

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MAY 4, 2021 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
 Kimblin NeSmith, District 3
 Ronterious “Ron” Green, District 5
 Edward J. Dixon, County Administrator
 Clayton Knowles, County Attorney
 Marcella Blocker, Deputy Clerk

Call to Order, INVOCATION, PLEDGE OF ALLEGIANCE

Chair Holt welcomed everyone and called the Meeting to order at 6:00 p.m., asked for a moment of silence and the led in the Pledge of Allegiance to the U. S. Flag.

AMENDMENTS AND APPROVAL OF AGENDA

Chair Holt asked for a Proclamation declaring May 8th, 2021 as John Lewis Voter Rights Advancement Day of Action.

COMMISSIONER VIEGBESIE SAID SO MOVED.

Mr. Dixon asked that Item 9 be pulled and he added Item 9a-Massey Building Repairs Bid Award and Item 9b-Recreation Trails Program Grant Request.

Commissioner Hinson asked to add 9c-Discussion of the FY21 Summer Youth Program.

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE THE AGENDA AS AMENDED AND
COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.**

AWARDS, PRESENTATIONS AND APPEARANCES

Mr. Dixon introduced “new parts of the County Family”:
Sheree Walker, the new Grants Administrator for the County; and Jerry Lee, Interim Public Works Director.

CONSENT

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE THE CONSENT AGENDA AS WRITTEN
AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO
APPROVE.**

- 1. Ratification Memo**
- 2. Approval of Minutes**
 - April 7, 2021 Special Meeting**

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Due to COVID-19 and the efforts of Gadsden County Board of County Commissioners to continue the practice of social distancing, Commissioners want to continue to hear from citizens under the Citizens Requesting to be Heard section of the agenda.

If citizens have any questions, comments or concerns, please email CitizensToBeHeard@gadsdencountyfl.gov and anticipate receiving a response within 48 hours.

Commissioner Green read aloud the Statement.

Betty Kabel

Karen Watson

PUBLIC HEARINGS

GENERAL BUSINESS

3. Discussion and Action on Dental Equipment Owned by Gadsden County

Mr. Dixon introduced the above item and said it was for Board discussion and action on the dental equipment owned by Gadsden County.

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

4. Approval to Confirm Appointment of UF IFAS Gadsden County Extension Director

Mr. Dixon introduced the above item and said it was for confirmation of employment of Robert H. Jones as the new County Extension Director.

COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE OPTION 1 AND COMMISSIONER HINSON MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

5. Approval of the Massey Building Sub-lease

Mr. Dixon introduced the above item and said it was presented to the Board for approval of Amendment Number 1 to Lease Number 4845 with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

Commissioner Viegbesie said his only concern would be to not crowd out the Senior Services occupancy of that building at any time.

Mr. Dixon said he has made that clear from the beginning and it would be clear in any documentation.

Commissioner Nesmith said he had the opportunity to view the building and made sure the space was allocated.

Commissioner Green asked if that was in writing?

Mr. Knowles said he thought they needed to make a small tweak to the agreement before the Chair signed and he could have it ready tomorrow.

Commissioner Hinson said he thought they were fixing it themselves and now they were talking about using CARES money. He felt they should hold off before voting on this matter because they were talking about almost \$300,000.

Mr. Dixon said the reason they were attempting to repair it was because it was a County-owned building. He was of the opinion they should not be leasing buildings that was not in proper order. They should charge adequate rent but it was a County building and the County should take care of it.

Chair Holt left the meeting at 6:20 p.m.

Commissioner Hinson said he believed in this item, but now needed to know more about this. He also added that he was of the belief that North Florida Health Corporation was willing to make the repairs. He stated he wished he could make a motion to go back on his previous motion.

Commissioner Green said he was looking though the contract and did not see the amount they would be charged and was told they have not done that yet.

Mr. Knowles said he believed the Board approved a percentage but was not sure and said he would have the Clerk check the record.

Mr. Dixon said to clarify, they did not make that decision, the County did because they were going to spend \$100,000 on the roof either way, insurance covered that part. He also said once they toured the building and saw the trouble it was really in, it was in disrepair and needed numerous repairs. He added it was a County building and they did not need to be leasing places without them being up to standards. He spoke with North Florida Rural Health and they offered to do this but it was a County building and was more prudent for them to take care of their own buildings and to start the process to take care of all the facilities. He added that all the buildings were in terrible shape.

