

**AT A REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON JUNE 7, 2016 AT 6:00 P.M., THE  
FOLLOWING PROCEEDINGS WERE HAD, VIZ:**

**Present:**        **Brenda A. Holt, Chair, District 4**  
                     **Eric Hinson, Vice Chair, District 1-arrived late**  
                     **Dr. Anthony "Dr. V" Viegbesie, District 2**  
                     **Gene Morgan, District 3**  
                     **Sherrie Taylor, District 5-arrived late**  
                     **Robert Presnell, County Administrator**  
                     **David Weiss, County Attorney**  
                     **Marcella Blocker, Deputy Clerk**

**INVOCATION, PLEDGE OF ALLEGIANCE**

Chair Holt called the meeting to order at 6:00 p.m., asked for a moment of silence and then led in the Pledge of Allegiance to the U.S. Flag. A silent roll call was conducted by Marcella Blocker, Deputy Clerk.

**AMENDMENTS AND APPROVAL OF AGENDA**

Mr. Presnell said he would like to pull Item 10 from the Agenda.

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 3-0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED.**

**AWARDS, PRESENTATIONS AND APPEARANCES**

Mr. Presnell stated the first presentation on the Agenda was a Special Recognition to be presented to Mr. Darryl Figgers.

**1. Recognition of Mr. Darryl Figgers**

Chair Holt read aloud the Special Recognition that was being presented to Mr. Figgers for his heroic actions where he assisted a citizen from a burning vehicle following an accident in Midway.

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

Chair Holt then presented the Special Recognition to Mr. Figgers.

**2. Gadsden County Chamber of Commerce Update**

Mr. Presnell introduced David Gardner for a Chamber of Commerce update.

**David Gardner, Executive Director of the Gadsden County Chamber of Commerce**, appeared before the Board and gave a brief update regarding the Gadsden County Chamber of Commerce. He gave an overview of the Small Business Service Center and gave a rundown of the numbers that had come through their center.

*Commissioner Taylor arrived at this juncture of the meeting.*

Mr. Gardner introduced Jimmie Griffin to the Board.

Mrs. Jimmie Griffin appeared before the board and told the Board about their business, J & R Griffin Community Event Planner. She thanked the Board for allowing her to speak and Mr. Rob Nixon for his assistance with making their dream a reality. She said they had lived in other cities and chose to retire to Gadsden County.

Ms. Kathleen Lanier appeared before the Board and stated she was also known as “The Cake Lady” and she introduced Mr. Rick Jones and told the Board about his transportation services he was now offering and handed out literature.

Mr. Rick Soskis, Snakebite Publishing, appeared before the Board, thanked the Chamber for their assistance and told of his business and passed out literature.

Mr. Gardner said they were going forward with the Go Gadsden, Grow Gadsden, ribbon-cuttings and the after-hours gatherings.

Ms. Jenkins, Minority Business Advisory Committee, appeared before the Board and spoke a few words.

Pastor Tyrone Smith, Community Advisory Committee, appeared before the Board and spoke a few words.

Chair Holt said she had spoken with Mr. Gardner earlier regarding a five year plan from the Chamber and said sign-in sheets were to come with the report. Mr. Gardner said they would start including that in the quarterly report.

Commissioner Viegbesie said with regards with what he felt the Chamber should be doing to move the County forward to put it in writing and asked why the presentation not made available to Commissioners to look at and Mr. Gardner said it would be made available in the future to them.

Chair Holt said “Chunky Sunday” was an economic engine to the area and the Tourist Development Council was trying to get people to come to the County and if they did not look at the fact that 3,000 people would come for that, there was a problem. She said the Chamber, the Development Council, Industrial Board, this Board, and the City Commissioners need to look into this. She added if it was inside a city limit, the BOCC had no control over their regulations.

Commissioner Taylor echoed the sentiments with regard to a presentation and was great to see the Chamber moving in the right direction. She said with regard to the event in Midway, she differed a little from the Chair.

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

She continued and said sometimes silence was looked at as consent and Economic Development was important but if there was a health or safety concern, they needed to make sure moving forward on something like that was measured in such a way that they could adequately protect people living in the area so they have ingress/egress to their homes and the public was

protected.

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

She said from her perspective Economic Development and growth was important as long as it was smart and protected the citizens and the County for future growth.

**3. Presentation on Year 2 Grant Deliverables for the Competitive Florida Partnership Program**

Mr. Presnell introduced above item-required presentation.

