

MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD MAY 20, 2013

The Gilchrist County Board of County Commissioners, in and for Gilchrist County, Florida, convened in a **Regular Meeting** on **Monday, May 20, 2013**, at **4:00 p.m.**, in the Board of County Commissioners Meeting Facility, located at 210 South Main Street, Trenton, Florida, with the following members' present to-wit:

<i>District I</i>	<i>Commissioner Sharon A. Langford, Chairman</i>
<i>District II</i>	<i>Commissioner D. Ray Harrison, Jr., Vice Chairman</i>
<i>District III</i>	<i>Commissioner Todd Gray</i>
<i>District IV</i>	<i>Commissioner John Rance Thomas</i>
<i>District V</i>	<i>Commissioner Kenrick Thomas</i>

Others in Attendance

Todd Newton, Clerk of Court; Jacki Johnson, Finance Director; Patty McCagh, Board Secretary/Deputy Clerk; David Lang, County Attorney; Bobby Crosby, County Administrator; Terri Hilliard, Administrative Assistant; John Ayers, Gilchrist County Journal; Billy Cannon, Road Department Superintendent; Diane Rondolet, Code Enforcement Officer; Mitch Harrell, Fire Chief; Laura Dedenbach, County Planner; Pat Watson, GC Chamber of Commerce; Donna Creamer, PWW; Sheriff Bobby Schultz, GCSO; Charlotte Pedersen, SHIP Administrator; Taylor Brown, Rosemary McDaniel; David Gilliam; Susan Owens; Jane & Ray Rauscher; Marion Poitevint; Steve Gladin; Jean Wonser; Jordan Green, Bill Henderson, Bryan Gilbert, FDOT; Diane Clifton; Ray & Arnette Cannon; Merrillee Malwitz-Jipson, Our Santa Fe River; Jane & Roger Nogaki; Delwin & Martina Kitzerow; Jane Hatker; Lynn Hatker; Mark Long, Cave Diver; Annette Long, Save Our Suwannee; Todd Bryant; Randy Davis; Marianne Bennink; Greg Beauchamp, Attorney; Don Bennink, Owner North Florida Holstein, LLC; Frank Cunningham; David Stinson; Garrett Quinlan; Doug Crawford; David Temple; Martha Barnes; Barbara Knuteon; Peter Butt; Mark Wray; Scott Tucker, SRWMD; Judy Martin; Norvel Reed, Jr.; Edwin Jenkins, GCSO; Ron St. John, Alliance Dairies; Joey Ricks, Alliance Grazing; Ed McAlpin; Charlie Smith; Michelle Crawford; Daniel Rourke; Brett Crawford; and Kelly Philman.

Call to Order

Chairman Sharon A. Langford called the meeting to order at 4:00 p.m.

County Administrator, Bobby Crosby delivered the invocation and Commissioner Todd Gray, led the pledge of allegiance.

Agenda

- Mr. Bobby Crosby, County Administrator, presented the following **Agenda Change**:
 1. Addition: **General Government**; Records Storage Building Contract

- Mr. Todd Newton, Clerk of Court, presented the following **Agenda Change**:
 1. Addition: Notification of rate increase from Mike Grogan

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner John Thomas, to approve the Agenda, as presented, with noted change. Motion carried unanimously.

Consent Agenda

Approval of Minutes

Regular Meeting May 06, 2013
 Emergency Meeting May 10, 2013

Budget Entries

BE13-017, Fund 001, General Revenue \$3,546.34

Request for Payment Approval

Dixie County Sheriff's Department
 Inmate Housing for April 2013 \$3,990.00

Mills Engineering Company
 Invoice 2013012, W/R CR307A \$2,088.75
 Invoice 2013015, W/R CR341 \$5,141.25
 Invoice 2012042, Log Landing Renovation \$2,565.00
 Invoice 2012073, Resurface Townsend Cemetery Road \$7,371.86

John C. Hipp Construction & Equipment Co., Inc.
 Pay Estimate #2, April 2013, NW 55th Avenue \$206,864.71

Approval of Donation

Trenton High School Baseball Team \$1,000.00
 (approved at Emergency Meeting on May 10, 2013; funds to assist with cost to participate in State Tournament)

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner D. Ray Harrison, Jr., to approve the Consent Agenda, as presented. Motion carried unanimously.

