

**MINUTES OF THE
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING
THURSDAY, APRIL 16, 2009
6:00 P.M.**

The Bradford County Board of County Commissioners convened in regular session on Thursday, April 16, 2009, at 6:00 p.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

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

Also present were: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Terry Brown, County Attorney; Marlene Stafford, Deputy Clerk; Jim Farrell, Finance Director; Nora Thompson, Zoning Director; Brian Johns, Emergency Management Director; Robert Perone, Library Director; Paul Funderburk, Road Superintendent; Mark Crawford, Press; Angela Macey, Community Development Director; Winifred Holland, Health Department Director; Jerome Kelley, County Engineer and Sheriff Smith.

(See Supplement File No. 04-16-09 for a copy of documentation presented at this meeting.)

(This meeting was moved up to 6:00 p.m. to allow the Commission to attend the Florida League of Cities meeting being hosted by the City of Starke. In order to meet advertisement requirements, the Commission deviated from the agenda schedule.)

CALL TO ORDER

Chairman Thomas called the meeting to order at 6:00 p.m.

INVOCATION / PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

- A. S.H.I.P. LOAN INCREASE \$50.39 (TOTAL \$19,050.39)**
- B. S.H.I.P. BIDS FOR REHAB PROJECT**
- C. S.H.I.P. PURCHASE ASSISTANCE LOAN (NOT TO EXCEED \$30,000)**
- D. SITE PLAN APPROVAL – MOSLEY MINI-WAREHOUSES**
- E. SITE PLAN APPROVAL – KNUCKLE DRAGGERS**

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

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PAYMENT OF BILLS – COMMISSIONER LEWIS:

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

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

Chairman Thomas yielded the floor to the County Engineer for a recommendation on bids for SE 8th Avenue.

Mr. Kelley advised that [seven bids were received](#). The low bidder was Ellington Construction at \$385,164.20. He recommends the award of the construction contract to Ellington Construction.

On Motion of Commissioner Lewis, Seconded by Commissioner Hersey, the Board unanimously awarded the bid to Ellington Construction.

Mr. Kelley said that a pre-construction conference would be held as soon as there is a signed contract and a bond. (Ellington Construction advised that they should have a bond within the next three weeks.) FDOT awarded \$580,000.00 for the construction of this road. (The actual figure awarded by FDOT is \$636,938.00.) Since the bid came in lower than the available funding, the Commission has three options: 1) building out the shoulders, 2) increasing the width of the new pavement from 23' to 24', and 3) placement of one inch of asphalt on the south end of the road and grassing the shoulders. If the decision is made to widen the road, the cost needs to be determined before the project begins. They should be able to pull the total package together in a week or two. The shoulder work is top priority.

Discussion ensued.

PUBLIC COMMENTS: None.

Commissioner Chandler reported that he and Commissioner Lewis attended a Workforce Board meeting. Some information shared at the meeting related to stimulus money for weatherization. There is a good possibility that the County can procure some funds. However, there are some items the County needs to get done, which Mr. Carter is working on.

COUNTY ATTORNEY REPORTS – TERRY BROWN:

A. REVISED POLICY ON EMPLOYEE PERSONAL LEAVE

Mr. Brown said that the proposed "[Employee Leave Transfer Policy](#)" before the Commission mirrors that of the Department of Corrections. Mr. Brown recommended approval of the policy.

On Motion of Commissioner Hersey, Seconded by Commissioner Sellars, the Board unanimously approved the Employee Leave Transfer Policy.

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COUNTY MANAGER REPORTS – BRAD CARTER:

--Negotiations with Ms. Vogel have broken down regarding a remedy to her altering the natural drainage on 3rd Street in the Keystone Club Estates. If there are no objections, Mr. Brown will prepare to initiate legal action.

Following some discussion, there was Board consensus to authorize Mr. Brown to proceed.

CLERK REPORTS – RAY NORMAN: None.

COMMISSIONER’S COMMENTS:

Commissioner Lewis commented on the following:

--Mr. Marvin Pritchett has advised that he would not charge the contract price on 161st and can save up to \$50.00 per load by getting it dumped on the road site. It is estimated to take about 300 loads, which is a \$15,000.00 savings to the County.

Mr. Funderburk said that he would work with Mr. Pritchett.

Commissioner Hersey commented on the following:

--Inquired about the [proposed LDR amendments](#) concerning borrow pits provided by Ms. Thompson.

Ms. Thompson advised that she made the changes the Board recommended. She needs the Board's blessings to proceed with the advertising process.

There was Board consensus for Ms. Thompson to proceed.

Capt. Boatwright reported that the County is eligible for \$32,129.00 in stimulus monies through a Justice Assistance Grant, with no match requirement. The monies will be used for technology and equipment. He requested approval to apply for the grant.

