

AT A REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON MAY 15, 2018 AT 6:00 P.M., THE FOLLOWING PROCEEDING WAS HAD, VIZ:

Present: Brenda Holt, Chair, District 4
Dr. Anthony "Dr. V" Viegbesie, Vice Chair, District 2
Eric Hinson, District 1
Gene Morgan, District 3
Sherrie Taylor, District 5
Dee Jackson, Interim County Administrator
David Weiss, County Attorney
Marcella Blocker, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE

Chair Holt asked everyone to mute their phones, stand for a moment of silence and then led in the Pledge of Allegiance to the U. S. Flag.

AMENDMENTS AND APPROVAL OF AGENDA

COMMISSIONER MORGAN MADE A MOTION TO ADD DISCUSSION AND MOVING FORWARD ON THE COUNTY ADMINISTRATOR POSITION AND COMMISSIONER HINSON MADE THE SECOND. THE BOARD VOTED 2-3 BY VOICE VOTE. COMMISSIONER VIEGBESIE, CHAIR HOLT AND COMMISSIONER TAYLOR OPPOSED. MOTION FAILED.

COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE THE AGENDA AND SECOND MADE BY COMMISSIONER HINSON. THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THIS ITEM. COMMISSIONER MORGAN OPPOSED.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Proclamation Honoring Public Works

Chair Holt asked everyone with Public Works to come forward. Commissioner Viegbesie read aloud the Proclamation and it was presented to Public Works.

2. Proclamation Honoring Mr. Willie Simmons

Commissioner Hinson asked Coach Willie Simmons to come forward, he read aloud the Proclamation and it was then presented to him. Coach Simmons said a few words.

3. Proclamation Honoring the 2017 Gadsden County Hall of Fame Inductees: Mr. Odester Carter, Mr. Thomas Gordon, Mr. Don Hannah, Coach Charleston Holt, Mr. Alfred "Al" Lawson, Mr. Earl Murray, Coach Vernell Ross, and Mr. David Whatley

Commissioner Hinson read aloud the Proclamation and they were presented to the Inductees and a few words were spoken.

CONSENT

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA. COMMISSIONER HINSON OPPOSED.

4. **Approval of Minutes**
 - a. **May 25, 2017 Budget Workshop**
 - b. **April 17, 2018 Pre-BOCC Workshop**
 - c. **April 17, 2018, BOCC Regular Meeting**

5. **Ratification Memo**

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Thomas Hawkins, 308 N. Monroe St., Tallahassee, 1000 Friends of Florida-Citizens Bill of Rights

Nancy Linnan, Esq., 215 S. Monroe, Tallahassee, Anderson Columbia & Citizens Bill of Rights

Darrin Taylor, 215 S. Monroe, Tallahassee, FL 32302, Items 6 and 7

Brian Schreiber 871 NW Guerdon St., Lake City, FL-Midway Business Park

Debra Chathan, 6277 Flat Creek Rd., Quincy, FL Item 8

Rosetta Rolle Hylton-Anderson, 825 S. Virginia Street, MLK Celebration, Chattahoochee

Beth Kirkland, 221 Madison Street, Quincy, FL 32351-Items 6 and 7

Marion Lasley, 5 Dante Court, Quincy, FL-Items 7 and 8-Midway Business Park and CBOR

Pastor Charles Morris, 23201 Blue Star Highway, Quincy, FL – Item 8-CBOR

Arkeba Bouie, 565 Millwood Drive, Havana, FL 32333-Item 8-CBOR

Linda Dixon, 4332 Attapulcus Highway, Quincy, FL Item 8-CBOR

Antonio Jefferson, GCDC, Item 8

Lori Bouie, 4237 High Bridge Road, Quincy, FL-Super Majority

Michael Dorian, 145 Alligator Run, Quincy, FL 32351-CBOR

PUBLIC HEARINGS

6. Public Hearing-(Legislative)-Consideration of the Midway Business Park Platting Agreement

Mrs. Jackson introduced the above item and said it was a Legislative Public Hearing for the approval of the Midway Business Platting Agreement to allow 1.43 acres of land located in Midway to be considered as part of the Midway Business Park Preliminary and Final Plats.

Jill Jeglie, AICP Senior Planner II, appeared before the Board and gave a brief description of this

item. She said the primary property owner is Anderson-Columbia and was represented by Nancy Linnan, Esq., of Carlton Fields. She said the need to address the portion of the plat was a condition of the final plat submittal on March 19, 2008 and all previous approvals had expired. She said therefore the applicant had to resubmit for conceptual, preliminary plat, site development construction plans and final plat. She informed them on November 11, 2016 a second conceptual plan was approved by the Planning Commission (PC) and several extensions of the conceptual plan were granted to allow the applicants the opportunity to address the jurisdictional issue with Midway and so that the conceptual plan did not expire. She said the City of Midway signed this agreement on February 9, 2017.

Chair Holt announced this was a Public Hearing and asked if the requesting participant wished to come forward and explain this item.

Nancy Linnan, Esq., 215 S. Monroe, Tallahassee, FL, appeared before the Board speaking on behalf of Anderson Columbia, Inc. She explained the background of this project to the Board.

Brian Schreiber, 871 NW Guerdon St., Lake City, FL, Anderson Columbia, Inc., appeared before the Board and had a few words to say. He said the project was originally started in 2008 and there was a downturn in the economy at that time. He said there was more and more interest in the property and a lot of things were happening around the property and it made sense to get it done now.

