

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING
SEPTEMBER 23, 2004, 6:00 P.M.**

The Bradford County Board of County Commissioners met September 23, 2004 to conduct their regular scheduled meeting. Attending were: Commissioner Thomas, Commissioner Mann, Chairman Johnson, Commissioner Hersey, Commissioner Cooper, Clerk Norman, Marlene Stafford, Lisa Hall, Jim Farrell, Nora Thompson, Wilson Whidden, Ken McCall, Terry Brown, Sheriff Milner, Mark Crawford and Nelson Green.

(A copy of all documentation presented at this meeting is located in Supplement File No. 09-23-04.)

Chairman Johnson called the meeting to order at 6:02 p.m. Commissioner Cooper gave the Invocation and the led Pledge of Allegiance.

ZONING:

PUBLIC HEARINGS—WILSON WHIDDEN:

- A. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN; RELATING TO AN AMENDMENT OF TEN OR LESS ACRES OF LAND PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM AGRICULTURAL-2 (A-2) (LESS THAN OR EQUAL TO ONE DWELLING UNIT PER FIVE ACRES) TO COMMERCIAL OF CERTAIN LANDS—APPLICATION NO. S040824A—ROY NEWMAN:**

Ms. Thompson read the title of the ordinance into the record as follows:

“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, S040824A, BY THE BOARD OF COUNTY COMMISSIONERS, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTION 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM AGRICULTURAL-2 (LESS THAN OR EQUAL TO ONE DWELLING UNIT PER FIVE 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.”

(09-23-04)

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

Comm. Cooper MOVED to adopt the ordinance approving Land Use Amendment Application No. S040824A, by the Board of County Commissioners. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No. 04-26.)

B. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS RELATING TO THE REZONING OF LESS THAN TEN CONTIGUOUS ACRES OF LAND; PROVIDING FOR REZONING FROM AGRICULTURAL-2 (A-2) TO COMMERCIAL, INTENSIVE—APPLICATION NO. Z 04-14—ROY NEWMAN:

Ms. Thompson read the title of the ordinance into the record as follows:

“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 04-14, BY THE BOARD OF COUNTY COMMISSIONERS; 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. Hersey MOVED to adopt the ordinance approving Rezoning Application No. Z 04-14, by the Board of County Commissioners. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No.04-27.)

C. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN; RELATING TO AN AMENDMENT OF TEN OR LESS ACRES; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM RESIDENTIAL, LOW DENSITY (LESS THAN OR EQUAL TO TWO DWELLING UNITS PER ACRE) TO COMMERCIAL—APPLICATION NO. S040824B—HELEN THOMPSON:

(09-23-04)

Ms. Thompson read the title into the record as follows:

“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 OF LAND, PURSUANT TO AN APPLICATION NO. S040824B, BY THE BOARD OF COUNTY COMMISSIONERS, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTION 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM RESIDENTIAL, LOW DENSITY (LESS THAN OR EQUAL TO TWO DWELLING UNITS PER ACRE) 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 No. S040824B, by the Board of County Commissioners. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No.4-28.)

D. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS RELATING TO THE REZONING OF LESS THAN TEN CONTIGUOUS ACRES OF LAND; PROVIDING FOR REZONING FROM RURAL RESIDENTIAL (RR) TO COMMERCIAL, INTENSIVE— APPLICATION NO. Z 04-15—HELEN THOMPSON:

Ms. Thompson read the title into the record as follows:

“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 NO. Z 04-15, BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REZONING FROM RURAL RESIDENTIAL (RR) 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.

(09-23-04)

Comm. Hersey MOVED to adopt the ordinance approving Rezoning Application No. Z 04-15, by the Board of County Commissioners. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No.04-29.)

E. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN; RELATING TO AN AMENDMENT OF TEN OR LESS ACRES OF LAND; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM AGRICULTURAL-2 (A-2) (LESS THAN OR EQUAL TO ONE DWELLING UNIT PER FIVE ACRES) TO COMMERCIAL—APPLICATION NO. S040824C—CLAUDE/MARION THOMPSON:

Ms. Thompson read the title into the record as follows:

“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 S040824C, BY THE BOARD OF COUNTY COMMISSIONERS, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTION 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM AGRICULTURAL-2 (LESS THAN OR EQUAL TO ONE DWELLING UNIT PER FIVE 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. Mann MOVED to adopt the ordinance approving Land Use Amendment Application No. S040824C, by the Board of County Commissioners. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No.04-30.)

F. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS RELATING TO THE REZONING OF LESS THAN TEN CONTIGUOUS ACRES OF LAND; PROVIDING FOR REZONING FROM AGRICULTURAL-2 (A-2) TO COMMERCIAL, GENERAL (CG)—APPLICATION NO. Z 04-16—CLAUDE/MARION THOMPSON:

(09-23-04)

Ms. Thompson read the title into the record as follows:

“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 04-16, BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REZONING FROM AGRICULTURAL-2 (A-2) TO COMMERCIAL, GENERAL (CG) 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 04-16, by the Board of County Commissioners. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No.04-31.)

G. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN; RELATING TO AN AMENDMENT OF TEN OR LESS ACRES OF LAND; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM RESIDENTIAL, LOW DENSITY (LESS THAN OR EQUAL TO TWO DWELLING UNITS PER ACRE) TO COMMERCIAL—APPLICATION NO. S040824D—S&G PETROLEUM:

Ms. Thompson read the title into the record as follows:

“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 S040824D, BY THE BOARD OF COUNTY COMMISSIONERS, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTION 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM RESIDENTIAL, LOW DENSITY (LESS THAN OR EQUAL TO TWO DWELLING UNIT PER ACRE) 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.”

(09-23-04)

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

Comm. Mann MOVED to adopt the ordinance approving Land Use Amendment Application No. S040824D, by the Board of County Commissioners. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.** (The Ordinance was assigned No.04-32.)

H. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE OFFICIAL ZONING ATLAS RELATING TO THE REZONING OF LESS THAN TEN CONTIGUOUS ACRES OF LAND; PROVIDING FOR REZONING FROM RESIDENTIAL, SINGLE-FAMILY-1 (RSF-1) TO COMMERCIAL, INTENSIVE (CI)—APPLICATION NO. Z 04-17—S&G PETROLEUM:

Ms. Thompson read the title into the record as follows:

“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 04-17 BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REZONING FROM RESIDENTIAL, SINGLE FAMILY-1 (RSF-1) 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. Thomas MOVED to adopt the ordinance approving Rezoning Application No. Z 04-17, by the Board of County Commissioners. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0.** (The Ordinance was assigned No.04-33.)

I. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE COUNTY LAND DEVELOPMENT REGULATIONS—APPLICATION NO. LDR 04-1—BOCC:

Ms. Thompson read the title into the record as follows:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; AMENDING SECTION 3.1.4.1 ENTITLED PLANNING AND ZONING BOARD: POWERS AND DUTIES: SPECIAL EXCEPTIONS, TO DELETE THE REQUIREMENT THAT ALL PROPOSED SPECIAL EXCEPTIONS BE HEARD IN THE FIRST INSTANCE BY THE PLANNING AND ZONING BOARD, AND BY AMENDING SECTION 12.2.1.2 ENTITLED SPECIAL EXCEPTIONS PLANNING AND ZONING BOARD REPORT, TO DELETE THE REQUIREMENT FOR THE PLANNING AND ZONING BOARD TO PREPARE A REPORT AND RECOMMENDATION TO THE BOARD OF ADJUSTMENTS CONCERNING PROPOSED SPECIAL EXCEPTIONS; 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 Development Regulations Amendment Application No. LDR 04-1, by the Board of County Commissioners. **Comm. Mann SECONDED** and the **MOTION CARRIED 5-0**. (The Ordinance was assigned No. 04-34.)

