

**AT A REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS HELD INAND FOR GADSDEN  
COUNTY, FLORIDA ON FEBRUARY 21, 2017 AT 6:00  
P.M., THE FOLLOWING PROCEEDING WAS HAD, VIZ:**

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

**INVOCATION, PLEDGE OF ALLEGIANCE**

Chair Taylor called the meeting to order at 6:00 p.m., asked everyone to please stand for a moment of prayer and to continue standing for the Pledge of Allegiance to the U. S. Flag. A silent roll call was done by Marcella Blocker, Deputy Clerk.

Chair Taylor then explained Commissioner Hinson was running a few minutes late and they would wait to present the Proclamation when he arrived.

**AMENDMENTS AND APPROVAL OF AGENDA**

Mr. Presnell said there were two amendments; he would like to pull the second presentation and it would be re-agendaed until the next meeting; and he would like to add Item 6A-Approval of Signatures for Special Assessment Liens-SHIP Program.

**UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED.**

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1. Proclamation in Honor of Mrs. Ida Simmons**

Chair Taylor asked the commissioners to join her in the front for the presentation of the Proclamation Honoring Mrs. Ida Simmons. Commissioner Hinson read the Proclamation aloud and it was presented to Mrs. Simmons.

**~~2. Update TCC Gadsden Center~~**

Pulled

**CLERK OF COURTS**

Mr. Thomas was not present and the Deputy Clerk said there was nothing to report.

**DISCUSSION ITEMS BY COMMISSIONERS**

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

**Commissioner Brenda A. Holt, District 4**

Commissioner Holt said she would like to wait to make any comments until a little later.

Commissioner Holt said Mr. Rick Soskis was sitting in the audience and said she had spoken with him several times and one was concerning school properties and she informed him they would be meeting with the School Board soon and might be a good time to address concerns, but if there were any schools that would not be used by the School Board, the Commission might could work with them and possibly look at business incubators in the facilities in some of the communities. She added the communities did not want empty facilities in their community to prevent vandalism, etc.

Commissioner Hinson said he would like for the board to look at Havana Elementary School again and would be a good place for commerce to come in and would be great for a Community Center or a business incubator and could be a place for Emergency Management to move to and asked if they could approach the School Board and ask that it be donated to the County and it also had 20 acres of land that went with it.

Commissioner Holt also said businesses were looking for facilities, the schools already had the water, sewer, multi-use restrooms and businesses and subsidiaries could be housed in there.

**Commissioner Anthony “Dr. V” Viegbesie, District 2**

Commissioner Viegbesie announced an upcoming event on March 18<sup>th</sup> in the Scottown Community at 10:00 a.m. until 3:00 p.m., the Pentecostal Church of Jesus Christ at 207 Charlie Harris Loop would be celebrating their Parade and Jubilee Celebration.

*Commissioner Hinson arrived at this juncture of the meeting*

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

Commissioner Hinson said he normally attends that Church every year and the Pastor and his parents and grandparents fellowship together at Neals Temple Holiness Church also.

**Commissioner Gene Morgan, District 3**

Commissioner Morgan informed the Board that in Chattahoochee on the last Friday in every month they close off a side street and has vendors, music and different types of food and events and invited everyone to come and enjoy. He said it started at 6:00 and it was called Final Friday and was sponsored by Chattahoochee Main Street.

**Commissioner Sherrie D. Taylor, Chair, District 5**

Chair Taylor said they had the Legislative Delegation meeting yesterday and the County Administrator received a compliment from the State Senator and he was pleased with how well the packet was put together and Chair Taylor thanked him and his staff for doing a wonderful job.

**CONSENT**

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

4. **Ratification to Pay County Bills**
5. **Approval of Minutes**
  - a. **January 3, 2017-Regular Meeting**
  - b. **January 17, 2017-Regular Meeting**
  - c. **December 20, 2016-Regular Meeting**

#### **ITEMS PULLED FOR DISCUSSION**

#### **CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS**

**Rick Soskis, 270 Small Pond Road, Havana, FL** appeared before the Board and said the Commissioners mentioned that had been going on for two or three years and sometimes it is timing and things happen in due time. He said the schools needed to be consolidated to give teachers money and be able to get better teachers for the students and this may be a good time to use the facilities and take a load off the School Board.