**Victor Leotta, Principal of LEO, LLC**, appeared before the Board and was here to report results of Phase 2 for identification of high quality sites for economic development use. He was before the Board to report the report of Phase 2 for sited that has been identified previously through Phase 1 of the program for sites in Gadsden County. He described the program purpose and benefits. He said the program was started in Florida through the initial investments of Duke Energy and Florida Power and Light working though Enterprise Florida on a partnership basis. He also said they were able to identify through Duke search efforts, that funded the initial site search for industrial and commercial properties, approximately 20 sites in the County. He added that Gadsden County had been the first county to advance sites from Phase 1 to Phase 2 and Gadsden County was ahead of the pack. He said they were trying to increase economic development competitiveness and that now was more important than ever in terms of looking at development of sites that were readily developable. He added that incentives were diminishing across the nation and investment in sites would replace the traditional incentives that are based on performance over ten years and the idea of looking at investment sites could save the potential investor millions of dollars in capital investment on prepared sites and those real time hard dollars are more attractive than a larger number of dollars that would be ten years out that are subject to market pressures and other things that they may not be ultimately able to achieve. He said there were four sites initially selected for phase 2, the grant had a \$40,000 budget and they estimated it would take \$10,000 a site and they worked very efficiently and were able to pick up two additional sites. He then listed the sites. He said the sites received favorable reviews both from the engineering and environmental front and no fatal flaws were observed. He said all of the things previously done would validate with documentation what was actually there and formally determine if there were fatal flaws. He added this would put the County at the front of the line because there would be sites that had achieved a higher level of verifiable quality.

Chair Holt said the County was putting money into the GCDC (Gadsden County Development Council) to make sites available for businesses to come to the area.

**CLERK OF COURTS**

Mr. Thomas was not present and there was nothing to report.

**CONSENT**

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA.**

**4. Ratification to Pay County Bills**

5. **Approval of Minutes**
  - a. **April 19, 2016-Sign Ordinance Workshop**
  - b. **May 3, 2016-Regular Meeting**

**ITEMS PULLED FOR DISCUSSION**  
**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS**

**Erice Shepard, 758 Concord-Bainbridge Road, Havana, FL**-against fracking-appeared before the Board and said she was against fracking. Chair Holt said the Board had passed a Resolution to ban fracking.

**Amy Datz, 1130 Crestview Avenue, Tallahassee, FL**- against fracking-appeared before the Board.

Mr. Weiss said he recalled that the Board passed a Resolution to ban state-wide fracking.

Ms. Datz had the Deputy Clerk pass out literature Ms. Datz had that had a template Ordinance to ban fracking and asked that the Ordinance be addressed and passed.

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

Holt said the Board could not vote on this matter this evening but they could bring it up under their comments.

**Rosette Rolle Hylton-Anderson, 825 South Virginia Street, Quincy, FL**, appeared before the Board regarding an event that had taken place at the Courthouse this past Saturday. She said the Courtyard was filled with tents, balloons, parking signs two blocks away for an event for a candidate that was running for office. She said she had investigated and was told by other counties that no-one running for political office would be allowed to set up at the Courthouse and serve food. She asked the Commissioners if it were a policy in Gadsden County that anyone running for political office could use the Courthouse for political events.

Chair Holt said she would allow the Manager to address the issue. He said there was a Permit Approval form that was required to be filled out and the Building Maintenance Department reviews them and basically all it prohibited was someone erecting sign for political purposes on the grounds.

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

Ms. Anderson said the event obviously did not meet the guidelines and broke rules.

Chair Holt said the event listed on the application it did not match the event that was held on the Square and she would be bringing this issue back up under her comments later.

Commissioner Viegbesie said the same applied to Leon County and this was something this Board needed to look into.

**Bill Sagues, 220 Crepe Myrtle Lane, Monticello, FL**-against fracking-spoke regarding a ban on

fracking in the County.

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

**Herb Shelton, Jr. 2115 Longview Drive, Tallahassee, FL**-against fracking-spoke regarding a ban on fracking in the County.

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

## **PUBLIC HEARINGS**

### **6. PUBLIC HEARING-(Legislative) Consideration of Adoption of Ordinance 2016-008 for an Amendment to Chapter 5 (Development Standards), Section 5100 (Residential Standards), Subsection 5106 (Supplemental Standards for Manufactured Housing) of the Gadsden County Land Development Code**

Mr. Presnell introduced the above item and stated it was to adopt Ordinance 2016-008 to amend Chapter 5 of the Gadsden County Land Development Code. He said the Land Development Code currently limits the placement of mobile homes within Gadsden County, in part by the age of the unit and this regulation was contrary to §320.8256(6).

Chair Holt announced this was a public hearing and said there was a ban on bringing in mobile homes over ten years of age in the County.

Commissioner Morgan said he had heartache regarding this change because they were eliminating some of the supplemental requirements or standards regarding manufactured housing or mobile homes and asked if it would reduce property values for surrounding property owners.

Commissioner Viegbesie asked if it had to meet code enforcement standards before being allowed to be brought into the County.

Mr. Presnell asked Clyde Collins to come forward and address this.

