

**MINUTES OF
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR MEETING 6:30 P.M.
THURSDAY, FEBRUARY 18, 2010**

The Bradford County Board of County Commissioners convened in regular session on Thursday, February 18, 2010, at 6:30 p.m. in the County Commissioners' Meeting Room, 945 North Temple Avenue, Starke, Florida.

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

Also present were: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Ray Norman, Clerk of Courts; Marlene Stafford, Deputy Clerk; Jim Farrell, Finance Director; Daryl O'Neal, New River Solid Waste Association Director; Nora Thompson, Zoning Director; Terry Brown, County Attorney; Allen Parrish, Emergency Services Director; Robert Perone, Library Director; Teila Pearson, Tax Collector; Teresa Philips, Tax Director; Paul Funderburk, Road Superintendent; Mark Crawford, Press; Brian Johns, Emergency Management Director; and Capt. Boatwright.

INVOCATION and PLEDGE OF ALLEGIANCE—Commissioner Chandler.

CALL TO ORDER

Chairman Hersey called the meeting to order at 6:31 p.m.

Chairman Hersey announced that Item #10 (Appeal) would be moved to the end of the agenda.

PUBLIC HEARINGS

ORDINANCES

FIRST READINGS ONLY

**--LAND DEVELOPMENT REGULATION AMENDMENT APPLICATION NO. LDR 09-4 (BOCC)—
NORA THOMPSON:**

Ms. Thompson read the title into the record.

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

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--REZONING APPLICATION NO. Z 09-6 (BOCC)—NORA THOMPSON: Ms. Thompson read the title into the record.

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

APPROVE SITE PLAN (#01146-0-00100) 25202 US HIGHWAY 301 NORTH—ELBERT GOWENS—NORA THOMPSON:

Ms. Thompson advised that the plan has been reviewed and approved by the Engineer and Suwannee River Water Management.

On Motion of Commissioner Thomas, Seconded by Commissioner Lewis, the Board unanimously approved the [site plan](#).

RESOLUTION

--SUPPORTING LEGALLY OPERATED FOX HUNTING PENS

Chairman Hersey read the title into the record.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously adopted the Resolution. (The [Resolution was assigned No. 2010-07](#).)

PRESENTATION REGARDING INSTALLMENT PLAN FOR CITIZENS TO PAY PROPERTY TAXES—TEILA PEARSON:

Ms. Pearson advised that Florida Statute provides for an installment option for payment of ad valorem taxes. Forms to apply for the installment option are provided to taxpayers together with their tax bills.

Ms. Pearson explained the installment process.

PRESENTATION 25TH NATIONAL CONFERENCE ON PREVENTING CRIME IN THE BLACK COMMUNITY—ESTHER KELLEY:

Ms. Kelley referred to the [proposal](#) provided to the Commission in their packets. She asked for a commitment from the Board of \$4,330.00 to fund attendance to the conference. They will work toward finding other sources of revenue and donations. Whatever amount they receive from other sources will reduce the \$4,330.00 commitment being requested. Attending the conference will better their chances to apply for Criminal Justice grants to procure funding that will benefit the entire community by developing programs to reduce crime.

After discussion, ***Commissioner Chandler MOVED, seconded by Commissioner Sellars, and carried 5-0, to table this item to March 1 to confirm availability of funds.***

Commissioner Sellars said that the Education Foundation might be able to help. She encouraged Ms. Kelley to make her presentation at the next Education Foundation Board meeting.

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NOMINATIONS FOR ROAD MEMORIAL AWARD—COMMISSIONER THOMAS:

Commissioner Thomas presented the following roads to be considered for Road Memorial Awards:

- [NW 74th Avenue – P.D. Reddish Road](#)
- [NW 211th Street – Roy Clemons Road](#)
- [NW 216th Street – Crawford Road](#)

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

CONSENT AGENDA

A. PROCLAMATION 2010 CENSUS PARTNER

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

APPROVE PAYMENT OF BILLS—COMMISSIONER LEWIS:

On Motion of Commissioner Lewis, 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:

--PERMISSION TO ADVERTISE ORDINANCE TO EXTEND MORATORIUM ON IMPACT FEES

Mr. Brown requested permission to advertise an ordinance extending the current moratorium on impact fees.

On Motion of Commissioner Lewis, Seconded by Commissioner Sellars, the Board unanimously approved the advertisement.

Mr. Brown then presented an emergency item.

February 16, 2010, the Governor signed an Executive Order declaring a minor state of emergency in Bradford County as a result of the tornado damage. Hopefully, this will make the County eligible for emergency funds.

The Commission needs to adopt a resolution extending the local state of emergency and authorize County officials to make application to the State of Florida for financial assistance for the storm victims.

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

Mr. Brown read the title of the resolution into record.

On Motion of Commissioner Lewis, Seconded by Commissioner Thomas, the Board unanimously adopted the resolution. (The [Resolution was assigned No. 2010-08.](#))

COUNTY MANAGER REPORTS—BRAD CARTER:

--EPISCOPAL SERVICES AND SUWANNEE RIVER ECONOMIC COUNCIL REQUEST TO UTILIZE AND REIMBURSE COUNTY FOR GAS

Mr. Carter reported that Florida Works has advised that Bradford County has been included in a second weatherization grant proposal.

