

**MINUTES OF THE
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
THURSDAY, SEPTEMBER 17, 2009**

--FIRST PUBLIC HEARING TO SET F/Y 2009-2010 TENTATIVE MILLAGE AND ADOPT TENTATIVE BUDGET	5:30 P.M.
--EAR (Evaluation & Appraisal Report) WORKSHOP	5:45 P.M.
--REGULAR SCHEDULED MEETING	6:30 P.M.

The Bradford County Board of County Commissioners convened to conduct the first public hearing to adopt the fiscal year 2009-2010 tentative millage and budget on Thursday, September 17, 2009, at 5:30 p.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

Present were: Commissioner Hersey, Commissioner Lewis, Chairman Thomas, and Commissioner Sellars. (Commissioner Chandler was unable to attend.)

Also present were: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Ray Norman, Clerk of Courts; Jim Farrell, Finance Director; Marlene Stafford, Deputy Clerk; Lisa Hall, Deputy Clerk; Tim Wilson, CED; and Mark Crawford, Press.

**FIRST PUBLIC HEARING TO ADOPT
FISCAL-YEAR 2009-2010 TENTATIVE MILLAGE AND BUDGET**

CALL TO ORDER:

Chairman Thomas called the Public Hearing to order at 5:30 p.m.

ADOPTION OF TENTATIVE MILLAGE RATE:

Chairman Thomas gave the breakdown of the tentative millage rate of 9.1769 mills as follows:

GENERAL FUND	6.9065 mills
FINES & FORFEITURE FUND	2.0000 mills
EMERGENCY MEDICAL SERVICES FUND	0.1647 mills
HEALTH DEPARTMENT TAXES	<u>0.1057 mills</u>
 TOTAL	 <u>9.1769 mills</u>

This is expected to generate approximately \$7,860,349.00

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PUBLIC COMMENTS:

Mr. Robert Sapp of Crosby Lake commented on the following:

--He understands from the School Board meeting that the millage rate was increased because appraised values increased. If this is the case, he would like an explanation of how and when the Property Appraiser evaluates property values and how the values went up.

Chairman Thomas said that the County's millage rate did not increase from last year. The Property Appraiser, whose assessments are regulated by the Department of Revenue, assesses property values.

Commissioner Lewis advised Mr. Sapp to contact the Property Appraiser's Office.

COMMISSIONER'S COMMENTS: None.

On Motion of Commissioner Hersey, Seconded by Commissioner Lewis, the Board voted 4-0 to adopt a Tentative Millage Rate of 9.1769 mills for Fiscal-Year 2009-2010.

ADOPTION OF TENTATIVE BUDGET:

Chairman Thomas advised that the total operating tentative budget, including interfund transfers and bond reserves is: \$34,247,185.

PUBLIC COMMENTS: None.

COMMISSIONER'S COMMENTS:

Commissioner Lewis said that the County would need to watch spending and keep things tight in order to make it.

Chairman Thomas said that there are no employee raises in the tentative budget. However, in the event that the County receives more revenues than anticipated, he would like to revisit the raise issue.

Commissioner Lewis added that he would like a quarterly review of the County's finances to keep an eye on the possibility of raises.

On Motion of Commissioner Sellars, Seconded by Commissioner Lewis, the Board voted 4-0 to adopt a Tentative Budget of \$34,247,185.00 for Fiscal-Year 2009-1010.

Chairman Thomas announced the date for the public hearing to adopt the final millage rate and budget is Monday, September 28, 2009 at 5:30 p.m.

ADJOURN:

There being no further business, the public hearing adjourned at 5:38 p.m.

**EVALUATION AND APPRAISAL REPORT (EAR) WORKSHOP
5:45 p.m.**

The Bradford County Board of County Commissioners convened in a workshop session on Thursday, September 17, 2009, at 5:45 p.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

Present were: Commissioner Hersey, Commissioner Lewis, Chairman Thomas, and Commissioner Sellars. (Commissioner Chandler was unable to attend.)

