

(07-20-06 Workshops and Regular Meeting)

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

<b>WORKSHOP - IMPACT FEE</b>	<b>4:00 P.M.</b>
<b>WORKSHOP – FRDAP GRANT</b>	<b>6:00 P.M.</b>
<b>REGULAR MEETING</b>	<b>6:30 P.M.</b>

**THURSDAY, JULY 20, 2006**

**WORKSHOP  
IMPACT FEE**

The Bradford County Board of County Commissioners convened in a workshop session on Thursday, July 20, 2006, at 4:00 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; June Neats, Administrative Assistant; Marlene Stafford, Deputy Clerk; Mark Crawford, Press; Dr. James C. Nicholas, Terry Brown, County Attorney; Nelson Green, Emergency Services Director; Otha Miller, Jimmy Alvarez, Property Appraiser; Al Coston, Deputy Property Appraiser; Major Pearson.

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**CALL TO ORDER**

Chairman Hersey called the workshop to order at 4:09 p.m.

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**PURPOSE OF WORKSHOP**

To discuss recommended County Impact Fees.

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Mr. Crawford introduced Dr. James C. Nicholas, who is a Law Professor and a Planner at the University of Florida. Dr. Nicholas is well known in growth management, has written many articles, taught several seminars and has done several counties and cities impact fees throughout the state. He has completed the Impact Fee Study for Bradford County and has provided a technical memorandum.

Dr. Nicholas approached the Commission. He explained the purpose of impact fees, [the impact fees being recommended](#) based on his study and state criteria, and the statutory rules and requirements relating to impact fees.

Extensive discussion ensued.

Following the discussion, there was a consensus that before any public hearings are scheduled for adoption of an ordinance, Dr. Nicholas is to prepare a fee per square footage sliding scale for residential fees and criteria for room additions to existing dwellings, for the Commission's review.

(The Impact Fee Workshop concluded at 5:42 p.m.)

**WORKSHOP  
FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM GRANT (FRDAP)  
FOR PLEASANT GROVE RECREATIONAL AREA**

The Bradford County Board of County Commissioners convened in a workshop session on Thursday, July 20, 2006, at 5:43 p.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

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

Also present were: Jim Crawford, County Manager; June Neats, Administrative Assistant; Terry Brown, County Attorney; Marlene Stafford, Deputy Clerk; Mark Crawford, Press; Nelson Green, Emergency Services Director.

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**CALL TO ORDER**

Chairman Hersey called the workshop to order at 5:43

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**PURPOSE OF WORKSHOP**

To discuss a FRDAP grant application for Pleasant Grove for recreation purposes.

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**DISCUSSION**

Commissioner Thomas explained that the County applied for the grant last year. However, the application was denied because restrooms were included, which are considered a security/safety issue. The County can reapply this year for three units of FRDAP. It is a \$200,000.00 grant, with no County match. The grant application requires the adoption of a resolution, which is on the agenda for the regular meeting following.

Commissioner Thomas presented a site plan for the Board's review.

Following discussion, there was consensus to move forward with the grant application as presented.

There being no further business, the workshop adjourned at 5:47 p.m.

**REGULAR MEETING  
6:30 P.M.**

The Bradford County Board of County Commissioners convened in regular session on Thursday, July 20, 2006, at 6:30 p.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

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

Also present were: Jim Crawford, County Manager; June Neats, Administrative Assistant; Terry Brown, County Attorney; Marlene Stafford, Deputy Clerk; Mark Crawford, Press; Cheryl Brownlee, Security; Brian Johns, Emergency Management Director; Nelson Green, Emergency Services Director; Wilson Whidden, Building Director; Major Pearson; Jim Farrell, Finance Director;

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(A copy of the documentation presented at this meeting is located in Supplemental File No. 07-20-06.)

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**CALL TO ORDER**

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

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**INVOCATION / PLEDGE**

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

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**PUBLIC HEARINGS – ORDINANCES FOR ADOPTION**

**--REZONING APPLICATION NO. Z-06-3 (PATTERSON / BUFFKIN):**

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 TEN OR MORE CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z 06-3, BY THE PROPERTY OWNERS OF SAID ACREAGE; PROVIDING FOR REZONING FROM RESIDENTIAL SINGLE FAMILY/MOBILE HOME-1 (RSF/MH-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.”**

Mr. Whidden advised that the Planning Council reviewed the application. The concurrency report concludes that it does not meet or exceed any concurrency levels required on the property. There is no legal reason to deny the application.

