

**AT A REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON FEBRUARY 19, 2013, AT 6:00  
P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ.**

Present: Doug Croley-District 2, Chairman  
Eric Hinson-District 1, Vice-Chairman  
Gene Morgan-District 3  
Brenda Holt-District 4  
Sherrie Taylor-District 5  
David Weiss, Assistant County Attorney  
Robert Presnell, County Administrator  
Marcella Blocker, Deputy Clerk  
Beryl H. Wood, Deputy Clerk

**INVOCATION, PLEDGE OF ALLEGIANCE AND ROLL CALL**

Chair Croley called the meeting to order at 6:02 p.m. and opened the meeting with a prayer and the pledge of allegiance to the U.S. Flag.

**AMENDMENTS AND APPROVAL OF AGENDA**

Chair Croley asked if there were any amendments to the agenda and there were none.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE AGENDA.**

**AWARDS, PRESENTATION AND APPEARANCES**

There were no awards, presentations or appearances.

**CLERK OF COURTS**

**1. County Finance and County Clerk Issues**

Clerk Thomas was not present, but there were no report or issues on the agenda.

**CONSENT**

*Commissioner Holt appeared at this juncture of the meeting.*

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS PRINTED. (ITEMS 2 – 8)**

**2. Approval of Minutes**

-December 4, 2012 - Regular Meeting

-December 18, 2012 - Regular Meeting  
-January 15, 2013 – Regular Meeting

**3. Ratification of Approval to Pay County Bills**

**4. Approval of EMS Consultants 2013 Annual Support Agreement (No bid required - a sole source contract) \$3,000 annual installment for period April 1, 2013 – March 31, 2012**

**5. Approval of Grant Funding and Program from Department of Economic Opportunity (DEO) for Technical Assistance and Authorization for Board to Execute The Grant and Approve Task Order to Preble Rish Project No.: 2012-1)**

This grant is to avail technical assistance to a variety of planning projects. There was no county match required. The tasks include the following: Creation of an existing land use map, update the Future Land Use Map, and create a draft strategic economic development plan for the four I-10 interchanges in Gadsden County.

**6. Request Approval of Letters of Agreement with James Gollahon and Bryant, Miller, Olive to Pay Expenses for the Refunding of the Sales Tax Revenue Refunding Bond, Series 2010 – Hospital Loan**

Payment of \$23,000 to James Gollahon, MBA, CPA, Financial Advisor and \$30,000 to Bryant, Miller Olive for their services.

**7. Support Letter to Apply for National Recreation Trail Designation for the Apalachicola River Blueway Paddling Trail**

**8. WORKFORCE Plus Interlocal Agreement**

In response to the Workforce Board Accountability Act passed during the 2012 Florida Legislative Session, WORKFORCE plus board was limited to 23 members. The current membership is 34, making the amended agreement necessary.

**ITEMS PULLED FOR DISCUSSION**

No Items were pulled from the consent agenda for discussion.

**PUBLIC HEARINGS**

**9. Public Hearing-United New Jerusalem Church of Jesus Christ Variance Request (V-2013-01) from Subsection 5611.G.1 Access of the Land Development Code (Quasi-Judicial Action)**

**Applicant: United New Jerusalem Church of Jesus Christ**


**Agent: Carmen Bourgeois Green, P. E.**

**Request: Variance from Land Development Code, Subsection 5611.G.1 - Access for Lot #2 in the Orchards of Mt. Pleasant Minor Subdivision. The variance will allow Lot # 2 to access solely onto U.S. 90 as opposed to Orchard Road.**

**Neighborhood Meeting per Planning Bill of Rights: Meeting held on December 6, 2012**

**Planning Commission Recommendation: 10-1 vote to recommend approval on January 24,**

**2013.**

 Chair Croley introduced the above stated item.

Mr. Presnell stated this public hearing was required because they were deviating from what had originally been granted to the subdivision.

*Commissioner Hinson stepped out at this juncture of the meeting.*

Deputy Clerk Marcella Blocker administered an oath to Planning and Community Development Director Anthony Matheny, who appeared before the Board.


Mr. Matheny commented the Church had been given access through the neighborhood, but there had been a disagreement with the developer after the purchase of the property. They chose, instead of a legal route of fighting him in Court, to ask for access off of Highway 90 and he added they had received Florida Department of Transportation approval and they were only requesting a variance to their original agreement changing their ingress/egress from through the neighborhood to Highway 90 only.

Chair Croley called for any public comments and there was none.

*Commissioner Hinson returned at this juncture of the meeting.*

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE OPTION 1- , WHICH WAS TO ALLOW LOT #2 TO INGRESS/EGRESS SOLELY ONTO U.S. 90 AND ALLOW NO ACCESS ONTO ORCHARD ROAD BASED ON THE FINDINGS CONTAINED IN THE APPLICATION.**

**10. Second Public Hearing-Ordinance to Revise Subsections 5003.B(6) Non-Conforming Uses of the Land Development Code**

 Mr. Presnell introduced the above item and explained this was the second public hearing in regard to this matter and added it would allow the Land Development Code to come in line with the Comprehensive Plan with the change to three years.