Chair Taylor said she felt it would be good for them to meet prior to their meeting with the School Board so they would have some common points that the Board could make and give them an opportunity to bet out some ideas on how they could move together in a collaborative manner.

#### **PUBLIC HEARINGS**

#### **GENERAL BUSINESS**

**6. Edward Byrne Memorial Justice Assistance Grant (JAG) Program**

Mr. Presnell introduced the above item and said it was for approval and signature of the Chairperson for the grant.

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

**6a Approval of Signatures for Special Assessment Liens-SHIP Program**

Mr. Presnell introduced the above item and said it was for approval and signature for the Special Assessment Lien that was agreed upon by the Homeowner, Contractors and Community Development Administration for the purchase of their new home.

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

**7. FDOT Grant Application Cycles**

Mr. Presnell introduced the above item and said it was for Board approval to submit grant applications to the Florida Department of Transportation under the three assistance programs; Small County Outreach Program (SCOP); Small County Road Assistance Program (SCRAP); and County Incentive Grant Program (CIGP). He asked the Board to choose five roads out of the attached list for their approval.

Commissioner Viegbesie said in looking over the attached list, County Road 65 was not listed and would like to see that road added because of the traffic and use of it and was divided into Districts 2 and 4 and would like that road included in what they were prioritizing. He added he was willing to withdraw Friday Road from the list and replace it with County Road 65 for widening and resurfacing.

**Justin Ford, Dewberry/Preble-Rish**, appeared before the Board and said he believed that had been approved already and asked for time to review the FDOT Work Program to check the status of the road. Mr. Weiss suggested they move forward and select roads while Mr. Ford checked on the email.

Mr. Presnell said Fairbanks Ferry Road was the road recommended in District 1 for widening and resurfacing; Potter Woodberry Road was recommended in District 2; Juniper Creek Road was recommended in District 3; Hardaway Highway was recommended for District 4 and Spooner Road was recommended for District 5.

Mr. Ford re-appeared before the Board and said he was having a hard time finding the email and the applications were not due until the end of March and if the Board wished to bring this item back, there was time and it could be done at the next meeting. He added if they wished, they could approve it contingent upon that and if not it could come back before them.

Commissioner Viegbesie said what staff had recommended made a lot of sense.

Mr. Presnell said he was 99% sure road had been approved but they could will verify and asked that they make it part of the motion that it be contingent upon that.

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE OPTION 1 RECOMMENDED BY STAFF CONTINGENT THAT COUNTY ROAD 65 IS SLATED ALREADY AND COMMISSIONER HOLT MADE THE SECOND. COMMISSIONER HINSON HAD QUESTIONS.**

Commissioner Hinson asked if High Bridge was scheduled and was told it was.

**CHAIR TAYLOR CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE MOTION.**

**8. 2016 Paving Project Phase III-Change Order #1**

Mr. Presnell introduced the above item and said it was for Board approval for a change order #1 to CW Roberts Construction for Phase Three Paving Project. He said there was a change in District 4 removing St. John School Road and Eddie Baker Road.

**COMMISSIONER VIEGBESIE MADE A MOTION FOR APPROVAL OF OPTION ONE AND COMMISSIONER HOLT MADE THE SECOND. CHAIR TAYLOR SAID NOTING AGAINST ANYONE BUT SHE DOES NOT APPROVE CHANGE ORDERS. CHAIR TAYLOR CALLED FOR THE VOTE. THE BOARD VOTED 4-1 BY VOICE VOTE. CHAIR TAYLOR OPPOSED.**

**9. Bettstown Road-FDOT Agreement Amendment**

Mr. Presnell introduced the above item and said it was for Board approval to accept the FDOT Agreement Amendment to reduce contract funds from \$1,117,837.00 to \$1,001,486.00. He said

CW Roberts was awarded the job as low bidder for Bettstown Road and was \$195,201.55 less than the original allocated funds for construction. After FDOT's review of the bid, they decided to amend the agreement to reflect the change.

