series 2019 Bond hereunder are subject to the satisfaction of funding requirements for obligations secured by an express pledge of or lien on Non-Ad Valorem Revenues and funding of essential governmental services of the Issuer; however, such obligation to pay the Bond Service Requirements of the Series 2019 Bond is cumulative and would carry over from Fiscal Year to Fiscal Year.

Section 13. Application of Proceeds of Series 2019 Bond.

Simultaneously with the delivery of the Series 2019 Bond to the Lender, proceeds of the Series 2019 Bond shall be applied as follows:

(A) The Issuer shall pay all costs and expenses in connection with the preparation, issuance and sale of the Series 2019 Bond.

(B) Proceeds of the Series 2019 Bond, together with other legally available funds of the Issuer provided for such purpose, including funds held in the funds and accounts established under the Original Resolution for the payment of the Refunded Bonds, sufficient to defease the Refunded Bonds and to pay other costs in connection with the Refunded Bonds shall be deposited in the Escrow Account established under the Escrow Deposit Agreement, all as set forth and as directed by the terms of the Escrow Deposit Agreement.

(C) Proceeds of the Series 2019 Bond remaining after application pursuant to (A) and (B) above shall be deposited into a separate account of the Issuer hereby created and established to be known as the "City of Pensacola, Florida, Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019 Project Fund" (the "Project Fund") and shall be used by the Issuer to pay Project Costs. Monies in the Project Fund shall be invested in Authorized Investments, and all income derived therefrom shall be deposited in the Project Fund until the Series 2019 Project has been completed, at which time such income, together with any balance remaining in the Project Fund, shall be deposited to the credit of the Sinking Fund and used to pay principal of and interest on the Series 2019 Bond.

To the extent there are no other available funds held hereunder, the Issuer shall use any remaining funds in the Project Fund to pay principal of and interest on the Series 2019 Bond.

Such fund shall be kept separate and apart from all other funds of the Issuer and the moneys on deposit therein shall be withdrawn, used and applied by the Issuer solely for the purposes set forth herein. Such proceeds shall be and constitute trust funds for such purpose and there is hereby created a lien in favor of the Series 2019 Bond upon such money until so applied by the Issuer solely for the purposes set forth herein.

Section 14. Amendment.

This Resolution shall not be modified or amended in any respect subsequent to the issuance of the Series 2019 Bond, except with the written consent of the Registered Owner.

Section 15. Limitation of Rights.

With the exception of any rights herein expressly conferred, nothing expressed or mentioned in or to be implied from this Resolution or the Series 2019 Bond is intended or shall be construed to give to any person other than the Issuer and the Registered Owner any legal or equitable right, remedy, or claim under or with respect to this Resolution or any covenants, conditions, and provisions herein contained; this Resolution and all of the covenants, conditions, and provisions hereof being intended to be and being for the sole and exclusive benefit of the Issuer and the Registered Owner.

Section 16. Events of Default; Notice and Remedies.

(A) Events of Default. The following shall be "Events of Default" hereunder, and the terms "Default" and "Events of Default" shall mean (except where the context clearly indicates otherwise), any one or more of the following events:

(1) Failure by the Issuer to make any payment of principal of or interest on the Series 2019 Bond within five (5) days of the date due.

(2) Failure by the Issuer to observe and perform any other covenant, condition or agreement on its part to be observed or performed hereunder or under the Original Resolution for a period of thirty (30) days after written notice of such failure was or was by the terms hereof required to be delivered to the Issuer by the Registered Owner, unless the Registered Owner shall agree in writing to an extension of such time prior to its expiration;

(3) The making of any warranty, representation or other statement by the Issuer or by an officer or agent of the Issuer herein or in any instrument furnished in compliance with or in reference to the Resolution which is false or misleading in any material adverse respect;

(4) The filing of a petition against the Issuer or the Agency under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, if an order for relief is entered under such petition or such petition is not dismissed within ninety (90) days of such filing;

(5) The filing by the Issuer or the Agency of a voluntary petition in bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or the consent by the Issuer or the Agency to the filing of any petition against it under such law; or

(6) The admission by the Issuer or the Agency of its insolvency or bankruptcy or its inability to pay its debts as they become due or that it is generally not paying its debts as such debts become due, or the Issuer's or Agency's becoming insolvent or bankrupt or making an assignment for the benefit of creditors, or the appointment by court order of a custodian (including without limitation a receiver, liquidator or trustee) of the Issuer or any of its property taking possession thereof and such order remaining in effect or such possession continuing for more than sixty (60) days.

In accordance with Section 15.G. of the Original Resolution, the Registered Owner of the Series 2019 Bond may either at law or in equity, by suit, action, mandamus or other proceedings in any court of competent jurisdiction, protect and enforce any and all rights, including the right to the appointment of a receiver, existing under the laws of the State, or granted and contained in the Original Resolution, and may enforce and compel the performance of all duties required in the Original Resolution or by any applicable statutes to be performed by the Issuer or any officer thereof.

(B) Notice of Defaults. The Issuer shall within five (5) Business Days after it acquires knowledge thereof, notify the Registered Owner of the Series 2019 Bond in writing (a) upon the happening, occurrence, or existence of any Event of Default that the Registered Owner is not otherwise aware of, or (b) any event or condition which with the passage of time or giving notice, or both, would constitute an Event of Default, and shall provide the Registered Owner of the Series 2019 Bond, with such written notice, a detailed statement by the Chief Financial Officer of all relevant facts and the action being taken or proposed to be taken by the Issuer with respect thereto. Regardless of the date of receipt of such notice by the Registered Owner of the Series 2019 Bond, such date shall not in any way modify the date of occurrence of the actual Event of Default.

(C) Remedies. For all Events of Default, the Registered Owner may sue to protect and enforce any and all rights, including the right to specific performance, existing under the laws of the State, of the United States of America, or granted and contained herein, and to enforce and compel the performance of all duties required by the Resolution or by any applicable laws to be performed by the Issuer, the City Council or by any officer thereof, and may take all steps to enforce the Resolution or the Issuer's rights under the Interlocal Agreement to the full extent permitted or authorized by the laws of the State or the United States of America. The Issuer hereby agrees to reimburse the Registered Owner for all reasonable legal and collection costs incurred by the Registered Owner in connection with the exercise of any remedies hereunder. The Registered Owner may exercise any remedies under the Resolution without any consent of any other holder, owner or creditor of any Bonds issued under the Resolution.

The right to accelerate and to declare immediately due and payable all or any portion of the principal of the Series 2019 Bond upon the occurrence of an Event of Default ("Right of Acceleration") shall not be a remedy hereunder; unless, however, any Additional Parity Obligation issued in accordance with the terms hereof or the Original Resolution includes a Right of Acceleration. The Issuer shall provide notice thereof to the Registered Owner within ten (10) days of the delivery of such Additional Parity Obligation, together with a copy of any loan document, security agreement, or other agreement evidencing such Additional Parity Obligation. Upon the execution and delivery of an Additional Parity Obligation that includes the Right of Acceleration as a remedy, the Right of Acceleration shall be a remedy hereunder from and after the effective date of such Additional Parity Obligation for so long as such obligation is outstanding, regardless of whether the Issuer fails to provide such notice.

The Issuer and the Registered Owner each waives, to the fullest extent permitted by law, any right to trial by jury in respect of any litigation based upon the Series 2019 Bond or arising out of, under or in conjunction with the Series 2019 Bond or the Resolution.

Section 17. Severability.

If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other provisions hereof or of the Series 2019 Bond issued hereunder.

Section 18. Business Days.

In any case where the date for making any payment or the last date for performance of any act or the exercise of any right, as provided herein, shall be other than a Business Day, then such payment or performance shall be made on the succeeding Business Day with the same force and effect as if done on the nominal date provided herein, provided that interest on any monetary obligation hereunder shall accrue at the applicable rate to and including the date of such payment.

Section 19. Applicable Provisions of Law.

This Resolution shall be governed by and construed in accordance with the laws of the State.

Section 20. Rules of Interpretation.

Unless expressly indicated otherwise, references to sections or articles are to be construed as references to sections or articles of this instrument as originally executed. Use of the words "herein," "hereby," "hereunder," "hereof," "hereinbefore," "hereinafter," and other equivalent words refer to this Resolution and not solely to the particular portion in which any such word is used.

Section 21. Captions.

The captions and headings in this Resolution are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Resolution.

Section 22. No Personal Liability.

No recourse shall be had for the payment of the principal of and interest on the Series 2019 Bond or for any claim based on the Series 2019 Bond or hereon, against any present or former member, officer or employee of the City Council or the City or any person executing the Series 2019 Bond.

Section 23. Approval of Escrow Deposit Agreement; Appointment of Escrow Holder and Verification Agent.

The form of the Escrow Deposit Agreement attached hereto as Exhibit E, is hereby approved, subject to such changes, insertions and omissions and such filling of blanks therein as may be made in such form and approved by the Mayor, such execution and delivery to be conclusive evidence of such approval. The Escrow Deposit Agreement shall be executed in the name of the Issuer by the Mayor, attested under seal by the City Clerk, approved as to substance by the Chief Financial Officer, and designated legal in form and valid as drawn by the City Attorney. The Escrow Deposit Agreement may be signed and sealed on behalf of the Issuer by any person who at the actual time of the execution of such Escrow Deposit Agreement shall hold the appropriate office of the Issuer, although at the date thereof the person may not have been so authorized. TD Bank, N.A. is hereby appointed as Escrow Holder under the Escrow Deposit Agreement. Integrity Public Finance Consulting LLC is hereby appointed as Verification Agent with respect to the defeasance of the Refunded Bonds.

Subject to the execution and delivery of the Series 2019 Bond, the Issuer hereby elects to irrevocably call the Refunded Bonds for early redemption on April 1, 2020, or such other date as determined by the Mayor in the Escrow Deposit Agreement (the "Refunded Bonds Redemption Date"). The Issuer directs TD Bank, N.A., in its capacity as Paying Agent for the Refunded Bonds (the "2009B Paying Agent"), to mail a notice of the redemption of the Refunded Bonds not less than thirty (30) days prior to such redemption date to each holder thereof in accordance with the requirements of Section 11 of the Original Resolution, in the form to be prepared by Bond Counsel. Furthermore, upon issuance of the Series 2019 Bond, the Issuer hereby directs the 2009B Paying Agent to mail a notice of defeasance to each holder of the Refunded Bonds in the form to be prepared by Bond Counsel.

Section 24. Approval of Interlocal Agreement.

The form of Interlocal Agreement between the Issuer and the Agency and relating to the Series 2019 Bond, attached hereto as Exhibit F, is hereby approved. The Interlocal Agreement with such non-material omissions, insertions and variations as may be necessary and/or desirable and approved by the Mayor, the City Administrator, City Attorney, the Clerk or the Chief

Financial Officer prior to the execution thereof, which necessity and/or desirability and approval shall be presumed by the execution thereof by the Mayor. The Issuer hereby authorizes the Mayor to execute the Interlocal Agreement, such execution to be attested under seal by the City Clerk, approved as to content by the Chief Financial Officer and designated as legal in form and valid as drawn by the City Attorney.

Section 25. Authorizations.

The Mayor, City Administrator, City Attorney, the Clerk, the Chief Financial Officer and such other authorized officers, employees and agents of the Issuer are each designated agents of the Issuer in connection with the issuance, execution and delivery of the Series 2019 Bond, the refunding and defeasance of the Refunded Bonds and the execution and delivery of the Interlocal Agreement and are authorized and empowered, collectively or individually, to take all actions and steps to execute and deliver any and all instruments, documents or contracts on behalf of the Issuer which are necessary or desirable in connection with the execution and delivery of the Series 2019 Bond, the refunding and defeasance of the Refunded Bonds and the Interlocal Agreement and which are not inconsistent with the terms and provisions hereof and other actions relating to the Series 2019 Bond and the Interlocal Agreement heretofore taken by the Issuer.

Section 26. Repealer.

This Resolution supersedes all prior actions of City Council inconsistent herewith. All resolutions or portions thereof in conflict with the provisions of this Resolution are hereby repealed to the extent of any such conflict; provided, however, that nothing herein shall effect any vested rights of the Holder or holders of the Parity Obligations.

Section 27. Amendment to Original Resolution.

Effective upon the payment, or redemption or defeasance pursuant to Section 17 of the Original Resolution of all of the 2009 Bonds, subsection 15.J.(b) of the Original Resolution is hereby amended in its entirety to read as follows:

(b) There shall have been filed with the City Council of the Issuer a certificate of the City's Chief Financial Officer (i) setting forth the amount of Tax Increment Revenues for the Fiscal Year immediately preceding the date of sale of the proposed Additional Parity Obligations or, if determined or determinable based upon the adopted final budgets of the applicable taxing authorities, for the Fiscal Year in which such Additional Parity Obligations are sold, and (ii) stating that the Tax Increment Revenues described in (i) above equal at least 1.25 times the Maximum Bond Service Requirement on all Bonds then outstanding and on the proposed Additional Parity Obligations with respect to which such certificate is made.

By acceptance of the Series 2019 Bond, the Lender, as the initial registered owner of the Series 2019 Bond, shall be deemed to have irrevocably consented in writing to the amendment to the Original Resolution provided in this Section.

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Section 27. Effective Date.

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

Adopted: July 18, 2019

[SEAL]

Approved: _____
Andy Terhaar, Council President

ATTEST:

Ericka L. Burnett, City Clerk

EXHIBIT A

FORM OF SERIES 2019 BOND

**TRANSFER OF REGISTRATION OF THIS BOND IS RESTRICTED AS HEREIN
DESCRIBED AND AS DESCRIBED IN THE HEREIN DEFINED RESOLUTION.**

No. R-1

\$_____

**CITY OF PENSACOLA, FLORIDA
URBAN CORE REDEVELOPMENT REFUNDING
AND IMPROVEMENT REVENUE BOND,
SERIES 2019**

Interest Rate

3.40%

Maturity Date

December 31, 2043

Date of Issue

July 25, 2019

REGISTERED OWNER: BBVA MORTGAGE CORPORATION

PRINCIPAL AMOUNT: _____ DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that the City of Pensacola, Florida (the "Issuer"), for value received, hereby promises to pay to the Registered Owner designated above, or registered assigns, solely from the sources hereinafter mentioned, in installments, on the Principal Payment Dates indicated in Schedule 1 attached hereto and on the Maturity Date, or sooner as provided herein, the Principal Amount shown above and the interest on the outstanding Principal Amount hereof from the date of this Bond or from the most recent date to which interest has been paid, whichever is applicable, until payment of such Principal Amount, at the Interest Rate described above, with all unpaid interest being due on the Maturity Date or upon the earlier payment of principal hereunder upon presentation and surrender hereof at the office of the Chief Financial Officer for the Issuer, as Registrar and Paying Agent. The principal of, premium, if any, and interest on this Bond are payable in lawful money of the United States of America. Interest due hereon shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

The Issuer may prepay this Bond in whole or in part on any date prior to July 25, 2029, upon at least 10 days prior written notice to the Registered Owner subject to the make-whole provisions provided in Schedule 2 hereof. The Issuer may prepay this Bond in whole or in part on an Payment Date after July 25, 2029 upon at least 10 days prior written notice to the Registered Owner at a price of par plus accrued interest to the date of prepayment.

This Bond is being issued in the principal amount \$_____ to finance the cost of advance refunding the Issuer's outstanding Redevelopment Revenue Bonds, Series 2009B (Federally Taxable – Build America Bonds – Direct Payment) and the costs of the Series 2019 Project of the Issuer under the authority of and in full compliance with the Constitution of the State of Florida, Chapter 163, Part III, Florida Statutes, Chapter 166, Part II, Florida Statutes, the municipal charter of the Issuer and other applicable provisions of law, and Resolution No. 33-09 (“Resolution No. 33-09”), duly adopted by the City Council of the Issuer on October 8, 2009, as amended and supplemented, and as particularly supplemented by Resolution No. 2019-31 (“Resolution No. 2019-31”), duly adopted by the City Council of the Issuer on July 18, 2019 (collectively, the "Resolution"), to which reference should be made to ascertain those terms and conditions. The terms and provisions of the Resolution, including, without limitation, the definitions therein, are hereby incorporated as a part of this Bond. The principal of this Bond shall be disbursed by the Registered Owner hereof to the Issuer in immediately available funds on the Date of Issue in accordance with the Resolution.

This Bond is payable from and secured solely by the Pledged Revenues consisting primarily of the Tax Increment Revenues and, to the extent Tax Increment Revenues are insufficient to pay the Bond Service Requirements of this Bond under the Resolution, from certain Non-Ad Valorem Revenues budgeted and appropriated to cure such deficiencies, all in the manner provided in, and subject to the terms and conditions of, the Resolution. The lien upon and pledge of the Pledged Revenues securing this Bond is on a parity with the Issuer's outstanding Redevelopment Revenue Bonds, Series 2009A and Urban Core Redevelopment Revenue Bond, Series 2017 (collectively, the "Parity Obligations") and any Additional Parity Obligations hereafter issued, all in the manner provided in the Resolution. Anything provided in the Resolution to the contrary notwithstanding, this Bond shall not be entitled to payment from moneys in the Reserve Account and no deposit to the Reserve Account is being made with respect to this Bond.

The principal of and interest on this Bond and all required Sinking Fund and other payments shall be limited obligations of the Issuer, payable solely from and secured by an irrevocable lien upon and pledge of the Pledged Revenues on a parity with the Parity Obligations and any Additional Parity Obligations hereafter issued in accordance with the Resolution, as provided the Resolution, and to the extent Pledged Revenues are insufficient, from certain Non-Ad Valorem Revenues budgeted and appropriated for such purposes, all as further described in the Resolution. This Bond shall not constitute an indebtedness, liability, general or moral obligation, or a pledge of the faith, credit or taxing power of the Issuer, the State, or any political subdivision or public agency thereof, within the meaning of any constitutional or statutory provisions. Neither the State of Florida, nor any political subdivision or public agency thereof, nor the Issuer shall be obligated (1) to levy ad valorem taxes on any property to pay the principal hereof, the interest hereon, or other costs incidental hereto or to continue or maintain activities or services which generate Non-Ad Valorem Revenues, or (2) to pay the same from any other funds of the Issuer, except from the Pledged Revenues, and to the extent budgeted and appropriated therefor, the Non-Ad Valorem Revenues, all in the manner provided in the

Resolution. Reference is made to the Resolution for the provisions relating to the security for payment of this Bond and the duties and obligations of the Issuer hereunder.

The Registered Owner may sue to protect and enforce any and all rights, including the right to specific performance, existing under the laws of the State of Florida, of the United States of America, or granted and contained in the Resolution, and to enforce and compel the performance of all duties required by the Resolution or by any applicable laws to be performed by the Issuer, the City Council or by any officer thereof, and may take all steps to enforce the Resolution to the full extent permitted or authorized by the laws of the State of Florida or the United States of America.

The Issuer waives its right to trial by jury in the event of any proceedings in state or federal courts to enforce the terms of this Bond or of the Resolution, and the Registered Owner, by its acceptance of this Bond, waives its right to trial by jury in any such proceedings.

In and by the Resolution the Issuer has made certain covenants and agreements with the Registered Owner of the Bond, and reference is hereby made to the Resolution for a description of such covenants and agreements. Pursuant to the Resolution, the Issuer has reserved the right to issue Additional Parity Obligations, payable on a parity with this Bond, in the manner, and upon the terms and conditions provided in the Resolution.

Ownership of this Bond may be transferred or assigned only as a whole and only upon the Register. Transfer of this Bond (i) shall be restricted to Permitted Lenders and (ii) is not permitted in the event the remaining principal amount outstanding thereof is less than \$100,000.

By acceptance hereof, the Registered Owner hereof is deemed to have irrevocably consented in writing to the amendment to Resolution No. 33-09 provided in Section 26 of Resolution No. 2019-31.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of Florida to be performed, to exist and to happen precedent to and in the issuance of this Bond, have been performed, exist and have happened in regular and due form and time as so required.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the City of Pensacola, Florida, has issued this Bond and has caused the same to be executed by the manual signature of the Mayor, attested under seal by the City Clerk, approved as to substance by the Chief Financial Officer, and designated legal in form and valid as drawn by the City Attorney, as of the Dated Date set forth above.

CITY OF PENSACOLA, FLORIDA

[SEAL]

By: _____
Grover C. Robinson, IV, Mayor

ATTEST:

By: _____
Ericka L. Burnett City Clerk

Approved as to Substance:

By: _____
Richard Barker, Jr.
Chief Financial Officer

Legal in Form and Valid as Drawn:

By: _____
Susan Woolf
City Attorney

CERTIFICATE OF AUTHENTICATION OF REGISTRAR

This Bond constitutes the Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019, as herein described. The Principal Amount, Interest Rate, Maturity Date and Registered Owner shown above are correct in all respects and have been recorded, along with the applicable federal taxpayer identification number and the address of the Registered Owner, in the Register maintained at the principal office of the undersigned.

CHIEF FINANCIAL OFFICER OF THE
CITY OF PENSACOLA, FLORIDA, as
Registrar

Date of Authentication

SCHEDULE 1 TO SERIES 2019 BOND

BOND SERVICE REQUIREMENTS FOR THE SERIES 2019 BOND

Principal Payment Date (April 1)	Amortization Installment
2021	\$
2022	
2023	
2024	
2025	
2026	
2027	
2028	
2029	
2030	
2031	
2032	
2033	
2034	
2035	
2036	
2037	
2038	
2039	
2040	
2041	
2042	
December 31, 2043*	
Total	\$

* Maturity Date

SCHEDULE 2
SERIES 2019 BOND
MAKE-WHOLE PROVISIONS

On any date on or after July 25, 2029, the Series 2019 Bond is subject to prepayment prior to maturity at the option of the Issuer, in whole or in part, upon not less than ten (10) days prior written notice to the Registered Owner, at a price of par plus accrued interest to the date of prepayment.

On any date prior to July 25, 2029, the Series 2019 Bond is subject to prepayment prior to maturity at the option of the Issuer, in whole or in part, upon not less than ten (10) days prior written notice to the Registered Owner; provided, however, if the Issuer makes any prepayment of the outstanding principal amount of the Series 2019 Bond pursuant to this paragraph, the Issuer shall pay to the Registered Owner a prepayment fee equal to the quotient of (i) the product of (a) AYD, times (b) Average Principal, times (c) Percent Prepaid, times (d) Days Remaining, divided by (ii) 360.

Definitions:

"AYD" means the difference (but not less than zero) between: (i) the U.S. Treasury constant maturity yield, as reported in the H.15 Report for the date on which the Series 2019 Bond was issued, for a maturity that is the same as the term of the Series 2019 Bond upon issuance (rounded to the nearest whole number of months) or, if no such maturity is reported, an interpolated yield based on the reported maturity that is next shorter than, and the maturity reported that is next longer than, the term of the Series 2019 Bond upon issuance, and (ii) the U.S. Treasury constant maturity yield, as reported in the H.15 Report for the Prepayment Date for a maturity that is the same as the remaining term of the Series 2019 Bond at the Prepayment Date (rounded to the nearest whole number of months) or, if no such maturity is reported, then the interpolated yield using the method described in (i) above, but based on the remaining term of the Series 2019 Bond on the Prepayment Date. If the H.15 Report is not available for any day, then the H.15 Report for the immediately preceding day on which yields were last reported will be used.

"H.15 Report" means the Federal Reserve Board's Statistical Release H.15, "Selected Interest Rates". Weekly releases of, and daily updates to, H.15 Reports generally are available at the Federal Reserve Board's website, www.federalreserve.gov. If the H.15 Report is replaced or otherwise unavailable, the Registered Owner may designate the replacement report or another report reasonably comparable to the H.15 Report, which shall be used in place of the H.15 Report.

"Average Principal" means the simple average of (i) the principal balance on the Prepayment Date, and (ii) the principal balance scheduled, as of the Prepayment Date (taking into account any prior prepayments), but for the prepayment, to be due at the maturity date of the Series 2019 Bond (plus any accrued and unpaid fees or other sums owed under the Resolution or the Series 2019 Bond).

"Percent Prepaid" means the percentage determined by dividing the principal amount of the Series 2019 Bond being prepaid by the principal balance outstanding on the Prepayment Date.

"Days Remaining" means the number of days from the Prepayment Date through the maturity date of the Series 2019 Bond.

"Prepayment Date" means the date on which Registered Owner receives the prepayment.

The Issuer agrees that all loan fees and prepaid charges, if any, are earned fully as of the date of the Series 2019 Bond and will not be subject to refund, except as required by law. Subject to the prepayment conditions provided herein, the Issuer may prepay all or any part of the outstanding Series 2019 Bond. Prepayment in full shall consist of payment of the remaining principal amount outstanding, together with all accrued and unpaid interest and all other amounts, costs and expenses for which the Issuer is responsible under the Resolution or Series 2019 Bond. Prepayment in part shall consist of payment of any portion of the remaining principal amount outstanding. So long as the Lender is the Registered Owner of the Series 2019 Bond and unless otherwise agreed to by the Lender in writing and provided that the Issuer is current on all amounts due under the Resolution and Series 2019 Bond, payments applied to the repayment of the Series 2019 Bond before Lender's creation of a billing statement for the next payment due will be applied entirely to principal, and payments applied to the repayment of the Series 2019 Bond after the creation of such billing statement will be applied according to that billing statement. Unless otherwise agreed by the Lender in writing and provided that the Issuer is current on all amounts due, payments applied to the replacement of the Series 2019 Bond before Lender's creation of a billing statement for the next payment due shall not relieve the Issuer of the Issuer's obligation to continue making, uninterrupted, payments under the Series 2019 Bond. The Issuer agrees not to send any prepayments marked "paid in full", "without recourse", or similar language. If the Issuer sends such a payment, the Registered Owner may accept it without losing any of its rights under the Series 2019 Bond, and the Issuer will remain obligated to pay any further amounts owed or that may become owed to the Owner. So long as the Lender is the Registered Owner of the Series 2019 Bond, all written communications concerning disputed amounts, including any check or other payment instrument that indicates that the payment constitutes "payment in full" of the amount owed or that is tendered with other conditions or limitations or as full satisfaction of a disputed amount, must be mailed or delivered to: BBVA Mortgage Corporation, PO Box 3096, Birmingham AL 35202.

EXHIBIT B

FORM OF PURCHASER'S CERTIFICATE

We certify that the following are true and correct in relation to the loan by BBVA Mortgage Corporation (the "Lender") of \$_____ evidenced by the Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019 (the "Bond") dated July 25, 2019, and issued by the City of Pensacola, Florida (the "Issuer") pursuant to Resolution No. 33-09 duly adopted by the Issuer on October 8, 2009, as amended and supplemented, and as particularly supplemented by Resolution No. 2019-31, duly adopted by the Issuer on July 18, 2019 (the "Resolution"). Capitalized terms not otherwise defined herein shall have the meanings ascribed thereto by the Resolution.

1. The Lender is an "accredited investor" within the meaning of Regulation D under the Securities Act of 1933 (the "1933 Act") or a "qualified institutional buyer" (as defined under Rule 144A of the 1933 Act).

2. The Lender is a corporation that is engaged as a regular part of its business in making loans.

3. The Lender has made its own inquiry and analysis with respect to the Issuer, the Bond and the security therefor, and other material factors affecting the security for and payment of the Bond.

4. The Lender has received the financial information requested by the Lender from the Issuer in connection with the Bond and has been afforded the opportunity to examine such documents and receive such written information concerning the terms and conditions of the Bond and the financial condition and creditworthiness of the Issuer as the Lender has deemed necessary to receive in connection with determining whether to make the loan evidenced by the Bond.

5. The Lender has not relied upon any representations made by any officials of the Issuer, its agents, employees, counsel or representatives, in reaching its decision to make the loan evidenced by the Bond, other than the certificates, opinions, resolutions, or other documents executed in relation to the delivery to the Lender of the Bond, but has relied solely upon the documentation referred to in this and the preceding paragraph.

6. The Lender understands that (i) the loan is evidenced by the Bond, (ii) there is only one Bond and the aggregate principal amount of the Bond is the Principal Amount set forth on such Bond, (iii) the Bond may not be transferred except in whole, and (iv) any transfer (A) must be to a Permitted Lender, (B) is not permitted in the event the remaining principal amount outstanding of the Bond is less than \$100,000, and (C) is subject to consent of the Issuer, which consent shall not be unreasonably withheld.

“Permitted Lender” means any bank, trust company, savings institution, insurance company, dealer, investment company or qualified institutional buyer as contemplated by Section 517.061(7), Florida Statutes that is engaged as a regular part of its business in making loans and is authorized to do business in the State of Florida.

7. The Lender is not acting as a broker or other intermediary and is acquiring the Bond, as evidence of a privately negotiated loan, from its own capital for its own accounts and not with a view to the resale or other distribution of all or any part thereof or any interest therein to others.

8. The Lender acknowledges that it is permitted to transfer the Bond only upon compliance with the requirements of the Resolution and the Bond.

9. The interest rate established for the Bond was established at arms length between the Lender and the Issuer.

10. The Lender further represents, warrants and covenants that:

(i) it is not funding the loan represented by the Bond for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of Chapter 517, Florida Statutes;

(ii) it understands that no CUSIP will be obtained with respect thereto;
and

(iii) it understands the Bond carries no rating from any credit rating agency.

This letter is furnished by us as Lender based solely on our knowledge on the day hereof and is solely for the benefit of the Issuer and Bryant Miller Olive P.A., as Bond Counsel for the Issuer, and may not be relied upon by or published or communicated to, any other person without our express written consent. The Lender disclaims any obligation to supplement this letter to reflect any facts or circumstances that may hereafter come to the Lender’s attention.

BBVA MORTGAGE CORPORATION

By: _____
Name: John Gormley
Title: Authorized Signatory

EXHIBIT C

FORM OF DISCLOSURE LETTER

The undersigned, as Lender, proposes to negotiate with the City of Pensacola, Florida (the "Issuer") for the private purchase of its \$_____ Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019 ("Series 2019 Bond"). Prior to the award of the Series 2019 Bond, the following information is hereby furnished to the Issuer:

1. Set forth is an itemized list of the nature and estimated amounts of expenses to be incurred for services rendered to us (the "Lender") in connection with the issuance of the Series 2019 Bond (such fees and expenses to be paid by the Issuer):

\$[_____]

Legal Fees

2. (a) No other fee, bonus or other compensation is estimated to be paid by the Lender in connection with the issuance of the Series 2019 Bond to any person not regularly employed or retained by the Lender (including any "finder" as defined in Section 218.386(1)(a), Florida Statutes), except as specifically enumerated as expenses to be incurred by the Lender, as set forth in paragraph 1 above.

(b) No person has entered into an understanding with the Lender, or to the knowledge of the Lender, with the Issuer, for any paid or promised compensation or valuable consideration, directly or indirectly, expressly or implied, to act solely as an intermediary between the Issuer and the Lender or to exercise or attempt to exercise any influence to effect any transaction in the purchase of the Series 2019 Bond.

3. The amount of the underwriting spread expected to be realized by the Lender is \$0.

4. The management fee to be charged by the Lender is \$0.

5. Truth-in-Bonding Statement:

The Series 2019 Bond is being issued primarily to finance the advance refunding of the Issuer's Redevelopment Revenue Bonds, Series 2009B (Federally Taxable – Build America Bonds – Direct Payment) and the cost of the Series 2019 Project as defined in Resolution No. 2019-31 adopted by the Issuer on July 18, 2019 (the "2019 Resolution") and reimburse the Issuer for any Project Costs, as defined in the 2019 Resolution. Unless earlier prepaid, the Series 2019 Bond is expected to be repaid by December 31, 2043. At a fixed interest rate of 3.40%, total interest paid over the life of the Series 2019 Bond is projected to equal \$_____ and issuance of the Series 2019 Bond will result in a projected maximum of approximately \$_____ of Pledged

Revenues of the Issuer not being available to finance other services of the Issuer during the life of the Series 2019 Bond.

6. The name and address of the Lender is as follows:

BBVA Mortgage Corporation
5055 Bayou Boulevard
Pensacola, Florida 32503

IN WITNESS WHEREOF, the undersigned has executed this Disclosure Letter on behalf of the Lender this 25th day of July, 2019.

BBVA MORTGAGE CORPORATION

By: _____

Name: John Gormley

Title: Authorized Signatory

EXHIBIT D

PROPOSAL OF LENDER

EXHIBIT E

FORM OF ESCROW DEPOSIT AGREEMENT

THIS ESCROW DEPOSIT AGREEMENT, dated as of July 25, 2019, by and between the CITY OF PENSACOLA, FLORIDA (the "Issuer"), and TD BANK, N.A., as Escrow Holder, and its successors and assigns (the "Escrow Holder");

W I T N E S S E T H:

WHEREAS, the Issuer previously issued its Redevelopment Revenue Bonds, Series 2009B (Federally Taxable – Build America Bonds – Direct Payment) (the "Series 2009B Bonds"); and

WHEREAS, the Issuer now desires to advance refund all of the Series 2009B Bonds (the "Refunded Bonds") and has issued its Urban Core Redevelopment Refunding and Improvement Revenue Bonds, Series 2019 (the "Series 2019 Bonds") in part to finance such advance refunding; and

WHEREAS, the execution of this Escrow Deposit Agreement and full performance of the provisions hereof shall defease and discharge the Issuer's obligations relating to the Refunded Bonds; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Issuer and the Escrow Holder agree as follows:

SECTION 1. Definitions. As used herein, the following terms mean:

- (a) "Agreement" shall mean this Escrow Deposit Agreement.
- (b) "Bond Counsel" shall mean Bryant Miller Olive P.A., or any other law firm nationally-recognized in the area of public finance appointed by the Issuer.
- (c) "Escrow Account" shall mean the account hereby created and entitled Escrow Account established and held by the Escrow Holder pursuant to this Agreement in which cash and investments will be held for payment of the principal, interest, and redemption premium, if any, on the Refunded Bonds.
- (d) "Government Obligations" shall mean securities of the type which are described in the definition of "Federal Securities" in Section 2 of the Refunded Bonds Resolution and which are specifically described on Schedule C attached hereto.
- (e) "Issuer" shall mean the City of Pensacola, Florida.

(f) "Refunded Bonds" shall have the meaning ascribed above.

(g) "Refunded Bonds Redemption Date" shall mean April 1, 2020.

(h) "Refunded Bonds Resolution" shall mean Resolution No. 33-09 adopted by the Issuer on October 8, 2009, as amended and supplemented.

(i) "Series 2019 Bonds" shall have the meaning ascribed above.

(j) "Total Debt Service for the Refunded Bonds" shall mean the sum of the principal of and interest remaining unpaid with respect to the Refunded Bonds in accordance with Schedule A attached hereto, taking into account that, pursuant to Resolution No. 2019-31 adopted by the Issuer on July 18, 2019, the Refunded Bonds shall be called for early redemption on the Refunded Bonds Redemption Date.