Beth Kirkland, 221 Madison Street, Quincy, FL, GCDC, appeared before the Board. She said the Development Council had the opportunity four years ago to reorganize and document similar industrial parks around the County and have done so on their website. She added that they would hopefully be able to add the Midway Park to the website in a similar fashion as they currently had the Gadsden 10/90, Gadsden Exchange, Gretna Industrial Park, Quincy Commerce Park and the Hammock Creek Commerce Park.

Chair Holt asked if anyone wanted to speak in opposition and there was no-one.

She asked for Commissioner comments.

Commissioner Hinson asked what the Staff recommendations were and was told for it to be approved.

Mr. Schreiber reappeared before the Board and Chair Holt asked a few questions of him.

Darrin Taylor, 215 S. Monroe, Tallahassee, FL, appeared before the Board to address their questions regarding traffic counts. He said they had asked Kimbly Horn and Associates to look at the latest traffic counts and it was on U.S. 90 (none on Brickyard Road) and they looked at how much traffic was on U.S. 90 and determined what was on the road currently was not even half of what would be permitted in the adopted level of service standard.

Chair Holt said the area they were talking about was where the Waffle House was on Brickyard Road and Highway 90. She said if they were trying to get to I-10, there was no turning lane going to I-10 from Brickyard, how would this affect the number of businesses that were going in. Mr. Taylor said at this point and what had been designed, the amount of development that was

planned compared to what was actually going to occur was far less than what was proposed and would be light Industrial.

Chair Holt asked the will of the Board.

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

7. Public Hearing-(Quasi-Judicial)-Midway Business Park Preliminary Plat (MSD-2018-02)

Jill Jeglie appeared before the Board and was sworn in by Deputy Clerk. She gave a brief description of the item. She said this was for 33 lots located on 191.29 acres. She said the subdivision approvals expired without an approved final inspection for the final plat being approved for recording. She said at the April 12, 2018 public hearing, the Planning Commission recommended denial (7-0) of the preliminary plat because there were several reports that were missing at that time and since then, they have been provided. She said there was a Citizens Bill of Rights meeting on September 4, 2016 and no-one attended. She said as long as the Gadsden Station DRI remained in effect, the Property Owners' Association documents shall reference and include as an attached DRI SIC codes for approval and prohibited uses in the Heavy and Light Industrial category. She then listed the four options.

Chair Holt announced this was a public hearing and asked if anyone wished to speak.

Nancy Linnan, Esquire, reappeared before the Board to discuss this item. She said the toughest problem was letting the prior preliminary plat expire.

Chair Holt asked if anyone wished to speak in favor or opposition of this item.

Marian Lasley, 5 Dante Court, Quincy, FL, appeared before the Board to speak in opposition of this item. She was sworn in by the Deputy Clerk. She spoke on Attachment #4-SIC codes that were included in the packet and said they were from the 1987 DRI and it was amended or revised in 2001 and quite a few of the Codes were deleted and are not included in Allowable Uses and she wanted to make sure that particular factor was reflected in the allowable uses that would be accepted for this property.

Darrin Taylor appeared before Board and was sworn in by Deputy Clerk. He said he wanted to clarify that the history of the DRI in 1987 did establish land uses based on the SIC Code and there were concerns raised by the County when an amendment was proposed in 2001 to further restrict uses that were permitted and what was permitted in 2001 and was still used today. He said what was before them tonight did not amend the land usage that was permitted in any way and nothing they approved tonight would be in conflict with the Development Order.

Chair Holt asked again if anyone wished to speak for or against and there was no-one.

Commissioner Morgan had a question for Ms. Jeglie. He said he noted she mentioned the Preliminary Plat and the (Planning) Commission found it was not complete and they denied it. He said since then the requirements had been met and resubmitted and asked if they had been back before the PC and she said no. He asked what the other requirements were moving forward for the Commission to see the revisions that were made. She said should the Board approve this

tonight, it would not go back before the PC; the next step would be for them to file site plans and come back for the final plan. He asked if she felt it an issue for it to not go back before them and she said she felt they had met the technical requirements.

Commissioner Viegbesie said when he was reading the packet; his concern was what Commissioner Morgan alluded to. He said it seemed the PC was not satisfied with what came before them and if they as Commissioners had appointed the citizens to volunteer the time to do their due diligence and bring their recommendation to this body, he would not want them to marginalize the relevance to their obligation by not giving them what they needed to use to make the proper recommendation. He said why they should not give the PC an opportunity to review what their concerns were and let them bring a recommendation to this body for a decision.

Commissioner Taylor said someone alluded to the list that some items might be antiquated but was still a part of the list. She asked if they should be concerned about approving a list that had items or business...Ms. Jeglie spoke up and said they were not approving the 1987 list, that was an example and they were approving the plan.

Commissioner Morgan asked when the next PC meeting would be and Ms. Jeglie said June 14th. He asked if it were possible to have this go back before them for reconsideration. Ms. Jeglie said they did not have a quorum at the last meeting and this would be a long agenda but they did have time to add them to the Agenda.

Chair Holt explained they had to have a super majority and it took 4 votes to be in favor of this item. She pointed out that the items that were not included (for the PC) were included in their packet and should have been studied.