Also present were: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Ray Norman, Clerk of Courts; Jim Farrell, Finance Director; Lisa Hall, Deputy Clerk; Terry Brown, County Attorney; Tim Wilson, CED; Mark Crawford, Press; Capt. Boatwright; Linda Carpenter, Veteran Service Officer; Nora Thompson, Zoning Director; Paul Still, Soil and Water Conservation; Sheriff Smith; Pam Whittle, North Florida Chamber of Commerce.

(See Supplement File No. 09-17-09 for a copy of documentation presented at this workshop.)

CALL TO ORDER

Chairman Thomas called the workshop to order at 5:48 p.m.

DISCUSSION (Evaluation and Appraisal of the Comprehensive Plan):

Ms. Gail Easley, Adjunct Lecturer at the University of Florida approached the Commission. She said that she and her students are preparing the report for the County this year. Ms. Easley acknowledged the presence of some of her students who have come to the workshop to observe. The students will be making future presentations as they conclude their research.

Ms. Easley gave a brief overview of the E.A.R. process required by state law. She distributed a [handout](#) identifying a list of preliminary issues provided to her by County staff. The purpose of this workshop is to get further discussion on these issues and get the Board's concurrence that these issues are appropriate for use in the evaluation and if there are additional issues to add to the list. They will be adding a few issues as they are brought to their attention during the evaluation.

The following items contained on the list were discussed openly:

1. US 301
 - a. Concurrency
 - b. New by-pass
2. Lack of multifamily residential (medium and high density)
 - a. None, due to the lack of central water and sewer
 - b. Only single-family residential development in County
3. Not enough commercial and industrial land use
4. Need to expand urban development areas, especially around Keystone Heights

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- 5. Camp Blanding Buffer Zone (Not on the list but discussed and should be considered when preparing report.)
- 6. Drainage and flooding
- 7. Stormwater retention and recharge and water conservation (Not on the list but discussed and should be considered when preparing report.)
- 8. Minor subdivisions/private roads
- 9. Need a county-wide plan and regulations (including municipalities)
- 10. Maintaining high value agricultural land and review development of (Not on the list but discussed and should be considered when preparing report.)

Ms. Easley said that the result of their work is a report that is a set of recommendations that is meant to guide amendment to the plan. The report itself is not an amendment to the plan; it is merely the predecessor to an amendment. The report will be presented to the County in early December and can be adopted in January with one public hearing. The Department of Community Affairs will then review the report. When DCA completes their review and advise that the report is sufficient, the County will have 18 months to complete amendments to the comprehensive plan.

She will be preparing a letter for the Chairman’s signature to the Department of Community Affairs outlining the issues that will be guiding their review.

ADJOURN WORKSHOP

There being no further business, the workshop adjourned at 6:23 p.m.

REGULAR SCHEDULED MEETING

The Bradford County Board of County Commissioners convened in regular session on Thursday, September 17, 2009, at 6:30 p.m. in the County Commission Meeting Room, 945 North Temple Avenue, Starke, Florida.

Present were: Commissioner Hersey, Commissioner Lewis, Chairman Thomas, and Commissioner Sellars. (Commissioner Chandler was unable to attend.)

Also present were: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Terry Brown, County Attorney; Lisa Hall, Deputy Clerk; Brian Johns, Emergency Management Director; Winifred Holland, Health Department Director; Nora Thompson, Zoning Director; Sheriff Smith, Capt. Boatwright; Linda Carpenter; Veteran Services Officer; Pam Whittle, North Florida Chamber of Commerce; Mark Crawford, Press; Donna Wise, Court Reporter; Paul Still, Soil and Water Conservation.

(See Supplement File No. 09-17-09 for a copy of documentation presented at this meeting.)

CALL TO ORDER

Chairman Thomas called the meeting to order at 6:33 p.m.

