

**MINUTES OF
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
WORKSHOP-LAND DEVELOPMENT REGULATIONS 4:00 P.M.
REGULAR MEETING 6:30 PM
THURSDAY, SEPTEMBER 16, 2010**

**WORKSHOP
LAND DEVELOPMENT REGULATIONS
4:00 P.M.**

The Bradford County Board of County Commissioners convened in a workshop on Thursday, September 16, 2010, at 4:00 p.m. in the County Commission Chambers, 945 North Temple Avenue, Starke, Florida.

PRESENT: Chairman Hersey, Commissioner Lewis, Commissioner Thomas, Commissioner Sellars and Commissioner Chandler.

ALSO PRESENT: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Ray Norman, Clerk of Courts; Marlene Stafford, Deputy Clerk; and Will Sexton, County Attorney.

CALL TO ORDER: Chairman Hersey called the workshop to order at 4:05 p.m.

DISCUSSION: LAND DEVELOPMENT REGULATIONS (LDR)

--Citizen Member Committee:

Each Commissioner named individuals whom they recommend to serve on the committee.

Commissioner Thomas: Tommy Tatum, Frank Sheffield, Jr. (Will have additional names by Monday)

Commissioner Chandler: Clarence DeSue (Will have additional names by Monday)

Commissioner Sellars: Tom Smith, Jeff Oody, Malcolm Hill, Buddy Keerce

Commissioner Lewis: Has plans to ask Sheila Daughtery and Warren Stevenson

Commissioner Hersey: Colin Davis, Charlie Nabewaniac (spoke to others, but no commitment)

There was additional discussion regarding the make-up of the committee and the possibility of a subsidiary staff resource committee.

--Land Development Regulation Issues for Review--Current and Future:

The following items were discussed:

- Travel trailers for hardship cases
- Size of utility buildings
- Improvement of notification process--proposed changes and why changes are being made -- documented and kept on record
- The use of more user-friendly language (laymen's terms)
- Paving requirements for parking lots
- Designation of areas of future growth
- Borrow pits--repair of roads

DIRECTIVE:

Each Commissioner is to finalize their LDR Committee recommendations and have them turned in to the County Manager's Office by Wednesday, September 22, for inclusion on the October 4 agenda, together with any other general issues that the committee needs to begin addressing. Once appointed, the LDR Committee will move forward with conducting meetings.

ADJOURN

There being no further business, the workshop adjourned at 5:16 p.m.

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

The Bradford County Board of County Commissioners convened in regular session on Thursday, September 16, 2010, at 6:30 p.m. in the County Commission Chambers, 945 North Temple Avenue, Starke, Florida.

PRESENT: Chairman Hersey, Commissioner Lewis, Commissioner Thomas, Commissioner Sellars and Commissioner Chandler.

ALSO PRESENT: Brad Carter, County Manager; Sandra Harrell, Administrative Assistant; Ray Norman, Clerk of Courts; Marlene Stafford, Deputy Clerk; Jim Farrell, Finance Director; Winifred Holland, Health Department Director; Will Sexton, County Attorney; Brian Johns, Emergency Management Director; Mark Crawford, Press; Capt. Smith; Jimmy Alvarez, Property Appraiser; and Derek Alvarez, 9-1-1 Mapping/Code Enforcement.

CALL TO ORDER: Chairman Hersey called the meeting to order at 6:30 p.m.

CONSENT AGENDA

- A. MINUTES OF REGULAR MEETING OF AUGUST 2, 2010**
- B. REAPPOINTMENTS TO ZONING BOARD**
 - 1. Clarence DeSue, District II, 3 years, 2013
 - 2. Michael Juliano, District V, 3 years, 2013
- C. REAPPOINTMENTS TO BOARD OF ADJUSTMENT:**
 - 1. Clarence DeSue, District II, 3 years, 2013
 - 2. Michael Juliano, District V, 3 years, 2013

*Commissioner Lewis moved, seconded by Commissioner Thomas, and **carried 5-0, to approve the Consent Agenda in its entirety.***

(09-16-10 Workshop and Regular Meeting)

3.703, FLORIDA STATUTES—JIMMY ALVAREZ, Property Appraiser:

Chairman Hersey recognized Jimmy Alvarez, who explained [F.S. 193.703](#). Said statute provides for a reduction in the assessed value of a homestead property which results from the construction or reconstruction of the property for the purpose of providing living quarters for parents or grandparents.