Commissioner Green said since he made that statement and they know they have all the facilities that will need attention in the near future, was this something they have already started being more proactive on as to the condition of the buildings. Mr. Dixon said that was what it amounted to.

Mr. NeSmith said he toured the building several times and it was in such disrepair that he called the County Administrator and asked him to tour the inside and outside of the building. He added that not only was the building in disrepair, but the seniors were still using the building.

Commissioner Viegbesie said he also had toured the building and agreed it was in bad shape. He added that he did not know where Commissioner Hinson was coming from with regard to the promise the individual made, however, if they want to be sovereign and if the lessee was

not doing things the right way, they could leave. If they were able to fix it, they should fix it. He added his only concern was the Senior Citizens having access and use of the building in perpetuity. If they can fix it, will give them some independence as opposed to being indebted to someone that has come out of their pockets and would then be hard to evict.

Commissioner Hinson said it made sense what they said. He was the one that brought the guy here and took him at this word when he said he would fix it. He said they were about to pay \$300,000 out of CARES money for a building that could help impact the Seniors. He added the money that the Federal government gave them, money they promised to the people, they were about to give it to someone who told him...repairing the building, what about repairing these people lives in Gadsden County. People need help, small business people need assistance. The funding that will support this building was coming from the CARES dollars that the Federal Government gave to the County to help people, human resources, residents assistance program, the \$1.3 Million they said the Board agreed that would go to residents and small business, that was wiped out. He said he wanted them to come before the Board again.

Commissioner Green said this vote was for repairs. When Commissioner Hinson spoke of giving someone \$300,000, they were not giving that to this individual. He said it was a County building that they were responsible for the upkeep and was a shame they allowed the building to get to that state.

COMMISSIONER NESMITH MADE A MOTION TO ACCEPT OPTION 1. VICE CHAIR VIEGBESIE ASKED FOR THEM TO LET THE COUNTY ADMINISTRATOR TALK.

Mr. Dixon said this was a sublease that has to be approved first by the State government. The County has an agreement with North Florida Rural Health Corporation to lease the building and the County has to get their approval first to lease the building. The 50-year contract is the lease to the County, not to North Florida Medical; there is no CARES money involved in the repair of the building. It was insurance money and money they found in the budget to repair their own building.

Vice Chair Viegbesie said Item 9a will be dealing with the building repairs and asked they keep the conversation to the lease part for this item.

Commissioner Hinson said they received something two weeks ago from the Administrator that broke down the \$1.3 Million and now almost \$300,000 was for the repairs of the Massey building. If they approve this, it was indicative as to who they were.

Mr. Dixon said first to the lease, it says it is until 2070; however, he thought that the intention was they were investing their money into the building. He added they could not allow others to fix up and invest in their building, it would set them up for failure at every turn. He further stated it was their recommendation, once they approve the sublease, deal with the lease, but not for 50 years.

COMMISSIONER NESMITH MADE A MOTION TO APPROVE OPTION 1 AS PRESENTED BY THE COUNTY ADMINISTRATOR WITH A CAVEAT TO ADD LANGUAGE TO PROTECT THE SENIORS AND AUTHORIZE THE ADMINISTRATOR TO NEGOTIATE A TERM OF LEAST THAT BENEFITS THE COUNTY UP TO...THEN ASKED FOR GUIDANCE.

Mr. Knowles said he could make a motion to approve Option1 as presented by the Administrator with an initial term for 5 or 10 years and bring it back to the Board at a certain interval for re-approval if they wanted to continue with and could move forward. He suggested a 5-10 years with 5-year or 10-year renewals and be brought back to the Board.

Commissioner Viegbesie said if he was looking for suggestions, since it was a medical service that the citizens would depend on, the recurring nature should be the farthest they could stretch as opposed to every so often that could terminate that vital medical service the citizens would become used to and dependent on.

COMMISSIONER NESMITH CONTINUED WITH HIS MOTION AND SAID THE TERM OF YEARS AS PER HIS MOTION WAS 10 YEARS WITH CAVEAT TO PROTECT THE SENIORS IN PERPETUITY. COMMISSIONER HINSON STATED HE HAD A QUESTION AFTER THE MOTION WAS SECONDED. COMMISSIONER GREEN MADE THE SECOND.