INVOCATION / PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING

**ENACTMENT
OF
ORDINANCE**

--REZONING APPLICATION NO. Z 09-3 (Trinity Baptist Church)—NORA THOMPSON:

Ms. Thompson read the title of the ordinance into the record.

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

On Motion of Commissioner Lewis, Seconded by Commissioner Sellars, the Board voted 4-0 to adopt the Ordinance as presented. (The [Ordinance was assigned No.09-15.](#))

SPECIAL USE APPLICATION FOR ESSENTIAL SERVICE (SU-09-4 FPL/LEWIS)—NORA THOMPSON:

Commissioner Lewis made a disclosure of conflict relating to this matter and recused himself from participation in any discussion or decision. ([Form 8B-Memorandum of Voting Conflict](#))

Ms. Thompson presented Special Use Application No. SU-09-04 for Essential Service, which is a natural gas compressor station. The property is located on CR235.

There was no response to Chairman Thomas' call for public comment.

On Motion of Commissioner Hersey, Seconded by Commissioner Sellars, the Board voted 3-0 to approve [Special Use Application No. SU-09-4.](#)

APPEAL FROM BOARD OF ADJUSTMENTS DECISION ON SPECIAL EXCEPTION FOR SOLID WASTE FACILITY—TERRY BROWN: (A court reporter was present.)

Mr. Brown advised that he and Ms. Boyes, Counsel for the Applicant, had an earlier discussion, which needs to be put on the record. He was given opportunity to review files just this afternoon and has expressed to Ms. Boyes that he has some procedural concerns. He does not believe the Commission can go forward with the appeal and vote on the merits of the appeal. The reason being, the Commission is being asked to make a decision as to whether or not the Board of Adjustment made a correct decision when the application was denied. Normally, this would be fine. However, in reviewing

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what has been filed with the appeal, the Applicant has revised their plan and their proposal to address a lot of the concerns that were expressed at the Board of Adjustment hearing. In particular, the Applicant addresses one of the grounds on which the Board of Adjustment denied the application, that being the impact on drainage.

While this is very commendable on the part of the Applicant, the Commission will be placed in the position to determine whether the Board of Adjustment made the right decision, but the evidence being presented will be different than that which the Board of Adjustment heard, and the proposal the Commission is to review to assist in making that determination is different than what was presented to the Board of Adjustment.

It is therefore his position that this appeal is not properly before the Commission. It should go back to the Board of Adjustment to hear the new proposal and to make a decision on those merits. Ms. Floyd does not agree with his position. He advised her that although she may proceed with the appeal and present evidence, if asked a procedural question, his response will be that it is his opinion that there is a technical/procedural problem.

Ms. Patrice Boyes, Counsel for the Applicant, addressed the Commission. It is her opinion that this proceeding is an appeal in a de novo setting. Meaning, the Commission takes the matter from the Board of Adjustment, but can consider additional evidence that supplements the issues that were heard before. It does not mean that you can reopen all the factors that the Applicant satisfied the first time. What they have done is present material that is not required under the County Code, but was provided to give additional assurance that they do comply.

Ms. Boyes said that she would prefer to have the procedural question decided first rather than take up the Commission's time with the merits of the matter. However, she urged the Commission to let them proceed and move forward to a vote. There are valuable property rights at stake on both sides of the fence.

Mr. Brown said that Ms. Boyes is correct, in a de novo appeal new material and evidence can be presented. However, it is his opinion that what would be presented is really a new proposal in that it has been revised to address drainage issues, ingress/egress issues, and height issues, which is his concern.

Mr. Brown and Ms. Boyes both presented additional arguments to substantiate their respective positions.

There was some discussion regarding a remand versus a denial and how each would affect the application process and fees. Mr. Brown advised that a remand back to the Board of Adjustment would be appropriate. Ms. Boyes concurred and said that a remand is the answer without prejudice to either party and considering the circumstances, sparing the Applicant an additional application fee would be fair.