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Commissioner Cooper reported that he has represented Mr. Patterson in past. However, he does not currently represent him. He has received numerous e-mails, letters and phone calls relating to this issue. Serving as a quasi-judicial body relating to zoning matters, the Commission is to hear no evidence outside a public hearing. He is concerned that whatever action is taken during this hearing may be subject to court challenge.

Commissioners Chandler, Thomas, Lewis and Chairman Hersey all disclosed that they too have received numerous communications.

Mr. Brown advised that each Commissioner must put on the record the thrust of the communications, giving the opposing party the opportunity to rebut and address it in the presentation of evidence. If a Commissioner believes that as result of the communications made outside this hearing room, you cannot divest yourself of that influence, you are probably disqualified. Whatever decision this Board makes must be made based on the evidence heard at this public hearing, within these four walls. If after disclosures are made there is not a quorum left to address the issue, then the matter would be referred to an Administrative Hearing Officer. The Hearing Officer cannot make a final decision, but they can hear the evidence and make a recommendation to the Commission.

Commissioners Lewis, Thomas, Cooper and Chandler all made disclosure that the exparte communication in this matter has been to the extent that they do not believe that they are qualified to sit in a quasi-judicial status and make a decision.

*On Motion of Commissioner Cooper, Seconded by Commissioner Lewis, the Board voted 4-1, with Chairman Hersey dissenting, to refer this zoning matter over for the appointment of an Administrative Hearing Officer, to hear testimony from both sides, conduct a hearing according to their procedural rules, make findings of fact and make recommendations back to this Board.*

The public asked for clarification of the action taken.

Mr. Brown explained the Administrative Hearing Officer procedures and how the quasi-judicial proceedings will be conducted. (He recommended that the Commission bear the cost of a court reporter for the proceedings, which Commissioner Cooper said he would include in his motion.) After hearing all evidence, the Hearing Officer will prepare a formal report that will include recommended findings of fact and conclusions of law. Based on that report, the Commission will make a final decision. There will be publication and notice of the Administrative Hearing. Anyone interested in being personally notified should contact the County Manager's Office.

Spurred by public request, Mr. Brown advised that he would request a Hearing Officer be assigned who is able to conduct the hearing in the evening, to allow full participation by the public.

Mr. Brown responded to questions presented by the public and tendered advice.

Commissioner Cooper said that he wants the public to understand that the action taken is not this Board trying to "shirk" their responsibility. What it is, is to make sure that whatever action is taken, especially in contentious zoning matters, is action based on good evidence and that will stand a challenge in the courts. Not only is this important for his personal integrity, it is important for the integrity of the entire Board.

**--REZONING APPLICATION NO. Z-06-04 (PATTERSON / BUFFKIN):**

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 TEN OR MORE CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z 06-4, BY THE PROPERTY OWNERS OF SAID ACREAGE, PROVIDING FOR REZONING FROM RESIDENTIAL, SINGLE FAMILY/MOBILE HOME-1 (RSF/MH-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.”**

Mr. Patterson presented his position to the Commission.

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

*On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously adopted the Ordinance approving Rezoning Application Z 06-04. (The Ordinance was assigned [No. 2006-25.](#))*

**--REZONING APPLICATION NO. Z-06-05 (NAZWORTH):**

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 TEN OR MORE CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z 06-5, BY THE PROPERTY OWNERS OF SAID ACREAGE; PROVIDING FO REZONING FROM AGRICULTURE-1 (A-1) TO AGRICULTURE-2 (A-2) OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF BRADFORD COUNTY, FLORIDA; PROVIDING SEVERABILITY; 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.

*On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously adopted the Ordinance approving Rezoning Application No. Z 06-05. (The Ordinance was assigned [No. 2006-26.](#))*

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**--LAND DEVELOPMENT REGULATION AMENDMENT APPLICATION NO. LDR 06-8 (BOCC):**

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 06-8, BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR AMENDING SECTION 4.2.20.5, ENTITLED PERFORMANCE STANDARDS – NOISE, TO REFERENCE THE COUNTY NOISE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”**

*Commissioner Chandler MOVED to adopt the Ordinance approving Land Development Regulation Amendment Application No. LDR 06-8. Commissioner Cooper SECONDED the motion.*

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

The MOTION carried 5-0. (The Ordinance as assigned [No. 06-27.](#))

**--ORDINANCE PROHIBITING EXCESSIVE NOISE:**

Mr. Whidden read the title into the record:

**“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.”**

*Commissioner Chandler MOVED to adopt the Ordinance as presented. Commissioner Cooper SECONDED the motion.*

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

The MOTION carried 5-0. (It was later determined that this ordinance was not properly advertised. It was considered at the August 7, 2006 regular meeting.)