J. APPROVE ADOPTION OF AN ORDINANCE AMENDING THE COUNTY LAND DEVELOPMENT REGULATIONS—APPLICATION NO. LDR 04-2—BOCC:

Ms. Thompson read the title into the record as follows:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; AMENDING SECTION 3.1.4.6, ENTITLED PLANNING AND ZONING BOARD: POWERS AND DUTIES: SITE AND DEVELOPMENT PLANS, TO DELETE THE REQUIREMENT THAT ALL APPLICATIONS FOR SITE AND DEVELOPMENT PLAN APPROVAL BE HEARD BY THE PLANNING AND ZONING BOARD, AND BY AMENDING SECTION 14.12, ENTITLED SITE AND DEVELOPMENT PLAN APPROVAL, TO DELETE THE REQUIREMENT THAT ALL APPLICATIONS FOR SITE AND DEVELOPMENT PLAN AND APPROVAL BE HEARD BY THE PLANNING AND ZONING BOARD, AND TO ADD THE REQUIREMENT THAT ALL APPLICATIONS FOR SITE AND DEVELOPMENT PLAN APPROVAL BE HEARD BY THE BOARD OF COUNTY COMMISSIONERS; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”

(09-23-04)

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

Comm. Thomas MOVED to adopt the ordinance approving Land Development Regulations Amendment Application No. LDR 04-2, by the Board of County Commissioners. **Comm. Hersey SECONDED** the motion.

Commissioner Cooper asked if the site plans would still go to the Planning and Zoning Board with a recommendation coming to the Commission. Ms. Thompson indicated in the negative.

Commissioner Cooper asked if the proposed amendment was generated by statute requirement, or is it just felt to be a better process. Mr. Brown said that he is not aware of where the proposed amendment originated.

Mr. Whidden explained that the proposed amendment requires that site plans be reviewed by himself, the County Engineer, the County Surveyor, and then to the Commission for final approval. The current procedures require that the site plans go to the Planning and Zoning Board for final approval and are not heard by the Commission.

There being no further discussion, the **MOTION CARRIED 5-0**. (The Ordinance was assigned No. 04-35.)

PUBLIC COMMENTS:

Mr. Edwin Clark of 1405 N.E. 216th Street, Lawtey, commented on the following:

--He is attempting to rezone what was Kelly's Night Limit Lounge in order to open a church or outreach center to bring positive influence into the community. There is a current restriction that may impede their plans. He asked the Commission to consider a variance, which would solve the problem.

Mr. Whidden said that the County's LDR requires a 2500 foot distance between a bar and a church. The existing bar, previously granted a special exception by the Commission, is less than 2500 feet from Mr. Clark's proposed site.

Following discussion, Chairman Johnson deferred the issue to County staff and the County Attorney for review and recommendation.

CONSENT AGENDA:

- A. APPROVE ANNUAL CONTRACT BETWEEN BOCC AND BRADFORD COUNTY HEALTH DEPARTMENT FOR FY 2004-2005**
- B. APPROVE CHANGE ORDER IN THE AMOUNT OF \$3,101.13 FOR ROAD DEPARTMENT**
- C. APPROVE INVOICE FOR \$3,087 FOR FAC MEMBERSHIP DUES FROM NOVEMBER 1, 2004 THROUGH OCTOBER 31, 2005**
- D. APPROVE STATE AID TO LIBRARIES GRANT AGREEMENT**
- E. APPROVE MINUTES FROM REGULAR SCHEDULED MEETING AND BUDGET WORKSHOP OF JULY 22, 2004**
- F. RATIFY SUSPENSION OF WILLIAM DAMPIER, WITH PAY, PENDING HEARING**
- G. RATIFY TEMPORARY APPOINTMENT OF NELSON GREEN AS INTERIM EMERGENCY MANAGEMENT DIRECTOR**
- H. APPROVE \$24,418.10 FOR COST OF UNUSED SICK LEAVE FROM PREVIOUS PERSONNEL POLICY**

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

RESOLUTIONS—TERRY BROWN:

- A. APPROVE ADOPTION OF RESOLUTION APPROVING THE EXECUTION OF A REIMBURSEMENT AGREEMENT WITH FDOT FOR THE COST OF RESURFACING CR18 FROM SR231 TO SR100:**

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

“A RESOLUTION APPROVING THE EXECUTION OF A REIMBURSEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE COST OF RESURFACING OF CR18 FROM SR231 TO SR100.”