Commissioner Viegbesie said his concern was still the same with regard to the elements to the PC and he did not see why they should not be given the chance to see that the Board appreciated what they do as an Advisory Body. He added he did not see why the item should not be approved but did not want to marginalize the relevance of the members of the PC.

Commissioner Taylor said they did have ample time, but when she had a citizen from her district that raised concerns, she wanted to echo those concerns.

Chair Holt asked the will of the Board and no-one said anything. She said they had to make a decision as to what to do.

Commissioner Hinson said they had to have 4 of 5 votes and it seemed they would not have that and pointed out this was in his district. He said they did a great job presenting, he was for it but at the same time they could table this until June 14th.

Nancy Linnan reappeared before the Board and said the only thing the PC did not have was the large plan set that (inaudible) brought with him, which they would not have looked at anyway. She said they had the certification from David Melvin that everything had been done and built according to plans that was the only issue. She said this hearing was quasi-judicial and they could only take into account the information that was in the record and the facts before them tonight. She said they could not sell any property there by metes and bounds; it had to be legally platted and was why they were in a hurry now. She said no-one intended to disrespect the PC and she

asked that they reconsider some of their concerns and go on the information that was in front of them tonight.

Commissioner Morgan asked Ms. Linnan what they did not see and she said a set of original plans done by David Melvin that they did not have at the time. He said he felt he and Commissioner Hinson were on the same page along with Commissioner Viegbesie, but was the simple fact that the PC had not seen the documents.

Commissioner Hinson said he was curious. They could expedite the process and have a meeting on the 19th after the PC heard it on the 14th meeting. Mr. Weiss said technically they could do that, the concern would be practically they could notice it but there was not enough time to have a PC recommendation by that time. Mr. Weiss said they could publish prior to PC meeting but the problem was they could not have a PC recommendation for the Board meeting package.

Commissioner Morgan asked what if the PC had a special meeting and Chair Holt said they could not get a quorum for a regular meeting.

Chair Holt asked for a recommendation and Commissioner Morgan said option 3, to send it back to the PC because they did not have all the information to consider.

Commissioner Taylor said she felt if they allowed the Administrator to talk with the PC to see what information could remain factual and get back with the Board as soon as possible and that would be her motion.

Commissioner Morgan said he made a motion for Option 3 earlier and she never called for a second. Chair Holt asked Commissioner Taylor if she would yield and she said they were saying the same thing and she would make the second. Commissioner Hinson had comments. He said he made the motion before Commissioner Morgan did.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE FOR OPTION 3.

8. Public Hearing-(Legislative)-Consideration of Adoption of Ordinance 2018-005 for the Amendment of Chapters 1 and 7 of the Land Development Code, specifically regarding the Citizen's Bill of Rights

Mrs. Jackson introduced the above item and said it was for the adoption of Ordinance 2018-005 for the amendment of Chapter 1, Administration and Enforcement and Chapter 7, Development Orders, Development Permits, and Developmental Agreements of the Land Development Code, to amend the Citizen's Bill of Rights and move it from Chapter 7 to Chapter 1.

Allara Mills Gutcher, The Planning Collaborative, appeared before the Board. She said this item had been before the PC to help implement some of the comments she had received from them over the past several months to streamline the Development Order and process in Gadsden County and to help encourage additional economic development throughout the entire unincorporated County. She said she had heard from developers when they had a workshop about the process. She went over the Citizens' Bill of Rights (CBOR) with the Commissioners.

She said the first request was to move it from Chapter 7 to Chapter 1 and the second request was to reduce the subsection from its current form and remove certain aspects that were currently

required as part of the Developers' responsibility to have hearing processes from FLUM amendments, major land development reviews, variances, special exceptions, major site plans and major subdivisions. She explained the process to the Board. She said this would reduce the CBOR from its current form so it removed certain aspects to the hearing processes. The reason behind this was with variances and site plan review, were typically allowable by right according to the Future Land Use Category on which the property lies, but when talking about a Future Land Use Map Amendment, that could be a change to the type of uses that would be allowed on the property. She said the PC recommended retaining the FLUM amendment as part of the CBOR process. She said when there was a residential or agricultural piece of property and seeking to go to any other type, such as commercial or industrial, they would still be required as a Developer to have the CBOR meeting. She said the mandatory workshop would still be required; there was a clearer process on how and when that happens. She said the notice requirements were still routine and no less than 14 days prior to the workshop held by the applicant, the notification was still there and required to be at a ½ mile radius and they still have to advertise in a local newspaper of general circulation in Gadsden County at least 2 weeks prior to the meeting. She said the 7 day cooling off period had been cleaned up some and was clearer.

Commissioner Morgan stepped out at this juncture of the meeting.

She added that the application could not be changed between the CBOR meeting and the PC meeting. She said the Super Majority vote was deleted, the free-net density was deleted, conversion of rural and agriculture land to urban density in the form of compact mixed-use communities due to the fact this is a heavily rural community and to require that a mixed use compact development be the reason why they were changing from agriculture to a more dense category was not practical in a rural community. She said "Establish Reasonable Urban Service Boundaries" had also been deleted because that was a 2014 requirement and was not completed.

Commissioner Morgan returned at this juncture of the meeting.

She said this had been before the PC and the County Commission in the past, it went through the PC a few years ago and they recommended that the BOCC delete the entire sub-section, it came to the BOCC and stalled, did not move forward and was now before them again. She wanted to make sure they all understood the Public Hearing process for Legislative Hearings and the Quasi-Judicial process was not going away. She asked if there were any questions.