SECTION 2. Deposit of Funds. The Issuer hereby irrevocably deposits \$_____, with the Escrow Holder for deposit into the Escrow Account, in immediately available funds, which the Escrow Holder acknowledges receipt of, to be held in irrevocable trust by the Escrow Holder separate and apart from other funds of the Escrow Holder and the Issuer and applied solely as provided in this Agreement. An amount equal to \$_____ of such funds are being derived from proceeds of the Series 2019 Bond. **[An amount equal to \$_____ of such funds are being derived from the Sinking Fund established under the Refunded Bonds Resolution from amounts held for payment of the Refunded Bonds.]**

SECTION 3. Use of Funds. The Escrow Holder acknowledges receipt of the sum described in Section 2 and agrees:

(a) to hold the funds and investments purchased pursuant to this Agreement in irrevocable escrow during the term of this Agreement for the sole benefit of the holders of the Refunded Bonds;

(b) to immediately invest \$_____ of such funds derived from the proceeds of the Series 2019 Bond and other legally available funds of the Issuer in the Government Obligations set forth on Schedule C attached hereto and to hold such securities and \$_____ of such funds uninvested in cash in accordance with the terms of this Agreement;

(c) in the event the securities described on Schedule C cannot be purchased, substitute securities may be purchased upon the written direction of the Issuer upon confirmation that the principal of the Government Obligations, the interest to be earned thereon, and the initial cash balance in the Escrow Account will not be less than the Total Debt Service for the Refunded Bonds, and that such Government Obligations mature on or prior to the Refunded Bonds Redemption Date; and

(d) there will be no investment or reinvestment of funds except as set forth in this Section 3 and except as set forth in Section 5.

SECTION 4. Payment of Refunded Bonds and Expenses.

(a) Refunded Bonds. On the dates and in the amounts set forth on Schedule A, the Escrow Holder shall transfer to TD Bank, N.A., the Paying Agent for the Refunded Bonds (the "Paying Agent"), in immediately available funds solely from amounts available in the Escrow Account, a sum sufficient to pay the principal of and interest on the Refunded Bonds, as shown on Schedule A.

(b) Expenses. The Issuer shall pay the fees and expenses of the Escrow Holder as set forth on Schedule B attached hereto. In addition, if the Escrow Holder is required by a governmental agency or court proceeding initiated by a third party to undertake efforts beyond that which is set forth herein but related thereto (other than due to the Escrow Holder's negligence or willful misconduct), the Escrow Holder shall notify the Issuer of the same in writing and the Issuer shall promptly pay the Escrow Holder for such extraordinary fees, costs and expenses reasonably and necessarily incurred in connection therewith. The Escrow Holder shall have no lien or claim on the funds held in the Escrow Account for the payment of any fees or expenses of the Escrow Holder, and the Escrow Holder acknowledges and agrees that such amounts shall be unsecured obligations of the Issuer.

(c) Surplus. After making the payments from the Escrow Account described in Subsections 4(a) and any payments described in 4(b) above, the Escrow Holder shall retain in the Escrow Account any remaining cash in the Escrow Account in excess of the Total Debt Service for the Refunded Bonds until the termination of this Agreement pursuant to the terms of Section 12 hereof, and shall then pay any remaining funds to the Issuer to be used to pay debt service on the Series 2019 Bond on the next interest payment date.

(d) Priority of Payments. The holders of the Refunded Bonds shall have an express first priority security interest in the funds and Government Obligations in the Escrow Account until such funds and Government Obligations are used and applied as provided in this Agreement.

SECTION 5. Reinvestment.

(a) Except as provided in Section 3 and in this Section 5, the Escrow Holder shall have no power or duty to invest any funds held under this Agreement or to sell, transfer or otherwise dispose of or make substitutions of the Government Obligations held hereunder.

(b) At the written direction of the Issuer, the Escrow Holder shall sell, transfer or otherwise dispose of any of the Government Obligations acquired hereunder and shall substitute

other Government Obligations. Upon delivery of a verification report that the principal of and interest on such substitute Government Obligations and any remaining cash balance in the Escrow Account will be sufficient to timely pay the Total Debt Service on the Refunded Bonds and an opinion of Bond Counsel to the effect that substitution of such Government Obligations will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Series 2019 Bond.

Subsection 4(c) above notwithstanding, cash in excess of the Total Debt Service for the Refunded Bonds caused by substitution of Government Obligations, as confirmed by the required verification report shall, as soon as practical, be paid to the Issuer.

SECTION 6. No Redemption or Acceleration of Maturity. The Issuer will not accelerate the maturity of, or exercise any option to redeem before maturity, any Refunded Bonds, except as set forth on Schedule A attached hereto.

The Escrow Holder, in its capacity as the Paying Agent, shall (i) redeem the remaining outstanding principal amount of Refunded Bonds on the Refunded Bonds Redemption Date, (ii) give notice of such redemption on behalf of the Issuer substantially in the form attached hereto as Exhibit "A" as required by the Refunded Bonds Resolution, (iii) simultaneously with the publication of such notice of redemption, file a copy of the same on the Electronic Municipal Market Access web portal of the Municipal Securities Rulemaking Board, and (iv) upon execution and delivery hereof, promptly file notice of defeasance of the Refunded Bonds on behalf of the Issuer with EMMA substantially in the form attached hereto as Exhibit "B."

SECTION 7. Responsibilities of Escrow Holder. The Escrow Holder and its respective successors, assigns, agents and servants shall not be held to any personal liability whatsoever, in tort, contract, or otherwise, in connection with the execution and delivery of this Agreement, the establishment of the Escrow Account, the acceptance of the funds deposited therein, the purchase of the Government Obligations, the retention of the Government Obligations or the proceeds thereof or for any payment, transfer or other application of moneys by the Escrow Holder in accordance with the provisions of this Agreement or by reason of any non-negligent or non-willful act, omission or error of the Escrow Holder made in good faith in the conduct of its duties. The Escrow Holder shall, however, be responsible for its negligent or willful failure to comply with its duties required hereunder, and its negligent or willful acts, omissions or errors hereunder. The duties and obligations of the Escrow Holder shall be determined solely by the express provisions of this Agreement and no implied duties or covenants shall be read into this Agreement against the Escrow Holder. The Escrow Holder may consult with counsel, who may or may not be counsel to the Issuer, at the Issuer's expense, and in reliance upon the opinion of such counsel, shall have full and complete authorization and protection in respect of any action taken, suffered or omitted by it in good faith in accordance therewith. Whenever the Escrow Holder shall deem it necessary or desirable that a matter be proved or established prior to taking, suffering or omitting any action under this Agreement, such matter may be deemed to be conclusively established by a certificate signed by an authorized officer of the Issuer. The Escrow

Holder may conclusively rely upon and shall be fully protected in acting and relying upon any notice, order, requisition, request, consent, certificate, order, opinion (including an opinion of counsel), affidavit, letter, telegram or other paper or document in good faith deemed by it to be genuine and correct and to have been signed or sent by the proper person or persons.

The Escrow Holder may act through its agents and attorneys appointed with due care, and shall not be responsible for any willful misconduct or negligence on the part of any such person so appointed. Any payment obligation of the Escrow Holder hereunder shall be paid from, and is limited to funds available under this Agreement; the Escrow Holder shall not be required to expend its own funds for the performance of its duties hereunder. Notwithstanding any provision herein to the contrary, in no event shall the Escrow Holder be liable for special, indirect or consequential loss or damage of any kind whatsoever (including but not limited to lost profits), even if the Escrow Holder has been advised of the likelihood of such loss or damage and regardless of the form of action. The Escrow Holder shall not be responsible or liable for any failure or delay in the performance of its obligation under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including, without limitation, acts of God; earthquakes; fire; flood; hurricanes or other storms; wars; terrorism; similar military disturbances; sabotage; epidemic; pandemic; riots; interruptions; loss or malfunctions of utilities, computer (hardware or software) or communications services; accidents; labor disputes; acts of civil or military authority or governmental action; it being understood that the Escrow Holder shall use commercially reasonable efforts which are consistent with accepted practices in the banking industry to resume performance as soon as reasonably practicable under the circumstances.

SECTION 8. Resignation of Escrow Holder. The Escrow Holder may resign and thereby become discharged from the duties and obligations hereby created, by notice in writing given to the Issuer, any rating agency then providing a rating on the Refunded Bonds, and the Paying Agent for the Refunded Bonds not less than sixty (60) days before such resignation shall take effect. Such resignation shall not take effect until the appointment of a new Escrow Holder hereunder.

SECTION 9. Removal of Escrow Holder.

(a) The Escrow Holder may be removed at any time by an instrument or concurrent instruments in writing, executed by the holders of not less than fifty-one percentum (51%) in aggregate principal amount of the Refunded Bonds then Outstanding, such instruments to be filed with the Issuer, and published by the Issuer once in a newspaper of general circulation in the territorial limits of the Issuer, not less than thirty (30) days before such removal is to take effect as stated in said instrument or instruments. A photographic copy of any instrument filed with the Issuer under the provisions of this paragraph shall be delivered by the Issuer to the Escrow Holder.

(b) The Escrow Holder may also be removed at any time for any breach of trust or for acting or proceeding in violation of, or for failing to act or proceed in accordance with, any provisions of this Agreement with respect to the duties and obligations of the Escrow Holder by any court of competent jurisdiction upon the application of the Issuer or the holders of not less than five percentum (5%) in aggregate principal amount of the Refunded Bonds then Outstanding.

(c) The Escrow Holder may not be removed until a successor Escrow Holder has been appointed in the manner set forth herein.

SECTION 10. Successor Escrow Holder.

(a) If, at any time hereafter, the Escrow Holder shall resign, be removed, be dissolved or otherwise become incapable of acting, or shall be taken over by any governmental official, agency, department or board, the position of Escrow Holder shall thereupon become vacant. If the position of Escrow Holder shall become vacant for any of the foregoing reasons or for any other reason, the Issuer shall immediately appoint an Escrow Holder to fill such vacancy and, upon such appointment, all assets held hereunder shall be transferred to such successor. The Issuer shall mail a notice of any such appointment made by it to the holders of the Refunded Bonds within thirty (30) days after such appointment and cause such notice to be filed on EMMA.

(b) At any time within one year after such vacancy shall have occurred, a majority in principal amount of the Refunded Bonds then Outstanding, by an instrument or concurrent instruments in writing, executed by the group of Bondholders and filed with the Issuer, may appoint a successor Escrow Holder, which shall supersede any Escrow Holder theretofore appointed by the Issuer. Photographic copies of each such instrument shall be delivered promptly by the Issuer, to the predecessor Escrow Holder and to the Escrow Holder so appointed by such Bondholders. In the case of conflicting appointments made by the such Bondholders under this paragraph, the first effective appointment made during the one year period shall govern.

(c) If no appointment of a successor Escrow Holder shall be made pursuant to the foregoing provisions of this Section within thirty (30) days of the delivery of the notice of resignation or removal, the holder of any Refunded Bonds then Outstanding, or any retiring Escrow Holder, may apply to any court of competent jurisdiction to appoint a successor Escrow Holder. Such court may thereupon, after such notice, if any, as such court may deem proper and prescribe, appoint a successor Escrow Holder.

(d) Any corporation or association into which the Escrow Holder may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, ipso facto, shall be and become successor Escrow Holder hereunder and vested with all the trust,

powers, discretions, immunities, privileges and all other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed or conveyance on the part of any parties hereto, anything herein to the contrary notwithstanding, provided such successor shall have reported total capital and surplus in excess of \$15,000,000, provided that such successor Escrow Holder assumes in writing all the trust, duties and responsibilities of the Escrow Holder hereunder.

SECTION 11. Payment to Escrow Holder. The Escrow Holder hereby acknowledges that it has agreed to accept compensation under the Agreement pursuant to the terms of Schedule B attached hereto for services to be performed by the Escrow Holder pursuant to this Agreement. The Escrow Holder shall not be compensated from amounts on deposit in the Escrow Account, and the Escrow Holder shall have no lien or claim against funds in the Escrow Account for payment of obligations due it under this Section.

SECTION 12. Indemnity. Whether or not any action or transaction authorized or contemplated hereby shall be undertaken or consummated, the Issuer hereby agrees to the extent allowed by Florida law to indemnify, protect, save and keep harmless the Escrow Holder and its respective successors, agents and servants, from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, costs, expenses and disbursements (including reasonable legal fees and attorneys' disbursements and expenses) of whatsoever kind and nature which may be imposed on, incurred by or asserted against the Escrow Holder at any time, whether or not the same may be indemnified against by the Issuer or any other Person under any other agreement or instrument, by reason of or arising out of the execution and delivery of this Agreement, the establishment of the Escrow Deposit Trust Fund, the acceptance by the Escrow Holder of the funds herein described, the purchase, retention or disposition of the Government Obligations or the proceeds thereof, or any payment, transfer or other application of funds or securities by the Escrow Holder in accordance with the provisions of this Agreement; provided, however, that the Issuer shall not be required to indemnify the Escrow Holder for any expense, loss, costs, disbursements, damages or liability resulting from its own negligence or misconduct. The indemnities contained in this Section 12 shall survive the termination of this Agreement.

SECTION 13. Term. This Agreement shall commence upon its execution and delivery and shall terminate when the Refunded Bonds have been paid and discharged in accordance with the proceedings authorizing the Refunded Bonds, except as provided in Section 7.

SECTION 14. Severability. If any one or more of the covenants or agreements provided in this Agreement on the part of the Issuer or the Escrow Holder to be performed should be determined by a court of competent jurisdiction to be contrary to law, notice of such event shall be sent to the municipal bond insurer(s) for the Refunded Bonds, if any, as well as Moody's Investors Service, Inc., Fitch Ratings and Standard & Poor's Ratings Services (but only to the extent such agencies have a rating outstanding on any of the Refunded Bonds), and while such covenant or agreements herein contained shall be null and void, they shall in no way affect the validity of the remaining provisions of this Agreement.

SECTION 15. Amendments to this Agreement. This Agreement is made for the benefit of the Issuer and the holders from time to time of the Refunded Bonds, and it shall not be repealed, revoked, altered or amended in whole or in part without the written consent of all holders of Refunded Bonds, the Escrow Holder and the Issuer; provided, however, that the Issuer and the Escrow Holder may, without the consent of, or notice to, such holders, enter into such agreements supplemental to this Agreement as shall not adversely affect the rights of such holders and as shall not be inconsistent with the terms and provisions of this Agreement, for any one or more of the following purposes:

- (a) to cure any ambiguity or formal defect or omission in this Agreement;
- (b) to grant to, or confer upon, the Escrow Holder, for the benefit of the holders of the Refunded Bonds any additional rights, remedies, powers or authority that may lawfully be granted to, or conferred upon, such holders or the Escrow Holder; and
- (c) to subject to this Agreement additional funds, securities or properties.

The Escrow Holder shall, at its option, be entitled to request, at the Issuer's expense, and rely exclusively upon an opinion of nationally recognized attorneys on the subject of municipal bonds acceptable to the Issuer with respect to compliance with this Section, including the extent, if any, to which any change, modification, addition or elimination affects the rights of the holders of the Refunded Bonds, or that any instrument executed hereunder complies with the conditions and provisions of this Section. Prior written notice of such amendments, together with proposed copies of such amendments, shall be provided to Moody's Investors Service, Inc., Fitch Ratings, and Standard & Poor's Ratings Services (but only to the extent such agencies have a rating outstanding on any of the Refunded Bonds).

SECTION 16. Counterparts. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

SECTION 17. Governing Law. This Agreement shall be governed by and construed under the laws of the State of Florida without regard to conflict of law principles.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers and their corporate seals to be hereunto affixed and attested as of the date first above written.

CITY OF PENSACOLA, FLORIDA

[SEAL]

By: _____
Grover C. Robinson, IV, Mayor

ATTEST:

By: _____
City Clerk

Approved as to Substance:

By: _____
Richard Barker, Jr.
Chief Financial Officer

Legal in Form and Valid as Drawn:

By: _____
Susan Woolf
City Attorney

[Signature page to Escrow Deposit Agreement]

TD BANK, N.A., as Escrow Holder

By: _____

Name: _____

Title: _____

[Signature page to Escrow Deposit Agreement]

EXHIBIT A

FORM OF NOTICE OF REDEMPTION

CITY OF PENSACOLA, FLORIDA
REDEVELOPMENT REVENUE BONDS, SERIES 2009B
(FEDERALLY TAXABLE – BUILD AMERICA BONDS – DIRECT PAYMENT)

Dated Date and Issue Date: December 21, 2009

NOTICE IS HEREBY GIVEN by the City of Pensacola, Florida (the "Issuer"), pursuant to the provisions of 11 of Resolution No. 33-09 adopted by the Issuer on October 8, 2009, as amended and supplemented (the "Resolution"), that the above-referenced Bonds are hereby called for redemption on April 1, 2020 (the "Redemption Date") at the redemption price of 100% of the principal amount thereof, plus interest accrued thereon to, but excluding the Redemption Date (the "Redemption Price").

The maturity dates, principal amounts, interest rates and CUSIP numbers of the Bonds are as follows:

Maturity Dates (April 1)	Principal Amounts	Interest Rates	Cusip Number
2024	\$5,235,000	6.829%	709515CK4
2033	15,890,000	7.263%	709515CL2
2040	17,800,000	7.210%	709515CJ7
	<u>\$38,925,000</u>		

Payment for the Bonds will be made upon presentation and surrender at the principal corporate trust office of TD Bank, N.A., 1006 Astoria Boulevard, Cherry Hill, New Jersey 08034, 1/888-751-9000 Ext. 222-5151.

From and after the Redemption Date, the Bonds called for redemption shall be due and payable at the Redemption Price herein specified. Interest on the Bonds called for redemption shall cease to accrue on the Redemption Date.

All terms used herein which are not defined herein shall have the meanings assigned to them in the Resolution.

IMPORTANT NOTICE

Under the Jobs and Growth Tax Relief Reconciliation Act of 2003 (the "Act"), 28% will be withheld if tax identification number is not properly certified.

**The Undersigned shall not be held responsible for the selection or use of the CUSIP number, nor is any representation made as to its correctness indicated in the Redemption Notice. It is included solely for the convenience of the Holders.*

Dated: _____, 2020

TD BANK, N.A.,
Paying Agent and Registrar

EXHIBIT B

NOTICE OF DEFEASANCE

CITY OF PENSACOLA, FLORIDA
REDEVELOPMENT REVENUE BONDS, SERIES 2009B
(FEDERALLY TAXABLE – BUILD AMERICA BONDS – DIRECT PAYMENT)

Dated Date and Issue Date: December 21, 2009

NOTICE IS HEREBY GIVEN for and on behalf of the City of Pensacola, Florida (the "Issuer"), that its Redevelopment Revenue Bonds, Series 2009B (Federally Taxable – Build America Bonds – Direct Payment), as more particularly described below (the "Defeased Bonds"), have been legally defeased:

Maturity Dates (April 1)	Principal Amounts	Interest Rates	Cusip Number
2024	\$5,235,000	6.829%	709515CK4
2033	15,890,000	7.263%	709515CL2
2040	17,800,000	7.210%	709515CJ7
	<u>\$38,925,000</u>		

The Defeased Bonds will be called for redemption on April 1, 2020. The Issuer has deposited cash and **[direct obligations of the United States of America]** (collectively, the "Escrow Funds") in irrevocable escrow in an escrow account (the "Escrow Account") established with TD Bank, N.A., Cherry Hill, New Jersey (the "Escrow Holder"), pursuant to an Escrow Deposit Agreement dated as of July 25, 2019, by and between the Issuer and the Escrow Holder, the proceeds of which will be sufficient to pay the maturing principal of and interest on the Defeased Bonds on April 1, 2020. On and after July 25, 2019, the holders of the Defeased Bonds shall solely be secured by the Escrow Funds on deposit in the Escrow Account, and the Defeased Bonds shall be legally defeased. This notice does not constitute a notice of redemption and no Defeased Bonds should be delivered to the Issuer as a result of the publication.

DATED this ____ day of July, 2019.

TD BANK, N.A., as Escrow Holder

SCHEDULE A

TOTAL DEBT SERVICE
FOR THE REFUNDED BONDS

Period Ending	Interest	Principal Maturity	Principal Redeemed	Total
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SCHEDULE B

EXPENSES TO BE PAID TO ESCROW HOLDER

Upfront fee of \$350.00, plus out of pocket expenses

SCHEDULE C

SCHEDULE OF GOVERNMENT OBLIGATIONS
TO BE PURCHASED ON JULY __, 2019

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Type</u>
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EXHIBIT F

FORM OF INTERLOCAL AGREEMENT

[Follows]

INTERLOCAL AGREEMENT

between

THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA, FLORIDA

and

THE CITY OF PENSACOLA, FLORIDA

**INTERLOCAL AGREEMENT
URBAN CORE REDEVELOPMENT REFUNDING
AND IMPROVEMENT REVENUE BONDS**

This INTERLOCAL AGREEMENT made and entered into this ____ day of July, 2019 (herein, the "Agreement"), by and between THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA, FLORIDA, a public body corporate and politic of the State of Florida (the "Agency"), and the CITY OF PENSACOLA, FLORIDA, a municipal corporation of the State of Florida (the "City");

WITNESSETH:

WHEREAS, on September 25, 1980, the City Council of the City (the "City Council") adopted Resolution No. 55-80 which created the Community Redevelopment Agency of the City of Pensacola, Florida and declared the City Council to be the Agency as provided in Section 163.357, Florida Statutes; and

WHEREAS, pursuant to Resolution 65-81 adopted by the City Council on September 22, 1981, the City Council designated the boundaries and found and determined that an area designated therein as the "Urban Core Community Redevelopment Area" is a blighted area as therein described and that the rehabilitation, conservation and redevelopment is necessary and in the public interest; and

WHEREAS, pursuant to Sections 163.2520 and 163.387, Florida Statutes, on March 8, 1984, the City Council enacted Ordinance No. 13-84, creating and establishing the Urban Core Community Redevelopment Trust Fund; and

WHEREAS, pursuant to Resolution No. 15-84, on March 17, 1984, the City Council approved the Community Redevelopment Plan for the Urban Core Community Redevelopment Area, dated March 1984 (the "1984 Plan") and the Community Redevelopment Project described therein, which 1984 Plan was modified and amended pursuant to Resolution No. __-89 adopted by the City Council on April 6, 1989, and subsequently repealed and replaced with the "Urban

Core Community Redevelopment Plan 2010" pursuant to Resolution No. 02-10 adopted by the City Council on January 14, 2010; and

WHEREAS, the Agency is responsible for implementation of community redevelopment plans providing for the redevelopment, rehabilitation and improvement of community redevelopment areas in the City; and

WHEREAS, the City and the Agency have determined to redevelop and revitalize the Urban Core Community Redevelopment Area as a visibly attractive, economically viable, and socially desirable area of the City; and

WHEREAS, pursuant to Resolution No. 33-09 adopted by the City Council of the City on October 8, 2009 (the "Original Bond Resolution"), the City previously issued its City of Pensacola, Florida Redevelopment Revenue Bonds, Series 2009A (the "Series 2009A Bonds") and Redevelopment Revenue Bonds, Series 2009B (Federally Taxable-Build America Bonds – Direct Payment) in the original aggregate principal amount of \$45,640,000 (the "2009B Bonds" and, together with the Series 2009A Bonds, the "2009 Bonds") to finance the 2009 Project (as defined in the Original Bond Resolution) in the Urban Core Community Redevelopment Area; and

WHEREAS, pursuant to Section 15.M. of the Original Bond Resolution, the City provided a covenant to budget and appropriate Non-Ad Valorem Revenues (as defined in the Original Bond Resolution) sufficient after application of other Pledged Revenues and Federal Direct Payments (as such terms are defined in the Original Bond Resolution) to pay debt service on the 2009 Bonds in order to provide additional credit support for the 2009 Bonds; and

WHEREAS, at the request of the Agency, the City previously issued its City of Pensacola, Florida Urban Core Redevelopment Revenue Bond, Series 2017 (the "2017 Bond") in the original aggregate principal amount of \$8,000,000, pursuant to the Original Bond Resolution, as supplemented by Resolution No. 17-78 adopted by the City Council of the City on November 9, 2017 (the "2017 Resolution") to finance the 2017 Project (as defined in the 2017 Resolution) in the Urban Core Community Redevelopment Area; and

WHEREAS, pursuant to Section 12 of the 2017 Resolution, the City has covenanted to budget and appropriate Non-Ad Valorem Revenues to the extent Pledged Revenues are all insufficient in any Fiscal Year to pay debt service on the 2017 Bond in an amount sufficient to cure such deficiency in order to provide additional credit support for the 2017 Bonds; and

WHEREAS, at the request of the Agency, the City is issuing its City of Pensacola, Florida Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019 (the "2019 Bond") in the original aggregate principal amount of \$_____, pursuant to the Original Bond Resolution, as supplemented by Resolution No. 2019-31 adopted by the City Council of the City on July 18, 2019 (the "2019 Resolution" and, together with the Original Resolution, the "Bond

Resolution") to finance the advance refunding of the 2009B Bonds and the 2019 Project (as defined in the 2019 Resolution) in the Urban Core Community Redevelopment Area; and

WHEREAS, pursuant to Section 12 of the 2019 Resolution, the City has covenanted to budget and appropriate Non-Ad Valorem Revenues to the extent Pledged Revenues are all insufficient in any Fiscal Year to pay debt service on the 2019 Bond in an amount sufficient to cure such deficiency in order to provide additional credit support for the 2019 Bonds; and

WHEREAS, in accordance with the intent and purpose of Section 163.01, Florida Statutes, the parties have elected to enter into this Agreement to jointly and collectively provide for the acceptance by the Agency of the issuance of the 2019 Bond by the City and to document and evidence the intent and obligation of the Agency to repay the City any payment by the City from Non-Ad Valorem Revenues for debt service on the 2019 Bond pursuant to Section 12 of the 2019 Resolution, as provided herein; and

WHEREAS, the City Council and the Agency have determined that this Agreement, the refunding of the 2009B Bond and the 2019 Project and expenditures contemplated hereunder serve public purposes and are appropriate and necessary undertakings in furtherance of redeveloping the Urban Core Community Redevelopment Area consistent with the Urban Core Community Redevelopment Plan.

NOW, THEREFORE, in consideration of the mutual covenants of and benefits derived from this Agreement, the sufficiency of which is hereby acknowledged by the City and the Agency agree as follows:

Section 1. Authority. This Agreement is entered into pursuant to and under the authority of the City Charter; Section 163.01, Florida Statutes; the Community Redevelopment Act of 1969 (the "Act"), codified in Part III, Chapter 163, Florida Statutes; Chapter 166, Florida Statutes, and other applicable law, as amended and supplemented.

Section 2. Incorporation of Recitals. The recitals set forth above are hereby incorporated into the terms of this Agreement.

Section 3. Definitions. Unless the context otherwise requires, all terms used herein shall have the meanings assigned to such terms in the Bond Resolution.

Section 4. 2019 Bond Accepted; Obligation to Repay City.

(A) The City's issuance of the 2019 Bond is hereby acknowledged by the Agency, and the Agency hereby confirms, consents to and accepts the terms thereof and as set forth in the Bond Resolution.

(B) The Agency hereby covenants to fund, pay, reimburse and repay the City the amounts due under the 2019 Bond and the Bond Resolution, including payment of the principal of and interest on the 2019 Bond. The Agency hereby pledges the Tax Increment Revenues to the City and shall pay the amounts due hereunder from Tax Increment Revenues or from any other funds of the Agency legally available for such purpose. To the extent that the Pledged Revenues are insufficient to fully pay the principal of and interest on the 2019 Bond all in accordance with the Bond Resolution, and the City has budgeted, appropriated and used any Non-Ad Valorem Revenues for the payment thereof in accordance with the terms of Section 12 of the 2019 Resolution with respect to the 2019 Bond (an "Advance"), the Agency shall repay such Advance and pay interest on such Advance at the "WSJ Prime Rate" published by *The Wall Street Journal* or such other prime rate as published by such other publication as the City's Chief Financial Officer may reasonably designate in substantially equal annual installments commencing in the Fiscal Year following the date of such Advance with the final installment due December 31, 2043. In the event Tax Increment Revenues are not sufficient in any year to pay an installment then due, such installment shall be treated as an additional Advance and amortized as provided above. The obligations of the Agency described in this Section 4.(B) are cumulative and shall continue until amounts due hereunder and under the Bond Resolution are fully paid. The obligation of the Agency to pay the City the amount of any Advance and interest thereon shall be junior and subordinate in all respects to the Agency's obligation hereunder to make payments sufficient to pay the 2009A Bonds, the 2017 Bond, the 2019 Bond and any Additional Parity Obligations issued in accordance with the Bond Resolution. Anything provided herein or in the Bond Resolution to the contrary notwithstanding, and to the extent permitted by applicable law, that portion of the Tax Increment Revenues paid by Escambia County, Florida and the Downtown Improvement Board shall be applied to make payments required hereunder prior to that portion of the Tax Increment Revenues paid by the City.

Section 5. Term. This Agreement shall become effective upon execution by the Parties and continue in full force and effect until the obligations hereunder approved by this Agreement, including principal and accumulated interest, has been fully repaid.

Section 6. Amendments. This Agreement may be amended by the mutual written agreement of all parties at any time and from time to time, which amendments shall become effective upon filing thereof in the public records of Escambia County, Florida, pursuant to Section 163.01(11), Florida Statutes.

Section 7. Assignment. No party to this Agreement may, directly or indirectly, assign or transfer any or all of their duties, rights, responsibilities, or obligations under this Agreement to any other party or person not a party to this Agreement, without the express prior approval of the other party to this Agreement.

Section 8. Severability. The provisions of this Agreement are severable, and it is the intention of the parties hereto to confer the whole or any part of the powers herein provided for and if any of the provisions of this Agreement or any other powers granted by this Agreement

shall be held unconstitutional, invalid or void by any court of competent jurisdiction, the decision of said court shall not affect or impair any of the remaining provisions of this Agreement. It is hereby declared to be the intent of the parties hereto that this Agreement would have been adopted, agreed to, and executed had such unconstitutional, invalid or void provision or power not been included therein.

Section 9. Controlling Law; Venue. Any and all provisions of this Agreement and any proceeding seeking to enforce and challenge any provision of this Agreement shall be governed by the laws of the State of Florida. Venue for any proceeding pertaining to this Agreement shall be Escambia County, Florida.

Section 10. Members Not Liable.

(A) All covenants, stipulations, obligations and agreements contained in this Agreement shall be deemed to be covenants, stipulations, obligations and agreements of the City and the Agency, respectively, to the full extent authorized by the Act and provided by the Constitution and laws of the State of Florida.

(B) No covenant, stipulation, obligation or agreement contained herein shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future individual member of a governing body or agent or employee of the Agency or the City in his or her individual capacity, and neither the members of the governing body of the Agency or the City or any official executing this Agreement shall individually be liable personally or shall be subject to any accountability by reason of the execution by the City or the Agency of this Agreement or any act pertaining hereto or contemplated hereby.

Section 11. Third Party Beneficiaries. Nothing in this Agreement, expressed or implied, is intended or shall be construed to confer upon any person, firm or corporation other than the parties hereto, any right, remedy, or claim, legal or equitable, under or by reason of this Agreement or any provision hereof.

Section 12. Notices.

(A) Any notice, demand, direction, request or other instrument authorized or required by this Agreement to be given or filed with a party hereto shall be deemed sufficiently given or filed for all purposes of this Agreement if and when sent by registered mail, return receipt requested, transmitted by a facsimile machine with confirmation of delivery, or by personal hand delivery:

To the CRA:

The Community Redevelopment Agency of
the City of Pensacola, Florida
222 W. Main St.
Pensacola, Florida 32502
Attention: Administrator

To the City: City of Pensacola
222 W. Main St.
Pensacola, Florida 32502
Attention: Mayor

(B) The addresses to which any notice, demand, direction or other instrument authorized to be given or filed may be changed from time to time by a written notice to that effect delivered to all the parties, which change shall be effective immediately or such other time as provided in the notice.

Until notice of a change of address is received, a party may rely upon the last address received. Notice shall be deemed given, if notice is by mail on the date mailed to the address set forth above or as changed pursuant to this Article.

Section 13. Execution of Agreement. This Agreement shall be executed in the manner normally used by the parties hereto. If any officer whose signature appears on this Agreement ceases to hold office before all officers shall have executed this Agreement or prior to the filing and recording of this Agreement as provided in this Article, his or her signature shall nevertheless be valid and sufficient for all purposes. This Agreement shall bear the signature of, or may be signed by, such individuals as at the actual time of execution of this Agreement thereby shall be the proper and duly empowered officer to sign this Agreement and this Agreement shall be deemed to have been duly and properly executed even though on the Effective Date any such individual may not hold such office.

Section 14. Limited Obligation. Neither the full faith and credit of the City, the Agency or of the State of Florida or any political subdivision thereof is pledged to meet the funding obligations hereunder, and no party shall ever have the right to compel any exercise of any ad valorem taxing power of the City, the Agency or of the State of Florida or any political subdivision thereof, directly or indirectly to enforce any payment or funding of money provided for hereunder. This Agreement shall not constitute a lien upon any property of the City or the Agency except in the manner and to the express extent described herein.

Section 15. City and Agency Not Liable. Nothing contained in this Agreement shall be construed or deemed, nor is intended, or impose any obligation upon the City or the Agency except to the extent expressly assumed by the City or the Agency, respectively.

Section 16. Filing with County Clerk of the Court. The City is hereby authorized and directed after approval of this Agreement by the Agency and the City and the execution hereof to submit this Agreement to the Clerk of the Court of Escambia County, Florida, for filing in the public records of Escambia County, Florida, as provided by Section 163.01(11), Florida Statutes.

IN WITNESS WHEREOF, the parties hereto, by and through the undersigned, have entered into this Interlocal Agreement as of the day and year first above written.

**COMMUNITY REDEVELOPMENT
AGENCY OF THE CITY OF
PENSACOLA, FLORIDA**

Attest:

Jewel Cannada-Wynn, Chairwoman

Ericka L. Burnett, City Clerk

CITY OF PENSACOLA, FLORIDA

Legal in Form and Valid as Drawn:

Grover C. Robinson, IV, Mayor

Susan Woolf, City Attorney

Attest:

Approved as to Content:

Ericka L. Burnett, City Clerk

Richard Barker, Jr.
Chief Financial Officer

Approved as to Content:

M. Helen Gibson
Community Redevelopment Agency
Administrator

[Signature Page to Interlocal Agreement]

EXHIBIT G

REPORT AND CERTIFICATE OF CHIEF FINANCIAL OFFICER

July 25, 2019

On October 8, 2009, City Council approved resolution No. 33-09 providing for the issuance of the Redevelopment Revenue Bonds, Series 2009A and Redevelopment Revenue Bonds, Series 2009B (Federally Taxable - Build America Bonds - Direct Payments). Resolution No. 33-09 allows for the issuance of additional parity obligations provided the Chief Financial Officer [Director of Finance] of the City of Pensacola provides certain assurances as outlined in Section 15.J.(a) and 15.J.(c), collectively referred to as the Report and Certificate of the Chief Financial Officer.

