

(04-17-14 Regular Scheduled Meeting)

**MINUTES OF
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING 6:30 P.M.
THURSDAY, APRIL 17, 2014**

The Bradford County Board of County Commissioners convened in a regular meeting on Thursday, April 17, 2014, at 6:30 p.m., in the County Commission Chambers at 945 North Temple Avenue, Starke, Florida.

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

ALSO PRESENT: Brad Carter, County Manager; Rachel Rhoden, Deputy County Manager; Will Sexton, County Attorney; Jim Farrell, Finance Director; Marlene Stafford, Deputy Clerk; Brian Johns, Emergency Management Director; Mark Crawford, Press; Sheriff Smith; Jerome Kelley, County Engineer; Randy Andrews, Zoning Director; Dean Bennett, Facility Maintenance Director; Ray Shuford, 9-1-1 Coordinator, and Christiann Hudson, 9-1-1 Mapping.

CALL TO ORDER: Chairman Riddick called the meeting to order at 6:42 p.m.

**PUBLIC HEARING
ENACTMENT OF ORDINANCE**

--LAND DEVELOPMENT REGULATIONS AMENDMENT APPLICATION NO. LDR 14-01 (BOCC)--RANDY ANDREWS:

Mr. Andrews advised that the proposed amendment adds definitions to the Land Development Regulations regarding park model trailers and park model trailer space. The Planning Council recommends the amendment. Mr. Andrews read the title of the ordinance into the record.

Chairman Riddick opened the public hearing. Incited by inquiry by Mark Crawford, Mr. Andrews advised that the density would remain the same at one dwelling unit per five acres.

There being no further public input, the public hearing was closed.

Commissioner Lewis moved, seconded by Commissioner Thomas, and carried 5-0, to adopt the Ordinance approving Land Development Regulations Amendment Application No. LDR 14-01.) (The Ordinance was assigned No. 2014-03.)

There was some discussion regarding square footage requirements and zoning classification requirements.

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PUBLIC COMMENTS: None.

(Item not the agenda.)

Chairman Riddick recognized Mr. Carlos Herd, Division Director, Suwannee River Water Management District Water Supply Division.

Mr. Herd advised that the Department of Environmental Protection is proposing adoption of a rule change for the Minimum Flow and Level (MFL) for the lower Santa Fe and Ichetucknee rivers, which proposed rule is being challenged. He explained the proposed rule change, which not only sets the MFL's, but also will affect the water use permitting process, and cited SRWMD's position concerning the proposed change.

There was extensive discussion.

Mr. Sexton advised that DEP and SRWMD are asking the Commission to express support for the proposed rule and to authorize staff to move in that direction.

Mr. Herd added that Suwannee County voted to intervene on the District's behalf, and several other counties are considering doing the same. It would be helpful if the Administrative Law Judge sees that the local governments support the rule. The District and DEP would appreciate Bradford County's favorable consideration to support the rule. There is a May 7 deadline to intervene.

Based on what has been presented, their knowledge of the proposed rule, and that there is no cost to the County, Mr. Kelly and Mr. Sexton advised that it would be worthwhile for the Commission to express support of the rule.

EMERGENCY DECLARATION (Based on May 7 deadline):

Commissioner Thomas moved, seconded by Commissioner Lewis, and carried 5-0, to declare an emergency to consider the item.

Commissioner Lewis moved, seconded by Commissioner Sellars, and carried 5-0, to intervene on behalf of the Suwannee River Water Management District and the Department of Environmental Protection in the current rule challenge.

Incited by inquiry of Chairman Riddick, Mr. Herd addressed the possibility of recovering the water levels of the surrounding lakes.

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CONSENT AGENDA:

- A. MINUTES OF REGULAR SCHEDULE MEETING OF 02-20-14**
- B. AMENDMENT NO. 1 TO THE STATE AID IN LIBRARIES GRANT AGREEMENT. (Amendment requires at least one library, branch library, or member library open 40 hours or more each week.)**
- C. CHANGE ORDER NO. 1 FOR \$1,818.75 ON DEO CONTRACT NO. 11DB-C5-03-14-01-H17--S.H.I.P. REHAB**
- D. BIENNIAL AERATOR SERVICE AGREEMENT WITH THE LAKE DOCTORS, INC., FOR CLEANING AND ADJUSTMENT OF ONE (1) AERATION SYSTEM AT THE LIBRARY (\$170.00 BIENNIALY)**

Commissioner Lewis moved, seconded by Commissioner Thomas seconded, and carried 5-0, to approve the [Consent Agenda](#) in its entirety.

