

(04-21-16 Regular Meeting)

**MINUTES OF
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING 6:30 P.M.
THURSDAY, APRIL 21, 2016**

The Bradford County Board of County Commissioners convened in a regular meeting on Thursday, April 21, 2016, at 6:30 p.m., in the County Commission Chambers at 945 North Temple Avenue, Starke, Florida.

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

ALSO PRESENT: Brad Carter, County Manager; Rachel Rhoden, Deputy County Manager, Will Sexton, County Attorney; Ray Norman, Clerk of Courts, Jim Farrell, Finance Director; Marlene Stafford, Deputy Clerk; Allen Parrish, Emergency Medical Services Director; Dean Bennett, Facility Maintenance Director; Mark Crawford, Press; Paul Funderburk, Road Superintendent; Bennie Jackson, Solid Waste Director; Kelly Canady, Community Development Director; Sheriff Smith; Brian Johns, Emergency Management Director; Robert Perone, Library Director; Chip Ware, Fire Marshal; and Capt. Smith.

CALL TO ORDER: Chairman Lewis called the meeting to order at 6:35 p.m.

PUBLIC HEARINGS

ENACTMENT OF ORDINANCES--WILL SEXTON, County Attorney:

--ESTABLISHING GUIDELINES AND PROCEDURES FOR THE COLLECTION AND DISPOSAL OF DEBRIS GENERATED DURING DISASTERS AND DECLARED STATES OF EMERGENCY:

Mr. Sexton presented the ordinance for consideration. He read the title into the record.

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

Commissioner Sellars moved, seconded by Commissioner Chandler, and carried 5-0, to adopt the ordinance as presented. (The [Ordinance was assigned No. 2016-02.](#))

--AMENDING CHAPTER 58 OF THE BRADFORD COUNTY CODE TO DESIGNATE THE BOCC OF BRADFORD COUNTY AS THE LOCAL PLANNING AGENCY FOR BRADFORD COUNTY:

Mr. Sexton presented the ordinance for consideration. He read the title into the record.

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

Commissioner Thompson moved, seconded by Commissioner Sellars, and carried 5-0, to adopt the ordinance as presented. (The [Ordinance was assigned No. 2016-03.](#))

PUBLIC COMMENTS:

John Bartow Lee--Gospel Sing May 7th

Mr. Lee announced a gospel sing on May 7th, Downtown Starke. He asked the commissioners if they would be willing to donate to help provide food and drinks for the event. There was a consensus to make personal donations.

Guy Hartsfield--NW 228th Street Road Maintenance Problems

Mr. Hartsfield expressed his displeasure of the lack of routine maintenance on NW 228th Street.

Chairman Lewis asked Mr. Carter and Mr. Funderburk to look into the matter.

Mr. Hartsfield submitted a written [public records' request](#) for a copy of the road maintenance computer log for the past two years. (Mr. Hartsfield submitted a copy of the request to each Commissioner, Mr. Carter and the Deputy Clerk.)

Chairman Lewis announced that all the remaining Public Comment Cards relate to the proposed phosphate mine issue.

The following individuals spoke in opposition to phosphate mining and in support of a moratorium on the acceptance of any new mining applications:

**Joe Snodgrass
Kathleen Culver
Kate Ellison
Kimberly Henrikson
Karen Chadwick
Jackie Host
Pat Caren**

**Carol Mosley ([Handout of List of Questions](#))
Ed Emery
Joyce King
Jill McGuire
Stasia Rudolph
Courtney Snyder**

**Steve Piezenik
Marihelen Wheeler
Debbie Davey
Michael Kearns
Michele Moretti
John Bartow Lee**

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Paul Still spoke in opposition to a moratorium, which he feels would create litigation issues. In his opinion, the County has plenty of time to make the necessary changes to the LDR's and to tweak the Comp. Plan.

Commissioner Riddick apologized to the Board and to the citizens for not being clear in his original request for a mining moratorium at the March 31st meeting. He continued by expressing the importance of a moratorium by citing the benefits of a moratorium.

Commissioner Chandler advised that when he met with HPSII Enterprises, LLC, it was a simple conversation and no promises were made to him. He will always make a decision to do what is best for the Bradford County citizens and the ecosystem. It is his belief that the Commission will always do what is right.