County Administrator's Report

Mr. Bobby Crosby, County Administrator, presented the following documents, and/or addressed the following issues:

Road Department

- Monthly Lime Rock Report: For the Boards' information, Mr. Crosby presented the Monthly Lime Rock Report as submitted by Mr. Billy Cannon, Road Department Superintendent, for the month of April, 2013.

Library

- Monthly Report: For the Boards' information, Mr. Crosby presented the Monthly Gilchrist County Public Library Report, as submitted by Library Manager, Ms. Wilma Mattucci, showing a comparison for March 2013 and April 2013.

General Government

- FDEO Grant Request: Mr. Crosby requested permission for the Chairman to sign letter requesting a \$25,000.00 Community Planning Technical Assistance Grant, for FY13/14, from the Florida Department of Economic Opportunity; no match by the County required. Discussion took place.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Todd Gray, to approve the request allowing the Chairman to sign the letter to the Florida Department of Economic Opportunity, requesting a \$25,000.00 Community Planning Technical Assistance Grant, for FY13/14. Motion carried unanimously.

FYI

- Shingle Landing: Mr. Crosby updated the Board on the Shingle Landing Boat Ramp Project. He stated that the estimated completion date is July 8, 2013.

County Administrator's Agenda Change

General Government

- Records Storage Building Contract: Mr. Crosby presented the contract with McInnis Services, LLC, for the Records Storage Building Project (which has been reviewed by legal counsel) and requested that the Chairman is authorized to sign.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner John Thomas, to authorize the Chairman to sign the contract with McInnis Services, LLC, for the Records Storage Building Project. Motion carried unanimously.

Attorney's Report

County Attorney, Mr. David M. Lang, Jr., had no documents to present or issues to address, at this time.

Clerk's Report

Mr. Todd Newton, Clerk of Court, presented the following documents, and/or addressed the following issues:

Revenue Report for Hart & Otter Springs: Mr. Newton presented, for the Boards' information, the Revenue Report for both Hart & Otter Springs, for the periods ending September 30, 2012 and May 3, 2013.

Request for Proclamation: Mr. Newton presented a request from the attorney's of the City, County and Local Government Law Section of The Florida Bar, asking the County to join with other cities and counties throughout the State of Florida in proclaiming May as "Civility Month." Mr. Newton read the proclamation for the record.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Todd Gray, to approve the request for a proclamation that the Month of May is recognized as "Civility Month." Motion carried unanimously.

Agenda Change

- Letter from Mike Grogan, Labor Law Attorney: Mr. Newton presented, for the Boards' information, the receipt of *Notification of Professional Rate Increase*, from Labor Law Attorney, Mike Grogan, with Allen, Norton & Blue, Professional Association.

Effective July, 2013, Mr. Grogan's rate for his services will increase by \$15, from \$245 to \$260. Mr. Newton stated that this notification has nothing to do with the request for RFQ's. Discussion took place.

Commissioners Reports

- None noted, at this time.

4:15 p.m. Time Certain

- Jordan Green and Bill Henderson, FDOT: Mr. Jordan Green, FDOT, addressed the Board and presented the Tentative 5-Year Transportation Plan, for FY 2014-2014.

Mr. Green requested the Board to consider which County Roads will be submitted for the Transportation Priorities Work Program. Discussion took place.

The Board will determine which county roads to submit for the FDOT Work Program considering which ones to list as priorities; list to be submitted to the FDOT by July 1, 2013.

The Board thanks Mr. Green and Staff for funding the Rock Bluff Bridge Repair project.

County Administrator's Report Continues...

SHIP

- **LHAP – for Review:** Ms. Charlotte Pedersen, SHIP Administrator, presented the SHIP Local Housing Assistance Plan (LHAP), for the Boards' review, approval and requested that the Chairman is authorized to sign. Discussion took place.

The Board requested that Mr. Lang, County Attorney, get with Ms. Pedersen to review the documents that she is using to make sure they are consistent with the revised LHAP.

Motion made by Commissioner Todd Gray, seconded by Commissioner John Thomas, to approve the revised (including those areas highlighted) SHIP Local Housing Assistance Plan (LHAP), for Fiscal Years 2013/2014, 2014/2015, 2015/2016. Discussion took place.

The Board also agreed that SHIP Loans should NOT automatically be forgiven at the death of a single applicant.