The reduction in assessed value for said purpose must be implemented by ordinance and would become effective the following January 1, following the adoption.

After brief discussion, there was a general consensus to authorize the County Attorney to move forward with drafting the ordinance.

HEALTH DEPARTMENT PRESENTATION—WINNIE HOLLAND:

Chairman Hersey recognized Ms. Holland, who presented a short video and [handout](#) depicting the importance of public health and the accomplishments of and services provided by the Health Department.

HEALTH DEPARTMENT FEE SCHEDULE (EFFECTIVE 10/01/10)—WINNIE HOLLAND:

Chairman Hersey recognized Ms. Holland, who presented the fee schedule for consideration. Ms. Holland briefly reviewed the changes.

*Commissioner Thomas moved, seconded by Commissioner Lewis, and **carried 5-0, to approve the [fee schedule](#) as presented.***

CONSIDER APPROVAL OF CONTRACT BETWEEN BRADFORD COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF HEALTH FOR OPERATION OF THE HEALTH DEPARTMENT—WINNIE HOLLAND:

Chairman Hersey recognized Ms. Holland, who presented the Contract for consideration.

*Commissioner Chandler moved, seconded by Commissioner Sellars, and **carried 5-0, to approve the [Contract](#) as presented.***

Ms. Holland announced that Senator Oelrich is scheduled to visit the Health Department on Monday at 10:00 a.m. She invited the Commission to attend.

PAYMENT OF BILLS—CHAIRMAN HERSEY:

Chairman Hersey recommended payment of the bills as reviewed.

*Commissioner Lewis moved, seconded by Commissioner Thomas, and **carried 5-0, 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:

Tommy Tatum, 2596 NW 216th St., Lawtey: Farm Equipment and Code Enforcement (FS 604.40) as it relates to the Code Enforcement violation against Mr. Byrd.

Tom Tatum, 200A, Lawtey: Various regulations imposed by the County throughout the years and the Code Enforcement violation against Mr. Byrd. Mr. Tatum asked that the fine imposed against Mr. Byrd be waived.

Commissioner Thomas moved to dismiss the fine imposed against Mr. Byrd.

Chairman Hersey asked Mr. Sexton for guidance. Mr. Sexton advised that the only person who has proper legal standing to request the County Commission to waive the fine is Mr. Byrd himself. It has been the practice of the Board that issues relating to waiving or reducing fines would first be presented to the Code Enforcement Board for recommendation to the County Commission. The Code Enforcement Board has heard the facts of Mr. Byrd's case and has made a decision and it would be well served to let them hear the new facts of the case to see what, if anything, has changed before a decision is made to waive or reduce the fine.

Ralph Byrd, 6082 NW 180th St., Starke: Challenged the Code Enforcement violation against him and asked the Board to drop the fine.

This incited discussion.

Mr. Sexton advised that there is now an appropriate request before the Commission. The Commission can either defer the request back to the Code Enforcement Board for a recommendation, or render a decision.

Commissioner Thomas said that his motion still stands.

Incited by inquiry of Chairman Hersey, Mr. Sexton advised that since this item was not published on the agenda, it would be wise to declare an emergency.

Commissioner Chandler said that although he feels that it is appropriate to dismiss the fine; out of courtesy, the Code Enforcement Board still needs to be afforded the opportunity to hear the request and make a recommendation. Should the Commission disagree with the decision, it can be overturned. If this Commission is going to ask individuals to serve as volunteers, those volunteers should be given the opportunity to make recommendations.

Commissioner Sellars seconded the motion of Commissioner Thomas.

Mr. Sexton advised that if the Board is going to take action; it needs to first declare the issue an emergency item.

Commissioner Thomas removed the motion on the floor.

*Commissioner Thomas moved, seconded by Commissioner, and **carried 4-1, to declare an emergency. (Chairman Hersey dissenting.)***

Commissioner Thomas moved, seconded by Commissioner Lewis, to waive the Code Enforcement fine assessed against Mr. Byrd, as of today.

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(Public Comments Continued):

Eric Reddish, 18629 NW 84th Ave., Starke: Set Standards for Code Enforcement.

After some discussion, Mr. Byrd said that he did not violate any codes and was treated unfairly by Code Enforcement, and would like the issue resolved immediately.

Mr. Sexton advised that Mr. Byrd's fine began to run on April 26, 2010 and would not stop until October 26, 2010. If Commissioner Thomas' motion were to have the fine stopped today, then presumably, it would continue to run between today and October 26, 2010. Thus, to accomplish what Commissioner Thomas is trying to do, the motion should be amended to eliminate the fine altogether.