The Chief Financial Officer hereby reports that the Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019 estimated costs of projects proposed to be financed total \$17,744,000 and include improvements included in the SCAPE Waterfront Plan (such as the construction of certain street and streetscape projects and Bruce Beach improvements), the Community Maritime Park Day Marina, sidewalk repairs and improvements and certain other community redevelopment improvements to the Urban Core Community Redevelopment Area included in the Urban Core Redevelopment Plan. These projects are expected to be completed within thirty-six (36) months of the bond closing date. The Bond Service Requirements estimated as of this date are set forth in Schedule 1 attached hereto. Projected annual expenses of the operation and maintenance of the projects are not expected to exceed \$275,000 per year. There are no projected annual costs for renewals, replacements or additions related to the projects nor is there expected to be any annual revenues derived from facilities proposed to be constructed.

The Chief Financial Officer hereby certifies that the annual budgeted revenues for fiscal year 2019 and the proposed annual budgeted revenues for fiscal year 2020 will be sufficient to pay all fiscal year 2019 expenditures and proposed budgeted 2020 expenditures, respectively, to be incurred in the operation of the Urban Core Community Redevelopment Area, the Bond Service Requirement on the Redevelopment Revenue Bonds, Series 2009A, the Urban Core Redevelopment Revenue Bond, Series 2017 and the Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019.

[Remainder of page intentionally left blank]

Dated the day and first written above.

CHIEF FINANCIAL OFFICER OF THE
CITY OF PENSACOLA, FLORIDA

SCHEDULE 1 TO REPORT AND CERTIFICATE OF CHIEF FINANCIAL OFFICER

ESTIMATED BOND SERVICE REQUIREMENTS

Period Ending (September 30)	2019 Bond	2017 Bond	2009A Bonds	Aggregate Bond Service Requirement
2019	\$0.00	\$408,500.00	\$1,225,137.50	\$1,633,637.50
2020	1,345,295.00	404,000.00	1,224,937.50	2,974,232.50
2021	3,446,760.00	399,500.00		3,846,260.00
2022	3,446,780.00	395,000.00		3,841,780.00
2023	3,440,100.00	390,500.00		3,830,600.00
2024	3,441,890.00	386,000.00		3,827,890.00
2025	3,431,810.00	381,500.00		3,813,310.00
2026	3,430,200.00	377,000.00		3,807,200.00
2027	3,431,720.00	372,500.00		3,804,220.00
2028	3,566,200.00	636,000.00		4,202,200.00
2029	3,564,050.00	639,852.00		4,203,902.00
2030	3,559,690.00	644,056.00		4,203,746.00
2031	3,553,120.00	647,576.00		4,200,696.00
2032	3,554,340.00	651,412.00		4,205,752.00
2033	3,553,010.00	655,528.00		4,208,538.00
2034	3,544,130.00	659,888.00		4,204,018.00
2035	3,537,870.00	664,456.00		4,202,326.00
2036	3,534,060.00	670,196.00		4,204,256.00
2037	3,532,530.00	675,036.00		4,207,566.00
2038	3,523,110.00	679,976.00		4,203,086.00
2039	3,515,970.00	684,980.00		4,200,950.00
2040	3,510,940.00	691,012.00		4,201,952.00
2041	4,207,850.00			4,207,850.00
2042	4,207,730.00			4,207,730.00
2043	4,203,360.00			4,203,360.00
2044*	4,203,160.00			4,203,160.00
Total	\$88,285,675.00	\$12,114,468.00	\$2,450,075.00	\$102,850,218.00

*Final maturity for the 2019 Bond occurs on December 31, 2043.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-32

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-32 - APPROPRIATING FUNDING IN CONNECTION WITH THE URBAN CORE REDEVELOPMENT REFUNDING AND IMPROVEMENT REVENUE BOND, SERIES 2019.

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 2019-32.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

On December 21, 2009, the City issued its Redevelopment Revenue Bonds, Series 2009A in the aggregate principal amount of \$6,715,000 (the "Series 2009A Bonds") and its Redevelopment Revenue Bonds, Series 2009B (Federally Taxable - Build America Bonds - Direct Payments) in an aggregate principal amount of \$38,925,000 (the "Series 2009B Bonds" and together with the Series 2009A Redevelopment Bonds, the "Series 2009 Bonds"). The Series 2009 Bonds were issued for the purpose of financing the public recreation, exhibition, entertainment and exposition facilities and public infrastructure portions of the Maritime Park Project. The Series 2009A Bonds mature on April 1, 2020 and the Series 2009B Bonds mature on April 1, 2039.

At the March 11, 2019 CRA Board meeting and at the May 28, 2019 City Council Agenda Conference, as part of the May 2019 Monthly Financial Review, the CRA and the City Council was informed of the potential refunding of the Series 2009B Bonds. The outstanding Series 2009B Bonds bear interest at fixed rates, ranging from 4.25% to 7.263% for the remaining bond years. In order to take advantage of the lower interest rate market and in anticipation of the need for additional project funds, City staff along with the City's Financial Advisor, Julie Santamaria of RBC Capital Markets, LLC, began reviewing market conditions and refinancing options. Current conditions indicate significant savings above the 3% minimum required by the City's Debt Incurrence and Administration

Policy. With approximately twenty years and eight months left until maturity and \$38,925,000 in total principal amount outstanding, the recommendation to refinance the Series 2009B Bonds with a note privately placed with a financial institution is being brought forward for Council action. A refunding with long term, publicly offered bond financing was considered, however, professional fees are lower and disclosure requirements are less encumbering with a private placement as compared to a publicly offered bond issuance. The portion of the Series 2019 Bond issue allocated to the refunding of the Series 2009B Bonds will mature not later than the maturity date of the refunded Series 2009B Bonds. In addition, by issuing new money bonds maturing out to the December 31, 2043 sunset date of the Urban Core Redevelopment Area, the City is able to obtain an estimated \$17.744 million in new money to fund projects.

Upon approval of the financing by City Council, the Series 2019 Bond proceeds will be available at closing to fund capital improvements included in the SCAPE Waterfront Plan (such as the construction of certain street and streetscape projects and Bruce Beach improvements), Community Maritime Park Day Marina, sidewalk repairs and improvements and certain other community redevelopment capital improvements to the Urban Core Community Redevelopment Area included in Urban Core Community Redevelopment Plan. While the cost of the projects have not yet been determined, City staff anticipates setting aside funding for each project in the amounts identified below.

SCAPE - Bruce Beach	\$ 10,000,000
SCAPE - Street and Streetscape Improvements	4,000,000
Community Maritime Park Day Marina	2,100,000
Sidewalk Repairs & Improvements	1,500,000
Contingency	<u>144,000</u>
Total	<u>\$ 17,744,000</u>

The City's Financial Advisor has recommended BBVA Mortgage Corporation, formally known as Compass Mortgage Corporation, an affiliate of BBVA Compass Bank, as the lender. BBVA Mortgage Corporation has offered a twenty-four year and five month private placement financing with a fixed interest rate of 3.40%. Interest will be paid semi-annually on October 1 and April 1 of each year commencing on October 1, 2019 and principal payments will be paid annually on April 1 commencing on April 1, 2021 and maturing on December 31, 2043. The pledged revenues include Tax Increment Revenues derived from the Urban Core Redevelopment Area, and in the event that these revenues are insufficient, certain Non-Ad Valorem Revenues budgeted and appropriated for such purposes. The City's bond attorney has incorporated within the Resolution an Interlocal Agreement between the City of Pensacola and the CRA whereby the CRA agrees that in the event that Tax Increment Revenues are insufficient to fully pay the principal and interest on the Series 2019 Bond and the City advances any Non-Ad Valorem Revenues for the payment thereof, the CRA shall repay such advance plus interest to the City once funds become available. Since the Series 2019 Bond pledges the same revenue stream as the Series 2009A Bonds and the Urban Core Redevelopment Revenue Bond, Series 2017 ("Series 2017 Bond"), the Series 2019 Bond will be issued on parity with the Series 2009A Bonds and the Series 2017 Bond. In accordance with the Series 2009 Bonds Resolution, the City's bond attorney has incorporated within the Resolution the Report and Certificate of the Chief Financial Officer.

Based on current projections, Tax Increment Revenues are sufficient to meet debt service requirements for the twenty-four year and five month financing term as well as cover operating expenditures as currently structured in the Fiscal Year 2019 Budget. It is also projected that for the next twenty-four years and five months, should Tax Increment Revenues continue to increase as it has since fiscal year 2015, funds will continue to be available for additional projects.

BBVA Mortgage Corporation is represented by John Gormley, Senior Vice President of BBVA Compass Bank, Pensacola, FL. The financing team also included Randy Clement, Esq. with Bryant Miller Olive, the City's Bond Counsel.

In accordance with Section 163.346, Florida Statutes, a notice regarding the proposed issuance of the Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019 ("Series 2019 Bond") has been sent to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. Further, a notice of the public meeting has been published in the Pensacola News Journal of such proposed action in accordance with Florida Statutes.

PRIOR ACTION:

October 8, 2009 - City Council approved Resolution No. 33-09 providing for the issuance of the Redevelopment Revenues Bonds, Series 2009A and Redevelopment Revenue Bonds, Series 2009B (Federally Taxable - Build America Bonds) in the amount of \$45,640,000.

November 9, 2017 - City Council approved Resolution No. 17-78 providing for the issuance of the Urban Core Redevelopment Revenue Bond, Series 2017 in the amount of \$8,000,000.

FUNDING:

N/A

FINANCIAL IMPACT:

Adoption of Supplemental Budget Resolution No. 2019-32 will appropriate funding for the Community Redevelopment Agency's Urban Core Redevelopment Refunding and Improvement Revenue Bond, Series 2019. Estimated closing costs of \$151,000 and estimated escrow costs for refinancing the Series 2009B Bonds of \$40,245,000 will be paid from the estimated \$58,140,000 in bond proceeds resulting in remaining estimated project funds of \$17,744,000.

Adoption of Supplemental Budget Resolution No. 2019-32 will also appropriate funding for interest owed through July 25, 2019 on the Series 2009B Bonds.

CITY ATTORNEY REVIEW: Yes

6/28/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer
M. Helen Gibson, AICP, CRA Administrator

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 2019-32
- 2) Supplemental Budget Explanation No. 2019-32

PRESENTATION: No

**RESOLUTION
NO. 2019-32**

**A RESOLUTION
TO BE ENTITLED:**

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2019; 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. CRA DEBT SERVICE FUND

Fund Balance		931,700
As Reads:	Interest Expense	3,344,700
Amended		
To Read:	Interest Expense	4,276,400

B. CRA SERIES 2019 PROJECT FUND

To:	Bond Proceeds	17,895,000
To:	Operating Expenses	1,795,000
To:	Capital Outlay	16,100,000

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 2019 - SUPPLEMENTAL BUDGET RESOLUTION - CRA SERIES 2019 BOND EXPLANATION NO. 2019-32**

FUND	AMOUNT	DESCRIPTION
A. CRA DEBT SERVICE FUND		
Estimated Revenues		
Fund Balance	<u>931,700</u>	Increase appropriated fund balance
Appropriations		
Interest Expense	<u>931,700</u>	Increase appropriation for Interest Expense
Total Appropriations	<u>931,700</u>	
B. CRA SERIES 2019 PROJECT FUND		
Estimated Revenues		
Bond Proceeds	17,895,000	Appropriate estimated revenue from Bond Proceeds
Total Revenues	<u>17,895,000</u>	
Appropriations		
Operating Expenses	1,795,000	Appropriate funding for Operating Expenses
Capital Outlay	<u>16,100,000</u>	Appropriate funding for Capital Outlay
Total Appropriations	<u>17,895,000</u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-38

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION 2019-38 - RENTAL CAR CONCESSION AGREEMENT & REAL PROPERTY LEASE AMENDMENT 2

RECOMMENDATION:

That City Council approve Supplemental Budget Resolution No. 2019-38.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Pensacola International Airport has six on-airport rental car concessionaires to rent or lease motor vehicles to the public seven days a week during the hours in which there are scheduled airline operations. These concessionaires utilize on site facilities to service their rental fleets. Facilities are occupied by Hertz, Avis/Budget/Payless (Avis Budget Group owns Payless), Enterprise/Alamo/National (Enterprise Holdings owns Alamo and National), and Dollar/Thrifty.

In February of this year, City Council approved Amendment 2 to the Rental Car Concession Agreement and Real Property Lease. In part, this amendment provided for the replacement of certain items such as the car wash equipment and the vacuum systems at the service facilities that have reached the end of life from normal wear and tear. Since the construction of the service facilities, a Customer Facility Charge (CFC) has been billed to rental car patrons to pay for the ongoing maintenance of the area. The CFC anticipated the periodic replacement of items such as the car wash equipment and vacuum systems, and funds are available.

Supplemental Budget Resolution No. 2019-38 provides for the appropriation of the Customer Facility Charge Funds already collected to the FY2019 Budget to complete the projects in Amendment 2.

PRIOR ACTION:

February 14, 2019 - City Council approved Amendment 2 to the Rental Car Concession Agreement and Real Property Lease.

FUNDING:

Budget: \$ 1,686,000

Actual: \$ 1,686,000 Estimated

FINANCIAL IMPACT:

Approval of the supplemental budget resolution will appropriate the funds for the project.

CITY ATTORNEY REVIEW: Yes

6/27/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Daniel E. Flynn, Airport Director

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 2019-38
- 2) Supplemental Budget Explanation No. 2019-38

PRESENTATION: No

**RESOLUTION
NO. 2019-38**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2019; 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. AIRPORT FUND

As Reads	Rental Car Customer Facility Charge (Service Facility)	2,400,000
To:		
Reads	Rental Car Customer Facility Charge (Service Facility)	4,086,000
As Reads	Operating Expenses	12,721,764
To:		
Reads	Operating Expenses	14,407,764

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 2019 - SUPPLEMENTAL BUDGET RESOLUTION - AIRPORT RENTAL CAR /PROPERTY LEASE AMENDMENT - RES NO. 2019-38**

FUND	AMOUNT	DESCRIPTION
AIRPORT FUND		
Estimated Revenues		
Rental Car Customer Facility Charge (Service Facility)	1,686,000	increase estimated revenue for Rental Car Customer Facility Charge (Service Facility)
Total Revenues	<u>1,686,000</u>	
Appropriations		
Operating Expenses	<u>1,686,000</u>	Increase appropriation for Operating Expenses
Total Appropriations	<u>1,686,000</u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 20-19

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 20-19 PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE SECTION 12-2-11 AIRPORT LAND USE DISTRICT - RECREATIONAL FACILITIES - NOT-FOR-PROFIT

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 20-19 on second reading.

AN ORDINANCE AMENDING SECTION 12-2-11 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, AIRPORT LAND USE DISTRICT; RECREATIONAL FACILITIES - NOT FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Land Development Code Section 12-2-11 Airport Land Use District contains the Airport Transition Zone (ATZ-1), which is a small zoning district that surrounds the Airport Restricted Zoning District, which is all City owned property. The ATZ-1 zoning district has a limited list of permitted uses and this amendment would modify the list of permitted uses to include Recreational Facilities - Not-for-Profit. This amendment would expand the list of permitted uses in order to accommodate the construction of a new YMCA at 2130 Summit Boulevard. The ATZ-1 zoning district is a separate district (non-cumulative) and this amendment would not directly impact other districts.

On May 14, 2019, Planning Board unanimously recommended approval of this request.

PRIOR ACTION:

May 30, 2019 - City Council conducted the first of two Public Hearings to consider an amendment to Land Development Code Section 12-2-11- Airport Land Use District - Recreational Facilities - Not-For-Profit.

June 13, 2019 - City Council conducted the second of two Public Hearings to consider an amendment to the Land Development Code Section 12-2-11 - Airport Land Use District - Recreational Facilities - Not-For-Profit.

June 13, 2019 - City Council voted to approve Proposed Ordinance No. 20-19 on first reading.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

5/20/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Sherry H. Morris, AICP, Planning Services Administrator
Brian Cooper, Director of Parks & Recreation

ATTACHMENTS:

1. Proposed Ordinance No. 20-19
2. May 14, 2019 Planning Board Minutes

PRESENTATION: No

PROPOSED
ORDINANCE NO. 20-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-11 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, AIRPORT LAND USE DISTRICT; RECREATIONAL FACILITIES – NOT FOR PROFIT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-11 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-2-11. - Airport land use district.

The regulations in this section shall be applicable to the airport restricted and airport transition zoning districts: ARZ, ATZ-1 and ATZ-2.

(A) *Purpose of district.* The airport land use district is established for the purpose of regulating land, owned by the Pensacola Regional Airport or immediately adjacent to the airport, which is considered sensitive due to its relationship to the runways and its location within noise zones "A" and "B" as defined in Chapter 12-11 of this title. Land zoned ARZ is owned by the city and allows only open space, recreational or commercial and industrial uses customarily related to airport operations. The areas designated as airport transitional zones are permitted a range of uses.

(B) *Uses permitted.*

(1) *ARZ, airport restricted zone (city-owned property).*

(a) The following three (3) sections of the airport restricted zone are limited to specific uses as defined below:

1. *ARZ-1.* The parcel of land located north of Summit Boulevard between two (2) airport transition zones (includes the Scott Tennis Center and airport drainage system). Uses within this zone will be limited to those uses described below in subsections (b) and (c).
2. *ARZ east of runway 8/26.* The parcel of land on the eastern end of runway 8/26, located between Avenida Marina and Gaberonne Subdivision and between Spanish Trail and Scenic Highway. All land within this zone outside of the fifteen (15) acres required for clear zone at the eastern end of runway 8/26 will be retained as open space.

3. *ARZ south of runway 17/35.* The parcel of land at the southern end of runway 17/35, located north of Heyward Drive and east of Firestone Boulevard. All land within this zone outside of the twenty-eight and five-tenths (28.5) acres required for clear zone at the southern end of runway 17/35 will be retained as open space.
 - (b) Airport, airport terminal, air cargo facilities, and uses customarily related to airport operations and expansions.
 - (c) Golf course, tennis court, driving range, par three course, outdoor recreational facilities, provided that no such uses shall include seating or structures to accommodate more than one hundred (100) spectators or occupants.
 - (d) Service establishments such as auto rental and travel agencies, commercial parking lots and garages, automobile service station and similar service facilities.
 - (e) Warehousing and storage facilities.
 - (f) Industrial uses compatible with airport operations.
 - (g) Commercial uses to include hotels, motels, extended stay facilities, pharmacy, restaurant and drive through facilities, banks, office, post secondary education facilities, meeting facilities, dry cleaner, health club, exercise center, martial arts facility, bakery, floral shop, day care/child care facility, medical clinic, doctor and dentist offices, and retail services to include specialty shops and studios; or other similar or compatible uses.
 - (h) Other uses which the city council may deem compatible with airport operations and surrounding land uses pursuant to the city's Comprehensive Plan and the Airport Master Plan and as such uses that meet the FAA's requirements for airport activities.
- (2) *ATZ-1, airport transitional zone.*
 - (a) Single-family residential, attached or detached, 0-5 units per acre;
 - (b) Home occupations, subject to regulations in section 12-2-33;
 - (c) Offices;
 - (d) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.
 - (e) Recreational Facilities – Not for Profit
 - ~~(e)~~ (f) Conditional uses permitted:
 - a. Communications towers in accordance with section 12-2-44.
 - b. Rooftop mounted antennas in accordance with section 12-2-45.
- (3) *ATZ-2, airport transitional zone.*
 - (a) Any use allowed in the ATZ-1;
 - (b) Retail and service commercial; and,
 - (c) Aviation related facilities;
 - (d) Conditional uses permitted:

- a. Communications towers in accordance with section 12-2-44.
 - b. Rooftop mounted antennas in accordance with section 12-2-45.
- (C) *Review and approval process.* All private, nonaviation related development in the ARZ zone and all developments other than single-family residential within approved subdivisions within the ATZ-1 and ATZ-2 zones must comply with the development plan review and approval process as established in section 12-2-81.
- (D) *Regulations.* All development shall comply with applicable height and noise regulations as set forth in Chapter 12-11. All development must comply with design standards and is encouraged to follow design guidelines as established in section 12-2-82. All private, nonaviation related development within the ARZ zone and all development within ATZ-1 and ATZ-2 zones must comply with the following regulations:
 - (1) *Airport land use restrictions.* Notwithstanding any provision to the contrary in this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:
 - (a) All lights or illumination used in conjunction with street, parking, signs or use of land structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.
 - (b) No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
 - (c) No continuous commercial or industrial operations of any type shall produce smoke, glare or other visual hazards, within three (3) statute miles of any usable runway of a public airport, which would limit the use of the airport.
 - (d) Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:
 - 1. Landfills located within ten thousand (10,000) feet of any runway used or planned to be used by turbine aircraft.
 - 2. Landfills located within five thousand (5,000) feet of any runway used only by nonturbine aircraft.
 - 3. Landfills outside the above perimeters but within conical surfaces described by FAR Part 77 and applied to an airport will be reviewed on a case-by-case basis.
 - 4. Any landfill located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.
 - (e) Obstruction lighting. Notwithstanding any provisions of section 12-11-2, the owner of any structure over one hundred fifty (150) feet above ground level shall install lighting on such structure in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto. Additionally, the high-intensity white obstruction lights shall be installed on a high structure which exceeds

seven hundred forty-nine (749) feet above mean sea level. The high-intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto.

- (f) Noise Zones. The noise zones based on the Pensacola Regional Airport FAR part 150 Study adopted in 1990 and contained in Section 12-11-3 shall establish standards for construction materials for sound level reduction with respect to exterior noise resulting from the legal and normal operations at the Pensacola International Airport. It also establishes permitted land uses and construction materials in these noise zones.
- (g) Variances. Any person desiring to erect or increase the height of any structure(s), or use his property not in accordance with the regulations prescribed in this chapter, may apply to the zoning board of adjustment for a variance from such regulations. No application for variance to the requirements of this part may be considered by the zoning board of adjustment unless a copy of the application has been furnished to the building official and the airport manager.
- (h) Hazard marking and lighting. Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70/7460-1 or subsequent revisions. The permit may be conditioned to permit Escambia County or the city at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.
- (i) Nonconforming uses. The regulations prescribed by this subsection shall not be construed to require the removal, lowering or other changes or alteration of any existing structure not conforming to the regulations as of the effective date of this chapter. Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted and completed within two (2) years thereof.

Before any nonconforming structure may be replaced, substantially altered, repaired or rebuilt, a permit must be secured from the building official or his duly appointed designee. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure to become a greater hazard to air navigation than it was as of the effective date of this chapter. Whenever the building official determines that a nonconforming use or nonconforming structure has been abandoned or that the cost of repair, reconstruction, or restoration exceeds the value of the structure, no permit shall be granted that would allow said structure to be repaired, reconstructed, or restored except by a conforming structure.

- (j) Administration and enforcement. It shall be the duty of the building official, or his duly appointed designee, to administer and enforce the regulations prescribed herein within the territorial limits over which the city has jurisdiction. Prior to the issuance or denial of a tall structure permit by the building official, the Federal Aviation Administration must review the proposed structure plans and issue a determination of hazard/no hazard. In the event that the building official finds any violation of the regulations contained herein, he shall give written notice to the person responsible

for such violation. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation.

- (2) *Minimum lot size and yard requirements/lot coverage.* There are no minimum requirements for lot size or yards, except that the development plan shall take into consideration the general development character of adjacent land uses. The maximum combined area occupied by all principal and accessory buildings shall be fifty (50) percent.
- (3) *Maximum height of structures.* For the ATZ-1 and ATZ-2 zoning districts the maximum height for residential structures is thirty-five (35) feet and for office, commercial or aviation-related facilities, is forty-five (45) feet. Communications towers and rooftop mounted antennas may be permitted within the ATZ-1 and ATZ-2 districts upon conditional use permit approval in accordance with Section 12-2-79. Provided, however that no structure shall exceed height limitations established in section 12-11-2(A).
- (4) *Additional regulations.* In addition to the regulations established above all development must comply with the following regulations:
 - (a) Supplementary district regulations. (Refer to sections 12-2-31 to 12-2-50).
 - (b) Signs. (Refer to Chapter 12-4).
 - (c) Tree/landscape. (Refer to Chapter 12-6).
 - (d) Subdivision. (Refer to Chapter 12-8).
 - (e) Stormwater management, and control of erosion, sedimentation and runoff. (Refer to Chapter 12-9).

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 City Council

Attest:

City Clerk



PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

May 14, 2019

MEMBERS PRESENT: Vice Chair Kurt Larson, Nathan Monk, Danny Grundhoefer, Laurie Murphy, Ryan Wiggins

MEMBERS ABSENT: Chairman Paul Ritz, Nina Campbell,

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Keith Wilkins, Assistant City Administrator, Brian Cooper, Parks and Recreation, Chris Johnston, Network Engineer, Councilman Terhaar, Councilwoman Myers

OTHERS PRESENT: Michael Bodenhausen, George Williams, Tony Terhaar, Michael Carro, Donald Redhead, Kelley Martinez

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from April 9, 2019.
- **New Business:**
 1. Vacation of Right-of-Way – 400 Block of 11th Avenue (Between LaRua and Belmont Streets)
 2. Amendment to Land Development Code Section 12-2-11 Airport Land Use District
 3. Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)
 4. Aesthetic Review – 501 S. Palafox Street (Al Fresco)
- Open Forum
- Adjournment

Call to Order / Quorum Present

Vice Chairman Larson called the meeting to order at 2:01 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Ms. Wiggins stated during open forum the first sentence was incorrect stating she was addressing saving some of the buildings downtown from demolition. Ms. Wiggins states her concerns actually were how many people have come before us concerned about demolition in East Hill and other areas. Ms. Wiggins would like corrections made to better represent what the discussion was about. Ms. Deese asked what would some suggestions be specifically and explained that the minutes are created directly from the recording. Ms. Wiggins also stated on the second page second sentence that East Hill is not considered a historic community. Ms. Deese ensured Ms. Wiggins that staff would review the recording and modify as much as possible.

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

Ms. Deese suggested that since modifications will be made, the approval for the April 9, 2019 minutes would be brought back next month for approval.

New Business

Vacation of Right-of-Way – 400 Block of 11th Avenue (Between LaRua and Belmont Streets)

Anthony L. Terhaar Enterprises, LLC is requesting the approval of a 10-foot portion of the 400 Block of 11th Avenue between LaRua and Belmont Streets. The applicant has indicated the reason for the request is to attain the highest and best use of the property and to preserve and increase the property values in this area of East Hill. If granted, the additional 10 feet will allow the applicant to construct two single family attached structures instead of one single family detached structure. This request is consistent with a previous vacation of 11th Avenue to the North and will make the easterly property lines consistent within the southern-most two blocks of 11th Avenue.

This request has been routed through the various City departments and utility providers and those comments are attached for your review. Staff has been made aware that utilities are present within this right-of-way area and a full width easement will be included in the ordinance proposed to City Council.

Mr. Monk asked for clarity on the portion of right-of-way to be vacated. Ms. Deese stated only the yellow portion is the ten-foot portion to be vacated and if approved the ten-foot portion would become private property. Mr. Terhaar appeared before the Board and explained that since the same type of vacation took place on a piece of property above from LaRua to Belmont in order to increase the value of the property he wanted to also increase the value of his land. Mr. Terhaar also states his neighbor Mr. Phelps who owns the property to the North is in support. Ms. Murphy asked about the future use for the other property owned by Mr. Phelps. Mr. Terhaar stated he did not know; only that Mr. Phelps has owned the property for a while. Ms. Murphy also asked about AT&T's easement and if the ability to keep the driveway would still allow for AT&T to access their lines. Mr. Terhaar responded it was his understanding that AT&T would be satisfied as long as they had full access. Mr. Monk stated he did not see any problems with approving the request. **Mr. Monk motions to approve. Ms. Murphy seconds the motion. The motion carried unanimously.**

Amendment to Land Development Code Section 12-2-11 Airport Land Use District

Staff is requesting to amend Land Development Code Section 12-2-11 Airport Land Use District in order to modify the list of permitted uses specifically for the Airport Transition Zone (ATZ-1). The proposed amendment would be to modify the list of permitted uses to include Recreational Facilities – Not-For-Profit. The ATZ-1 zoning district is a small district that surrounds the Airport Restricted Zoning District (ARZ), which is all City owned property. The ATZ-1 has a limited list of permitted uses and this would expand the list in order for the new YMCA to be constructed at 2130 Summit Boulevard. The ATZ-1 zoning district is a separate district (non-cumulative) and this amendment would not directly impact other districts.

Ms. Laurie Murphy states the ATZ-1 already contains other facilities such as daycares, office use and residential use. Ms. Murphy states in her opinion it would depend on the size of the facility exactly what type of traffic, storm water infrastructure and the actual plan. Ms. Murphy states she does not have enough information to feel confident to agree to a recreational facility. Mr. Larson clarifies that at this point all the Board is deciding on is if they are going to allow recreation facilities, yes or no. Ms. Deese concurs and further states the Board needs to focus on the question presented, which is recreational facilities not-for-profit, is that a reasonable use within the AZT-1? Ms. Deese also states the Board is only looking at a text amendment, not a conditional use permit. Mr. Monk states his concern is he would have rather seen this as a conditional use so the Board would have more oversight. Mr. Monk also states that until he received calls with concerns, he did not feel this was a big deal.

Ms. Deese explained that the Board has the ability to approve, deny or approve with modifications. Mr. Larson asked for a representative from the City to discuss further. Mr. Keith Wilkins, Assistant City

Administrator appears before the Board and states the Mayor is in support of the project and agrees with Planning Staff that the issues with site plans or traffic is not in the purview of the Planning Board and he is here to convey the Mayor's support of the project. Mr. Wilkins also agrees with staff that the question is whether to approve, deny or approve with conditions. Mr. Wilkins again states how the operations between the City and YMCA and how they administer programs is an issue between them and not within the purview of Planning Board. Mr. Wilkins states Brian Cooper, Director of Parks and Recreation may be able to address questions more specifically. Mr. Cooper appears before the Board and explains that the Parks and Recreation Department are in a process of a Land Swap deal and this is a complicated process and City Council will have to approve the land swap. Currently Parks and Recreation are collaborating with the YMCA to reduce duplication of services. Mr. Cooper stated they want to do what is best for the community. Mr. Monk's concern again was possible privatization of government programs in which anyone who has access could in theory be denied. Mr. Cooper states the intent is not to stop offering services but to stop duplicating services in that area. Ms. Murphy asked how does an approval for something conditional work? Ms. Deese explained the Conditional Use Permit process and added that it would cause delays in this project which has specific deadlines. Upon question, Ms. Deese stated a conditional use is very specific to that project and not at all cookie cutter. After further discussion, **Ms. Wiggins motions to approve. Mr. Grundhoefer seconded the motion.** Mr. Monk states he will approve but still has concerns with known controversy and feels it would have been nice to better plan this out. **The motion carried unanimously.**

Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)

Aesthetic Review – 501 S. Palafox Street (Al Fresco)

Scott Sallis, on behalf of Michael Carro, is requesting an amendment to the existing Conditional Use Permit for Mobile Restaurant Unit Development at 501 S. Palafox, also known as "Al Fresco". The proposed modification includes constructing a single story, slab on grade, metal building framed roof structure over a series of kitchens and retail kiosks. The retail kiosks will also be portable and secured in a manner similar to the existing air stream kitchens. The original Conditional Use Permit gained approval through a Land Development Code amendment that created Mobile Restaurant Unit Developments as an accessory use to the primary use of a restaurant. The details of the original approval are attached for your review. If the amendment to the Conditional Use Permit is granted, the applicant also seeks aesthetic approval of the improvements to the property.

Ms. Deese explained this is a discussion item only since based on when the application was received; notifications could not be mailed out. The request will come back to the Board in June. Ms. Deese also advised the Board could give aesthetic approval since notices were not required for that agenda item. Mr. Scott Sallis addressed the Board and stated the individual owners of the airstreams over the years have realized the weather and the winter make it difficult to turn a profit in keeping the project going strong. Mr. Sallis stated that Michael Carro and his team came to him and asked for help in covering the airstreams. Mr. Sallis explained he is asking for two things, aesthetic approval and amending the conditional use permit to allow retail, which is not part of the original conditional use permit. Mr. Sallis explained his clients are proposing to remove the airstreams and replace them with shipping containers and putting kitchens within the containers. Mr. Grundhoefer questioned if the shipping containers would be flood proof and not the kiosks? Mr. Sallis responds stating the original design was to use the flood proof construction model for a more permanent kitchen but they removed that design. Mr. Larson asked how many kitchens would there be? Mr. Sallis explained that he does not know but they will use the two units, could be four or could be more than four. Mr. Grundhoefer states he understands the kitchens will be flexible depending on whether tenants succeed or do not succeed. Ms. Murphy asked about grease traps. Mr. Sallis stated grease trap requirements would go through the building department and comply. Mr. Grundhoefer asked about the plaza which is required within the original conditional use and whether it would be kept in the new concept versus covering the whole space. Mr. Sallis states within the ordinance

it is required to have an open plaza. Mr. Grundhoefer stated that in many old cities they use an old warehouse look and feel. He feels Mr. Sallis may be missing an opportunity to create that feel on the corner. Mr. Monk stated he genuinely loves Al Fresco and was concerned about how the new proposal would look. He also stated the only thing that maybe an aesthetic issue for him is that the slant of the metal roof could be a distraction other than that he likes the concept. Mr. Carro addressed the opening on the corner and did not know if that is in the code. Mr. Sallis referenced the paver area is the 40 or 45 percent was required to be pavers. He also stated the reason for the openness was to maintain some of the palm trees. Mr. Grundhoefer supports the concept but feels it falls short of the details in the overhang. He further stated there is no brickwork or columns or ironwork and needs to feel like it is a part of the historic fabric of downtown. Mr. Monk stated he likes the idea that Al Fresco sticks out. Ms. Wiggins also agreed and stated it gives the downtown a bit of a funky feel.

Mr. Larson stated we like the concept but since this is a discussion item, you will need to come back with everything spelled out and convince us that you have met or exceeded all the requirements of the current ordinance. Mr. Larson further stated they wanted to know how the units would be removed? Mr. Monk wanted to know how soon would we see this happen once approved? Mr. Sallis defers to Mr. Carro. Mr. Carro states currently he is renewing short-term leases through end of October but his goal is to break ground in November and be open by March.

Ms. Wiggins wanted to know what does it do to block the wind in the winter? Mr. Carro responded he wanted have some type of screening and potentially the retail mobile units would act as a block. He further stated in addition to screening they could suspend heaters.

