

**MINUTES OF THE
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING
THURSDAY, SEPTEMBER 18, 2008
6:30 P.M.**

The Bradford County Board of County Commissioners convened in regular session on Thursday, September 18, 2008, at 6:30 p.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

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

Also present were: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Ray Norman, Clerk of Courts; Jim Farrell, Finance Director; Marlene Stafford, Deputy Clerk; Nora Thompson, Zoning Director; Mark Crawford, Press; Winifred Holland, Health Department Director; Brian Johns, Emergency Management Director; Allen Parrish, Interim EMS Director; Paul Funderburk, Road Superintendent; Angela Macey, Community Development Director; and Robert Perone, Library Director.

(See Supplement File No. 09-18-08 for a copy of documentation presented at this meeting.)

INVOCATION / PLEDGE OF ALLEGIANCE

Mr. Paul Funderburk 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

FIRST READING OF ORDINANCES

--COMPREHENSIVE PLAN AMENDMENT APPLICATION NO. CPA 08-2 (BOCC) —NORA THOMPSON:

Ms. Thompson read the title into the record:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE BRADFORD COUNTY COMPREHENSIVE PLAN; RELATING TO AN AMENDMENT TO THE TEXT OF THE BRADFORD COUNTY COMPREHENSIVE PLAN, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PURSUANT TO AN APPLICATION CPA 08-2, PROVIDING FOR AMENDING THE FUTURE TRAFFIC CIRCULATION MAP 2016 OF THE COMPREHENSIVE PLAN ADDING U.S. HIGHWAY 301 STARKE BYPASS CORRIDOR, AS A FOUR-LANE PRINCIPAL ARTERIAL AND ADDING SE 144TH AVENUE FROM STATE ROAD 100 TO U.S. HIGHWAY 301 AS A MAJOR COLLECTOR; 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.

--LAND USE CLASSIFICATION AMENDMENT APPLICATION NO. R 080611A (TRINITY BAPTIST CHURCH) – NORA THOMPSON:

Ms. Thompson read the title into the record:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE BRADFORD COUNTY COMPREHENSIVE PLAN; RELATING TO CHANGING THE LAND USE CLASSIFICATION OF MORE THAN TEN ACRES OF LAND, PURSUANT TO AN APPLICATION, R 080611A, BY THE PROPERTY OWNER OF SAID ACREAGE, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, APPROVAL OF AN APPLICATION TO AMEND THE FUTURE LAND USE PLAN MAP OF THE BRADFORD COUNTY COMPREHENSIVE PLAN TO CHANGE THE 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.”

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

ADOPTION OF ORDINANCES

--LAND DEVELOPMENT REGULATION AMENDMENT APPLICATION NO. LDR 08-1 (BOCC) – NORA THOMPSON:

Ms. Thompson 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 08-1, BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR AMENDING SECTION 2.1 ENTITLED, DEFINITIONS, GENERAL, AMENDING THE DEFINITION OF LOT MEASUREMENT, WIDTH, CHANGING THE EASEMENT WIDTH REQUIREMENT FROM SIXTY (60) TO THIRTY (30) FEET, AND AMENDING SECTION 14.9.2, ENTITLED SPECIAL FAMILY LOT PERMITS CHANGING THE EASEMENT ACCESS WIDTH FROM SIXTY (60) TO THIRTY (30) FEET; 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 unanimously adopted the Ordinance approving Land Development Regulation Amendment Application No. LDR 08-1. (The [Ordinance was assigned No. 08-28.](#))

--COMPREHENSIVE PLAN TEXT AMENDMENT APPLICATION NO. CPA 08-1 (BOCC) – NORA THOMPSON:

Ms. Thompson read the title into the record:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE BRADFORD COUNTY COMPREHENSIVE PLAN; RELATING TO AN AMENDMENT TO THE TEXT OF THE BRADFORD COUNTY COMPREHENSIVE PLAN, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PURSUANT TO AN APPLICATION CPA 08-1, PROVIDING FOR AMENDING THE FIVE-YEAR SCHEDULE OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN TO ADD FLORIDA DEPARTMENT OF TRANSPORTATION FUNDED ROAD CONSTRUCTION PROJECTS; 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 Lewis, Seconded by Commissioner Hersey, the Board unanimously adopted the Ordinance approving Comprehensive Plan Text Amendment Application No. CPA 08-1. (The [Ordinance was assigned No. 08-29.](#))

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--REZONING APPLICATION NO. Z 08-5 (LAZENBY REAL ESTATE HOLDINGS, LLC) – NORA THOMPSON: Ms. Thompson 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 08-5, BY THE PROPERTY OWNER OF SAID ACREAGE; PROVIDING FOR REZONING FROM AGRICULTURAL (A-2) 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.”