**Clyde Collins, Building Official**, appeared before the Board and said when there was an application for a mobile home that was over ten years of age, they inspect it to make sure it was in compliance with safety rules, had smoke detectors, check the type of wiring, insulation under the house, windows and screens in place and all safety issues. He said if there were any problems, they would have to correct them before it was moved and they would re-inspect it. After that, a permit would be issued, it moved, it would be set-up, tied down, hooked up and the County would inspect it again to make sure it was in compliance. He said any house prior to 1978 had aluminum wiring and by Statute could not be moved and if uninhabitable, they had to be torn down.

Mr. Weiss said they had to be compliant to the Florida Building Code, whether it was a mobile home or a site-built home and that was what the statute was designed to do.

Commissioner Morgan asked what the liability to the County if it was not enforced. Mr. Weiss said no more than not enforcing for site-built homes. Commissioner Morgan asked what was

in place to insure they stayed within code and Mr. Collins said they did not inspect every year but if someone said the home looked dilapidated, then it would be inspected and the process would be started.

Chair Holt again announced this was a public hearing and there were no comments from the public.

Commissioner Viegbesie asked if they had the same situation with single family homes where they had to meet certain occupancy standards.

**UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THIS ITEM. COMMISSIONER MORGAN OPPOSED.**

### **GENERAL BUSINESS**

**7. Approval of Department of Economic Opportunity (DEO) Rural Infrastructure Fund Grant**

Mr. Presnell introduced the above item and said it was for Board approval of a contract between Department of Economic Opportunity and Gadsden County to receive \$387,575.00 in rural infrastructure grant funding and for authorization for the Chairman to execute the paperwork.

**UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.**

**8. County Administrator's Contract**

Mr. Presnell introduced the above item and said the Board had voted for staff to bring this item back concerning the County Administrator's contract.

Commissioner Hinson said last year when the contract with Preble-Rish came up, he wanted to bid the contract out and people had heartburn with that. He added it was not that he had a problem with Preble-Rish and he later voted for them. Then they had a situation with the County Attorney and they went through that process. He said due to the nature and there was five months remaining on the contract, he felt they should go through the process and see if it worked and if it doesn't work, extend the contract month to month until the process was finished. He added he had no problem with the County Administrator but felt the need to be consistent.

Commissioner Viegbesie said his position had nothing to do with current administrator but his focus as a County Commissioner was to position the county for the challenge that they were bound to deal with in the near future and that was the challenge of retirement. He added they needed to put in place a human resource management plan and wanted to put a succession plan and job performance evaluation document in place. He did not want to rush into a contract renewal since there was still five months on the current contract, but wanted a succession plan and job evaluation in place and with such in place; they could transition smoothly from the current Administrator to a new one, whether it took six months or a year. He added without a plan in place, he would not be approving a new contract.

Commissioner Morgan said the most important thing they do as a Board was to ensure effective

leadership at the top concerning the County Manager and was why that was only one of two positions they hired. He added that outside of that, they set policy. He further stated that in order to properly plan and prepare for a transition in the top two leadership positions in the County, they had to ensure stability, the public was confident with the leadership in place during the transition and they were fortunate to be in the position to be able to do that and they would not be able to adopt a succession plan and it run its course in five months and was told so by the Florida Association of Counties during the workshop in December. He further stated they had an opportunity to do this the right way and felt the best way is was to talk with the existing Administrator and see how long he was willing to stay on with the County while the Assistant County Administrator was hired and hopefully could be someone that could be groomed under his direction to take over that spot. He stated it was important to do things the right way and was restating what they were advised. He encouraged them to offer Mr. Presnell a two year agreement if he was willing to stay that long and bring on someone to take the Assistant Administrator position.

Commissioner Taylor echoed the same sentiments that Mr. Presnell had done an excellent job as their Administrator. She used the accomplishments and where they were when he came into job to evaluate his performance. She added that since he started, there were unqualified audits on time managed between the Clerks' Office and him and roads were being paved because of what he brought to the table. She agreed a succession plan should be put into place and such a plan should be vetted well because this position was important to all of them. She added that Mr. Presnell had rose to the occasion each time they had called him.

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

Commissioner Taylor said she would like him to continue as long as he would like to. She said she was willing to go two years, but he might be willing to go three.

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

She further stated a succession plan was important but not to be used in such a way to force Mr. Presnell out and her position was to put a succession plan in place and treat him with respect. She asked they move with integrity and respect and be courteous and respectful.

Chair Holt asked Commissioner Taylor to wrap it up because she had a couple of other people.

Commissioner Taylor said she held herself and would wrap it up, but her point was, when someone's a career professional and this County's future, they had to be sensitive to their concerns and do not fix if not broken. She said he had done a good job, she appreciated him and wanted him to know this from her standpoint.