Mr. Sallis stated he hoped to secure a vote to send this to City Council in supporting retail as a part of the conditional use and a vote to support preliminary aesthetic review. Ms. Deese clarified the Board could approve a full final aesthetic review if Board feels comfortable with that – However the item will come back to this Board for approval on the conditional use permit next month. Mr. Monk recommended holding off and vote on both items next month. Mr. Grundhoefer agreed. Mr. Sallis wanted to clarify what the Board would be looking for more ornamental detail that looks like this was a building that adapted Al Fresco. Mr. Grundhoefer suggested exploring the idea of the building as a whole instead of chopping off the corner. **Mr. Monk motioned to postpone the item until next month, Ms. Murphy seconded.** Mr. Larson asked for any discussion. Ms. Deese clarifies the code language for Planning Board of 45 days and explains they have 45 days unless there is another time period specified. She further stated the Board could specify a longer period. After further discussion Ms. Deese advises there are three options; set a longer period of time in the event quorum is not met, deny the item or the applicant could withdraw. Mr. Monk stated he does not want to deny the item. **After further discussion, the motion to postpone and extend the time line to within two Planning Board meetings (63 days) passed unanimously.**

Open Forum – Mr. Grundhoefer thanks Brandi and states she has been an asset to this Board and the City.

Adjournment – With no further business, Vice Chairman Larson adjourned the meeting at 3:03 pm.

Respectfully Submitted,



Brandi C. Deese
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-19

City Council

7/18/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 21-19 - VACATION OF RIGHT-OF-WAY 400 BLOCK OF 11TH AVENUE

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 21-19 on second reading.

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 400 BLOCK OF 11TH 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 Anthony L. Terhaar Enterprises, LLC, to vacate a portion of the 400 Block of 11th Avenue between LaRua and Belmont Streets. The applicant has indicated the reason for the request is to attain the highest and best use of the property and to preserve and increase the property values in this area of East Hill. If granted, the additional ten (10) feet will allow the applicant to construct two single family attached structures instead of one single family detached structure. This request is consistent with a previous vacation of 11th Avenue to the North and will make the easterly property lines consistent within the southern-most two blocks of 11th Avenue.

This request has been routed through the various City departments and utility providers and those comments are attached for your review. Staff has been made aware that utilities are present within this right-of-way area and a full width easement has been included in the proposed ordinance.

On May 14, 2019, the City's Planning Board unanimously recommended approval of this request.

PRIOR ACTION:

June 13, 2019 - City Council conducted a Public Hearing on the Request to Vacate Right-of-Way -

400 Block of 11th Avenue.

June 13, 2019 - City Council voted to approve Proposed Ordinance No. 21-19 on first reading.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

5/30/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Sherry H. Morris, AICP, Assistant Planning Services Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 21-19
- 2) Vacation of Right-of-Way Application and Supporting Documentation, 11th Avenue
- 3) Rendering and Plans, 11th Avenue Right-of-Way Vacation Request
- 4) Technical Comments, 11th Avenue Right-of-Way Vacation Request
- 5) May 14, 2019 Planning Board Minutes

PRESENTATION: No

PROPOSED
ORDINANCE NO. 21-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CLOSING, ABANDONING AND VACATING
A PORTION OF THE 400 BLOCK OF 11TH 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 June 13, 2019,
as to the vacation of a portion of the 400 Block of 11th 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:

THE WEST 10 FEET OF 11TH AVENUE ADJACENT TO AND
CONTIGUOUS WITH LOT 10, BLOCK 63, NEW CITY TRACT, CITY
OF PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA,
ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY
THOMAS C. WATSON IN 1906.

AND

THE WEST 10 FEET OF 11TH AVE ADJACENT TO AND CONTIGUOUS
WITH LOT 11, BLOCK 63, NEW CITY TRACT, CITY OF
PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA,
ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY
THOMAS C. WATSON IN 1906.

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



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: ANTHONY L. TERHAAR ENTERPRISES, INC.

Address: 1401 E. BELMONT STREET, PENSACOLA, FL 32501

Phone: 850-393-7007 OFFICE Fax: 850-433-7007 Email: terhaar@terhaarcronley.com

Property Information:

Owner Name: SAME AS ABOVE

Location/Address: WEST SIDE OF 11TH AVENUE BETWEEN LARUA AND BELMONT STREETS

Legal Description: Please attach a full legal description (from deed or survey)

PLEASE SEE ATTACHED.

Purpose of vacation of city right of way/comments:

SEE ATTACHED.

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
(Owner of Property or Official Representative of Owner)

Date

Anthony Terhaar

4.23.19

FOR OFFICE USE ONLY

District: #6

Date Received: 4/24/2019

Case Number: N/A

Date Postcards mailed: _____

Planning Board Date: 5/14/19

Recommendation: N/A

Council Date: _____

Council Action: _____

Purpose of vacation of city right of way.

Anthony L. Terhaar Enterprises is requesting the approval of the vacation of a 10-foot portion of the 1000 Block of 11th Avenue between LaRua and Belmont Streets correctly zoned R-1AA.

The request is to attain the highest and best use of the property and to preserve and increase the property values in this area of East Hill. If granted, the additional 10 feet would allow the applicant to construct 2 single family attached structures instead of 1 single family detached structure. Approval of this request would be consistent with the 10-foot vacation of 11th Avenue recently approved between Jackson and LaRua Streets making the easterly property lines consistent along 11th Avenue to its termination at Belmont Street. Approval would not affect traffic flow on 11th Avenue as it already terminates at Belmont Street and Belmont Street terminates at 12th Avenue resulting in virtually no thru traffic. Applicant could find no future plans to widen 11th Avenue or Belmont at this location. The right-of-way on this segment of 11th Avenue is 70' wide with the 24 foot road width centered in the right-of-way. Approval would provide space for 2 car on-site parking in the rear of each attached home. Homes would face Belmont Street with the prospect of a bay view over the Bergan Building due South of the property.

Please find attached:

Escambia County Property Appraiser Parcel Sheet

Warranty Deed

Current Legal Descriptions & New Legal Descriptions

Annotated Survey

Regulations for Medium Density Residential Zoning Districts

Proposed Ordinance

Approval of ABUTTING Property Owners

An Architectural Package consisting of an Aerial Vicinity View, a Proposed Layout Plan, a Proposed Floor Plan and Proposed Building Elevations.



Chris Jones - Escambia County Property Appraiser

Reference: 000S009025110063



Account: 140379000

Section Map: CA047

Situs: 1090 E BELMONT ST

Complex: NEW CITY TRACT

Owner: TERHAAR ANTHONY L ENTERPRISES INC

Mailing Address:

1401 E BELMONT ST
PENSACOLA, FL 32501

Last Sale: 7/2005, \$55,000

Property Use: VACANT RESIDENTIAL

Approx. Acreage: 0.1894 ac

Bldg. Count: 0

Total Heated Area: 0 sf

Zoned: R-1AA

Taxing Auth: PENSACOLA CITY LIMITS

Schools:

Elem: SUTER

Int: WORKMAN

High: PENSACOLA



General Information**Reference:** 000S009025110063**Account:** 140379000**Owners:** TERHAAR ANTHONY L ENTERPRISES
INC**Mail:** 1401 E BELMONT ST
PENSACOLA, FL 32501**Situs:** 1090 E BELMONT ST 32501**Use Code:** VACANT RESIDENTIAL**Taxing
Authority:** PENSACOLA CITY LIMITS**Tax
Inquiry:** [Open Tax Inquiry Window](#)Tax Inquiry link courtesy of Scott Lunsford
Escambia County Tax Collector**Assessments**

Year	Land	Imprv	Total	<u>Cap Val</u>
2018	\$93,388	\$0	\$93,388	\$54,978
2017	\$73,508	\$0	\$73,508	\$49,980
2016	\$57,750	\$0	\$57,750	\$45,437

[Disclaimer](#)**Tax Estimator**

➤ **File for New Homestead Exemption
Online**

**Sales
Data**

Sale Date	Book	Page	Value	Type	Official Records (New Window) View Instr
07/2005	5688	376	\$55,000	WD	View Instr
06/2005	5656	699	\$30,000	WD	View Instr
10/1983	1830	223	\$4,200	WD	View Instr
03/1981	1543	928	\$4,000	QC	View Instr

Official Records Inquiry courtesy of Pam Childers
Escambia County Clerk of the Circuit Court and
Comptroller**2018 Certified Roll Exemptions**

None

Legal DescriptionLT 11 AND E 1/2 OF LT 12 BLK 63 NEW CITY TRACT OR 5688 P
376 CA 47**Extra Features**

None

**Parcel
Information****Section Map****Id:**
[CA047](#)**Approx.**[Launch Interactive Map](#)

Acreage:

0.1894

Zoned:

R-1AA

**Evacuation
& Flood
Information**

[Open Report](#)



[View Florida Department of Environmental Protection\(DEP\) Data](#)

137.5

137.5

137.5

60

11TH AVE

137.5

50

This Instrument Prepared By:
WILLIAM H. MITCHEM
Beggs and Lane
Post Office Box 12950
501 Commendencia St.
Pensacola, Florida 32502
(850) 432-2451
Florida Bar No.: 187836

Ernie Lee Magaha
CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY FLORIDA
INST# 2005398417 07/26/2005 at 09:23 AM
OFF REC BK: 5688 PG: 376 - 379 Doc Type: WD
RECORDING: \$35.50
Deed Stamps \$385.00

STATE OF FLORIDA
COUNTY OF ESCAMBIA

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **GERALD S. CHERNEKOFF**, a Married Man (herein "Grantor"), whose address is 4761-6 Bayou Boulevard, Pensacola, Florida 32503, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, the receipt, adequacy and sufficiency of which is hereby acknowledged, does hereby bargain, sell, remise, confirm, convey and grant unto **ANTHONY L. TERHAAR ENTERPRISES, INC.**, a Florida corporation, (herein "Grantee"), whose address is 957 1401 E. Belmont Street, Pensacola, Florida 32501, its successors and assigns, forever, the following described real property located in Escambia County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY THIS REFERENCE

Subject to those items more particularly set forth on Exhibit "B" attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, free from all exemptions and right of homestead, in fee simple forever. And Grantor covenants that Grantor is well seized of an indefeasible estate in fee simple in said property and has a good right to convey the same; that it is free of lien or encumbrances, and that Grantor, Grantor's heirs, executors, administrators, successors and assigns, will forever warrant and defend title to the above-described property against the lawful claims of all persons whomsoever, subject to the exceptions set forth herein.

Subject property is not the homestead of Grantor, nor does it adjoin Grantor's homestead. No member of Grantor's family resides thereon.

IN WITNESS WHEREOF, we have hereunto set our hands this 22nd day of July, 2005.

Signed, sealed and delivered
in the presence of:

Name: Harold M. Bird

Harold M. Bird
Name: Harold M. Bird

Gerald S. Chermekoff
Gerald S. Chermekoff

Seller's Address: 4761-6 Bayou Boulevard, Pensacola, Florida 32503

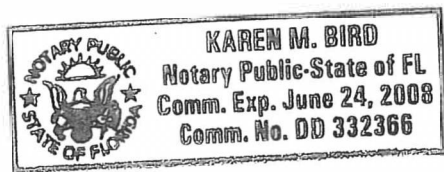
STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 22nd day of July, 2005, by
Gerald S. Chernekoff, who did not take an oath and who:

 is/are personally known to me.
 ✓ produced current Florida driver's license as identification.
 produced _____ as identification.

Karen M. Bird
Notary Public

(Notary Seal Must Be Affixed)



Name of Notary Printed
My Commission Expires: _____
Commission Number: _____

EXHIBIT "A"
LEGAL DESCRIPTION

Lot 11 and the East ½ of Lot 12, Block 63, New City Tract, City of Pensacola, Escambia County, Florida, according to map of said City copyrighted by Thomas C. Watson in the year 1906.

EXHIBIT "B"
PERMITTED EXCEPTIONS

1. Ad valorem taxes for the Year ~~2005~~ and subsequent years, which are not yet due and payable.



Chris Jones - Escambia County Property Appraiser

Reference: 000S009025090063

Account: [140378000](#)

Section Map: [CA047](#)

Situs: 1027 E LA RUA ST

Complex: NEW CITY TRACT

Owner: PHELPS J FRASIER

Mailing Address:

PO BOX 687

PENSACOLA, FL 32591

Last Sale: 9/2005, \$81,000

Property Use: VACANT RESIDENTIAL

Approx. Acreage: 0.2525 ac

Bldg. Count: 0

Total Heated Area: 0 sf

Zoned: R-1AA

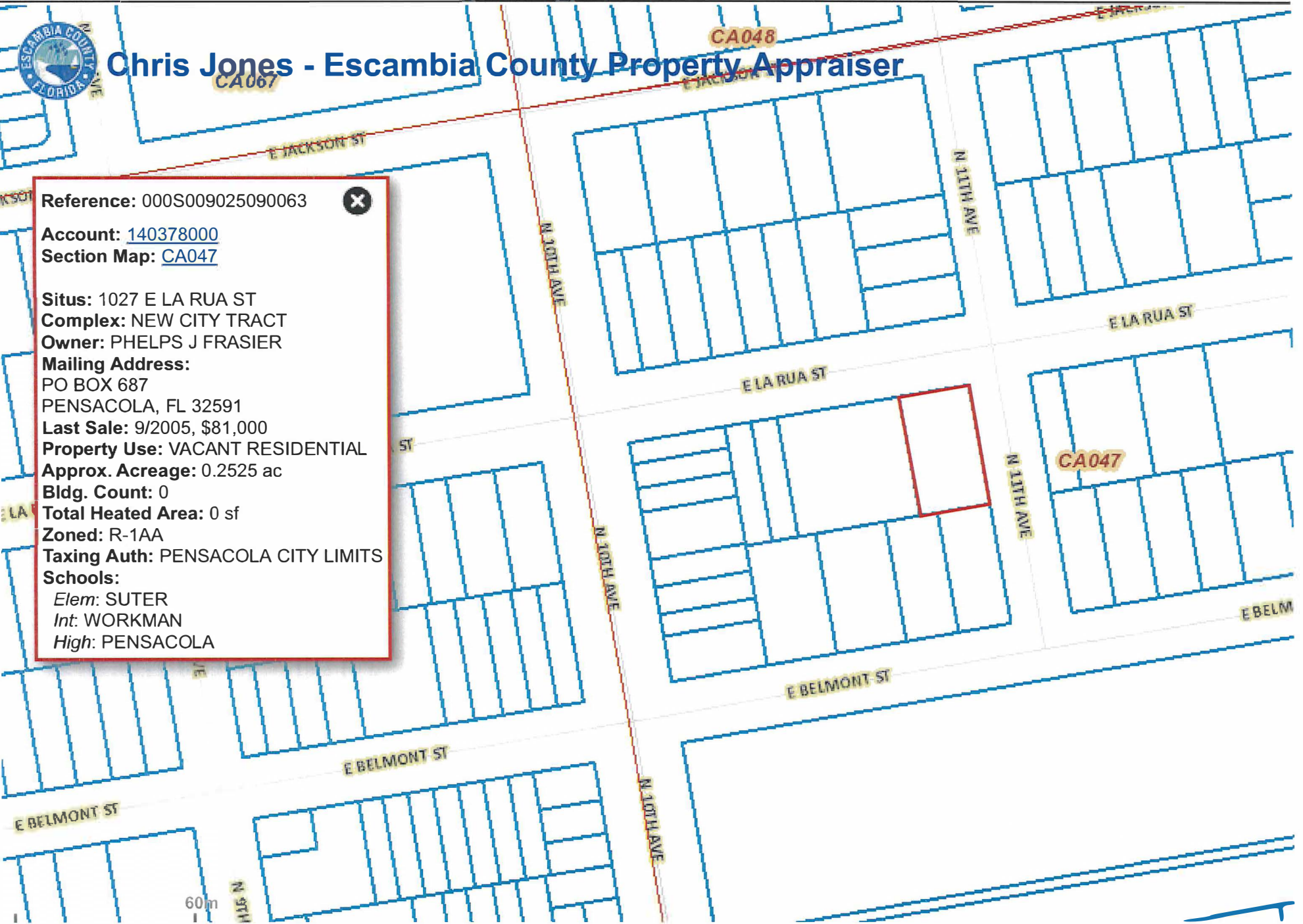
Taxing Auth: PENSACOLA CITY LIMITS

Schools:

Elem: SUTER

Int: WORKMAN

High: PENSACOLA



✓ THIS INSTRUMENT PREPARED BY:
Denis A. Braslow
Attorney at Law
917 N. 12th Avenue
Pensacola, FL 32501

Parcel ID Number: 00-0S-00-9025-090-063

Warranty Deed

This Indenture, Made this 12th day of September, 2005 A.D. Between
Wardell Golay, a single man

of the County of Escambia, State of Florida, grantor, and
J. Frasier Phelps, a single man

whose address is: 9 Port Royal Way, Pensacola, FL 32502

of the County of Escambia, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of
-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Escambia, State of Florida, to wit:

Lots 9 and 10, in Block 63, New City Tract, according to the Map of
the City of Pensacola, Escambia County, Florida, by Thomas C. Watson,
copyrighted in 1906.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Sara Braslow
SARA BRASLOW
Witness

Colleen Vert
Colleen Vert
Witness

Wardell Golay by Donald T. Golay
his Attorney-in-Fact (Seal)
Wardell Golay, by Donald T. Golay,
his Attorney-in-Fact
P.O. Address:

STATE OF Florida
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 12th day of September, 2005 by
Wardell Golay, a single man, by Donald T. Golay, his Attorney-in-Fact

he is personally known to me or he has produced his Florida driver's license as identification.

Sara K. Braslow
Notary Public - State of Florida
My Commission Expires March 28, 2008
Comm. No. DD 304288

Sara K. Braslow
Printed Name:
Notary Public
My Commission Expires:

**RESIDENTIAL SALES
ABUTTING ROADWAY MAINTENANCE DISCLOSURE**

ATTENTION: Pursuant to Escambia County Code of Ordinances Chapter 1-29.2, Article V, sellers of residential lots are required to disclose to buyers whether abutting roadways will be maintained by Escambia County. The disclosure must additionally provide that Escambia County does not accept roads for maintenance that have not been built or improved to meet county standards. Escambia County Code of Ordinances Chapter 1-29.2, Article V requires this disclosure be attached along with other attachments to the deed or other method of conveyance required to be made part of the public records of Escambia County, Florida. Note: Acceptance for filing by County Employees of this disclosure shall in no way be construed as an acknowledgment by the County of the veracity of any disclosure statement.

Name of Roadway: E. La Rua Street

Legal Address of Property: 1027 E. La Rua Street, Pensacola, FL 32501

The County (X) has accepted () has not accepted the abutting roadway for maintenance.

This form completed by: Denis A. Braslow, Attorney at Law
917 N. 12th Avenue
Pensacola, FL 32501

WITNESSES AS TO SELLER(S):

Wendell Haley by Sarah Haley
Sarah Braslow

WITNESSES AS TO BUYER(S):

[Signature] [Signature]
Colin V...

THIS FORM IS APPROVED BY THE
ESCAMBIA COUNTY BOARD OF COUNTY
COMMISSIONERS

The current legal descriptions is as follows:

LOT 9 AND LOT 10, BLOCK 63, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

LOT 11 AND THE EAST 20.00 FEET OF LOT 12, BLOCK 63, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.


The new legal descriptions would be as follows:

LOT 9 AND LOT 10, AND THE WEST 10 FEET OF 11TH AVENUE ADJACENT TO AND CONTINGUOUS WITH LOT 10, BLOCK 63, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

LOT 11, THE EAST 20.00 FEET OF LOT 12 AND THE WEST 10 FEET OF 11TH AVE ADJACENT TO AND CONTIGUOUS WITH LOT 11, BLOCK 63, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

- (a) Residential design manufactured homes when proposed in the R-1AA zoning district subject to regulations in section 12-2-62.
- (b) Bed and breakfast subject to regulations in section 12-2-55.
- (c) Childcare facilities subject to regulations in section 12-2-58.
- (d) Accessory office units subject to regulations in section 12-2-51.
- (D) *Development permitted.*
 - (a) Conventional subdivision subject to regulations in section 12-2-76.
 - (b) Special planned development subject to regulations in section 12-2-77.
- (E) *Regulations for development within the medium density residential land use district.* Table 12-2.2 and 12-2.3 describes requirements for the one-and two-family residential zoning districts.

TABLE 12-2.2
REGULATIONS FOR THE MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS

Standards	R-1AA 			R-1A		
	Single Family Detached	Two-Family Attached (Duplex)	**Single Family Attached (Townhouses)	Single Family Detached	Two-Family Attached (Duplex)	**Single Family Attached (Townhouses)
Maximum Residential Gross Density	8.7 units per acre	11.6 units per acre	11.6 units per acre	12.4 units per acre	17.4 units per acre	17.4 units per acre
Minimum Lot Area	5,000 s.f.	7,500 s.f.	3,750 s.f.	3,500 s.f.	5,000 s.f.	2,500 s.f.
Lot Width at Minimum Building Setback Line	40 feet	60 feet	30 feet	30 feet	50 feet	25 feet
Minimum Lot Width at Street R-O-W Line	40 feet	50 feet	25 feet	30 feet	50 feet	25 feet
Minimum Yard Requirements *Front Yard Side Yard Rear Yard	(Minimum Building Setbacks) 30 feet 6 feet 30 feet			(Minimum Building Setbacks) 20 feet 5 feet 25 feet		
Off-Street Parking	1 space/unit		2 sp./unit	1 space/unit		2 sp./unit

Maximum Building Height	35 feet (Except as provided in <u>Sec. 12-2-39</u>)	35 feet (Except as provided in <u>Sec. 12-2-39</u>)
* The front yard depths in the R-1AA and R-1A districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted.		
** Each single-family attached dwelling unit must be located on its own lot. If a development requires subdivision procedures it shall be subject to and must comply with subdivision regulations as set forth in Chapter 12-8.		
*** All future residential development on parcels changed to a Medium Density Residential (MDR) zoning district via the passage of Ord. No. 23-16, effective on August 18, 2016, shall be considered legal non-conforming and may utilize the R-1A zoning district standards applicable to lot width, lot area and setbacks.		

TABLE 12-2.3

Standards	R-1B		
	Single Family Detached	Two-Family Attached (Duplex)	**Single Family Attached (Townhouses)
Maximum Residential Gross Density	8.7 units per acre	11.6 units per acre	17.4 units per acre
Minimum Yard Requirements *Front Yard Side Yard Rear Yard	(Minimum Building Setbacks) 10 feet 5 feet 10 feet		
Off-Street Parking	1 space/unit		
Maximum Building Height	45 feet (Except as provided in <u>Sec. 12-2-39</u>)		

PROPOSED
ORDINANCE NO. _____

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CLOSING, ABANDONING AND VACATING
A PORTION OF THE NORTH 11TH 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 March 8, 2018, as
to the vacation of a portion of the Avery Street 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:

The West 10.00 feet of North 11th Avenue adjacent to and
contiguous with Lot 10 and Lot 11, Block 63, New City
Tract, City of Pensacola, Escambia County, State of
Florida, According to the map of said City copyrighted
by Thomas C. Watson in 1906.

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

4/15/2019

Petition form signed by all property owners ABUTTING the portion of right of way to be vacated.

Neighbors in Agreement with Requested Vacation of Right-of-way at 1000 Blk E. Belmont Street

Anthony L. Terhaar Enterprises is seeking possession of 10' of the right-of-way on the North West corner of 11th Avenue and E. Belmont Street.

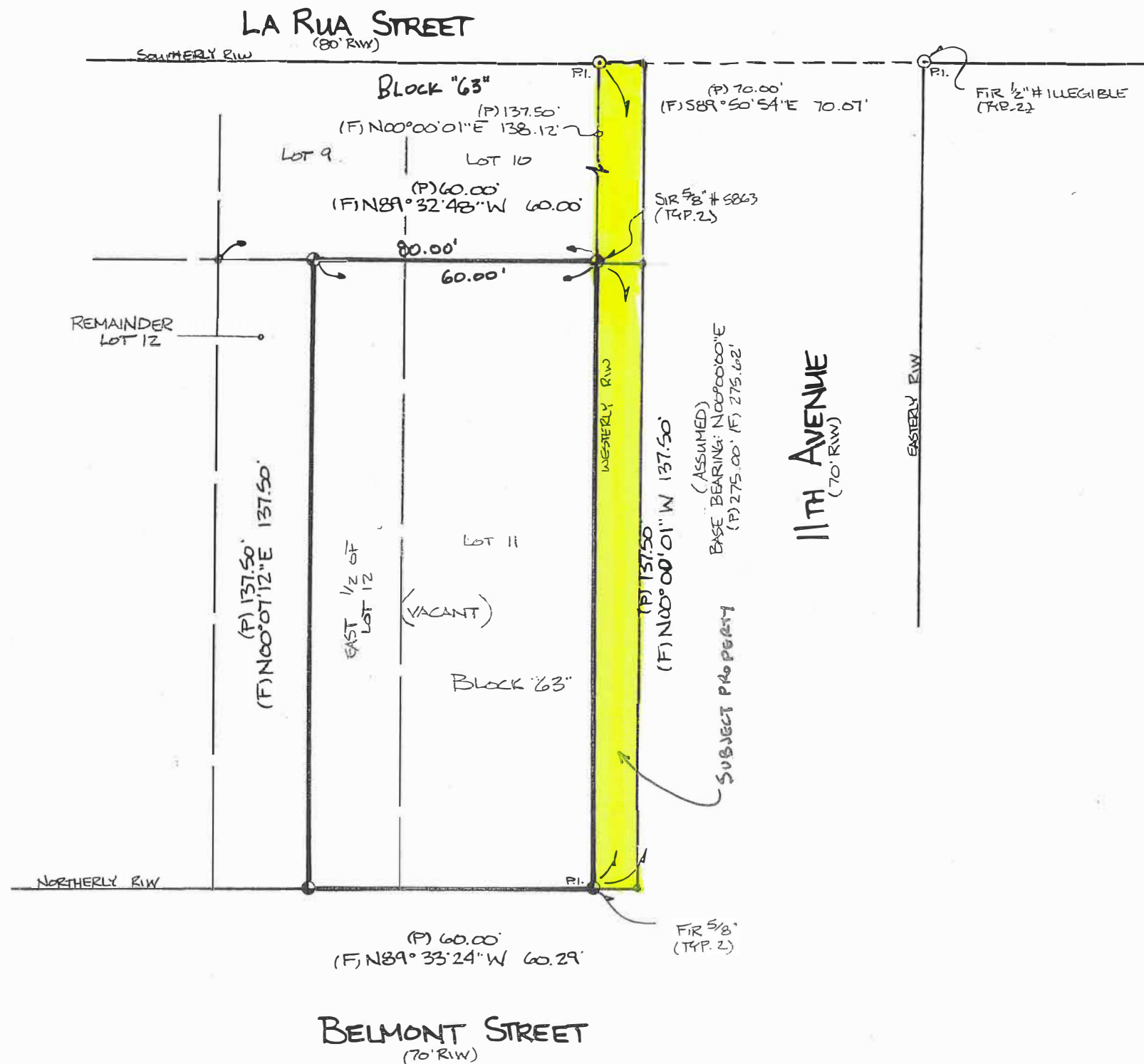
[illegible]

Tony Terhaar

From: J F Phelps <jfpil@bellsouth.net>
Sent: Monday, April 22, 2019 11:20 AM
To: Tony Terhaar
Subject: 1027 E LaRua St

Hi,
I am the owner of 1027 E La Rua St in Pensacola.
Parcel #000S009025090063

I would like to join Mr Terhaar in the vacating 10 feet of 11th St Easement along my property.
Please include me in this process.
Please call me if you need any additional information from me.
Thanks,
Frasier Phelps
850-485-2665



**L.E. SHONTZ
AND ASSOCIATES, INC.**

LAND SURVEYING AND LAND PLANNING
98 East Garden St. Office (850) 470-0532
Pensacola, Florida 32502 Fax (850) 438-0015

REQUESTED BY: J.T. HARGROVE DRAWING NO: 05-11254

NOTES:
- THIS SURVEY WAS PREPARED FOR THE CLIENT SHOWN AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT PRIOR WRITTEN CONSENT FROM THIS SURVEYOR.
- ALL MEASUREMENTS WERE MADE ACCORDING TO UNITED STATES STANDARD FOOT.
- ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVE GROUND VISIBLE OBJECTS OBSERVED BY THE UNDERSIGNED SURVEYOR.
- NO UNDERGROUND STRUCTURES OR UTILITIES WERE DETERMINED BY THIS SURVEYOR.
- THE DIMENSIONS OF THE BUILDING AS SHOWN HEREON DO NOT INCLUDE THE EAVE OVERHANG OR THE FOOTING TO THE FOUNDATION.
- NO TITLE SEARCH WAS PROVIDED TO NOR PERFORMED BY LE SHONTZ AND ASSOCIATES, INC. FOR THE SUBJECT PROPERTY, AS THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS OF WAY, STATE AND/OR FEDERAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF SUBJECT PROPERTY.
- ALL DISTANCES, BEARINGS OR ANGLES ARE AS FIELD MEASURED, DEED OR PLATTED MEASUREMENTS ARE NOTED.
- THE CERTIFICATIONS AS PROVIDED ON THIS SURVEY IS A STATEMENT OF PROFESSIONAL OPINION BASED ON THE FIELD & DOCUMENTARY EVIDENCE AVAILABLE AT THE TIME OF THIS SURVEY.
- OWNERSHIP OF FENCES UNKNOWN TO THIS SURVEYOR.
- DO NOT USE HOUSE TIES TO RECONSTRUCT DEED LINES.

FIP=FOUND IRON PIPE Δ=CENTRAL ANGLE °=DEGREE
FIR=FOUND IRON ROD R=RADIUS ' = MINUTE
SIR=SET IRON ROD 5/8" L=ARC LENGTH " = SECOND
FCM=FOUND CONCRETE MONUMENT CD=CHORD DISTANCE T/B=TOP OF BANK
SCM=SET CONCRETE MONUMENT CB=CHORD BEARING COMP=COMPLETED
D=DEED BLK=BLOCK CAL=CALCULATED
P=PLAT EL=ELEVATION BSL=BUILDING
F=FIELD FFL=FINISH FLOOR SETBACK LINE
CONC=CONCRETE FTS=NOT TO SCALE PRC=POINT OF REVERSE
POC=POINT OF COMMENCEMENT AC=AIR CONDITIONING CURVATURE
POB=POINT OF BEGINNING R/W=RIGHT OF WAY PCC=POINT OF COMPOUND
PI=POINT OF INTERSECTION C/L=CENTERLINE CURVATURE
PT=POINT OF TANGENCY PCP=PERMANENT CONTROL POINT (TYP)=TYPICAL
PC=POINT OF CURVE PRM=PERMANENT REFERENCE MONUMENT

FLOOD STATEMENT:
ZONE: "X" BASE FLOOD ELEVATION: N/A
PANEL NUMBER: 120082-0387-E AS DATED: 2-23-00

NOTE: THIS DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP. THIS DETERMINATION DOES NOT IMPLY THAT THE REFERENCED PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. A PROPERTY NOT IN A SPECIAL FLOOD HAZARD AREA MAY BE DAMAGED BY A FLOOD GREATER THAN THAT PREDICTED ON THE FIRM MAP OR FROM A DRAINAGE PROBLEM NOT SHOWN ON THE FLOOD MAP

Scale	1"=30'	Field Date	Field Book	Page
Boundary	DRAFTED BY: <u>ENT</u>	<u>7-21-05</u>	<u>220</u>	<u>55</u>
Site Plan				
Foundation				
Final				

ADDRESS 1090 E. BELMONT STREET

REVISIONS	
DATE	INITIAL

SECTION 22 TOWNSHIP 2-S RANGE 30-W COUNTY ESC.
(ASSUMED)
BASIS OF BEARING N00°00'00"E, W. R/W, 11TH AVENUE

THIS SURVEY
IS NOT VALID
WITHOUT THE
ORIGINAL RAISED
SEAL & SIGNATURE
OF A FLORIDA
LICENSED SURVEYOR

I HEREBY CERTIFY THAT THE SURVEY AS SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES

L.E. SHONTZ AND ASSOCIATES, INC.
98 EAST GARDEN STREET PENSACOLA, FLORIDA
L.E. Shontz 7-22-05
L.E. SHONTZ, PROFESSIONAL SURVEYOR & MAPPER
REGISTRATION NUMBER 5063 LB NUMBER 7166
STATE OF FLORIDA

CERTIFY TO:
TERHAAR & CRONLEY DEVELOPMENT COMPANY, LLC.
BEGGS & LANE, RLLP.
CHICAGO TITLE INSURANCE COMPANY

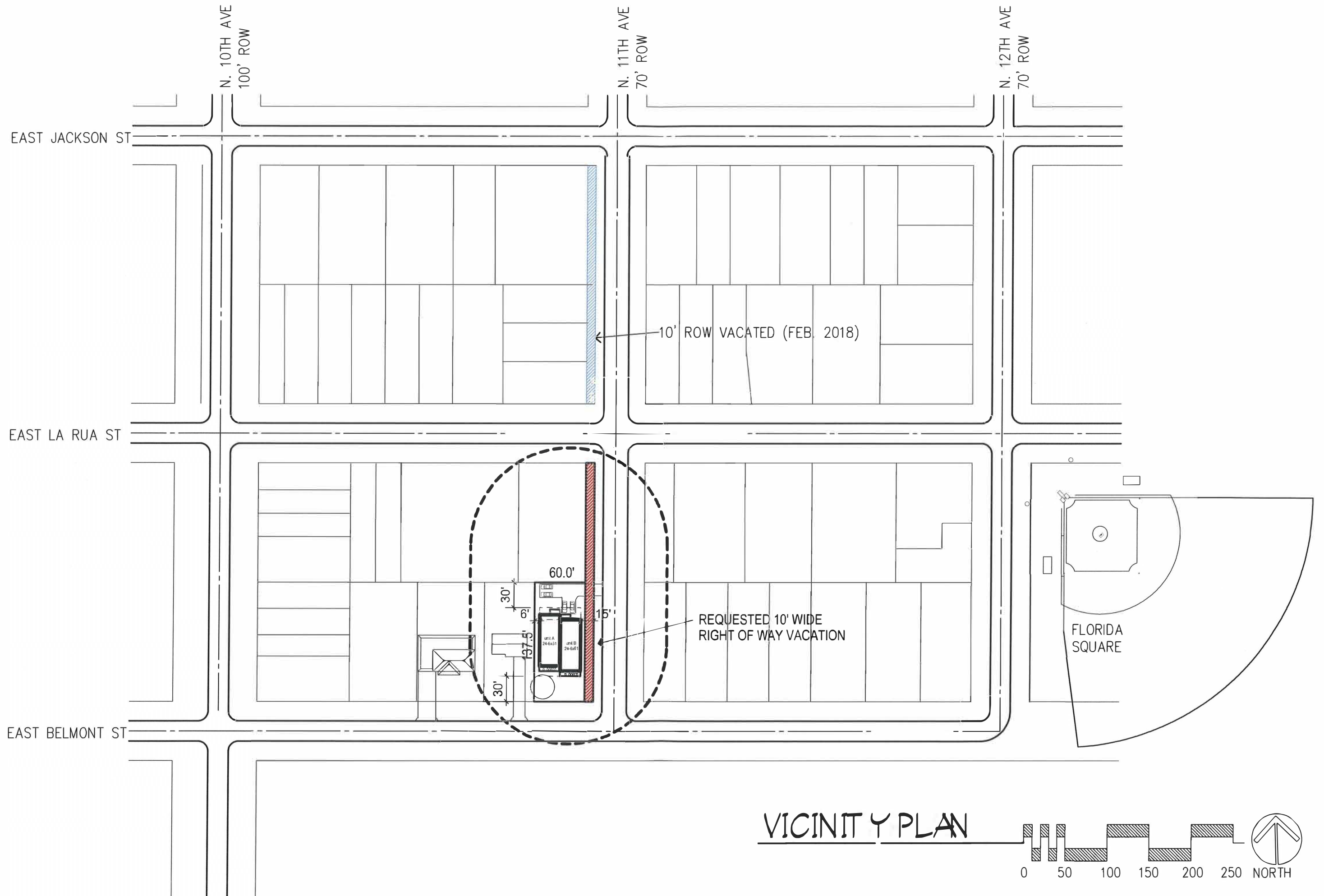
DESCRIPTION:
LOT 11 AND THE EAST 1/2 OF LOT 12, BLOCK 63, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA ACCORDING TO MAP OF SAID CITY AS COPYRIGHTED BY THOMAS C. WATSON IN 1906.