Chair Croley asked for any public comment and there was none.

Chair Croley raised an issue concerning the original recommendation of one year and stated it was his opinion that two years would be a reasonable timeframe and then a variance could be granted at a later time by the Board if needed.

Commissioner Holt stated her reason for asking for three years was to allow the individual(s) adequate time to obtain financing and it would allow the new owner more time get the property back up and running.

Chair Croley asked the Administrator, “As long as the person had that business there within the past 24 months, it’s just saying that they could go ahead and continue to do it, or open it up or go

forward with it, you're not denying them the right to open the business, you're just giving them a, ah, 24 month or 36 months to correct the issue."

Mr. Presnell replied, "Under the current, what we're trying to do, under the current Land Development Code it couldn't be transferred at all. You couldn't give it to a child or sell it and whatever period of time the Board chooses, it would allow for the transfer of that business and hopefully keep it open."

Commissioner Hinson stated he was in favor of three years along with Commissioner Holt and that he had talked with Mr. Presnell and asked what the pros and cons would be.

Mr. Presnell:

"The only discussion that I recall that we were having was, the longer the period was if the Code allowed for three years what if there wasn't a transfer, the possibility of the building or business sitting there, a tire store or a convenience store sitting there for period of time deteriorating because it had not been transferred and no-one was operating it, maintenance issues. That's the only con I would see with the term."

Commissioner Hinson asked what some of the pros would be.

Mr. Presnell:

"Some of the pros are, hopefully it would ah, as a matter of fact, and we had a meeting the end of last week. Country Boy's seems to keep coming up, but we have a new operator wanting to open that restaurant down at the lake right now and that's what started the discussion. In 2009 it had closed and because it was a non-conforming lot and the time limit to reopen had expired, a new business couldn't be opened there. The pros to this is any small business scattered out, whether its way out in the country or close to town, if they are in a non-conforming area and the person died or just to where they wanted to sell it, they weren't allowed to do that. It was a big issue in 2009 and the Board addressed it, but it was never followed through, the Land Development Code was never revised to address it and that's what we're trying to do now. It is to encourage business; it fits hand in hand with some more things that will be coming to this Board very soon concerning economic development."

Commissioner Hinson asked if the term changed to three years would it slow the pace or the momentum down.

Commissioner Taylor:

"I appreciate the discussion that has gone forward with regards to this. But let's stick with Country Boys. I was just there yesterday because we had an issue there and if we let it stay at two years, and I'm talking about a perfectly great restaurant, it wouldn't be able to be opened because I think it's been closed for over two years. But now, the people who are coming in there now, if we let it stay at three years, will be able to open. Then you've got another eatery, and you've seen numerous of these businesses that are in the community. Probate, financing, these things take time. All we want to do is give them a chance to open up. There is no business, no-one wants to start a business that wants to go to three years, they would rather get it open as soon as possible, because then and only then do they begin to make revenue from it. If we give them ample time to get it, is where we should be focusing. We need to have another brand for this Gadsden County. 'We're here for **YOUR** business and we are giving you as much latitude as possible to come in here."


You don't have a business, we've got one that's sitting here that is still where you can get it open and running, you've got three years to do so. Try to do it sooner so obviously you can begin generating revenue, but come in."

Chair Croley asked if there were any harm in using thirty-six months rather than the original two years.

Mr. Matheny said he didn't see it as harm, but rather as a benefit because of the economy.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE OPTION 1 APPROVAL BY ORDINANCE OF A TEXT AMENDMENT TO SUBSECTION 5003.B(5) OF THE LAND DEVELOPMENT CODE CONSISTENT WITH POLICY 1.5.1 OF THE FUTURE LAND USE ELEMENT OF THE GADSDEN COUNTY COMPREHENSIVE PLAN REMOVING THE FOLLOWING SENTENCE, "NON-CONFORMING NON-RESIDENTIAL USES SHALL NOT BE GRANDFATHERED BEYOND THE TERM ON THE EXISTING OWNERSHIP." APPROVE A TEXT AMENDMENT TO SUBSECTION 5003.B(6) EXTENDING THE TIME BEFORE A NON-RESIDENTIAL USE IS DETERMINED DISCONTINUED TO THREE (3) YEARS.**

**11. Second Public Hearing-Ordinance to Amend Subsection 2101 of the Gadsden County Land Development Code (LDC) Clarifying Facilities Permitted as Accessory Uses**

 Mr. Presnell introduced the above item and stated this pertained to outbuildings, restroom facilities, fish cleaning tables, etc. and it would help in cleaning up the codes to help avoid problems individuals had run into with wanting to build barns, boatsheds, etc. and would be in violation because they wanted to put in a toilet.