**--ORDINANCE PROVIDING ADJUSTMENT OF ALLOWABLE VOLUME OF MATERIALS FOR DISPOSAL AT SOLID WASTE COLLECTION CENTERS BY RESOLUTION:**

Chairman Hersey read the title into the record:

**“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, AMENDING SECTION 66-35 OF THE BRADFORD COUNTY CODE, TO PROVIDE FOR ADJUSTMENT OF THE ALLOWABLE VOLUME OF MATERIALS APPROVED FOR DISPOSAL BY RESOLUTION; PROVIDING FOR SEVERANCE; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.”**

*On Motion of Commissioner Thomas, Seconded by Commissioner Lewis, the Board unanimously adopted the Ordinance. (The Ordinance was assigned [No. 2006-29.](#))*

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**RESOLUTIONS:**

**--MAXIMUM DAILY VOLUMES OF SOLID WASTE PERMISSIBLE FOR DISPOSAL AT COLLECTION CENTERS:**

Chairman Hersey read the title into the record:

**“A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, REGULATING THE MAXIMUM DAILY VOLUMES OF SOLID WASTE PERMISSIBLE FOR DISPOSAL AT SOLID WASTE COLLECTION CENTERS, PURSUANT TO SECTIONS 66-35 OF THE BRADFORD COUNTY CODE.”**

*On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously adopted the resolution. (The Resolution was assigned [No. 2006-13.](#))*

**--FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM GRANT APPLICATION – COMM. THOMAS:**

Chairman Hersey read the title into the record:

**“A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, PERTAINING TO AN APPLICATION FOR GRANT FUNDING AND PROVIDING FOR AN EFFECTIVE DATE.”**

Commissioner Thomas presented the resolution.

*On Motion of Commissioner Chandler, Seconded by Commissioner Lewis, the Board unanimously adopted the Resolution as presented. (The Resolution was assigned [No. 06-14.](#))*

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**APPROVAL TO SUBMIT GRANT APPLICATION (FRDAP)**

*On Motion of Commissioner Lewis, Seconded by Commissioner Cooper, the Board unanimously approved to submit the FRDAP Grant Application.*

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**CONSENT AGENDA**

- a. **Senior Citizens Advisory Board Appointees**
- b. **S.H.I.P. Loans**
- c. **Satisfaction of Mortgage (Linda Martin)**

*On Motion of Commissioner Chandler, Seconded by Commissioner Thomas, the Board unanimously approved the Consent Agenda in its entirety.*

Commissioner Lewis inquired about Item "A" on the Consent Agenda. Chairman Hersey said that he was to pull Item "A" from Consent Agenda. There are Commissioners who have not submitted their names for appointment to the Advisory Board.

*Commissioner Chandler amended his MOTION to delete Item "A" from the Consent Agenda and approve Items "B & C". Commissioner Thomas amended his SECOND, and the MOTION CARRIED 5-0.*

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**SET TENTATIVE MILLAGE RATE:**

*On Motion of Commissioner Thomas, Seconded by Commissioner Cooper, the Board unanimously approved to set the 2006-2007 Tentative Millage Rate at 10.000 Mills.*

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**NEW TRUCK PURCHASE – BRIAN JOHNS:**

Mr. Johns said that the State has [approved his request](#) to purchase a 2006 Ford, F150, 4-wheel drive for \$24,575.00, out of the base grant with no match required. They will be keeping his current vehicle for the use of the new planner. If a vehicle that was purchased out of grant funds is sold, the money has to be turned back to the grant. The vehicle will be purchased through Town and Country Ford at less than the state contract price.