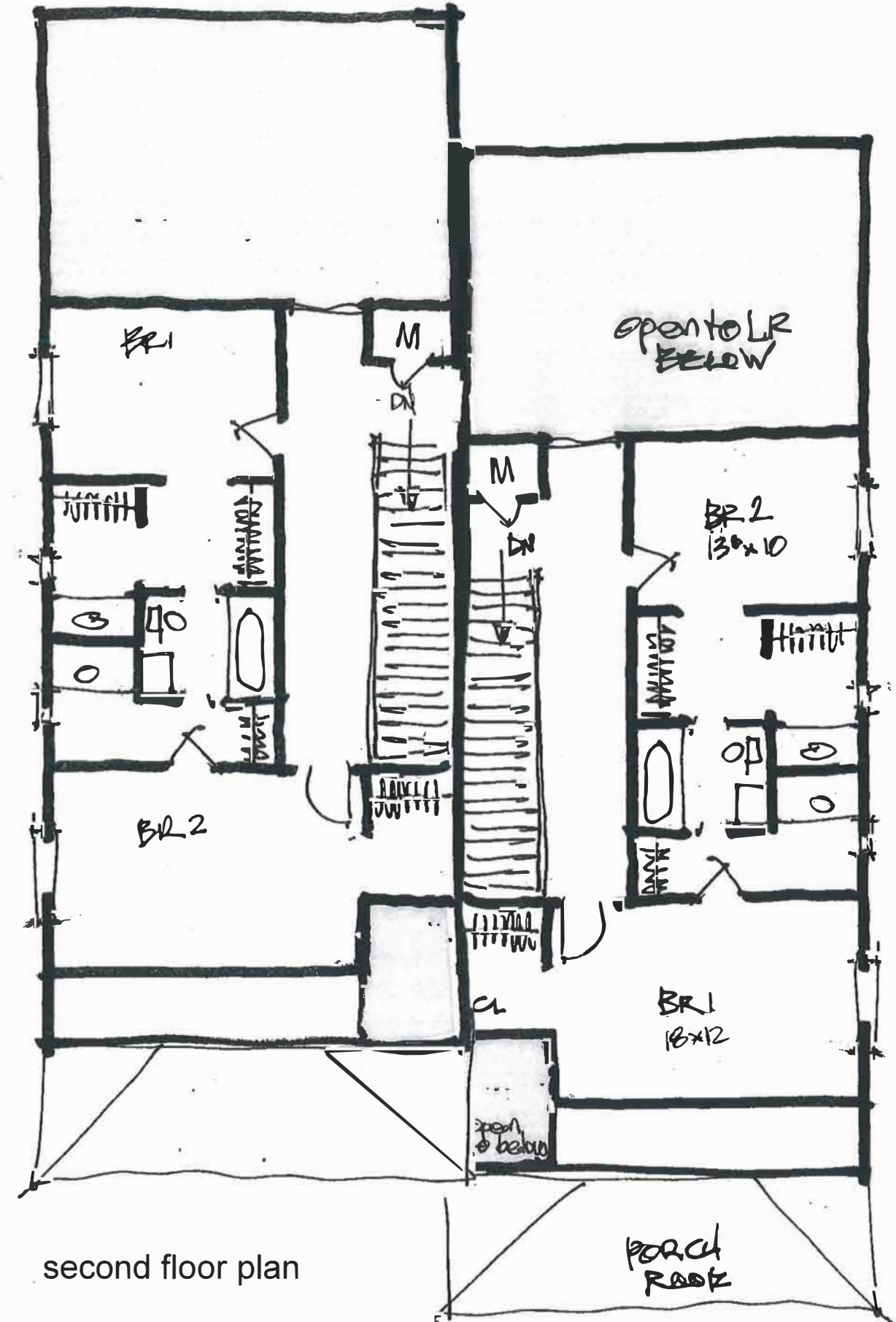
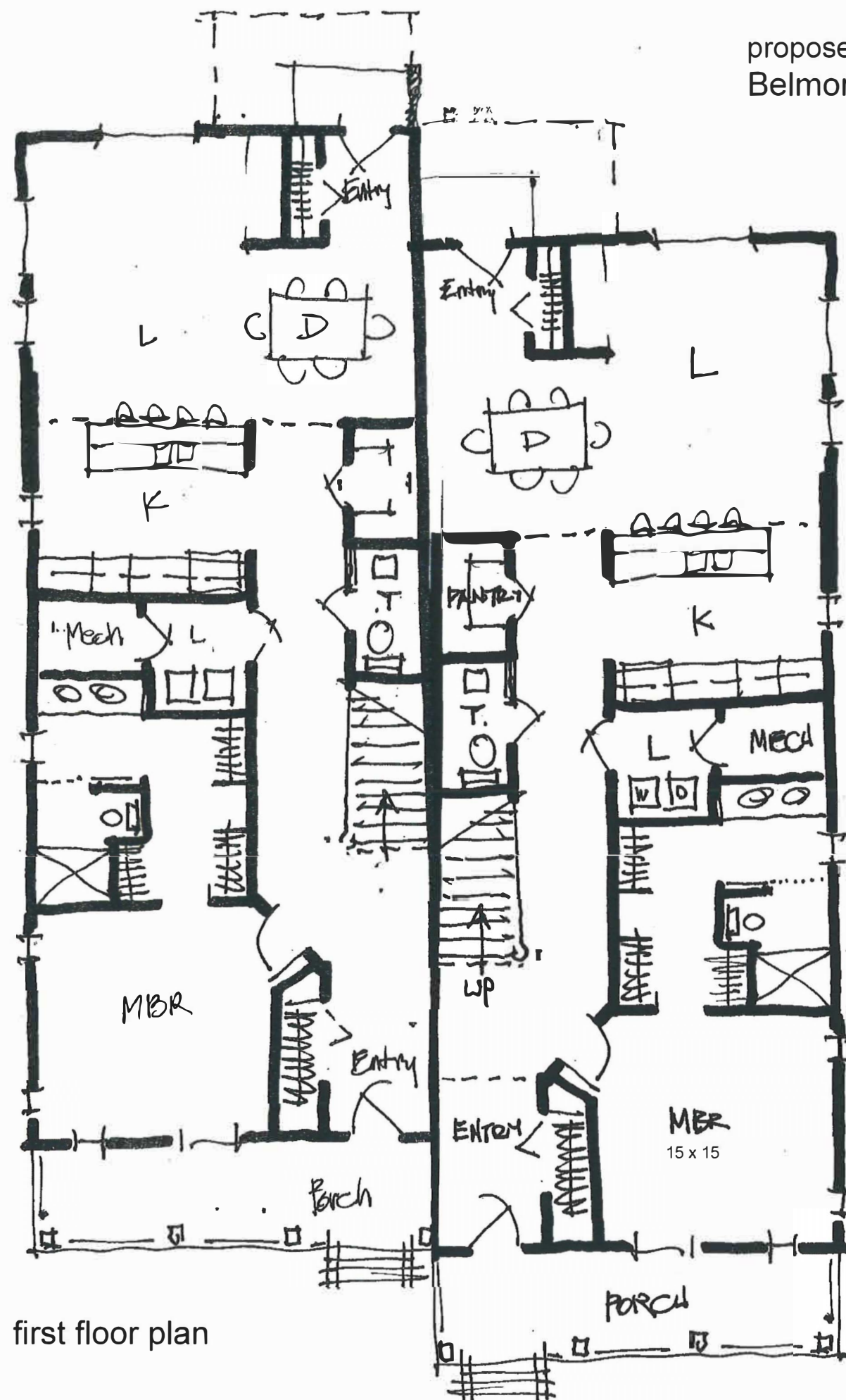
Chris Jones
Escambia County Property Appraiser

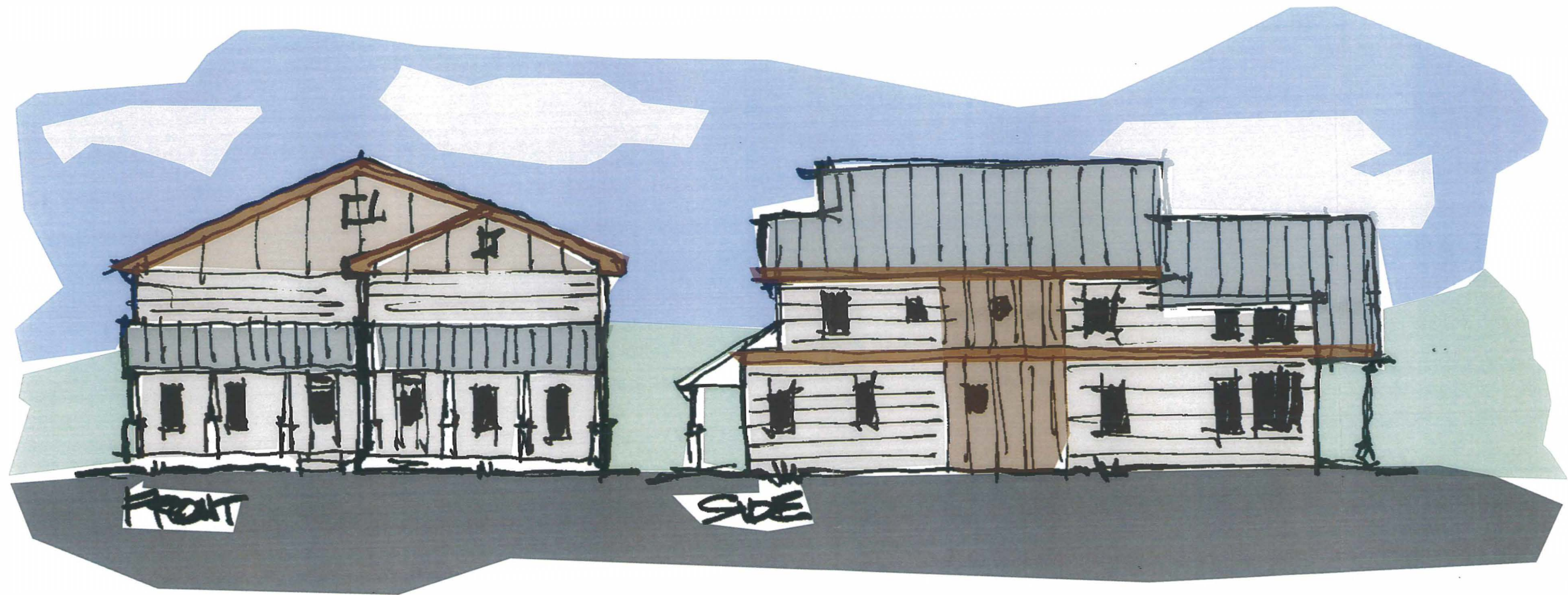
SEE VICINITY PLAN





proposed Townhomes
Belmont and 11th Ave





Brandi Deese

From: Simmons, Kellie <Kellie.Simmons@nexteraenergy.com>
Sent: Friday, May 3, 2019 4:28 PM
To: Brandi Deese
Subject: RE: Vacation

Yes, that would be fine. As long as we are covered for what we have there.

-----Original Message-----

From: Brandi Deese <bdeese@cityofpensacola.com>
Sent: Friday, May 3, 2019 3:55 PM
To: Simmons, Kellie <Kellie.Simmons@nexteraenergy.com>
Subject: FW: Vacation

CAUTION - EXTERNAL EMAIL

Kellie -

Would an easement cover it or would you need more? Please advise as I am trying to post the agenda and meet a deadline. Thanks.

Brandi C. Deese
Assistant Planning Services Administrator Visit us at <http://cityofpensacola.com>
222 W Main St.
Pensacola, FL 32502
Direct Office: 850.435.1697
Planning Services: 850.435.1670
bdeese@cityofpensacola.com

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-----Original Message-----

From: Brandi Deese
Sent: Friday, May 3, 2019 10:15 AM
To: 'Kellie Simmons' <kelliesimmons88@yahoo.com>
Subject: RE: Vacation

Would an easement cover it or you need more?

Brandi C. Deese
Assistant Planning Services Administrator Visit us at <http://cityofpensacola.com>
222 W Main St.

Pensacola, FL 32502
Direct Office: 850.435.1697
Planning Services: 850.435.1670
bdeese@cityofpensacola.com

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-----Original Message-----

From: Kellie Simmons [mailto:kelliesimmons88@yahoo.com]
Sent: Friday, May 3, 2019 9:53 AM
To: Brandi Deese <bdeese@cityofpensacola.com>
Subject: Vacation

Brandi:

We have a pole and anchor in the North end and need to retain rights for that (10') . We have a duplex coming in from the south to a street light about midway up that street. Let me know what you want us to do.

Thanks,
Kellie

Sent from my iPhone



AT&T
605 W. Garden ST, Suite 218
Pensacola, FL 32502

T: 850-436-1495
F: 850-436-1486
www.att.com

April 30, 2019

Anthony L. Terhaar Enterprises, Inc.
1401 E. Belmont Street
Pensacola, FL 32501

Re: Petition to Vacate Right-of-Way N 11th Ave between E Larua St and E Belmont St

Mr. Green,

AT&T Florida has reviewed your request to vacate the right-of-way west of N 11th Ave as described in the documents received via email from the City of Pensacola dated April 25, 2019.

AT&T Florida has facilities in place in the right-of-way location you described.

Due to this, AT&T Florida cannot agree to the vacation of the described right-of-way without a utility easement from the owners, City of Pensacola. 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: Andre Calaminus <andre.calaminus@ecua.fl.gov>
Sent: Wednesday, May 1, 2019 9:27 AM
To: Brandi Deese
Subject: RE: Vacation of Right-of-Way Request for 11th Avenue

Good morning Brandi,

ECUA has no comment on this right-of-way vacation request. ECUA has a sewer main in the center of the 11th Avenue right-of-way, but nothing in this 10' strip as described by the applicant.

Thanks,

Andre Calaminus | Right of Way Agent | Emerald Coast Utilities Authority |
P.O. Box 17089 | Pensacola, FL 32522-7089 | Web: www.ecua.fl.gov |
Phone: (850) 969-5822 | Fax: (850) 969-6511 |

From: Brandi Deese [mailto:bdeese@cityofpensacola.com]
Sent: Thursday, April 25, 2019 11:17 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>; Dennis Fleming <DFleming@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (KF5345@att.com) <KF5345@att.com>; Kellie L. - Gulf Power Simmons (Kellie.Simmons@nexteraenergy.com) <Kellie.Simmons@nexteraenergy.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>
Cc: Leslie Statler <LStatler@cityofpensacola.com>; Amy Hargett <ahargett@cityofpensacola.com>
Subject: Vacation of Right-of-Way Request for 11th Avenue

Good Morning –

Please review and comment on the attached vacation of Right-of-Way request for 11th Avenue between LaRua and Belmont Streets. Please provide comments by close of business on Friday, May 3, 2019. Thanks!

Brandi C. Deese

Assistant Planning Services Administrator

Visit us at <http://cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Direct Office: 850.435.1697

Planning Services: 850.435.1670

bdeese@cityofpensacola.com



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This email has been processed by Smoothwall Anti-Spam - www.smoothwall.net

Brandi Deese

From: Diane Moore
Sent: Friday, April 26, 2019 9:55 AM
To: Brandi Deese
Subject: RE: Vacation of Right-of-Way Request for 11th Avenue

Brandi,
Pensacola Energy has a small section of gas main currently along the northern half of the area to be vacated. While our plan is to abandon this section of pipe in the future with the replacement work we have been doing, we would like to reserve a utility easement as was done in the vacate between La Rua and Jackson.

Please let me know if you have any questions.
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.



For Non-Emergency Citizen Requests, Dial 311 or visit Pensacola311.com

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From: Brandi Deese
Sent: Thursday, April 25, 2019 11:17 AM
To: Andre Calaminus; Annie Bloxson; Bill Kimball; Brad Hinote; Brian Cooper; Chris Mauldin; Dennis Fleming; Derrik Owens; Diane Moore; Jonathan Bilby; Karl Fenner (KF5345@att.com); Kellie L. - Gulf Power Simmons (Kellie.Simmons@nexteraenergy.com); KENNINGTON, STEPHEN; Miriam Woods; Paul A Kelly(GIS); Robbie Weekley; Ryan J. Novota; Sherry Morris
Cc: Leslie Statler; Amy Hargett
Subject: Vacation of Right-of-Way Request for 11th Avenue

Good Morning –
Please review and comment on the attached vacation of Right-of-Way request for 11th Avenue between LaRua and Belmont Streets. Please provide comments by close of business on Friday, May 3, 2019. Thanks!

Brandi C. Deese
Assistant Planning Services Administrator

Brandi Deese

From: Jonathan Bilby
Sent: Friday, April 26, 2019 7:20 AM
To: Brandi Deese
Subject: RE: Vacation of Right-of-Way Request for 11th Avenue

I don't have any issues with it from a Building Code or Inspections standpoint.

Jonathan Bilby, MCP, CFM
Inspection Services Administrator
Visit us at <http://cityofpensacola.com>
222 W Main St.
Pensacola, FL 32502
Office: 850.435.1748
Fax: 850.595.1464
jbilby@cityofpensacola.com



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From: Brandi Deese
Sent: Thursday, April 25, 2019 11:17 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>; Dennis Fleming <DFleming@cityofpensacola.com>; Derrik Owens <DOWens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (KF5345@att.com) <KF5345@att.com>; Kellie L. - Gulf Power Simmons (Kellie.Simmons@nexteraenergy.com) <Kellie.Simmons@nexteraenergy.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>
Cc: Leslie Statler <LStatler@cityofpensacola.com>; Amy Hargett <ahargett@cityofpensacola.com>
Subject: Vacation of Right-of-Way Request for 11th Avenue

Good Morning –

Please review and comment on the attached vacation of Right-of-Way request for 11th Avenue between LaRua and Belmont Streets. Please provide comments by close of business on Friday, May 3, 2019. Thanks!

Brandi Deese

From: Annie Bloxson
Sent: Wednesday, May 1, 2019 7:45 AM
To: Brandi Deese
Subject: RE: Vacation of Right-of-Way Request for 11th Avenue

Good Morning,

I have no issues with the request to vacate the Right-of-Way between LaRua and Belmont.

Respectfully,

Annie Bloxson

Fire Marshal
Visit us at PensacolaFire.com
475 E. Strong St.
Pensacola, FL 32501
Office: 850.436.5200
abloxson@cityofpensacola.com



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From: Brandi Deese <bdeese@cityofpensacola.com>
Sent: Thursday, April 25, 2019 11:17 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>; Dennis Fleming <DFleming@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (KF5345@att.com) <KF5345@att.com>; Kellie L. - Gulf Power Simmons (Kellie.Simmons@nexteraenergy.com) <Kellie.Simmons@nexteraenergy.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>

Brandi Deese

From: Derrik Owens
Sent: Wednesday, May 1, 2019 2:24 PM
To: Brandi Deese
Cc: Brad Hinote; Ryan J. Novota; Roger Williams
Subject: RE: Vacation of Right-of-Way Request for 11th Avenue

PW&F has no issue with the request...

From: Brandi Deese
Sent: Wednesday, May 01, 2019 1:46 PM
To: Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Dennis Fleming <DFleming@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; 'Kellie L. - Gulf Power Simmons (Kellie.Simmons@nexteraenergy.com)' <Kellie.Simmons@nexteraenergy.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>
Subject: FW: Vacation of Right-of-Way Request for 11th Avenue

Good Afternoon –

Just a quick reminder that comments are due by Friday, May 3, 2019 for this agenda item to move forward to Planning Board. Thank you.

Brandi C. Deese

Assistant Planning Services Administrator

Visit us at <http://cityofpensacola.com>

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From: Brandi Deese
Sent: Thursday, April 25, 2019 11:17 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>; Dennis Fleming <DFleming@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>



PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

May 14, 2019

MEMBERS PRESENT: Vice Chair Kurt Larson, Nathan Monk, Danny Grundhoefer, Laurie Murphy, Ryan Wiggins

MEMBERS ABSENT: Chairman Paul Ritz, Nina Campbell,

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Keith Wilkins, Assistant City Administrator, Brian Cooper, Parks and Recreation, Chris Johnston, Network Engineer, Councilman Terhaar, Councilwoman Myers

OTHERS PRESENT: Michael Bodenhausen, George Williams, Tony Terhaar, Michael Carro, Donald Redhead, Kelley Martinez

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from April 9, 2019.
- **New Business:**
 1. **Vacation of Right-of-Way – 400 Block of 11th Avenue (Between LaRua and Belmont Streets)**
 2. **Amendment to Land Development Code Section 12-2-11 Airport Land Use District**
 3. **Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)**
 4. **Aesthetic Review – 501 S. Palafox Street (Al Fresco)**
- Open Forum
- Adjournment

Call to Order / Quorum Present

Vice Chairman Larson called the meeting to order at 2:01 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Ms. Wiggins stated during open forum the first sentence was incorrect stating she was addressing saving some of the buildings downtown from demolition. Ms. Wiggins states her concerns actually were how many people have come before us concerned about demolition in East Hill and other areas. Ms. Wiggins would like corrections made to better represent what the discussion was about. Ms. Deese asked what would some suggestions be specifically and explained that the minutes are created directly from the recording. Ms. Wiggins also stated on the second page second sentence that East Hill is not considered a historic community. Ms. Deese ensured Ms. Wiggins that staff would review the recording and modify as much as possible.

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

Ms. Deese suggested that since modifications will be made, the approval for the April 9, 2019 minutes would be brought back next month for approval.

New Business

Vacation of Right-of-Way – 400 Block of 11th Avenue (Between LaRua and Belmont Streets)

Anthony L. Terhaar Enterprises, LLC is requesting the approval of a 10-foot portion of the 400 Block of 11th Avenue between LaRua and Belmont Streets. The applicant has indicated the reason for the request is to attain the highest and best use of the property and to preserve and increase the property values in this area of East Hill. If granted, the additional 10 feet will allow the applicant to construct two single family attached structures instead of one single family detached structure. This request is consistent with a previous vacation of 11th Avenue to the North and will make the easterly property lines consistent within the southern-most two blocks of 11th Avenue.

This request has been routed through the various City departments and utility providers and those comments are attached for your review. Staff has been made aware that utilities are present within this right-of-way area and a full width easement will be included in the ordinance proposed to City Council.

Mr. Monk asked for clarity on the portion of right-of-way to be vacated. Ms. Deese stated only the yellow portion is the ten-foot portion to be vacated and if approved the ten-foot portion would become private property. Mr. Terhaar appeared before the Board and explained that since the same type of vacation took place on a piece of property above from LaRua to Belmont in order to increase the value of the property he wanted to also increase the value of his land. Mr. Terhaar also states his neighbor Mr. Phelps who owns the property to the North is in support. Ms. Murphy asked about the future use for the other property owned by Mr. Phelps. Mr. Terhaar stated he did not know; only that Mr. Phelps has owned the property for a while. Ms. Murphy also asked about AT&T's easement and if the ability to keep the driveway would still allow for AT&T to access their lines. Mr. Terhaar responded it was his understanding that AT&T would be satisfied as long as they had full access. Mr. Monk stated he did not see any problems with approving the request. **Mr. Monk motions to approve. Ms. Murphy seconds the motion. The motion carried unanimously.**

Amendment to Land Development Code Section 12-2-11 Airport Land Use District

Staff is requesting to amend Land Development Code Section 12-2-11 Airport Land Use District in order to modify the list of permitted uses specifically for the Airport Transition Zone (ATZ-1). The proposed amendment would be to modify the list of permitted uses to include Recreational Facilities – Not-For-Profit. The ATZ-1 zoning district is a small district that surrounds the Airport Restricted Zoning District (ARZ), which is all City owned property. The ATZ-1 has a limited list of permitted uses and this would expand the list in order for the new YMCA to be constructed at 2130 Summit Boulevard. The ATZ-1 zoning district is a separate district (non-cumulative) and this amendment would not directly impact other districts.

Ms. Laurie Murphy states the ATZ-1 already contains other facilities such as daycares, office use and residential use. Ms. Murphy states in her opinion it would depend on the size of the facility exactly what type of traffic, storm water infrastructure and the actual plan. Ms. Murphy states she does not have enough information to feel confident to agree to a recreational facility. Mr. Larson clarifies that at this point all the Board is deciding on is if they are going to allow recreation facilities, yes or no. Ms. Deese concurs and further states the Board needs to focus on the question presented, which is recreational facilities not-for-profit, is that a reasonable use within the AZT-1? Ms. Deese also states the Board is only looking at a text amendment, not a conditional use permit. Mr. Monk states his concern is he would have rather seen this as a conditional use so the Board would have more oversight. Mr. Monk also states that until he received calls with concerns, he did not feel this was a big deal.

Ms. Deese explained that the Board has the ability to approve, deny or approve with modifications. Mr. Larson asked for a representative from the City to discuss further. Mr. Keith Wilkins, Assistant City

Administrator appears before the Board and states the Mayor is in support of the project and agrees with Planning Staff that the issues with site plans or traffic is not in the purview of the Planning Board and he is here to convey the Mayor's support of the project. Mr. Wilkins also agrees with staff that the question is whether to approve, deny or approve with conditions. Mr. Wilkins again states how the operations between the City and YMCA and how they administer programs is an issue between them and not within the purview of Planning Board. Mr. Wilkins states Brian Cooper, Director of Parks and Recreation may be able to address questions more specifically. Mr. Cooper appears before the Board and explains that the Parks and Recreation Department are in a process of a Land Swap deal and this is a complicated process and City Council will have to approve the land swap. Currently Parks and Recreation are collaborating with the YMCA to reduce duplication of services. Mr. Cooper stated they want to do what is best for the community. Mr. Monk's concern again was possible privatization of government programs in which anyone who has access could in theory be denied. Mr. Cooper states the intent is not to stop offering services but to stop duplicating services in that area. Ms. Murphy asked how does an approval for something conditional work? Ms. Deese explained the Conditional Use Permit process and added that it would cause delays in this project which has specific deadlines. Upon question, Ms. Deese stated a conditional use is very specific to that project and not at all cookie cutter. After further discussion, **Ms. Wiggins motions to approve. Mr. Grundhoefer seconded the motion.** Mr. Monk states he will approve but still has concerns with known controversy and feels it would have been nice to better plan this out. **The motion carried unanimously.**

Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)

Aesthetic Review – 501 S. Palafox Street (Al Fresco)

Scott Sallis, on behalf of Michael Carro, is requesting an amendment to the existing Conditional Use Permit for Mobile Restaurant Unit Development at 501 S. Palafox, also known as "Al Fresco". The proposed modification includes constructing a single story, slab on grade, metal building framed roof structure over a series of kitchens and retail kiosks. The retail kiosks will also be portable and secured in a manner similar to the existing air stream kitchens. The original Conditional Use Permit gained approval through a Land Development Code amendment that created Mobile Restaurant Unit Developments as an accessory use to the primary use of a restaurant. The details of the original approval are attached for your review. If the amendment to the Conditional Use Permit is granted, the applicant also seeks aesthetic approval of the improvements to the property.

Ms. Deese explained this is a discussion item only since based on when the application was received; notifications could not be mailed out. The request will come back to the Board in June. Ms. Deese also advised the Board could give aesthetic approval since notices were not required for that agenda item. Mr. Scott Sallis addressed the Board and stated the individual owners of the airstreams over the years have realized the weather and the winter make it difficult to turn a profit in keeping the project going strong. Mr. Sallis stated that Michael Carro and his team came to him and asked for help in covering the airstreams. Mr. Sallis explained he is asking for two things, aesthetic approval and amending the conditional use permit to allow retail, which is not part of the original conditional use permit. Mr. Sallis explained his clients are proposing to remove the airstreams and replace them with shipping containers and putting kitchens within the containers. Mr. Grundhoefer questioned if the shipping containers would be flood proof and not the kiosks? Mr. Sallis responds stating the original design was to use the flood proof construction model for a more permanent kitchen but they removed that design. Mr. Larson asked how many kitchens would there be? Mr. Sallis explained that he does not know but they will use the two units, could be four or could be more than four. Mr. Grundhoefer states he understands the kitchens will be flexible depending on whether tenants succeed or do not succeed. Ms. Murphy asked about grease traps. Mr. Sallis stated grease trap requirements would go through the building department and comply. Mr. Grundhoefer asked about the plaza which is required within the original conditional use and whether it would be kept in the new concept versus covering the whole space. Mr. Sallis states within the ordinance

it is required to have an open plaza. Mr. Grundhoefer stated that in many old cities they use an old warehouse look and feel. He feels Mr. Sallis may be missing an opportunity to create that feel on the corner. Mr. Monk stated he genuinely loves Al Fresco and was concerned about how the new proposal would look. He also stated the only thing that maybe an aesthetic issue for him is that the slant of the metal roof could be a distraction other than that he likes the concept. Mr. Carro addressed the opening on the corner and did not know if that is in the code. Mr. Sallis referenced the paver area is the 40 or 45 percent was required to be pavers. He also stated the reason for the openness was to maintain some of the palm trees. Mr. Grundhoefer supports the concept but feels it falls short of the details in the overhang. He further stated there is no brickwork or columns or ironwork and needs to feel like it is a part of the historic fabric of downtown. Mr. Monk stated he likes the idea that Al Fresco sticks out. Ms. Wiggins also agreed and stated it gives the downtown a bit of a funky feel.

Mr. Larson stated we like the concept but since this is a discussion item, you will need to come back with everything spelled out and convince us that you have met or exceeded all the requirements of the current ordinance. Mr. Larson further stated they wanted to know how the units would be removed? Mr. Monk wanted to know how soon would we see this happen once approved? Mr. Sallis defers to Mr. Carro. Mr. Carro states currently he is renewing short-term leases through end of October but his goal is to break ground in November and be open by March.

Ms. Wiggins wanted to know what does it do to block the wind in the winter? Mr. Carro responded he wanted have some type of screening and potentially the retail mobile units would act as a block. He further stated in addition to screening they could suspend heaters.

Mr. Sallis stated he hoped to secure a vote to send this to City Council in supporting retail as a part of the conditional use and a vote to support preliminary aesthetic review. Ms. Deese clarified the Board could approve a full final aesthetic review if Board feels comfortable with that – However the item will come back to this Board for approval on the conditional use permit next month. Mr. Monk recommended holding off and vote on both items next month. Mr. Grundhoefer agreed. Mr. Sallis wanted to clarify what the Board would be looking for more ornamental detail that looks like this was a building that adapted Al Fresco. Mr. Grundhoefer suggested exploring the idea of the building as a whole instead of chopping off the corner. **Mr. Monk motioned to postpone the item until next month, Ms. Murphy seconded.** Mr.

Larson asked for any discussion. Ms. Deese clarifies the code language for Planning Board of 45 days and explains they have 45 days unless there is another time period specified. She further stated the Board could specify a longer period. After further discussion Ms. Deese advises there are three options; set a longer period of time in the event quorum is not met, deny the item or the applicant could withdraw. Mr. Monk stated he does not want to deny the item. **After further discussion, the motion to postpone and extend the time line to within two Planning Board meetings (63 days) passed unanimously.**

Open Forum – Mr. Grundhoefer thanks Brandi and states she has been an asset to this Board and the City.

Adjournment – With no further business, Vice Chairman Larson adjourned the meeting at 3:03 pm.

Respectfully Submitted,



Brandi C. Deese
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00318

City Council

7/18/2019

DISCUSSION ITEM

FROM: City Council Member Sherri Myers

SUBJECT:

STREET LIGHTING PLAN FOR 9TH AVE. AND BAYOU BLVD.

SUMMARY:

The issue of street lighting or the lack thereof on 9th Ave. and Bayou Blvd. has been discussed numerous times in the past.

This item seeks an update on the City's plan for either providing for street lighting and/or working with the State to provide lighting in those areas of State maintained roads.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00323

City Council

7/18/2019

DISCUSSION ITEM

FROM: City Council Member Jewel Cannada-Wynn

SUBJECT:

UPDATE ON WEST CERVANTES STREET PROJECT

SUMMARY:

On December 14, 2016, the Florida-Alabama TPO adopted the West Cervantes Street Corridor Management Plan. The Plan identified short-term and long-term strategies to improve traffic flow and safety for all modes of travel along the corridor. The long-term strategies provided for a "road diet" with two options: (1) reduce the existing four-lane facility to a two-lane facility; or (2) rebalance the lanes by decreasing the width of the travel lanes and adding landscaped medians.

On July 13, 2017, the Pensacola City Council adopted Resolution No. 17-29 supporting the short-term and long-term recommendations within the West Cervantes Corridor Management Plan and the progression of the project through all phases by FDOT for design and roadway improvements. The County adopted a similar Resolution.

On September 20, 2017, the Pensacola City Council appropriated \$1.5 million of Local Option Sales Tax Series IV funding in Fiscal Year 2018 in order that West Cervantes Street improvements may be constructed to the fullest extent and as quickly as possible as well as funding the City's shared portion of the Traffic Feasibility Study

On May 29, 2018, the County and City entered into an Interlocal Agreement (ILA) to contribute proportionate funding to the Florida Department of Transportation (FDOT) for the completion of a Traffic Feasibility Study (TFS) for the West Cervantes Street corridor from Dominquez Street to "A" Street.

On June 14, 2018, the Pensacola City Council authorized the use of funds dedicated to West Cervantes Street Corridor for short-term improvements.

Due to limited resources post-Hurricane Michael, FDOT was unsuccessful in programming the locally-funded TFS in the current year work-plan. At the TPO's December 12, 2018 meeting, FDOT staff recommended that the County and City allow the TPO's general planning consultant to perform the study. The City of Pensacola and Escambia County mutually supported the FDOT recommendation to retain the TPO's general planning consultant to perform the West Cervantes Street Corridor TFS.

