

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING
SEPTEMBER 18, 2003 7:30 P.M.**

The Bradford County Board of County Commissioners met September 18, 2003, for their regular scheduled meeting. Attending were: Commissioner Mann, Commissioner Thomas, Chairman Cooper, Commissioner Johnson, Commissioner Hersey, Jim Farrell, Marlene Stafford, Lisa Hall, Terry Brown, Sheriff Milner, D.Z. Griffis, Wilson Whidden, Phalbe Henriksen, Percy Sullivan and Mark Crawford.

Chairman Cooper called the meeting to order at 7:32. Sheriff Milner led the invocation and the Pledge of Allegiance.

(A copy of all documentation presented at this meeting is located in Supplement File No. 09-18-03.)

ZONING—ORDINANCES—WILSON WHIDDEN:

**A. ORDINANCE AMENDING THE TEXT OF THE COMPREHENSIVE PLAN,
APPLICATION # CPA 03-2—SANTA FE LAND TRUST:**

Chairman Cooper read the title of the ordinance into the record as follows:

**“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE
BRADFORD COUNTY COMPREHENSIVE PLAN; RELATING TO AN
AMENDMENT TO THE TEXT OF THE BRADFORD COUNTY
COMPREHENSIVE PLAN, UNDER THE AMENDMENT PROCEDURES
ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA
STATUTES, AS AMENDED; PROVIDING FOR AMENDING THE FUTURE
LAND USE ELEMENT BY ADDING POLICY I.6.3 TO PROVIDE FOR
INDIVIDUAL SITES AND AREAS OF ARCHEOLOGICAL SIGNIFICANCE TO
BE PRESERVED PROTECTED AND, WHERE POSSIBLE, ENHANCED;
PROVIDING FOR AMENDING THE CONSERVATION ELEMENT BY
AMENDING POLICY V.2.3 TO PROVIDE FOR PROTECTION OF NATURAL
AREAS AND OPEN SPACE THROUGH PUBLIC ACQUISITION AND BY
ADDING POLICY V.2.17 TO PROVIDE FOR RESTORING NATURAL
COMMUNITIES AND HYDROLOGY AND TO PROVIDE FOR REMOVING
NON-NATIVE VEGETATION IN ACCORDANCE WITH BEST
MANAGEMENT PRACTICES ON PUBLIC LANDS ACQUIRED FOR THEIR
NATURAL RESOURCE VALUE; PROVIDING FOR AMENDING THE
RECREATION AND OPEN SPACE ELEMENT BY AMENDING POLICY VI.3.1
TO LIMIT THE LEVEL OF SERVICE STANDARDS FOR CAMPING, HIKING
AND NATURE STUDY TO AREAS WITHIN THE COUNTY AND TO REMOVE
ROADWAYS FROM AND TO ADD BICYCLE TRAIL TO THE BICYCLING
LEVEL OF SERVICE STANDARD AND BY ADDING POLICY VI.3.4 TO**

PROVIDE FOR PROTECTION OF NATURAL AREAS AND OPEN SPACE THROUGH PUBLIC ACQUISITION; PROVIDING FOR AMENDING THE CAPITAL IMPROVEMENTS ELEMENT BY AMENDING POLICY VIII.2.1 TO LIMIT THE LEVEL OF SERVICE STANDARDS FOR CAMPING, HIKING AND NATURE STUDY TO AREAS WITHIN THE COUNTY AND TO REMOVE ROADWAY AND ADD BICYCLE TRAIL TO THE BICYCLING LEVEL OF SERVICE STANDARD; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”

Chairman Cooper said that there is a 3-2 recommendation for approval by the Zoning Board.

Mr. Whidden said that this is the second and final reading of the ordinance.

Mr. Dan Smith provided an update of the status of the application process. As of this week, the initial scores were released for all of the various municipalities and local governments who applied for these funds. There are over 100 applicants, and this application is ranked in the top half, at a score of 120. The Florida Community Trust is holding an additional 20 points that are directly related to these Comp. Plan revisions that are now before this Commission for approval. If approved, then the score goes from 120 to 140, which should be sufficient to obtain the state grant funds for the project.

Chairman Cooper opened the public hearing. There was no response and the hearing was closed.

