

**MINUTES OF THE
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING
THURSDAY, MAY 18, 2006
6:30 P.M.**

The Bradford County Board of County Commissioners convened in regular session on Thursday, May 18, 2006, at 6:30 p.m., in the County Commission 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; Wendy Spierer, Emergency Management Administrative Assistant; Ray Norman, Clerk of Courts; Marlene Stafford, Deputy Clerk; Jim Farrell, Finance Director; Brian Johns, Emergency Management Director; Mark Crawford, Press; Bob Milner, Sheriff; Wilson Whidden, Building Department Director; Terry Brown, County Attorney; Nelson Green, Emergency Medical Services Director;

(A copy of all documentation presented at this meeting is located in Supplement File No. 05-18-06.)

CALL TO ORDER

Chairman Hersey called the meeting to order at 6:30 p.m.

INVOCATION / PLEDGE OF ALLEGIANCE

Chairman Hersey offered the Invocation and led the Pledge of Allegiance.

PUBLIC HEARINGS

ZONING MATTERS-ORDINANCES

(FIRST READINGS)

--AMENDMENT TO THE TEXT OF THE LAND DEVELOPMENT REGULATIONS, APPLICATION NO. LDR 06-7, BY THE BOARD OF COUNTY COMMISSIONERS:

Mr. Whidden read the title into the record:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; PURSUANT TO AN APPLICATION, LDR 06-7, BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR AMENDING SECTION 4.13.2, ENTITLED PERMITTED PRINCIPAL USES AND STRUCTURES, BY ALLOWING BUSINESS AND PROFESSIONAL OFFICES IN THE COMMERCIAL NEIGHBORHOOD (CN) ZONING DISTRICT AS A PERMITTED USE; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”

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

--AMENDMENT TO THE TEXT OF THE LAND DEVELOPMENT REGULATIONS, APPLICATION NO. LDR 06-9, BY THE BOARD OF COUNTY COMMISSIONERS:

Mr. Whidden read the title into the record:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; PURSUANT TO AN APPLICATION, LDR 06-9, BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR A NEW SECTION 4.17, ENTITLED PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”

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

(FOR ADOPTION)

--AMENDING THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS, APPLICATION NO. LDR 06-8, BY THE BOARD OF COUNTY COMMISSIONERS:

Mr. Whidden read the title into the record:

“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, AMENDING SECTION 4.2.20.5 OF THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS TO REFERENCE CHAPTER 42, ARTICLE III OF THE BRADFORD COUNTY CODE, RELATING TO NOISE CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.”

Chairman Hersey said that there are two related ordinances for consideration. Mr. Brown read the title to the next ordinance on the agenda into the record:

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“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY FLORIDA, CREATING CHAPTER 42, ARTICLE III, SECTIONS 42-61 THROUGH 42-72, PROHIBITING EXCESSIVE NOISE IN THE UNINCORPORATED AREAS OF BRADFORD COUNTY; PROVIDING DEFINITIONS; PROVIDING PENALTIES; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.”

Chairman Hersey opened the public hearing for both ordinances.

--Mr. Bill Oliver of 6605 SE 9th Avenue, Starke, asked the Commission to consider including some aircraft activities in the noise ordinance.

--Ms. Sharon Detlefsen of 20031 NE 20th Lane, Lawtey, expressed her support of a noise ordinance.

There was brief discussion regarding the aircraft issue.

Discussion turned toward general characteristics of the proposed noise ordinance.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board tabled the Noise Ordinance for further review, by a 4-1 Vote, with Commissioner Cooper dissenting.

Chairman Hersey said that he would establish a date for a workshop to review the proposed ordinance.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously tabled the proposed ordinance relating to LDR Amendment Application No. LDR 06-8.

PRESENTATION OF 2004/2005 AUDIT – TERRY KITE:

Terry Kite of Purvis Gray & Co., briefly reviewed the audit report for fiscal year ending September 30, 2005. The County received an unqualified opinion, which is the best you can receive. The County had a good year financially. There were a few internal control issues with the Emergency Medical Services Department. These have been addressed with staff and they are working on correcting them. The County has made a lot of progress over the years, not only record keeping, but as far as keeping the County in a safe and sound financial position.

On Motion of Commissioner Thomas, Seconded by Commissioner Lewis, the Board unanimously accepted the Audit Report as presented.

PROCLAMATIONS:

--FOSTER CARE MONTH – TAMMY PYE, PARTNERSHIP FOR STRONG FAMILIES:

On Motion of Commissioner Thomas, Seconded by Commissioner Chandler, The Board unanimously [Proclaimed](#) May 2006 Foster Care Month.

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(Public Hearings continued)

--PETITION TO CLOSE NW 75th AVENUE

(Documents presented, except photos, [are attached](#). Photos are on file in the Clerk's Office.)