On February 13, 2019, the TPO approved TPO staff to coordinate with City and County staff to finalize a scope of services and enter into a contract with the TPO's general planning consultant for the West Cervantes Street Corridor Traffic Feasibility Study.

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

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

None

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00336

City Council

7/18/2019

DISCUSSION ITEM

FROM: City Council Member Jewel Cannada-Wynn

SUBJECT:

AFFORDABLE HOUSING TASKFORCE - 500 IN 5 YEARS

SUMMARY:

Currently within the City of Pensacola, the affordable housing inventory is deficient. The intent of this discussion item is to explore the possibility of establishing an Affordable Housing Taskforce with the ultimate goal of increasing the housing inventory by 500 within 5 years.

The goal of the task force is to create housing solutions for the development of additional workforce housing with the City. The task force would be asked to create an action plan for the building of 500 workforce housing structures within five (5) years after the completion of the Task Force Report. The City, County and State are experiencing an affordable housing crisis. The current housing opportunities are not meeting the needs of the community when families are cost burdened in trying to maintain a home as well as other concerns in purchasing a home. It would be a further goal of the Task Force to focus on home ownership. However, housing solutions other than homeownership could be needed to resolve a persistent housing problem.

The task force will be asked to look at the availability of funding opportunities, which would include public - private partnerships. It will also be asked to look at solutions to housing in reference to the diversity of housing types.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) FHC 2019 Pre-Session Journal

File #: 19-00336

City Council

7/18/2019

PRESENTATION: No

HOUSING

— NEWS NETWORK —

VOLUME 35, NUMBER 1

Sun Sentinel

EDITORIAL:

DeSantis' budget priorities address the right priorities for Floridians

February 8, 2019

Nothing reveals a governor's priorities more than his budget. Gov. Ron DeSantis' first budget — a

Coast waterways. Another \$4.2 million would go to red tide research. Last summer's outbreak in the Gulf was historic and

asked the board to delay the vote, which came two days after the election. Between resignations after DeSantis' demand and

background in environmentalism or conservation. Indeed, DeSantis' budget seeks to repair the damage to Florida from eight years

Florida Today

EDITORIAL:

More Floridians can't afford rent; Gov. Ron DeSantis seems to get it

February 21, 2019

Adonius Glover was working full time as a restaurant cook in Brevard County when he found himself living out of his car for a week in 2017 with his two children — now ages 10 and 8

Glover, 33, is not the stereotypical face of homelessness. He didn't end up in the streets because of substance abuse

climbed 35 percent from 2005 to 2015, according to the Shimberg Center

documentary stamp taxes levied on real estate transactions.

Lawmakers since the early 2000s have raided that pot of money to plug budget holes and pay for other priorities. That's \$2.2 billion used for unrelated purposes statewide — \$19.5 million of that was supposed to go to Brevard since 2013 to increase affordable housing.

Even if lawmakers this year agree with DeSantis' proposal to

Can Florida Produce Affordable/Workforce Homes Through Regulatory Reform Alone?

Affordable Housing: Unlocking Florida's Economic Potential

Disaster Recovery in Florida: It's Time for Systemic Change

Community Land Trust Update: What's Ahead in 2019

The Impact of Training and Technical Assistance For Florida's Continuums of Care



Sadowski Coalition Calls on Florida Legislature to Use All State & Local Housing Trust Fund Monies for Housing

Florida "Home Matters Report 2019" Data Supports Full Appropriation of Housing Trust Funds for Housing

Tallahassee, Fla. — The Sadowski Coalition — made up of 32 diverse statewide organizations, including industry and business groups; advocates for the elderly, veterans, homeless and special needs; and

Ft. Myers News Press

Now it's time to focus on solutions for affordable housing

Nov. 29, 2018 | By: Matthew Rieger

The mid-terms are over and our newly elected leaders in Tallahassee and Washington D.C. are ready to get to work. It's time for them to concentrate on an issue that is of the utmost importance for our society: affordable housing.

Since the 2016 general election, our nation's festering affordable housing crisis has been overshadowed by issues such as healthcare, gun violence, immigration, election integrity

kept pace with housing costs. Over a third of Florida households pay more than 30 percent of their income on housing — while a fifth of Floridians, over 780,000 households, pay more than 50 percent of their incomes on rent.

When nearly half of residents are spending close to half of their pay on housing, they're not able to pay for other goods and services including vital needs like healthcare and education; they

erty or economic distress, and creates safe environments where children can thrive — all positive for our country as a whole.

Affordable housing, already in short supply, is about to become more scarce. The National Low Income Housing Coalition estimates that nearly 500,000 affordable apartments across the country will hit the 30-year expiration date between 2020 and 2029 — including about 1,666 units in the state of Florida alone, according to the Florida

demand). With legislation by Housing Trust many millions committed for developments

So how can our leaders take steps to address affordable housing? Mandates on development to include affordable units, inclusion of affordable units in market-rate projects, and other measures, in my opinion, only result in

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THE HOUSING NEWS NETWORK VOLUME 35, NUMBER 1



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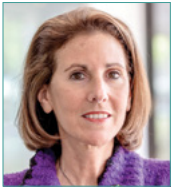
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THE FLORIDA HOUSING COALITION is a nonprofit, statewide membership organization whose mission is to bring together housing advocates and resources so that all Floridians have a quality affordable home and suitable living environment. The Housing News Network is published by the Florida Housing Coalition as a service to its members, housing professionals and others interested in affordable housing issues. **Jaimie Ross**, Editor, **Ben Toro-Spears**, Associate Editor, and **Lynne Takacs**, Graphic Design • Email: info@flhousing.org, Website: www.flhousing.org.

Message from the CEO



JAIME ROSS

Governor DeSantis has earned the mantle of housing champion. Not since the passage of the William E. Sadowski Affordable Housing Act have we had a Governor who has taken action so critically needed for affordable housing in Florida. That's a bold statement. But it is deserved. On February 1st, Governor DeSantis published his budget which proposes using all the Sadowski State and Local Housing Trust fund monies solely for Florida's housing programs; his budget doesn't sweep a single penny for other purposes.

What is the significance of this? The Governor's budget is a statement of his administration's priorities; it is his message to the House and Senate detailing how the state should allocate revenue. And when the House and Senate share party affiliation with the Governor that message is that much more persuasive.

Governor DeSantis has distinguished himself as the first Governor in recent memory to get it: he gets that using the Sadowski Trust funds for housing is the right thing to do. It's right for Florida's lower paid workforce, first responders, service workers, and most vulnerable residents such as the elderly and persons with disabilities living on fixed incomes. It's the right thing to do to end homelessness. It's the right thing to do for our business community and for our economy. Governor DeSantis has earned our gratitude. The Florida Housing Coalition looks forward to presenting the Governor with the Housing Champion Award in recognition of his singular leadership in support of affordable housing.

The good news doesn't stop there. Senate Appropriations Chair Rob Bradley stated that "President Galvano and I agree with the Governor's position on affordable housing.... We are pleased that the Governor proposes no sweeps" (reported by Florida Politics' Danny McAuliffe February 1). Senate support for full funding does not come as a surprise. The Florida Senate has been supportive of full funding for the past several years. President Galvano received an award from the Florida Housing Coalition many years ago when he was serving in the House of Representatives and stood firmly in support of the Sadowski trust funds.

2019 is the time for House Leadership to follow the Governor's lead. Stop the sweeps entirely. There is no rational reason to take housing trust fund monies for other purposes. And that includes hurricane recovery. The federal government appropriates the billions of dollars needed for hurricane relief. The Sadowski state and local housing trust funds are a dedicated revenue source to address Florida's housing crisis, irrespective of natural disasters. Florida has the best housing programs in the nation, but they can only do their job if the funding is not swept.

On behalf of the Florida Housing Coalition, we heartily thank Governor DeSantis, Senate President Galvano, the entire Sadowski Coalition, and all housing professionals and advocates in Florida working hard to ensure that all Floridians have affordable homes in a safe living environment. **HNN**


Ron DeSantis
GOVERNOR

Bill Galvano
SENATE PRESIDENT

Rob Bradley
SENATE APPROPRIATIONS CHAIR

Governor DeSantis has earned the mantle of housing champion. Not since the passage of the William E. Sadowski Affordable Housing Act have we had a Governor who has taken action so critically needed for affordable housing in Florida. That's a bold statement. But it is deserved.

Sadowski Coalition Calls on Florida Legislature to Use All State & Local Housing Trust Fund Monies for Housing

Press Conference | February 26, 2019

The Sadowski Coalition – made up of 32 diverse statewide organizations, including industry and business groups; advocates for the elderly, veterans, homeless and special needs; and faithbased organizations – gathered at a press conference on Feb. 26 to call on the Florida Legislature to use all state and local housing trust fund monies for housing in Fiscal Year 2019-20.

In addition to calling on the Florida Legislature to use all state and local housing trust fund monies for housing, the Florida

Housing Coalition, a Florida statewide nonprofit provider of training and technical assistance, released its Florida “Home Matters Report 2019.” The data contained in the report overwhelmingly supports the full appropriation of housing trust funds for housing. The national “Home Matters” initiative is an effort to educate the public and policymakers about the connection between housing, health, education and the economy. The Florida “Home Matters Report 2019” is available on the Florida Housing Coalition’s website. [HNN](#)



“The Sadowski Coalition asks the Florida Legislature to consider this amazing opportunity they have to create jobs and a massive economic benefit, while helping their constituents avoid homelessness, find affordable rentals or realize the dream of homeownership,” said Ross. “Appropriation of the projected \$352 million in dedicated revenue this year will create more than 30,000 jobs and produce a positive economic benefit of more than \$4 billion in our state. We can make enormous strides in avoiding homelessness and ensuring Florida’s workforce and most vulnerable residents are able to live in safe and secure homes, but only if we use the money in these trust funds as it was intended.”



"The economic impact of the housing trust funds is well documented," said **Andy Gonzalez, public policy representative for the Florida Realtors**. "In 2016, we commissioned Florida State University to conduct a 10-year economic impact analysis of the SHIP and SAIL programs. The study found that for every dollar Florida's Legislature appropriated over those 10 years, \$9.50 in economic activity was generated for the state. The Legislature has a great opportunity to increase this economic impact by

appropriating all of Florida's housing trust funds for housing. We ask the Legislature to consider the positive economic impact of the SHIP and SAIL programs, and the transformative effect they have on the lives of Floridians and their families."



"Habitat for Humanity builds more homes in Florida than any other state in the country," said **Barbara Beck, president & CEO of Habitat for Humanity of Florida**, which is a member of the Sadowski Coalition. "We serve close to 2,000 families annually in Florida. A cornerstone for our success in Florida is the SHIP program. But our success falters when housing trust funds have been swept either wholly or in part. Those sweeps have very real consequences for Florida families, because when SHIP monies are swept, Habitat serves fewer families."

"Florida has surpassed the 20-million population mark, and we are continuing to grow each and every year," said **Michael Bourré, first vice president of the FHBA**, which is a member of the Sadowski Coalition. "Our ever-growing population will need housing. Even more, our essential workers, like teachers, nurses and firefighters, are in great need of affordable housing and rentals. Using the money generated by the Sadowski Act creates jobs in the construction industry and boosts Florida's employment and economy."



"After meeting with more than 10,000 individuals throughout Florida, as a part of the Florida Chamber Foundation's Florida 2030, we found that affordable housing was the one issue that was raised by respondents in every community the Florida Chamber Foundation surveyed," said **Chris Emmanuel, director of infrastructure & governance policy for the Florida Chamber**, which is a member of the Sadowski Coalition. "The Florida Chamber will continue to support the use of the Housing Trust Fund for the purpose of attainable

housing and will continue to work with the Florida Legislature to create more attainable housing options which will in turn create jobs and promote economic prosperity for all."



"There is no question that Floridians are in need of the housing assistance that is provided by these programs," said **Trey Price, executive director of the Florida Housing Finance Corporation**, which is a member of the Sadowski Coalition. "That is why the Florida Housing Finance Corporation submits an agency request to the Governor each year for the full amount of funds that have been statutorily collected for the Sadowski state and local housing trusts. The great news in 2019, is that our agency's request was honored by Governor DeSantis. We are extremely grateful to Governor DeSantis for his leadership on housing. We look forward to working with the House and Senate toward the restoration of the proper use of the Sadowski Trust Funds."

MANY Voices, ONE Message to the Legislature:

Appropriate all the Housing Trust Funds for Housing

What is the Sadowski Coalition and who are the Sadowski Coalition Affiliates?

- The Sadowski Coalition, a collaboration of diverse statewide organizations that urge the legislature to use all the housing trust funds for Florida's housing programs.
- The Sadowski Act passed in 1992, increasing the doc stamp tax paid on all real estate transaction and placing these monies in a dedicated state and local housing trust fund.
- Today the Sadowski Coalition is comprised of more than 30 diverse statewide organizations representing millions of Floridians.
- The Sadowski Affiliates are local and regional organizations in Florida that support the Sadowski Coalition's mission to ensure that all the state and local housing trust funds are used solely for housing.



How are florida's housing programs funded?

- 70% of monies go to the Local Government Housing Trust Fund for the State Housing Initiatives Partnership (SHIP) program which funds housing programs in all 67 counties and larger cities.
- 30% of monies go to the State Housing Trust Fund for Florida Housing Finance Corporation programs such as the State Apartment Incentive Loan (SAIL) program.

What do these programs do? Who do they serve?

- SHIP funds can be used for repair of existing housing stock to allow seniors to age in place or to provide retrofitting for persons with special needs;
- SHIP funds can be used to provide first time homeownership with down payment and closing cost assistance, as well as preservation of existing housing;
- SAIL funds can be used to rehabilitate existing apartments in dire need of repair or to build new units where needed; apartments that house Florida's most vulnerable populations, such as the frail elderly and persons with disabilities;
- SAIL and SHIP programs span from homelessness to the moderate income essential workforce;
- The beauty of both SHIP and SAIL is that they are flexible and can meet changing needs and priorities within the same program framework.

What is the need for these programs?

- More than 911,000 very low-income households in Florida pay more than 50% of their income on housing – they are one missed paycheck away from homelessness;
- Florida has the third largest homeless population in the nation.

What is the economic impact of Florida's housing programs?

- SHIP and SAIL are highly leveraged, with private sector loans and equity providing \$4 to \$6 for every one dollar of state funding—thus greatly increasing economic impact.
- The appropriation of the estimated \$352* million in the state and local housing trust funds in Fiscal Year 2019-20 into Florida's housing programs will create **over 30,000 jobs and more than \$4 BILLION in positive economic impact in Florida.***

What is our priority for the 2019 Session?

Together the Sadowski Coalition and the Sadowski Affiliates bring a cohesive message and urge the Florida Legislature to use all of Florida's housing trust fund monies for Florida's housing programs.

**\$352 million based upon documentary stamp projection from December 2018 Revenue Estimating Conference for FY 19-20 and the Governor's proposed budget.*

For more information, please visit: www.SadowskiCoalition.com

Membership in the Sadowski Affiliates is free thanks to support from JPMorgan Chase & Co.

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SADOWSKI HOUSING COALITION MEMBERS

BUSINESS/ INDUSTRY GROUPS

- Associated Industries of Florida
- Coalition of Affordable Housing Providers
- Florida Apartment Assoc.
- Florida Bankers Association
- Florida Chamber of Commerce

ADVOCATES FOR THE ELDERLY/ VETS/ HOMELESS/ SPECIAL NEEDS

- AARP of Florida
- Florida Association of Housing and Redevelopment Officials
- Florida Coalition for the Homeless
- Florida Housing Coalition
- Florida Legal Services

GOVERNMENT/ PLANNING ORGANIZATIONS

- American Planning Assoc., Fla. Ch.
- Florida Association of Counties
- Florida Association of Local Housing Finance Authorities
- Florida Housing Finance Corporation
- Florida League of Cities
- Florida Redevelopment Assoc.
- Florida Regional Councils Assoc.

BUSINESS/ INDUSTRY GROUPS

- Florida Green Building Coalition
- Florida Home Builders Association
- Florida Manufactured Housing Association
- Florida Mortgage Bankers Association
- Florida Realtors
- Florida Retail Federation

ADVOCATES FOR THE ELDERLY/ VETS/ HOMELESS/ SPECIAL NEEDS

- Florida Supportive Housing Coalition
- Florida Veterans Foundation
- LeadingAge Florida
- The Arc of Florida
- United Way of Florida

FAITH BASED ORGANIZATIONS

- Florida Conference of Catholic Bishops
- Florida Impact
- Habitat for Humanity of Florida
- Volunteers of America of Florida



Comprised of thousands of individuals, local, or regional organizations, Sadowski Affiliates are comprised of the local organizational members of the Sadowski Coalition members, such as local Realtors, United Way offices, and Habitat Affiliates, as well as hundreds of individuals throughout Florida who are not affiliated with any organization. They are Many Voices having One Message: Use all of the State and Local Housing Trust Funds for Housing.



PROJECTED DISTRIBUTION ESTIMATES: FY2019/20 SHIP

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE
ALACHUA	3,162,211	1,586,165	GILCHRIST	350,000	350,000	PALM BEACH	17,216,393	13,017,314
Gainesville		1,576,046	GLADES	350,000	350,000	Boca Raton		1,122,509
BAKER	357,226	357,226	GULF	350,000	350,000	Boynton Beach		921,077
BAY	2,176,471	1,729,642	HAMILTON	350,000	350,000	Delray Beach		798,841
Panama City		446,829	HARDEE	357,226	357,226	West Palm Beach		1,356,652
BRADFORD	364,452	364,452	HENDRY	480,417	480,417	PASCO	6,191,972	6,191,972
BREVARD	7,018,251	3,874,075	HERNANDO	2,241,715	2,241,715	PINELLAS	11,657,074	6,068,672
Cocoa		231,602	HIGHLANDS	1,241,453	1,241,453	Clearwater		1,388,358
Melbourne		986,766	HILLSBOROUGH	16,919,219	12,373,025	Largo		1,003,674
Palm Bay		1,355,224	Tampa		4,546,194	St. Petersburg		3,196,370
Titusville		570,584	HOLMES	350,000	350,000	POLK	8,098,208	6,312,553
BROWARD	22,790,234	4,090,847	INDIAN RIVER	1,828,575	1,828,575	Lakeland		1,270,609
Coconut Creek		699,660	JACKSON	603,608	603,608	Winter Haven		515,046
Coral Springs		1,545,178	JEFFERSON	350,000	350,000	PUTNAM	871,809	871,809
Davie		1,239,789	LAFAYETTE	350,000	350,000	ST. JOHNS	2,879,559	2,879,559
Deerfield Beach		943,516	LAKE	4,133,500	4,133,500	ST. LUCIE	3,633,369	880,002
Fort Lauderdale		2,194,700	LEE	8,591,114	5,437,316	Fort Pierce		520,662
Hollywood		1,789,033	Cape Coral		2,168,397	Port St. Lucie		2,232,705
Lauderhill		861,471	Fort Myers		985,401	SANTA ROSA	2,104,002	2,104,002
Margate		699,660	LEON	3,510,107	1,200,106	SARASOTA	5,010,500	4,340,596
Miramar		1,645,455	Tallahassee		2,310,001	Sarasota		669,904
Pembroke Pines		1,985,029	LEVY	502,165	502,165	SEMINOLE	5,568,579	5,568,579
Plantation		1,075,699	LIBERTY	350,000	350,000	SUMTER	1,509,653	1,509,653
Pompano Beach		1,326,392	MADISON	350,000	350,000	SUWANNEE	545,661	545,661
Sunrise		1,112,163	MANATEE	4,532,117	3,858,644	TAYLOR	350,000	350,000
Tamarac		777,147	Bradenton		673,473	UNION	350,000	350,000
Weston		804,495	MARION	4,256,691	3,534,331	VOLUSIA	6,380,406	4,490,529
CALHOUN	350,000	350,000	Ocala		722,360	Daytona Beach		796,275
CHARLOTTE	2,140,201	1,905,849	MARTIN	1,872,071	1,872,071	Deltona		1,093,602
Punta Gorda		234,352	MIAMI-DADE	21,218,124	13,658,106	WAKULLA	393,426	393,426
CITRUS	1,763,332	1,763,332	Hialeah		1,824,759	WALTON	806,565	806,565
CLAY	2,553,411	2,553,411	Miami		3,674,979	WASHINGTON	350,000	350,000
COLLIER	4,416,152	4,171,497	Miami Beach		706,564	TOTAL	240,812,675	240,812,675
Naples		244,655	Miami Gardens		867,821	Disaster Relief Holdback		5,000,000
COLUMBIA	835,539	835,539	North Miami		485,895	Compliance Monitoring		617,325
DE SOTO	436,921	436,921	MONROE	879,035	879,035	Catalyst		500,000
DIXIE	350,000	350,000	NASSAU	1,002,296	1,002,296	TOTAL ESTIMATED APPROPRIATION		246,930,000
DUVAL	11,446,821	11,446,821	OKALOOSA	2,386,654	2,135,817			
ESCAMBIA	3,836,325	3,176,477	Fort Walton Beach		250,837			
Pensacola		659,848	OKEECHOBEE	502,165	502,165			
FLAGLER	1,306,696	278,718	ORANGE	16,223,427	12,797,039			
Palm Coast		1,027,978	Orlando		3,426,388			
FRANKLIN	350,000	350,000	OSCEOLA	4,234,943	3,365,509			
GADSDEN	574,634	574,634	Kissimmee		869,434			

Projected SHIP based on 2019/2020
Governor's Recommended Budget /
Dec 2018 REC
(Less: \$5 million Disaster Relief holdback,
Monitoring, & Catalyst funding)

Can Florida Produce Affordable/Workforce Homes Through Regulatory Reform Alone?

By: Jaimie Ross



Regulatory reform plays a valuable role in reducing the cost of housing; but can affordable/workforce homes be created through regulatory reform?

In short, no. Here's why.

Housing prices and rents are set at the highest price that the market will bear. Neither a home builder nor a homeowner sets the asking price based on what the home cost to build, but rather on the highest price a willing buyer will pay. Rent is set the same way.

Regulatory reform in the form of local government expedited permitting, modification or waiver of impact fees, reduction in parking requirements, increase in density, and the like, can make it less costly for a home or an apartment to be built. But will those savings be passed along to the buyer or renter, making the house or apartment more affordable?

That depends. In scenario A the answer is yes. In scenario B the answer is maybe. In scenario C the answer is no.

Scenario A. The developer is a mission based nonprofit in the business of providing affordable home ownership or rentals to households who would otherwise be priced out of the market. There are hundreds of mission based nonprofit housing organizations in Florida, such as Habitat for Humanity and Community Land Trusts. The savings from regulatory reform may very well pass to the income eligible buyer or renter, perhaps serving lower income families or more families than could otherwise be served without the cost savings from regulatory reform. But those savings alone will not produce an affordable home. Financial subsidy will be needed to make a market rate home into an affordable home.

Scenario B. The developer is a for profit affordable housing developer, providing rental housing using federal tax credits. Using 9% Low Income Housing Tax Credits is far and away the highest producer of affordable workforce housing in the Florida and throughout the nation. If the house or the apartment is "affordable", meaning the house price or rent to be charged is regulated by the federal government pursuant to a land use

restriction agreement or the terms of federal, state, or local funding, the cost reductions realized by the developer can make it much easier for the developer to produce the affordable unit, and indeed, may make the difference between the affordable unit being produced or not being produced at all. But the savings from regulatory reform will not make the apartment more affordable. The rent is set by HUD; additional savings to the developer are unlikely to affect the rent that is charged.

Scenario C. The developer is a for profit business, providing home ownership and rental housing. In this case, the savings is more than likely going to increase the developer's profit. It is possible that a for-profit builder would have an "affordable" line, given the ability to develop smaller homes on smaller lots, for example. But without the requirement to sell those homes at an affordable price and without a land use restriction agreement or a land-lease provision requiring long term affordability, those modest homes will follow the laws of economics and sell for whatever the market will bear. If located within a desirable area, such as near downtown or in community rich in amenities and transit, the market price will be high. If located within an undesirable area, the price will remain low, irrespective of regulatory reform.

Summary

Regulatory reform is most helpful to mission-based nonprofits, typically trying to cobble together a variety of subsidies to produce an affordable unit. It can also help for profit tax credit developers, but the government must ensure that additional public benefit is provided in exchange for the regulatory reform, such as perpetual or longer term affordability. Removing zoning laws that were enacted for exclusionary purposes, such as single family only zones is good public policy. But under no circumstances will regulatory reform by itself result in the production of the affordable/workforce housing that Florida so desperately needs. The difference between market rate housing and affordable housing is financial subsidy. In Florida, it is the Sadowski state and local housing trust funds that are key to producing affordable/workforce housing. **HNN**

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Affordable Housing: Unlocking Florida's Economic Potential

By: Sadaf Knight



Housing affordability drives individual economic security and mobility and creates the foundation for a robust and vibrant economy. Investing in affordable housing development has ripple effects throughout the economy, creating good-paying jobs, increasing the financial well-being of households, and generating revenue for the state. The Sadowski Affordable Housing Trust Fund is the state's best vehicle for making long-term investments in affordable housing development. However, over the past 15 years, funding slated for the trust fund has instead been diverted toward other purposes, effectively forgoing tens of thousands of much-needed affordable housing units.

Florida is Facing a Housing Affordability Crisis

Over the past few decades, Florida's shortage of affordable housing has increased, resulting in the highest share of cost-burdened renters (those paying more than 30 percent of their income on housing costs) of any state (54.1 percent).¹ Housing is the largest monthly expense for most households, followed by other recurring expenses such as transportation, clothing, groceries, and health care. The more a household's income is consumed by housing, the fewer resources are available for savings or spending on other goods and services in their communities.

While job growth has increased in Florida since the Great Recession, many households have yet to benefit from the resulting economic gains. Household incomes in 2015 were \$5,630 less than they were in 2007 (adjusted to 2016 dollars). In 2016, 1 in 5 Floridians were paid at or below \$10 per hour, the highest share of low-wage workers in 11 years. Between 2005 and 2016, 44.5 percent of all new employment — almost half of all jobs created — paid low wages.²

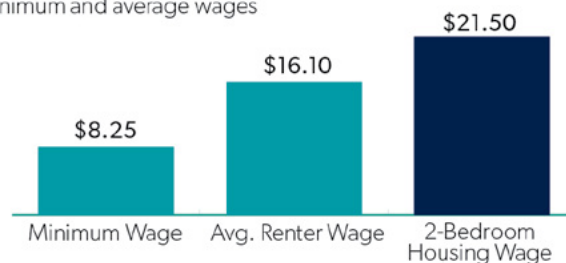
With low-wage job growth, more Floridians are struggling to make ends meet. United Way's ALICE report finds that the Household Survival Budget — the bare minimum needed for a family of four to meet their basic needs — was \$55,164 in 2016.³ That is far above achievable earnings in a low-wage job.

The average wage of renters in Florida is \$16.10 per hour, but the wage needed to afford a 2-bedroom rental is \$27.58 (See Figure 1). Floridians earning the state's minimum wage (\$8.25 per hour) would have to work 84 hours each week just to afford a 1-bedroom rental at fair market rent.⁴

FIGURE ONE

Low Wages Keep Housing Affordability Out of Reach

Hourly wage required to afford a 2-bedroom rental, compared to minimum and average wages

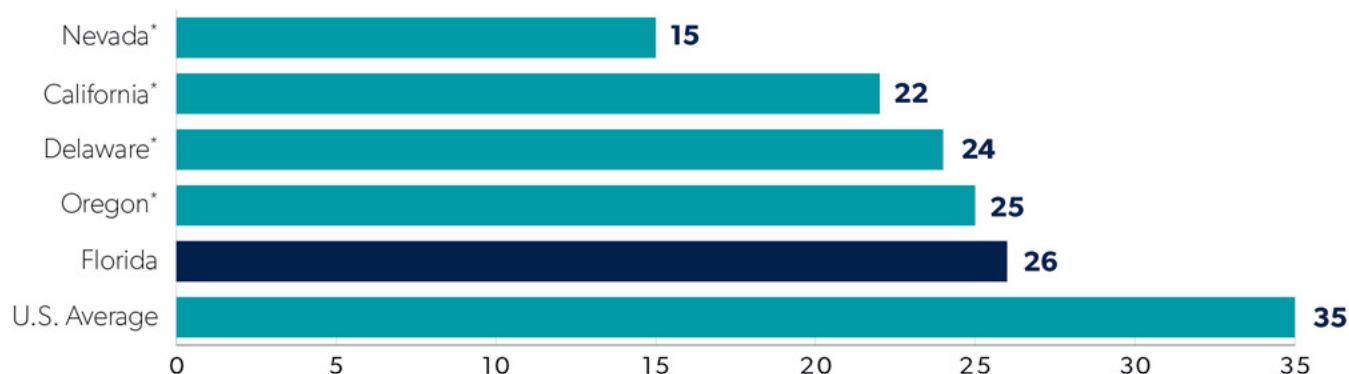


Source: National Low Income Housing Coalition. Out of Reach 2018: Florida.

FIGURE TWO

Florida Has One of the Most Severe Affordable Housing Shortages in the Nation

Number of affordable and available units per 100 extremely low-income households



*States with supermajority requirements similar to Amendment 5

Source: FPI Analysis of National Low Income Housing Coalition Data

Unfortunately, Florida's affordable housing stock has decreased over time. Between 2000 and 2015, Florida's total rental housing stock grew by 859,202 units, but only 133,527, or 15.5 percent, were affordable to low-income renters.⁵ Florida ranks 44th in the nation for its availability of affordable housing, with only 26 units of affordable and available housing units for every 100 extremely low-income households (See Figure 2 below).⁶

Households of color tend to face greater challenges with housing affordability. Nationally, African-American and Hispanic households have higher housing cost burdens (45 percent and 43 percent, respectively). Between 2001 and 2016, the rate of housing cost-burden increased faster for households of color, compared to white households.⁷

The lack of affordable housing especially impacts families without stable housing. In Florida, 32,533 individuals are homeless, while 32,304 families with children are homeless.⁸ Families displaced by natural disasters such as hurricanes also face the threat of homelessness. Following Hurricane Michael in the fall of 2018, an estimated 10,000 to 20,000 people in the Florida Panhandle were left homeless, struggling to find even short-term housing.⁹

Affordable Housing is Key for Individual Prosperity and Economic Growth

Affordable housing generates economic growth that is broadly shared throughout the economy. Investing in affordable housing yields great returns for the state through job creation, revenue generation, and increased individual and family financial stability.

The fiscal benefits of affordable housing preservation and development outweigh the costs to states, according to the National Association of Home Builders (NAHB). A NAHB analysis finds that taxes and revenues generated by housing development far exceed the state's infrastructure and service costs to support that development.¹⁰

For families, access to affordable housing can lead to greater economic mobility and increased overall well-being. They can avoid the trade-offs that come with deciding between the high cost of housing and other household priorities. In one report, families living in affordable housing saved about \$500 per month.¹¹ Research has shown that these families are able to spend five times more on health care, three times more on food, and twice as much on retirement savings.¹²

Promoting access to affordable housing is the most cost-effective way to reduce childhood poverty. Parents with affordable housing can invest more in activities and materials to enhance their children's education and development. They can more easily participate in activities such as parent-teacher conferences and are better able to save for college tuition. Children growing up with housing instability or homelessness, on the other hand, are more likely to have lower academic performance, more learning disabilities and behavioral problems, and are less likely to graduate high school. As adults, they are more likely to be in lower-paying, lower-skill jobs.¹³

The availability of workforce housing also has real implications for business productivity and profits. In a 2017 Miami Herald

CEO roundtable, several south Florida CEOs noted the adverse effect of the lack of affordable housing on their businesses, including the inability to attract talent, increased commuting distances for employees, and weakened local spending by financially constrained families.¹⁴

What Can State Policy Makers Do?

Despite the positive impacts of and evident need for increased affordable housing, Florida's lawmakers have consistently underfunded the housing programs funded by the Sadowski Act, such as SHIP and SAIL, by sweeping a large percentage of funding for the past 15 years. The Sadowski Housing Trust Funds were established by the Legislature in 1992 and are supported by the collections from the state documentary stamp tax on deeds. These funds are directed into two trust funds that make up the Sadowski trust fund: the Local Housing Trust Fund, which primarily funds the production and preservation of affordable home ownership, and the State Housing Trust Fund, which provides funding for the production and preservation of affordable multifamily rental housing.¹⁵

Investing in the Sadowski trust fund provides great benefits for the state. Between 2006 and 2016, every dollar appropriated by the Florida Legislature for the Sadowski trust fund resulted in \$9.50 of economic activity for the state. This includes:




- \$12.5 billion in sales and revenue generated for Florida businesses
- 94,000 jobs created
- \$3 billion in income for Floridians¹⁶

Since its inception, the Florida Legislature has diverted funds slated for Florida's housing programs for other purposes.

FIGURE THREE

Investing in the Sadowski Affordable Housing Trust Fund Results in Economic Activity for Florida

\$6.55B in Funds Invested in the Sadowski Affordable Housing Trust Fund between 2006 and 2016 resulted in...

	Sales / Revenue for Businesses	\$12.54B
	Jobs for Florida Workers	94,149
	Income for Florida Households	\$2.97B

Source: Florida Realtors. Economic Analysis of the SHIP and SAIL Funds by County, in Florida. March 2017.

Between Fiscal Year (FY) 2001-02 and FY 2017-18, more than \$2 billion was swept from the trust fund into the General Revenue Fund to support other appropriations (see Figure 4). The Florida Housing Finance Corporation estimates that these sweeps resulted in 94,000 foregone affordable housing units.¹⁷

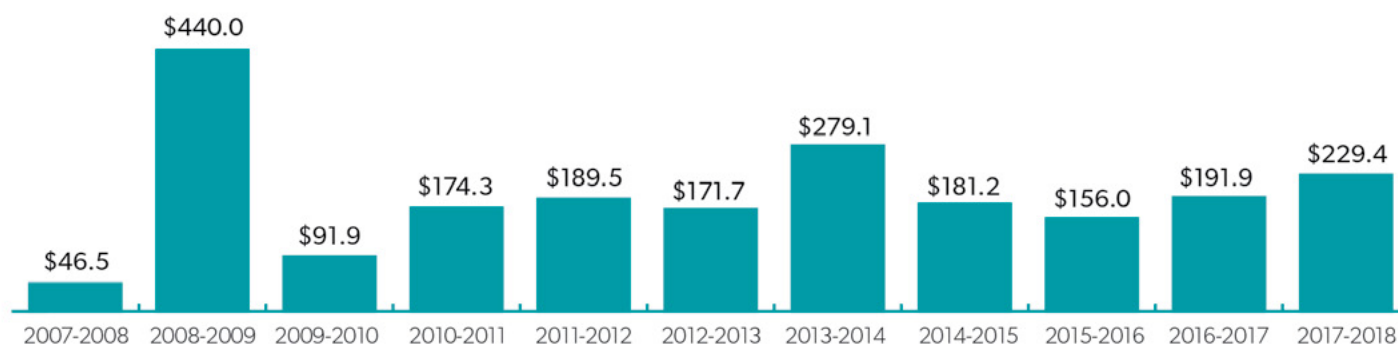
As the state Legislature took funds from affordable housing investments, it simultaneously enacted tax cuts that reduced revenue available to fund Florida's programs and services. Citing the need to prioritize spending on critical services in a "tight budget year,"¹⁸ lawmakers in FY 2018-19 swept \$182 million from the trust fund, while at the same time enacting tax cuts that resulted in \$174 million in revenue reductions.¹⁹

Full funding of the Sadowski trust fund in FY 2019-20 would be a significant step toward alleviating Florida's affordable housing crisis. The Sadowski Coalition estimates that full funding in the amount of nearly \$352 million would result in over 30,000 jobs and \$4.4 billion in positive economic impact.