Commissioner Viegbesie asked what happened to the savings and was told it would go back to FDOT And they would determine how to distribute it.

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

**10. Approval of the Contract for Professional Construction Engineering Inspection Services Relating to the Local Agency Program-McDonald Street Sidewalk**

Mr. Presnell introduced the above item and said it was for Board approval to award bid number 429860-1 of the attached contract for construction, engineering and inspection services for the approved LAP project for McDonald Avenue Sidewalk with Southeastern Consulting Engineering and asked that for clarification, in the motion they award it to Southeastern Consulting Engineering and to authorize staff to negotiate the contract.

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE AND SIGN ATTACHED AGREEMENT FOR CEI SERVICES CONTRACT TO SOUTHEASTERN CONSULTING ENGINEERING AND ALLOW STAFF TO NEGOTIATE THE CONTRACT AND SECOND MADE BY COMMISSIONER HOLT. COMMISSIONER MORGAN HAD QUESTIONS.**

Commissioner Morgan asked how many current LAP programs were active now and if there was a reason for it to be an issue as far as exposure and Mr. Presnell said no other than strain on staff but these two were being done for FDOT.

**CHAIR TAYLOR CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.**

**11. Approval of the Contract for Professional Construction Engineering Inspection Services Relating to the Local Agency Program-South Atlanta Street Sidewalk**

Mr. Presnell introduced the above item and said it was for approval to award bid number 429860-1 of the attached contract for construction, engineering and inspection services for the approved LAP project on South Atlanta Avenue sidewalk to Southeastern Consulting Engineering.

**COMMISSIONER HOLT MADE A MOTION FOR APPROVAL FOR BID TO BE AWARDED TO SOUTHEASTERN CONSULTING ENGINEERING AND COMMISSIONER VIEGBESIE MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.**

**12. Approval to Renew the Standard Maintenance Contract with Conditioned Air & Power Liebert Services 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 for approval to renew the Standard Maintenance Contract with VERTIV/Liebert Services to service and maintain the Battery Module (NBATIMOD) in the 911 Dispatch Office at the Gadsden County Sheriff Department.

Mr. Weiss said a couple of minor revisions were made and the contract was revised and asked the Commissioners when they make the motion to approve, for them to include it was for the revised agreement.

**UPON MOTION BY COMMISSIONER VIEGBESIE FOR APPROVAL AS RECOMMENDED BY STAFF OF THE REVISED AGREEMENT AND SECOND MADE BY COMMISSIONER HOLT, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS MATTER.**

**13. Approval to Purchase a 5 Year Preventative Maintenance Service Agreement for Chillers 1 and 2 and Purchase an Extended Warranty for Chiller 2 at the CRMC-Gadsden Campus**

Mr. Presnell introduced the above item and said it was for Board approval to purchase a five year preventative maintenance service agreement for chillers 1 and 2 and an extended warranty for chiller 2 located at the Capital Regional Medical Center-Gadsden Campus and for authorization for the Chair to sign and execute the Agreements.

**Clyde Collins, Building Official**, appeared before the Board to address questions.

Commissioner Holt asked how old chillers were and Mr. Collins explained one was brand new and the other was about 5 years old.

Commissioner Viegbesie asked questions concerning the amounts and terms of the maintenance agreement and Mr. Collins said for Chiller 1 it was a preventative maintenance agreement and to get the 4 years on chiller 2, they had to go with Carrier to do the preventative maintenance so they added chiller 1 so they both could be taken care of.

Commissioner Holt asked the original costs and Mr. Collins said \$86,000 for the chiller and approximately \$100,000 total installed for the last chiller.

Commissioner Morgan asked the average life expectancy and Mr. Collins said about 15 years.

Chair Taylor asked if the warranty covered everything and Mr. Collins said on chiller 2 yes, lightning and everything, but not chiller 1 because it was over five years old.

