

(11-16-04)

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
REGULAR SCHEDULED MEETING
NOVEMBER 16, 2004 7:00 P.M.**

The Bradford County Board of County Commissioners met November 16, 2004 to conduct their regular scheduled meeting. Attending were: Commissioner Hersey, Commissioner Thomas, Commissioner Cooper, newly elected Commissioner Ross Chandler, newly elected Commissioner Eddie Lewis, Jim Farrell, Marlene Stafford, Lisa Hall, John Broling, Sheriff Milner, Cheryl Brownlee, Marcia Miller, Judy Butterfield, Nora Thompson, Wilson Whidden, Nathaniel Hines, Nelson Green, Sam Mutch, Terry Vaughan and Percy Sullivan.

(A copy of all documentation presented at this meeting is located in Supplement File No. 11-16-04.)

Vice-Chairman Hersey called the meeting to order at 7:00 p.m. Sheriff Milner gave the Invocation and led the Pledge of Allegiance.

SWEARING IN OF NEW COMMISSIONERS—HONORABLE JOHNNY HOBBS:

County Judge Johnny Hobbs swore in Commissioner Ross Chandler, Commissioner Eddie Lewis and Commissioner John Cooper.

BOARD REORGANIZATION

A. ELECT CHAIRMAN:

Comm. Lewis NOMINATED Commissioner Thomas to serve as Chairman. There being no further nominations, **Comm. Lewis MOVED** to close nominations. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0.**

Vice-Chairman Hersey turned the gavel over to newly elected Chairman Thomas. Chairman Thomas thanked the Board for the opportunity to serve as Chairman.

B. ELECT VICE-CHAIRMAN:

Comm. Lewis NOMINATED Commissioner Hersey to serve a Vice-Chairman. There being no further nominations, **Comm. Cooper MOVED** to close nominations. **Comm. Chandler SECONDED** and the **MOTION CARRIED 5-0.**

ZONING MATTERS—WILSON WHIDDEN:

- A. APPROVE ORDINANCE CONCERNING AMENDMENTS TO THE BRADFORD COUNTY COMPREHENSIVE PLAN, RELATING TO CHANGING THE LAND USE CLASSIFICATION FROM AG-2 (LESS THAN OR EQUAL TO ONE DWELLING UNIT PER FIVE ACRES) TO INDUSTRIAL AND FROM RESIDENTIAL, LOW DENSITY (LESS THAN OR EQUAL TO TWO DWELLING UNITS PER ACRE) TO INDUSTRIAL—R040211A—MCKIBBEN:**

Ms. Thompson read the title of the ordinance into the record as follows:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE BRADFORD COUNTY COMPREHENSIVE PLAN; RELATING TO CHANGING THE LAND USE CLASSIFICATION OF MORE THAN TEN ACRES OF LAND, PURSUANT TO AN APPLICATION, R 040211A, BY THE BOARD OF COUNTY COMMISSIONERS, TO AMEND THE FUTURE LAND USE PLAN MAP OF THE BRADFORD COUNTY COMPREHENSIVE PLAN, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR CHANGING THE LAND USE CLASSIFICATION FROM AGRICULTURE-2 (LESS THAN OR EQUAL TO 1 DWELLING UNIT PER 5 ACRES) TO INDUSTRIAL AND FROM RESIDENTIAL, LOW DENSITY (LESS THAN OR EQUAL TO 2 DWELLING UNITS PER ACRE) TO INDUSTRIAL OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF BRADFORD COUNTY, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”

At the request of Commissioner Lewis, Mr. Whidden gave the location of the property.

At the request of Commissioner Cooper, Mr. Broling advised the Board of the proper procedure to follow for this public hearing.

Mr. Samuel Mutch, attorney for property owner Jeanette McKibben, presented history and current uses relating to the property and factual basis to support approval of the application. He addressed some concerns cited by the State and the Regional Planning Council.