Mr. Matheny stated it was a good idea to provide this relief and then there would be no ambiguity in whether they had a residential unit or just an accessory unit with a bathroom and sink where it could be used for a variety of uses but would not be used as a living unit and he added if it were discovered that they were living in the unit, they would have to stop or they would be subjected to code enforcement.

Chair Croley called for public comment and there was none.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE OPTION 1 APPROVAL BY ORDINANCE FOR A TEXT AMENDMENT CHANGING SUBSECTION 2401 OF THE GADSDEN COUNTY LAND DEVELOPMENT CODE TO CLARIFY THAT BATHROOM FACILITIES ARE PERMITTED IN APPROVED ACCESSORY USES OR STRUCTURES WITH THE EXCEPTION OF ACCESSORY USES OR STRUCTURES LOCATED IN A RURAL RESIDENTIAL LAND USE CATEGORY AND LOCATED ON A PARCEL SIZED ONE ACRE OR LESS.**

**GENERAL BUSINESS**

**12. Reappointment of Members to the County Tourist Development Council**

 Mr. Presnell introduced this item and stated it was for re-appointment of three members to

the Tourist Development Council (TDC). The three members up for re-appointment were:

- Elmon Lee Garner, Chattahoochee RV Resort, Tourism Industry,
- Jeff Dubree, Whippoorwill Sportsman’s Lodge, Collector of Tax, and
- Patricia Vice, West Gadsden Historical Society, Tourism Industry.

He then announced that Ms. Alca Patel, who represented the Hotel Industry, had submitted her resignation and Mr. Presnell stated he thought it would be appropriate to proceed on the agendaed item tonight and then bring the matter back before the Board at the next meeting for the appointment to fill the resigned position, which would need to be someone in the hotel industry.

**LEE GARNER, Chair, TDC**, appeared before the Board and pointed out that he thought he had been re-appointed last year and he apparently had not been and asked to let the record show if the Board chose to re-appoint him it would be retroactive to 2011.

There was discussion by the Board

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER MORGAN, THE BOARD HAD DISCUSSION BEFORE THE VOTE WAS TAKEN.**


There was further discussion by the Board. For more information concerning Board discussion, please go to the Clerk’s website at [www.gadsdenclerk.com](http://www.gadsdenclerk.com) to view the audio/video recording.

**THE BOARD THEN VOTED 4-1 BY VOICE VOTE TO APPROVE OPTION 1, WHICH WAS TO RE-APPOINT LEE GARNER (RETROACTIVE TO 2011), WHOSE TERM WILL END DECEMBER 31, 2014; RE-APPOINT JEFF DUBREE WHOSE TERM WILL END DECEMBER 21, 2013 AND PATRICIA VICE, WHOSE TERM WILL END DECEMBER 31, 2013. COMMISSIONER HOLT OPPOSED.**

## **COUNTY ADMINISTRATOR**

### **13. Update on Board Requests**

#### **Tax Assessment Rolls for Quail Roost Drive and Ames-Barineau Road**

 Mr. Presnell stated that Government Services were getting very close to having the Non Ad Valorem tax rolls complete for the board’s directions.

#### **Brownsfields Grant**

Mr. Presnell reported that the initial assessment on the Quincy Middle School had been completed and it revealed that there were a number of issues identified as contamination on the gym and auditorium and they were recommending demolition. He went on to say there is a new grant available for the clean-up. He said the County stood a good chance at getting it to demolish the buildings and replace them with a park. He stated he would be meeting with the School Superintendent to make sure he was on board, but the grant application would have to be made by the County. He assured the board that there would be nothing “out of pocket” for the County and it would be a great project.

**Joint Meeting with City Commissioners**

He then commented they were getting closer to putting together a joint county/city commissions meeting and there was a lot of desire pertaining to economic development.

Commissioner Morgan asked if the BOCC retreat had been rescheduled. (Date to be determined later.)

**County Attorney**

**14. Update on Various Legal Issues**



Mr. Weiss said he had nothing to report.  
Policy and Procedures Progress

Commissioner Taylor stated Mrs. Minnis was given direction to revise some language regarding when an item could or could not be placed on the agenda. She asked when they could expect that to be on an agenda.

Mr. Weiss stated she had briefly spoken to him about it, but that he could not say as to when she would have the information for the Commissioners.

Commissioner Taylor also asked for a break-down of the county attorney bill.

Commissioner Holt stated that Ms. Minnis was asked to look into all of the policies and procedures, not just the placement of items on the agenda and that it should not take that much time to research.

Commissioner Hinson tried to address changing the deadline for submitting agenda items to the county administrator, but Chair Croley suggested that they address that issue later in the meeting since they were in the midst of discussing legal items.

**DISCUSSION ITEMS BY COMMISSIONERS**

**15.**

**Commissioner Morgan, District 3 - District 3 Concerns**

Commissioner Morgan stated he had nothing to report.