Commissioner Viegbesie said he had never said the current Administrator had not done a good job; he wanted a succession plan in place for a smooth transition when time came for the change. He stated FSU had it in the coach and Bobby Bowden was there for a while and Coach Fisher was in waiting. He said he had never said that the present Administrator had not done a good job, but was saying they needed a succession plan in place to be able to have a smooth transition when the time came and needed a job performance evaluation document for them to be able to evaluate on paper an objective evaluation. He further stated there was still five

months before the contract ended and if the succession plan was in place, the Administrator could be there for year, two or until they had something in place and he was not trying to put someone out of a job. He said they did not want them “kicking this can forward and then we get close to that time and then we start saying again, we start going through this all over again and then, when he leaves finally, we start looking for FAC to bring an Administrator here or, I’m going to say this and I’m going to say it, or without using friendship, kinship and bedship looking for an Administrator”.

Commissioner Hinson said to call the question.

Commissioner Hinson said he wanted to make a motion to continue the process and if needed, as needed, do it month to month. Chair Holt told him to do a motion for continuation and not to put month to month in it.

**COMMISSIONER HINSON MADE A MOTION TO CONTINUE THE CONTRACT AS IS AND COMMISSIONER VIEGBESIE ASKED IF HE COULD MAKE AN AMENDMENT TO THE MOTION.**

Chair Holt said there needed to be a second and then they could discuss it and asked the County Attorney for his opinion. Mr. Weiss stated there could be a friendly amendment and if he wanted to suggest an amendment to the motion and if he wanted to accept it, he could amend the motion and Commissioner Viegbesie could second the amended motion. Commissioner Viegbesie said his amendment would be adoption of Option 3 that they give Board direction on what to do. Chair Holt asked if that was what they were now doing with the vote. Commissioner Viegbesie said if that was the direction given, then he would second the motion.

**COMMISSIONER VIEGBESIE MADE THE SECOND TO THE MOTION. CHAIR HOLT SAID THE MOTION WAS TO CONTINUE THE PROCESS AS IS IN PLACE AS OF TODAY. THE BOARD VOTED 3-1, COMMISSIONER MORGAN OPPOSED AND COMMISSIONER TAYLOR SAID SHE DID NOT VOTE. CHAIR HOLT SAID SHE CALLED THE VOTE AND NO VOTE WAS A YES VOTE. COMMISSIONER TAYLOR STATED SHE HAD A QUESTION BEFORE SHE CALLED. CHAIR HOLT SAID NO, SHE CALLED FOR THE VOTE AND IT WOULD NOT MATTER. COMMISSIONER TAYLOR HAD QUESTIONS.**

Commissioner Taylor asked the Attorney for interpretation. She said his contract would continue and there was no five month period any longer and would continue until he was replaced or a process put in place and said she was trying to understand the vote. Chair Holt said she wanted to restate that she asked the Commissioner “as of today, his contract is still in place and it is, as of today that means his contract ends on that day, the same day, it doesn’t continue because there was no continuation in it; continues as of today, as of today the written contract he has right now.” Mr. Presnell said it was October 30<sup>th</sup>.

Commissioner Taylor said she did not think that was what Commissioner Hinson was saying and Chair Holt said that was exactly what Commissioner Hinson said. Commissioner Taylor asked if she could ask Commissioner Hinson a question and Chair Holt said yes. Commissioner Taylor asked him if he was saying based on his motion that his contract continues until a measure was put in place for replacement. Commissioner Hinson said “Everything the, I mean, we just gonna follow the process.” Commissioner Taylor asked the process. Commissioner Hinson said “We are going through this process now and once we (inaudible) the process, everything go through,

then we can make our decisions. Then during that time if, I'm going to say as well, during that time if we are not finished with the process, even though I didn't put it in the motion, because if we not finished, then I will come back and say "let's continue, ask him to stay around longer, whatever time he needs". Chair Holt asked him to hold on, that was not a part of the motion so it could not be stated. Chair Holt continued to say the motion was as of today and she stated that and he confirmed it.

Mr. Weiss said his understanding was there was no action taken on the contract and it could be re-visited later.

Commissioner Viegbesie said that was his understanding of the motion and why he made the second, and his contract as it was, was still intact and hoped while the contract was on, they were putting a succession plan and performance evaluation document in place for the position of a County Administrator, which could be the current one until a succession plan was completed.

Chair Holt said they were not going to "drag this out all night" and there was a reason she did not say anything on this. She wanted them to make a decision and for them keep moving and she would make a statement in a few minutes. She then told Commissioner Taylor to continue and make it short. Commissioner Hinson started to say something and Chair Holt said she had the floor and she would allow her to say something because she had something she wanted to say.

Commissioner Taylor said they already had in place a tool to evaluate the Manager and asked for the record to reflect her vote was no. She said to the attorney she did not want to give the employees any indication that she supported it and wanted him to be able to continue on his job until they got things in proper order.

