

(05-17-07 Regular Meeting)

**MINUTES OF THE  
BOARD OF COUNTY COMMISSIONERS  
BRADFORD COUNTY, FLORIDA  
REGULAR SCHEDULED MEETING  
THURSDAY, MAY 17, 2007  
6:30 P.M.**

The Bradford County Board of County Commissioners convened in regular session on Thursday, May 17, 2007, at 6:30 p.m. in the County Commissioners' Meeting Room, 945 North Temple Avenue, Starke, Florida.

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

Also present were: Jim Crawford, County Manager; June Neats, Administrative Assistant; Alex Hinely, County Planner; Ray Norman, Clerk of Courts; Marlene Stafford, Deputy Clerk; Jim Farrell, Finance Director; Nora Thompson, Zoning Director; Brian Johns, Emergency Management Director; Terry Brown, County Attorney; Mark Crawford, Press; Nelson Green, Emergency Services Director; Cheryl Brownlee, Security; Percy Sullivan, Fire Chief, and Sheriff Milner.

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(See Supplement File No. 05-17-07 for a copy of documentation presented at this meeting.)

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**CALL TO ORDER**

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

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**INVOCATION / PLEDGE OF ALLEGIANCE**

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

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**PUBLIC HEARINGS**

**ORDINANCES FOR ADOPTION:**

**--LAND USE AMENDMENT APPLICATION NO. S 070319 A (MORGAN)—NORA THOMPSON:**

Ms. Thompson 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, S 070319A, BY THE PROPERTY OWNERS OF SAID ACREAGE, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM AGRICULTURE-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.**

(05-17-07 Regular Meeting)

Chairman Lewis opened the public hearing.

Having been first duly sworn by Mr. Brown, the Applicant, Mr. Roy Morgan, presented his position to the Commission.

At the request of Commissioner Cooper, Ms. Thompson presented staff recommendations and Zoning Board recommendations. The Zoning Board recommends approval; the Regional Planning Council recommends denial, based on the traffic element of the Comprehensive Plan.

Discussion ensued regarding the recommendation of the Planning Council.

*On Motion of Commissioner Hersey, Seconded by Commissioner Thomas, the Board unanimously adopted the Ordinance approving Land Use Amendment Application No. S 070319A. (The [Ordinance](#) was assigned No. 07-13.)*

**--LAND USE AMENDMENT APPLICATION NO. S 070328 A (NEW RIVER LAND DEVELOPMENT, INC.)—NORA THOMPSON:**

(Jackie Monson, Court Reporter, of Johns, Stephenson & Biery, was present and recorded this hearing on behalf of the applicant.)

Ms. Thompson 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, S 070328A, BY THE PROPERTY OWNER OF SAID ACREAGE, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 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 1 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.”**

Ms. Thompson then read [two letters](#) into the record that were submitted by people who could not attend the meeting; one by Michael Plymill, favoring the application; one by Holly and Michael Grimes, opposing to the application.

Chairman Lewis opened the public hearing.

Mr. Brown recommended allowing the applicant to present their case first, and then the opposing parties may testify.

After being first duly sworn by Mr. Brown, the applicant, Ms. Susan Faulkner O’Neal, Mr. Sam Mutch, attorney for the applicant, and Elise Nessmith, presented their position to the Board for approval of the Land Use Classification Amendment Application. (During the presentation, Mr. Mutch provided photos for the Commissions review. These photos are not attached as they would not scan clearly, but a hard copy is located in the Clerk’s Office.)

After being first duly sworn by Mr. Brown, the following people presented their position for opposing the Land Use Classification Amendment Application: Mr. Gary Knoles, Mr. Henry Harrell, Mr. Brad Hildreth, and Ms. Hollie Grimes.

(05-17-07 Regular Meeting)

Chairman Lewis opened the floor for questions, rebuttals and discussion.

After being first duly sworn by Mr. Brown, Ms. Cheryl Spanswick presented her position of opposition to the land use amendment application.