At the request of Commissioner Riddick, and being recognized by Chairman Lewis, Scott Koons, Executive Director for NCFRPC addressed the Commission as follows: At the request of this Board, the Planning Council met with County staff to review the Comprehensive Plan and Land Development Regulations as it relates to mining. That preliminary review revealed that the existing Comprehensive Plan adopted in 1991 has one policy concerning mining, and includes a mining map in the Future Land Use Map series, which are areas where there are known phosphate reserves in the County. The Land Development Regulations, which implement the Comprehensive Plan, have 1.5 pages in a several hundred page document relating to special permits for mining. The best available data and analysis at the time of the adoption of the Comp. Plan and LDR published by the Florida Geological Survey indicated that the quality of phosphate rock in Bradford County and the difficulty in extracting the rock would make it economically unfeasible for mining to occur in Bradford County and would not occur in the near future at that time. Apparently, conditions have changed in the last 20-25 years. It is the recommendation of the Council that the Commission take a deliberate and careful look at the Comprehensive Plan and Map and the Land Development Regulations. It would be appropriate to consider enacting a one-year moratorium to take the necessary time for this Board, staff, the public and NCFRPC to work together to develop policies and possible revisions to the mining map and additional regulations to adequately safeguard the County and its resources.

CONSENT AGENDA

- A. BRADFORD COUNTY SUPPORT LETTER FOR THE ACORN CLINIC
USDA GRANT APPLICATION**
- B. CONSIDER APPROVAL OF A SHIP PURCHASE ASSISTANCE LOAN IN
THE AMOUNT OF \$20,000 ON FILE #2014-33-S**
- C. CONSIDER APPROVAL OF A PROPOSAL IN THE AMOUNT OF \$45,220.00
(Funded by the Court Budget) FROM HOLISTIC SYSTEMS DESIGN, LLC
(Sole Source) IN COURTROOM #1 AND #2 FOR COURT
ADMINISTRATION**

Commissioner Chandler moved, seconded by Commissioners, and carried 5-0, to approve the Consent Agenda in its entirety.

APPROVE PAYMENT OF THE BILLS--COMMISSIONER SELLARS:

Commissioner Sellars moved, seconded by Commissioner Thompson, and carried 5-0, to approve payment of the bills. (The Distribution List is on file in the Finance Department of the Office of the Clerk of Courts.)

RECONSIDER RECOMMENDATION BY NORTH CENTRAL FLORIDA PLANNING COUNCIL TO UNDERTAKE THE PROCESS FOR IMPLEMENTATION OF A 12-MONTH MORATORIUM ON THE ACCEPTANCE OF NEW MINING APPLICATIONS--BRENDA THORNTON, Concerned Citizen:

Chairman Lewis recognized Ms. Thornton, who addressed the Commission. Ms. Thornton asked the Commission to reconsider their earlier vote not to implement a moratorium (March 31st Emergency Meeting). Ms. Thornton asked Merrilee Jipson and Mark Lyons to speak.

Merrilee Malwitz-Jipson, representing Our Santa Fe River, gave a PowerPoint presentation opposing phosphate mining and encouraged the Commission to reconsider implementing a moratorium.

Mark Lyons of Baker County addressed the Commission regarding the inadequacy of the County's Comprehensive Plan and Land Development Regulations as they relate to mining. He briefly reviewed the process Baker County went through when they were faced with a similar situation. Mr. Lyons also addressed the process for implementing a moratorium. The North Central Florida Regional Planning Council is the County's right-hand when it comes to the Comp. Plan and LDR's. Mr. Lyons asked the Board to reconsider its prior vote not to implement a moratorium.

Incited by inquiry of Ms. Thornton, Mr. Sexton advised on the proper procedure needed to rescind prior action of the Board: Any Commissioner may, at the next regular commission meeting, move to rescind action previously taken. Commission action may be rescinded by a super majority or 4/5th vote.

Commissioner Riddick advised that the more he studies and researches this issue, the more he realizes that the County needs more time, more public input and more research before making a decision. The one thing he is sure of is that any kind of mining will have a negative impact to someone. Having more time would give HPSII Enterprises, LLC time to finish their pilot study, as well as give the County more time to gather factual information on the environmental impact.

Commissioner Riddick moved to rescind the action taken at the March 31, 2016 Emergency Meeting, not to implement a moratorium. Commissioner Chandler seconded the motion.

The Motion Failed 3-2, not meeting the 4/5th requirement to rescind. Commissioner Riddick, Commissioner Chandler and Commissioner Lewis in favor. Commissioner Sellars and Commissioner Thompson dissenting.

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Commissioner Sellars agreed that there is a need for further study and encouraged everyone to attend the April 29th workshop.

Commissioner Riddick asked the Board to at least consider not accepting any mining applications until after the workshop on Friday, April 29th. (This issue was brought back up on page 6.)