Comm. Thomas MOVED to adopt the ordinance, upholding the recommendation of the Zoning Board to approve Comprehensive Plan Amendment Application #CPA 03-2. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No. 03-10.)

B. DISCUSS AND APPROVE APPLICATION FOR BORROW PIT EXPANSION BY DIANE GOETZMAN, AGENT FOR RAYONIER, INC.

Mr. Whidden said that it is the desire of Rayonier to enlarge the borrow pit in the Keystone area, off of Speedville Road. The County's LDR requires Commission approval. There is a 4-0 recommendation for approval by the Zoning Board.

Chairman Cooper asked for public comments. There was no response.

Comm. Thomas MOVED to approve the application as presented. **Comm. Johnson SECONDED** and the **MOTION CARRIED 5-0**.

ORDINANCES—TERRY BROWN:

A. DISCUSS & APPROVE AN ORDINANCE RELATING TO MUNICIPAL SERVICE BENEFIT UNITS:

Mr. Brown read the title of the ordinance into the record as follows:

“AN ORDINANCE RELATING TO THE UNINCORPORATED AND CERTAIN INCORPORATED AREAS OF BRADFORD COUNTY, FLORIDA; PROVIDING THAT ANY MUNICIPAL SERVICE BENEFIT UNIT SUBSEQUENTLY ESTABLISHED BY THE COUNTY WITHIN EITHER THE INCORPORATED AREAS OR UNINCORPORATED AREAS OR BOTH AREAS MAY IMPOSE AND COLLECT ASSESSMENTS IN THE MANNER SET FORTH HEREIN; AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF ROAD, DRAINAGE, WATER, SEWER OR OTHER CAPITAL IMPROVEMENTS WITHIN SUCH BENEFIT UNITS; AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE PURPOSE OF ASSESSING PROPERTIES WITHIN THE BENEFIT FOR THE ACQUISITION AND CONSTRUCTION OF CAPITAL IMPROVEMENTS; SETTING FORTH THE PROCEDURES FOR LEVYING ASSESSMENTS; PROVIDING FOR THE COLLECTION OF ASSESSMENTS; PROVIDING THAT ASSESSMENTS MAY BE PREPAID UNDER CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.”

Mr. Brown said that the ordinance has been advertised.

Chairman Cooper opened the public hearing.

--Mr. Jim Sumner of Sampson Lake, Deerfoot Trail, addressed the Commission regarding maintenance of roads. Mr. Sumner asked for clarification of what the municipal service benefit unit ordinance will do.

Chairman Cooper said that the MSBU ordinance is the first step toward establishing a process creating an area that the County can maintain, improve and pave even a private road, as long as the property owners within that area pay the associated costs. The creation of a particular MSBU for a certain area would be step two.

Mr. Sumner asked the Commission to support the ordinance.

--Ms. Arlene Cooper of Hidden Oaks, asked what the process would be to establish an MSBU after the ordinance is adopted.

Chairman Cooper said that would be discussed after the ordinance is voted on.

--Mr. Al Koski of Deerfoot Trail, asked what percentage of the residents of a certain area have to agree to the establishment of an MSBU.

Chairman Cooper said that ultimately, whether or not an MSBU is created in a particular area is a decision for this Commission. Although not advisable, that decision can be made without even talking with anyone. Once the decision is made to establish an MSBU, it is also up to the Commission to decide how it is implemented and assessed to recover the costs. Every property owner within an established MSBU, will be required to pay the assessment.

There being no further comments, the public hearing was closed.

Comm. Johnson MOVED to adopt the ordinance as presented. **Comm. Hersey SECONDED** the motion.

Commissioner Mann said that the MSBU's will give the people who live in private sub-division an avenue by which they can come to the Board and possibly get some help. Putman County currently has 35 MSBU's.

Chairman Cooper said that the Board needs to discuss how to create the units, calculate the costs and determine the assessment amount. He feels that it should be up to each Commissioner in their perspective districts to bring to the Board an MSBU in that district. He is concerned about making the process too cumbersome for people to follow. Putnam County has citizen advisory groups.

There was some discussion about the possibility of conducting a workshop for this purpose.