Chair Holt said she wanted to say this and wanted to make sure that this point was made; she had been on the Board longer than anyone and they have fired people by just making a motion and a vote. She added they were not against the Manager. She stated that Commissioner Hinson, Commissioner Taylor and Commissioner Morgan had people running against them in the race. Commissioner Morgan said this had nothing to do with that. Chair Holt said they were running because the people decide on whether they were going to be in office or not. She further stated there were eight objectives they put out there and when the contracts come up, it should be bid and see who best fit the eight objectives.

**9. Public Official Bond**

Mr. Presnell introduced the above item and said it was for Board review of the sufficiency Bonds of County Officers and Code required that this be done twice a year.

**UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER VIEGBESIE,  
THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.**

**10. Cheryl W. Blanchard Parcel ID No. 3042N5W0000003230400 Code Enforcement**

Item pulled from Agenda.

**11. Approval to Renew the Standard Maintenance Contract with Emerson Network Power,**

**Liebert Services, Inc. to Service and Maintain the Battery Module (NBATIMOD) in the 911 Dispatch Office at the Gadsden County Sheriff Department**

Mr. Presnell introduced the above item and said it was to renew the Standard Maintenance Contract with Emerson Network Power, Liebert Services, Inc. to service and maintain the Battery Module (NBATIMOD) in the 911 Dispatch Office at the Gadsden County Sheriff's Department and for authorization for the Chair to execute the contract.

**COMMISSIONER VIEGBESIE MADE A MOTION FOR APPROVAL OF OPTION ONE.  
COMMISSIONER MORGAN HAD A QUESTION.**

Commissioner Morgan said this was a renewal of a contract and asked what the current agreement in place and Mr. Presnell said the amount of the contract went up \$100.00. Commissioner Morgan said it should be in the Agenda item and was not.

**COMMISSIONER HINSON MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.**

**12. Approval of the Lease Agreement for the William M. Inman Agriculture Center**

Mr. Presnell introduced the above item and said was for approval of the lease agreement for the William M. Inman Agriculture Center and for authorization for the Chair to sign. Mr. Presnell added the lease agreement had expired and they were required to get a long term lease to get USDA funding (\$200,000 grant monies).

Commissioner Morgan asked how the long term lease agreement was defined in order to receive the finding. Mr. Presnell said it was specified by the number of years.

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

Mr. Weiss said when there was a 99 year lease, it's considered that you are basically the owner of the property.

Commissioner Morgan said the reason he asked, there were concerns regarding asbestos if the County had to abate the building or if anything occurred in the building due to asbestos and the County assumed the liability with the agreement and asked if wise to enter the agreement. Mr. Weiss said that was a good questions and he reviewed the agreement and noticed that. He added the agreement obligated the County to fulfil any plan for maintenance or removal of asbestos. He further stated there was an indemnification clause and he was able to negotiate to some extent that reduced the County's potential liability as a result of any issues related to the asbestos. Commissioner Morgan asked if the extent, if any, of asbestos was in the building. Mr. Presnell said there was asbestos in the tile flooring and was approved as long as it was not removed and no abatement was required.

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

**13. Ratification of Ring Power Invoice #02WC2108790**

Mr. Presnell introduced the above item and said it was for approval of the Ring Power invoice #02WC2108790 for \$9,226.66 for repairs to the cylinders on the Caterpillar Bull Dozier.

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

**14. Ratification of Ring Power Invoice #02WC2108791**

Mr. Presnell introduced the above item and said it was for approval of the Ring Power Invoice #02WC2108791 for \$5,871.45 for repairs to the park brakes (inside the transmission on the Caterpillar motor grader.

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

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

**COUNTY ADMINISTRATOR**

**15. Update on Various Board Requests**

Mr. Presnell said he had nothing to report.

**COUNTY ATTORNEY**

**16. Update on Various Legal Issues**

**Gretna Racing**

Mr. Weiss said there was a DBPR oral argument at the Supreme Court this morning, he attended and the attorneys did a great job on both sides, the judges asked tough questions, was clear they had given it a lot of thought and considered the different briefs submitted regarding the issue. He felt it would be a split decision and would take a while.

Chair Holt said she was there today and judges poignant questions and they needed to look at the powers of the County that was brought up, how they could govern the County and how it applied to this County under home rules.

Mr. Weiss said the County's involvement was limited to the ability that passed referendum and depending on the opinion, there was a lot of issues related to home rule and if the Justices decided to decide the case on the basis of the County not having the home rule authority to have caked this referendum, it would have a lot implications on home rule authority generally.

Chair Holt stated that was why it was important because Gadsden County's home rule was under statute not under charter and could they could not supersede what state statute said. She added if there was a problem with home rules, the Association needed to speak up on their behalf, not in favor of gaming or opposed gaming, but the fact there was a problem and we had the right to put it in the ballot for referendum and it specifically stated the Commission had to approve the item of gaming to go on the ballot and they did that unanimously and it passed with a majority vote. She added the County did what they were supposed to do but if they take the right back or challenge the right, there would be a problem with any statute.