Chairman Langford then called for a vote... ***Motion carried unanimously.***

- **Lisa Matthews Stephenson:** Ms. Pedersen presented a request, for the Boards' approval, for a refinance on SHIP Loan, for Lisa Mathews Stephenson based on the recommendation of the Loan Review Committee. Discussion took place.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Todd Gray, to approve the refinance on SHIP Loan, for Lisa Mathews Stephenson as based on the recommendation of the Loan Review Committee. Motion carried unanimously.

- **Justin and Nicole Barron:** Ms. Pedersen presented a request, for the Boards' consideration, for a SHIP Loan Subordination, for Justin and Nicole Barron.

Ms. Pedersen stated that the balance as of today is in the amount of \$6,999.72, good through April 26, 2008. As this file shows the applicant(s) have knowingly taken out a 3rd mortgage on this home, with SunState Federal Credit Union, on May 14, 2008, without the prior consent of the SHIP Program. We are demanding repayment under the default terms, in the recorded SHIP Loan and Mortgage dated April 25, 2005, and recorded under instrument number 2005002665. Discussion took place.

Ms. Pedersen stated that it is the recommendation of the SHIP Loan Review Committee to **deny** the request for subordination.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Kenrick Thomas, to deny the request of Justin and Nicole Barron, for SHIP Loan Subordination, based on the recommendation of the SHIP Loan Review Committee.

This concluded the County Administrator's Report...moving on.

5:00 p.m. Time Certain

- SUP 2013-02: A request by North Florida Holsteins, LC, to expand an existing intensive agriculture use (dairy, spray field, and other associated uses) on approximately 2,255 acres located on CR 232. Future Land Use designations: A-5 & Silviculture/Agriculture.

Mr. David Lang, County Attorney, stated that this is a public hearing and explained the quasi judicial hearing rules & procedures that will be followed.

Mr. Lang asked that each of the Commissioners disclose any contacts that they have received regarding the issue of the request for a Special Use Permit made by North Florida Holsteins, LC; each Commissioner, for the record, stated any verbal contact that they received and turned in hard copies presented as well.

At this time, Ms. Laura Dedenbach, County Planner, presented the following information, as noted, in her staff report:

FLUM Designation: Piedmont Tract: A-5 & Silviculture/Agriculture
 Main Dairy: A-1 & A-2
 Gray Jon Tract: A-2
 South Pivot Tract: A-2

Requested Special Use: A request to expand an existing intensive agriculture use
 (dairy, spray field, and other associated uses)

Code Enforcement: This property is the subject of code enforcement complaint no. 2012-C18 for substantial expansion of an intensive agricultural use without obtaining a special use permit. The case was continued by the County's Code Enforcement Hearing Officer at an April 9, 2013, hearing so that the applicant could apply for this Special Use Permit and be heard by the BOCC.

Ms. Dedenbach reported that beginning in 1980, North Florida Holsteins, LC, has incrementally increased its dairy operations. The current dairy operations include 3,600 lactating cows, 300 dry cows in containment, additional dry cows, heifers, and bulls housed on pastureland, 6 freestall barns, a milking parlor, commodities area, and a waste storage pond system. All of this is located on the Main Dairy property.

The applicant is requesting that the proposed Special Use Permit include all the existing uses listed above, and the uses permitted through the industrial wastewater permit issued by the Florida Department of Environmental Protection on April 8, 2011. This permit authorized a maximum annual average herd size of 4,950 lactating cows, 745 dry cows in containment, 650 calves housed in barns, the construction of two additional freestall barns, and the addition of the Piedmont Tract into the intensive agriculture operation as sprayfield.

The Main Dairy property is located within the A-1 and A-2 future land use category.

The Piedmont Tract property is located within the A-5 future land use category and the Agriculture/Silviculture (also referred to as A-6) future land use category.

The Gray Jon Tract and the South Pivot Tract are both A-2 and are used as sprayfield only. It is unclear as to whether the Gray Jon Tract is included in the applicant's FDEP permit. The South Pivot Tract is included.