Mr. Brown expounded on the concept of citizen advisory groups for each MSBU.

Mr. Jim Sumner asked for an explanation of the relationship between the developer who owns the road and an MSBU, once was has been established.

Mr. Brown said that if the road is still owned by the developer, and if the developer does not wish to participate, ultimately there is not much the County can do. It is private property and the only way it can be made public property against the developer's wishes is to condemn the property, which would be at a substantial cost to the other taxpayers in the County. This would be contrary to his recommendation and he does not think it is consistent with the theory of what is being done.

Most of these developments should have been set up where the developer turns the private road over to a homeowners association. The homeowners association would act, or reorganize in the event that they no longer exist, and convey the road to the County, should the Board decide to make the roadway a County roadway.

In other instances, there is a situation where the roadway may be owned by a multitude of individuals, which is problematic for the County. In this situation, it would be up to the neighbor to persuade the neighbor.

A citizen in the audience asked about the prospect of eminent domain coming into play, should there be opposition to an MSBU in a given area.

Mr. Brown said that eminent domain means that the County condemns the property and takes it. Under state law, then the County would have to reimburse and compensate the property owner. In theory, if the majority of the people in the unit wanted to do that and they understood that there would be a substantial cost that would be passed on to them, then it could be done. This is the least attractive option.

Chairman Cooper said that a workshop would be set at the conclusion of the agenda.

There being no further discussion, the **MOTION CARRIED 5-0.** (The Ordinance was assigned No. 03-12.)

B. AN ORDINANCE DELETING ARTICLE VIII OF BRADFORD COUNTY'S LAND DEVELOPMENT CODE; ADOPTING A NEW BRADFORD COUNTY FLOOD DAMAGE PREVENTION.

Mr. Brown said that this item needs to be declared an emergency matter. It has been advertised, but he is not sure it has been advertised the full ten days. The Department of Community Affairs advised that they were required by FEMA to review certain flood ordinances and in reviewing Bradford County's, found that it was not consistent with some federal requirements and that it must be changed by October 1, 2003. Since this is the last meeting before October 1, he is requesting that it be declared an emergency matter.

Comm. Johnson MOVED to declare this an emergency matter. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

Mr. Brown read the title of the ordinance into the records as follows:

“AN ORDINANCE DELETING ARTICLE VIII OF BRADFORD COUNTY'S LAND DEVELOPMENT CODE; ADOPTING A NEW BRADFORD COUNTY FLOOD DAMAGE PREVENTION ORDINANCE; PROVIDING FOR STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSES AND OBJECTIVES; PROVIDING DEFINITIONS; PROVIDING GENERAL PROVISIONS; PROVIDING ADMINISTRATION; PROVIDING FOR FLOOD HAZARD REDUCTION; PROVIDING VARIANCE PROCEDURES; PROVIDING SEVERABILITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.”

Chairman Cooper opened the public hearing. There being no public input, the public hearing was closed.

Comm. Thomas MOVED to adopt the ordinance as presented. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0.** (The Ordinance was assigned No. 03-11.)

PUBLIC COMMENTS:

--Ms. Carole Kunselman read a statement to the Commission regarding the condition of the roads in River Road Plantation and the adoption of an MSBU for the purpose of getting their roads repaired.

--Ms. Amanda Huskey of 3200 N.E. 179th St., Starke, presented the Commission with a petition signed by 22 residents of N.E. 179th Street requesting that their road be paved. Ms. Huskey highlighted some of the problems they are experiencing with the road.

--Mr. Jim Shirley, Jr. of Lawtey, posed several questions to the Commission concerning private roads and private developers.