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 unanimously adopted the Ordinance approving Rezoning Application No. Z 08-5. (The [Ordinance was assigned No. 08-30.](#))

--REZONING APPLICATION NO. Z 08-7 (TRAVIS ROGERS, FOR BARRETT MAINE CORPORATION) – NORA THOMPSON: Ms. Thompson 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 LESS THAN TEN CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z 08-7, BY THE PROPERTY OWNER OF SAID ACREAGE; PROVIDING FOR REZONING FROM RESIDENTIAL, (MIXED) 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.”

Chairman Chandler 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. 08-7. (The [Ordinance was assigned No. 08-31.](#))

--REZONING APPLICATION NO. Z 08-8 (JAMES & JOAN WATSON) – NORA THOMPSON:

Ms. Thompson 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 08-8, BY THE PROPERTY OWNERS OF SAID ACREAGE; PROVIDING FOR REZONING FROM AGRICULTURAL-2 (A-2) 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.”

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

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On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously adopted the Ordinance approving Rezoning Application No. Z 08-8. (The [Ordinance was assigned No. 08-32.](#))

--LAND USE AMENDMENT APPLICATION NO. S 080404A (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 080404A, 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 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.”

Chairman Chandler opened the public hearing.

The following individuals spoke in favor of the proposed land use amendment:

- Susan Faulkner-O’Neal, Applicant and President of New River Land Development ([Letters from supporters of the proposed amendment.](#))
- Darrell O’Neal, (Power-Point Presentation) (Presented into record: [Transcript of testimony of Dr. Depew](#) from last public hearing, [Economic Analysis prepared by C.E. Douglas](#), [letter from Sheriff Bob Milner](#))

The following individuals spoke in opposition to the proposed amendment:

--Iva Harrell, Resident of Deerwood Subdivision, 13751 SE 48th Avenue

--Micheal Grimes, Resident of Deerwood Subdivision, 13931 SE 48th Avenue ([Presented map](#))

--Holly Grimes, Resident of Deerwood Subdivision, 13931 SE 48th Avenue (Power-Point Presentation)

--Henry Harrell, Resident of Deerwood Subdivision, 13751 SE 48th Avenue

--Gary Knowles, Resident of Deerwood Subdivision, 14011 SE 48th Avenue

--Cheryl Spanswick, Resident of Deerwood Subdivision, 14044 SE 48th Avenue

--Mary Belford, Resident of Deerwood Subdivision, 14491 US HWY 301 South

([Letters presented to Board](#) in favor of the proposed land use amendment.)

Rebuttal by Jonathan Lucca, Counsel for New River Land Development.

Questions and discussion.

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Commissioner Lewis cited from the Planning Council's recommendation: "The legislative act of the Board has a rational relationship with a legitimate general public welfare concern, it would be considered to be reasonable and not be considered to be arbitrary." It is his responsibility to protect the citizens who reside in Deerwood Subdivision.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board voted 4-1 to deny Land Use Amendment Application No. S080404A, with Commissioner Cooper dissenting.

Chairman Chandler said that Commissioner Lewis referred to the word "arbitrary", but another word used by the Planning Council is "capricious". This means that any decision this Board makes should be based on the Comprehensive Plan, not on emotions or feelings. Although there are some issues that make this situation a little different, the same criteria in the Comprehensive Plan whereby the Board approved the other land use amendments is there for this amendment also. If the Board is going to use the criteria, it needs to be used as it is written. The Planning Council and the Zoning Board are to advise the Commission, but it is the Commission who ultimately makes the decision. Although the Board has made a decision, the applicants in this case have the right to come back to the Board.

CONSENT AGENDA

- A. FIFTH AMENDMENT TO THREE PARTY AGREEMENT FOR MEDICAL EXAMINER SERVICES**
- B. FISCAL YEAR 2009 AGREEMENT BETWEEN BRADFORD COUNTY AND NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL FOR LOCAL GOVERNMENT COMPREHENSIVE PLANNING SERVICES**
- C. FISCAL YEAR 2009 AGREEMENT BETWEEN BRADFORD COUNTY AND NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL FOR ANNUAL MONITORING OF HAZARDOUS WASTE GENERATORS**
- D. PROPOSED FIVE-YEAR TRANSPORTATION PRIORITY LIST FOR 2009 – 2014 TO REQUEST FUNDS FROM D.O.T. FOR ROAD RESURFACING**
- E. EMERGENCY PURCHASE OF TWO (2) MOWING TRACTORS FOR ROAD DEPARTMENT**

Mr. Carter advised that after the agenda was published, he received a call from D.O.T. and they suggested that the 301 bypass be added to the County's priority list, item "D" on the consent agenda. Approval of the Consent Agenda will include the 301 bypass as an addition to the priority list.

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

SUWANNEE RIVER WATER MANAGEMENT PRESENTATION – DAVID STILL:

Chairman Chandler said that Mr. Still could not be here. However, he did send a \$6,088.18 refund check to the Board.

Commissioner Cooper said that these monies come from payment in lieu of taxes that counties have fought for in years past. Bradford County should receive this money every year from here on out.