**DISCUSSION ITEMS BY COMMISSIONERS**

**17. Report and Discussion of Public Issues**

**Commissioner Anthony "Dr. V" Viegbesie, District 2**  
**Succession Plan**

Commissioner Viegbesie suggested the Administrator expedite a retreat to prepare a succession plan and calling on the Florida Association of Counties and work on the succession plan and a job performance evaluation document for the position of the County Administrator.

He said he wanted to also talk about the organizations that provided health services to the County. He added the local federally qualified health centers were the Jessie Furlow Center, the Neighborhood Medical Center, the Bond Community Health Center and a fourth one not named and said he was not sure as to exactly what services the Centers provided to the citizens. He said he was requesting the agencies that are using the demographics and indigent conditions for their health services grants to the federal government and receiving funding to come before the Board and give an account as to how they were using the monies to health services to the citizens. He further stated there were several social services groups in Quincy and Tallahassee that use Gadsden County numbers to write grants and he wanted to be able to get how and what they were providing to the citizens and not to deprive them of the services they received the grants on.

He asked the Administrator if the health department had an internship program with FSU College of Medicine and FAMU Allied Health so the County was taking advantage of the programs as a way to make health care assessable to the citizens and Mr. Presnell was not sure and would investigate that. He asked if the health department organize health education sessions in collaboration with the local churches to increase citizen access to healthy living education and Mr. Presnell said he was not sure about the churches but knew there were a lot of our-reach programs.

He then asked who was responsible for picking up discarded furniture and appliances left on the side of road in unincorporated areas and said there were a lot of couches and broken refrigerators on Post Plant Road and other places. Mr. Presnell said in the unincorporated areas of the County, there was a large item pick-up every year that is advertised and has been going on the for past ten years in the fall and anything put out like that was a Code violation.

He also asked how along they have gotten with the mural image they approved to be painted on the side of the building. Mr. Presnell said it was coming before them at the next meeting and that it had to be re-bid multiple times.

Chair Holt asked Pastor Morris to step forward (he had filled out a Speaker Request Form late). **Pastor Charles Morris, 23201 Blue Star Highway, Quincy, FL**, appeared before the Board and said he felt Mr. Presnell was efficient and effective. He said Commissioner Viegbesie brought up the question of the succession plan and he asked who was in charge of setting out a succession plan and believed in the succession plan part of what should take place was, a bid could be put out but wondered if they would share the same kind of values and if it should be made a part of the contract or expectations. He said if this was discussed in December and specifics had not been done, whose job was it to do. Chair Holt said once the Board agreed on any item, it was sent back to the Manager because he controlled the staff. Pastor Morris asked if there was a citizens committee that would be formed and Chair Holt said they could establish that after they

started everything, but they had to meet first and decide on what the perimeters would be. He said he was impressed with the County Commission and seemed they were moving forward with getting goals and purposes, mission statement and liked what was happening with the economic development and holding people accountable.

Commissioner Viegbesie said the expectation of the County Administrator should be a part of the job performance evaluation that went with the succession plan so when they interviewed potential administrators, the questions they would be asking would be questions that would come up regarding what they expected them to do and what they looked at them to accomplish on behalf of the County and how they would work with staff to get it accomplished.

Chair Holt said this could be discussed in the workshop at that time, but wanted to say they had a mission statement before and when they fired the Manager, the mission statement went with the Manager and they had this in place before. She said one thing very specific, they could hire an assistant administrator but the new Manager could say at any time they wanted to choose another one because the Administrator controlled the employees, not the Board.

**Commissioner Gene Morgan, District 3**

Commissioner Morgan said he had nothing to report.

**Commissioner Sherrie Taylor, District 5**

Craig Clary wanted to speak to the Board and Commissioner Taylor said she would yield to him. Chair Holt said he could speak after the Commissioners were finished.

Commissioner Taylor said to the Manager, there had been questions in some of her meetings in the community regard to the Citizen Bill of Rights and apparently there was misdirection and said when it was brought up some time back, there were components she was interested in looking into and working with the Board to insert different language and asked to have the item agendaed for discussion.

**COMMISSIONER TAYLOR MADE A MOTION TO HAVE THE CITIZEN BILL OF RIGHTS PLACED ON THE AGENDA FOR DISCUSSION AND COMMISSIONER HINSON MADE THE SECOND. BEFORE THE VOTE WAS TAKEN, MR, WEISS HAD COMMENTS.**

Mr. Weiss said it was his understanding this item would be before them in two weeks. Chair Holt stated if that was the case, there was no reason to vote on this.