*Commissioner Thomas amended his motion, seconded by Commissioner Lewis, and **carried 4-1, that the Code Enforcement Fine levied against Mr. Byrd on April 26, 2010 to run through October 26, 2010, be waived forevermore. (Chairman Hersey dissenting.)***

(Public Comments Continued):

Malcolm Hill: The need to reduce the size of government, reduce the millage rate and cut unnecessary expenses.

COUNTY ATTORNEY REPORTS—WILL SEXTON:

Mr. Sexton reported that included in the recently approved contract with Dr. Gianas, was language that the County would have 30 days to negotiate an insurance policy to provide the appropriate coverage to legally protect the County. With the help of George Roberts Insurance, a policy has been located and the annual premium is \$14,255.12.

COUNTY MANAGER REPORTS—BRAD CARTER:

A. CONSIDER APPROVAL TO PURCHASE NEW BRUSH TRUCK FOR THERESSA (Approved by Fire counsel 8/26/10)

Mr. Carter recommended upholding the Fire Counsel's recommendation to purchase the brush truck. In essence, the Board approved the purchase when the funds were carried forward into the FY 10-11 budget.

*Commissioner Sellars moved, seconded by Commissioner Lewis, and **carried 5-0, to approve the purchase of the fire truck as presented.***

B. CONSIDER APPROVAL TO PURCHASE TWO (2) MOBILE VARIABLE MESSAGE BOARDS (Approximately \$12,400.00 each)

Mr. Carter recommended approval to purchase the message boards. The funds are in the Emergency Management budget.

*Commissioner Lewis moved, seconded by Commissioner Sellars, and **carried 5-0, to approve the purchase as requested.***

C. IGCF EXPENDITURES

Mr. Carter recommended approval of the following IGCF expenditures:

1. HASTY'S COMMUNICATIONS—RADIOS--\$3,885.00 (IGCF approved 9/2/10)
2. INSIGHT PUBLIC SECTOR—MAINTENANCE & LICENSE--\$9,381.25 (IGCF approved 9/2/10)
3. REIMBURSE SHERIFF FOR RADIOS--\$2,520.00 (IGCF approved 9/2/10)

Commissioner Lewis moved, seconded by Commissioner Thomas, and carried 5-0, to approve the IGCF expenditures requests as presented.

D. EMS WRITE-OFFS OF \$358,136.89

Mr. Carter recommended approval of EMS write-offs of \$358,136.89.

Commissioner Thomas moved, seconded by Commissioner Sellars, and carried 5-0, to approve the write-offs as presented.

E. FDOT CIGP REIMBURSEMENT AGREEMENT (\$1,800,474.00)

--RESOLUTION APPROVING THE EXECUTION OF THE AGREEMENT:

Mr. Carter presented the resolution.

Commissioner Chandler moved, seconded by Commissioner Sellars, and carried 5-0, to adopt the resolution as presented. (The Resolution was assigned No. 2010-25.)

Incited by inquiry of Commissioner Lewis, Mr. Carter reported that for the there is a possibility of closing next week on the last parcel for the needed right-of-way for the first phase of the project, and construction to begin the following week.

F. SEVENTH AMENDMENT TO THREE-PARTY AGREEMENT FOR DISTRICT MEDICAL EXAMINER SERVICES

Mr. Carter presented the Agreement for consideration, which has been approved by Counsel.

Commissioner Chandler moved, seconded by Commissioner Thomas, and carried 5-0, to approve the amendment as presented.

G. BID RECOMMENDATION FOR SENIOR CENTER

At the request of Mr. Carter, Mr. Sexton advised that as a result of advertisement, two bids were received. The committee has thoroughly examined the bids. However, there were significant differences between the two, which made it difficult to evaluate them equally. It would be in the best interest of the County, as well as the bidders, to reject both bids and re-advertise.

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In the meantime, Mr. Carter was successful in getting the state to agree to an extension to the grant deadline. Every contractor who even expressed an interest in the project said they were unable to provide a thorough bid due to the lack of detailed plans and specifications. The services of an architect have been engaged to assist in the preparation of plans and specifications.

Incited by inquiry of Commissioner Sellars, Mr. Carter said that he explained the County's position to the Department of Elder Affairs, and the desire to move forward with construction with the funds in hand, but that the project was moving too fast and shortcuts had been taken that backfired. That we needed to slow down, get the proper information out to procure appropriate bids, to which they agreed. The Department has asked for that request in writing, which has been done. The Department understands the County's position, but still want us to move as quickly as possible.