Commissioner Cooper said that he has a great deal of respect for the residents who live in the subdivision. Nonetheless, he cannot say that the area has not become a commercial area. This is not a rezoning application; it is a land use amendment application. The question is: "Has this area developed into a commercial area?" The Commission is constrained to the law concerning land use amendments. It is his belief that the law in this case is going to reflect that this is a commercial area.

There was additional discussion.

Chairman Lewis relinquished the Chair to Vice-Chairman Chandler.

*On Motion of Commissioner Lewis, Seconded by Commissioner Hersey, the Board upheld the recommendation of the Zoning Board and denied Land Use Amendment Application No. S070328A, 4-1, with Commissioner Cooper dissenting. The basis for the denial being that the amendment would adversely impact the living conditions of the neighborhood.*

**--LAND USE AMENDMENT APPLICATION NO. S 070328 B (NEW RIVER LAND DEVELOPMENT, INC.)—NORA THOMPSON:**

Ms. Thompson 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, S 070328 B, BY THE PROPERTY OWNER OF SAID ACREAGE, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 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 1 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."**

Vice-Chairman Chandler opened the public hearing.

Having been previously sworn by Mr. Brown, Mr. Sam Mutch, attorney for the applicant, presented his position to the Board in support of the Land Use Amendment Application.

Having been first duly sworn by Mr. Brown, Ms. Cheryl Spanswick and Mr. Gary Knowles presented their position for opposing the land use amendment application.

*On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board upheld the recommendation of the Zoning Board and denied Land Use Amendment Application No. S070328B, 4-1, with Commissioner Cooper dissenting. The basis for the denial being that the amendment would adversely impact the living conditions of the neighborhood.*

Vice-Chairman Chandler relinquished the Chair back to Chairman Lewis.

**--AMENDING THE LAND DEVELOPMENT REGULATIONS TO PROVIDE QUASI-JUDICIAL PROCEEDINGS—NORA THOMPSON:**

Ms. Thompson read the title into the record:

**“AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF BRADFORD COUNTY TO PROVIDE FOR QUASI-JUDICIAL PROCEEDINGS PURSUANT TO THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS WHERE RECUSALS WOULD PREVENT A QUORUM OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”**

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

*On Motion of Commissioner Thomas, Seconded by Commissioner Cooper, the Board unanimously adopted the Ordinance. (The [Ordinance was assigned No. 07-14.](#))*

Incited by a question posed by Chairman Lewis, Mr. Brown said that there is a matter now pending that he will proceed with handling, in consultation with the County Manager, in terms of whether to use an administrative law judge or someone else that is duly qualified in accordance with the ordinance.

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**CONSENT AGENDA**

- A. SATISFACTION OF MORTGAGE – SNEATH**
- B. MINUTES OF THE APRIL 2, 2007 REGULAR MEETING**

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

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**ACCEPTANCE OF DEBRIS MANAGEMENT PLAN CONTRACT WITH J.B. COXWELL—BRIAN JOHNS:**

Chairman Lewis and Mr. Johns expressed their appreciation to everyone for the tremendous job with fighting the recent fires.

Mr. Johns said that the Debris Management Plan, to be written by J.B. Coxwell, Inc., will be paid for out of Homeland Security grant funds. Coxwell will also be writing a Point of Distribution Plan (POD). This is not the removal of debris, it is to write a plan for the removal of debris.

*On Motion of Commissioner Thomas, Seconded by Commissioner Cooper, the Board unanimously approved [the contract](#) as presented.*

(05-17-07 Regular Meeting)

**--RATIFICATION OF DECLARATION OF STATE OF EMERGENCY FROM WILDLAND FIRES—  
BRIAN JOHNS:**

Mr. Johns requested ratification of the declaration of local state of emergency from the wild land fires enacted by Chairman Lewis on May 8, 2007.