Commissioner Morgan asked if she wanted to consider revising the language where residential individuals could do what they wanted to do on their property without going through the proper notification and communication to the neighbors. Commissioner Taylor said she wanted to make sure the residential component had no limitations that would restrict them from allowing them to will portions or follow whatever the land code was for the area and not restrict them from giving pieces of property to family.

She wanted to make sure this was shared, she had someone call about mosquitos and said the problem was being able to contact someone and getting an immediate response. She said after rainy weather, mosquitos became more of a problem and wanted to get information out and asked if she could work with Mr. Jenkins and said there was a lady in her community that had

water in the middle of her property and it was a draw. Mr. Presnell said they could help her with that tomorrow and there were treatments available.

She then said "we are time mindful around this dais, but, giving respect to each commissioner when they are speaking, I think we should have an opportunity to share our concerns and issues without feeling a time quantity put on. Sometimes I'll sit back and I had to get comfortable listening to you when you are passionate about something and you share your thoughts and feelings and sentiments until you have vetted that particular issue and I would like the same level of respect. Certainly I try to keep my comments limited, but there are times when one does become compassionate about an issue and you may, I may continue, but basically I try not to, I try not to utilize time in a manner that is useless."

*Commissioner Morgan left the meeting.*

She continued, "I try to have content when I speak. I try not to be redundant in things that I say, I try to stay on target, on point, but I do, I am requesting the level of respect that when I do have the floor, then I am given an opportunity to finish and come to a conclusion. I will be respectful of time, I will be mindful of time, but, I don't know if it's just me or if it's maybe something that I am saying. But I am asking for a level of respect and then I will in all respect to the proceeding of this process, be respectful of time, that I don't overstep, that I don't prolong or , you know, just monopolize the Board's time because I know we all have things we need to do, have concerns that we all need to make, have a ping that we need to stand on, but I do want the same level of respect when I am speaking and, again, to Mr. Presnell, I do want to say this to you Sir, one last half a second here. Youmans(sp) job young man, I'm looking at some of these roads that are being paved. I'm looking at some of these things that have been done in the community and looking at the morale of the county employees. I think you've done a youman's (sp) job and please, in my humble opinion, don't leave this board meeting tonight with any other opinion or feelings about what you've done and how much you've been productive with regard to your tenure as a Manager here. I don't think that (inaudible) look at terminating your contract. I think we all have the same intentions, it's just getting to that point is what's different between us all and the level of respect you will get around this Board I think will continue, Sir. But, please hold your head and thank you again for what you've done. Thank you, that's it."

**Commissioner Eric Hinson, Vice Chair, District 1**

Commissioner Hinson echoed a majority of what Commissioner Taylor said and thanked the BOCC for being good stewards in the community and heard great things about the County Administrator and staff.

**Craig Clary, 1004 Brumby Street, Quincy, FL**-addressed the Board concerning government and religion and separation of same.

**Commissioner Brenda Holt, Chair, District 4**

Chair Holt asked if the Commissioners wanted the fracking issue brought back as an Ordinance and if they wanted the attorney to look at it. Commissioner Viegbesie felt since they had passed a Resolution in opposition of fracking, they should allow the County Administrator to explore the possibility of an Ordinance or if they should stay with the Resolution.

Mr. Weiss said he was happy to do whatever the Board wanted him to do and said his

recollection was the Resolution passed by this Board was to oppose any legislation that would permit fracking in Florida, but did not reflect an opposition of fracking in Gadsden County.

**CHAIR HOLT MADE A MOTION TO HAVE THE COUNTY ATTORNEY LOOK AT WHAT OTHER COUNTIES WERE DOING AND BRING THIS BACK AT A LATER TIME. SECOND WAS MADE BY COMMISSIONER VIEGBESIE. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS.**

She then said with concerning events at Courthouse, and looking at the second page of the written permit, nothing was said specifically about political activities and felt it needed to state that and she would like no political activities on the grounds and that would solve it.

*Commissioner Taylor left the meeting.*

Commissioner Viegbesie asked if it could be at the grounds of every county property, not just at the Courthouse.

Chair Holt said the public could use the sidewalks and that was different, but this just caught everyone off guard and unaware because she had the same question. She said she called the Manager and Mr. Collins because the event was not what was on paper.

Commissioner Hinson said he did not care one way or the other but it was all about fairness and maybe should wait until after the election because they gave one the permit.

Chair Holt said the event permitted was not what was listed on the application. She said if you robbed the bank, it was illegal and if you robbed it again, would it be any less illegal? She said they could not give permission to do something that was illegal.

Commissioner Hinson said according to the County Administrator, from his understanding, as long as it was around the corners and on the sidewalk, it was justified.

Mr. Presnell said there was a statute that if they rented the Courthouse for \$1.00, political events could be held there as long as public employees...

Chair Holt cut him off and said for him to not get into that.

Mr. Weiss said the statute was §106.15 and had to do with contributions, not necessarily events.