COUNTY ATTORNEY REPORTS--WILL SEXTON:

A. CONSIDER REQUEST FOR LANDING AUTHORIZATION--SANTA FE LAKE BOAT RAMP

**Applicant: DHL Recovery, LLC (Aaron Mathews)
140 Morris Lake Drive, Hawthorne, Florida**

Purpose: DHL is requesting permission to access Lake Santa Fe using Bradford County's public boat ramp for deadhead logging. This permission is required to be submitted by DHL as part of their application to the Florida Department of Environmental Protection

Mr. Sexton advised that due to the length of the meeting, the Applicant, Aaron Mathews, had to leave. Mr. Mathews is requesting to use the County public boat ramp at Santa Fe Lake for a deadhead logging operation. This requires a DEP permit, which requires that the applicant must demonstrate that they have legal access to the lake.

Based on a request of Ms. Jill Maguire (Santa Fe Lake Dwellers), Commissioner Riddick asked that this item be tabled until the next meeting to allow time for further research. It is his understanding that the Commission has no control of what is done in the lake. If the applicant gets permission to access the lake from any other source, they can move forward as long as they meet DEP requirements.

There was brief discussion regarding liability should the boat ramp be damaged.

There was a consensus to continue this item to the next regular meeting.

Mr. Sexton presented an item not on the agenda. He recognized the attendance of Mr. Mark Williams with M&R Construction. As the Commission is aware, Mr. Williams submitted a timely notice of intent to protest the bid award on the Stella's Group Home project, and has submitted a detailed protest document. Mr. Sexton cited rules from the County Code regarding the bid protest procedures. He recommended the Board allow him to work with Mr. Williams to resolve the bid protest as follows:

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- M&R Construction to withdraw the formal protest, which would save the County by not having to hire an Administrative Law Judge.
- The County to agree to delay awarding the bid for the project until receipt of the Attorney General's Opinion that the Board authorized staff to request.
- In the meantime, the County would work with M&R Construction to draft the request for an Attorney General Opinion in a way that satisfies both M&R Construction and the County.
- The ultimate decision on the issue of whether or not the local preference would apply would be based on the content of Attorney General's Opinion.

There was consensus to move in the direction recommended by Mr. Sexton.

Returning to discussion regarding the **mining application issue**, Commissioner Chandler asked if the County would be within the law not to accept any mining permit applications until after the April 29th workshop, and is this something the Board would like to consider.

Mr. Sexton advised that the course of action by which that could be done is by implementing a moratorium on the acceptance of applications. He announced that an application was received from HPS today. He is not sure that putting a stop to receiving future applications would make much of an impact on the ability to work in that interim time frame.

This incited discussion.

Chairman Lewis advised that he is not sure if the phosphate mine is a good thing or a bad thing; all he wanted to happen was to have more time for further research as recommended by Mr. Koons. If HPS has submitted an application, there is no need to have a workshop.

Mr. Sexton advised that staff will have to go through an analysis of the application and the Board will have to have a public hearing on the application at some point in the future. A final decision has not been made.

SHERIFF REPORTS--GORDON SMITH: None.

CLERK REPORTS--RAY NORMAN: None.

COUNTY MANAGER REPORTS--BRAD CARTER:

A. REQUEST PERMISSION TO AWARD A BID ON DEBRIS REMOVAL (Contract No. EM16-001) TO BERGERON EMERGENCY SERVICES, INC. (Primary Contractor) IN THE AMOUNT OF \$11,903,000.00--BRIAN JOHNS, Emergency Management Director:

Mr. Johns recommended awarding the bid to the low bidder, Bergeron Emergency Services, Inc., as the primary contractor. Mr. Johns explained that the bid amount of \$11,903,000.00 would never be that high for Bradford County. The amount is based on how far the debris has to be hauled from the debris staging. Chances are, the County would never have to haul the debris over 100 miles into another county, but it must be bid out in that manner.

A contract with Bergeron would be a 3-year contract with an option to renew for two more years. No money exchanges hands unless they have to be called in. As long as he has been Director in Bradford County, he has never had to call them in.

Commissioner Sellars moved, seconded by Commissioner Riddick, and carried 5-0, to award the primary bid to Bergeron Emergency Services, Inc., as recommended.

B. REQUEST PERMISSION TO AWARD A BID ON DEBRIS REMOVAL (Contract No. EM16-001) TO TAG GRINDING SERVICES, INC. (Secondary Contractor) IN THE AMOUNT OF \$12,228,600.00--BRIAN JOHNS, Emergency Management Director:

Mr. Johns recommended awarding the bid to the second low bidder, TAG Grinding Services, Inc., as the secondary contractor.