At the request of Commissioner Lewis, Mr. Mutch briefed Commissioner Chandler and Commissioner Lewis on the history of this application.

Commissioner Cooper explained the newly adopted policy wherein the Commission has agreed to sponsor applications for those property owners who properties were rezoned during the LDR Amendment process, and who make their request during the established time line each year. This application is one of those Commission sponsored applications and this is the second and final reading for the amendment.

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Discussion ensued which was not limited to but included, floor area ratios, non-conforming use and the amount of acreage in the Agriculture-2 classification and the Residential, Low Density classification.

Chairman Thomas opened the public hearing.

--The following people spoke in opposition to the application: Kimberly Parker and Tom Parker. Some of the concerns cited were: Safety for the children attending Hampton Elementary School and the negative effect to the neighborhood if Industrial zoning is approved.

Mr. Mutch responded to Ms. Parker's concerns.

--Ms. Jeanette McKibben, the property owner, addressed the Commission providing history concerning the property, the positive economical contributions of past and current businesses operating on the property, and a factual basis to support approval of the application.

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

Incited by Commissioner Hersey, Ms. Thompson explained that at a point in time, the Planning Council was working on changing the floor ratio from 1.0 to 0.25. This is something the Commission may wish to address at a future date. If the Commission makes such a change, it will affect every piece of commercial and industrial piece of property. As indicated by Mr. Mutch, there is no way to get a 1.0 floor ratio on any property, due to parking, landscaping, water management, etc.

Prompted by Commissioner Lewis, Ms. Thompson said that once the land use and the zoning is changed to industrial, anything that is permitted by the LDR under industrial will not come back before this Board. If it were something that was permitted by special exception; that also would not come back to this Board; it would go to the Board of Adjustments. This Board would review a site plan for future development on the property.

Commissioner Cooper asked Mr. Mutch if there should be concern with designating wetlands and low lands industrial. Mr. Mutch said that wetlands and low lands should not be designated industrial. In this case, there are 12 acres of upland and 8 acres of wetlands. Currently, the Commission does not have the ability to transfer development rights from the 8 acres onto the 12 acres. This is a mechanism that can be used to preserve wetlands in the future, and he would recommend that the Board review that with the Planning Council. Mr. Mutch said that the wetlands affected by this application would probably not be developed as industrial because for every square foot that you take out of the wetland, you have to put in some type of new wetland, which is very expensive and not very successful.

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Commissioner Lewis asked how many acres is needed to make sure that the existing business would be a conforming use and that will allow for expansion without getting into the wetlands. Mr. Mutch said that if the Commission wished to maintain the wetlands as agriculture or put them into conservation, and then allow the approximately 12 acres of upland to be industrial, Ms. McKibben would not challenge it. The Board cannot expand the area being considered for rezoning, but you can contract it, and the contraction can be made by an amendment to this ordinance.

This spurred discussion. (The Commission previewed the property in question, via the Property Appraiser's website.)

Mr. Tommy Parker addressed the Commission expressing his opposition to the rezoning application.

Commissioner Cooper said that he feels it would be bad policy for this Board to create industrial property in wetlands; the potential for contamination is just too great. He does however, give great deference to the fact that this was industrial property at one time and was changed obviously without Ms. McKibben's knowledge. He does recognize that there are some residences within proximity of this property, but that does not overweight the fact that industrial zoning will be consistent with the land uses around the area. To the west of this property is a railroad track and vacant lands, and to the northeast of this property is Griffin Industries, which is an industrial use as well.

Comm. Cooper MOVED to adopt an ordinance approving Land Use Application #R 040211A, only for the portion that does not constitute wetlands as defined by the Department of Environmental Protection, approximately 12 acres of the subject parcel, which is consistent with surrounding land uses. **Comm. Chandler SECONDED** and the **MOTION CARRIED 3-2**, with Commissioner Lewis and Commissioner Hersey dissenting. (The ordinance was assigned No. 04-37.)