CONSENT AGENDA:

- A. APPROVE STATE AID TO LIBRARIES GRANT APPLICATION**
- B. APPROVE ANNUAL CONTRACT WITH HEALTH DEPARTMENT**
- C. APPROVAL OF TRICIA C. JENKINS FOR CONFLICT ATTORNEY LIST**
- D. APPROVE RENEWAL AGREEMENT BETWEEN THE COUNTY AND THE PLANNING COUNCIL FOR LOCAL GOVERNMENT COMPREHENSIVE PLANNING SERVICES**
- E. APPROVE AMENDMENT NO. 2 TO AGREEMENT FOR ADMINISTRATIVE SERVICES CONCERNING THE FY-01 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**
- F. APPROVE AGREEMENT BETWEEN BRADFORD COUNTY, SHANDS TEACHING HOSPITAL AND CLINICS, INC., AND WILLIAM F. HAMILTON FOR DISTRICT MEDICAL EXAMINER SERVICES**
- G. DISCUSS AND APPROVE A RESOLUTION CONCERNING BRADFORD COUNTY'S REQUEST TO THE SUWANNEE RIVER WATER MANAGEMENT DISTRICT TO REDUCE PERMIT FEES RESOLUTION #03-14**
- H. DISCUSS AND APPROVE A RESOLUTION CONCERNING BRADFORD COUNTY BOARD OF COUNTY COMMISISONERS DECLARING NOVEMBER 2003 AS NATIONAL EPILEPSY AWARENESS MONTH RESOLUTION #03-15**

There being no items removed, **Comm. Hersey MOVED** to approve the Consent Agenda in its entirety. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0.**

DISCUSSION CONCERNING PORTABLE SCHOOL BUILDINGS—COMM. THOMAS: The bid that was submitted back in January for moving and setting up the buildings would be honored by the bidder. That price is \$5,600.00 to move both buildings. The library can use one of the buildings, the City of Starke may want to use the other building and they will share the cost.

Mr. Brown said that the City of Starke voted Tuesday night to pay their share of cost to move the one building.

Ms. Henriksen said that it would be paid for out of Library Coop. funds. The building will be placed on the corner, across from the City of Starke. When the new library is built, this building will be moved and used for storage.

Comm. Johnson MOVED to approve the expenditure of \$5,600.00, with the City of Starke sharing the cost, The County's portion coming from Library Coop. Funds. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0.**

APPROVE AGREEMENT BETWEEN E.I. DUPONT DE NEMOURS AND COMPANY, INC. AND BRADFORD COUNTY, CONCERNING TRANSFER TO CLAY AND BRADFORD COUNTIES THE NEW COUNTY ROAD 225 AND EXTRACTION OF MINERALS FROM THE LAND UNDER THE OLD COUNTY ROAD 225: Commissioner Mann said that Mr. Kelley is recommending that the agreement not be approved until he receives all the records on the tests that were performed. Also, Mr. Waldron reported that the tie-in on the Bradford County end is incomplete.

Commissioner Johnson suggested that the Board do a walk-thru before approving the agreement. This spurred discussion, which led to the decision to do a walk-thru following the workshop on October 6.

APPROVE PAYMENT OF BILLS: **Comm. Thomas MOVED** to pay the bills as reviewed. **Comm. Johnson SECONDED** and the **MOTION CARRIED 5-0.**

PERSONNEL MATTERS:

**A. APPROVE RATIFICATION OF MAINTENANCE MECHANIC ASSISTANT—
COMM. JOHNSON/ D.Z/ GRIFFIS:**

Mr. Griffis requested Board approval to hire Mr. Adam Nettles for the position. This is a prior funded position, not a new one. The hourly rate is \$8.75, and employment to begin 9-24-03.

Comm. Johnson MOVED to approve hiring Adam Nettles as presented by Mr. Griffis. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0.**

COUNTY ATTORNEY REPORTS:

--Mr. Brown said that the City of Starke approved the Animal Control Interlocal Agreement with the amendments that were requested by the County.

CLERK REPORTS: None.

CHAIRMAN COMMENTS:

--Chairman Cooper presented a certificate to June Neats for completion of the Professional Development Series Standards of Excellence in Emergency Management. The certificate was issued by the Federal Emergency Management Agency.

COMMISSIONERS' COMMENTS:

Commissioner Mann commented on the following:

--The sealed bid for sale of the surplus equipment generated \$7,337.00. There were three items and three fire trucks that received no bid.

After brief discussion, Commissioner Mann was instructed to see what he could get for the remainder of the equipment.

There being no further business, the meeting adjourned at 8:29 p.m.

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA**

JOHN WAYNE HERSEY, VICE-CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK TO THE BOARD

These minutes typed by:

Marlene K. Stafford, Deputy Clerk