Commissioner Hinson said the building they were in was a government building and they had different people rent the building and asked how that worked. He said Donald Trump had his office in the IRS building on the ground floor in Tallahassee.

Commissioner Viegbesie said this was a government building and then there was Don's Hair Pair Solon, a private business and he could not accept campaign contributions in this building but could in the barbershop because it was a private business even though it was in the same building.

**Mr. Robert Williams, 1029 Dr. Martin Luther King Blvd., Quincy, FL,** appeared before the Board

and said normal public administration protocol required that a manager bring his request for major issues to this Board and judging from the reaction of the Board members, that did not happen and secondary to that, if it did not happen, someone made a mistake that was not in keeping with what he heard tonight about the competency of the administration and manager. He said that was a violation. He said Commissioner Hinson raised a good point on how to now un-ring the bell and equalize the ones who were offended. regarding permit for event at Courthouse

Mr. Presnell said this Board had the authority to set policy and the policy they were going by was set by this Board years ago and it would be unfair, unethical and a violation for the commissioner to discuss or consider anything to do with any county facility because all county facilities were under the guise of the County Administrator. He added that Board sets policy and they carry out the Board's policy. He said obviously the form needed to be revised and the Chair agreed and he was awaiting direction.

Mr. Williams readdressed the Board and asked why was it compelling to take place without the Board being made aware.

Chair Holt said it could be added onto the policy, but felt they should look at things that could be corrected. She then added "see how the majority of the Board, even though two left, I don't have any idea why they left the meeting and they are doing that quite often, but let me say this. This was something that was done and it wasn't done, as I said, on paper, so the event was totally different from the paper and I think that is the corrective right there that put that advertisement out there that says we do not support this candidate. I think at this particular time that this Board, since it was done on County property, I think that we should have that done and I don't have any problems with doing it because it's not that we supported that candidate. We supported an event to be done on a community outreach cookout; it did not say anything about anything political. Commissioners, I need to know what you think about that idea. We can say that we don't support that candidate or any other candidate for that race. This Board cannot support any candidate. But, now, remember what was done was done on our property.

Commissioner Hinson said he wanted to be fair to everybody but maybe the attorney could come up with a way better way of saying it in the future for next time before we make this vote and that way there could be some thought put into it.

Commissioner Viegbesie asked who drafted the guidelines for utilization of county property-if the BOCC did or the facilities management and Chair Holt said this policy was done by the Board.

**COMMISSIONER VIEGBESIE MADE A MOTION THAT THEY AGENDA AN ITEM AT A FUTURE MEETING WHERE THEY ADDRESS A MODIFICATION TO THE POLICY AND ADOPT THE AMENDMENT TO THE POLICY. COMMISSIONER HINSON MADE THE SECOND.**

Chair Holt said she agreed with the motion and second but here was a problem because there was a two week window where someone could ask to use the property and they had three votes there to change this. She asked them to re-evaluate their decision and solve this tonight.

Chair Holt suggested taking the vote for it to be agendaed. Mr. Presnell asked her if she was going to come back with a motion and she said her motion was to add that no political activities be on the properties and there was no two week window.

**COMMISSIONER VIEGBESIE WITHDREW HIS MOTION AND COMMISSIONER HINSON WITHDREW HIS SECOND.**

**UPON MOTION BY COMMISSIONER VIEGBESIE THAT NO POLITICAL ACTIVITY ON GOVERNMENT PROPERTY BE ADDED TO GUIDELINES FOR PERMIT IMMEDIATELY AND TO AGENDA THIS ITEM AND SECOND MADE BY COMMISSIONER HINSON. THE BOARD VOTED 3-0 BY VOICE VOTE TO APPROVE THIS ACTION.**

Chair Holt said with what Commissioner Taylor brought up was time speaking and her job as the Chair was to move this meeting and keep order. She also stated she would be asking for a roll call at beginning and end of meeting because they served a public purpose. Commissioner Viegbesie said that was not a part of their policies and procedure for their meeting. She said she would conduct the roll call herself if need to. She said since she had been on the Board, one time they lost the majority and could not continue the meeting.

**Receipt and File**

18. a. Letter from the Town of Havana
- b. Letter from the City of Gretna
- c. FY 16 Non-Profit/Human Services Funding Agreement Quarterly Report

**UPCOMING MEETINGS**

16. June 9, 2016-BOCC/Town of Greensboro Joint Workshop-6:00 p.m.
- June 16, 2016-BOCC/City of Midway Joint Workshop-6:00 p.m.
- June 21, 2016-Regular Meeting-6:00 p.m.

**MOTION TO ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 9:18 P.M.**

**GADSDEN COUNTY, FLORIDA**

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**BRENDA A. HOLT, Chair**  
**Board of County Commissioners**

**ATTEST:**

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**NICHOLAS THOMAS, Clerk**