

**MINUTES OF THE
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
BUDGET WORKSHOP 5:00 P.M.
REGULAR SCHEDULED MEETING 6:30 P.M.
THURSDAY, JULY 17, 2008**

**BUDGET WORKSHOP
5:00 P.M.**

The Bradford County Board of County Commissioners convened in a budget workshop on Thursday, July 17, 2008, at 5:00 p.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

Present were: Commissioner Thomas, Chairman Chandler, Commissioner Cooper, and Commissioner Lewis. (Commissioner Hersey was absent.)

Also present were: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Ray Norman, Clerk of Courts; Jim Farrell, Finance Director; Marlene Stafford, Deputy Clerk; Terry Brown, County Attorney; Paul Funderburk, Road Superintendent; Brian Johns, Emergency Management Director; Robert Perone, Interim Library Director; Nelson Green, Emergency Services Director; Sheriff Milner; Tim Wilson, CED; Nora Thompson; Zoning Director; and Mark Crawford, Press.

(See Supplement File No. 07-17-08 for a copy of documentation presented at this meeting.)

CALL TO ORDER

Chairman Chandler called the workshop to order at 5:07 p.m.

DISCUSSION

CHIP SEAL PROCESS FOR ROADS:

Chairman Chandler introduced Mr. Bob Siffert, Regional Manager with Florida Highway Products, Inc.

Mr. Carter said that Mr. Funderburk has had discussions with other counties regarding a process worth exploring called Chip Seal. The roads remaining on the county's paving list are candidates for this process at about 1/10 of the cost of traditional paving.

Mr. Bob Siffert approached the Commission and gave a brief Power Point presentation to explain the Chip Seal process. Chip Seal is the most cost effective process any agency can use to either maintain existing asphalt roads or dirt roads.

Discussion ensued.

Chairman Chandler said that this would be an opportunity to get some roads done that otherwise would not get done with the limited funds available.

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F/Y 08-09 PROPOSED BUDGET:

Clerk Norman said that at the direction of the Commission, departments were cut by 2%, with the exception of Emergency Medical Services (EMS) and the Volunteer Fire Department (VFD). The EMS budget was increased due to increase in the collection rate and increase in calls. The VFD budget was increased to allow for state required training. The ACORN Clinic allocation was increased by \$5,000.00 and Meridian Behavioral increased by about \$3,500.00.

Discussion resulted.

DIRECTIVES:

- Include a 3% cost of living raise while staying within the overall budget without raising the millage.
- Include revenue for the \$500,000.00 legislative allocation for a senior citizen center.

ADJOURN

There being no further business, the workshop adjourned at 5:43 p.m.

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

The Bradford County Board of County Commissioners convened in regular session on Thursday, July 17, 2008, at 6:30 p.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

Present were: Commissioner Thomas, Chairman Chandler, Commissioner Cooper, and Commissioner Lewis. (Commissioner Hersey was absent.)

Also present were: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Ray Norman, Clerk of Courts; Marlene Stafford, Deputy Clerk; Nora Thompson, Zoning Director; Angela Macey, Community Development Director; Nelson Green, Emergency Services Director; Brian Johns, Emergency Management Director; D.Z. Griffis, Facility Maintenance Director; Paul Funderburk, Road Superintendent; Tim Wilson, CED; Terry Brown, County Attorney; Robert Perone, Library Director; Winifred Holland, Health Department Director; Jim Farrell, Finance Director; and Ron Lilly, CEO Chamber of Commerce.

(See Supplement File No. 07-17-08 for a copy of documentation presented at this meeting.)

INVOCATION / PLEDGE OF ALLEGIANCE: Clerk Norman offered the Invocation and led the Pledge of Allegiance.