There was Board consensus to proceed.

CHAIRMAN COMMENTS – DOYLE THOMAS:

--Expressed his appreciation to the Volunteer Fire personnel for their assistance to the Road Department for the recent severe storm.

6:30 p.m.

PUBLIC HEARINGS

ENACTMENT OF ORDINANCES

--COMPREHENSIVE PLAN AMENDMENT APPLICATION 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 Thomas opened the public hearing. There being no response, the public hearing was closed.

On Motion of Commissioner Chandler, Seconded by Commissioner Sellars, the Board unanimously adopted an ordinance approving Comprehensive Plan Amendment Application No. CPA 08-2. ([The Ordinance was assigned No. 09-05.](#))

--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.”

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Chairman Thomas opened the public hearing.

Rev. Scott Stanland, Associate Pastor at Trinity Baptist Church, requested the Board's continued approval process as they get the property more in line with the projected uses and the historical use.

On Motion of Commissioner Hersey, Seconded by Commissioner Lewis, the Board unanimously adopted the ordinance approving Land Use Amendment Application No. R080611A. (The [Ordinance was assigned No. 09-06.](#))

BORROW PIT/EXCAVATION APPLICATIONS:

--Su-09-1 RAYONIER – DREAM FINDERS CONSTRUCTION, INC. (OFF N.E. 247TH STREET)

Mr. Carter presented the application.

Commissioner Lewis asked if the two applications would fall under the new code regulations.

Mr. Carter indicated in the negative. At the last Commission meeting, it was specified that these two pending applications would fall under the existing code.

Incited by a request for clarification posed by Ms. Thompson, Mr. Carter explained that the direction the Commission gave at the last meeting was to utilize the LDR regulations that were being relied upon previous to the discovery of the ordinance, which the County is now in the process of rescinding.

Mr. Brown said that it was his understanding that it was the desire of the Commission to be consistent in treatment of all applicants. The process was that applicants were to comply with the requirements of the LDR as opposed to the old ordinance (that no one realized had not been repealed) but is now in the process of being repealed. The new polices have not yet been adopted and will not have retroactive application to these two pending permits. Basically, the two applicants will have to comply with the existing LDR and only that.

Discussion ensued.

Mr. Brown advised that at this point in time the LDR contains a provision that gives the Commission flexibility to impose additional reasonable requirements above and beyond those enumerated in the LDR. When the new regulations are adopted, it will be dependent upon whether or not the Commission includes an additional paragraph that gives the flexibility to impose additional requirements.

There was Board consensus for Ms. Thompson to include a paragraph giving the Commission the flexibility to impose additional reasonable requirements.

There was additional discussion.

On Motion of Commissioner Lewis, Seconded by Commissioner Chandler, the Board unanimously approved [Application No. Su-09-1](#), provided the Applicant meets all requirements set forth in the LDR with the following additional requirement: "Excavation may not take place within 50' of the property line, an all natural vegetation buffer shall be retained and shall remain undisturbed in its natural state within 50' of the buffer zone."

Mr. Carter advised that he believes the application does exceed the buffer requirement.

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--Su-09-2 RAYONIER – (OFF SR 100)

Ms. Thompson presented the application. She advised that the permit application was submitted to SRWMD. However, the permit has not yet been approved. SRWMD has advised that they would not have any problem should the Board see fit to approve the application contingent on receiving the permit.

Chairman Thomas expressed concern with the proposed site being located on a two-lane highway with excessive traffic. Commissioner Lewis concurred and added that it is directly across from Lakewood Subdivision.

Commissioner Hersey said that he does not believe the Board should move forward without the permit approval from SRWMD.

Commissioner Hersey MOVED to continue the application to the May 21st meeting.

Ms. Dot Simmons, a resident of Lakewood Subdivision, spoke in opposition to the application.

Commissioner Chandler said that while he understands the concern, the Commission cannot arbitrarily deny an application if the application qualifies with land use regulations and rules. The Commission must govern by the rules, regulations and laws that have been established and set in place. With that said, he too would not want to approve the application without the permit from SRWMD.

Mr. Brown advised that as a point of order, the Applicant has not requested a continuance of the issue. If the Board feels the application should be denied, the fact that they do not have a permit from SRWMD would be additional basis or grounds for denying the application.

Commissioner Hersey rescinded his MOTION.

On Motion of Commissioner Hersey, Seconded by Commissioner Lewis, the Board unanimously denied [Application No. Su-09-2](#) based on the lack of a permit from SRWMD.

ADJOURN

There being no further business, the meeting adjourned at 6:54 p.m.

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

DOYLE THOMAS, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK OF COURTS

Minutes prepared by Marlene Stafford, Deputy Clerk