Mr. Brown said that the Applicant is requesting a remand. If the Commission grants a remand, the application would be remanded back to the Board of Adjustment to take in new evidence and to consider the revisions to the plan and make another decision on the merits. If there is a remand, then there is no requirement for any additional fee.

There was brief discussion concerning advertising costs.

On Motion of Commissioner Lewis, Seconded by Commissioner Hersey, the Board voted 4-0 to grant the Applicant's request for remand back to the Board of Adjustment, with the Applicant paying the cost of advertising.

For the benefit of the public, Mr. Brown advised that the Board of Adjustment decision is final unless one of the parties files an appeal. If appealed, it does not become final until the appeal is decided by the County Commission.

RESOLUTIONS

--IN SUPPORT OF FLORIDA POWER & LIGHT CO. BUILDING AN UNDERGROUND NATURAL GAS PIPELINE—BRAD CARTER:

Commissioner Lewis made a disclosure of conflict relating to this matter and recused himself from participation in any discussion or decision. ([Form 8B-Memorandum of Voting Conflict](#))

Mr. Carter read the title into the record.

On Motion of Commissioner Hersey, Seconded by Commissioners Sellars, the Board voted 3-0 to adopt the Resolution. (The [Resolution was assigned No. 09-16.](#))

CONSENT AGENDA

- A. MINUTES OF REGULAR SCHEDULED MEETING OF AUGUST 3, 2009**
- B. RENEW MOTOROLA SERVICE AGREEMENT FOR RADIO CONSOLES IN CDC FOR SAME AMOUNT AS PRIOR YEAR--\$15,289.44**
- C. IGC F PURCHASES--\$7,371.62 (IGCF Approved 07-28-09)**
- D. RENEW INTERLOCAL WITH UNION COUNTY FOR EMS DIRECTOR**
- E. TDC ADVERTISING GRANT TO R.J.E. HIGH SCHOOL ALUMNI ASSOC., INC. \$1,000.00 (TDC Approved 08-18-09)**
- F. RENEW AGREEMENT WITH PRITCHETT TRUCKING, INC. FOR HAULING LIMEROCK AT SAME AMOUNT AS PRIOR YEAR--\$11.95/TON**
- G. EMS WRITEOFFS (\$355,723.69)**

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

HEALTH DEPARTMENT ANNUAL CONTRACT—WINIFRED HOLLAND:

On Motion of Commissioner Lewis, Seconded by Commissioner Sellars, the Board voted 4-0 to approve the [Health Department Annual Contract](#).

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**BRADFORD SOIL AND WATER CONSERVATION DISTRICT [ANNUAL REPORT](#) FOR 2007-2008—
PAM WHITTLE:**

Ms. Whittle gave a brief overview of accomplishments and activities of the District for 2007-2008.

PERMISSION TO PURSUE 9-1-1 RURAL COUNTY GRANT FUNDING—BRIAN JOHNS:

Mr. Johns requested permission to pursue five, no match 9-1-1 grants for 2009-2010. The funds would be used for lightning protection for the communication tower behind the Safety Complex and for maintenance of existing 9-1-1 equipment.

On Motion of Commissioner Lewis, Seconded by Commissioner Hersey, the Board voted 4-0 to approve the grant applications as requested.

APPROVE EMPA BASE GRANT FOR EMERGENCY MANAGEMENT—BRIAN JOHNS:

Mr. Johns requested acceptance of the 2009-2020 EMPA Base Grant Agreement for \$102,455.00 (state portion) and \$30,166.00 (federal portion).

On Motion of Commissioner Lewis, Seconded by Commissioner Sellars, the Board voted 4-0 to accept the grant agreement as presented. (The grant agreement is on file in the Office of Emergency Management.)

At the request of Chairman Thomas, Mr. Johns gave an update on the Sampson City Volunteer Fire Department building project.