Chairman Hersey called the Petitioner, Mr. Al Mize, to the podium.

Mr. Al Mize gave his position for his request to close NW 75th Avenue. He presented data and photographs to support his position.

The following people spoke in opposition to the petition: Kirby Hildebran, Tara Hildebran, Earl Boone, Steve Vincent and Linda Hildebran.

Ms. Heidi Mize spoke in favor of the petition.

Chairman Hersey asked Sheriff Milner and Nelson Green if they wished to offer comment. Mr. Green said that he sent a letter to the County Manager citing his concerns. Sheriff Milner said that he would be glad to answer any questions the Board members may have.

Ms. Boone spoke in opposition to the petition. (The first name of the speaker was inaudible to this preparer.)

Mr. Richard Mize spoke in favor of the petition.

Commissioner Lewis said it has always been the policy of the County Commission that if anyone who resides on a road opposes the closure of that road, that the Commission will not approve the closure. The County Manager has made a recommendation to deny the petition.

Commissioner Thomas said that there would be a reduction in traffic on NW 75th Avenue when 180th is paved.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously denied the Petition to close NW 75th Avenue.

PUBLIC COMMENTS

Mr. Jim Biggs and Ms. Linda Tatum with Communities in Schools – Concerns with Alachua/Bradford Workforce Board:

(Mr. Biggs distributed copies of [informational data](#).)

Mr. Biggs expressed his deep concern and strong displeasure concerning the distribution of funds to Bradford County from the Alachua/Bradford Workforce Board. Bradford County is not receiving its proportionate share. Mr. Biggs solicited assistance from the Commission on the County's behalf. The Workforce Board meets Monday at 4:30 p.m. at the Job Corp. regarding the 06/06 Preliminary Budget.

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This spurred extensive discussion, which was not limited to but included:

- Pairing small counties together versus small counties with large counties
- Equal representation on the Workforce Board
- Bradford County Commissioners attending the Preliminary Budget meeting to express concerns
- Drafting a letter to the Alachua County Commission communicating the serious concerns regarding the distribution of funds and the lack of control over the expenditure of funds
- The possibility of filing an injunction
- Funding Sources for the Workforce Board

There was a consensus for Mr. Crawford and Mr. Biggs to draft a letter to the Alachua County Commission as discussed, with a copy provided to the Chairman of the Workforce Board. The letter is to be hand-delivered tomorrow. Commissioner Cooper is to oversee the drafting of the letter. Commissioner Lewis, Commissioner Cooper and Mr. Crawford will attend the Workforce Board meeting on Monday.

BANK FINANCING OF CHALLENGER TRACTOR – JIM CRAWFORD:

Mr. John Kennedy, Division President of Mercantile Bank, approached the Commission. Mr. Kennedy explained that the loan to purchase the Challenger Tractor requires the adoption of a resolution. The resolution authorizes the Clerk and the Chairman to move forward to borrow \$85,000.00 to purchase the tractor. The terms of the note are 4.8% interest; four annual payments with the first payment being due in November of 2006. At the request of Clerk Norman, Section 4.01 will be amended and will not require a separate account for the repayment funds.

Mr. Brown read the title into the record:

“A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE BY THE COUNTY OF A REVENUE NOTE EVIDENCING AN INDEBTEDNESS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$85,000.00 FOR THE PURPOSE OF FUNDING THE PURCHASE OF A CHALLENGER TRACTOR, MODEL MT535, SERIAL NO. L178015, AND A LITTLE MOWER ATTACHMENT, MODEL 000121CHBM, SERIAL NO. 3224; PLEDGING ALL NON-AD VALOREM REVENUES RECEIVED BY THE COUNTY FROM THE TRANSPORTATION FUND TO SECURE PAYMENT OF THE PRINCIPAL OF, REDEMPTION PREMIUM, IF ANY, AND INTEREST ON THE NOTE; APPROVING THE COMPETITIVE BID OF MERCANTILE BANK; APPROVING THE PAYING AGENT FOR THE NOTE; PROVIDING FOR THE RIGHTS OF THE NOTE HOLDERS; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS RESOLUTION.”

On Motion of Commissioner Lewis, Seconded by Commissioner Cooper, the Board unanimously adopted the Resolution as presented. (The [Resolution was assigned No. 2006-09.](#))

INTERLOCAL AGREEMENT WITH THE CITY OF STARKE – JIM CRAWFORD:

Mr. Crawford said that the Interlocal Agreement provides for cooperation in the provision of emergency services, building and zoning services and health and library services funding. The only point of concern on the part of the County was with procedures concerning zoning. He appeared before the City Commission and reviewed those procedures and they were pleased that the County would be handling their zoning items. Mr. Crawford said that he advised the City Commission that the County Zoning Department would be their zoning office and encouraged communication between their commissioners and our zoning office to resolve issues; that their zoning code will be followed, with no exceptions made. If they wish to make changes, County staff will make recommendations, with the assistance of the Regional Planning Council. The City's Land Use Map is not in line with their LDR's. County staff will take action with the Planning Council, while keeping the City involved, to bring the two into compliance. It is his belief that it will be to the advantage of the County and the City for the zoning codes to come as close together as possible, which is the ultimate goal.

