

**AT A REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON AUGUST 3, 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 asked for moment of silence and then led in the Pledge of Allegiance to the U. S. Flag.

**AMENDMENTS AND APPROVAL OF AGENDA**

Mr. Dixon said he needed to add a Grant application as Item 17.

*Commissioner Hinson arrived at 6:02 p.m.*

Chair Viegbesie said he had not had the opportunity to read Item 10 and suggested they pull until the supporting documents come and they have a chance to review.

Mr. Dixon said he was going to pull that item.

Mr. Knowles requested they move Item 17 to Item 5b and the Grant application will become the new Item 17.

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

**AWARDS, PRESENTATIONS AND APPEARANCES**

**1. Quincy CRA Audit Presentation**

**1a Proclamation in Honor of former County Administrator Dee Jackson**

Commissioner NeSmith read the Proclamation aloud and it was then presented to Ms. Jackson. She had a few words to say.

**1b. Proclamation Honor of the 65 Anniversary of Zeta Phi Beta Sorority, Inc, Tau Zeta Graduate Chapter**

Commissioner Green read aloud the Proclamation and then presented it to the Sorority.

**CONSENT**

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

2. **Ratification Memo**
3. **Approval of Minutes**
  - **May 4, 2021 Workshop**
  - **April 20, 2021 Regular Meeting**
4. **Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts-State Housing Initiative Partnership (SHIP) Hurricane Repair (HHR) Emergency Repair Program (ER)**

**ITEMS PULLED FOR DISCUSSION**

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

Anyone wishing to speak on agenda items or non-agenda items should schedule or notify the County Administrator's Office before attending the meeting and will be asked to follow the Gadsden County Public Meetings Citizens Access Guidelines. Also, public comment for Commission meetings can be submitted via email to [CitizensToBeHeard@gadsdencountyfl.gov](mailto:CitizensToBeHeard@gadsdencountyfl.gov) until noon on Tuesday, August 3, 2021. Comments submitted after the deadline, but prior to the meeting, will be added to the official record, but the County cannot guarantee that Commissioners and staff will have adequate time to review comments prior to the meeting.

Commissioner NeSmith read aloud the statement.

**Debra Harstfield, 261 Reeve Lane, Havana, FL 32333**

Ms. Harstfield appeared before the Board. She said there had been several inspections at her home located at 261 Reeve Lane, Havana, FL. She said after the first inspection, Al Smythe gave her seven days to correct issues she had with her house. He told her that he had the authority to close everything, and she would have to vacate the premises. One of the biggest complaints was the size of her home and her master suite. When they first met, she thought he was a genuine person but over time, he made sarcastic comments about the size of her home and made her feel as though she had crossed him in some way.

Chair Holt thanked her for sharing her story.

**Danny Hunter, 202 E. Lake Road, Quincy, FL 32351**

Mr. Hunter appeared before the Board and said as an organization, they had been very diligent and would appreciate the Board's support.

Commissioner Green asked for something in writing to present to the Administrator to be able to consider the proper steps and procedures.

**Dr. Joe Parramore, 6079 Pat Thomas Parkway, Quincy, FL**

Dr. Parramore appeared before the Board to speak regarding the Greensboro Volunteer Fire Department. He said services were still being provided through Sycamore, Mt. Pleasant and Wetumpka and Gretna where available. He wanted to take a couple of moments to share what they have been doing as a Florida Non-Profit. They have engaged in the following:

- solidified a Letter of Determination from IRS on 501©3 status and was made on July 22, 2021;

- volunteers have continued to serve their communities through other departments;
- They have entered into conversations with a number of property owners regarding the donation of property for the fire station at the I-10/Highway 12 corridor;
- They have developed a capital fund-raising campaign;

He added that on July 1<sup>st</sup> Chief Hunter and he met with Senator Ausley and Representative Alexander and will be working with their offices along with the County through an LBR and in addition, had a conversation about emergency rights-of-way between Greensboro and the County line on Interstate 10 of which there is no emergency right-of-way on that stretch. In less than two weeks of that conversation, they now have one paved right of way and working with their offices to increase additional ones.

He further stated while all of these things were a step in the right direction, Greensboro fire district was still in need of an operational fire department that could respond in a time of need. With departments responding outside their district, time delays are a matter of life and death. The Greensboro Fire Department, Inc. has a roster of 13 volunteers that include firefighter I's firefighter II's, firefighters in training, emergency medical responders, emergency medical technicians and paramedics. They believe they are uniquely qualified to resume duties to the Greensboro Fire district and asked the Board to do their due diligence and strongly consider in the new contract year awarding Greensboro Volunteer Fire Department, Inc. the interlocal fire service agreement.

## **PUBLIC HEARINGS**

### **GENERAL BUSINESS**

#### **5. Approval of Value Adjustment Board Members**

The Administrator introduced the above item and said it was for approval of the Value Adjustment Board members. He explained the members last year were Gene Morgan and Eric Hinson and the Commissioners; Gay Steffen was the Homestead Property Representative; Frederica Young was the Commercial Property Representative and Steve Scott was the appointed School Board representative. He stated that Ms. Steffen had expressed an interest in continuing to serve, but the Board could appoint anyone of their choosing. He also stated that Bradley Munroe had served as private legal counsel to assist the Board.

Commissioner Viegbesie asked Commissioner Hinson if he wished to continue to serve and if so, he wanted to nominate Commissioner NeSmith as the second Commissioner.

**COMMISSIONER VIEGBESIE MADE A MOTION TO RE-APPOINT COMMISSIONER HINSON, APPOINT COMMISSIONER NESMITH AND RE-APPOINT GAY STEFFEN. COMMISSIONER HINSON HAD A QUESTION.**

He said in years past, he asked the Board to appoint Marva Davis as this attorney and was not sure what happened.