Ms. Dedenbach stated that it is her recommendation that the proposed special use permit, which includes the Piedmont Tract and three A-1 parcels, be **denied** based upon the following:

- 1) Future Land Use Element Policy I.2.2.1 and Section 8.02.01(a), LDC, defines "intensive agriculture" as "any agricultural use requiring an industrial wastewater permit from the Florida Department of Environmental Protection."
- 2) The industrial wastewater permit issued by the Florida Department of Environmental Protection for North Florida Holstein's dairy operations includes the Piedmont Tract, which has a future land use designation of Silviculture/Agriculture, and three parcels of the Main Dairy, which have a future land use designation of A-1.
- 3) Future Land Use Element Policy I.2.2.2 prohibits intensive agriculture uses in the Silviculture/Agriculture future land use category. Future Land Use Element Policy I.1.6.1 prohibits intensive agriculture in the A-1 future land use category.
- 4) Section 2.04.03(a) and 2.05.03(a), LDC, prohibit intensive agriculture requiring an industrial wastewater management permit from the Florida Department of Environmental Protection in the Silviculture/Agriculture and A-1 land use categories, respectively.
- 4) Section 8.02.02(c)(11), LDC, requires the location of the proposed intensive agriculture use be consistent with the Comprehensive Plan and Land Development Code.
- 4) Approval of the proposed special use permit would authorize intensive agriculture operations in the A-1 and Silviculture/Agriculture future land use categories.
- 5) The proposed Special Use Permit application is inconsistent with the Gilchrist County Comprehensive Plan.
- 6) The proposed Special Use Permit application is inconsistent with the Gilchrist County Land Development Code.

Ms. Dedenbach stated that if the BOCC desires to move forward with permitting the Special Use Permit on the Main Dairy property, she would favorably recommend processing a future land use map amendment from A-1 to A-2 on Tax Parcels 31-08-15-0000-0006-0000; 31-08-15-0000-0008-0000; and, 31-08-15-0000-0008-0010 beginning at the June meeting. These amendments would be large-scale amendments and would have to be sent to the Department of Economic Opportunity for review under the expedited review process. Under this process, the BOCC would hold a transmittal hearing. The amendment would be sent to DEO and the review agencies for review and comment. After the 30-day review and comment period, the BOCC would be able to take final action on the amendments. The Special Use Permit could then be considered at the same meeting as the amendment adoption. Feasibly, this would be the August BOCC meeting.

Upon conclusion of her presentation for the Special Use Permit, Ms. Dedenbach called for any questions. Discussion now took place.

Chairman Langford called for the presentation of the applicant.

Mr. Greg Beauchamp, Attorney for Owner/Applicant Mr. Don Bennink and Mr. Dave Temple, presented opening statement for North Florida Holstein, LC, regarding the application for a SUP. Discussion took place.

At this time, Chairman Langford called for Public Participation. For those interested in speaking during public participation, cards were filled out to assist with this process in a timely manner. County Attorney, David Lang, called upon those wishing to speak and limited and monitored the time to three (3) minutes. Those representing a group of three (3) or more were given ten (10) minutes; those members of the group were not allowed to address the Board individually; fifteen (15) cards were turned in.

At this time, Concerned Citizens addressed the Board and if they presented any documentation, it was submitted for the record.

Mr. Beauchamp stated that for the comments being made and presented, that in order for it to be considered substantial evidence that the person stating such, needs to be qualified as *expert* or present *appropriate scientific evidence*. Public Participation continued.

Mr. Lang, County Attorney, called the applicant, Mr. Don Bennink, to address the Board upon conclusion of Public Participation.

Mr. Don Bennink, Applicant/Owner, of North Florida Holsteins, LC, addressed the Board, with a presentation for his request for a special use permit. He emphasized to the Board to leave the zoning just like it is. This concluded his presentation.

Chairman Langford then asked the County Attorney to proceed with the next step, which was rebuttal by the County Planner.

Ms. Dedenbach, County Planner, started with the definition of the Comprehensive Plans definition of ‘intensive agriculture’ as follows:

Intensive agriculture means any agricultural use requiring an industrial wastewater permit from the Florida Department of Environmental Protection. Intensive agriculture uses shall be allowed only in Agriculture-2 through Agriculture-5 land use classifications inclusive, and shall first obtain a special exception from the County. However, existing intensive agriculture uses as of the date of adoption of this policy, will not be required to obtain a special exception approval from the County for those existing intensive agriculture uses. However, expansion or change of existing intensive agriculture uses after the date of adoption of this policy, for which an industrial wastewater permit is required from the Florida Department of Environmental Protection for that expansion or change, will require a special exception from the County, unless the expansion or change is required by the Florida Department of Environmental Protection to maintain the same livestock population of the activity as existed on the date of adoption of this policy.

On the issue of silviculture/agriculture land use it is agreed and understood that ‘grass’ can be grown on Agricultural Classification A-5; although it was questioned ‘where are the A & B soils, on the A-6 side?’ Discussion took place.