Mr. Brown advised that the City Commission also formally adopted a policy that the Commission would not vote on any issues that would impact on zoning or land development regulations without first receiving a recommendation of staff.

Commissioner Lewis pointed out that the Agreement is for the term of one year.

On Motion of Commissioner Chandler, Seconded by Commissioner Thomas, the Board unanimously approved the [Interlocal Agreement](#).

At 8:46 p.m., Chairman Hersey called a recess. Chairman Hersey called the meeting back to order at 9:00 p.m.

Chairman Hersey steered discussion back to the Workforce Board issue previously addressed. He asked for Mr. Brown's direction regarding what action, if any, the Board should take about the possibility of legal action sought for improprieties of the Workforce Board.

Mr. Brown said that the Board should decide whether to include in the formal letter, notification of the contemplation of legal action if the issue cannot be resolved amicably. If it is the consensus of the Board to do so, then there should be a vote authorizing him to prepare the necessary documents to file a suit.

Commissioner Cooper suggested that initially the letter include language stating that based on information received, the County Commission has serious concerns about the evaluation process and whether or not that process complies with legal requirements; that the County Attorney has been tasked to research that issue and report back to the Commission his findings. Inference being made that if the issue is not addressed satisfactorily otherwise, and there are grounds for a suit, a suit is a course of action the Commission may elect to take. He would also like a request made to schedule a joint workshop with the Alachua County Commission to review the overall program to the extent allowed.

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PERSONNEL MATTERS:

NEW HIRE FOR ZONING OFFICE – JIM CRAWFORD:

--Since the County will be taking over the City's zoning issues and issuing their building permits, there is a need for an additional full-time staff member to be funded out of fees.

On Motion of Commissioner Lewis, Seconded by Commissioner Cooper, the Board unanimously approved to hire a full-time employee in the Building and Zoning Department; to develop a job description and create a salary range for the position.

Commissioner Thomas brought to light the inevitable retirement of Mr. Whidden and the need to get someone on board that would be able to step in and take his place when needed. Mr. Crawford concurred with Commissioner Thomas. He said that he has spoken with Mr. Whidden about the possibility of Mr. Whidden being available after retirement on a part-time basis during the training process. A building inspector must pass state testing.

Mr. Crawford said that he would speak with Mr. Whidden in more detail and report to the Board.

VEHICLE FOR ZONING OFFICE – JIM CRAWFORD:

--Recommended the purchase of a new vehicle for Building and Zoning and to turn the older 2000 Chevrolet Silverado over for other County use. There are funds in the Building and Zoning Department budget.

Commissioner Lewis expressed the need for a newer vehicle for Mr. Green in the Emergency Services Department.

Commissioner Cooper said that at some point the Board needs to better evaluate what types of vehicles are purchased, i.e., if you do not need a four-wheel drive, then do not buy one; six cylinder engines with Ethanol conversion may also need to be considered.

Commissioner Thomas asked Mr. Crawford to take a hard look at getting Mr. Green a new vehicle.

After brief discussion the following action was taken:

On Motion of Commissioner Thomas, Seconded by Commissioner Lewis, the Board unanimously approved the purchase of a new vehicle for the Building and Zoning Department.

RESOLUTIONS:

RATIFICATION OF BURN BAN (RESOLUTION NO. 06-07) – BRIAN JOHNS:

Mr. Johns said that a mandatory burn ban was declared on May 5, due to dry weather conditions. The National Weather Service does not look for any improvement for the next week and a half. The Commission needs to ratify the declaration by resolution. This resolution bans the sale of fireworks. He would like the Board to adopt the resolution as written and possibly bring a modified version to the next meeting.

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Commissioner Chandler MOVED to adopt the Resolution ratifying the burn ban. Commissioner Lewis SECONDED the motion.

Mr. Bob Mansfield of 5501 NW 213th Terrace, addressed the Commission. He knows the proprietor of the fireworks store in Bradford County. This action will shut down this business and people will leave the County to purchase the fireworks and then bring them back into the County.

Mr. Johns read the resolution in its entirety. Discussion ensued.

Mr. Brown advised that the Board needs to ratify the past burn ban as written and then approve the proposed continuation of that burn ban but deleting the words "sale and dispensing", dealing with fireworks.

Mr. Sullivan implored the Board not to remove the use or discharge of fireworks from the resolution. Mr. Johns concurred.