Chair Holt announced this was a public hearing and asked if there were any questions for Ms. Gutcher.

Commissioner Viegbesie said his only question to her was this was something that was established before his time on the Board and he saw the 1000 Friends of Florida and asked how many other Counties have this type of Ordinance. Ms. Gutcher said when she was doing research on this a couple of years ago, she called 1000 Friends of Florida and they only knew of two other communities in the State that had adopted a version of this model Ordinance and one pertained to CBOR hearings just for environmentally sensitive issues. Commissioner Viegbesie asked if no other County has such a restricted Ordinance in the State and she said that was correct.

Commissioner Morgan asked what type of recognition did Gadsden County receive from 1000 Friends of Florida and she said as far as she knew none.

Chair Holt said the Association of Counties recommended against this Ordinance.

Antonio Jefferson, GCDC, appeared before the Board and said he stood in support of what seemed to be reasonable changes to the CBOR and he posed the question again "Are we really open for business?" He said the regulation was a job killer and had not been a problem because they had been through the great recession and there was no development but now they were seeing development. He said he was 100% for citizens being aware of what was happening around them and as the proposed amendment was presented provided that level of notification, citizen participation but certainty was more important in business. He said there was inconsistency and confusion in the policy when the intended impact in it was to allow citizens to participate in the process so they would know what would occur next door to them. He said the GCDC would like the BOCC to consider this. He said they imposed restrictions that even the 1000 Friends of Florida never expected them to impose. He asked that they not be the only county in 67 counties with a policy so restrictive that it be allowed to contribute to poverty.

Lori Bouie, 4237 High Bridge Road, Quincy, FL, appeared before Board to speak against the super-majority vote. She felt the super majority should address the concerns of a minority and that should be identified. She said citizens should have the right to address their concerns and make certain that they were well represented; every voting issue did not have a minority concern. She asked that they strongly consider eliminating the process of the super majority vote as an over-all voting procedure.

Nancy Linnan reappeared before the Board and asked they please change the language and said as a lawyer, it was virtually indecipherable and was not a model of clarity that they currently had. She said she represented many cities and Counties around the State and many of them that had super majority requirements have done away with it. She said they did sometimes require rather than County-wide, if someone came in with a project, they had a number of days to notify neighbors and were expected to meet with them in a meeting where there could be discussions.

Beth Kirkland, GCDC, appeared before the Board and spoke on behalf of the amendment. She said they had been working the past four years to provide ready product and facilitating job creation through good public policy and this represented improvement in their public policy. She said they were also marketing the community as a community with competitive assets related to their transportation assets and they facilitate a good location for manufacturers and distributors in the transportation and agri-business, which was providing food and fiber like products which was then distributed.

Linda Dixon, 4332 Attapulgus Highway, Quincy, FL appeared before the Board and said she was in support of doing away with the super majority vote and felt it hindered the growth and development of the County. She said she left here more than 30 years ago and when she came back, Gadsden County was in worse shape than it was before she left. She said they needed to be more pro-active to make Gadsden County grow.

Felicia Redding, POB 366, Quincy, FL, appeared before the Board and said she was against it for all the reasons the people before her said. She said there was nothing more frustrating than trying to get permits to build on a person's own property. She said there were guidelines, Ordinances and Land Use Maps in place. She said they were restricting themselves from being productive.

Chair Holt asked if there was anyone else in favor and there was no-one.

Debra Chathan, 6277 Flat Creek Rd., Quincy, FL appeared before the Board and said she wanted growth in the County but wanted to stress she wanted the citizens' rights to be protected as a citizen and still be notified of things that were going on in the community so there would be no surprises that popped up next door to them.

Commissioner Viegbesie stepped out at this juncture of the meeting.

She continued that she wanted to see it kept open so people could be notified so they would know what was going on and to protect the environment. She said she wanted to make sure they kept in mind the citizens.

Michael Dorian, 145 Alligator Run, Quincy, FL appeared before the Board and said he would like to leave it exactly as it is. He said in an effort to cut costs, the State reduced services, reduced developmental regulations and reduced oversight that they once had in the past and has thrown the burden of responsible development to the County. He said they needed local review processes such as the CBOR. He said residences could not be notified of decisions that could affect their property without the CBOR.

Commissioner Viegbesie returned at this juncture of the meeting.

He added the 4-1 super majority vote ensured that four commissioners make County-wide decisions for large developments, land use changes, and variances. He said the citizens stood a better chance with four points of view. He said the CBOR was the most important document to come from the BOCC and they needed to keep it.

Thomas Hawkins, 1000 Friends of Florida, appeared before the Board and said he was glad that the line of questioning came up. He said there were several other counties that had adopted the CBOR, Martin, Sarasota and City of Sarasota, St. Johns County, to name a few. He said a lot of different local governments have rules and none were the same. He said there were some really important protections there that they needed to keep. He said having public meetings early in the process and sending out notices; he said people may not read the newspapers as much and they may want to consider electronic notice on a website in addition to the mail, but encouraged to keep the public meetings. He said with regard to the Super majority requirement, he was an attorney and a planner at 1000 friends of Florida and most decisions get adopted on an unanimous vote. He said his recommendation tonight was to ask staff to keep two components, the super majority and the meeting. He said economic development was important to Gadsden County and did not believe in his professional experience did not see good planning as an obstacle to economic development.