*On Motion of Commissioner Chandler, Seconded by Commissioner Thomas, the Board unanimously ratified the declaration of the local state of emergency enacted on May 8, 2007. ( [Resolution No. 07-12.](#))*

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**RATIFICATION OF EXTENSION OF DECLARATION OF STATE OF EMERGENCY FROM  
WILDLAND FIRES—BRIAN JOHNS:**

Mr. Johns requested a seven-day extension of the declaration of the local state of emergency.

*On Motion of Commissioner Chandler, Seconded by Commissioner Hersey, the Board unanimously extended the local state of emergency for seven days. ( [Resolution No. 07-13.](#))*

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**FDOT FIVE-YEAR WORK PROGRAM—JORDAN GREEN / BILL HENDERSON:**

Mr. Green distributed copies of, and briefly reviewed the [Five-Year Work Program](#). He reminded the Commission of the deadlines to submit work program priorities.

This incited discussion, which was not limited to but included the 301/Pratt Street drainage project, Pratt Street sidewalk project, and the Transportation Disadvantaged Program.

Mr. Green reviewed a [pamphlet](#) that outlines all the programs offered by DOT, and addressed some internal changes that have been made to SCRAP and SCOP. SCRAP was initially set up as a ten-year program, which sunsets in 2010 and there have been no provisions for an extension. Senate Bill 360 did make provision to extend SCOP and additional funding was added. FDOT realizes how important SCRAP is to the counties and they have discussed the possibility of keeping the \$25 million dollar allocation and rolling those funds into SCOP, which is a more flexible program.

Spurred by a question posed by Commissioner Thomas, Mr. Green explained the FDOT engineering requirements for SCRAP projects.

There was brief discussion concerning the SE 144<sup>th</sup> Avenue project, under the County Incentive Grant Program (CIGP).

Incited by a question asked by Mr. Crawford, Mr. Green said that municipalities can not take advantage of SCRAP and SCOP funds. SCRAP and SCOP project funds are intended to be administered by the County on County paved roads.

(05-17-07 Regular Meeting)

**APPROVE PAYMENT OF BILLS – COMMISSIONER COOPER:**

*On Motion of Commissioner Cooper, Seconded by Commissioner Hersey, the Board unanimously approved payment of the bills.*

(The list of bills is on file in the Finance Department of the Office of the Clerk.)

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**PUBLIC COMMENTS:**

**Ms. Joan Mate, 12409 S.E. 48<sup>th</sup> Avenue, Starke – Deerwood Subdivision Deed Restrictions:**

--Ms. Mate protested the placement of a quanza-hut in their residential neighborhood to repair cars. The deed restrictions for the sub-division state that you can only have one three-car garage.

Mr. Brown advised that it is not the County's responsibility to enforce covenants and restrictions contained within deeds; that is between the homeowners themselves. To do so would be a misuse of public funds.

Discussion ensued.

Mr. Brown said that if there is a misuse of the property, a complaint could be filed with Code Enforcement.

Mr. Hinely advised that a Code Enforcement complaint was filed with regard to unregistered vehicles and tree debris in the yard. The yard debris was removed and the vehicles have either been removed or put under cover to comply with code.

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**RECESS**

Chairman Lewis called a recess at 8:09 p.m.

The meeting was called back to order at 8:19 p.m.

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**PUBLIC HEARINGS**

**ORDINANCES FOR ADOPTION – IMPACT FEES:**

**(Due to the voluminous size and repetitive nature of the ordinances, they are not attached to these minutes. However, they are on file in the Clerk’s Office.)**

Mr. Brown read a portion of each title into the record. The titles in their entirety are typed below.