**UPON MOTION BY COMMISSIONER MORGAN FOR APPROVAL OF OPTION ONE AND SECOND MADE BY COMMISSIONER HOLT, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.**

**14. Approval of Legal Services Agreement for the Gadsden County BOCC**

Mr. Presnell introduced the above item and said it was for approval of the legal services agreement for the County and changes the Commissioners wanted to make had been made.

Commissioner Viegbesie said in area of conflict of interest, he saw type in red and had questions.

Mr. Weiss said two parties could not be represented that were adverse to each other without a waiver being signed and tried to make the agreement as favorable as possible under the rules regulating The Florida Bar and there were certain things that could not be done.

Commissioner Morgan asked what other option they would have that would be more favorable to the County and Commissioner Holt asked if he was talking to anyone specifically.

Commissioner Viegbesie said he felt the conflict of interest concern came up because of other entities the law firm represents and there was potential for conflicts and he was why he brought this to their attention and putting it on record to inform the citizens.

Commissioner Morgan said it was valid points that he brought up and it would be a concern with any potential firm they hired moving forward but could be an issue with any firm and combined with that, to date, had never been an issue.

Commissioner Holt said the two items brought up by Commissioner Viegbesie were valid points, if the other entity did not give a waiver, then the attorney would represent who? She said the other thing what would be more frightening would be with Capital City Bank, not saying it would happen but the County was banking with that bank and if there was a controversy and no waiver given, we would have no attorney. She said she did not vote for this in the beginning and she was not voting for it now.

Commissioner Hinson said in looking at Number 4 in the Terms of Agreement (and read it aloud) and said if they felt they were not represented well, the Agreement could be terminated.

Commissioner Holt said what would bother her was thirty days later she would be looking across the courtroom at the County's attorney defending someone else against them.

Mr. Weiss said he could not legally or ethically represent another client in a matter that was adverse to the County where he had some sort of knowledge that would benefit him and could be disbarred and lose his license for doing such and assured them he never would.

**UPON MOTION BY COMMISSIONER MORGAN FOR APPROVAL OF OPTION1 AND SECOND BY CHAIR TAYLOR, THE BOARD VOTED 3-2 BY VOICE VOTE TO APPROVE THIS MATTER. COMMISSIONER HOLT AND COMMISSIONER VIEGBESIE OPPOSED.**

**15. Approval to Terminate the Current Lease Agreements with Jones Community Health Center for the Lease of the Chattahoochee Health Clinic and Dental Equipment**

Mr. Presnell introduced the above item and said it was for approval to terminate the current lease agreement with Oretha Jones, d/b/a Jones Community Health Center for the lease of the Chattahoochee Health Clinic

Commissioner Morgan said this was recently approved by the Board but there were issues that have not been addressed from the prior agreement and have become a problem.

Commissioner Viegbesie said if memory served him right, they recently renewed the contract and did not see 1) specifically why it was being terminated and 2) was there an alternative user for the location; 3) would this create a void in services to the citizens in area.

Mr. Presnell said at this time there was no agreement to replace them but there were some interested parties and should not seriously impact the level of service because the operation

had not been open that much or seeing patients.

Commissioner Holt asked for documentation on why they were terminating the contract and Commissioner Morgan said they had provided documentation and have reached out and there had been no response.

Mr. Weiss said the agreement provided for termination without cause and they were entitled to terminate the agreement.

Commissioner Hinson said since it was a contract and not an employee, what was the reason to terminate. Mr. Presnell said there had been issues with paying of the utility bill and in part of the building was the Senior Citizens and was in a position of the City wanted the County to cover the utility bill and if power was cut, it would damage the MRI machine.

Chair Taylor said if they were not doing what they were supposed to do, then obviously the County did not need to support them, however she did not like the content of the letter they were asking her to sign and felt it lacked professionalism.