ANNUAL HEALTH DEPARTMENT CONTRACT FOR 2008-2009 – WINIFRED HOLLAND:

Ms. Holland presented the contract for approval. This is the annual contract between the State Department of Health and the Bradford County Commission to provide health care services. There have been some changes in light of reductions to state general revenue for child health and chronic disease. The Medicaid cost base reimbursement has been increased considerably. So they should be able to provide the same level of service, if not an increased level of service. There have been other reductions in general revenue and they anticipate additional reductions in January.

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

RECOMMENDATION FOR BID AWARD FOR LIMEROCK AND HAULING – BRAD CARTER:

Mr. Carter advised that two bids were submitted and Pritchett Trucking was the low bidder.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously awarded the bid to Pritchett Trucking.

PAYMENT OF BILLS – COMMISSIONER HERSEY:

On Motion of Commissioner Hersey, Seconded by Commissioner Thomas, the Board unanimously approved payment of the bills. (A list of the bills is on file in the Finance Department of the Office of the Clerk.)

PUBLIC COMMENTS: None.

COUNTY ATTORNEY REPORTS – TERRY BROWN:

Mr. Brown advised that he has been asked to start collection activities with regard to various fines imposed by Code Enforcement where payments have not been made. With Board approval, he will begin the collection process.

On Motion of Commissioner Lewis, Seconded by Commissioner Hersey, the Board unanimously authorized the County Attorney to proceed with the collection process for Code Enforcement.

COUNTY MANAGER REPORTS – BRAD CARTER

A. APPOINTMENT OF WELLFLORIDA INTERIM REPRESENTATIVE

Mr. Carter recommended Mr. Allen Parrish as the interim representative on the WellFlorida, Inc. Board. He is being recommended on an interim basis because there is an advertising and interview process that must be followed.

On Motion of Commissioner Cooper, Seconded by Commissioner Lewis, the Board unanimously appointed Allen Parrish as the County's interim representative on the WellFlorida Board.

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B. APPOINTMENT OF 9-1-1- COORDINATOR

Mr. Carter recommended appointment of Brian Johns as the County's 9-1-1 Coordinator.

On Motion of Commissioner Cooper, Seconded by Commissioner Lewis, the Board unanimously appointed Brian Johns as the County's 9-1-1 Coordinator.

Mr. Carter asked Mr. Johns to address the Commission.

--Mr. Johns advised that he hopes to have **five grants** (9-1-1-) ready for signature by the first of this week; the application deadline is October 1, thus the urgency. These are 100% grants with no matching funds required.

On Motion of Commissioner Cooper, Seconded by Commissioner Hersey, the Board unanimously authorized Mr. Johns to apply for and the Chairman to sign any 9-1-1 grant applications.

--Mr. Johns advised that the EMPG, Department of Homeland Security grant has been awarded to the tune of \$26,639.00. The Commission needs to formally accept the grant.

*On Motion of Commissioner Thomas, Seconded by Commissioner Cooper, the Board unanimously accepted **the grant** as presented.*

--Mr. Johns presented a Planned Maintenance Agreement with Power South to provide maintenance on the new generator at the rear of the courthouse. The agreement is \$1,069.52 annually. Mr. Johns recommended approval of the contract.

*On Motion of Commissioner Cooper, Seconded by Commissioner Thomas, the Board unanimously approved the Planned **Maintenance Agreement** with Power South as presented.*

CLERK REPORTS – RAY NORMAN: None.

COMMISSIONER'S COMMENTS:

Commissioner Hersey commented on the following:

--Ms. Janet Atkins has expressed a desire to have office space in the courthouse facility.

Following brief discussion, Commissioner Hersey said that he would get additional information and report back to the Board.

Commissioner Lewis commented on the following:

--Expressed his appreciation to everyone who was involved in getting Wynn Cemetery Road in shape after the storm. Before it was repaired, emergency response vehicles were unable to travel on the road.

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Commissioner Cooper commented on the following:

--Asked Mr. Brown if the earlier action of the Board to undertake collection activity concerning code enforcement issues includes a lawsuit to foreclosure a lien.

Mr. Brown indicated in the positive.

Commissioner Hersey commented on the following:

--Expressed appreciation to Commissioner Thomas for his research in locating the tractors for the Road Department.

CHAIRMAN COMMENTS – ROSS CHANDLER:

--Echoed Commissioner Hersey's sentiments regarding the tractors.

--Asked Mr. Brown if it is possible to impose fines for littering on county roads?

Mr. Brown said that he would research further and advise the Commission.

--He has received calls from people who reside on private roads asking if their road was one to be repaired as authorized by FEMA. If no list exists, it would be a good idea to develop one.

Mr. Carter advised that there were three roads designated by himself and Mr. Johns as being damaged by the storm to such an extent that it would impede access by emergency response vehicles. Those roads have been repaired. The indication from FEMA, the State Emergency Management representatives, as well as the County's consultants, is that the County will probably be reimbursed for the expenses incurred for repairing those roads.

ADJOURN

There being no further business, the meeting adjourned at 8:24 p.m.

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

ROSS CHANDLER, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK OF COURTS