**--AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN BRADFORD COUNTY, FLORIDA; CREATING CHAPTER 59, DIVISION 1, OF THE BRADFORD COUNTY CODE; IMPOSING IMPACT FEES ON LAND DEVELOPMENT IN BRADFORD COUNTY TO PROVIDE CAPITAL IMPROVEMENTS ROADS AS NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING DEFINITIONS; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF IMPACT FEES; PROVIDING FOR IMPACT FEE BENEFIT DISTRICTS; PROVIDING FOR AN IMPACT FEE TRUST FUND; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM IMPACT FEES INTO AN IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR THE USE OF IMPACT FEE RECEIPTS; PROVIDING FOR REFUND OF IMPACT FEES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REVIEW OF IMPACT FEES AND SCHEDULES; PROVIDING FOR THE AUTOMATIC ADJUSTMENT OF IMPACT FEE SCHEDULES; PROVIDING PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.**

Chairman Lewis opened the public hearing.

Mr. O.J. Stores expressed his opposition to the impact fees.

There being no further public input, the public hearing closed.

*On Motion of Commissioner Hersey, Seconded by Commissioner Cooper, the Board unanimously adopted the ordinance. (The Ordinance was assigned No. 07-15.)*

**--AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN BRADFORD COUNTY, FLORIDA; CREATING CHAPTER 59, DIVISION 2, OF THE BRADFORD COUNTY CODE; IMPOSING IMPACT FEES ON LAND DEVELOPMENT IN BRADFORD COUNTY TO PROVIDE CAPITAL IMPROVEMENTS FOR FIRE PROTECTION SERVICES AS NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING DEFINITIONS; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF IMPACT FEES; PROVIDING FOR IMPACT**

(05-17-07 Regular Meeting)

**FEE BENEFIT DISTRICTS; PROVIDING FOR AN IMPACT FEE TRUST FUND; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM IMPACT FEES INTO AN IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR THE USE OF IMPACT FEE RECEIPTS; PROVIDING FOR REFUND OF IMPACT FEES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REVIEW OF IMPACT FEES AND SCHEDULES; PROVIDING FOR THE AUTOMATIC ADJUSTMENT OF IMPACT FEE SCHEDULES; PROVIDING PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.**

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

*On Motion of Commissioner Cooper, Seconded by Commissioner Hersey, the Board unanimously adopted the ordinance. (The Ordinance was assigned No. 07-16.)*

**--AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN BRADFORD COUNTY, FLORIDA; CREATING CHAPTER 59, DIVISION 3, OF THE BRADFORD COUNTY CODE; IMPOSING IMPACT FEES ON LAND DEVELOPMENT IN BRADFORD COUNTY TO PROVIDE CAPITAL IMPROVEMENTS FOR LAW ENFORCEMENT AS NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING DEFINITIONS; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF IMPACT FEES; PROVIDING FOR IMPACT FEE BENEFIT DISTRICTS; PROVIDING FOR AN IMPACT FEE TRUST FUND; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM IMPACT FEES INTO AN IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR THE USE OF IMPACT FEE RECEIPTS; PROVIDING FOR REFUND OF IMPACT FEES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REVIEW OF IMPACT FEES AND SCHEDULES; PROVIDING FOR THE AUTOMATIC ADJUSTMENT OF IMPACT FEE SCHEDULES; PROVIDING PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.**

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

*On Motion of Commissioner Chandler, Seconded by Commissioner Cooper, the Board unanimously adopted the ordinance. (The Ordinance was assigned No. 07-17.)*

**--AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN BRADFORD COUNTY, FLORIDA; CREATING CHAPTER 59, DIVISION 4, OF THE BRADFORD COUNTY CODE; IMPOSING IMPACT FEES ON LAND DEVELOPMENT IN BRADFORD COUNTY TO PROVIDE CAPITAL IMPROVEMENTS TO PARKS NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING AUTHORITY FOR**

(05-17-07 Regular Meeting)

**ADOPTION OF THE ORDINANCE; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING DEFINITIONS; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF IMPACT FEES; PROVIDING FOR IMPACT FEE BENEFIT DISTRICTS; PROVIDING FOR AN IMPACT FEE TRUST FUND; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM IMPACT FEES INTO AN IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR THE USE OF IMPACT FEE RECEIPTS; PROVIDING FOR REFUND OF IMPACT FEES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REVIEW OF IMPACT FEES AND SCHEDULES; PROVIDING FOR THE AUTOMATIC ADJUSTMENT OF IMPACT FEE SCHEDULES; PROVIDING PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.**

Chairman Lewis opened the public hearing. There being no further business, the public hearing was closed.