**COMMISSIONER MORGAN MADE A MOTION TO APPROVE OPTION ONE GIVING THE ADMINISTRATOR AUTHORITY TO SIGN TERMINATION LETTER AND SECOND MADE BY COMMISSIONER VIEGBESIE. THE BOARD VOTED 4-1 TO APPROVE THIS ITEM. COMMISSIONER HINSON OPPOSED.**

**16. Approval of Resolution 2017-002, a Resolution of the BOCC Certifying it's Support for Access to BP Oil Spill Funds by Rural Inland Counties in NW Florida**

Mr. Presnell introduced the above item and said it was for approval of Resolution 2017-002 Certifying the Board's Support for Access to BP Oil Spill Funds by Rural Inland Counties in Northwest Florida.

**UPON MOTION BY COMMISSIONER VIEGBESIE FOR ADOPTION OF OPTION ONE AND SECOND BY COMMISSIONER HOLT, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.**

**COUNTY ADMINISTRATOR**

**17. Update on Various Board Requests**

Mr. Presnell reminded Commissioner Hinson again he needed to get his Planning appointment replacement from him.

He then said Commissioner Hinson was interested in the computers at Health Department that was up for surplus that could not be used and annually they replace computers at the libraries and they did not have HIPPA issues and would be some computers available for whatever the Board would like to do with them.

Commissioner Hinson asked how often the libraries sterilize the keyboards and felt it should be done every night.

Mr. Presnell said they had received smoke detectors and they were available.



He then said he was not sure if they were familiar with House Bill 17 and they were trying to pre-empt their authority and it needed to be watched.

### **COUNTY ATTORNEY**

#### **18. Update on Various Legal Issues**

Mr. Weiss said there were questions asked at the last meeting about medical marijuana and how the County could regulate and felt the Commissioners were well aware of the Compassionate Care act and right now there was a decent amount of uncertainty regarding what local government could and could not do in terms of regulation. He said he knew Department of Health was currently adopting rules and potential for bills in the legislature and looked around to see what other counties were doing and what they could potentially do. He said most have either addressed or were in the process of addressing different types of regulations and a lot, due to the uncertainty, have imposed moratoria with a timeframe around six to nine months for most counties.

Commissioner Hinson felt it would be great to have a workshop so they would know what they were approaching.

Commissioner Taylor said the next meeting was scheduled for March 7<sup>th</sup> and felt it would be good to talk about House Bill 17 and items for the School Board meeting at that time and maybe they could meet at 4:00 before the regular meeting or another date sooner.

Commissioner Holt felt it was a good idea and the lobbyists needed to be there to bring details.

Chair Taylor said it sounded like they needed to have a meeting for just a workshop.

Taylor asked if could meet 7<sup>th</sup> at 3:00 p.m. and Commissioner Viegbesie said he was not be available because he would be in class until 3:15 and could make a 4:00 workshop.

Chair Taylor said for them to schedule a workshop at 4:00 p.m. on March 7<sup>th</sup> for the workshop.

### **Receipt and File**

- 19.**
  - a. Letter from NACO**
  - b. Resolutions 1-28-2017**
  - c. Resolutions 2-3-2017**
  - d. Resolutions 2-10-2017**

### **UPCOMING MEETINGS**

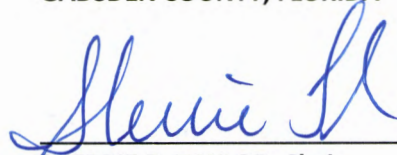
**March 2, 2017-Regular Meeting – 6:00 p.m.**

Gadsden County Board of County Commissioners  
February 21, 2017 – Regular Meeting

**MOTION TO ADJOURN**

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR TAYLOR DECLARED THE MEETING ADJOURNED AT 7:55 P.M.

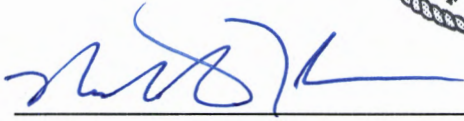
GADSDEN COUNTY, FLORIDA



SHERRIE D. TAYLOR, Chair  
Board of County Commissioners



ATTEST:



NICHOLAS THOMAS, Clerk