B. APPROVE AN ORDINANCE CONCERNING AMENDMENTS TO THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS, RELATING TO THE REZONING OF TEN OR MORE CONTIGUOUS ACRES OF LAND, TO AMEND THE OFFICIAL ZONING ATLAS; PROVIDING FOR REZONING FROM AGRICULTURA-2 (1-2) TO INDUSTRIAL (I) AND FROM RESIDENTIAL, SINGLE FAMILY/MOBILE HOME-1 (RSF/MH-1) TO INDUSTRIAL (I)—APPLICATION #04-1 (MCKIBBEN):

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Ms. Thompson read the title of the ordinance into the record as follows:

“AN ORDINANCE OF BRADFORD COUNTY, FLORIDA, AMENDING THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS; RELATING TO THE REZONING OF TEN OR MORE CONTIGUOUS ACRES OF LAND, PURSUANT TO AN APPLICATION, Z 04-1, BY THE BOARD OF COUNTY COMMISSIONERS, TO AMEND THE OFFICIAL ZONING ATLAS OF THE BRADFORD COUNTY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REZONING FROM AGRICULTURAL-2 (A-2) TO INDUSTRIAL (I) AND FROM RESIDENTIAL, SINGLE FAMILY/MOBILE-HOME-1 (RSF/MH-1) TO INDUSTRIAL (I) OF CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF BRADFORD COUNTY, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.”

Mr. Mutch said that the elements of the comprehensive plan as amended tonight would require amending the 12 acres only, the other 8 being excluded. This meets to goals, objectives and policies of the Bradford County Comprehensive Plan, especially for the development of the community and the industrial base and job development. It also meets the criteria under the future land use element for development to take place in appropriate areas. This is an industrial area and is supported by the Comprehensive Plan.

Chairman Thomas opened the public hearing.

Mr. Tommy Parker addressed the Commission and stated that he feels the Board has let the citizens of Bradford County down by the action taken.

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

Comm. Cooper MOVED to adopt the ordinance approving Rezoning Application No. Z 04-1, only for the portion that does not constitute wetlands as defined by the Department of Environmental Protection, approximately 12 acres of the subject parcel, which is consistent with surrounding land uses. **Comm. Chandler SECONDED** and the **MOTION CARRIED 3-2**, with Commissioner Lewis and Commissioner Hersey dissenting. (The ordinance was assigned No. 04-38.)

PUBLIC COMMENTS:

Ms. Phyllis Fuller of SW 137th Street, Starke, commented on following:

--She is representing the residents of 137th Street, also known as Deerfoot Trail, who are asking the Commission to adopt this road as a County road. Ms. Fuller gave a brief history of and problems with the road.

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Chairman Thomas said that according to the Property Appraiser, there has never been a private road taken over by the County by tax default. He asked if the residents would agree to an MSBU?

Ms. Fuller said that the residents would not agree to an MSBU. You are basically writing a blank check to the County to give to a contractor of their choice and it could end up costing much more than if you had your own homeowners association, which is what they are trying to do, and deal with a contractor directly.

Commissioner Lewis said that this area has been a problem for many years. There are other areas throughout the County that he would like to see receive some type of help.

Mr. Jim DeValerio of 12933 S.W. 83rd Avenue, Starke, commented on the following:

--He is a resident of Wynn Cemetery Road, which is also a private road that is in need of maintenance. This area has grown much greater than what was anticipated when he moved in. Emergency vehicles, school buses and law enforcement need to be able to use the road. He would like to see developers held to standards for deed restrictions.

There was discussion concerning right-of-ways, a homeowners association and MSBU's.

Mr. Edwin Clark of 1405 N.E. 216th, Lawtey, commented on the following:

--Inquired as to the status of the rezoning for the church in Lawtey.

Chairman Thomas said that the County Attorney's office is working on the ordinance.