Chair Holt asked when he was on the City of Gainesville, with their voting change, did they require a super majority vote and he replied the City of Gainesville did not and felt they would be a better city if they did.

Arkeba Bouie, 565 Millwood Drive, Havana, FL appeared before the Board and said she wanted to be notified when there were changes in her neighborhood.

Darrin Taylor reappeared and said he wanted to mention as a Land Use planner, they believe strongly in public participation and felt it made for better developments and communities.

Charles Morris, 23201 Blue Star Highway, Quincy, FL appeared before Board and spoke as a proponent of the CBOR. He said when President Obama was President, the jobless rate went down, with the current president it had gone down even more nationwide as well as the State of Florida. He said children deserve an opportunity and believes the CBOR was stifling.

Marion Lasley reappeared before the Board and said this may add 20 days to the approval process and felt it was very important.

Ms. Gutcher reappeared before the Board. She said there were several comments about citizens not being notified and she reiterated in the Land Development Regulation they currently had regulations and a requirement for notification, mailing, newspaper ad, and notice on the property and that existed outside the CBOR. Chair Holt asked about meetings with the communities, did it take out the meeting with the developer. Ms. Gutcher said the proposal removed the requirement for a CBOR meeting for variances, special exceptions, major development orders, development agreements, and the quasi-judicial issues. She said there was still a public hearing process, still went before the PC, still went before the Board and was still opportunity for public comment at the PC state and at the BOCC stage. Ms. Gutcher said the 4-1 vote had been stricken from the proposal and by the time they came to the PC, there have been plans drawn, hired an engineer, gone through certain permitting processes and spent a lot of money to get to the first hearing and was taking a big risk to continue with the development because a 4-1 vote was needed. She said she agreed with Ms. Linnan if they were considering different amendments, they needed to clean up the language because it was very confusing.

Chair Holt said they needed to move to the Board but wanted clarity.

Commissioner Viegbesie said he read the attachment and the changes and revisions made and in his opinion, saw the revisions accommodating a lot of the items the CBOR have asked for. He said the option was to repeal, he would not support it, but if the recommendation was to revise to make the County more business friendly, he would support the recommendation.

Commissioner Taylor said Hoover Wood Products, Four Star Freightliner, Trulieve, and Peterbuilt was set up with the CBOR intact, she supported it and as the young lady said earlier, neighbors have a right to know what was coming and was not detouring because the policy and procedure was in place already. She said she had been in the political arena since 2001 and had seen three commissioners control the movement of the County and also with the City Commission.

Commissioner Holt stepped out at this juncture of the meeting.

Commissioner Taylor said a lot of people did not understand what the CBOR was all about, and she suggested they be careful giving up rights and some commissioners filled their head with untruths. She asked if the language could be cleaned up and said yes.

Commissioner Holt returned at this juncture of the meeting.

Commissioner Taylor said her concern was not to developing homes, only to the businesses. She said she knew the super majority vote was not one that everyone liked. She said people had been telling them things and filling their heads full of things and it was not true. She said the biggest reason for businesses not coming was infrastructure and the only thing that would change was three people would be running the County. She said they had been making language changes the last two to three years. She said that every business that came before them that had fallen under the guidelines of the CBOR had gotten an approval. She said there were no longer businesses in Quincy, true, but they were branching out and the County was still growing. She listed reasons why they were not growing as rapidly as they would like and asked that they not be brainwashed.

Commissioner Morgan said he did not have a whole lot to add to what Commissioner Taylor said and he agreed with 100% of what she commented on, but the most important thing to understand CBOR was about information and notification and thought the comments from 1000 Friends of Florida on right on the money. He agreed that they wanted good growth for the County and he agreed with Ms. Gutcher to moving it from Chapter 7 to Chapter 1 and to clean it up. He said he thought it was all in how they approached and understood what that was. He said the fact was this was a policy they had in place that was currently working, not to say it could not be improved upon but had worked 100% of the time. He said he understood it could add an additional 21-45 days to the process but was a part of planning. He encouraged everyone to do their homework and look at ways to embrace something that would help them understand the growth that could potentially go on around them.

Commissioner Hinson said he felt great about what Commissioner Morgan and Commissioner Taylor said and he was tickled to death because with all the points made, they sounded like him. He said he always talked about the bumblebees and how they could protect them and protect the land and wetland areas.

Commissioner Morgan stepped out at this juncture of the meeting.

He said it was interesting how someone brought up infrastructure and said he had been yelling about that forever along with the digital infrastructure was needed, water, sewer and transportation as well.

Commissioner Morgan returned at this juncture of the meeting.

Commissioner Hinson said he felt personally they were having good dialogue and they needed to have a workshop prior to coming here. He added that what he saw was not consistent was the 4 out of 5 voted. He said that it may be because someone did not like a person they may not vote with then and the project would be shot down. He said they have a great board and felt they needed to workshop this, 4 out of 5 votes could cause heartburn.

Chair Holt asked the Attorney that it was required to have four votes to change the zoning, was it legal for them to require four votes to get rid of the four votes. He said if they looked at it from the perspective of changing it without a super majority vote, there would be no reason to have a super majority vote.

Commissioner Taylor stepped out at this juncture of the meeting.