APPROVE PAYMENT OF BILLS--CHAIRMAN RIDDICK:

Chairman Riddick advised that he reviewed the bills and recommends payment.

Commissioner Lewis moved, seconded by Commissioner Thomas, and carried 5-0, to approve payment of the bills. (A list of the bills is on file in the Finance Department of the Office of the Clerk.)

COUNTY ATTORNEY REPORTS--WILL SEXTON:

- A. CONSIDER APPROVAL OF SECTION 196.1995, F.S., REFERENDUM AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO AWARD AD VALOREM TAX ABATEMENT INCENTIVES FOR THE PURPOSES OF PROMOTING ECONOMIC DEVELOPMENT THROUGH THE RECRUITMENT OF NEW BUSINESS AND THE EXPANSION OF EXISTING BUSINESSES**

At the direction of the Board, he has completed the task of developing a package to put a measure on the ballot in the upcoming election that would authorize the County to entertain requests for ad valorem tax abatement to benefit economic development. Mr. Sexton requested approval to include the referendum on the ballot.

Commissioner Lewis moved, seconded by Commissioner Sellars, and carried 5-0, to include a referendum on the ballot of the upcoming election for an ad valorem tax abatement incentive.

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B. CONSIDER APPROVAL OF BALLOT LANGUAGE FOR ECONOMIC DEVELOPMENT TAX ABATEMENT

Mr. Sexton requested approval of the exact language that will appear on the ballot, based on F.S. 196.1995.

Commissioner Lewis moved, seconded by Commissioner Sellars, and carried 5-0, to approve the [ballot language](#) as presented.

C. CONSIDER APPROVAL OF PROPERTY EXCHANGE AGREEMENT BETWEEN BRADFORD COUNTY AND VYSTAR CREDIT UNION FOR THE S.E. 144TH AVE. PROJECT, PHASE III

Mr. Sexton presented the agreement for consideration. The agreement outlines the terms for the property exchange necessary to begin Phase III of the SE 144th Avenue paving project.

Commissioner Lewis moved, seconded by Commissioner Thomas, and carried 5-0, to approve the [Property Exchange Agreement](#) as presented.

D. CONSIDER COST-SHARING ARRANGEMENT BETWEEN BRADFORD COUNTY AND THE CITY OF STARKE FOR THE PROVISION OF ANIMAL CONTROL SERVICES

Based on Board discussion at the conclusion of the last meeting, placed on this agenda for discussion is the provision of animal control services for the City of Starke.

Discussion ensued, which was not limited to but included:

- Animal control services provided to all municipalities within the County.
- Having one set of rules to regulate animal control countywide, as opposed to one set of rules for the County and another for the City. (Sheriff Smith will approach the City of Starke with regard to rescinding their Animal Control ordinance.)
- Animal Control budget.
 - No additional funding necessary.
 - Private donations.
- Vicious animals and liability.

Commissioner Chandler moved, seconded by Commissioner Sellars, and carried 5-0, for the County to provide Animal Control services countywide, regulated by County ordinance.

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E. CONSIDER ZONING DEPARTMENT PROPOSAL FOR THE ALLOCATION OF RESPONSIBILITY FOR ZONING DEPARTMENT SERVICES BETWEEN BRADFORD COUNTY AND THE CITY OF STARKE

Mr. Sexton advised that as suggested by Chairman Riddick, a [proposal to provide zoning services to the City of Starke](#) has been prepared for the Board's consideration.

Chairman Riddick briefly reviewed the proposal.

Discussion ensued, which was not limited to but included:

- A "county-wide" zoning map and Land Development Regulations, as opposed to two different ones for the County and the City, as is currently. (Recommendation of the North Central Florida Regional Planning Council.)
- The cost to develop a "county-wide" zoning map and Land Development Regulations.
- Revenue generated from fees sufficient to cover expenses.
- Having one Zoning Board and Board of Adjustment, with final approval for all applications coming to the County Commission.
- The City of Starke's support of the proposal.

Commissioner Thomas advised that the only way he would support the proposal is if the City agrees.

Following additional discussion, there was a consensus for Mr. Sexton to present the proposal to the City. If the City agrees, measures can be taken to establish a cost estimate for the development of a countywide zoning map and Land Development Regulations.