Commissioner Hinson said they were about to make a major investment and he thought for transparency, they should table this item so citizens would know what was about to come around them.

VICE CHAIR VIEGBESIE CALLED FOR THE VOTE. THE BOARD VOTED 3-1 BY VOICE VOTE. COMMISSIONER HINSON OPPOSED.

6. Approval of the Gadsden County Jail Fire Protection

Mr. Dixon introduced the above item and said it was for approval of the Johnson Controls Service Agreement Renewal for the Gadsden County Jail and was effective June 1, 2021 to May 31, 2022.

COMMISSIONER GREEN MADE A MOTION TO APPROVE OPTION 1 AND COMMISSIONER NESMITH MADE THE SECOND. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE.

7. Approval of the Judiciary System (JIS) Inter-Agency Agreement provided through the Office of the State Courts Administrator (OSCA)

Mr. Dixon introduced the above item and said it was for the approval for the attached Inter-Agency Agreement between the Judiciary Inquiry System (JIS) provided through the Office of the State Courts Administrator (OSCA) and the Gadsden County Probation Division.

COMMISSIONER HINSON MADE A MOTION TO APPROVE OPTION 1 AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS ITEM.

8. Approval of the Criminal Justice User Agreement with the Florida Department of Law Enforcement

Mr. Dixon introduced the above item and stated it was for Board approval of the Criminal Justice User Agreement (CJIS) between the Florida Department of Law Enforcement (FDLE) and the Gadsden County Probation Division.

COMMISSIONER HINSON MADE A MOTION TO APPROVE AND VICE CHAIR VIEGBESIE MADE THE SECOND. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE.

9. Approval of MOU with the Apalachee Regional Resilience Collaborative

Item Pulled

9a. Massey Building Repairs Bid Award

Mr. Dixon introduced the above item and said it was for Board approval to award and execute the Massey Building Repairs Project contract to Tip Top Construction, Inc. for \$233,224.00.

COMMISSIONER HINSON MADE A MOTION TO APPROVE AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE.

9b. Recreation Trails Program Grant Request

Mr. Dixon introduced the above item and said it was presented to the Board for the approval of a Recreation Trails Grant Program.

COMMISSIONER HINSON MADE A MOTION TO APPROVE AND VICE CHAIR VIEGBESIE MADE THE SECOND.

Vice Chair Viegbesie explained the reason they were doing this was the application had already been made to the Florida Department of Environmental Protection and this was to approve a letter confirming the Gadsden County BOCC commitment to the 60/40 match.

VICE CHAIR VIEGBESIE CALLED FOR THE VOTE. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THIS ITEM.

9c Discussion of the FY21 Summer Youth Program

Commissioner Hinson explained his item that was added. He explained the Summer Youth Program was requesting \$150,000 for employment of 125 youth for the 2021 Summer. For each youth, the Board will pay up to 20 hours per week for up to six weeks at a rate of \$8.56/hr. This amount adds up to approximately \$1027.00/youth. Additionally, the request includes \$18,000 for the hiring of monitors to assist with the management of the youth throughout the County and to ensure compliance with program rules.

Vice Chair Viegbesie said this was for discussion.

Commissioner Green asked how this would work with the program that has already been presented with and would the budget allow them to have two separate programs.

Mr. Dixon said it was whatever the Board directed him to do.

Commissioner NeSmith asked if he was presenting this proposal in addition to the other program, the Gadsden Youth Initiative Program.

Commissioner Hinson said that was what he said earlier and also, he was an Executive Board member with CareerSource and had information that they may not be privy to. He had the Deputy Clerk pass out information to the Board members and explained.

Vice Chair Viegbesie suggested he sit with the County Administrator or whoever was running the Youth Initiative to see what the differences were, if they could be married and bring it back as an action item and they would vote it up or down.

Commissioner Green said this was good information but they did not have a lot of time as it related to they had already been working on a program for the youth. He said he agreed with Vice Chair Viegbesie that some could be “married” but there was not a lot of time to make this happen.

Mr. Dixon said CareerSource was one of the initial partners in this program. The program has limitations and the limitation did not fit the majority of kids. He said they will be funding 100 kids. Any other kids that meet CareerSource’s program requirements, will be funded by CareerSource. He said it could be 150-200 kids. He hoped to come back with a year-round program.