CALL TO ORDER

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

PUBLIC HEARINGS

ENACTMENT OF ORDINANCES – NORA THOMPSON:

--COMPREHENSIVE PLAN TEXT AMENDMENT APPLICATION NO. CPA 07-3 (BOCC):

Ms. Thompson read the title into the record:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, RELATING TO AN AMENDMENT TO THE TEXT OF BRADFORD COUNTY COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION, CPA 07-3, BY THE BOARD OF COUNTY COMMISSIONERS, AND IN RESPONSE TO AN OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT PREPARED BY THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DATED FEBRUARY 1, 2008, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR ADDING A PUBLIC SCHOOL FACILITIES ELEMENT TO THE COMPREHENSIVE PLAN, AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT OF THE COMPREHENSIVE PLAN TO ADD PUBLIC SCHOOL FACILITIES LEVEL OF SERVICE STANDARDS AND TO AMEND THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”

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

On Motion of Commissioner Thomas, Seconded by Commissioner Cooper, the Board voted 4-0 to adopt the Ordinance approving Comprehensive Plan Text Amendment Application No. CPA 07-3. ([The Ordinance was assigned No. 08-22.](#))

--REZONING APPLICATION NO. Z 08-2 (CITY OF KEYSTONE - KEYSTONE AIRPARK AUTHORITY):

Ms. Thompson requested a continuance to August 21, 2008, at 6:30 p.m.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board voted 4-0 to continue the public hearing as requested.

--LAND USE AMENDMENT APPLICATION NO. S080404A (NEW RIVER LAND DEVELOPMENT, INC.):

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, S080404A, 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 LAND USE CLASSIFICATION FROM RESIDENTIAL, LOW DENSITY (LESS THAN OR EQUAL TO 2 DWELLING UNITS PER ACRE) TO COMMERCIAL OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF BRADFORD COUNTY, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”

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Ms. Thompson advised that the staff recommendation from the Regional Planning Council states that the proposed amendment is consistent with the goals, objectives and policies of the Comprehensive Plan. Therefore, it is their recommendation that the application be approved.

Chairman Chandler opened the public hearing.

The following persons spoke in favor of the proposed amendment:

- David Depew, a Professional Planner, President of Morris Depew Associates, 408 West University, Suite PH, Gainesville, Florida. (Power-Point Presentation) ([Letter from Sheriff Bob Milner](#))
- Susan Faulkner-O'Neal, President of New River Land Development, Applicant, 1102 East Call Street, Starke
- Elise Nessmith, President of Sanise Investments and lot owner within the Deerwood Subdivision, 333 North Walnut Street, Starke
- Mark Chilcott, Manager of PlazaCorp Realty Advisors, Inc., Project Developer, 211 E. Water Street, Kalamazoo, Michigan
- Ron Lilly, representing the Development Authority
- Virgil Berry, representing the Development Authority
- Mike Plymill, 1498 Mallard Landing Boulevard, Jacksonville, Florida, property owner within the Deerwood Subdivision
- Darrell O'Neal, 1102 East Call Street, Starke

The following persons spoke in opposition to the proposed amendment:

- Micheal Grimes, Resident of Deerwood Subdivision, 13931 SE 48th Avenue
- Lamar Waters, Resident of Deerwood Subdivision, 13803 SE 48th Avenue
- Brad Hildreth, Resident of Deerwood Subdivision, 13832 SE 48th Avenue
- Lorie Jones, Resident of Deerwood Subdivision, 13948 SE 48th Avenue
- Gary Knowles, Resident of Deerwood Subdivision, 14011 SE 48th Avenue
- Marie Knowles, Resident of Deerwood Subdivision, 14011 SE 48th Avenue
- Jack Crawford, Resident of Deerwood Subdivision, 14010 SE 48th Avenue
- Henry Harrell, Resident of Deerwood Subdivision, 13251 SE 48th Avenue
- Mary Belford, 14491 US HWY 301S, resides next to Deerwood Subdivision
- Iva Harrell, Resident of Deerwood Subdivision, 13751 SE 48th Avenue
- Jenny Harper, 2213 SE 150th Street, Starke
- Holly Grimes, Resident of Deerwood Subdivision, 13931 SE 48th Avenue (Power-Point Presentation.)

Mr. Ken Ryan, 12166 NW CR225, rebutted a statement made concerning his resignation from the Zoning Board and expressed his support of the proposed amendment.

Ms. Thompson read a [letter](#) received just prior to the meeting submitted by Mark J. Crawford, a resident of Deerwood Subdivision, 14010 SE 48th Avenue, expressing opposition to the application.