*On Motion of Commissioner Hersey, Seconded by Commissioner Cooper, the Board unanimously adopted the ordinance. (The Ordinance was assigned No. 07-18.)*

**--AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN BRADFORD COUNTY, FLORIDA; CREATING CHAPTER 59, DIVISION 5, OF THE BRADFORD COUNTY CODE; IMPOSING IMPACT FEES ON LAND DEVELOPMENT IN BRADFORD COUNTY TO PROVIDE FOR PUBLIC BUILDINGS NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING DEFINITIONS; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF IMPACT FEES; PROVIDING FOR IMPACT FEE BENEFIT DISTRICTS; PROVIDING FOR AN IMPACT FEE TRUST FUND; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM IMPACT FEES INTO AN IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR THE USE OF IMPACT FEE RECEIPTS; PROVIDING FOR REFUND OF IMPACT FEES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REVIEW OF IMPACT FEES AND SCHEDULES; PROVIDING FOR THE AUTOMATIC ADJUSTMENT OF IMPACT FEE SCHEDULES; PROVIDING PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.**

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

*On Motion of Commissioner Cooper, Seconded by Commissioner Hersey, the Board unanimously adopted the ordinance. (The Ordinance was assigned No. 07-19.)*

**--AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN BRADFORD COUNTY, FLORIDA; CREATING CHAPTER 59, DIVISION 6, OF THE BRADFORD COUNTY CODE; IMPOSING IMPACT FEES ON LAND DEVELOPMENT IN**

(05-17-07 Regular Meeting)

**BRADFORD COUNTY TO PROVIDE CAPITAL IMPROVEMENTS FOR BRADFORD COUNTY EMERGENCY MEDICAL SERVICES AS NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING DEFINITIONS; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF IMPACT FEES; PROVIDING FOR IMPACT FEE BENEFIT DISTRICTS; PROVIDING FOR AN IMPACT FEE TRUST FUND; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM IMPACT FEES INTO AN IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR THE USE OF IMPACT FEE RECEIPTS; PROVIDING FOR REFUND OF IMPACT FEES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REVIEW OF IMPACT FEES AND SCHEDULES; PROVIDING FOR THE AUTOMATIC ADJUSTMENT OF IMPACT FEE SCHEDULES; PROVIDING PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.**

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

*On Motion of Commissioner Hersey, Seconded by Commissioner Cooper, the Board unanimously adopted the ordinance. (The Ordinance was assigned No. 07-20.)*

**--AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN BRADFORD COUNTY, FLORIDA; CREATING CHAPTER 59, DIVISION 7, OF THE BRADFORD COUNTY CODE; IMPOSING IMPACT FEES ON LAND DEVELOPMENT IN BRADFORD COUNTY TO PROVIDE FOR CAPITAL IMPROVEMENTS TO LIBRARY FACILITIES AS NECESSITATED BY SUCH NEW DEVELOPMENT; PROVIDING AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING FINDINGS AND DECLARATIONS OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING DEFINITIONS; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF IMPACT FEES; PROVIDING FOR IMPACT FEE BENEFIT DISTRICTS; PROVIDING FOR AN IMPACT FEE TRUST FUND; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM IMPACT FEES INTO AN IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR THE USE OF IMPACT FEE RECEIPTS; PROVIDING FOR REFUND OF IMPACT FEES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REVIEW OF IMPACT FEES AND SCHEDULES; PROVIDING FOR THE AUTOMATIC ADJUSTMENT OF IMPACT FEE SCHEDULES; PROVIDING PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING DIRECTIONS TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.**

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

*On Motion of Commissioner Cooper, Seconded by Commissioner Chandler, the Board unanimously adopted the ordinance. (The Ordinance was assigned No. 07-21.)*

**COUNTY ATTORNEY REPORTS – TERRY BROWN:** None.

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**COUNTY MANAGER REPORTS – JIM CRAWFORD:**

--Code Enforcement Board has requested the authority to appoint two alternates to serve on the board.