Chair Holt said they do not get calls because people look at the map and that was old and needed to be redone. She said she was not in favor of a super majority vote and she wanted everyone notified.

Commissioner Taylor returned at this juncture of the meeting.

Chair Holt announced again this was a public hearing and said she needed a motion.

COMMISSIONER HINSON MADE A MOTION TO TABLE THIS ITEM BECAUSE HE HAD HEARTBURN WITH SOME ISSUES AND WANTED TO WORKSHOP IT AND COME BACK AT A LATER DATE TO DISCUSS IT. CHAIR HOLT HAD COMMENTS.

Chair Holt said they had workshopped this about five times since 2010 and they had not come to any conclusion since then.

Commissioner Hinson said it would be hard for them to vote on 1000 feet instead of ½ mile. She said to correct the ½ mile. He said there were some things they needed to look at and go through it and if they were on the losing side, they could not bring it up again. Chair Holt said they could.

Commissioner Hinson said he was a consensus builder, felt they could bring it to a workshop, use their political savvy and show they could negotiate and work it out.

COMMISSIONER HINSON MADE A MOTION TO TABLE THIS MATTER UNTIL THEY HOLD A WORKSHOP AND COMMISSIONER VIEGBESIE MADE THE SECOND. COMMISSIONER TAYLOR HAD A QUESTION.

Commissioner Taylor asked Ms. Gutcher with developing where the CBOR came in in such instances as that, she did not want citizens not to be able to share property to build and asked her to give her some language because she was not for citizens not being able to do what they want with their land but was for being notified when businesses were coming to the neighborhood.

Ms. Gutcher said the times the CBOR came into play was when asking for an amendment to the Map on the wall or some sort of variance from set-back or other regulation to a structure, a special exception to a use, and there was some language in it that did not make sense regarding major developments and major subdivisions. She explained there was a Family Exception that allowed immediate family members to convey property to another immediate family member and was not subject to the CBOR requirement but there were limitations.

Commissioner Viegbesie called the question.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE WORKSHOP.

GENERAL BUSINESS

9. CR 269 (Little Sycamore Road) SCRAP Bid Award

Mrs. Jackson introduced the above item and said it was to award the bid of Little Sycamore Road SCRAP paving project to Peavy and Son Construction, the low bidder in the amount of

\$1,206,162.00.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER TAYLOR, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE OPTION 1.

Commissioner Taylor stepped out after she made the second before the vote was taken.

10. Approval of Amended Contract #21831 for the William M. Inman Agricultural Center Funding for the New Gadsden County Extension Office

Mrs. Jackson introduced the above item and said it was for approval of amendment of the original contract #21831 for the William M. Inman Agriculture Center for the funding for the New Gadsden County Extension Office.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE OPTION 1.

11. Approval to Execute the Agreement for Services for the Classification and Compensation Study

Mrs. Jackson introduced the above item and said it was for approval for the Chair to sign and execute the agreement for services to complete the Classification and Compensation Study to be conducted by Evergreen Solutions, LLC.

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS ITEM.

12. Clarification and Direction of the Criteria and Selection of Youth for the Summer Youth Employment Program

Mrs. Jackson introduced the above item and said it was for direction from the Board to clarify and set criteria for selecting youth for the Summer Youth Employment Program and clarify the number of youth Commissioners have the option of choosing.

Chair Holt asked the Attorney if he said earlier that they had 10 slots saved for individuals that were disabled.

Commissioner Taylor returned at this juncture of the meeting.

Chair Holt said they were trying to find out who chose them and said she did not think they needed to have that classification in place; she felt they needed to have qualifications in place. Mr. Weiss said set a minimum requirement and minimum spots that were designated and his concern was there was an equal protection concern with the selection of one person over another. He added if everybody met the qualifications and minimum criteria, why one person is selected over another. He said if they had minimum qualifications and everyone met them and they started selecting one person over another with no real basis for it, it would open them up to potential equal protection and ADA exposure, ethics issues and was a concern when they start making selections without having anything other than...

Commissioner Taylor said they were talking about 14-17 year olds and asked what qualifications they had and said it would be minimal. She said she did not see any elevation past the basic they needed to have to qualify. Mr. Weiss said that was his point in terms of if they met the minimum

qualifications, trying to make a selection on a basis other than a random lottery could open them up to potential claims.

Chair Holt asked how they were selected before. Commissioner Hinson said the reason he asked the Board to look at this was because sometimes with physically and mentally challenged students they were looked over and was why he said there needed to be a minimum of 10 kids to give them an opportunity to work and they need to find language.

Mr. Weiss said for clarification, they were not attacking anyone, he was trying to say the selection process, when looking at students and the qualifications and criteria were pretty minimal, it had nothing to do with the mentally/physically impaired, it had to do with over-all with anyone being selected for any particular reason over anyone else.

Commissioner Hinson said there was a young lady with the School Board that worked with kids.

Commissioner Taylor asked the attorney and the Administrator with the way they were selecting potential participants for the housing program, according to the rules sent from the State, a portion was to go to persons with disabilities and Mrs. Jackson said they were to get first priority. Commissioner Taylor said there was already a program in place that recognized them and it was State Mandated and what they were doing was not illegal. Mr. Weiss said he was not suggesting that was problematic, he was speaking of the over-all selection process, it was an equal protection issue in terms of whether it was needed to remedy any past issues.