*On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously approved the purchase of the vehicle as presented.*

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**EMERGENCY MANAGEMENT PRE-EVENT DEBRIS REMOVAL CONTRACT—BRIAN JOHNS:**

Mr. Johns reported that the bids were opened and reviewed by the committee. The [ranking](#) is as follows:

- #1 J.B. Coxwell Contracting, Inc., Jacksonville
- #2 Wood Resources Recovery, LLC, Gainesville
- #3 Omni Pinnacle, LLC, Slidell, LA
- #4 Beilling Enterprises, Inc., Hillard

*On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously awarded the Contract to J.B. Coxwell Contracting, Inc.*

**SURPLUS VEHICLE DONATION – BRIAN JOHNS:**

Mr. Johns said that they have a 1972 military truck that has not been cranked in several years and they have no use for it. The Road Department has been unable to get it running. Sheriff Milner has indicated that Hendry County could use the truck and is requesting that it be turned over to him to give to Hendry County.

Chairman Hersey said that the vehicle has already been surplused.

*On Motion of Commissioner Cooper, Seconded by Commissioner Lewis, the Board unanimously approved to turn the vehicle over to the Sheriff.*

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**PUBLIC COMMENTS:**

**Jerry Kahn of 9418 S.E. 51<sup>st</sup> Loop, Starke – Road Issue**

--Commented on the disrepair of their roads and requested that the road be graded.

There was mention that this may be a private road.

Chairman Hersey asked Mr. Luke to get with Mr. Crawford.

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**PAYMENT OF BILLS:**

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

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**COUNTY ATTORNEY – TERRY BROWN:**

None.

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**CLERK REPORTS – RAY NORMAN:**

None.

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**COUNTY MANAGER REPORTS – JIM CRAWFORD:**

**a. MEMORANDUM OF UNDERSTANDING BC. & SRWMD FOR GIS SYSTEM:**

Mr. Crawford requested approval to execute a Memorandum of Agreement between Bradford County and Suwannee River Water Management District for the Geographic Information System (GIS). The GIS System consists of a computer and color printer that will be given to the Building and Zoning Office. It is valued at \$5,999.00. The County will be responsible for software maintenance and computer supplies at a cost of approximately \$400.00 annually.

Mr. Crawford explained the capabilities of the GIS.

*On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously authorized the execution of the [Agreement](#) as presented by Mr. Crawford.*

--Reported that a couple of the houses at the new library site have been taken care of.

--The temporary retention pond for the new library has been dug. We now have the permit to begin construction.

--The two portable classrooms the County is getting from the School Board are loaded up and ready to be moved.

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**COMMISSIONERS COMMENTS:**

**Commissioner Thomas commented on the following:**

--The City has a one-ton squad truck with a tool body that they have surplused. The Volunteer Fire Department could use it. The City needs a small flat bed pick-up truck. He asked Mr. Crawford to check with the Road Department and see if there is anything that we could possibly trade with the City.

Mr. Crawford said that he would check into it.

**Commissioner Chandler:**

--The Road Department has done a tremendous job in improving road maintenance. He asked if it would be possible to get to the place that when a citizen calls that they can be given a time when their road is scheduled for maintenance.

Mr. Crawford said that they would try to improve on that. Sometimes that is hard to do, especially when you have had bad weather and get pulled off the routine maintenance schedule.

**Commissioner Cooper:**

--He is very pleased with the Building and Zoning Department's new website.

(07-20-06 Workshops and Regular Meeting)

**CHAIRMAN'S COMMENTS – JOHN WAYNE HERSEY:**

--Reminded the Board of the road tour scheduled for August 7, following the regular meeting.

--Met with a representative from Rayonier today regarding the Santa Fe Lake Boat Ramp. That representative will return next week. The County should be thinking about possibilities for Sampson Lake Boat Ramp, also.

--Need to set a budget workshop in the near future.

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Commissioner Thomas advised that after tomorrow, he is willing to serve as an alternate on the Value Adjustment Board, should a Commissioner be unable to serve.

*On Motion of Commissioner Lewis, Seconded by Commissioner Cooper, the Board unanimously appointed Commissioner Thomas to serve as an alternate member of the 2006 Value Adjustment Board.*

**ADJOURN**

There being no further business, the meeting adjourned at 7:35 p.m.

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

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**JOHN WAYNE HERSEY, CHAIRMAN**

**ATTEST:** \_\_\_\_\_  
**RAY NORMAN, CLERK TO THE BOARD**

Minutes prepared by Marlene Stafford, Deputy Clerk