Commissioner NeSmith thanked Commissioner Hinson for bringing this to the Board. He said he did not see that the two programs were mutually exclusive. He asked Commissioner Hinson if this was a CareerSource program and if he was asking the Commission to take it over. Commissioner Hinson stated no. Commissioner NeSmith wanted to clarify the question, with the CareerSource program, would this program be a third program for the youth.

Commissioner Hinson thought would have great representation with all districts. In the past, Havana/Midway has not been represented properly, along with Chattahoochee.

Vice Chair Viegbesie said he felt the best approach was, this conversation was not exclusive of the Youth Initiative. He had read the presentation the Administrator provided, saw some overlap and it could be addressed. He asked for Commissioner Hinson to agree to meet with the representative of the Youth Initiative.

Commissioner Hinson said with the other timeframe, it gives only 1 week and his would give 4 weeks. He stated they had to figure out how to work together and come to a consensus.

CLERK OF COURT

10. Updates

COUNTY ADMINISTRATOR

11. Updates

Mr. Dixon said there will be a Proclamation coming for National EMS Week and Public Works Week the next week.

He said they will send notice out tomorrow regarding the Youth Initiative. He said they would also be going into the private schools so they could participate.

COUNTY ATTORNEY

12 Updates

Mr. Knowles said he had two items:

- 1) The two Executive Orders promulgated by the Governor; one was invalidating all mandates and the other was invalidating all remaining COVID-19 Orders and Ordinances that had been promulgated by municipalities and Counties and the County Resolutions were now dead. He said there was a provision in there that would kick in if there was a pre-emption by the State. He said they will not renew it this week.
- 2) In addition to the Executive Orders, there was Senate Bill 2006 regarding County Municipal measures to address emergencies and requires the governmental agency imposing the Ordinance or other measure that deprives a person of what the bill calls a right or liberty of property to prove that the measure is "narrowly tailored" to and serves a "compelling public health or safety purpose". He added it was solidified in case law and now in Statute authorizing the Governor or Legislature to invalidate a City or County measure that unnecessarily restricts the Constitutional rights under the liberty or statutory right and provides the City or County emergency order will automatically expire 10 days after issuance unless extended by a majority vote of the political subdivision of the governing body. He said he believed the case law was every seven days and they have afforded their Chair at the time the ability to just "re-up" those. But, now they will be required to meet every 10 days and a majority vote of the Board will be required to keep that emergency order in place. He added it seemed to be specifically designated towards pandemics and COVID because it does not apply to hurricanes and other natural disasters that the State may encounter moving forward.

Vice Chair Viegbesie said he had a question with regard to calls received from citizens regarding a lawsuit and asked him to explain. Mr. Knowles said Derick Elias has filed a lawsuit suing the County. Vice Chair Viegbesie asked him to give a brief synopsis of what it was about.

Commissioner NeSmith asked if this was something that should be discussed in this forum.

Mr. Knowles said he would not get into the merits of the case but could discuss what the claims were and who they were against. Mr. Knowles said he respectfully would not address that to preserve any defenses they may have. He did say he believed the lawsuit was without merit and the County will be prevailing. He said Mr. Elias has sued both the County, the Board as a whole and Chair Holt in her official capacity as Chairperson of the Board. There were four counts; Count 1-Due Process Violation Property Interest where he alleged that when he was removed from the position as County Administrator without notice, he was deprived of a property interest; Count 2-Due Process Violation of a Liberty Interest where he is making an allegation the Defendants made stigmatizing statements concerning him and his willingness to serve as County Administrator without providing him with notice or hearing; Count 3-Substantive Due Process violation; Count 4 is a First Amendment Retaliation claim where he is alleging that the Board deprived him of his right to freedom of speech and association as guaranteed by the First Amendment of the Constitution and that the actions of the Board and Defendant Holt were willful, wanton and in reckless disregard for his constitutional rights. He said he preferred to not get into the merits of that...

Vice Chair Viegbesie said he was not asking him to go into the merits and details; he had received a number of calls and he told them he could not go into detail but he would ask them

to give a brief synopsis of what it was about. He asked the attorney if it was public record and Mr. Knowles stated it was and was available to anyone with a PACER account or they could go to the Northern District and pick up a copy themselves. Mr. Knowles said he had passed it on to Ms. Butler and she will give it to the adjuster. He also said this may not be something that would come through the County Attorney office seeing the allegations were made there was a failure to negotiate so there may be fact witness questions on his end. He said while they may assist on the case to keep the Commissioners abreast of what was going on, they may not handle the case out-right.