Mr. Sexton said that the six weeks it will take the architect to prepare the plans should be the only delay. The contractors have all estimated, and the architect agreed, that the actual construction phase of the project should take no more than four to six months.

*Commissioner Lewis moved, seconded by Commissioner Thomas, and **carried 5-0, to reject all bids and re-advertise.***

H. DISCUSS MAGISTRATE ORDINANCE

Mr. Carter said based on the advice of Counsel, he is requesting the Commission to authorize the County Attorney to draft an ordinance replacing the Code Enforcement Board with a special magistrate system. A magistrate system will provide professionalism, background and knowledge of the law of an experienced magistrate to assist in conducting Code Enforcement in a fair and impartial manner. Over the years, it has been difficult to recruit volunteers to serve on the Code Enforcement Board. The Code Enforcement Board has done the absolute best they could. However, this is a very complex field, which can carry major economic affects to those involved.

*Commissioner Lewis moved, seconded by Commissioner Sellars, and **carried 5-0, to authorize the County Manager and County Attorney to move forward with drafting the ordinance as requested.***

Mr. Carter said that the North Florida Economic Partnership is requesting a letter of support, with a request for the Commission to consider budgeting \$1,453, which reflects a .05 per capita for membership dues. The North Florida Economic Partnership is the organization that facilitated the Broadband Infrastructure Grant of \$30.1 million.

*Commissioner Lewis moved, seconded by Commissioner Thomas, and **carried 5-0, to authorize the Chairman to execute the [letter of support](#) and authorize the expenditure of \$1,453.00 from the FY 10-11 budget.***

I. TEN-8 FIRE EQUIPMENT, INC. SALES QUOTE #Q125393 FOR PURCHASE OF EQUIPMENT FOR VFD (\$29,701.29—State contract)

Mr. Carter recommended approval for the purchase of the equipment. Mr. Johns elaborated on the request and explained the need for the equipment.

*Commissioner Lewis moved, seconded by Commissioner Thomas, and **carried 5-0, to approve the [equipment purchase](#) as requested.***

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SHERIFF REPORTS—GORDON SMITH: None.

CLERK REPORTS—RAY NORMAN: None.

COMMISSIONER'S COMMENTS:

Commissioner Chandler commented on the following:

--Something needs to be done about the Road Department's Challenger tractor being in a constant state of disrepair.

At the request of Commissioner Lewis, Mr. Carter said that he would arrange a meeting with a Ringpower representative to see what, if anything, can be done.

--The Road Department is doing a good job, but there is room for improvement with regard to keeping up with mowing.

Commissioner Thomas said that an advertisement for employment for the Road Department usually calls for an "Operator". However, everyone is not an operator, but most anyone can drive a tractor and mow the roadsides. He would like to leave position descriptions broader, with an understanding that employees work at the pleasure of the County. That if their specific piece of equipment is not available to operate on any given day, that they should not have the idea that they can sit down and make their eight hours.

--Updated the Commission concerning the Workforce Board lawsuit. The Executive Committee has accepted a proposed settlement of about \$41,000.00.

Commissioner Sellars commented on the following:

--Due to inquiry made by several citizens, Commissioner Sellars asked Mr. Carter to provide her with a list of who drives County vehicles home at night and the need for the vehicle.

Commissioner Lewis commented on the following:

--Thanked the Commission for the action taken with the Code Enforcement violation against Mr. Byrd. The new special magistrate system should cure a lot of the problems.

--The Lincoln City Community clean-up project is going well.

--He has requested the Road Department's assistance in the repair of some sidewalks in Brooker.

--Inquired about the status of the portable classroom building for Brooker.

Mr. Carter said that they have met with Water Management and the building should be installed within the next week or two.

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Commissioner Thomas commented on the following:

--Would like to move the "Public Comments" portion of the agenda to the first item of business.

There was a general consensus to move the "Public Comments" portion of the meeting to the first item of business, except when public hearings have been advertised.

CHAIRMAN COMMENTS—JOHN WAYNE HERSEY:

--Appears that the road striping projects are going well. Mr. Funderburk has indicated that they should be finished up by the end of the week.

ADJOURN

There being no further business, the meeting adjourned at 8:15 p.m.

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

JOHN WAYNE HERSEY, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK OF COURTS

Minutes prepared by Marlene Stafford, Deputy Clerk