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**BOARD OF COUNTY COMMISSIONERS  
BRADFORD COUNTY, FLORIDA  
REGULAR SCHEDULED MEETING  
JUNE 17, 2004 7:30 P.M.**

The Bradford County Board of County Commissioners met June 17, 2004, to conduct their regular scheduled meeting. Attending were: Commissioner Mann, Commissioner Thomas, Chairman Johnson, Commissioner Hersey, Commissioner Cooper, Clerk Norman, Marlene Stafford, Lisa Hall, Terry Brown, Percy Sullivan, Randall Zipperer, Cheryl Brownlee, Wilson Whidden, Bill Dampier, Angela Macey and Phalbe Henriksen.

(A copy of documentation presented at this meeting is located in Supplement File No. 06-17-04.)

**ZONING—WILSON WHIDDEN**

**A. APPROVE ORDINANCE OF BRADFORD COUNTY, FLORIDA AMENDING THE FUTURE LAND USE PLAN MAP OF THE BRADFORD COUNTY COMPREHENSIVE PLAN—S040415A (WICKHAM):**

Mr. Whidden said that the Zoning Board voted 4-0 to recommend approval of the Land Use Amendment application. Mr. Whidden read the title into the record:

**“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE PLAN MAP OF THE BRADFORD COUNTY COMPREHENSIVE PLAN, AS AMENDED; RELATING TO AN AMENDMENT OF TEN OR LESS ACRES OF LAND, PURSUANT TO AN APPLICATION, S04015A, BY KENNETH AND GLADYS WICKHAM, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM AGRICULTURAL-2 (LESS THAN OR EQUAL TO 1 DWELLING UNIT PER 5 ACRES) TO COMMERCIAL OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF BRADFORD COUNTY, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”**

Chairman Johnson opened the public hearing. There being no response, the public hearing was closed.

**Comm. Thomas MOVED** to adopt the ordinance approving Land Use Amendment Application #S04015A, by Kenneth and Gladys Wickham. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No. 04-23.)

**B. APPROVE AND ORDINANCE OF BRADFORD COUNTY, FLORIDA AMENDING THE OFFICIAL ZONING ATLAS OF THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS—Z04-13 (WICKHAM):**

Mr. Whidden said that this is the rezoning portion for the previous parcel of property. Mr. Whidden read the title into the record:

**“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; RELATING TO THE REZONING OF LESS THAN TEN CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z 04-13, BY KENNETH AND GLADYS WICKHAM; PROVIDING FOR REZONING FROM AGRICULTURAL-2 (A-2) TO COMMERCIAL, INTENSIVE (CI) OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF BRADFORD COUNTY, FLORIDA; PROVIDING SEVERABILITY REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”**

Chairman Johnson opened the public hearing. There being no response, the public hearing was closed.

**Comm. Cooper MOVED** to adopt the ordinance, approving Rezoning Application No. Z 04-13, by Kenneth and Gladys Wickham. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No. 04-24.)

**C. NOTICE OF ZONING APPEAL FOR PROPERTY OWNERSHIP ¼ MILE EAST HWY225, LAWTEY, FLORIDA—ELAINE SLOCUM:**

Mr. Whidden explained that the Board of Adjustment denied the special exception applied for in this case, based on the lack of ample parking. The parking requirements for a cocktail lounge or bar call for one space for every three seats. The property is less than ½ acre, with a building. The property owners could not assure the Board of Adjustments that they could provide that much parking.

Ms. Slocum advised that unless the special exception is approved, there is no need for her to pursue the business. She has a verbal agreement with the adjacent property owners that their property can be used for parking, if needed.

Commissioner Cooper asked if there would be some type of a site plan review prior to the opening of the business. Mr. Whidden said that since it is an existing building, there would be no site plan review.

Commissioner Cooper asked if the Board of Adjustment could approve a special exception with a stipulation or condition. Mr. Whidden indicated in the positive. Commissioner Cooper said that meeting the parking requirements prior to opening the business could satisfy such a condition.

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Mr. Brown said that a special exception can be granted with a condition, and it would be up to the building department to decide how to confirm compliance.

After brief discussion, **Comm. Cooper MOVED** to approve the appeal, granting the special exception, conditioned on the property owner complying with the parking requirements of the County Code as it currently exists. **Comm. Thomas SECONDED** and the **MOTION CARRIED 4-1**, with Commissioner Hersey dissenting.