Chairman Johnson opened the floor for public comment. There was no response.

Comm. Cooper MOVED to adopt the resolution as presented. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.** (The Resolution was assigned No. 04-28.)

(09-23-04)

B. APPROVE RATIFICATION OF A RESOLUTION EXTENDING THE LOCAL STATE OF EMERGENCY FOR HURRICANE JEANNE:

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

“A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA DECLARING A STATE OF LOCAL EMERGENCY RESULTING FROM HURRICANE FRANCES AND HURRICANE JEANNE AFFECTING THE BRADFORD COUNTY AREA.”

Comm. Cooper MOVED to adopt the resolution as presented. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0**. (The Resolution was assigned No. 04-34.)

APPROVE SCRAP REIMBURSEMENT AGREEMENT FOR RESURFACING OF CR18 FROM SR231 TO SR100—TERRY BROWN: Mr. Brown said that this is the corresponding agreement with Resolution No. 04-28 above.

Comm. Mann MOVED to authorize the Chairman and the Clerk to execute the agreement on behalf of the County. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0**.

DISCUSSION CONCERNING ZONING MATTERS—TOM TATUM: Mr. Tatum requested that the Commission sponsor the rezoning of the parcel of land across from the sawmill. He would like it rezoned back to Ag-2, which is was for the last 50 years, prior to the amendments to the LDR.

Commissioner Cooper said that the Board has submitted an application for this property, but is unsure of the status of that application.

Commissioner Mann cited a letter from DCA:

“In order to designate property located within a Designated Urban Development Area as Agricultural-2 (1 dwelling unit per 5 acres), the Comprehensive Plan Future Land Use Plan Map would first need to be amended to exclude such property from the Designated Urban Development Area. Such an amendment would be a regular amendment requiring review and approval by the Florida Department of Community Affairs. As you know, this process involves several public hearings and two reviews by the Department over a six-month period. It should be noted that the boundaries of the Designated Urban Development Areas follow section lines, half section lines or quarter section lines. Thus, reductions in the boundaries of the Designated Urban Development Area to accommodate the Tatum property would also impact adjacent properties by reducing the development rights for adjacent properties ten times from 2 dwelling units per acre to 1 dwelling unit per 5 acres.

(09-23-04)

The existing sawmill use of the subject property could be made conforming by changing the land use designation to Industrial.”

Mr. Tatum said he does not want Industrial zoning; he wants to be able to have cows and pigs.

Commissioner Cooper recommended putting the application on the agenda, holding the public hearing to hear from the public and vote on it.

Mr. Brown asked Mr. Tatum if a rezoning to Industrial would be acceptable if he were permitted to have hogs and cows. Mr. Tatum indicated in the negative.

Mr. Brown said that the entire Board wants to help solve the problem. The question is how can it be solved at the local level and get DCA’s approval, also? Mr. Tatum asked the Commission to approve it and let him worry about DCA.

Chairman Johnson said that it would be on the October 21st agenda.

APPROVE PAYMENT OF BILLS: Comm. Hersey MOVED to approve the bills as reviewed. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0.**

PERSONNEL MATTERS:

--Mr. Brown said that he has conferred with Mr. Dampier’s attorney. He requested that the Commission provide Mr. Dampier with the opportunity to submit a voluntary resignation. Mr. Brown recommended that the Commission grant the Chairman authority to accept Mr. Dampier’s resignation, effective the end of the month. This being a voluntary resignation it entitles Mr. Dampier to whatever benefits there are on the books in terms of unused personal leave.