Commissioner Chandler WITHDREW his motion. Commissioner Lewis WITHDREW his second.

On Motion of Commissioner Cooper, Seconded by Commissioner Lewis, the Board unanimously adopted the Resolution ratifying the formal burn ban as signed and authorized by Chairman Hersey. (The [Resolution was assigned No. 06-07.](#))

There was discussion regarding declaring a local state of emergency versus a burn ban. Staff was directed to research and determine which avenue to take.

On Motion of Commissioner Chandler, Seconded by Commissioner Cooper, the Board unanimously approved and ratified a new burn ban but deleting the words, "sale and dispensing". ([The Resolution was assigned No. 06-08.](#))

CONSENT AGENDA

- A. APPROVE S.H.I.P. LOANS**
- B. EMS – CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
- C. AMENDMENT TO SHERIFF'S BUDGET FY 04-05**

On Motion of Commissioner Chandler, Seconded by Commissioner Cooper, the Board unanimously adopted the [Consent Agenda](#) in its entirety.

APPROVE PAYMENT OF BILLS – COMMISSIONER HERSEY:

Chairman Hersey said that he reviewed the bills and recommends payment.

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

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COUNTY ATTORNEY REPORTS – TERRY BROWN: None.

CLERK REPORTS – RAY NORMAN: None.

COUNTY MANAGER REPORTS – JIM CRAWFORD:

--Announced that Benny Jackson has been appointed as the Mosquito Control Officer.

--Still working on moving Mapping over to the empty office in the Building and Zoning Department. They hope to have this accomplished by June 1.

--Mr. Wise has advised that the Consolidated Solid Waste Grant application for \$191,176.00 has been submitted.

--He will be working with the Sheriff on the Byrne Grant for Law enforcement. It will be coming to the Commission for approval. At this time, the Board needs to authorize the Chairman to sign the Acceptance of Participation letter.

On Motion of Commissioner Lewis, Seconded by Commissioner Cooper, the Board unanimously authorized the Chairman to sign the Acceptance of Participation letter.

--Announced the Library Guaranteed Maximum Price (GMP) Workshop scheduled for June 5 @ 8:30 a.m., before the regular meeting. A formal vote accepting the GMP will be required at the regular meeting.

Chairman Heresy said that he received a letter from Terry Vaughan advising that the Library Project Manager will be here May 25 from 2:00 p.m. to 5:00 p.m. to answer any questions and address any concerns.

COMMISSIONERS COMMENTS:

Commissioner Lewis commented on the following:

--Need to schedule a workshop on the noise ordinance to work out the outstanding issues.

There was consensus to conduct the workshop after the regular meeting on June 5.

Commissioner Chandler commented on the following:

--Asked for an update on the research concerning the prospect of being able to piggyback on road projects.

Mr. Brown advised that it depends on the circumstances and the amount of the contract that is being proposed to piggyback on and whether the existing contract has been completed or not completed or whether it is a continuation, and whether you can logically relate the two. He is not sure whether this is the answer to the specific factual scenario that was being proposed.

Mr. Crawford said that the piggyback option is acceptable for minor projects, i.e. an extension on a road you are already on or adjacent to. However, it is still uncertain as to whether it would be allowable on

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an entirely new project with a different scope of work that may change the perimeters of the price list on an existing contract. The County Attorney's Office is trying to get an Attorney General Opinion for that.

Mr. Brown said that they have not yet received an informal read from the Attorney General; they were not requesting a formal opinion. If bid specs are such that you get a bid of \$20.00 a square foot for paving and you feel that is a competitive bid and there is another road in the county you wish to pave and the provider is willing to pave that road for the \$20.00 a square foot, then you can do that. The dilemma is that each road is so different regarding the scope of work; bids specs are not transferable to other projects.

--Still need to look into different options other than grading to keep the roads in good shape. Commissioner Lewis and Commissioner Thomas both shared options to address the issue.

Mr. Crawford said that he is looking into it.

CHAIRMAN'S COMMENTS – JOHN WAYNE HERSEY:

--The proposed County Commission Rules of Procedure is in need of changes.

Mr. Crawford said that several people have reviewed the draft and provided comments. Changes will be made based on the comments and a new draft presented to the Board for review.

--Reminded the Board of upcoming meetings they may wish to attend.

Commissioner Cooper said that they are trying to arrange signature by the Governor of the Fiscally Constrained Bill at the Small County Coalition Meeting on the 31st.

Mr. Crawford reported that Dr. Nicholas would have the first draft of the Impact Fee Study ready by next week.

ADJOURN

There being no further business, the meeting adjourned at 9:42 a.m.

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

JOHN WAYNE HERSEY, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK TO THE BOARD

These minutes prepared by Marlene Stafford, Deputy Clerk