Commissioner Green asked if it was possible for them to receive a copy of lawsuit and Mr. Knowles said he could provide either electronically or a hard copy.

DISCUSSION ITEMS BY COMMISSIONERS

13. Report and Discussion of Public Issues

Commissioner Eric Hinson, District 1

Commissioner Hinson stated he had no comments.

Commissioner Kimblin NeSmith, District 3

Commissioner NeSmith thanked Commissioner Hinson for sharing the enlightening information on the youth.

He said he would like for them to take seriously an opportunity to take a trip to the “golden triangle” for a learning experience.

Gadsden Youth Initiative

He said word has gotten out and has been positive.

Love Where You Live Initiative

He said word has also gotten out about this campaign and he was very excited about June and the kick-off of that campaign.

Commissioner Brenda Holt, District 4

Commissioner Ronterious Green, District 5

Commissioner Green asked for the name of the new Public Works Director, Jerry Lee, and Commissioner Green welcomed him.

He announced he spoke with an organization today that will adopt, along with his business, The Greenery Florist and Tuxedo Place, Joe Adams Road and Spooner Road. He encouraged other organizations, fraternities and sororities and churches to get involved as well.

He also wanted to make known he started today going door to door for the initiative for speed bumps on Shiloh and Hogan Lane.

Commissioner Anthony “Dr. V” Viegbesie, District 2

Vice Chair Viegbesie said he has done that in one or two communities as well. He said the Petitions need to be from property owners and not tenants.

He said he had a number of things:

- 1) He asked where they were with the Greensboro Volunteer Fire Service. Mr. Dixon said they have re-routed their situation to provide coverage to Greensboro but it was an internal issue and was the Town of Greensboro’s responsibility to provide fire protection to Greensboro. He said they have provided coverage and they could not resolve that situation for them. He spoke with Greensboro and they have asked that the County not get involved.
- 2) He asked about the mowing of Attapulcus Highway and Scottown Road and asked they take note of that. Mr. Dixon said they have an internal problem and they were looking at right now. The system they have internally was they did not have enough mowers and need to look at redesigning the whole mowing program. Right now, they do not have the ability to keep the County mowed.

Commissioner NeSmith asked if he thought it would be feasible to have a location on both ends of the County. Mr. Dixon said they were studying that.

Commissioner Green asked if it was something they could consider contracting out as well. Mr. Dixon said they were looking at every option.

Vice Chair Viegbesie said in looking at Woodward Road and Dodger Ball Park Road, they have some dangerous dips. He said if someone was traveling at night and was speeding, there was a tendency for them to slightly hydroplane. He was thinking of the possibility of putting a flashing, warning sign to warn drivers.

He said his last comment was something the Board decided on and the Board was instructed to follow up on it. He said it had to do with the broadband devices they were to verify the attestations. He said they should help staff with the verification. In the Letters that were provided, there were 549 Letters of Attestation in the package, out of that number 189 have been personally spoken with and found there were 75 that received a device; 114 said they did not receive a device, 16 had non-working numbers, 100 of the calls had no answer and 2 individuals were found to have the same identification on their Letter of Attestation. He said there was a lot of confusion and had a particular applicant who applied for the device on February 17th and the device showed usage started before he made the application on February 15th. IT was also discovered that 8 individuals did not receive a device. He said he told them he was preparing a spreadsheet and as more were found, will bring the information to them. He added he will be glad to provide names for the record.

Commissioner Green asked if he could give a copy of what he was reading from. He stated he will give it to the Clerk for the record and the Clerk can provide it to them.

Commissioner NeSmith asked about the ribbon cutting ceremony. Mr. Dixon said it was scheduled for tomorrow at 10:00 at the new Fire Station located on Joe Adams Road.

Commissioner Hinson asked about the Roberts Rules of Order workshop.

Commissioner NeSmith said it was an excellent idea and added if they could have a workshop where they were getting guideline, policy and procedures for their workshops, special meetings and regular meetings.

Receipt and File

UPCOMING MEETINGS

MOTION TO ADJOURN

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

GADSDEN COUNTY, FLORIDA

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

ATTEST:

NICHOLAS THOMAS, Clerk