Comm. Hersey MOVED to approve the County Attorney’s recommendation. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0.**

COUNTY ATTORNEY REPORTS:

Mr. Brown reported the following:

--There is a proposed interlocal agreement that was prepared in accordance with what was thought to have been agreed upon at the meeting between the County and the City Commission. It is his understanding that the Commission has requested some edits be made to that agreement. He can make those edits and bring them back to the next meeting. However, not knowing what type of timeframes have been established, the Board may wish to declare an emergency, articulate the changes and vote a this meeting.

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

(09-23-04)

Mr. Brown proposed that the Interlocal Agreement between the City of Starke and Bradford County regarding the construction of the new Bradford County be adopted, but with the following change:

- Paragraph #7, the last sentence with the change should read:
“Additionally, the County shall assist the City in site preparation at the Edwards Road Recreational Complex at a value to be determined by the County.”

Comm. Thomas MOVED to approve the interlocal agreement with the cited amendment.

Comm. Cooper SECONDED and the **MOTION CARRIED 5-0.**

CLERK REPORTS:

Clerk Norman reported the following:

--Mr. Broling was to prepare a letter to the School Board from both the County and the City requesting permission for the Recreation Department to use the gymnasium or one of the school buildings next year during the library construction project.

Mr. Brown said that he does not have the letter with him. He asked the Commission to authorize the Chairman to execute the letter on behalf of the Commission.

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

Comm. Thomas MOVED to authorize the Chairman to execute the letter on behalf of the County Commission. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0.**

CHAIRMAN COMMENTS: None.

COMMISSIONERS' COMMENTS:

Commissioner Cooper commented on the following:

--As everyone is aware, the County is in the process, through Suwannee River Water Management District, of cleaning out Alligator Creek. There is a program available that the District has requested that the County apply for through the Natural Resources Conservation Service, which will allow the County to also receive funds to clean out the different tributaries that feed into Alligator Creek. It is a 75/25 match SRWMD has agreed to pay the 25%.

Commissioner Cooper requested that the Board authorize the Chairman to sign a letter he has prepared requesting the assistance through this program.

(09-23-04)

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

Comm. Cooper MOVED to authorize the Chairman to execute the letter to Mr. Niles Glasgow with USDA as presented. **Comm. Thomas SECONDED** and the **MOTION CARRIED 5-0.**

Chairman Johnson asked Mr. Green to update the Commission concerning Emergency Operations.

Mr. Green said that it is doing well. He feels that they will be as prepared as can be for Hurricane Jeanne. He commended the volunteers, EOC staff, the Sheriff's Office and the Road Department for all their hard work.

There will be a public Policy Group Meeting tomorrow at 9:30 a.m. in the County Commission Meeting Room. This will be a chance for the Policy Groups from the City, County, School Board and elected officials to meet in a casual environment to discuss policy decision that may need to be made outside of operational issues. There will be a regular operations briefing prior to at 8:30 a.m.

He hopes to have a debris contract ready to present to the Chairman by tomorrow. Also, Clarke Engineering is putting out mosquito traps to count the mosquitoes. If we meet the criteria, then we will receive aerial spraying.

Commissioner Thomas said that there have been a lot of phone calls concerning the mosquitoes and they are very aware of the problem. There are only two times a day that you are allowed to spray: before daylight and after dark. If the wind is at a certain mile per hour, you cannot spray, or if it is an overcast rain you cannot spray.

Mr. Green said that he is preparing a press release for in the morning advising citizens of what is going on, what preparations are being made for Jeanne and what is being done about the mosquitoes.

There being no further business, the meeting adjourned at 6:55 p.m.

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

DOYLE THOMAS, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK TO THE BOARD

These minutes typed by:

Marlene K. Stafford, Deputy Clerk