Commissioner Cooper asked if the ordinance provides for the appointment of alternates. Mr. Brown advised that if the ordinance does not have provision for alternates, the ordinance would have to be amended.

Mr. Crawford said that he would check the ordinance and bring it back to the Commission.

--The Small County Technical Assistance provided an \$8,000.00 grant to conduct a fire study. The actual fire study came in at \$6,000.00. The Small County Technical Assistance approved the use of the remaining \$2,000.00 for a tanker study. That study came in at \$3,000.00, which is \$1,000.00 over the grant amount. Once the bills are paid, he will receive \$8,000.00 back from Small County Technical Assistance.

Mr. Crawford requested approval of an expenditure of the additional \$1,000.00. There is a slight chance that Technical Assistance may provide some of the additional \$1,000.00. The tanker study was very beneficial to the County.

Chairman Lewis asked for a funding source for the \$1,000.00. Mr. Crawford said that he and Clerk Norman would work on the funding source.

*On Motion of Commissioner Cooper, Seconded by Commissioner Thomas, the Board unanimously approved the \$1,000.00 expenditure as requested.*

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**CLERK REPORTS – RAY NORMAN:** None.

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**COMMISSIONER'S COMMENTS:**

**Commissioner Chandler commented on the following:**

--A resident on N.E. 20<sup>th</sup> Avenue, a County road, in Lawtey has requested a streetlight at the end of the road where there is a lot of drug activity. He would also like to cut some of the right-of-way back where it dead-ends into the resident's property.

Mr. Crawford said that there are several streetlights throughout the County that the County requested and pays for. With the Commission's approval, an application will be made and the bill will be sent to the County to be paid. It will cost about \$9.00 per month.

*On Motion of Commissioner Chandler, Seconded by Commissioner Thomas, the Board unanimously approved to place a street light at N.E. 20<sup>th</sup> Avenue in Lawtey.*

(05-17-07 Regular Meeting)

**Commissioner Cooper commented on the following:**

--The budget process is beginning. What is currently on the table in Tallahassee means anywhere from a 10 to 37 percent cut in property tax revenues for next year, which results in a hit to the County's budget of between 7 to 17 percent. With this in mind, the Commission needs to advise the department heads, constitutional officers and anyone who receives funding from the County, that they need to prepare for a cut from the amount they were funded last year. The minimum he feels the County will get away with is somewhere around six to seven percent to the total budget. Realistically, it could be as high as 15 to 20%. He recommended advising everyone to prepare their budget requests with somewhere between a 7 and 10 percent reduction, and with and without a raise for the employees. He has also recommended to Mr. Crawford that no one be advanced on the step-pay plan until there is a better understanding of what is going to happen.

Mr. Crawford recommended the Board authorize the Chairman to sign a letter advising everyone to prepare their first budget requests with a six-percent reduction, allowing a 2.5% salary increase across the board, without exceeding the six-percent overall reduction.

After some discussion, there was Board consensus for Mr. Crawford to prepare a letter for the Chairman's signature.

**Commissioner Hersey commented on the following:**

--During the fires of 1998, the Board adopted a resolution approving payment of \$8.00 per hour to the volunteer fire fighters. He would like the Board to consider increasing that amount to \$12.00 per hour. A request will be made to FEMA for reimbursement. If for some reason FEMA does not reimburse the total amount, the County would be responsible.

This spurred discussion.

Mr. Crawford explained that now that the County is under NIMS, applying for reimbursement is going to be easier than through FEMA. Any policy the Board sets, they will reimburse.