Mr. Broling said that a draft has been prepared for Mr. Brown's approval. As soon as he approves it, it will be sent to the Commission for permission to advertise.

CONSENT AGENDA:

- A. APPROVE APPOINTMENT OF MRS. CHARLEEN GATHRIGHT AND MR. JEREMY CRAWFORD TO THE ALACHUA/BRADFORD REGIONAL WORKFORCE BOARD**
- B. APPROVE MINUTES FROM BUDGET WORKSHOP OF AUGUST 26, 2004**
- C. APPROVE RENEWAL CONTRACT BETWEEN MERIDIAN BEHAVIORAL HEALTHCARE AND BRADFORD COUNTY**
- D. APPROVE SHIP LOANS**
- E. APPROVE SATISFACTION OF MORTGAGE FOR R. BARGERON**
- F. BUDGET AMENDMENTS AND RESOLUTIONS**

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Commissioner Cooper asked that item “A” be pulled. Commissioner Hersey asked that item “F” be pulled.

Comm. Cooper MOVED that items B, C, D & E on the Consent Agenda be approved. **Comm. Lewis SECONDED** and the **MOTION CARRIED 5-0**.

(ITEM “A” PULLED FROM THE CONSENT AGENDA): APPROVE APPOINTMENT OF MRS. CHARLEEN GATHRIGHT AND MR. JEREMY CRAWFORD TO THE ALACHUA/BRADFORD REGIONAL WORKFORCE BOARD—COMM. COOPER:

Commissioner Cooper said that there are actually four (4) vacancies on the Alachua/Bradford Workforce Board. The Chamber has submitted two names: Charlene Gathright and Jeremy Crawford. He would like to submit a third name: Maxie Carter, Jr., former County Commissioner. Mr. Carter is willing to serve.

Comm. Cooper MOVED to appoint Charlene Gathright, Jeremy Crawford and Maxie Carter, Jr. to the Alachua/Bradford Regional Workforce Board. **Comm. Lewis SECONDED** the motion. Commissioner Cooper said this will still leave one more vacancy on the Board and recommendations are welcome. There being no further discussion, the **MOTION CARRIED 5-0**.

(ITEM “F”, PULLED FROM THE CONSENT AGENDA: BUDGET AMENDMENTS AND RESOLUTIONS—JIM FARRELL: Mr. Farrell presented budget amendments for fiscal year 2003-2004.

Comm. Cooper MOVED to approve the budget amendments, pages 1 through 15, as presented. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0**.

Mr. Farrell then presented budget resolutions for consideration. He explained the need for each resolution and read their titles into the record as follows:

“A RESOLUTION OF THE BRADFORD COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A \$2,226.00 INCREASE IN REVENUE AND EXPENDITURES IN THE GENERAL FUND BUDGET.”

Comm. Lewis MOVED to adopt the Resolution as presented. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0**. (The Resolution was assigned No. 04-43.)

“A RESOLUTION OF THE BRADFORD COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A \$1,370.00 INCREASE IN REVENUE AND EXPENDITURES IN THE GENERAL FUND BUDGET.”

Comm. Lewis MOVED to adopt the Resolution as presented. **Comm. Hersey SECONDED** and the **MOTION CARRIED 5-0**. (The Resolution was assigned No. 04-41.)

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“A RESOLUTION OF THE BRADFORD COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A \$16,094.00 INCREASE IN REVENUE AND EXPENDITURES IN THE GENERAL FUND BUDGET.”

Comm. Chandler MOVED to adopt the Resolution as presented. **Comm. Lewis SECONDED** and the **MOTION CARRIED 5-0**. (The Resolution was assigned No. 04-42.)

“A RESOLUTION OF THE BRADFORD COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A \$957,112.00 INCREASE IN REVENUE AND EXPENDITURES IN THE FINE & FORFEITURE FUND BUDGET.”