FIGURE FOUR

Florida has Historically Underinvested in Affordable Housing

Total sweeps of the Sadowski Housing Trust Fund, in millions, FY 2007-08 to FY 2017-18. Current dollars.



Source: Florida Housing Finance Corporation. Historical Financial Summary of Florida's State and Local Government Housing Trust Funds.

Conclusion

Housing affordability is a critical concern for Florida's residents and its future economy. The rise in low-wage jobs and the limited stock of affordable housing mean that many housing cost-burdened Floridians must make impossible tradeoffs between paying for rent and for other priorities such as health care or groceries. The Sadowski trust fund was established as a mechanism to invest in the preservation and development of affordable housing, but the two-decade legacy of diverting funds for other uses has resulted in thousands of foregone housing units and a persistently tight housing market for low-income households. Expanding the availability of and access to affordable housing will take a strong commitment from state legislators to prevent housing trust fund sweeps and to provide full funding for the Sadowski Act housing programs. **HNN**



SADAF KNIGHT

Sadaf Knight is Chief Executive Officer of the Florida Policy Institute. She has over 10 years of experience in public policy research, advocacy and nonprofit management. Most recently, she was the vice president, policy and research at Carolina Small Business Development Fund, where she provided research and analysis on public policy issues related to community development financing and economic development in the State of North Carolina. Her previous experience also includes serving as a policy analyst and community leadership fellow at MassBudget and as a program manager at New York Jobs with Justice (now called Align NY). Sadaf holds certificates in non-profit management and community development finance. She received a Bachelor of Science in conservation & resource studies from the University of California, Berkeley and a Master of Urban Planning from Columbia University.

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Disaster Recovery in Florida: It's Time for Systemic Change

By: Gladys Cook



Policymakers, now is not the time for disaster fatigue. Now is the time to look closely at the lessons learned from emergency management experts and from the experiences of survivors to craft a new way for Florida to prepare for and recover from natural disasters. This is Part I of a two Part article to address the improvements Florida can make to help Floridians hard hit by hurricanes. This article focuses on the immediate FEMA response system. The focus of the next article is the HUD CDBG-DR response system. Both are focused on housing. FEMA's 2017 Hurricane Season "After Action Report" (AAR) provides data, observations and recommendations for future disaster response. The report presents FEMA's "lessons learned" all of which are applicable for Florida's housing providers. FEMA's After Action Report includes the following key findings.

Shelters and Transitional Housing Required Prolonged Duration

According to FEMA, the need for short-term sheltering lasted longer than the Temporary Shelter Assistance (TSA) program's "designed duration." In Florida, the shelter population peaked at 50,343 by September 17, 2017, but by October 15, the Temporary Shelter Assistance Program (TSA) that provides hotel vouchers, there was a population of 26,554 or 11,222 households residing in hotels. FEMA was required to extend the TSA deadline, normally a 30-day maximum, five times for Hurricane Irma survivors. The total cost of the TSA program for Irma survivors in Florida was \$110 million. The State of Florida's 25% share of the bill is \$27.5 million, a significant cost only worsened by Florida's continuing housing affordability crisis.

Hurricane Maria did not physically impact Florida, but evacuees from Puerto Rico and the U.S. Virgin Islands did. Many Hurricane Maria survivors who evacuated to Florida also used TSA vouchers tied to the Puerto Rican recovery. Various sources estimate the net

in-migration of households from Puerto Rico to Florida between 40,000 and 50,000. Under the TSA program, there were close to 15,000 individuals in Florida registered with FEMA and 4,100 sheltering in hotels under the TSA program. The transitioning of this population was also longer than expected and required five extensions to the TSA expiration date.

During the 2017 response, FEMA deployed fewer than 300 RV Trailers for temporary housing in Florida. Opting instead to directly lease homes for displaced survivors, FEMA was required to lease at 300 percent above the HUD fair market rent (FMR) due to the shortage of affordable rental units in the Florida Keys. Normally the cap for Direct Lease is 200 percent of FMR. RV's are in much greater use in response to Hurricane Michael. It is anticipated that over 1,000 RV's will be positioned in group sites and on individual home sites.

FEMA did not activate the Disaster Housing Assistance Program (DHAP) for the 2017 or 2018 disasters. This program

THE STAFFORD ACT

The federal Robert T. Stafford Disaster Relief and Emergency Assistance Act grants Congress broad authority to provide physical and financial assistance to state and local governments when a presidential declaration of disaster has been made. Assistance is provided by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) along with 28 federal agencies and non-government organizations such as the Red Cross. Public Assistance aids local governments in restoring infrastructure and clearing debris while Individual Assistance helps registered applicants with financial aid, housing assistance, and case management. The 2018 Disaster Recovery Reform Act included amendments that authorize state administration of assistance for direct temporary housing and permanent housing construction.

was effective in the Hurricane Katrina response by providing rental assistance much like housing choice vouchers. The program is intended to be operated in partnership with HUD responsible for administration. It is likely that DHAP, had it been deployed, would have resulted in lower costs and more secure housing than TSA, RVs, and Direct Lease.

A Better Way: State Managed Housing Recovery Operation

In response to the protracted timeframe for temporary sheltering due to Hurricane Harvey, FEMA oversaw a first of its kind state managed sheltering solution in Texas. In this arrangement, the State of Texas acted as a subrecipient in the administration of FEMA programs for both temporary and permanent housing solutions. In its AAR, FEMA recommends this model be applied in future disasters to build a more fluid response continuum. This is supported by the Disaster Recovery Reform Act of 2018, signed into law October 5, 2018. The Act amends the Stafford Act (see sidebar), and authorizes FEMA to provide grants to state and tribal governments to directly administer temporary and permanent housing construction.

Even more impactful than the benefits of bringing temporary and permanent housing solutions closer to the local level, the revisions in the Act also permit, under certain conditions, the reimbursement of cost effective housing solutions. If this were to be implemented in Florida, the gap between transitional or temporary housing and the commencement of permanent repairs or reconstruction could be significantly reduced.

In Florida, creating a state managed housing recovery operation would require collaboration between FEMA, Florida's Division of Emergency Management (DEM), the Department of Economic Opportunity (DEO), the Florida Housing Finance Corporation (FHFC), and local governments to expedite permanent housing solutions. This is the topic addressed in Part 2 of this series which will be published in June.

Changing the Dynamic in Hurricane Michael Recovery

Another way that FEMA is supporting the State Managed Housing Operation is by deploying FEMA staff year-round to support the Recovery Support Function (RSF) process. In addition, and in conformance with the National Disaster Recovery Framework, FEMA activated the Interagency Recovery Coordination (IRC) group. The group is comprised of teams of experts from the public and private sectors and is expected to continue operations throughout the Hurricane Michael recovery. As a model program, the RSF has brought these and other organizations together to create housing solutions that will not only assist survivors, but help to rebuild communities that were devastated by the storm. The housing recovery focused groups are facilitated by FEMA and the Division of Emergency Management and include the following groups and others:

- County Housing Coordinators
- Florida Housing Coalition
- Florida Housing Finance Corporation

- Federal Deposit Insurance Corporation
- Federal Reserve Bank of Atlanta
- Office of the Comptroller of the Currency
- HUD- Jacksonville Community Planning and Development
- Rural LISC
- Tallahassee Lenders Consortium
- NeighborWorks America
- Bay County Long Term Recovery Task Force

The RSF is actively engaged in seeking more expeditious housing solutions not only for Hurricane Michael recovery, but to create a stronger housing recovery system overall.



Updates on Hurricane Irma and Hurricane Michael Recovery

Rebuild Florida is administered by Florida Department of Economic Opportunity in partnership with U.S. Department of Housing and Urban

Development with approximately \$1.4 billion to recover from the devastation of Hurricane Irma. The Housing Repair and Replacement Program (HRRP), the first phase of Rebuild Florida, launched in September 2018 with a budget of \$346,186,147. HRRP will rehabilitate or replace single family and rental housing for low- and moderate-income families impacted by Hurricane Irma. The program will repair and rebuild damaged homes across the hardest-hit communities of the state, with priority funding for those low-income residents who are most vulnerable, including the elderly, those with disabilities and families with children under the age of 18.

Residents have the ability to [register on the Rebuild Florida website](#) or by calling 844-833-1010 to begin the registration process. Assistance is also provided at any of the nine Rebuild Florida Centers located throughout the state. Rebuild Florida Centers can be located [here](#). The registration period will remain open until March 29, 2019.

Once registered, eligible homeowners will be invited by priority to complete the application. The application can be completed online, over the phone or by scheduling an appointment with a case manager at one of the Rebuild Florida Centers. Currently, Rebuild Florida's Housing Repair and Replacement Program has 10,972 registrants from more

than 45 counties. The program has invited more than 5,400 registrants in the most vulnerable population to apply. A total of 2,180 registrants have started an application and 1,119 registrants have completed their portion of the application.

Rebuild Florida will also launch a Workforce Affordable Rental Construction program with \$100 million for construction and \$20 million for land acquisition to be administered by Florida Housing Finance Corporation. Applications for the program will be made by the Request for Application (RFA) process. The Florida Housing Finance Corporation is actively holding workshops to continue developing these programs. The awards cycle is anticipated to open in the next few months. More information is available [here](#).

Other forthcoming phases of Rebuild Florida will include Voluntary Home Buyout, Economic Development, Infrastructure Repair and Mitigation programs. More information is available in the state's action plan, which can be found [here](#).

Those who are interested in receiving program updates via the Rebuild Florida mailing list, please send an e-mail request to rebuildflorida@deo.myflorida.com.

Hurricane Michael Recovery

Recovery efforts in the Panhandle are ongoing from the devastation of Hurricane Michael. The debris volume has exceeded any past storms in Florida history due to the high number of mature trees that were toppled. This has hindered housing recovery but as of this writing about 90% of the debris has been moved or removed. The Red Cross estimates that in the hardest hit counties of Bay, Jackson, Gadsden, Gulf, Calhoun and Liberty that 40,654 homes were damaged with 10,535 sustaining major damage and 4,136 destroyed. In Bay County the 11,434 total damaged and destroyed homes represents 41% of the housing stock. Assisted housing in the region was particularly hard hit. Close to 20%, or 956 of the 4,926 assisted units were damaged or destroyed.

Volunteer groups are in the muck and gut process which will be followed by repair or reconstruction. FEMA trailers have been arriving for placement in group sites as well as in the driveways of single family homes. Florida Housing Finance Corporation has posted funding availability for \$30 million in HOME funds for multifamily construction that will be prioritized for Hurricane Michael recovery.



Governor's Hurricane Conference

The Coalition will facilitate the first ever Housing Recovery Track at the Florida Governor's Annual Hurricane Conference. The housing recovery sessions will be on May 14, 2019 at the Palm Beach Convention Center as part of the largest hurricane conference in the country. Everyone is invited to register for these sessions and to experience the full hurricane convention which takes place from May 12-17. The Registration link is <http://flghc.org/>. We will send alerts about the event as planning progresses.



Florida Housing Coalition Weekly Hurricane Recovery Webinar

The Florida Housing Coalition invites all who are interested to join its weekly Hurricane Recovery Member Update webinars, sponsored by Fannie Mae, held each Friday at 1:30 pm. The link to register for the webinars is here: <http://www.flhousing.org/disaster-recovery/>.

The Florida Housing Coalition's Disaster Recovery Team, Gladys Cook, Michael Chaney, and Aida Andujar, welcome your questions. For more information contact Gladys Cook at cook@flhousing.org. **HNN**



GLADYS COOK

Gladys Cook is the Disaster Housing Recovery Director for the Florida Housing Coalition. Gladys provides research and analysis in the formation of disaster recovery strategies for the equitable redevelopment of housing. She produces a weekly disaster recovery webinar for housing professionals and provides training and technical assistance to communities and organizations in the financing of housing development and rehabilitation. Gladys specializes in land banking and the use of surplus land for community land trusts. She offers capacity building and strategic planning for organizations including predevelopment, underwriting and compliance for homeownership, rental, and supportive housing.

Community Land Trust Update: What's Ahead in 2019

By: Ashon Nesbitt



The growth of community land trusts (CLT) in Florida continues at an encouraging rate. In 2018, Florida experienced an increase in the number and capacity of CLTs. With support from Wells Fargo, the Florida Community Land Trust Institute (Florida CLT Institute) worked with several communities and nonprofits to establish new CLTs.

In 2019, the Florida CLT Institute continues work with local governments and nonprofits to support new and existing CLTs by promoting: subsidy retention as a smarter fiscal policy for local governments; using surplus lands to create permanently affordable housing; and standardization of best practices for CLT documentation and procedures.

Promoting Subsidy Retention as Smart Fiscal Policy

The Florida CLT Institute is sharing lessons learned with local governments and nonprofits on the value of subsidy retention. Subsidy retention is a shift in policy from the subsidy recapture models typically employed in homeownership programs. The traditional subsidy recapture approach aims to recapture the funds provided to new home buyers through a loan. For example, down payment assistance is widely provided in the form of deferred payment loans where the homebuyer makes no payments while living in the home and repays some or all the funds upon sale of the home. Those funds return to the local government as repaid or “recaptured” funds. The household originally assisted by SHIP down payment funds can then sell their home to any willing buyer, typically with no limits on price or income-eligibility. The

funds repaid or recaptured from these sales are in turn used to assist another eligible household. Unfortunately, while this approach may appear to increase revenue available to the local government because the original outlay is repaid those funds will be inadequate to address the growing affordability gap created by home prices increasing faster than incomes, and the loss of an affordable housing unit when homeowners sell.



Florida
Community Land
Trust Institute
Supporter

Alternatively, subsidy retention takes the subsidy that local governments normally provide to homebuyers in the subsidy recapture model and invests it in an affordable home. Through this one-time investment, local governments impose restrictions on the resale price and homebuyer income eligibility, thus retaining the subsidy in the unit and keeping the house perpetually affordable to homebuyers. The most effective mechanism for subsidy retention is sale of the home subject to 99-year ground lease. The CLT maintains ownership of the land and conveys interest to the homeowner through a 99-year ground lease with resale restrictions on the sales price of the improvements (the home) and the income eligibility of subsequent purchasers. Subsidy retention through the CLT model is more effective in addressing the growing affordability gap, increases the supply

of affordable housing, and is a more fiscally responsible use of local funds.

To facilitate implementation of the subsidy retention strategy, the Florida CLT Institute, with the help of a CLT steering committee of Florida CLTs, designed language that can be applied to any down payment assistance strategy to allow those funds to work with a CLT purchase. Optimally, all SHIP jurisdictions will adopt a subsidy retention strategy in their local housing assistance plans. In 2019 we will roll out this strategy as a refinement to the CLT model strategy, which can be found in the Community Land Trust Primer (available here: <http://www.flhousing.org/publications/>).

Promoting Use of Surplus Lands to Develop Permanently Affordable Housing

In 2006 the Florida Legislature enacted §125.379 and §166.0451, Fla. Statutes, commonly referred to as the surplus land statutes. These laws require that every county and municipality, respectively, prepare an inventory list of publicly owned real properties suitable for use as affordable housing. Counties and municipalities mainly acquire surplus properties through escheatment of tax-delinquent properties, foreclosure on code enforcement liens, or through purchase of properties that were originally intended for public use, but are no longer needed. After a local government prepares the final inventory list and adopts it by resolution, it may take any of the following actions with respect to the listed properties:

1. Offer the properties for sale and use the sale proceeds to purchase land for affordable housing development;
2. Offer the properties for sale and use the sale proceeds to increase the local government fund earmarked for affordable housing;
3. Sell the properties with a restriction requiring they be developed for use as permanent affordable housing;
4. Donate the properties to a nonprofit housing organization for the construction of affordable housing; or
5. Otherwise make the properties available for use in the production and preservation of permanent affordable housing.

(§125.379(2) and §166.0451(2), Fla. Stat.).

The over-arching public benefit of surplus land policies is the opportunity to create a permanent supply of affordable housing. The optimal method for creating permanent affordability is by using a CLT or otherwise using a 99-year ground lease. The ground lease resale provisions require that subsequent buyers are income eligible and limits resale pricing to ensure affordability. The CLT also has a right of repurchase when owners wish to sell or in the event of default or foreclosure. Additional guidance can be found in Florida's Surplus Land Guidebook, including references to examples of local government partnerships with CLTs for surplus land (<http://www.flhousing.org/publications/>).

Promoting Best Practices for Documentation and Procedures

The Florida CLT Institute launched the CLT Certification Program with support from Freddie Mac at our conference in 2018. Since that time, we have been developing the program, with advice and assistance from Freddie Mac and the CLT Steering Committee; full rollout and an explanation of what it takes to receive CLT certification will take place at the 2019 conference. Certification of a CLT represents our assurance to local governments providing surplus lands and financial investment to CLTs that the organization is using best practices for both documentation and procedures. The Florida CLT Institute is also running a Fannie Mae compliance review program for CLTs so that lenders can rely upon the Florida CLT Institute review for meeting the Fannie Mae Seller Guidelines, thereby making those loans saleable on the secondary market. Visit our website to find which CLTs have passed the review. The Freddie Mac and the Fannie Mae sponsored programs are pioneering national models, and demonstrate the Florida CLT Institute's leadership in supporting a thriving ecosystem of CLTs in Florida.

For assistance in starting a CLT or with your existing CLT, contact Ashon Nesbitt at nesbitt@flhousing.org. HNN



ASHON NESBITT

Ashon Nesbitt is a Technical Advisor with the Florida Housing Coalition, specializing in local government land use planning and affordable housing development. Ashon has Master's degrees in Urban and Regional Planning and Real Estate from the University of Florida, and a Bachelor of Science in Architectural Studies degree from Florida A&M University. He heads up the Florida Community Land Trust Institute.



HOME MATTERS

REPORT FROM THE FLORIDA HOUSING COALITION



**Summary Edition
on Pages 19-27**

Access the Full Report Under the Publications Tab
on the Coalition's Website: www.flhousing.org



HOME IS WHERE WE FIND
RESPITE
where we **SAFE** where we
— **FEEL** — **CONNECT**
where we keep our — with our
BELONGINGS **FAMILY**
AND ESTABLISH OURSELVES WITHIN
OUR COMMUNITY

Quick Facts

Florida still has an affordable housing crisis:

- 921,928 very low-income Florida households—which include hardworking families, seniors, and people with disabilities—pay more than 50% of their income for housing.
- Florida has the third highest homeless population of any state in the nation, with 32,190 people living in homeless shelters and on the streets. This includes 2,817 veterans and 9,422 people in families with at least one child.
- Low-wage jobs are prevalent in Florida's economy. In many occupations, workers do not earn enough to rent a modest apartment or buy their first home.

Why Does Home Matter?

The health, safety, and welfare of Floridians and the strength of Florida's overall economy depends on a sufficient supply of housing affordable to Florida's working families, elders, and people with disabilities living on fixed incomes.

Affordable housing reduces taxpayer expenses

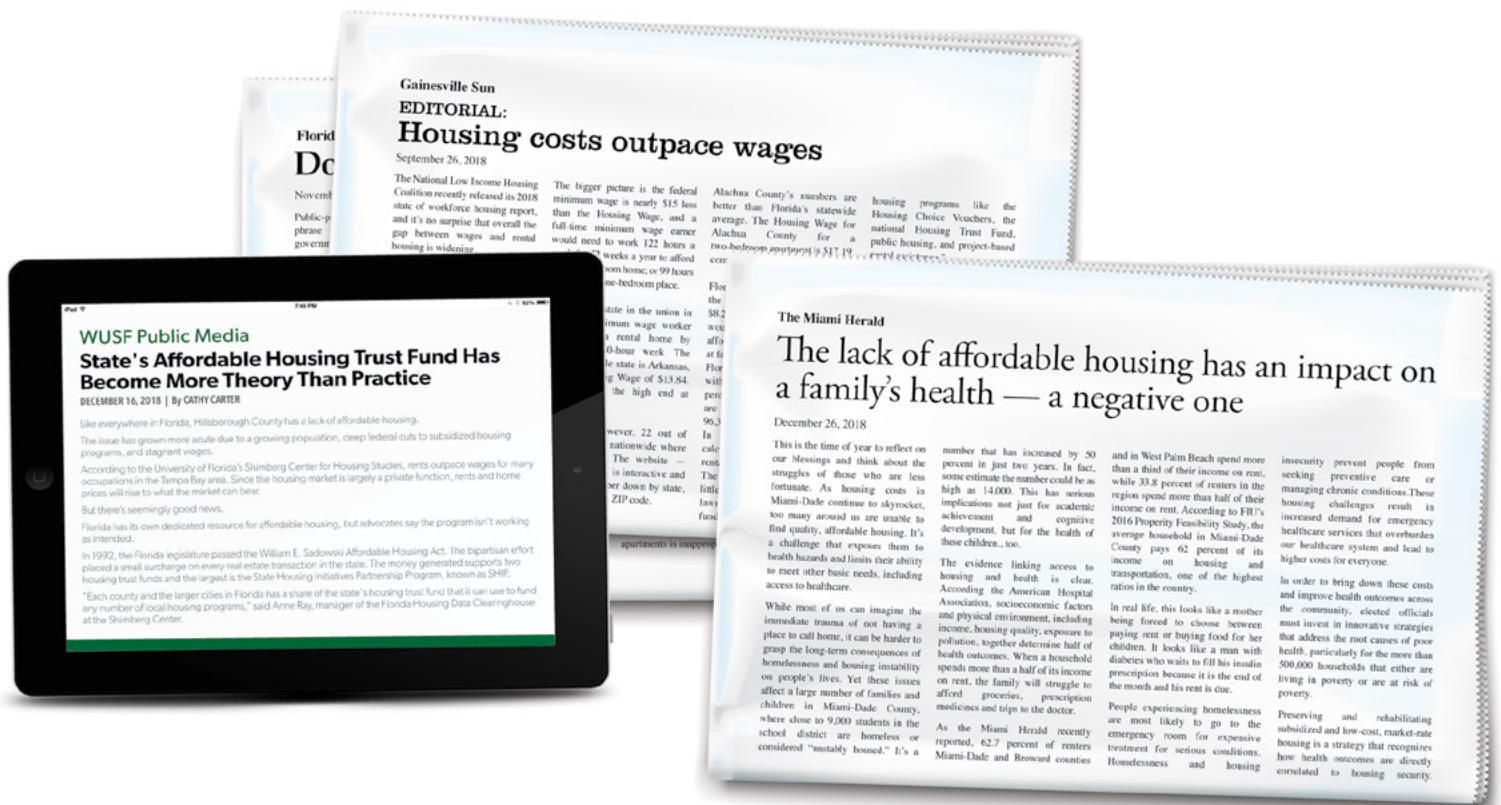
- Affordable, community-based housing for seniors and people with disabilities is significantly less than the cost of institutional care.
- Chronically homeless persons often cycle through jails, hospitals, and other crisis services. Permanent supportive housing for this high-need population can considerably reduce taxpayer costs.
- Affordable housing can improve the health and educational outcomes of low-income families and children, reducing the public costs associated with illness and poor school performance.

Affordable housing boosts the economy

- Money spent on affordable housing construction and rehabilitation has a ripple effect on local economies. Contractors and suppliers spend money on materials and labor, and workers spend their earnings locally.
- If the Sadowski Housing Trust Fund money is fully appropriated for housing, it will create more than 30,000 jobs and over \$4 billion in positive economic impact in just one year, while creating homes that will last far into the future.

Home Matters.

The Florida Housing Coalition has produced this report in support of Home Matters® (www.HomeMattersAmerica.com), a national movement to make Home a reality for everyone by elevating the importance of Home's impact on people's health, education, personal success, public safety, and the economy. Participating in Home Matters is a coast-to-coast coalition composed of members of the general public, leaders of housing and community development organizations, as well as other organizations concerned about increasing the positive impact of home in their communities.



HOW ARE FLORIDA'S SADOWSKI HOUSING PROGRAMS FUNDED?

The doc stamp tax on all real estate transactions was increased in 1992. The additional money generated is dedicated to the state and local housing trust funds. 70% is directed to local governments (all 67 counties) and Florida's entitlement cities to fund the SHIP program. 30% is used by the Florida Housing Finance Corporation for programs such as SAIL.

\$352,378,000*

IS AVAILABLE FOR APPROPRIATION FROM THE SADOWSKI HOUSING TRUST FUNDS IN FY 2019-2020

THE FLORIDA LEGISLATURE CAN CREATE MORE THAN 30,000 JOBS AND OVER \$4 BILLION IN POSITIVE ECONOMIC IMPACT FOR FLORIDA IF IT APPROPRIATES THE HOUSING TRUST FUND MONIES FOR HOUSING.

*Based upon documentary stamp projection plus projected balance in housing trust funds as of December 2018 and the Governor's proposed budget.

SHIP

The State Housing Initiatives Partnership Program (SHIP) is a nationally-acclaimed model for effectively and efficiently meeting housing needs at the community level. SHIP provides sustainable homeownership for Florida's workforce, helps prevent homelessness, and provides emergency repairs and disaster recovery for Florida's most vulnerable residents, including the frail elderly, persons with disabilities and veterans.

SAIL

The State Apartment Incentive Loan Program (SAIL) produces apartments for Florida's workforce, rehabilitates existing apartments in dire need of repair, as well as apartments that house Florida's most vulnerable populations, including the frail elderly and persons with disabilities who might otherwise need to live in an institutional setting.

Fuels Florida's Economy

Using Florida's housing funds creates a positive economic impact by fueling economic development through investing in our local communities, contributing to the well-being of Floridians, including the frail elderly, persons with disabilities, and persons experiencing homelessness and persons in need across the state. For more information, visit SadowskiCoalition.com.

In Florida, the Fair Market Rent (FMR) for a 2-bedroom apartment is \$1,118. In order to afford this, a household must earn at least \$44,716 annually (\$21.50/hour). For that same 2-bedroom apartment, a minimum wage Floridian earning \$8.25/hour must work 104 hours/week year round or the household must include 2.6 minimum wage earners working year round.



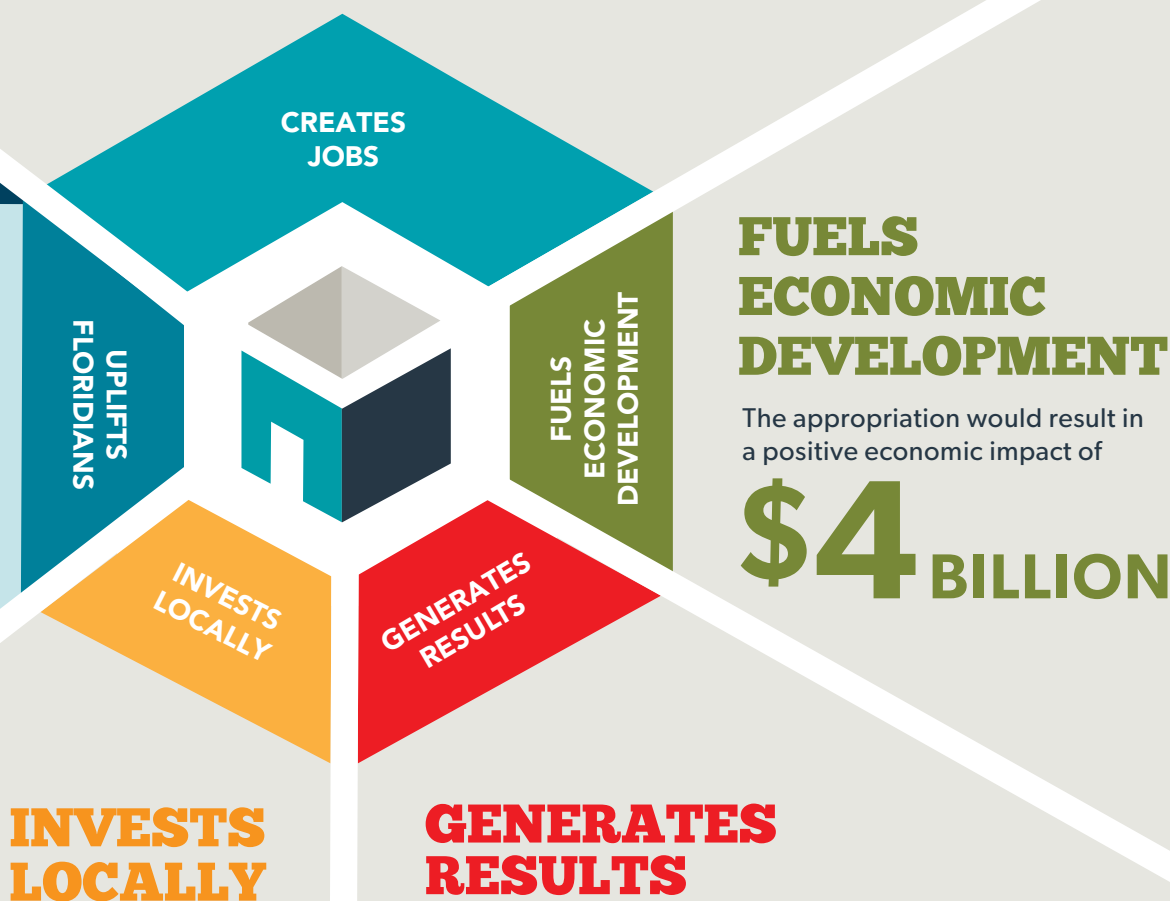


CREATES 30,870 JOBS

From construction workers to retailers, an investment in housing creates jobs for Floridians. Housing dollars will put Florida's housing industry to work repairing homes and improving the real estate market. SHIP funds can be used for rehabilitation/renovation of existing empty housing stock to ready it for families to move in.

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SHIP has been successfully operating
atewide, from large urban areas to small rural
communities for more than 20 years.

m flexibility allows local housing programs to
their community's individual needs and revise
accordance with changes in the local market,
vided they continue to meet statutory criteria.

GENERATES RESULTS

The Florida Legislature can create more than 30,000 jobs and
over \$4 billion in positive economic impact for Florida if it
appropriates the housing trust fund monies for housing.

SHIP and SAIL have proven track records for performance,
transparency, and accountability. Floridians need affordable
housing. Using the housing trust fund monies solely for housing is
the right thing to do- for Floridian's in need; for the benefit of all
Florida taxpayers; and for the growth of Florida's economy.

SECTION FIVE:

The Sadowski Housing Trust Funds: A Proven Track Record of Producing and Preserving Affordable Housing

As this report has demonstrated, hundreds of thousands of low-income Floridians struggle with high housing costs. Many factors affect the supply of affordable housing, including low wages for common occupations, high market prices for homes and apartments in decent condition, and limited federal funding for housing programs⁵⁰. Moreover, the situation is worsening for low-income renters, as the gap grows between median rents and what renters can afford to pay. Meanwhile, many low- and moderate-income potential homebuyers, including essential service workers, are forced out of the homebuyer market by high sale prices relative to wages, competition from investors and vacation home buyers, and limited inventory.

It is very challenging for Florida's policymakers and community advocates to directly influence these factors in the near term, but we do have control over a simple and powerful tool at the state level: The Sadowski State and Local Housing Trust Funds. These dedicated funds allow thousands of low- and moderate-income families to rent, buy, and renovate affordable homes each year, while leveraging substantial public and private funds and boosting Florida's economy.

Sadowski History and Major Programs

Twenty-five years ago, a diverse coalition of Florida's affordable housing advocates, business and industry groups, and faith-based organizations recognized the need for a dedicated state revenue source for affordable

housing. In 1992, the state legislature passed the William E. Sadowski Affordable Housing Act, which raised the state documentary stamp tax on deeds by ten cents per \$100 of the property's valueⁱ. The Sadowski Act directed the new funds to two trust funds, one for local governments and one for the state.

The Local Housing Trust Fund supports the State Housing Initiatives Partnership (SHIP) program, which primarily funds the production and preservation of affordable ownership housing for low- and moderate-income households. The Florida Housing Finance Corporation (Florida Housing) uses a population-based formula to distribute SHIP funds to all 67 counties and to cities that receive Community Development Block Grant (CDBG) funds. SHIP is most commonly used to support home construction, rehabilita-

i In 1995, the State Legislature shifted another ten cents of documentary stamp tax revenue from general revenue to the Sadowski trust funds.

Each SHIP Dollar is Required to Meet the Following Criteria:

CONSTRUCTION 🏠

At least 75% must be spent on construction (including new construction & rehabilitation)

HOMEOWNERSHIP ACTIVITIES 🏠

At least 65% must be spent on homeownership activities



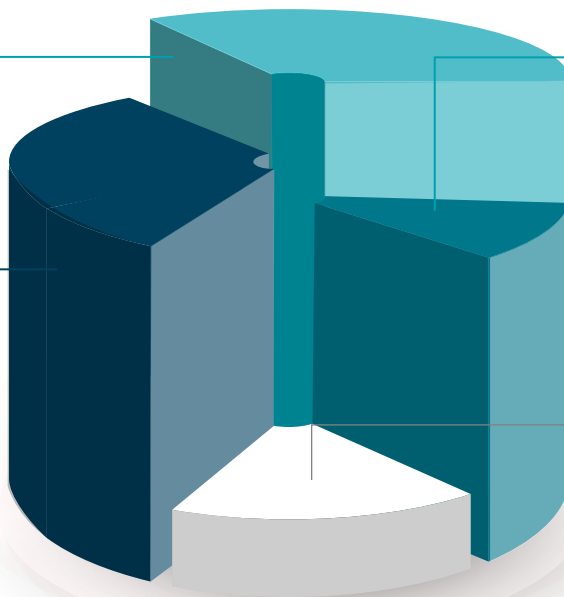
LOW AND VERY LOW INCOME HOUSEHOLD ASSISTANCE

At least 60% must be used to assist low-income households. Of this amount, at least half (30% of the total) must be used to assist very low-income households.