Lonyell Black, Human Resources Manager, appeared before the Board to explain the process. She asked if she meant clarity for the 10 or the whole entire process. Chair Holt said the whole thing. She said they had budgeted \$130,000 this year for this program and the way they calculated it was they were paid minimum wage, they had to calculate FICA, it was established they would work 20 hours a week and when they made those calculations it determined the number of positions they were budgeted for at that rate. She said the minimum qualifications to participate in the program was they had to be a citizen of Gadsden County, be between the ages of 14-18 when the program began, have to have a "C" average or 2.0 GPA, have to have acceptable attendance and conduct, was allowed to have one "N" throughout the duration of the school year. She said they typically put the applications at the end of the third 9-weeks of school to have an opportunity to see the report cards and what they had been doing for the majority of the year. She said the applications were reviewed by the selection committee and vetted according to the criteria. She said each commissioner was allowed to pick five from their district being 25 slots and the 10 slots remaining would be for the mentally challenged or disabled. She said as Commissioner Hinson mentioned, they do not make those selections, there was a representative from the School Board Office that made the recommendations. She said they were able to make all adjustments for the child that was disabled.

Commissioner Viegbesie asked the Attorney and the HR director, he did not remember any place where the hiring policies and procedures for summer youth or any type of employment was done by the County Administrator and not a Commissioner. He asked if the County Commissioner was allowed to hire five, was that in violation of the hiring policy because they were only able to hire 2 positions, the Administrator and the County Attorney.

Mrs. Weiss said as far as he was aware, there was nothing in the Personnel Policy that addressed

this program and he deferred that to the County Administrator.

Mrs. Jackson said there was nothing that prohibited that in their policy but, that was a day to day operation.

Chair Holt said if they had nothing in place, they needed to get something in place.

Commissioner Hinson said every year he went through this, and the last time he checked Commissioners all over the State of Florida had their own staff. He said Commissioners could hire staff; they could call Escambia County all the way down to Monroe County or drive to Leon County and see how many full-time workers they had on staff.

Chair Holt said all they were saying was they needed Policy and Procedure in place.

Commissioner Viegbesie said he did not say what he said with regards to Policies and Procedures to stop hiring youth, his vote was for the program and for simple disclosure. He said before he came to Gadsden County, he ran for City Commission in Tallahassee and knew they had in place Policies and Procedures of what Commissioners were allowed to have. He said he was asking if they were changing that there were some that they, as Commissioners could hire and if so, they need to change the Policy and Procedure. He said no-one ever said not to hire youth, they wanted to keep them out of trouble and mentor them and train them to become professional individuals but they needed to have Policy and Procedures on place. He said he was only asking for clarification.

Commissioner Morgan said they were talking about part-time summer youth coming to work for the County for a short period of time. He said there was a program in place about how to go about doing it, they had done it for the past few years and it had worked fine. He said they were simply making recommendations and the County has to look at each of the children and decide if they met the minimum qualifications and those were the ones that made the decisions who are the ones to get placed with the Summer Youth Program. He said they were not talking about the County Commissioners hiring anyone in an adult position. He said they had sat there for an hour talking about hiring kids part-time for a summer program.

COMMISSIONER TAYLOR MADE A MOTION THE COMMISSIONERS COULD CHOOSE 5 KIDS AND COMMISSIONER VIEGBESIE MADE THE SECOND. COMMISSIONER HINSON HAD COMMENTS.

Commissioner Hinson said he thought they could choose 10. Commissioner Taylor said that was the argument and she made a motion.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 TO APPROVE.

Commissioner Taylor said she thought the next questions was how many slots for the mentally and physically challenged students if it was 10 or 20. Commissioner Taylor said they did not want to set a number, but a minimum of a number and that way if there was more, it could put them in a legal bind.

COMMISSIONER TAYLOR MADE A MOTION FOR A MINIMUM OF 10 MENTALLY AND PHYSICALLY CHALLENGED STUDENTS AND COMMISSIONER VIEGBESIE MADE THE SECOND. THE BOARD

VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

Commissioner Hinson said there was another problem, and they had the same problem at the end of last year; they voted on 125 kids at the last budget cycle and they went down to under 120 kids. He said if they said 125 kids, his argument was that at the last budget meeting for 125 kids. He said the Board agreed to 125 kids and now all of a sudden, they took 5 jobs away from the youth.

Ms. Black said what came into place last year, when budget season was taking place, the State of Florida was set at a certain minimum wage. Last year when they were doing this, the minimum wage was \$8.10 an hour when they went to budget season. She said come January 1st of this year, minimum wage increased and what was budgeted was what they had to work with and the criteria had been set that there would be youth that will be paid the minimum wage, paid for six weeks and will work no more than 20 hours per week and they had to work with what was budgeted.

Commissioner Taylor said they had to work backwards. She said Commissioner Hinson was correct with 125 slots but Ms. Black was also correct in there were other factors that needed to be played in that they did not do during budget season. She said Mr. Presnell took those 5 slots and used that funding to pay so he would not have to take from somewhere else. She said going forward, they needed to add in whatever costs there might be so they could get 125 students.

Chair Holt said they would need to know that ahead of time and make the arrangements. She asked for the minutes to those meetings.

Commissioner Hinson said normally in budget, they put in the budget for 125 kids and it was up to them to figure out the budget.

Chair Holt said they needed to amend the budget before they could hire. Commissioner Hinson said they could amend the budget now and Chair Holt said they had to advertise it first.