Commissioner Thompson moved, seconded by Commissioner Sellars, and carried 5-0, to award the secondary bid to TAG Grinding Services, Inc.

Mr. Johns reported that they are doing the close out on the Theresa drainage project today (SE 81st and 11th). They have applied for reimbursement funds. The project will end up costing the County very little, if anything.

C. REQUEST PERMISSION TO AWARD A BID ON A SHIP REHAB PROJECT (File 2014-25-S) TO SOUTHERN EXTERIORS IN THE AMOUNT OF \$17,584.00 (Low Bid)--KELLY CANADY Community Development Director:

Ms. Canady made a recommendation to award the bid to the low bidder, Southern Exteriors, in the amount of \$17,584.00.

Commissioner Chandler moved, seconded by Commissioner Sellars, and carried 5-0, to award the bid as recommended.

D. CONSIDER APPROVAL OF CHANGE ORDER NO. 2 ON SHIP REHAB FILE #2014-20-S IN THE AMOUNT OF \$2,490.00--KELLY CANADY, Community Development Director:

Ms. Canady presented the change order for consideration.

Commissioner Thompson moved, seconded by Commissioner Sellars, and carried 5-0, to approve the [Change Order](#) as presented.

E. CONSIDER APPROVAL OF AN ENGAGEMENT LETTER FROM ROBERT E. TAYLOR, COUNTY ARCHITECT, FOR ASSISTANCE ON SHIP REPLACEMENT HOUSING ASSISTANCE PROJECTS (Cost Per Unit/Project-\$4,090.00 (Paid From SHIP Funds)--KELLY CANADY, Community Development Director:

Ms. Canady presented the engagement letter for consideration.

Commissioner Riddick moved, seconded by Commissioner Chandler, and carried 5-0, to approve the [Engagement Letter with Robert E. Taylor](#) as recommended.

F. CRIME PREVENTION SECURITY SYSTEMS, LLC UPGRADE (No Charge with a 60-Month Agreement)--ROBERT PERONE, Library Director:

Mr. Perone requested permission to upgrade the Library security system to a wireless system through the current vendor at no charge to the County.

Commissioner Chandler moved, seconded by Commissioner Thompson, and carried 5-0, to approve a [60-Month Agreement](#) with Crime Prevention Security Systems, LLC.

G. CONSIDER APPROVAL OF A PROPOSAL FROM GREAT SOUTHERN CONSTRUCTION EQUIPMENT CO. FOR A TRADE-IN OFFER OF THE 2012 BADGER TM470 BOOM EXCAVATOR (SN: 4701204) FOR A NEW 2016 GRADALL XL3100V HYDRAULIC EXCAVATOR--BALANCE TOTAL OF \$256,327.06

Mr. Carter advised that the [proposal](#) as stated above is based on direction of the Board from the recent Budget Workshop.

Commissioner Thompson moved to approve the proposal as set forth in "G" above. Commissioner Sellars seconded the motion.

Commissioner Sellars recalled discussion from the budget workshop relating to the need of a Zipper AZ 600 for road maintenance. The Board made a decision not to purchase any new items unless there is an emergent need. In moving forward, she cautioned the Board about declaring everything an emergency.

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Incited by inquiry of Commissioner Thompson, Mr. Funderburk advised that there is a greater need for a new Gradall rather than for the Zipper AZ 600.

Mr. Funderburk added that the [last offer made](#) on the Zipper was as follows: They will finance it for five years with an annual payment of \$32,821.90, with no payment due for one year. In comparison, the Road Department currently expends approximately \$30,000.00 annually to repair potholes.

Discussion ensued regarding options (other than purchasing a new Gradall) that would be more economically feasible.

At the conclusion of the discussion, *the MOTION FAILED 1-4, Commissioner Riddick, Commissioner Lewis, Commissioner Sellars and Commissioner Chandler dissenting.*

COMMISSIONERS COMMENTS:

A. REQUEST PERMISSION TO REFUND THE CITY OF HAMPTON OF PAID PERMIT FEES FOR BUILDING REPAIRS TO FIRE STATION --DANNY RIDDICK, Vice-Chairman:

Commissioner Riddick asked the Board to refund the City of Hampton \$84.00 for permit fees for building repairs to the fire station. The City of Hampton is doing a great job. In addition to the improvements and repairs made to the fire station, City Hall is being painted and refurbished inside.

Commissioner Riddick moved, seconded by Commissioner Chandler, and carried 5-0, to refund the City of Hampton \$84.00 as requested.

ADJOURN: There being no further business, the meeting adjourned at 9:30 p.m.

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

EDDIE J. LEWIS, 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 _____