*On Motion of Commissioner Thomas, Seconded by Commissioner Hersey, the Board unanimously declared this item an emergency.*

Commissioner Cooper expressed concern with approving an expenditure without at least having a ballpark amount, or a proven source of revenue, prior to reimbursement. There have been hundreds of people working, hundreds of hours.

Mr. Sullivan pointed out that the County's resolution states, "...if funds are available." If for some reason the County does not have the funding, then they do not get paid.

Mr. Crawford explained the reimbursement process under NIMS. During the hurricanes, he requested an advance and the County received \$350,000. He will do the same thing this time. They will owe the County for equipment, which will be much more than salaries. When he determines the salary amounts, he will immediately request an advance until the paperwork is complete.

There was some discussion concerning the payment of overtime to volunteers. Mr. Green said that the volunteers fall under OPS, and are not entitled to overtime, retirement, etc. They get compensated for the hours they work.

(05-17-07 Regular Meeting)

*On Motion of Commissioner Hersey, Seconded by Commissioner Thomas, the Board unanimously approved to pay the volunteer firefighters \$12.00 per hour during local, state or federal declarations of emergency.*

--He would like the Board to consider an ordinance, which would give the Sheriff's Office the authority to enforce violators of an official action of the Commission, i.e. burn ban violators, and provide for penalties/fines.

Mr. Johns said that Alachua County has an ordinance that cites specific penalties and fine amounts for violators.

Sheriff Milner said that he was under the assumption that an official burn ban has the authority of an ordinance. His office does respond to violators. On the first incident, the violator receives a warning; the second incident, they go to jail for a second-degree misdemeanor for violation of a county ordinance. The County has contracted with the State Attorney to prosecute violation of ordinances. He suggested that he get with Mr. Brown to see where the County stands.

--The current fire situation has made him realize that the County is to the point where there needs to be some serious consideration of the possibility of a fire assessment.

Chairman Lewis said that the recent fire study performed recommends a county fire assessment.

This spurred some discussion.

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#### **CHAIRMAN COMMENTS – EDDIE J. LEWIS:**

--The contract for engineering services for the County landfill expired in January. He and Mr. Crawford have discussed and recommend that an RFP be advertised for these services. Darabi and Associates have been notified of the County's intent to advertise.

Discussion ensued.

Mr. Brown advised that the RFP would be for professional services. You are not bidding a scope of work looking for a dollar price. You are requesting proposals, judging those by qualifications, ranking them and then moving on to negotiations based on the ranking.

*On Motion of Commissioner Hersey, Seconded by Commissioner Cooper, the Board unanimously approved to advertise an RFP for engineering services for the landfill.*

--The City of Starke has sent two letters requesting use of the County's EMS building for temporary sheltering of their fire trucks until they are able to remodel the old library. They estimate the remodel will take six-months. They cannot begin the remodel until the new library is open. The old EMS facility is not adequate for temporary shelter. In making a decision, the Board needs to keep in mind the ISO ratings for the residents of the City.

This incited discussion, which was not limited to but included, limiting the temporary use to six months, placement and size of a mobile home for employee housing, unfeasibility of the use of the old EMS facility, ISO ratings, the housing needs for the vehicles and two full-time fire departments.

(05-17-07 Regular Meeting)

*On Motion of Commissioner Cooper, Seconded by Commissioner Hersey, the Board unanimously approved the request for temporary housing, limited to six months from the time the mobile home is moved onto the property. A progress report is required 60-days prior to the expiration of the six-months. If no progress has been made, the mobile home will be moved off of County property.*

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**ADJOURN**

There being no further business, the meeting adjourned at 9:30 p.m.

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

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**EDDIE J. LEWIS, CHAIRMAN**

**ATTEST:** \_\_\_\_\_  
**RAY NORMAN, CLERK OF COURTS**

Minutes prepared by Marlene Stafford, Deputy Clerk