GOLF CART COMMUNITY—KEYSTONE COUNTRY CLUB—COMM. HERSEY & SHERIFF SMITH:

Sheriff Smith said that there are two options for the designation of a golf cart community, by ordinance (which can be more restrictive than state statute) or by designation, which would be governed by state statute. Sheriff Smith highlighted the statute requirements. Should the Commission make the designation, the Road Department can place the signs at the two main entrances and the area can be monitored and evaluated. Should there become a need to make the designation more restrictive, the County Attorney can draft an ordinance for regulation purposes.

Sheriff Smith presented a map delineating the area that would be included in the designation.

There was brief discussion.

On Motion of Commissioner Hersey, Seconded by Commissioner Lewis, the Board voted 4-0 to designate the Keystone Country Club a "Golf Cart Community".

PAYMENT OF BILLS—COMMISSIONER LEWIS:

On Motion of Commissioner Lewis, Seconded by Commissioner Sellars, the Board voted 4-0 to approve payment of the bills as reviewed. (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 reported the following:

--Gave an update on SE 144th (Mullins Grade) right-of-way issue. The County has been able to acquire the necessary right-of-ways on all but three of the properties. There are some problems on these three parcels. On one parcel the situation is that the owner simply wants more money than what it is worth. On the second parcel the owner is in federal prison and the federal and state government have filed liens against the property. He is in negotiations with the US Attorney's Office the release of those liens to acquire the property. The problem with the third parcel is that it is currently in foreclosure. There is a tentative settlement and purchase price worked out with the owner of the property, but we need bank approval and he has been experiencing difficulty getting the attorney for the bank to return phone calls.

Regarding the parcel where the owner wants more money than what the property is worth, the County has met statutory notice requirements to the property owner of the County's intent to file suit to begin condemnation action. This will most likely be the action to take on the other two parcels as well.

Mr. Brown asked the Commission for authorization to send appropriate letters to DOT and to Suwannee River Water Management to get the necessary permits to begin construction. The County will have to work around these three properties until the right-of-ways are acquired.

On Motion of Commissioner Lewis, Seconded by Commissioner Sellars, the Board voted 4-0 to authorize the appropriate letters to DOT and to Suwannee River Water Management as requested.

Mr. Brown explained the suit process. Once proper notice is given to everyone, a lawsuit can be filed. The appropriate amount of monies for the purchase of the property is deposited into the registry of the court. Although the lawsuit may not be settled for a year or year and a half, but permission will be granted by the Court to take the property to proceed with construction.

Commissioner Lewis asked if there is a possibility of any problems in gaining possession of any of the three parcels. Mr. Brown said that circumstances could create a short delay, but nothing significant.

There was discussion regarding the location of these parcels impacting the onset of construction.

COUNTY MANAGER REPORTS—BRAD CARTER:

A. APPROVE RFQ PERFORMANCE CONTRACT FOR GUARANTEED ENERGY COST SAVINGS:

Mr. Carter said that although the committee was highly impressed by each [RFQ submitted](#), it is the recommendation that Trane be authorized to submit a contract to the Commission.

On Motion of Commissioner Hersey, Seconded by Commissioner Sellars, the Board voted 4-0 to uphold the recommendation of the committee and award a contract to Trane.

B. REGIONAL CONFLICT COUNSEL OFFICE SPACE STATUS

Mr. Carter advised that the court decision mandating counties to provide office space to Regional Conflict Counsel has been overturned. That decision has now been appealed by the State Attorney General, which has the effect of a stay, which means that counties are to maintain a status quo until the appeal is resolved. Therefore, lease negotiations with Conflict Counsel will cease and we will continue the current arrangement.