EMERGENCY ITEM:

--CONSIDER APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF STARKE FOR COST SHARING OF THE BREATHING AIR CASCADE SYSTEM AND THE BRADFORD COUNTY PHYSICIAN AND MEDICAL DIRECTOR SERVICES:

Mr. Sexton explained that the City executed the Interlocal Agreement and delivered it today. To get the City under Dr. Gianas' supervision as soon as possible, the Board has the option of approving the Interlocal Agreement under an emergency declaration.

Commissioner Lewis moved, seconded by Commissioner Thomas, and carried 5-0, to declare an emergency to consider the Interlocal Agreement.

Commissioner Lewis moved, seconded by Commissioner Sellars, and carried 5-0, to approve the [Interlocal Agreement](#).

SHERIFF REPORTS--GORDON SMITH:

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County Noise Ordinance:

Sheriff Smith asked the Commission to consider **amending the County's noise ordinance**, removing the use of a decibel meter for measurement of noise.

There was a consensus for Sheriff Smith to work with Mr. Sexton to draft an amendment to the ordinance.

City of Starke Annexation of Properties and 9-1-1 Mapping:

Sheriff Smith asked Sgt. Shuford and Ms. Hudson to address the Commission regarding **9-1-1 Mapping and the annexation of property on South HWY 301**.

Sgt. Shuford gave a Power-Point Presentation to illustrate 9-1-1 mapping/addressing problems caused by the improper and unlawful annexations of real property by the City of Starke, described in City of Starke ordinances 2007-0493 and 2014-0703. (To assist with the presentation, Sgt. Shuford also distributed [a handout](#) containing supportive data.)

Sgt. Shuford explained that the improper annexations essentially adversely affect the uniformity of 9-1-1 Mapping/Addressing, which in turn creates errors and delayed responses to emergencies.

Discussion ensued.

Mr. Sexton advised that the Sheriff and his staff have produced a substantial argument. He is not aware of another case where a city so blatantly did what the City of Starke has done. Therefore, he does not know that a court has had the opportunity to answer some of the questions raised out of these purported voluntary annexations.

County Attorney Recommendation for the 2007 annexation: For the Commission to authorize staff to present a question to the Attorney General for a written opinion. The AG opinion would then determine the next steps to take. (There was a consensus for Mr. Sexton to seek an AG opinion regarding the 2007 annexation.)

County Attorney Recommendation for the 2014 annexation (Badcock Furniture): To contest the annexation, based on the violations of the statutory process for a voluntary annexation.

Commissioner Thomas moved, seconded by Commissioner Sellars, and carried 5-0, to declare an emergency to consider this item.

Commissioner Lewis moved, seconded by Commissioner Chandler, and carried 5-0, to take steps necessary to contest the 2014 annexation.

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CLERK REPORTS--RAY NORMAN: None.

COUNTY MANAGER REPORTS--BRAD CARTER:

A. CONSIDER APPROVAL OF HOMELAND SECURITY FEDERALLY FUNDED SUBGRANT AGREEMENT FOR TRAINING (\$10,900 no County match)--BRIAN JOHNS:

Mr. Johns gave a brief update on the status of ongoing firefighter training for HIPPA, and state compliance.

Mr. Johns presented the subgrant agreement for consideration. The grant funds are to be used for training purposes.

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

Mr. Johns then reported that the widespread rain projection for tomorrow is between 2-4 inches, with a possibility of 6-8 inches. Staff is preparing for the possibility of some flooding.

There was brief discussion regarding Three-Pipes (Sampson Lake Water Control Structure) and Cypress Run.

COMMISSIONER'S COMMENTS:

Commissioner Sellars:

- **Bypass Billboards--**The TDC has agreed to fund community advertisement billboards.

Commissioner Lewis:

- **Road Department Equipment--**To enhance proficiency at the Road Department, Commissioner Lewis recommended that staff contact the Flagler County Road Superintendent to make inquiry about a piece of equipment they use for road shoulder work. (Based on consensus, staff will proceed as recommended.)

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Commissioner Thomas:

- **Bypass**--For the purpose of future economic development, the County should make provision for commercial zoning along the bypass.

CHAIRMAN COMMENTS:

- **City of Starke**--Expressed appreciation to the Commission for willingness to work together for the betterment of all the citizens. He hopes the City is receptive to the Board's proposals.
- **Annexation**--Expressed appreciation to the Sheriff and his staff for their presentation.

ADJOURN:

There being no further business, the meeting adjourned at 8:25 p.m.

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

DANIEL RIDDICK, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK TO THE BOARD

Minutes prepared by Marlene Stafford, Deputy Clerk

Minutes approved by BOCC at the Regular Scheduled Meeting of
_____.