--Suwannee River Economic Council has requested to utilize and reimburse the County for fuel. This would be the same arrangement the County currently has with Community in Schools and the ARC.

Mr. Carter suggested a motion that would include all three agencies and to authorize Counsel to draw up interlocal agreements with these agencies and perhaps set some parameters for any future arrangements. This is a service the County can provide to these agencies, as long as it does not get to the point where the County can no longer keep our supplies current to service our vehicles.

Mr. Brown recommended extending this courtesy only to actual governmental-type entities that can enter into formal interlocal agreements with the County. If the Commission develops this as policy, then that would be a basis by which you may appropriately deny requests by non-profit corporations.

Capt. Boatwright requested including a stipulation that during an emergency, public safety would come first.

On Motion of Commission Thomas, Seconded by Commissioner Lewis, the Board unanimously approved to enter into Interlocal Agreements with ARC of Bradford County, Communities in Schools (CIS), and Suwannee River Economic Council (SREC).

As recommended by Mr. Brown, Commissioner Lewis Moved, Seconded by Commissioner Thomas and Carried 5-0, to establish a policy that this courtesy only be extended to governmental agencies, that the Commission would require the execution of interlocal agreements. Part of the interlocal agreement would include a declaration that County needs and public safety issues come first and have priority over gas allotments to the other governmental entities.

SHERIFF’S REPORTS—GORDON SMITH: None.

CLERK REPORTS—RAY NORMAN: None.

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COMMISSIONER'S COMMENTS:

Commissioner Lewis commented on the following:

--About a year and a half ago, the library was closed on Saturdays due to lack of participation. Several people have inquired about reopening.

Mr. Perone explained the usage statistics for the library. Reopening on Saturdays could be considered and investigated. However, he is not certain that it would be financially equitable to do so at this time.

Commissioner Lewis asked Mr. Perone to examine the possibility, including a cost estimate, and bring his findings to the Commission at the next meeting.

**PUBLIC HEARING
ON APPEAL**

**--SPECIAL EXCEPTION APPLICATION TO LOCATE A CONSTRUCTION AND DEMOLITION
DEBRIS LANDFILL ON TAX PARCEL NO. 01151-0-00000, M&M, LLC—NOTICE OF APPEAL—
PATRICE BOYES, P.A.**

(The Applicant engaged the services of Official Court Reporter Vicki Eaves to be present to take verbatim record of the proceeding.)

(Due to the voluminous nature of some of the documents presented to the Clerk during this hearing, said documents were not scanned as attachments hereto, but are located in hardcopy form in Supplemental File No. 02-18-10, located in the Clerk's Office.)

Chairman Hersey set the parameters of proper conduct for the hearing.

Mr. Brown said that it is appropriate for the Applicant to present first. Witnesses testifying can be cross-examined by the opposing parties. All witnesses are to be sworn in.

Ms. Patrice Boyes, representing the Applicant, M&M, LLC, gave her opening statement.

Following discussion between Mr. Brown and Ms. Boyes, it was agreed that this proceeding would be conducted as a de novo hearing.

After being first duly sworn by Deputy Clerk Stafford, Dr. David Depew, a Doctorate in Public Administration and a Certified Land Planner, presented the case for the Applicant via Power Point.

Mr. Brown recommended first permitting questions from opposing parties, then questions from the Board.

Dale Pendarvis and Mark Hodges questioned Dr. Depew.

Incited by inquiry of Commissioner Lewis, there was discussion concerning the Camp Blanding military zone height restrictions and the proposed site being within that military zone.

Commissioner Lewis questioned Dr. Depew.

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Incited by inquiry of Commissioner Chandler, and after being first duly sworn, Lee Hardenbrook, Certified Appraiser, offered testimony on behalf of the Applicant.

Dana Pendarvis, Chairman Hersey, Commissioner Thomas, Commissioner Lewis, Commissioner Sellars, Daryl O'Neal, and Terry Brown asked questions of Dr. Depew.

At 9:00 p.m., Chairman Hersey called a recess.

The hearing was called back to order at 9:12 p.m.

Dr. Depew addressed the issue of building heights with regard to the Camp Blanding military zone restrictions.

Questions continued for Dr. Depew presented by Dale Pendarvis, Mr. Brown and Brenda Starling.

Ms. Boyes announced completion of their presentation.

Chairman Hersey then opened the floor to the opposing parties.

--After being first duly sworn by Deputy Clerk Stafford, Mark Hodges of 23990 NE 7th Avenue, Lawtey, offered testimony opposing the application.

Ms. Boyes questioned Mr. Hodges.

--After being first duly sworn by Deputy Clerk Stafford, Henry Hodges of 23991 NE 7th Avenue, Lawtey, offered testimony opposing the application.

Mr. Brown questioned Mr. Hodges.

--After being first duly sworn by Deputy Clerk Stafford, Dale Pendarvis of 23780 NE 7th Avenue, Lawtey, offered testimony opposing the application via Power Point.