**Commissioner Holt, District 4 - County Concerns**



Commissioner Holt apologized for missing the workshop, but she made a commitment to get with the Administrator to get the highlights from it.

**Enterprise Zone**


She touched on the advantages and incentives that are available to businesses that locate in the Enterprise Zones. She urged the other commissioners to become familiar with what they are and

to promote those incentives with potential businesses in their districts.

### **Asphalt Millings**

She reminded the commissioners of the county's need for asphalt millings for repairing pot-holes and residential roads. She understood that they were not as available as in the past because of misuse by some counties. However, she urged the staff to continue to work with DOT and stress to them how important it is to Gadsden County.

### **Commissioner Taylor, District 5 – No Items**

 Commissioner Taylor asked staff to look into various grants, including CDBG, which might be available for building or renovating parks.

### **Citizens Bill of Rights**

She asked the board to revisit the Citizens' Bill of Rights and the impact it has had on economic development thus far.

### **Contracts and Procurement Policies**

She added that she would put in a motion to have all procurement bills, mainly legal, engineering and auditors along with all other major bills, be brought up for bid to assure that the County would get the best competitive price.

Chair Croley asked for clarification in what Commissioner Taylor was asking for.

#### Commissioner Taylor:

"Let me make it perfectly clear for you. I'm asking that all of the contracts that we now have with various entities, that prior to our fiscal year 2013-2014, we bid those services. That we go back out for bid and have this new Board select these providers. That is what I would like to see."

Chair Croley started to speak.

#### Commissioner Taylor:

"Now, now, I'm still (inaudible). I so understand and appreciate that the contracts are staggered and that the maturity of them will come at different times of the year. So, taking a legal position, a legal question I have now, is, can we entertain procurement in the month of April or May? Can we do it with all contracts regardless of the maturity dates on them? That's the question."

#### Mr. Weiss:

"Well, I can, if the question is directed at me I can't speak to all contracts. I think that the majority of the contracts are, probably have a 30 day notice period where either party can terminate with 30 days' notice."

#### Commissioner Taylor:

"So, that's what I want to do, again, only purpose is that we go out for a competitive bid, make sure the service will not be compromised, but that we get the best for our dollars."



Mr. Weiss:

“Let me clarify...that will be on a contract by contract basis.”

Chair Croley asked Mr. Presnell about the procurement policies and what he was trying to understand was there was a list of contracts, there are different procurement policies that cover those contracts and asked if they were being followed in the manner that she was suggesting by bidding the different items that were required to be bid and following the policies.

Mr.: Presnell:

“Yes, unless I misunderstood her, she mentioned three specifically and then she said ‘any other’ and I’m assuming she meant sizable. I don’t think you’re talking about pest control. But she wanted all bids and she specifically wanted legal, engineering and the auditors. She wanted bids put out for those services with the understanding that they would be, unless they had an out for a transition, we would honor those to the end of them. But I’m pretty sure all of our professional contracts have a notice on either side.”

Commissioner Taylor said she was asking that this matter be placed on the agenda for further discussion.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0 BY VOICE VOTE TO HAVE PROCUREMENT CONTRACTS AND POLICIES PLACED ON THE AGENDA FOR FURTHER DISCUSSION.**

#### **Landlord Tenant Issues**

Commissioner Taylor then asked that they look into the landlord-tenant law in the County.


After some discussion, it was determined that the county had no influence in those matters and they are regulated by state and federal government. Furthermore, the fees are set at the state level as well.

#### **Family Exemptions**

She asked about the Family Exemption regarding family property be revisited.

#### **Commissioner Hinson, Vice Chairman, District 1 – County Concerns**

##### **Redistricting of Voting Districts**

 He stated for the record, “My community loves me and I would never hurt their feelings and tell them that I had to abandon them and let someone else take care of them.”

##### **Cut-off Time for Submitting Agenda Items to the Administrator**

He said that it had come to his attention that the administrator has only a half day to construct an agenda under the current policy for getting the agenda prepared. He acknowledged that the

administrator does not have adequate time to construct the agenda orderly. He asked the board to consider revising the policy to allow for more time.

**UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 5-0 TO HAVE THE AGENDA DEADLINE PLACED ON THE AGENDA FOR FURTHER DISCUSSION TO CHANGE THE DEADLINE TIME TO SEVEN DAYS.**

**Commissioner Croley, Chairman, District 2 – Report and Discussion on Public Issues and Concerns Pertaining to Commission District 2 and Gadsden County**

 Commissioner Croley passed the gavel to Commissioner Hinson and stated he had some issues that he would like to speak on that had to do with the Rules of Procedure. He stated, "The issue that has to do with these Rules of Procedure, I want to remind everyone of you that in the beginning I told you I was going to follow those straight down the line. Now, the reason being is, I'm trying to be fair to everybody and if you follow the Rules of Procedure, we will not go wrong. Now, the Rules of Procedure are County Ordinances, they're the law, and the law says what we must do up here and how we must do it. That's the law. I didn't make it up. Were things done right in the past? No. Commissioner Taylor, when I sat over there I would come in here and there would be in the beginning back when we had a different attorney and a different administrator, and there would be three and four things added to the agenda and the decision was simply made if you didn't like it, three votes were what was done and those items were added without any consideration as to what you have referenced Commissioner Hinson. It was wrong. Commissioner Lamb and I had things just thrown in front of us, it's well documented, I see the Rowans are sitting back there. They certainly remember those days as well and I'm not trying to bring them into this but I do know they were witness to what was going on. Now, here's the situation. We have Florida Statutes related to the Sunshine Law, Florida Statute 286.011 'The meetings are open to the public'. The reason you publish the agenda and there is an Attorney General's opinion to back those up. It's to give the people the opportunity to know what's going on. So if they are interested in the item, they know to be able to come to the meeting. If you don't advertise the agenda, they don't know and there is plenty of legal reason out there that they shouldn't have to sit in this meeting through all of this duration here just to know that is going on in their county government. That's why we publish the agenda. Now, I will say, and I think Administrator Presnell and I have met on this. Yes, we had a miscommunication and that communication was a little bit, it's something that we have resolved and I don't think we're going to have any problem about that in the future, we're fine. So, there's no issue between Mr. Presnell and I as far as the agenda is concerned or anything else that I'm aware of and I won't put words in your mouth but that's exactly my position. (Mr. Presnell nods.) OK, now, here's the thing. We are following the order of business trying to make sure everybody gets treated fair. When you've asked to have things on the agenda, I think you've pretty much gotten unanimous support. But here's the problem. When you come in here and item, section 245 Order of Business, Item J says Placing Items on the Agenda with the consent of the commission as a whole meaning we all have to agree that the matter be placed on the agenda and that we are able to take that issue up, that's the right thing, Because it's a protection. Because one time you may not be in the majority, Commissioner Taylor and you might not want that item being placed on the agenda without you having a chance to read it, as Commissioner Hinson said. That's unfair to you as a Commissioner. Now I'm not suggesting that Mr. Presnell intended to do anything when he put the grant matter on, but it didn't hold us up. It's on the Consent Agenda. It didn't even require any discussion, but we had a chance to read it. And the other problem is, if I had signed that grant application or acceptance and it had not been

properly advertised and someone challenged it, it could put the grant in jeopardy. So I had very good reasons for not wanting to go forward and accept that grant application in the manner, ah, in the acceptance in the way it was done, now, with it being sent out on the afternoon before the meeting. Now, I'm going to come back and say that the item of placing items on the agenda, this section in the County Ordinance is exactly the same ordinances that they have in Leon County. It's the same process that is used in the other counties. You are talking about changing a process when you say 'We're going to do it by simple majority vote'. You are going to be going against what has already been established and when you listen to what the Attorney General has written, this office, meaning the Florida Attorney General, would strongly recommend that the Commission postpone formal action on any controversial matters coming before the Board at a meeting where the public has not been given notice that such an issue will be discussed, signed by Charlie Crist, November 3, 2003. That was re-affirmed by Attorney General Pam Bondi's Office by Assistant Attorney General Joycelyn Wilson. What I'm saying to you is, the solution may be to change the ten day notice because I remind you, I don't have any leeway about that. It says 'all support information for the agenda items **WILL** be made available no later than ten business days before the regular meeting. It doesn't say may; it says **SHALL** and shall means we've got to do it. Now, if, as you say Commissioner Hinson, when that comes up and it can be shortened in the number of days, great. We can consider that, if you've got time to advertise it in the newspapers. But somebody put those ten days in there, I didn't. Somebody put this other section in there. I didn't. But I am going to follow it, as long as they are here. Now, you are going to set yourself up for running afoul of the Sunshine Laws and you are going to have legal action come about if you start changing these ordinances because they all are going to require public hearings and you are going to have to advertise them and the public is going to have to be given the right to come and comment about them. All I'm saying to you is, if it isn't broke, don't fix it. Because I don't think we're going to have a problem in the future. You've still got a right, an opportunity if an emergency comes up and I think we all have common sense enough to know when it's a bona fide emergency to take action here and it's going to be a unanimous consent to act on it. But I'm agreeing with Commissioner Hinson to come in here and have, and give up a stack of papers and expect it to be read before the meeting just does not make sense. So, as a part of that prevailing majority, and I did vote to put the item on the agenda to save us the legal expense with the attorney, I'm going to motion that we leave this section of the Code alone and not pay the money to the attorney to have that portion reviewed. I would certainly support the looking at the number of days, but I'm going to motion that the item of placing Section 2-45(J) be removed from that legal work. That's my motion and I hope I have the benefit of a second.