Comm. Cooper MOVED to adopt the Resolution as presented. **Comm. Lewis SECONDED** and the **MOTION CARRIED 5-0**. (The Resolution was assigned No. 04-44.)

“A RESOLUTION OF THE BRADFORD COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A \$24,433.00 INCREASE IN REVENUE AND EXPENDITURES IN THE GENERAL FUND BUDGET.”

Comm. Lewis MOVED to adopt the Resolution as presented. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0**. (The Resolution was assigned No. 04-45.)

“A RESOLUTION OF THE BRADFORD COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A \$86,973.00 INCREASE IN REVENUE AND EXPENDITURES IN THE EMERGENCY SERVICES’ FUND.”

Comm. Hersey MOVED to adopt the Resolution as presented. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0**. (The Resolution was assigned No. 04-46.)

RESOLUTIONS—TERRY BROWN:

A. ADOPTION OF A RESOLUTION INCREASING THE RECORD AND INVENTORY VALUE TO \$1,000.00

Mr. Broling said that it is the County Attorneys’ recommendation for the Commission to adopt the resolution. His office will provide a corrected copy for signature tomorrow. Adoption of this resolution will increase the inventory value required by Florida Statute from \$750.00 to \$1,000.00.

Commissioner Hersey said that the Board actually approved the increase some time ago, but it was not in the required resolution form.

Comm. Chandler MOVED to adopt the Resolution as presented. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0**. (The Resolution was assigned No. 04-40.)

APPROVE THREE-PARTY AGREEMENT BETWEEN BRADFORD COUNTY AND UNIVERSITY OF FLORIDA BOARD OF TRUSTEES AND WILLIAM F. HAMILTON, M.D. FOR DISTRICT MEDICAL EXAMINER SERVICES, UNIVERSITY PHYSICIAN SUPPORT SERVICES, UNIVERSITY NON-PHYSICAL SUPPORT SERVICES AND FACILITY USE—TERRY BROWN:

Mr. Broling presented the agreement for approval. It is his understanding that this is an extension of the existing contract with no changes.

Comm. Lewis MOVED to approve the contract as presented. **Comm. Cooper SECONDED** and the **MOTION CARRIED 5-0.**

REQUEST PERMISSION TO ADVERTISE FOR ASPHALT WORK ON MENG DAIRY ROAD—COMM. COOPER: Commissioner Cooper said that Meng Dairy Road has reached the point that it would be safe to advertise for bids for asphalt work. Mr. Kelley has provided an advertisement. If weather permits, the road will be ready for the asphalt to be laid early to mid-January.

Comm. Cooper MOVED to authorize the advertisement for the asphalt work on Meng Dairy Road. **Comm. Lewis SECONDED** the motion.

Commissioner Lewis asked for clarification of what work is to be done by the County and what work will be let for bid. Commissioner Cooper said that the method concerning roadwork has been that the County, using our people and our equipment does everything up to the asphalt and then the asphalt is let for bid.

Commissioner Lewis said that there is a lot of routine maintenance the Road Department needs to be doing. He would like to see the Road Department do what they can with road paving projects, such as clearing the right-of-way, but then get out of the way and bid out the lime rock and the asphalt. This will help free up the Road Department to perform the routine maintenance.

Commissioner Cooper said that the Board hired OPS who are on a year-to-year contract that are assigned to road construction. There will always be too much road maintenance and they have tried to balance it. He is apprehensive about changing Meng Dairy Road because it is so close. However, he would like to discuss the County Road Paving Plan and projects in a retreat setting to determine what to do in the future.