Ms. Boyes requested that the photos used in Mr. Pendarvis' presentation be marked as an exhibit and entered into the record and that Mr. Pendarvis provide copies to the court reporter. (The Clerk attempted to scan copies of the photos provided by Mr. Pendarvis into the record. However, was unsuccessful in obtaining a clear scanned copy. The hardcopy of the photos is located in Supplement File No. 02-18-10 located in the Clerk's Office.)

Mr. Pendarvis was cross-examined by Ms. Boyes.

--After being first duly sworn by Deputy Clerk Stafford, Brenda Starling of 439 NE 247th Street, Lawtey, offered testimony to oppose the application.

--After being first duly sworn by Deputy Clerk Stafford, Daryl O'Neal, Director of New River Solid Waste Association, offered testimony. (Mr. O'Neal distributed copies of literature to assist with his testimony.)

Ms. Boyes, Mr. Pendarvis, Commissioner Lewis and Mr. Brown questioned Mr. O'Neal.

Commissioner Chandler questioned Dr. Depew.

Mr. Brown advised that the Applicant has the right to put on additional evidence or call additional witnesses in rebuttal, if they wish.

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Ms. Boyes called Dr. Depew for rebuttal.

Mr. Brown re-crossed Dr. Depew.

Commissioner Chandler MOVED to DENY the Applicant's request for a Special Exception on the basis of:

1. Likely odor effects on adjacent properties and properties in the district.
2. Inadequate screening and buffering of the disposal mound, which is designed to be 90-feet in height.
3. And most importantly, because of the general lack of compatibility with adjacent properties and properties in the district.
4. The proposed site will also destroy wetlands on the property and adversely impact the quality of wetlands on adjacent properties.

More specifically, the facility as proposed does not provide for:

1. A liner system to protect against possible ground water contamination.
2. A gas extraction system to prevent the release of hydrogen sulfide, other or sulfur compounds which otherwise pose public health risks.
3. Does not provide for a Leachate Collection System to minimize the risk of ground water contamination.
4. And its current 3:1 slope design increase the risk of ground water contamination and seepage and weepage.

I am also not comfortable with the dust control, fire suppression system, drainage improvements, which have not really been discussed in the application.

The applicant's own engineering report reveals that:

1. Most of the ground water movement in the uppermost water table aquifer is towards the residential homes and private wells.
2. The water table is only a few feet below ground level.
3. Parts of the site already experienced high water elevations at or above the land surface.
4. And, more extensive and detailed hydrogeology and geotechnical investigations and testing will be required to provide technical information to support a permit application.

This same, and more important, is that the detail of the technical information should have been provided to the Board tonight to support the applicants' special exception to demonstrate that the site is in fact suitable for a C&D landfill.

I make my motion to deny the request because;

1. I do not find the proposed use to be advantageous to the community or the neighborhood;
2. I believe that the proposed facility will impact public safety and there are no sufficient safeguards to protect public safety;
3. I believe that the proposed facility will likely impact the living conditions in the neighborhood;
4. I believe that the proposed site would impact drainage in the area with possible water contaminates;

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5. I also find that the proposed facility will likely impact the air quality in the adjacent areas;
6. I also find that the proposed facility would also impact the residential property values in adjacent areas;
7. Would effect the resident home development in the adjacent areas which are permitted uses under the existing land use classification;
8. And proposed facility and its scale of proposed use far exceeds the needs of the neighborhood of Bradford County.

Commissioner Thomas SECONDED the MOTION.

Ms. Boyes asked that the [motion](#) be marked as an exhibit so the court reporter can refer to it and have it attached to the transcript.

There being no further discussion, the MOTION CARRIED 5-0.

Mr. Brown said that other [proposed motions](#) should be attached to the record as well.

The hearing was concluded at 11:18 p.m.

[\(Findings of Fact, Conclusions of Law and Final Order dated February 25, 2010.\)](#)

Commissioner's Comments Continued:

Commissioner Chandler commented on the following:

--The recent heavy rains have brought about some serious drainage problems that may necessitate putting in some lime rock. Mr. Funderburk is addressing the problem.

Commissioner Thomas commented on the following:

--He has the same issue as Commissioner Chandler with roads in his district.

Commissioner Lewis commented on the following:

--The Lincoln City residents have expressed their appreciation to the Commission for the improvements being made to their community.

--Asked Mr. Brown if anything can be done to alleviate the problems with the borrow pit mentioned earlier by Ms. Starling.

Mr. Brown said that unless the borrow pit is in violation of the LDR or the conditions of the permit, there is not much that can be done.

There is a need to develop an ordinance so that when a business or industry impacts public roads that the County can insure that they are financially responsible for all repairs and to maintain the roads. The County Manager has already directed him to check with other counties to see how they are addressing the same issue.

There was additional discussion.

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CHAIRMAN COMMENTS—JOHN WAYNE HERSEY:

--Reminded the Commission of the FAC Small County Coalition meeting on the 24th of March in Tallahassee.

ADJOURN

There being no further business, the meeting adjourned at 11:29 p.m.

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

JOHN WAYNE HERSEY, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK TO THE BOARD

Minutes prepared by Marlene Stafford, Deputy Clerk