ADMINISTRATION

No more than 10% may be used on administration.



tion to make homes safe and/or handicapped accessible, and assistance with down payments and closing costs. It requires a high degree of accountability, but also gives local government flexibility to meet local needs, as long as the statutory requirements are met. These requirements, found in Florida Statute 420, include:

- At least 65% must be spent on homeownership-related activities
- At least 75% must be spent on construction (including new construction and rehabilitation)
- At least 30% must be used to assist very low-income households
- At least 60% must be used to assist low-income households
- No more than 10% may be used on administration

Rental housing activities are limited to 25% of a community's annual SHIP allocation. Several SHIP communities use a portion of their rental funds to support eviction prevention programs and Rapid Re-Housing for homeless families, helping them pay security and utility deposits. Additionally, in the 2016-2017 legislative session, the SHIP statute was amended to allow SHIP communities to provide up to 12 months of rental assistance to very low-income households that are homeless or have a member with special needs.

The State Housing Trust Fund supports several activities, including administration of the Sadowski funds by Florida Housing. The main Sadowski-funded state program is the State Apartment Incentive Loan (SAIL) program. SAIL provides funding on a competitive basis for the construction and rehabilitation of affordable multifamily rental housing.

SAIL usually serves as "gap financing" for developments with other funding sources, such as the Low Income Housing Tax Credit^j.

Impact of Sadowski Trust Funds

In Fiscal Year 2019-20, a projected \$352 million in documentary stamp tax revenues will be available for appropriation to the Sadowski trust funds. This funding level is over 10 times the amount of annual funding (\$25 million) that Florida is projected to receive in future years from the National Housing Trust Fund (NHTF)⁵¹, and well over the \$10.44 million received from the NHTF in 2018⁵². If State Legislature appropriates the full amount to the Sadowski trust funds, the economic impact will be considerable, as shown in Table 4. Every Sadowski dollar will leverage more than \$4 from other public and private sources. When the direct, indirect, and induced impacts of Sadowski-funded developments are taken into account, the total economic impact will be over \$4 billion. Additionally, these developments will create more than 30,000 jobs and generate \$1.09 billion in labor income.

In addition, Sadowski funds give low- and moderate-income families a hand up that can be extended to their children and grandchildren. For example, the SHIP allocations from fiscal years 2006-07 to 2013-14 had a profound impact on Florida communities, even though the program's funding was swept into general revenue by the State Legislature for much of that period. A total of 38,799 households were assisted, of which:

- 621 were homeless households,
- 1,449 households had a member with developmental disabilities, and

^j The Low Income Housing Tax Credit, or LIHTC, is an item of the Internal Revenue Code. The U.S. Treasury Department issues tax credits to states, which in turn award them to affordable housing developers. The developers sell them to equity investors to raise money for development of affordable rental housing.

Table 4. Estimated Economic Impacts of Fully Funding Sadowski Housing Trust Funds in Fiscal Year 2019-20.

(Source: Sadowski Coalition 2019.)

Type of Impact	SHIP	SAIL	Total*
Projected Trust Fund Revenue in FY 19/20 (\$ million)	\$246.93	\$105.45	\$352.38
Total economic activity generated (\$ million)	\$3,277.29	\$1,154.99	\$4,432.28
Total jobs created	22,912	7,958	30,871
Total labor income generated (\$ million)	\$704.86	\$394.84	\$1,099.70

*Numbers may not add up exactly due to rounding.

Conclusion

Affordable Housing is Essential for Floridians:

Having a healthy, affordable place to call home is the foundation of our lives and the basis of strong local economies. Affordable housing allows low- and moderate-income working families to live near their places of employment, and enables our elderly and disabled family members on fixed incomes to be integrated in their communities.

- Affordable housing construction and rehabilitation stimulates local economies by creating jobs and generating business for contractors and suppliers.
- Affordable housing improves a family's physical and mental health, and helps children excel in school.
- For the elderly and people with disabilities, affordable community-based housing is one-third of the cost of institutional care.
- For people who are chronically homeless, affordable housing breaks the costly cycle through hospitals, jails, and other taxpayer-funded crisis systems.

We Don't Have Enough Affordable Housing in Florida:

- Close to 1.97 million low-income Florida households are paying more than 30% of their incomes for housing, the maximum amount considered affordable by experts.
- Of these nearly 1.97 million low-income "cost burdened" households, over 619,000 households are headed by seniors, and approximately 600,000 households have a member with disabilities.
- Over 921,000 very low-income Floridians are severely cost burdened, meaning that they pay more than 50% of their incomes for housing.
- Florida's "Point-in-Time" homeless population has experienced a 36% net decrease since 2007. However, the number of K-12 students who experience homelessness or housing instability showed a 83% net increase from the 2008-09 to 2016-17 academic years. Continued progress on reducing homelessness depends on a steady supply of affordable rental housing.
- "Drive till you qualify" is not a solution to high housing costs, since transportation costs largely

consume the housing cost savings. For the average low-income household in one of Florida's major metro areas, combined housing and transportation costs can easily consume over 70% of income.

There is a Large and Growing Gap Between Income and Housing Costs:

- For a young family of four to meet its basic needs, the parents must earn a combined wage of \$27.58 per hour, or about \$13.79 per parent. Unfortunately, 35% of Florida's jobs are in occupations with median wages below \$13.79 per hour.
- Rents are out of reach for low-income workers in many Florida communities. For example, an restaurant cook cannot afford a moderately priced one-bedroom apartment in the Orlando, West Palm Beach or Tallahassee areas.
- Florida has only 22 affordable and available rental units for every 100 extremely low-income renters (those with incomes at or below 30% of the area median).
- Over 35,000 units are at risk of being permanently lost from the privately-owned affordable housing stock by 2030.
- The median renter income in Florida is too low to afford median rents, and the gap between rents and renter incomes is wider now than it was at the height of the housing boom.
- Median-priced homes in Florida are out of reach for many workers with medium- and high-skilled jobs. For example, firefighters in the Gainesville metro area cannot afford to buy a median-priced home.
- Florida has a shortage of moderately priced homes available for low-income homebuyers, partly due to competition from investors and second-home buyers. In 2017, there were about five low-income potential homebuyers for every home sold to an owner-occupant at or below the median sale price.

The Good News

Although the affordable housing need in Florida is daunting, our state has a nationally acclaimed program based on a dedicated revenue source with a proven track record for performance, transparency, and accountability: The State and Local Housing Trust Funds created by the William E. Sadowski Affordable Housing Act. The largest

State Housing Trust Fund program is the State Apartment Incentive Loan (SAIL) program, while the Local Housing Trust Fund supports State Housing Initiatives Partnership (SHIP) programs in every county and all of Florida's larger cities.

The Sadowski programs are a powerful engine of economic development in Florida. If the State Legislature appropriates all State and Local Housing Trust Fund monies for housing in 2019, the resulting affordable housing development will generate:

- Over \$4 billion in economic output,
- More than 30,000 jobs, and
- Over \$1 billion in labor income.

In addition to boosting the state's economy, SHIP and SAIL have helped hundreds of thousands of low- and moderate-income families move into affordable homes or renovate their current homes since 1992. SHIP and SAIL are Florida's most important home-grown tools for providing housing for our most vulnerable populations, including:

- Elderly households,
- People with developmental disabilities, and
- Homeless individuals and families.

Affordable housing saves taxpayer dollars and improves the quality of life for these vulnerable populations.

We cannot end Florida's affordable housing shortage overnight, and it is difficult for us to control factors such as the wages for common occupations and funding cuts to federal housing programs. However, the Sadowski Housing Trust Funds are a homegrown, highly successful affordable housing program, and they are fully within our control. With strong public-private partnerships leveraged by consistent state funding, we can help thousands of families move into decent, safe, affordable housing every year, boosting our state and local economies in the process. Fully appropriating Sadowski Housing Trust Fund monies for housing is one of the best policy decisions we can make at this critical moment, when Florida's home prices and overall economy reach full recovery from the Great Recession.



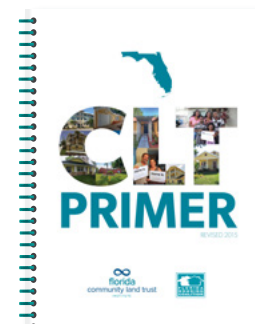
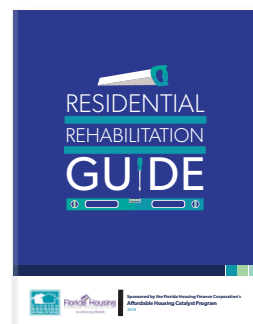
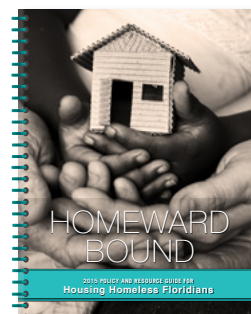
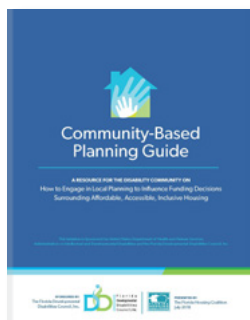
When the housing trust fund is swept
**FLORIDIANS
 SUFFER**

FULL SHIP FUNDING...

would allow local communities to significantly scale up their efforts to provide housing for key populations, including those who are homeless or have developmental disabilities.

FLORIDA HOUSING COALITION PUBLICATIONS

Access these valuable resources and more
under the Publications tab at FLhousing.org



The Impact of Training and Technical Assistance for Florida's Continuums of Care

By: Amanda Rosado

In 2015, the Legislature funded a training and technical assistance program for Homeless Continuums of Care (CoC) through the Department of Economic Opportunity (DEO). The Florida Housing Coalition (the Coalition) has proudly served as the training and technical assistance provider ever since.

In Florida, there are 27 local CoC Lead Agencies working to collaboratively end homelessness in their communities. The Coalition partners with each CoC to deliver training and technical assistance to both leadership and direct service providers with the objective of ensuring each CoC implements evidence-based best practices to more effectively prevent and end homelessness. Through this

program, the Coalition has delivered 25 day-long regional workshops, 39 statewide webinars, and 85 local site visits, as well as two publications. Each of these activities has significantly contributed to the work local communities are doing to prevent and end homelessness. Through the hard work of all partners in the fight to end homelessness in Florida, including DEO and the Coalition, since the launch of the technical assistance program homelessness has decreased in Florida by more than 17 percent.

While much progress has been made, there are still nearly 30,000 people experiencing homelessness on any given day in Florida. Local communities continue to struggle with funding challenges, housing barriers, and some stakeholders still hold conflicting ideologies on how best to address homelessness. To sustain and accelerate progress, continued technical assistance and training is needed.

The Coalition is the only resource available to CoCs for expertise, support, and direct assistance at no cost to them.

And based on performance evaluations, participants feel the training is insightful, relevant, and provides clear action steps that can be implemented immediately in their communities. Specific feedback includes:

- The information I received will help my organization make better funding decisions.
- I came away with an extensive to do list of ways to improve my organization.
- We can rethink some of our practices to better align with HUD requirements and be more efficient in our outcomes.
- The workshop equipped us to write our vision and strategic plan.
- It was informative, and the information was a great reminder on the best practices in service delivery for clients.



Amanda Rosado, Florida Housing Coalition, works with participants of a DEO training.

In addition to providing workshops, webinars, and site visits, the Coalition has operated an email and telephone “hotline” to respond to individual requests for technical assistance. Over the course of three years, we responded to hundreds of such requests, providing individualized assistance for a wide variety of challenges and issues throughout Florida.

Though not an explicit component of the DEO contract, the Coalition recognized the need for increased assistance related to the HUD CoC Funding Application process. In response to this need, we host a weekly conference call for all the CoC Lead Agencies to discuss challenges and solutions related to the HUD CoC Funding Notice of Funding Availability (NOFA). The Coalition’s specialized assistance with the HUD process for accessing federal support for CoCs helped bring in more than \$80 million in federal funding to the Florida.

To enhance collaboration between CoC Lead Agencies and Managing Entities, the Coalition convened a meeting with the housing leaders of both systems in April, 2018. Leaders



ABOVE: A full house for a DEO-sponsored workshop in Tampa on effective emergency sheltering.

spent a day evaluating the statewide efforts and successes of collaboration for special populations, including people with disabilities who are also experiencing homelessness. This convening complemented the Department of Children and Families efforts to address homelessness within the Substance Abuse and Mental Health system.

The Coalition has developed trusting and long-time relationships with each and every one of the Continuum of Care Lead Agencies in Florida. Through our previous and upcoming DEO-funded work, as well as our commitment to high quality services, the Continuum of Care Lead Agencies look to the Coalition for expertise in every arena. A Lead Agency Executive Director summed up the impact of our work as follows:

“[The Florida Housing Coalition’s] ability to educate and inform played a vital role in our CoC transforming from a low performing Continuum to one of the highest performing CoCs in Florida. Many of my counterparts across the state would agree that no one is more capable of developing policy, implementing positive change, and advising on complex issues.”

The Coalition’s Ending Homelessness Team is comprised of experts whose combined experience totals roughly 25 years of on hands-on service delivery and system development for people experiencing homelessness. With the experience at hand, The Coalition continues to provide realistic strategies and hands-on training in an effort to make homelessness rare, brief, and one-time. **HNN**



AMANDA ROSADO

Amanda Rosado is a Technical Advisor with the Florida Housing Coalition, specializing in homelessness. As a strong advocate for housing first and recovery oriented systems of care, she is passionate about utilizing evidence based practices and providing effective interventions to work with vulnerable populations. Amanda holds a Master’s in Social Work from the University of South Carolina.



FREQUENTLY ASKED SHIP QUESTIONS

State Housing Initiatives Partnership Program

QUESTION: I am working to determine if an applicant is income eligible. She receives her monthly social security income as a deposit on a “Direct Express” pre-paid debit card. I have counted the social security as income and now I am calculating asset income. In the past, recipients of social security often would deposit this monthly income into a bank account which I would count as an asset. How do I treat this pre-paid card asset?

ANSWER: More and more households are receiving their social security benefit on a debit card, which must be counted as an asset. This subject is addressed in the HUD Hot Topics publication from April 2015, which instructs administrators to count the current balance of the debit card as the cash value of the asset in the same manner as a savings account. The debit card has no interest rate so there is no actual income from this asset. However, if the total value of this account and other household assets exceed \$5,000, calculate imputed income by multiplying by the current passbook rate of .06 percent.

HUD’s Multifamily Housing website provides additional guidance on asset verification for a direct express debit card. Acceptable verification may include an applicant-provided account balance no more than 120 days old from an ATM, a print out from the online account service, or a paper statement. The verification document must identify the account number and the account holder’s name.

QUESTION: My applicant had her identity compromised in the past, so she feels uncomfortable listing her asset account information on forms in the SHIP file. I know that I need to verify the assets. How do I protect the applicant's privacy if there is a public record request?

ANSWER: You are indeed required to collect the asset information as part of the income and asset verification process. Florida’s open records law addresses the applicant’s concern. Bank account numbers and debit, charge, and credit card numbers are exempt from disclosure. This public records rule is stated in Section 119.071(5)(b) of the Florida Statutes. The account numbers you ask about may be redacted according to the applicant’s wishes whenever a public record is requested:

“(b) Bank account numbers and debit, charge, and credit card numbers held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to bank account numbers and debit, charge, and credit card numbers held by an agency before, on, or after the effective date of this exemption.”

QUESTION: I am updating my community’s three-year Local Housing Assistance Plan (LHAP). It contains no major changes from how we have implemented SHIP in recent years, so may I use the spreadsheet for the ‘Housing Delivery Goals Chart’ from my current LHAP as I update the plan?

ANSWER: Do not use the spreadsheet from your current LHAP since the template has been updated by Florida Housing Finance Corporation. The LHAP governs the activities the local government will undertake during the three fiscal years governed by the plan. You and almost half of all SHIP communities have a new LHAP due on May 2, 2019. The Housing Delivery Goals Chart is included as Exhibit C with the LHAP. Florida Housing Finance Corporation staff have updated Exhibit C, so download and use the updated version, available with all the LHAP materials at [https://www.floridahousing.org/programs/special-programs/local-housing-assistance-plan-\(lhap\)/lhap-template-and-exhibits](https://www.floridahousing.org/programs/special-programs/local-housing-assistance-plan-(lhap)/lhap-template-and-exhibits).

The goals chart has been updated to recognize that many SHIP recipients are assisted with amounts that are less than the maximum award amount. The chart is a spreadsheet with formulas that total up amounts for assistance and administrative expenses. Fill out the spreadsheet and compare the amount in “Total All Funds” to “The amount of estimated Funds” near the top of the spreadsheet. If total funds are less than estimated funds, increase the number of applicants to assist until total funds meet or exceed the amount of estimated funds. It is acceptable to submit a spreadsheet on which total funds exceed the amount of estimated funds. In such a case, a note will appear to the right of the “Total All Funds” amount stating, “This total is over the allocation and will require less than the maximum amount be awarded per applicant”. This notation recognizes that many assisted by SHIP receive an award that

is less than the maximum amount per applicant listed on this goals chart.

QUESTION: I am calculating asset income for an applicant who has a GoFundMe account. Is this considered an asset?

ANSWER: SHIP monitors have recently addressed this topic. First, the money is not counted as income. GoFundMe is primarily used for charitable donation-based crowdfunding. The organization's website states that "donations made to GoFundMe campaigns are usually considered to be 'personal gifts' which, for the most part, aren't taxed as income in the US." Exhibit 1 of the HUD Handbook's List of Income Exclusions contains "Temporary, nonrecurring, or sporadic income (including gifts)..."

Second, the money is not counted as an asset while it is in the GoFundMe account. If, however, the money is deposited in an applicant's checking or other bank account, it is counted as part of that asset. For example, the asset value of a checking

account is its 6-month average balance, which includes deposits from the GoFundMe account. This guidance is based on paragraph 5-6 Q of the HUD Handbook which addresses lump sum payments counted as income: "inheritances, insurance settlements, or proceeds from sale of property are considered assets, not income. Lottery winnings paid in one payment are treated as assets."

A SHIP Administrator must monitor the amount of money in a GoFundMe account to prevent the possibility of an applicant with \$100,000 in such an account who is waiting until after applying for SHIP to deposit GoFundMe money into a bank account. It is acceptable to exclude money in a GoFundMe account unless its amount plus the household's other assets total \$5,000 or greater. In such a case, make it a requirement that the GoFundMe balance be deposited into a checking or other bank account, so that imputed income from assets may be properly calculated.

Benefit from Catalyst Training and Assistance

The Catalyst Program funds a variety of SHIP training and technical assistance. The Affordable Housing Catalyst Program in Section 420.531 of the Florida Statutes is designed to provide specialized technical support to local governments and community-based organizations to implement HOME, SHIP and other affordable housing programs.

Visit <http://www.flhousing.org/events/> to register for upcoming Catalyst workshops and webinars. Contact chaney@flhousing.org to request customized training for your office or region.

MORE GUIDANCE IN TECHNICAL BULLETINS | Florida Housing Finance Corporation provides SHIP-specific written guidance in Technical Bulletins. Some of the most recent bulletins have addressed the subjects of record retention, NOFA advertisements, and SHIP audit and monitoring requirements. You may access the bulletins on Florida Housing's website, www.floridahousing.org. Find SHIP by selecting Programs and then Special Programs from the pull-down menu.



MICHAEL CHANEY

Michael Chaney is a Technical Advisor for the Florida Housing Coalition, specializing in SHIP, homebuyer counseling, and foreclosure prevention programs. He has 21 years of experience providing technical assistance to local government, nonprofit housing professionals, and consumers throughout Florida. Michael holds a Bachelor's degree from Loyola University in New Orleans and a Master's of Social Work Administration from Florida State University, where he has served as an adjunct faculty member of the housing department

QUESTIONS ABOUT THE SHIP PROGRAM?

Free telephone technical assistance is available to help you successfully implement your SHIP funded work. **Call the Florida Housing Coalition's SHIP hotline at (800) 677-4548, Mon.-Fri. 8:30-5:00.**

SAVE THE DATE FOR THE 32ND ANNUAL CONFERENCE



AFFORDABLE HOUSING CONFERENCE HOME MATTERS IN FLORIDA



AUGUST 26-28, 2019
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Learn More: Contact Johnitta Wells at wells@FLhousing.org or call: (850) 878-4219.

Florida's premier statewide affordable housing training and technical assistance event brings together more than 800 housing professionals from every part of Florida, including housing developers, service providers, planners, public and private sector funders, and advocates.

Learn from Industry Experts

STATE OF THE STATE

Plenary forum of hot topics including Opportunity Zones, long term affordability, and disaster recovery.

HOUSING SUCCESS STORIES

Home Matters Showcase. We celebrate success by lifting up the approaches and strategies that have worked.

Attend Workshops and Tracks

Over 30 workshops and workshop tracks on topics like:

- Faith Based Organizations & Affordable Housing Track
- Ending Homelessness Track
- Land Use & Regulatory Reform Track
- Surplus Lands
- Financing for Affordable Housing
- Innovation in Affordable Housing
- ...And many more.

Network with Peers

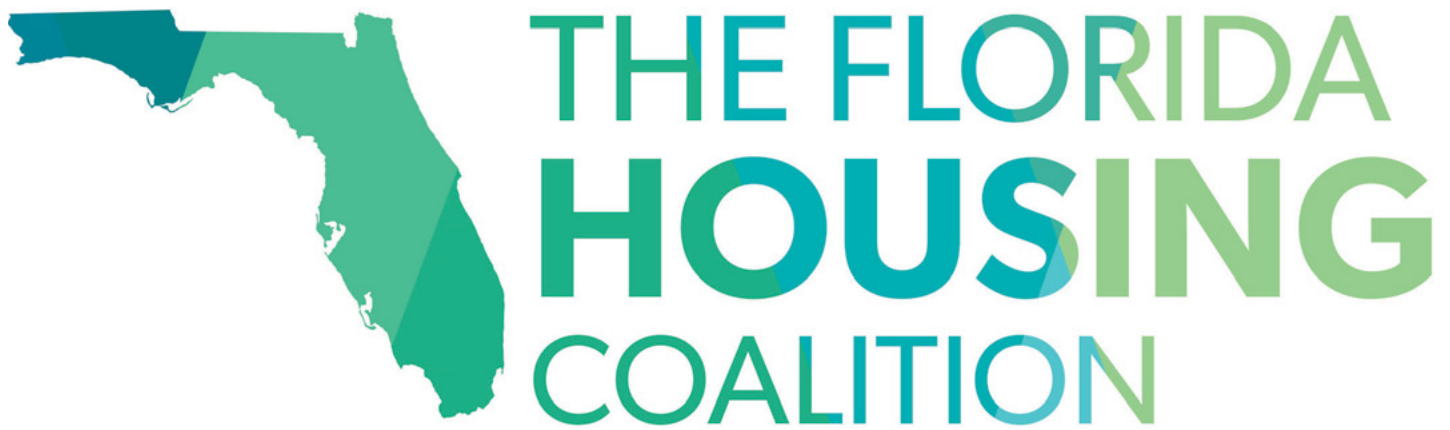
Share lessons learned with colleagues from across the state:

- Florida Realtors
- Housing Counselors
- Utility Companies & Energy Efficiency Partners
- Planners and Local Government Administrators

Conference Symposiums

- SHIP Administrators' Training sponsored by Florida Housing Finance Corporation
- Florida Community Land Trust Institute Certification Program sponsored by Freddie Mac
- ...And more.





The Florida Housing Coalition, Inc., is a Florida nonprofit and 501(c)(3) statewide membership organization whose mission is to bring together housing advocates and resources so that all Floridians have a quality affordable home and suitable living environment. The Coalition carries out this mission recognizing that decent and affordable housing is a human necessity and an integral part of community revitalization and economic development.



The Coalition provides professional consultation services on affordable housing, fair housing, ending homelessness, and related issues to nonprofit organizations, local governments, and their private sector partners.



We support community-based partnerships in leveraging resources and advocate for policies, programs and use of funding resources that maximize the availability and improve the quality of affordable housing in Florida.



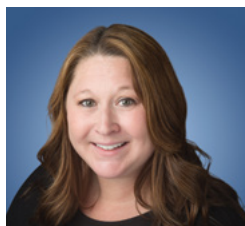
Our team consists of highly skilled professional staff in office locations throughout the state. Our Technical Assistance Team provides assistance in all areas of affordable housing planning, finance, and development.

Our professional technical assistance team also includes the expertise of our geographically dispersed 25-member Board of Directors. The FHC Team can help with every aspect of locally-administered housing programs from internal controls to capacity building for nonprofit partners. We can work with you one-on-one at your office or arrange larger workshops to assist you with implementation of your housing programs.

Contact us today! 850-878-4219 | info@flhousing.org | www.FLHousing.org



Aida Andujar
TECHNICAL ADVISOR



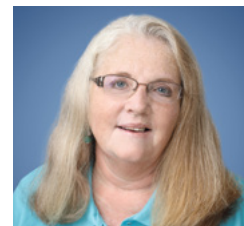
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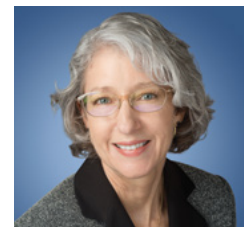
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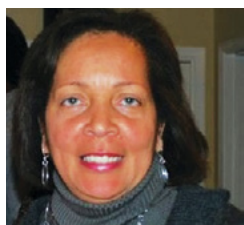
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CONSULTANT



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Pamela Jo Hatley
CONSULTANT



Priscilla Howard
CONSULTANT



Ashon Nesbitt
TECHNICAL ADVISOR &
RESEARCH ANALYST



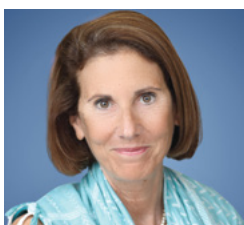
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TECHNICAL ADVISOR



Jaimie Ross
PRESIDENT & CEO



Kimberly Spence
TECHNICAL ADVISOR



Ben Toro-Spears
TECHNICAL ADVISOR



Johnitta Wells
CONFERENCE &
COMMUNICATIONS MANAGER

The Florida Housing Coalition has a deep bench of housing professionals strategically located throughout Florida.

PANHANDLE

Michael Chaney | Kody Glazer
Blaise Denton | Jaimie Ross

NORTHEAST FLORIDA

Amanda Rosado

CENTRAL FLORIDA

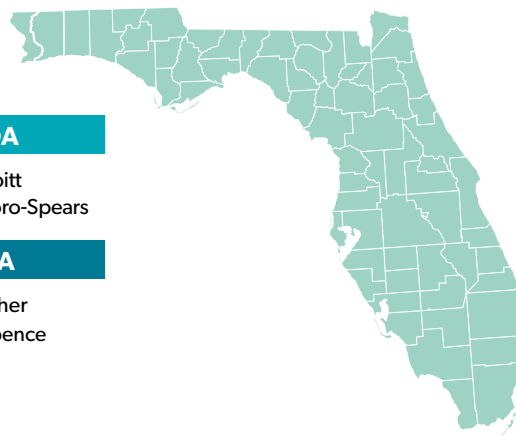
Carter Burton | Gladys Cook

SOUTHWEST FLORIDA

Pamela Jo Hatley | Ashon Nesbitt
Priscilla Howard | Benjamin Toro-Spears

SOUTHEAST FLORIDA

Aida Andujar | Elissa Plancher
Jason Goldfarb | Kimberly Spence





AFFORDABLE HOUSING CONSULTING SERVICES

The Florida Housing Coalition Helps Local Governments, Nonprofits, and their Developer and Financial Partners.

PUBLIC SECTOR

We Can Assist the Public Sector with:

- Consolidated Plans, Annual Action Plans, and CAPERs for HUD CPD Block Grants
- Analysis of Impediments to Fair Housing Choice
- Strategies for Affirmatively Furthering Fair Housing
- Program Design and Implementation
- Policies and Procedures Manuals
- Project Development
- Underwriting Practices for Rental and Homeownership
- Long-Term Affordability Mechanisms
- Energy Efficient Housing
- Predevelopment, Development, and Rehabilitation Process for Rental and Homeownership Programs
- Meeting Set-Asides for Extremely Low Income and Special Needs Housing
- Income Compliance and Eligibility Determination
- Tracking, Reporting, and Monitoring of Programs
- Rehabilitation Policies and Strategies
- Design of RFPs and RFQs
- Strategies and Plans to End Homelessness

PRIVATE SECTOR

We Can Assist the Private Sector with:

- How to Form a CHDO or a CDC
- How to Write Grant Applications and Proposals
- Board and Staff Training/ Organizational Capacity Building
- Strategic and Business Plans
- Best Practices for Operating Manuals
- Project-Level Assistance in Financing, Development, and Asset Management
- Strengthening Partnerships and Joint Ventures
- Preventing and Ending Homelessness
- Accessory Dwelling Units
- Energy Efficient Housing
- Strategies for Changing Markets
- NIMBY issues

SPECIAL PROJECTS

Everything from Needs Analysis to Document Preparation:

- Shared Equity Models
- Lease Purchase Programs
- Housing Element Strategies and Implementation
- Regulatory Reform
- Inclusionary Housing Policies
- Education/Presentations to Advisory Groups and Elected Bodies
- Facilitation of Community Meetings
- Community Land Trusts



learn more



CONTACT

Contact the Florida Housing Coalition: Phone: 850-878-4219
Email: info@flhousing.org | Online: www.FLHousing.org



DISCUSS

Discuss what services would be most helpful for your local government, nonprofit, or developer and financial partners.



PROPOSAL

In return, we will quickly tailor a proposal that meets your needs within your budget.



MEMBERSHIP APPLICATION

PARTNERS FOR BETTER HOUSING

Your Partners for Better Housing membership supports the Florida Housing Coalition's work by making tax deductible donation of \$500 or more. Membership benefits include:

- Complimentary conference registration (Patron Level or higher only, quantity indicated)
- Unlimited membership-rate conference registrations
- ☐ \$20,000 Platinum Sponsor (20 Comps)
- ☐ \$10,000 Gold Sponsor (10 Comps)
- ☐ \$5,000 Sponsor (6 Comps)
- Complimentary job vacancy posting service on the Coalition's website
- Access to the Coalition's e-newsletter, Member Update
- ☐ \$2,500 Co-Sponsor (3 Comps)
- ☐ \$1,000 Patron (1 Comp)
- ☐ \$500 Contributor

ADDITIONAL BENEFITS FOR PLATINUM, GOLD & SPONSOR LEVELS

- Subscriptions to Housing News Network Journal (up to 20)
- Logo displayed in all conference-related publications, on the Coalition's website and in each triennial issue of the Housing News Network Journal
- Complimentary booth at conference expo (if reserved by July 31)
- Reserved table for Keynote speeches (Platinum and Gold only)

ADDITIONAL BENEFITS FOR CO-SPONSOR, PATRON & CONTRIBUTOR LEVELS

- Subscriptions to Housing News Network Journal (up to 8)
- Name displayed in all conference-related publications, on the Coalition's website
- Co-Sponsor and Patron Partners included in each triennial issue of the Housing News Network Journal

BASIC MEMBERSHIP

Basic membership is for anyone who wishes to subscribe to Housing News Network, post job vacancy announcements free on the Coalition's website and receive membership-rate conference registrations. An individual member receives one subscription and one member-rate registration. Organizational members receive up to five subscriptions and five member-rate registrations. All memberships are on a unified membership cycle, memberships are due on July 1 and expire on June 30 of each year. (Please indicate additional names, addresses and phone numbers on an attached sheet.)

- ☐ \$25 Student
- ☐ \$75 Individual
- ☐ \$150 Nonprofit Organization
- ☐ \$200 Government Agencies
- ☐ \$250 Private Organizations

Authorized Representative (Please Print or Type:)

Name: _____ Title: _____

Organization: _____ Signature: _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____ County: _____

Phone: _____ FAX: _____ Email: _____

Make checks payable to The Florida Housing Coalition • 1367 E. Lafayette Street, Suite C, Tallahassee, FL 32301 • Phone: (850) 878-4219 • FAX: (850) 942-6312 The Florida Housing Coalition is a 501 (c) (3) organization. One hundred percent of your tax deductible contribution goes to the Florida Housing Coalition, Inc. No portion is retained by a solicitor. Registration number SC09899, Federal ID# 59-2235835.

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CITY OF JACKSONVILLE
CITY OF MIAMI
CITY OF MIAMI BEACH
CITY OF MIRAMAR
CITY OF POMPANO BEACH
CITY OF WINTER HAVEN
CIVITAS

COMMUNITY AFFORDABLE HOUSING
EQUITY CORP.
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ELEVATION FINANCIAL GROUP
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GADSDEN COUNTY
GATEHOUSE GROUP
GULF COAST COMMUNITY FOUNDATION

GUNSTER LAW FIRM
HABITAT FOR HUMANITY OF FLORIDA
HANDS OF CENTRAL FLORIDA
HENDRICKSON COMPANY
HOUSING AUTHORITY OF POMPANO BEACH
HOUSING PARTNERSHIP
HOUSING TRUST GROUP
INVICTUS DEVELOPMENT
JAIMIE ROSS

KEYSTONE CHALLENGE FUND
MCCORMACK BARON SALAZAR
MERIDIAN APPRAISAL GROUP
NATIONAL CHURCH RESIDENCES
NEIGHBORHOOD LENDING PARTNERS
ORLANDO NEIGHBORHOOD
IMPROVEMENT CORPORATION
OSCEOLA COUNTY
PASCO COUNTY
PICERNE DEVELOPMENT CORP.

SUSAN POURCIAU
SAGE PARTNERS
SHIMBERG CENTER FOR HOUSING
STUDIES
STEARNS, WEAVER, MILLER,
WEISSLER, ALHADEFF, & SITTERSON, PA
TAMPA BAY CDC
TIDWELL GROUP
TRUSTCO BANK
WENDOVER HOUSING PARTNERS



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00338

City Council

7/18/2019

DISCUSSION ITEM

FROM: City Council Member Jewel Cannada-Wynn

SUBJECT:

EDUCATIONAL COMPONENT FOR THE 2020 CENSUS

SUMMARY:

The census plays a vital role in determining our governmental structure as well as funding opportunities. The 2020 Census is upon us. In previous years Escambia County and the City of Pensacola worked together to educate the community about the importance of the census and getting an accurate count. There are hard to reach populations and everyone counts.

Within this discussion item, the City Council asks that the Mayor reach out to Escambia County in order to provide the City Council with information on the process for educating and identifying all citizens of Escambia County in support of the 2020 Census.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

None.

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00340

City Council

7/18/2019

DISCUSSION ITEM

FROM: City Council Member Jared Moore

SUBJECT:

SUPPORT FOR AND FURTHER EXPLORING THE TWO (2) IDENTIFIED SCAPE PROJECTS

SUMMARY:

The landscape architecture firm SCAPE identified two (2) catalytic projects for the downtown waterfront; Bruce Beach enhancement whereby it is reimagined as a cultural, recreational and educational hub and the Hashtag Connector, converting Cedar Street into a low-speed, curbless "shared street," open to both pedestrian and vehicular traffic.

The purpose of this discussion item is to allow Council to discuss their support of the items as well as providing the Mayor with a sense of direction as to the next steps to be taken.

PRIOR ACTION:

June 17, 2019 - Presentation to City Council regarding SCAPE projects

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00085

City Council

7/18/2019

SUBJECT:

MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER RICHARD BARKER, JR.