Commissioner Morgan:

"Mr. Chair, I understand your passion. I agree with the intent completely and I am going to second it. Sometimes your tone can come across the wrong way."

Commissioner Croley:

"I apologize."

Commissioner Morgan:

"But I do support you 100% on the message that you are trying to convey because you are exactly right and I do second it."

Commissioner Taylor:

"Let me say this because you directed a couple of comments toward me. WE write the ordinances.

They are our laws. WE can amend them at any given time. It's a problem now when there is a super majority meeting, there's a problem especially, especially with the make-up of this Board. Especially with the make-up of this Board, because it is hard-felt for us to find common ground on some of the simplest things. It is a \$35,000 grant that we were being offered so that we can enhance economic development and you didn't want to put it on the agenda. It was a \$35,000 grant that they were going to give us to come in here and do a study so that we could get the jobs, get the business, be competitive and you didn't want to see it go on the agenda. I could appreciate it where you don't have it in time enough, and you should. But this is what he (the Administrator) said when he put it out in front of us 'You've seen this, we've had the discussion, we've talked about it, you know the content of it, I now have it for you in writing.' That's what he said. This isn't anything new to you. It scares me when we can't progress, needing a super majority (vote). Folks out there depending on us to get jobs in here. It just frightens me, which is why the language should be there. The law, our ordinance, we write them. We can amend them. We're going through it right now with these, with these land changes. These are laws that were on the book that we are now amending and changing because it no longer fits. It's just that we, someone said to me this one statement in the last week, 'Only concern I have about your Board is that y'all are going in 5 different directions' and I defend this Board because I'm part of it. No, there are more unanimous votes on items than there are not. So we do have our lines where we agree. It just concerns me, Commissioner. And as I have said to you earlier, it's nothing personal when you do something like that, when you take a \$35,000 grant and exercise that right, what else is coming? What else would you stop at? I agree, we shouldn't be entertaining anything right away, but the man initially said 'You know what this is about, we've been discussing it' and we had. So why not exercise the right and let's put it on the agenda and move forward. We've done it time and time again around this Board the last 4 years that I have been here, where we've added items that we had just got. We didn't want to, but we did it. We did it. So it just concerns me when it happens over an issue as small as this, what's next? What would you stop next? This is why the language needs to be in there. 90% of our government is ruled by a majority where three moves an item. It doesn't cause the law to come in. I get so tired of people talking about the sky is falling and we want to change something. That's unfair. That is just unfair. If you don't want to change it, fine, don't vote to change it. But we need to explore it. We need to do that. The only reason why is because the majority is what we use to rule our government, not a super majority."

Commissioner Holt:

"Mr. Chairman..."

Commissioner Morgan:

"That would be Mr. Commissioner Hinson."

Commissioner Holt:

"I do appreciate the opportunity. With the exception to you Mr. Chairman, I can say some things that have happened over, through this Board that would be amazing to you when it comes to the agenda. I could rattle some closets and I am sure some bones would fall out because of some things they put on the agenda before without approval of this Board. I mean NO approval of this Board. And as I told Commissioner Croley and Commissioner Lamb back in '07 when I was Chairman and they said I wouldn't let them in a meeting put things on the agenda, I said you could put anything on the agenda that you want, that's up to you. See, I know that for years we didn't have a vote of three people to put items on the agenda. Whoever controls puts items on the agenda. You had to get with one of those three in order to get your items on the agenda. There

was no vote in this Commission chamber; they just decided what they wanted on the agenda. What I want to say is this, no one person or a group of people should control without the other members having a say-so. Now, I must say this, you, the reason the federal government is deadlocked is because they are trying to go a super majority. They are filibustering and stopping things that some things should go through. You only need a simple majority to do almost anything. The founding fathers of this country, who are not my fathers by the way and some of them may be Robert, I'm not sure, but what they did was they said a simple majority. So the founding fathers of this country said a simple majority. Why are we trying to make it so difficult to get laws passed, to get things passed? We stagnate the whole process of economic development because no-one wants to come before this Board. You have to jump through all those hoops to try to get a business sin here. They can go to Jackson, Madison, anywhere else. So, what we need to do is go back and look at the total process, the policy and procedures themselves and see what we need to do and that's my comment. Thank you Sir."

Chair Hinson:

"Well, I heard the motion, ah; can I give my little 2 cents as well? What this motion is saying, it's going on the next agenda right?"

Commissioner Croley:

"No, what I'm saying to you is, I'm saying that the motion about the number of days stays. I'm saying that this business of changing these laws, we don't need to be spending the money to have an attorney go through this, it's already been identified by the Attorney General, they are saying right here that you should not be adding things to the agenda in this matter. If you are going back to doing the 3 votes, today maybe someone's in a majority, tomorrow they might not be. But that's my motion, to take that item off the legal work that's being done and save that money."