C. OFFICIAL NAMING OF HAZEN ROAD (SE 144th Street)

Mr. Carter advised that the naming of the road as Hazen Road will not impact 9-1-1, mapping or addressing. It would simply be added to the existing SE 144th Street sign. Based on family ancestry and historical data, the request was initiated during the negotiations of the right-of-way and ultimately became a condition for acquiring the right-of-way.

After some discussion, Commissioner Lewis MOVED to officially name SE 144th Street Hazen Road. Commissioner Sellars SECONDED the MOTION and the MOTION CARRIED 4-0.

D. DESIGNATION OF DEREK ALVAREZ, NORA THOMPSON AND STEVE KIRKER AS CODE ENFORCEMENT OFFICERS

Mr. Carter said that according to County ordinance, he is authorized to designate code enforcement officers. That being said, based on their positions and areas of expertise, he would like to designate Derek Alvarez, Nora Thompson and Steve Kirker as Code Enforcement Officers. They would only be called upon for code enforcement issues related to their particular area of expertise.

On Motion of Commissioner Lewis, Seconded by Commissioner Sellars, the Board voted 4-0 to designate Derek Alvarez, Nora Thompson and Steve Kirker as Code Enforcement Officers.

Chairman Thomas said that the County Manager should have the authority to appoint code enforcement officers as need be.

Mr. Carter said that step would be taken to get the new officers appropriately trained.

E. APPROVE ADDENDUM TO INTERLOCAL AGREEMENT BETWEEN BRADFORD COUNTY AND THE SHERIFF RELATING TO THE MANAGEMENT AND FUNDING OF THE DETENTION FACILITY

Mr. Carter said the change to the agreement would allow the sheriff to assess additional fees and retain all the revenues from the fees and from any inmate housing contracts entered into with outside jurisdictions. Since the agreement requires that the revenues must be utilized solely for jail security enhancements or catastrophic medical cost, this will create a reserve. They anticipate some big expenses in the future at the jail in terms of locking systems, antiquated electronics and unexpected medical expenses. The reserve created would provide a means to help cover such costs. He has conferred with the Clerk and he is in agreement with the changes.

Sheriff Smith explained some of the changes being made at the jail, fees that will be charged and various ways to generate additional revenues. There needs to be a pool of money available for things that may arise during a year that were unforeseen and not budgeted, which barring a catastrophic event, would keep the budget out of the red. There may even come a time when enough revenues are being generated that some can be returned to the Commission.

Commissioner Lewis said that he would like the Board to be made aware of any new housing contracts secured by the Sheriff.

There was brief discussion concerning catastrophic medical insurance.

On Motion of Commissioner Lewis, Seconded by Commissioner Sellars, the Board voted 4-0 to approve the [Addendum to the Interlocal Agreement](#) as presented. (The Addendum is retroactive back to January 1, 2009.)

SHERIFF REPORTS—GORDON SMITH:

Sheriff Smith reported the following:

- Asked the Commission to remember the Berkey family and gave an update on the funeral services.
- Even through all the changes, year-end shows that they were able to live within budget. He expressed appreciation to Clerk Norman, Jim Farrell and Brad Carter for their assistance.

Mr. Carter advised that the application for the Library State Aid grant was not received from the state in time to be placed on the agenda and must be returned before the next meeting.

On Motion of Commissioner Sellars, Seconded by Commissioner Lewis, the Board voted 4-0 to declare an emergency.

On Motion of Commissioner Hersey, Seconded by Commissioner Sellars, the Board voted 4-0 to approve the [Library State Aid Grant Application](#).

CLERK REPORTS—RAY NORMAN: None.

COMMISSIONER’S COMMENTS:

Sheriff Smith added that the Starke City Commission discussed conducting a workshop regarding consolidation. (A date has not been set.)

CHAIRMAN COMMENTS—DOYLE THOMAS: None.

ADJOURN

There being no further business, the meeting adjourned at 7:55 p.m.

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

DOYLE THOMAS, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK TO THE BOARD

Minutes prepared by Marlene Stafford, Deputy Clerk