

**MINUTES OF THE
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY
REGULAR SCHEDULED MEETING
MONDAY, MARCH 6, 2006
9:30 A.M.**

The Bradford County Board of County Commissioners convened in regular session on Monday, March 6, 2006, at 9:30 a.m. in the County Commissioners' Meeting Room, 945 North Temple Avenue, Starke, Florida.

Present were: Commissioner Lewis, Commissioner Thomas, Chairman Hersey, Commissioner Cooper and Commissioner Chandler.

Also present were: Jim Crawford, County Manager; June Neats, Administrative Assistant; Ray Norman, Clerk of Courts; Marlene Stafford, Deputy Clerk; Jim Farrell, Finance Director; Terry Brown, County Attorney; Nelson Green, Emergency Services Director; Judy Butterfield, County Extension Director; Bob Milner, Sheriff; Wilson Whidden, Building Director; Mark Crawford, Press; Percy Sullivan, VFD Chief; Donny Wise, Solid Waste Director; Brian Johns, Emergency Management Director.

(See Supplement File No. 03-06-06 for a copy of all documentation presented at this meeting.)

CALL TO ORDER

Chairman Hersey called the meeting to order at 9:30 a.m.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Chandler offered the Invocation and led the Pledge of Allegiance.

CONSENT AGENDA

- A. SECOND AMENDMENTS TO THE WORKFORCE BOARD-PREVIOUSLY APPROVED
DECEMBER 5, 2005**
- B. LOCAL WORK FORCE INVESTMENT ACT – TWO-YEAR PLAN AMENDMENT**
- C. BRADFORD SOIL AND WATER CONSERVATION DISTRICT INVOICES**
 - 1. \$250.00 AFCD DUES 2005-2006**
 - 2. \$100.00 DONATION TO 4-H FOR 55TH ANNUAL LAND JUDGING CONTEST**
 - 3. \$500.00 COUNTY FAIR STEER SHOW JUDGE (NOT TO EXCEED)**
- D. PLACEMENT OF PINWHEELS FOR CHILD ABUSE PREVENTION MONTH**

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously approved the [Consent Agenda](#) in its entirety.

RESOLUTIONS

A. REPEALING RESOLUTION 96-5, WHICH PROVIDED FOR THE EXEMPTION OF PERMIT FEES FOR CERTAIN TYPES OF CONSTRUCTION PERMITS

Mr. Crawford read title into record and explained.

“A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY FLORIDA, REPEALING RESOLUTION 96-05, WHICH PROVIDED FOR THE EXEMPTION OF PERMIT FEES FOR CERTAIN TYPES OF CONSTRUCTION PERMITS; AND PROVIDING AN EFFECTIVE DATE.”

Mr. Crawford said that Resolution No. 96-05 is a 10-year old resolution that basically provides exemption from permit fees, not permits, for certain owner/occupant construction. Codes have changed since 1996 and most people are now hiring contractors to do their work. In the last few years, the Building Department has issued very few, if not any permits under this exemption. Therefore, it is his recommendation that the Board repeal Resolution No. 96-05 and require permits and permit fees for all construction.

Mr. Whidden said that he has worked for the County for four years and has not issued a permit under this exemption. The purpose of the permit process is to make sure the work is done properly and inspections are performed. For the work done in his office, including the inspections, he feels that a fee should be paid for all permits. As in the past, the Board has the authority to “repeal all permits” for storm-related damage.

Following discussion, there was Board consensus to take no action at this time.

B. CONCERNING THE CLOSURE OF COUNTY MAINTAINED ROADS

Mr. Brown said that the Board is to consider approving this resolution as a form to be used in the future when people are requesting the closure or abandonment of roads. It will tie into Item #7a on the agenda, which is an ordinance that will specify the procedures an applicant must go through to close a road.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously approved the [resolution](#) as to form.

PAYMENT OF BILLS – COMMISSIONER THOMAS:

On Motion of Commissioner Thomas, Seconded by Commissioner Lewis, the Board unanimously approved payment of [the bills](#).

PUBLIC COMMENTS:

[Douglas Massey – Rezoning](#)

--Mr. Douglas Massey approached the Commission and requested waiver of fees for a land use and rezoning application for portion of parcel #02007-0-02600. The zoning for this parcel of property was reverted back in 1996 from Commercial Neighborhood to Agricultural when the County’s Land

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Development Regulations were adopted. In order to be in compliance with the County's LDR to open a professional law office space, the property requires a Commercial land use and a zoning of either CG (Commercial General) or an exception under CN (Commercial Neighborhood). This requires two amendments at a cost of \$3,400.00, if he were required to pay the application fees.