**PUBLIC COMMENTS:**

**Mr. Malcolm Hill commented on the following:**

--At the last Monday meeting zoning matters were heard that should have been reserved for a night meeting. At the same time, the Board only approved half of the requests, without giving the ones that were not approved a chance to speak.

**Dr. James E. Pennington commented on the following:**

--Dr. Pennington distributed pictures of two sand pits in the timberland property between 21B and Speedville Road. These pits measure about 600' X 300' and run parallel to each other, about 100' apart.

He addressed the following concerns relating to the pits:

- Permit requirements
- Heavy-duty truck traffic
- Water draining into pit, not the lake
- Will turn into dumpsite when pits are abandoned
- Danger to humans and animals

**Ms. Wanda Middleton commented on the following:**

--The paving in Lincoln City on S.E. 47<sup>th</sup> Place was cut short. The paving does not even reach her home. Ms. Middleton displayed pictures showing where the pavement stops and where her home is located. Oftentimes, this road is impassable, as shown in one of the pictures where a vehicle is stuck.

Commissioner Cooper asked if the road was paved according to the plans. Commissioner Mann said that they went beyond what was designed. The engineer plans stopped between 150 to 200 feet back from what was paved. The Board gave him permission to pave 150' on 47<sup>th</sup> Place and 200' off of 45<sup>th</sup> Place and 200' off of 143<sup>rd</sup>. He paved what the Board approved.

**Mr. Paul Still commented on the following:**

--Advised that a complaint was made by a New River Landfill employee against other employees. An investigation was conducted and a report filed, which was presented to the New River Solid Waste Association Board members at the June 10 meeting. It is his contention that the investigation was

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incomplete and the report failed to document several of the allegations. Mr. Still urged the Commission to have the County Attorney review the report and advise of possible actions, and to turn the allegations over to the State Attorney's Office to insure a thorough investigation.

Commissioner Thomas said that two attorneys were involved in the investigation. A letter listing their findings has been prepared and is public record. It was discussed at the June 10 meeting that if any one desired follow-up, that the matter could be turned over to the State Attorney's Office.

Commissioner Cooper said that in his judgment that the investigation was very thorough. Of the approximately 27 allegations, there was not a single allegation that was made by the complainant that could be substantiated by any corroborating evidence, documentation or personal testimony. The Association did advise that if any individual, including the complainant, felt that the investigation was inadequate, they could turn it over to the State Attorney's Office. However, the Association felt there was nothing else they needed to do.

Chairman Johnson said that based on the comments of Commissioner Thomas and Commissioner Cooper, there is nothing this Board needs to do. If there comes a point where something needs to be done, then these two commissioners can make that recommendation.

**Mr. Tom Tatum, Jr. commented on the following:**

--Asked what the procedure will be for the application for rezoning the Board agreed to sponsor on his behalf for approximately nine acres.

Commissioner Cooper said that ultimately it would come back to this Board for a decision, through the Zoning Board and the Department of Community Affairs.

Mr. Brown said that if it is less than 10 acres, it is a small-scale amendment. This Board will vote to approve or disapprove the proposed change. That decision is then communicated to DCA, who can disapprove it and kick it back.

**Mr. Ron Lily commented on the following:**

--Mr. Lily introduced Tim Blanco, the Regional Director for the YMCA.

Mr. Blanco reported on the remarkable progress of the YMCA project for Bradford County. They will be partnering with TDC to build a 1500 seat conference center in addition to the YMCA. This will be everyone's YMCA and they hope to be the apple of the community's eye. He feels that the economic impact on Bradford County will be tremendous.

Mr. Blanco thanked the Commission and Community for their support.

**CONSENT AGENDA**

- A. APPROVE CHANGE ORDER ON SHIP APPLICANT HERMIA SHERMAN IN THE AMOUNT OF \$1,500**
- B. APPROVE RENEWAL OF FLA/USA VISIT FLORIDA PARTNERSHIP INVESTMENT AGREEMENT IN THE AMOUNT OF \$125.00 THROUGH THE NFRCC**

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

**RESOLUTIONS**

- A. APPROVE RESOLUTION ADOPTING THE FIRST AMENDED INTERLOCAL AGREEMENT BETWEEN ALACHUA COUNTY AND BRADFORD COUNTY REGARDING THE ALACHUA-BRADFORD WORKFORCE BOARD—TERRY BROWN:**

Mr. Brown read the Resolution by title:

**“A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, ADOPTING THE FIRST AMENDED INTERLOCAL AGREEMENT BETWEEN ALACHUA COUNTY AND BRADFORD COUNTY REGARDING THE ALACHUA-BRADFORD WORKFORCE BOARD.”**

**Comm. Mann MOVED** to adopt the resolution. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.** (The Resolution was assigned No. 04-22.)