Commissioner Holt:

"Mr. Chairman, may I make one other comment? First of all, several opinions of the Attorney General have been incorrect and have been over-ruled by the Supreme Court. So that's no standard to look at. The other thing is there are certain things that the attorney is supposed to do within the contract and every time the attorney picks up a pen or does some research, we should not be required to pay them because we are now going back, as Commissioner Taylor said, and look at their contract. So we don't know for sure whether they should get paid for this or not."

Chair Hinson:

"Well, I tell you what. I'm stuck between a rock and a hard place because for the last 8 years I always said that we should have at least 7 days before we get the agenda. So I understand that some things may be an emergency, or may be sensitive that you must pass. At the same time, you don't want to abuse the law and every, every, every, every ah, you know, every other meeting somebody is coming up, now all of a sudden, every meeting, you have someone that looks at their packet coming up and says 'We need you to vote on this again'. I think it's unfair to the people; unfair to the Board, unfair to everybody. So, hum, interesting, this is an interesting situation."

Commissioner Taylor:

"Commissioner, could I say one more thing? And I can appreciate the position that you are in, but what you said earlier, very earlier in this meeting, is where you and I line up at. That we care about the people and more so, we want to make sure that our time up here is productive. Because they call on you just as much as they call on me with jobs. They call on you. There are

going to be times when you are going to have to entertain issues and you want to get things through. He's (pointing to Mr. Presnell) not going to bring anything up because he sees how it gridlocks the Board and over the four years that I've been here, it hasn't been a regular thing but it has occurred, with our Sheriff's Department, with the grant, it occurs, and you've got to be able to move on because the grants are used to fund the Sheriff's budget. You've got to move on them. You know about deadlines and grants. They have to be in or you won't even be considered. So, all I'm saying is, this doesn't gridlock us anymore, we can move agendas on. I know you are in a sensitive situation. But you want to see this county progress."

Chair Hinson:

"Right, it's just my belief; it's just something I believe in. What about this here? I tell you what; we've got a motion on the floor. But if I had to, because we're talking about something paramount, this is a paramount moment that I believe, personally, that every agenda should be (inaudible) to that appropriate time. But I understand the flexibility, every blue moon, there just needs to be, something may come up, may come up, like you said, something...So I think we need to, I agree with your motion 100% but I wish, I think we need to tell the motion just in case something like you said catastrophic or, or, something that deals with general revenue or something like that, we don't need to be entertaining that the day of the meeting, I don't think so, because that's money taken out of the budget right then and there. Ah, because I can't say no because this is something I really and truly believe in. At the same time too, I understand too, sometimes you are going to have to push, every once in a while you are going to have to push something forward. So we've got to..."

Commissioner Croley:

"May I make a comment? Commissioner, you have that authority. It says 'with consent of the Commission as a whole'. We have that authority. The issue had nothing to do with the grant application. It was the acceptance of the grant."

Chair Hinson:

"I'm not talking about the grant."

Commissioner Croley:

"No, I know and we shouldn't be. This is the issue. The consent of the Commission as a whole is in the law already. That's not a problem."

Chair Hinson:

"The consent of the whole is the super majority vote, right?"

Commissioner Holt:

"Yes, yes."

Commissioner Croley:

"No, it just means that we all agree that this item needs to be added to the agenda and we are satisfied that we've got the information."

Commissioner Taylor:

"(Holding her hand up) Five, not four, five. That's the problem."

Chair Hinson:

“Well, what’s the attorney had to say about this? Well, what’s the consensus of the Commission?”

Commissioner Morgan:

“Point of Order, Mr. Chair. I really, really do respect everybody wanting to discuss this fully. I’m going to have to interject and ask, with your permission, ask the attorney, I think we are getting way too deep into the weeds here. We are on commissioner comments, there is a motion and a second on the floor, we need to call for the vote. Very respectfully I say that. Thank you.”

Chair Hinson:

“See, the reason why I, personally, it’s just like, we’re talking about the big issue. This is a controversial issue right here. You all expect me to vote on this controversial issue right now to change the laws, I mean to do something. Something like this right here I would like to see the pros and the cons prior to...”

Commissioner Taylor:

“And that’s exactly what we did; we have it in the agenda for discussion. That’s all we’ve got right now is for discussion.”

Chair Hinson:

“I like to see the pros and the cons first before I say yes because this may be, this may be a serious issue here that may affect the whole county. Or if I said no, at the same time, I have affected the whole county by saying no as well. I want to hold things along, want to hold things around; I think that it would be...”

Commissioner Holt:

“Mr. Chairman, excuse me. May I make one comment? All that is coming before us is for discussion so that when they come back, when the Manager brings it back, he’ll bring everything for it. So you will get to see everything that goes along with that agenda item. But now, remember this, Mr. Chairman, we’re talking about putting something on the agenda and you see the gridlock right now. So, you see...”