Following brief discussion, the **MOTION CARRIED 5-0.**

APPROVE PAYMENT OF BILLS: Comm. Cooper MOVED to approve payment of the bills as reviewed. **Comm. Lewis SECONDED** and the **MOTION CARRIED 5-0.**

PERSONNEL MATTERS:

A. PERMISSION TO ADVERTISE FOR TWO OPS VACANCIES IN THE ROAD DEPARTMENT—COMM. COOPER: Commissioner Cooper said that the two OPS employees previously hired have left for other jobs. It is probably appropriate to go ahead with the advertisement, but wait to hire until the Board holds a workshop or a retreat to make a decision regarding the future of the Road Department.

Comm. Chandler MOVED to authorize the advertisement for two OPS employees for the Road Department. **Comm. Lewis SECONDED** the motion.

Chairman Lewis inquired about the hourly rate. Commissioner Cooper said that the starting pay is \$8.00 per hour, 40-hour week with no benefits. These positions are budgeted.

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

COUNTY ATTORNEY REPORTS--Mr. Broling reported the following:

--At the last meeting the Board hired LaRue Williams with regard to the courthouse construction litigation. Hopefully, at the December 6 meeting, he should be able to provide an update concerning the litigation.

--The land swap with the City for the Library is scheduled for the week of December 6.

CLERK REPORTS: None.

COMMISSIONERS' COMMENTS:

Commissioner Lewis commented on the following:

--Inquired about the Road Paving Project list.

Chairman Thomas said that a copy of the list could be obtained from Ms. Hall.

--Would like to see follow-up on the County Manager issue.

Commissioner Hersey commented on the following:

--Provided an update concerning the Santa Fe Community College parking lot lime rockwork. They are having a problem with their contractor who is doing the asphalt. The contractor has advised that he cannot guarantee his work based on finish work being done by the County, to the tune of an additional \$14,000.00. He will keep the Commission apprised.

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Commissioner Cooper said that the manner in which the parking lot is designed with the cuts, slopes and water retention areas, the County's equipment and manpower is going to find it difficult to do the finish grade work, and Mr. Waldron has estimated that it will take anywhere between 8 to 12 days. In speaking with Mr. Sharon and Mr. Paynor, he took the position that the County does not have neither the manpower nor the type of equipment needed for this work. They are going to approach the paving contractor to have that work done, which will enable to contractor to guarantee the asphalt work. If the County does the finish work, the contract will not guarantee the asphalt.

This will be an additional expense for Santa Fe Community College. Given the amount of time, effort and money the County has expended on the project, this is an expense Santa Fe is happy to bare. It is his understanding that the County is finished with its portion of the work and Hipp Construction is the contractor finishing the job.

Commissioner Chandler commented on the following:

--Agrees with Commissioner Cooper regarding a workshop to discuss, among other things, road maintenance.

--The County needs to try to search out additional inmate labor to help free up the road department.

Chairman Thomas said that Mr. Carter with D.O.C. is willing to assist, when available.

Commissioner Chandler said that it would be a tremendous help if L.W.C.I. would keep the entire 200B mowed and groomed instead of just in front of the prison.

Chairman Thomas said that maybe they would consider the Adopt-A-Road Program through New River.

Chairman's Comments:

--This issue brought up concerning the Santa Fe Community College parking lot is something the Board may need to keep in mind as it relates to roads that are paved on bases prepared by the County and how that affects price and guarantee of the asphalt work.

Commissioner Cooper said that the RFB for the asphalt for Meng Dairy Road can be let with an Option "A": Asphalt Only, and Option "B": Asphalt and lime rock work.

Commissioner Chandler said that he realizes final inspections are performed on roads, but asked if the County inspects the lime rock and the asphalt after the work has been done.

Chairman Thomas said that Universal Engineering performs core drillings and provides compaction and density or the lime rock and the asphalt.

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Commissioner Cooper said that he would work on setting up a date, time and place for a Board retreat and announce the date at the December 6 meeting. He would like this to be an open forum for the Commission.

There being no further business, the meeting adjourned at 8:53 p.m.

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

DOYLE THOMAS, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK TO THE BOARD

These minutes typed by:

Marlene K. Stafford, Deputy Clerk

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