- B. APPROVE RESOLUTION ADOPTING THE NORTH CENTRAL FLORIDA ECONOMIC DEVELOPMENT DISTRICT COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY 2003-2004 ANNUAL REPORT—TERRY BROWN:**

Mr. Brown read the Resolution by title:

**“A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, ADOPTING THE NORTH CENTRAL FLORIDA ECONOMIC DEVELOPMENT DISTRICT COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY 2003-2004 ANNUAL REPORT, AS PREPARED BY THE NORTH CENTRAL FLORIDA.”**

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**Comm. Cooper MOVED** to adopt the resolution. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0**. (The Resolution was assigned No. 04-23.)

## **PROCLAMATIONS**

### **A. APPROVE PROCLAMATION CONCERNING THE RETURN OF THE 631<sup>st</sup> MAINTENANCE COMPANY—COMM. HERSEY:**

Commissioner Hersey presented the proclamation for consideration. The Unit will be returning Saturday, June 19, at which time the proclamation will be presented to them, welcoming them home.

**Comm. Hersey MOVED** to approve the proclamation. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0**.

**REQUEST FOR BOARD TO SPONSOR ZONING APPLICATION FOR ROY NEWMAN—COMM. MANN/RONNIE NEWMAN:** Mr. Newman said that back in March, an application for a land use amendment and rezoning was filed by Woodrow and Pauline Griffis on then parcel No. 02094-0-00100, which included two pieces of property that were not contiguous because of a county road. The Commission voted to approve the sponsorship of the rezoning.

Since the land was not contiguous, the North Florida Regional Planning Council advised the Zoning Board that it would have to be handled at two different times, so they re-applied. Subsequently, Roy Newman purchased the property, with the understanding that the Commission was going to Re-zone the property. At the time of the transfer of the property, the parcel number was changed. It came back before the Board and the Board denied the request and the basis for the denial was that the property was not commercial prior to the land use change, which is incorrect and is substantiated by not only a letter signed by Mr. Griffis but people other than Mr. Griffis.

He has now reapplied again, which is what he was advised to do. Mr. Newman requested that the Commission honor what they previously voted to do and approve the sponsorship of the rezoning application.

This spurred discussion. Following the discussion, **Comm. Mann MOVED** to sponsor a rezoning and land use amendment application for parcel #02094-0-00105. **Comm. Cooper SECONDED** the motion based on the letter from Mr. Griffis stating that the property has always been commercial property, which is the criterion established by the Board. The **MOTION CARRIED 5-0**.

**DISCLOSE RELATIONSHIP TO CDBG APPLICANTS—CHAIRMAN JOHNSON/ANGELA MACEY:** Ms. Macey asked the Commission to disclose any relationship they may have to any of the applicants listed on the Undisclosed Applicants List. Each Commissioner stated that they were not related to any of the applicants.

Ms. Macey advised that Charlie Brown, a Citizen's Advisory Task Force Member is related to Dora Hawkins, a CDBG applicant. Ms. Hawkins is Mr. Brown's great aunt. Ms. Macey asked the Board to

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approve a request for a waiver from the Department of Community Affairs to allow the applicant to receive assistance.

**Comm. Cooper MOVED** to approve a request for a waiver from the Department of Community Affairs to allow the applicant to receive assistance. **Comm. Thomas SECONDED** the motion. Roll call for the vote was as follows:

<b>Comm. Cooper</b>	- Yea
<b>Comm. Hersey</b>	- Yea
<b>Comm. Johnson</b>	- Yea
<b>Comm. Thomas</b>	- Yea
<b>Comm. Mann</b>	- Yea

### ADDENDUM TO THE AGENDA

**BID RECOMMENDATIONS FOR SHIP REPAIR LOANS—CHAIRMAN JOHNSON/ANGELA MACEY:** Ms. Macey presented the low bidders as follows:

429 N. Broadway St., Starke	Chad Willhite Construction, Inc.	\$ 5,795.00
1115 Dell St., Starke	Chad Willhite Construction, Inc.	\$ 7,760.00
515 Myrtle St., Starke	Chad Willhite Construction, Inc. & Craig Falstreux Heating & Air, Inc.	\$16,140.00
1210 Larry St., Starke	S & D Specialties, Inc.	\$18,750.00

**Comm. Thomas MOVED** to award the bids as presented. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0.**

**APPROVAL OF FIVE-ACRE LAND PURCHASE FOR COLLECTION SITE ON CR229 IN THE AMOUNT OF \$12,500.00 FROM PLUM CREEK TIMBER COMPANY THROUGH SOLID WASTE FUNDS—COMM. THOMAS:** Commissioner Thomas said that he, Mr. Brown and Plum Creek Timber Company have reached an agreement on a purchase price for the property. He requested that the Commission authorize Mr. Brown to negotiate the terms of the purchase and bring them back to the Commission for final approval.

Mr. Brown advised that the Board has the option to vote to waive the requirement of an appraisal, which is the first decision the Board needs to make. The appraisal requirement can be waived for any purchase under \$100,000.00. Then, the Board should vote to authorize the Chairman and the Clerk to execute an option to purchase agreement at the offered price, and to authorize the advertisement of the proposed purchase of the property. It will then come back to the Commission for final action, after 30-days public notice.

**Comm. Hersey MOVED** to waive the appraisal requirement. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

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**Comm. Thomas MOVED** to approve the execution of an option to purchase agreement by the Chairman. Said option to purchase agreement would be for a 60-day time period and be contingent upon this Board coming back after 30-days public notice to vote to take final action. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0.**

Mr. Brown said that the Clerk would advertise the public hearing for the August 2 meeting.

**DISCUSSION CONCERNING 2004-2005 SMALL COUNTIES TECHNICAL ASSISTANCE SERVICES PROGRAM PRIORITY LIST—CHAIRMAN JOHNSON:**

- A. PERSONNEL ISSUES**
- B. MANAGEMENT STUDY FOR ROAD DEPARTMENT & EMERGENCY SERVICES**
- C. LIAISON COMMISSIONER GUIDELINES**

Chairman Johnson said that the County received a letter from the Florida Association of Counties requesting our application for Small Counties Technical Assistance Services. The three items listed were discussed during a workshop in July of 2003. Should the Board wish to modify the list, now is the time to do so.

Commissioner Cooper said that he agrees with the list, but would like to add what is called an LCIR (Legislative Committee on Intergovernmental Relationships) Study, which is put together by a joint committee consisting of both House and Senate members. This is a study that was designed to look at what it cost small counties to provide services and compare that to the funding capabilities. As part of that study, they will be asking for a lot of information from us and it seems that the Small County Technical Assistance Services would be a good group to assist in getting the information together.

**Comm. Cooper MOVED** to approve the list with the addition. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0.**

**CHAIRMAN COMMENTS: Chairman Johnson commented on the following:**

--We have received a copy of the 02-03 audit. The County received an unqualified opinion, which is the highest you can receive. The County is in a positive financial condition. The management letter cites two areas that need to be improved; Emergency Medical Services, which will be addressed during the upcoming budget cycle, and the other is the Library, which was addressed prior to the audit being complete.

GASB requirements have been completed and are included in the audit. Chairman Johnson expressed his appreciation to Pat Welch and his staff, Herschel Waldron and his staff, Jimmy Alvarez, the Clerk and the Finance Department for their hard work in accomplishing this task.

**APPROVE PAYMENT OF BILLS:** Chairman Johnson said that he reviewed the bills and recommends them for payment. **Comm. Mann MOVED** to approve payment of the bills. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

**PERSONNEL MATTERS:**

- A. APPROVE HIRING OF GERALD STEPHENS AT THE STARTING SALARY OF \$6.00 WITH AN INCREASE TO \$6.50 AFTER SATISFACTORY COMPLETION OF SIX-MONTH PROBATION PERIOD, WITH EFFECTIVE DATE OF 6/23/04—CHAIRMAN JOHNSON/PHALBE HENRIKSEN:**

Ms. Henriksen stated that this is a funded, vacant position. She recommended hiring Gerald Stephens at the terms listed.