Commissioner Taylor:

“He’s going in the right direct, let’s just bring it...”

Commissioner Holt:

“Put it on the agenda, just bring it back and that’s all we’re doing. We just discuss it, vote it up or down and keep going.”

Chair Hinson:

“The only reason why, it’s going to be kind of hard for me to vote for it even when it comes back on, I’ve got to look and do the research, but at the same time, if I vote yes for it right now, that’s saying, I guess what you are trying to stop, is making decisions, impulse decisions that really is going to affect the entire county, what I’m really looking at. So, ah, with that said, we can go ahead and vote on it. I kind of hate to vote on it because I really want to say yes because this is what I truly and truly believe in. At the same time, I would like to at least look into the pros and cons and see exactly where we stand and then, then, once we see where we stand, then I can say, ‘OK, this is the reason why I voted yes’. That’s the small reason why.”

Commissioner Croley:

“Are you going to call the vote? Because, again, I’m stating that we need to leave, take this item off the agenda and not pay the money for the attorney to go through it because it’s already here. You don’t need to do anything. Changing the days, yeah, but, we don’t need to change the Rules of Procedure. They are fair. Call the vote.”

Commissioner Morgan:

“Call the vote.”

Chair Hinson:

“I tell you, does anybody have anything to say? Let’s call the vote. OK, all in favor...”

Commissioner Croley and Commissioner Morgan said “Aye”.

Commissioner Morgan (to Chair Hinson):

“All opposed”

Chair Hinson:

“All opposed?”

Commissioner Holt, Commissioner Taylor and Chair Hinson opposed.

Chair Hinson:

“So, OK, is that it?”

Commissioner Croley:

“Are you going to announce the vote?”

Chair Hinson:

“OK, the vote is, it died, we have a 3-2 vote that a motion failed.”

**UPON MOTION BY COMMISSIONER CROLEY AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 3-2 BY VOICE VOTE TO HAVE SECTION 2-45(J) REMOVED FROM THE BOARD’S RULES OF PROCEDURE. COMMISSIONER HINSON, COMMISSIONER HOLT AND COMMISSIONER TAYLOR OPPOSED. MOTION FAILED.**

Commissioner Croley:

“Well, wait a minute. I’m still not done. There’s another thing. This business of, the issue of, you can let me have the gavel back now.”

Chair Hinson:

“No. I’m not giving it back (laughing).”

*Commissioner Morgan stepped out at this juncture of the meeting.*

Commissioner Croley:

“The final thing is on the re-districting. The law requires that we take some action on that in the



off years after the census whether we keep things the same or whether we change it, it's got to be done. That's how come it's on the agenda to be looked at. Now, and it's going to take a consultant to do it. Now, so, that's my comment about it. To give the Administrator any other direction is incorrect because he's got, we've got to go forward and us to look at this and I believe that Deborah Minnis is reviewing it now."

David Weiss:

"Yes, I think that's correct."

Commissioner Holt started to speak and Chair Croley interjected.

Commissioner Croley:

"No, I didn't make any motion, it's still my time. Alright, I'm going to end by saying that that's it and now you can call for adjournment."

Chair Hinson:

"Now, for the record, Mr. Croley, if the law says something, I will follow along."

Commissioner Croley:

"It does say that."

Commissioner Taylor:

"Well you still have the gavel."

Chair Hinson:

"I do have the gavel."

Commissioner Taylor:

"Well, you can listen to Commissioner Holt."

Commissioner Holt:

"I need, I'll make one comment on that."

*Commissioner Morgan returned at this juncture of the meeting.*

"In this process, the manager or the attorney may look at it, but I'm not in favor of hiring anyone to look at that unless its economic development. They want to hire someone to bring in some jobs. But just to move district lines, I'm not in favor of it. The numbers have to compute, the data has to be there. Thank you Mr. Chairman."

Chair Hinson:

"I make the motion to adjourn now, right?"

## **RECEIPT AND FILE**

**16.**

- a. **For the Record: Economic Development Report, February 2013 – Gadsden County Chamber of Commerce**

- b. **For the Record: Letter from the Town of Havana Regarding its Community Redevelopment Agency Annual Report**
- c. **For the Record: Letter from Department of Economic Opportunity Regarding Florida Community Development Block Grant Program, Disaster Recovery Initiative Contract and Gadsden County On-Site Monitoring Report**

**MARCH MEETING(S)**

- March 5, 2013, Regular Meeting, 6:00 p.m.
- March 19, 2013, Regular Meeting, 6:00 p.m.

**MOTION TO ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HINSON DECLARED THE MEETING ADJOURNED AT 7:45 p.m.**

**GADSDEN COUNTY, FLORIDA**

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**DOUGLAS M. CROLEY, CHAIR**  
**Board of County Commissioners**

**ATTEST:**

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**MARCELLA BLOCKER, Deputy Clerk for**  
**NICHOLAS THOMAS, CLERK**