Ms. Dedenbach stated that in quasi judicial proceedings it is the applicant’s burden to prove that they are consistent with the Comprehensive Plan.

Mr. Bennink expressed his intentions and understanding on the uses of silviculture.

Mr. Greg Beauchamp, Attorney for Owner/Applicant, closed with the following statement; “*The concern that you, the BOCC, should have and do have is that if you should grant this tonight is that opening the door to intensive agriculture and A-6 zoning or any other zone that intensive agriculture should not be used. The answer to that is ‘no’ if you attach the appropriate conditions.*”

Mr. Beauchamp stated that the recommendation of the County Planner is to deny the request for a special use permit but is only a recommendation; the decision of the Board is not bound by that recommendation by having the authority to go against it, but be careful with conditions; “*You should do so carefully; that’s what we are asking for, some careful conditions. All they want is to be able to grow grass on the Piedmont tract; tie his hands so he can never do anything else out there that doesn’t comply with your current zoning. Keep him away from intensive agriculture use with conditions; that’s a reasonable approach and gets everybody to where they want to be. Thank You.*”

Discussion took place questioning clarification on presentation and rebuttals. Chairman Langford then looked to the County Attorney for the next step.

Mr. Lang stated that all public input has been received including that of applicant and staff; it's time for the Board to deliberate and come to some sort of resolution on the issue. He also addressed the options that can be taken as a Board; you can approve or deny the special use application; you can approve with conditions and safe guards as you deem fit; you can approve part or deny part.

Commissioner John Thomas questioned if a zoning change should be made; change it from A-1 to A-2 on the Main Dairy before we approve or disapprove the special use permit.

Ms. Dedenbach clarified what action can be considered. She stated that there are two (2) ways to be considered: you can defer your action tonight and we can process the land use amendment and then at the August meeting you would adopt the land use amendments and then adopt the special use permit. Then you would know that you were in 100% compliance with your Comprehensive Plan (for the A-1 piece).

Ms. Dedenbach also stated that if the Board wanted to be done with the special use permit part tonight they could approve the Main Dairy Tract, Gray Jon Tract, and the South Pivot Tract with the condition that the applicant will proceed within a certain time frame to change the A-1 to A-2 and deny the portion of the Piedmont Tract; you can deny the Piedmont Tract in total or deny just the silviculture/agriculture A-6 portion of the Piedmont Tract.

Mr. Lang stated that as Mr. Beauchamp pointed out you could approve the Piedmont Tract with specific conditions.

Ms. Dedenbach stated that if the Board chooses to approve with the condition of changing A-1 to A-2, she will chart out in terms dates, so that we can make the condition very specific in order to proceed in a timely manner.

Mr. Don Bennink, owner/applicant, gave consent for the County to change the zoning from A-1 to A-2 on the Main Dairy Tract. Chairman Langford called for the pleasure of the Board.

Motion made by Commissioner John Rance Thomas, seconded by Commissioner Kenrick Thomas, to approve the application by Mr. Don Bennink, Owner/Applicant of North Florida Holsteins, for SUP 2013-02; A request to expand an existing intensive agriculture use (dairy, spray field, and other associated uses) Main Dairy: A-1 & A-2, Gray Jon Tract: A-2, South Pivot Tract: A-2, and the part of the Piedmont Tract that is A-5 only; and Mr. Bennink gave consent for the County to change the zoning on the Main Dairy Tract from A-1 to A-2; and the timeline to be consider will by abided by. Chairman Langford took roll call on vote... Motion carried unanimously.

This concluded the Public Hearing on SUP 2013-02. Moving on...

Old Business: None noted.

New Business

Commissioner D. Ray Harrison, Jr., requested that the County Attorney prepare a proclamation recognizing the Trenton High School Baseball Teams State Championship.

Motion made by Commissioner D. Ray Harrison, Jr., seconded by Commissioner Todd Gray to approve request for proclamation. Motion carried unanimously.

Public Participation: None noted.

Adjourn: With there being no further business... a ***Motion was made by Commissioner John Thomas, seconded by Commissioner Todd Gray, to adjourn. Motion carried unanimously.*** Chairman Langford adjourned the meeting at **7:59 p.m.**

***Board of County Commissioners
Gilchrist County, Florida***

Attest:

Todd Newton, Clerk of Court

Approved:

Sharon A. Langford, Chairman