Incited by a question posed by Commissioner Lewis, Mr. Depew explained the access route for the proposed project.

Commissioner Lewis said that Deerwood Subdivision is a platted subdivision. There is already a high traffic volume and numerous wrecks at the traffic light. The residents of this subdivision have placed their life investments in their homes. The proposed amendment does not provide for proper ingress

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and egress to the property and proposed structures thereon with particular reference to the automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe. The proposed amendment will adversely impact the living conditions of the neighborhood. The proposed amendment will substantially impact the traffic congestion or other public safety matters.

Commissioner Thomas said that he has listened to both sides. The proposed land use does not meet criteria due to ingress and egress. He would hate to know that this could happen in his neighborhood; that his life investment, quiet and comfortable home could be in jeopardy.

*Commissioner Lewis MOVED to deny Land Use Amendment Application No. S080404A.
Commissioner Thomas SECONDED the Motion.*

Commissioner Cooper said that he understands the concerns. However, the County has a Land Use Plan and this Commission is to determine whether regulations are being met. The County relies on the Planning Council to review each application in an in depth manner and make recommendations. He has listened carefully and has not heard any evidence to contradict the Planning Council's recommendation that the proposed land use amendment meets the County's conditions and requirements. He appreciates and shares the concerns that the residents do not want this development in their subdivision. There is a word used in land use: NIMBY, "not in my back yard". NIMBY is not an appropriate reason to approve or deny a land use amendment.

Chairman Chandler said that he is never in favor of bringing commercial into a residential area. This is a tough decision and if he lived in Deerwood, he would not want it. However, the issue is whether it qualifies under the County's Land Use Plan, and it does. Morally, his heart says to deny the application. Legally, to do so would break the County's land use law. He strongly supports the citizens and feels that the applicants and the developers for the project have gone about it in the wrong manner. There has been no evidence presented that the proposed amendment does not meet the land use requirements.

Ms. Patrice Boyce, counsel for the applicant said that the applicant is willing to meet with the residents and County staff prior to the rezoning portion to work diligently on a site plan of the development to help it mesh and make it positive for the subdivision.

Chairman Chandler called for the VOTE on the Motion "To deny Land Use Amendment Application No. S080404A": *The MOTION FAILED with a 2-2 vote, with Commissioner Cooper and Commissioner Chandler dissenting.*

Commissioner Cooper asked for guidance from Mr. Brown on how to proceed. Mr. Brown advised that the matter has been heard but no decision has been made. The public hearing can be continued. However, in order for that to be done and the 5th commissioner to be able to vote, all evidence will have to be heard again. The application has not been denied or approved. Therefore, the applicant could reapply.

Commissioner Cooper MOVED to continue the public hearing to the next Thursday evening meeting in hopes that there is a full Board present. Chairman Chandler turned the Chair over to Commissioner Thomas in order to SECOND the motion.

Prompted by inquiry of Commissioner Lewis, Mr. Brown said that if the motion would have been to approve the change in land use and the vote was 2-2, then the request by the applicant would have been denied. However, the motion was to deny the change in land use and that motion failed, because of a tie. The applicant does not get the change in the land use, but no one has actually said the applicant is not entitled to the change in the land use and the applicant can reapply at any time.

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Commissioner Thomas called for the VOTE on the Motion “To continue the public hearing to the next Thursday evening meeting”: *The MOTION FAILED with a 2-2 vote, with Commissioner Thomas and Commissioner Lewis dissenting.*

INTERLOCAL AGREEMENT – RE: PROCEDURES FOR COORDINATING LAND USE AND PUBLIC SCHOOL FACILITIES PLANNING – NORA THOMPSON:

Ms. Thompson presented the agreement for consideration.

On Motion of Commissioner Cooper, Seconded by Commissioner Lewis, the Board voted 4-0 to approve [the Interlocal Agreement](#) as presented.

RESOLUTIONS

Mr. Brown read the title into the record:

“A RESOLUTION APPOINTING MEMBERS TO THE CITIZENS ADVISORY TASK FORCE FOR COMMUNITY DEVELOPMENT.”