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

**COUNTY ATTORNEY REPORTS:**

- A. REQUEST PERMISSION TO ADVERTISE ORDINANCE AUTHORIZING BRADFORD COUNTY TO IMPOSE A SERVICE FEE:**

Mr. Brown said that in order for the Clerk's Office to implement and to come into compliance with Article V, which will necessitate them becoming self-sufficient financially, and which comes with additional obligations and services they have to provide, there is a proposed model ordinance that is being worked on and drafted by the Clerk's Association to be recommended and hopefully adopted in most, if not all of the counties in the state. That model ordinance should be finalized within the next week or so.

The implementation date for Article V is July 1 and there is no meeting date between this meeting and July 1. Instead of conducting an emergency meeting next week, the ordinance can be heard in the month of July, nunc pro tunc, which means it is effective back to July 1.

Mr. Brown requested that the Board authorize the advertisement of the ordinance for a July meeting, as soon as all the parties feel it is appropriate to move forward and the ordinance is received in final form to be distributed to the Board and to the public for everyone's review.

**Comm. Cooper MOVED** to authorize Mr. Brown to finalize the proposed ordinance and for the Clerk's Office to advertise the public hearing for the ordinance with a target date of one of the regular meetings in July. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0.**

**CLERK REPORTS: Clerk Norman reported on the following:**

--Clerk Norman said that in the 02-03 Audit received is in "draft" form at this time. It will be available for public review once the original is received. The GASB portion of the audit is new this year and assists in arriving at a more accurate figure for the net worth of the County. It includes the value of all county roads and bridges. It should be very helpful documentation.

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Mr. Brown said that he has not seen the audit, but if all there are two criticisms and only two, that is an extraordinarily good audit. Somebody is doing a good job somewhere.

**COMMISSIONERS' COMMENTS:**

**Commissioner Hersey commented on the following:**

--The possibility of the County going out for bid to contract with someone to do chipping/grinding of yard debris and road right-of-way debris. He has received complaints about the piling up of the trees and underbrush on Meng Dairy Road.

Commissioner Mann said that you certainly could haul a lot more chipped on than when it is left whole. With the burn ban, they have not been able to burn anything and with the houses in the area, you cannot burn much anyway. It would be a good idea to look into it.

Commissioner Mann asked if the burn ban is to be discussed. Commissioner Hersey said that the ban lifts tonight, unless it is extended.

**Commissioner Cooper commented on the following:**

--The County has been notified of receipt of a Homeland Security Grant from the Federal Department of Emergency Management. That grant is for \$58,700, with no match. There is a planned expenditure for the funds prior to the next scheduled meeting.

**Comm. Cooper MOVED** to accept the grant and authorize the Chairman to execute the documents to receive the funds. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

**Commissioner Thomas commented on the following:**

--There is a FRDAP (Florida Recreational Development Assistance Program) grant available to the County. He will pursue it, if the Board wishes him to do so.

After brief discussion, Commissioner Thomas said that he would do a little more research and report to the Board.

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Chairman Johnson then turned the discussion back to the Lincoln City paving project, with respect to S.E. 47<sup>th</sup> Place.

Discussion ensued which was not limited to but included right-of-way requirements, how far to take the additional pavement and the Road Department doing the work versus a contractor.

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At the conclusion of the discussion, **Comm. Hersey MOVED** to extend the pavement to the halfway mark of the next parcel passed Ms. Middleton's parcel. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

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Chairman Johnson said that since the legislature did not approve the funding for a new library this year, he is proposing that the Board consider using sales tax funds toward the construction.

This spurred discussion.

Commissioner Cooper said that Representative Bean has advised that passing the Small County Library Bill is his number one priority for next year. Rep. Bean said that if the County moves forward with the construction, either with sales tax monies or borrowed monies, and the bill is passed next year, there should be no problem with the County applying for the funding.

Commissioner Cooper said that he would like the County to move forward with the library. He does not have any problem with dedicating some sales tax monies to the project. It is projected that the construction will cost approximately \$2 million. He would like to see the sales tax monies used for some other things as well as the new library.

Commissioner Thomas concurred. He feels that the state will come through with some funding next year.

Commissioner Cooper said that the Library Advisory Committee is meeting tomorrow afternoon. Hopefully, by the first meeting in July, they can bring a specific recommendation to the Board.

There being no further business, the meeting adjourned at 9:08 p.m.

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

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**HERMAN JOHNSON, CHAIRMAN**

**ATTEST:**

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**RAY NORMAN, CLERK TO THE BOARD**

These minutes typed by:

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Marlene K. Stafford, Deputy Clerk