COMMISSIONER HINSON MADE A MOTION FOR MINIMUM OF 10 MENTALLY AND PHYSICALLY CHALLENGED KIDS, 5 MORE STUDENTS AND 125 JOBS THAT ONCE RECEIVE INFORMATION, WILL SELECT OTHER STUDENTS. MS. BLACK HAD QUESTIONS.

Ms. Black reappeared before the Board. She said they were supposed to already have letters sent out, if they continue to push this back for an additional two weeks, it would limit the time the kids would have to participate in the program.

Chair Holt suggested they wait until next year to make the change.

Commissioner Hinson said "The kids have got to have someone to fight for them. The thing here, this was a grown folk's mistake, not the kids' mistake."

COMMISSIONER HINSON MADE A MOTION FOR FIVE ADDITIONAL KIDS AND COMMISSIONER TAYLOR MADE THE SECOND. THE BOARD VOTED 2-3 BY VOICE VOTE. COMMISSIONER VIEGBESIE, CHAIR HOLT AND COMMISSIONER MORGAN OPPOSED. MOTION FAILED.

Chair Holt asked that the information be brought back and they could vote again. She said she could not hold up the other students and they could amend later and add five more.

Commissioner Taylor said she liked that idea. She told Ms. Black to bring the 120 students on and they could add the five later.

Commissioner Morgan asked Ms. Black if this process would be an issue and she said criteria also were mentioned about training and they may not be able to participate in the entire program.

Chair Holt asked what they should do at this point to get this vote and get this moving. Mrs. Jackson said if they brought back the five students as an agenda item, what budget line to pull from. Chair Holt said they had not decided that yet, they needed to know to pass this right now.

COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE OPTION 1 SO THE 120 STUDENTS COULD BE MOVED FORWARD AND CHAIR HOLT MADE THE SECOND. THE BOARD VOTED 3-2 BY VOICE VOTE. COMMISSIONER HINSON AND COMMISSIONER TAYLOR OPPOSED. MOTION PASSED.

COUNTY ATTORNEY

13. Updates

Mr. Weiss said he had nothing to report.

COUNTY ADMINISTRATOR

14. Updates

Mrs. Jackson had a few announcements:

May 23rd CRPTA program will be in these chambers 5:00-6:00 p.m.;

May 24th Public Works Week celebration-She said Commissioner Taylor, Commissioner Morgan and Chair Holt were going to serve food for them and Commissioner Viegbesie and Commissioner Hinson would be working a ½ day on May 23rd in Public Works and she would be working on the 22nd .;

June 5th BOCC meeting;

June 7th Pat Thomas Park extension groundbreaking at 3:00 p.m.;

June 12th 1st Budget workshop (that was tentatively scheduled for May 25th) at 4:00 p.m.;

Special meeting June 14th for the Communication Tower status meeting. Mr. Weiss said there was a Planning Commission meeting that night. Mrs. Jackson said this would be rescheduled;

June 26th thru June 29th is the FAC conference.

Commissioner Viegbesie asked if they had any part of their government that could explore expanding broadband internet in unincorporated areas. Mrs. Jackson said since Commissioner Hinson had been talking about digital infrastructure they had been looking into it but they did not have a department set up for it but were looking into how they could expand that.

Commissioner Hinson asked with what they just talked about with the summer youth employment, did she have the money and spending authority that she could add five jobs for the kids. She said yes, but they would have to find what line item it would come from; that would be the first thing the Clerks' Office would ask because it was not budgeted. She said a budget amendment could be done and it could come from General Funds. Commissioner Hinson asked if she had the authority to do it without Board approval and she said she was not able to create jobs, not just with the summer youth, but was not able to create jobs even with County staff unless it

came before the Board.

CLERK OF COURT

15. Updates

DISCUSSION ITEMS BY COMMISSIONERS

13. Report and Discussion of Public Issues

Commissioner Eric Hinson, District 1

Commissioner Hinson said they had good dialogue tonight and a lot of people were recognized. He said there were some challenging things they discussed tonight and things they believed in. He said as long as they could continue to work together and for the best interests of the people, they could continue to grow and move forward.

Commissioner Gene Morgan, District 3

Commissioner Morgan had nothing to report.

Commissioner Sherrie Taylor, District 5

Commissioner Taylor had nothing to report.

Commissioner Anthony "Dr. V" Viegbesie, Vice-Chair, District 2

Commissioner Viegbesie had nothing to report.

Commissioner Brenda Holt, Chair, District 4

Chair Holt told everyone they did a good job on the Public Hearings and she thought it would have taken them longer than it did.

Receipt and File

14. Ordinance 374-Town of Havana
Florida Department of Health Quarterly Report

UPCOMING MEETINGS

May 24, 2018-4:00 p.m. 1st Budget Workshop (postponed to June 12th)
June 5, 2018-4:30 p.m. (Pre-BOCC Workshop)
June 5, 2018-BOCC Regular Meeting
June 19, 2018-4:30 p.m. Pre-BOCC Workshop
June 19, 2018-6:00 p.m. BOCC Regular Meeting

Gadsden County Board of County Commissioners
May 15, 2018-Regular Meeting

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 10:10 P.M.

GADSDEN COUNTY, FLORIDA



ATTEST:

NICHOLAS THOMAS, Clerk

BRENDA HOLT, Chair
Board of County Commissioners