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board voted 4-0 to adopt the Resolution as presented. (The [Resolution was assigned No. 08-13.](#))

CONSENT AGENDA:

A. REAPPOINTMENT OF CODE ENFORCEMENT BOARD MEMBERS: PATRICIA SMITH AND MAX NORTON FOR 3-YEAR TERMS

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board voted 4-0 to approve the [Consent Agenda](#) in its entirety.

SET FISCAL YEAR 2008-2009 PROPOSED MILLAGE RATE:

On Motion of Commissioner Cooper, Seconded by Commissioner Lewis, the Board voted 4-0 to set the proposed millage rate a 9.1769 mills.

ADDENDUM TO FUNDING AGREEMENT WITH MERIDIAN BEHAVIORAL TO PROVIDE ADULT CRIMINAL DRUG COURT SERVICES:

Mr. Brown presented the addendum for consideration.

Commissioner Cooper said that the agreement allows the County to expend the start-up funds placed in this year’s budget for the Drug Court Program. Next budget year, the Program will have to survive on the funds generated through the criminal court system.

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On Motion of Commissioner Cooper, Seconded by Commissioner Lewis, the Board voted 4-0 to approve the [addendum](#) as presented.

PAYMENT OF BILLS:

On Motion of Commissioner Thomas, Seconded by Commissioner Lewis, the Board voted 4-0 to approve payment of the bills.

(A list of the bills is located in the Finance Department of the Office of the Clerk.)

PUBLIC COMMENTS:

Mr. Sam Loiacano, 2033 SE 144th Street, Starke – commented on the following:

--It has been one year since he filed a written complaint regarding a dangerous intersection at SE 17th Avenue and SE 150th Street, and code violations, and nothing has been done about. The problem has gotten worse since his original complaint. The County has at least one time used County equipment to cut the corner for access. The County probably has not charged the property owner to use County equipment on private property.

Chairman Chandler instructed Mr. Carter to address the situation and make sure it comes to a culmination.

COUNTY ATTORNEY REPORTS – TERRY BROWN: None.

COUNTY MANAGER REPORTS – BRAD CARTER:

Tim Wilson invited everyone to the Annual 4-H Auction on Friday, July 25 at 6:30 p.m. at the Armory.

CLERK REPORTS – RAY NORMAN: None.

COMMISSIONER'S COMMENTS:

Commissioner Lewis commented on the following:

--Requested Mr. Carter and Nelson Green to be available to attend the next Brooker meeting to discuss the interlocal agreement with Union county.

--Asked Mr. Funderburk to check on the cul-de-sac and ditches in Deerwood Subdivision.

Commissioner Cooper commented on the following:

--The Commission has before them two resolutions relating to the submission of grant applications for competitive grant program for the Senior Citizen Center. There is a July 31st deadline.

The titles of the two resolutions are as follows:

“A RESOLUTION AUTHORIZING THE FILING OF A FISCAL YEAR 2008-09 SENIOR CENTERS FIXED CAPITAL OUTLAY PROJECT STATE GRANTS AND AIDS PROGRAM GRANT WITH THE FLORIDA DEPARTMENT OF ELDER AFFAIRS FOR COMPETITIVE FUNDS.”

“A RESOLUTION AUTHORIZING THE FILING OF A FISCAL YEAR 2008-09 SENIOR CENTERS FIXED CAPITAL OUTLAY PROJECT STATE GRANTS AND AIDS PROGRAM GRANT WITH THE FLORIDA DEPARTMENT OF ELDER AFFAIRS FOR COMMUNITY BUDGET REQUEST FUNDS.”

On Motion of Commissioner Thomas, Seconded by Commissioner Lewis, the Board voted 4-0 to adopt the resolutions. (The resolutions were assigned nos. 08-14 and 08-15, respectfully.)

Commissioner Thomas commented on the following:

--In reviewing the bills he noticed the library is paying \$175.00 per month for lawn service. He would rather the County use inmate labor.

Mr. Carter said that the monthly lawn service ties into the initial landscaping project to keep the plants alive. The plants should be established by now so he will take a look into reverting to inmate labor.

CHAIRMAN COMMENTS – ROSS CHANDLER: None.

ADJOURN

There being no further business, the meeting adjourned at 8:36 p.m.

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

ROSS CHANDLER, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK OF COURTS