Mr. Massey provided copies of a map and explained that his request only affects a 350' X 250' section of parcel #02007-0-02600.

Mr. Crawford said that professional offices such as law offices should rightly be in CN. The simple solution to this matter would be to amend policy to include a Special Exception in CN to allow professional offices.

*Commissioner Thomas **MOVED** to grant the needed zoning to operate the business and waive even the fees. Commissioner Lewis **SECONDED** the motion.*

Mr. Brown asked if there has been an advertisement for rezoning? Mr. Crawford said that there has been no application filed by Mr. Massey and therefore no advertisement. It is in the discussion stage only.

There was brief discussion regarding how to proceed. Mr. Brown said that it appears that the Commission should proceed to amend the Land Use Regulations to permit professional offices in CN.

At the request of Commissioner Cooper, Mr. Massey further outlined the parcel in question and the properties surrounding it.

Commissioner Cooper said that he agrees that professional offices should be allowed in CN. However, if there is a way to define a stand-alone professional office, it should be a matter of right in CN as opposed to a special exception. If Mr. Massey is a sole practitioner desiring to open a small office, he should not have to go through the special exception process. If Mr. Massey were desiring to open a professional office with 40 attorneys, that is different and you would probably need a CG classification. He would support the idea of this Board sponsoring the land use and zoning change applications. Simultaneous, he would like to amend the LDR to allow a stand alone professional office would be allowed as a matter of right in CN.

Discussion ensued concerning the motion on the floor and the operation of the business during the rezoning process.

To clarify the intent of the Board, Mr. Crawford said that Mr. Massey's parcel would be reverted back to CN, which was the original zoning and which has been done for others. Then proceed with a special exception for Mr. Massey, and ultimately amending the LDR for the future allowing professional offices in the category of CN.

*Commissioner Lewis **WITHDREW** his second.*

At the request of Commissioner Thomas, Mr. Brown provided direction for the correct phrasing of the motion as follows: "To authorize Mr. Massey to open a law office and conduct business until the zoning matters can be properly advertised and voted upon."

On Motion of Commissioner Thomas, Seconded by Commissioner Lewis, the Board unanimously authorized Mr. Massey to open a law office and conduct business until the zoning matters can be properly advertised and voted upon.

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On Motion of Commissioner Cooper, Seconded by Commissioner Chandler, the Board unanimously agreed to, upon proper application by Mr. Massey, sponsor a land use change for this property back to the Commercial land use that it was prior to the Comp. Plan Amendment, and to sponsor a zoning change back to Commercial Neighborhood, which is what it was prior to the Comp. Plan Amendment, and to move forward with amending the County Land Development Regulations so a stand-alone professional office is allowed as a matter of right in a CN designation.

PUBLIC COMMENTS:

Malcolm Hill – YMCA Interlocal Agreement

--Since there seems to be some misunderstanding regarding the terms of the proposed interlocal agreement with the YMCA concerning recreational services, they are hosting a pizza dinner to answer any questions or address any concerns. The dinner is scheduled for March 30th at 5:30 at the Family Center on Orange Street. Edith Hill clarified the time of the dinner. Members are to be there at 5:30 p.m., all others at 6:00 p.m.

COUNTY ATTORNEY REPORTS – TERRY BROWN:

None.

COUNTY MANAGER REPORTS:

A. REQUEST APPROVAL TO ADVERTISE ROAD CLOSURE ORDINANCE

Mr. Brown requested approval to advertise the proposed ordinance. It is a very detailed procedure and he encouraged the Board to review it. All concerns or comments can be directed to his office or to the County Manager.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously approved to [advertise the ordinance](#).

B. [FLORIDA STATUTE 95.361](#) – OWNERSHIP OF COUNTY MAINTAINED ROADS

Mr. Crawford said that history has proven that oftentimes it is difficult to determine whether a road is privately owned or county-owned. F.S. 95.361 says that if a public road has been maintained by a city, county or D.O.T. for a period of seven years without any objections, it in fact becomes public property and for public use.

This is being provided to the Commission for informational purposes and will be helpful in the road closure process when someone applies for a road closure on a road that has been open and maintained by the County for over seven years.

Although we have the statute behind us, to insure that there is proper record of County roads, all County roads should be properly recorded in the Clerk's Office and the GASB report should be updated.

C. PRESENTATION OF BID TO REMOVE HOUSES FOR NEW LIBRARY CONSTRUCTION

Mr. Crawford reported that he advertised for removal or demolition of six houses related to the construction of the new library. One proposal was received from Goetzman Construction. Goetzman presented three options but have since withdrawn Option #1 and Option #2. Option #3 is for the County to burn the four homes on Lake Street and for Goetzman to remove the burnt debris from the site for a total sum of \$3,500.00. There is a fifth house, which he was not aware we owned until after the proposal was received. He will negotiate a reasonable price to have this house included.

Commissioner Cooper said that the Douglas house is too nice of a home to demolish. He would like a couple of weeks to work up something for this home.

On Motion of Commissioner Cooper, Seconded by Commissioner Lewis, the Board unanimously approved Option #3 submitted by Goetzman Construction.

D. DISCUSSION OF NOISE ORDINANCE

Mr. Crawford said that he has conducted research concerning noise ordinances. If the Board desires to move forward, he has enough data and samples from other counties to develop a good noise ordinance for Bradford County. He will work with the Sheriff on the verbiage and Mr. Brown will draft the ordinance. The draft would be presented to the Board for review prior to the advertisement.

Following discussion, Chairman Hersey opened the floor for public comments.

Residents of Strawberry Acres addressed the Commission regarding the problem they are experiencing with loud music: Clara Wells, Kathryn Jackna and Sharon Detlefsen.

Sheriff Milner addressed the issue. Adoption of an effective ordinance is a good move for the Commission and they look forward to it.

Commissioner Lewis asked if any action could be taken to give temporary relief to these people until an ordinance is adopted? Sheriff Milner said that they are tracking the only state statute there is and if this instance gives rise to the level of the statute, they will move on it and hope to get help from the State Attorney when they do so.

Mr. Crawford announced that he has received a letter from Dr. Baldwin officially approving the hire of James DeValerio. Mr. DeValerio will begin work on March 10, 2006. The Board has been asked to also approve the hire.

On Motion of Commissioner Cooper, Seconded by Commissioner Chandler, the Board unanimously approved the hiring of James DeValerio.

Mr. Crawford requested permission to run a short article in the newspaper concerning zoning matters. Each Commissioner has been provided a copy of the [article](#).

There was Board consensus to run the article.

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CLERK REPORTS – RAY NORMAN:

None.

COMMISSIONER'S COMMENTS:

Commissioner Lewis:

--Announced that the Bradford County EMS, with the help of Dr. Gianas, has received numerous compliments regarding their response to the recent Winn-Dixie incident. He expressed his appreciation.

Commissioner Thomas:

--There have been numerous accidents at the intersection of CR225 and CR229. He requested that the Community Safety Traffic Team investigate the possibility of placing a flashing red light on the stop sign and a flashing caution light on the flow of traffic side.

After brief discussion, Mr. Green, as Chairman of the Community Traffic Safety Team, advised that he would bring this up at the next meeting.

--Inquired about the bids on Wilson Road.

Mr. Crawford said that three bids were received and were opened. Ellington Construction came in as the low bidder. The details have not been finalized; therefore he is not ready to make a recommendation to the Board at this time.

Commissioner Cooper:

--Reminded the Board that the legislature opens its door tomorrow. There are some property tax proposals that sound great but the impact on small counties is very negative. There is one proposal that would decrease our ad valorem revenues by about 35% per year.

Commissioner Chandler:

--Expressed his appreciation to the Board for the roadwork that has been done in Lawtey.

--Asked Mr. Crawford if a noise ordinance will be ready for action by the next Commission meeting? Mr. Crawford indicated in the negative, but it should be ready by the April meeting.

CHAIRMAN COMMENTS – CHAIRMAN HERSEY:

A. Announced the library workshop to be held on March 16 at 5:30 p.m., prior to the regular meeting.

--He has heard several positive comments from the public concerning the service and support they receive from various offices and employees of the County.

ADJOURN

There being no further business, the meeting adjourned at 10:46 a.m.

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

JOHN WAYNE HERSEY, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK OF COURTS

Minutes prepared by Marlene K. Stafford, Deputy Clerk