The Deputy Clerk, Ms. Blocker, said he was correct, she was appointed to serve that year but it was up to the Value Adjustment Board to make that appointment, according to statute.

Chair Holt ask that the motion be restated.

**COMMISSIONER VIEGBESIE RESTATED HIS MOTION TO RE-APPOINT COMMISSIONER HINSON, APPOINT COMMISSIONER NESMITH AND TO RE-APPOINT GAY STEFFEN AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE MOTION.**

**5b. Approval of Settlement Agreement**

Mr. Knowles introduced the above item and stated it was presented to the Board for settlement regarding a case filed by former Public Information Officer Olivia Smith.

Commissioner NeSmith said obviously this matter took place before he was on the Board. He then asked why they were settling.

**Mr. Eric Krebs, Esquire**, Counsel representing Gadsden County, appeared before the Board and explained there have been some pre-suit negotiations and they had been successful in getting the case dismissed the first time. However, there was an order from the Judge to give them leave to amend the complaint and the Judge did find there were enough facts alleged to go forward with the lawsuit. They were going to have to change the procedure of the lawsuit to separate out some claims, a procedural nature on that respect. He said the fact that it was a \$20,000 settlement was low enough from the carrier's prospective and this was something that probably not be resolved in a Summary Judgment stage and would have to go to trial. At this stage it is set for trial in February and the expenses related to a Federal trial could be pretty big, much greater than \$20,000. It was purely a business decision from the carrier's prospective. He said they felt there was defenses to this but before they reached that point, there would be a series of 10-15 depositions, lot of people deposed, additional motions, and mediations. He said this was a FMLA and ADA claim and if for some reason a jury decided the County was liable, attorneys' fees would be recoupable by the Plaintiff's attorney and that is not paid by the carrier, it's paid by the insurance company. There is a reservation to rights that has been issued by the insurance company that says if the County lost, the County would have to pay the attorneys' fees if awarded in the lawsuit. He further stated at this point, it was a business decision.

Commissioner Viegbesie asked about the reference to the neutral reference for all future employment. Mr. Knowles said as he understood, the County does not provide references in the sense of a private employer that might write up one stating good job or bad job, etc. All that is provided is salary, dates of employment and title. She would receive a neutral employment reference if she had left under other circumstances. He added Mr. Krebs could speak further regarding that matter. He also stated that was in the Settlement Agreement and if they were to give a negative reference, they would potentially be in violation of the Release. He also stated if they did not approve this tonight and it went forward and do not prevail at trial, any amounts above and beyond the \$20,000, the County was on the hook for.

Commissioner Viegbesie asked what if an employee of the County wrote a non-neutral reference for employee if contacted by a future employer and not given circumstances of the situation, how would that apply and implement the County. He added he would not want the County employee writing a reference on County letterhead and then cause a legal ramification.

**Lonyell Butler, HR Manager**, appeared before the Board and said all department heads are to direct any such request to HR.

Commissioner Green asked if that was made verbally or was it something they had to sign for future reference. Ms. Butler said it was not in writing but they are informed of such. They could err on the side of caution and could make that happen.

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

**6. Approval of the Gadsden County Multiple Projects CEI Selection Bid No. 21-08**

Mr. Dixon introduced the above item and said it was for approval on multiple projects that was selected by FDOT and FHWA. They were as follows:

- Construction on CR 156 Dover/Scotland Road;
- Construction on CR 153 Iron Bridge Road;
- Construction on CR268;
- Construction on Ralph Strong Road; and
- Construction of the Havana Middle School Sidewalk.

**UPON MOTION BY COMMISSIONER VIEGBESIE FOR OPTION 1 AND SECOND BY COMMISSIONER GREEN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.**

Mr. Dixon said on the issue of CEI services, Mr. Ford and he have talked about a master CEI contract coming back before the Board that would knock 30-90 days off the road building program to have that in place.

Commissioner NeSmith asked if that would keep the costs competitive?

**Justin Ford, Dewberry**, appeared before the Board. Mr. Dixon added it would not cheapen the costs, it would save them from having to go out for bids every time. Mr. Ford said the Consultants' Competitive Negotiation Act was a statute and explained it was based on qualification and not fees.

Commissioner Hinson said he noticed the evaluation forms had a lot of cross outs.

Mr. Dixon said when they make corrections, they should initial the cross outs.

**7. Appointment to the Quincy-Gadsden Airport Authority**

Mr. Dixon introduced the above item and said it was for approval from the Board to appoint Mr. Robbie Maxwell as one of the Gadsden County Representatives to the QGAA for a three-year term beginning July 1, 2021 and there was no fiscal impact.

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPOINT MR. MAXWELL.**

Commissioner Hinson said normally they have someone in his district to give some type representation so everyone has representation. He said he talked with someone in his community, Terrance Bethea and he was interested in it, he talked with him last year about this.

He felt it would give diversity and have someone from every district. He hoped to give this to Terrance Bethea to give representation on the east side of the County.

Chair Holt asked who was appointed by the City and who was appointed by the County. Mr. Dixon directed her to page 4, which showed that Mr. Ralph Higdon and Mr. Clifford Hill was appointed by the County Commission. Chair Holt said the County chose two, the City chose two and those four would choose the fifth member if she was correct.

Commissioner Hinson said normally they have representation throughout the County and everything east does not have representation. They wanted representation from the Havana/Midway/Lake Yvette area and part of Quincy. He said Terrance Bethea was a real estate person, banking...

Chair Holt said she had no problem to bring this item back, but asked if Lee Woodruff was from Havana. Commissioner Hinson said he did not look into that.

Commissioner Hinson said the interesting thing about Havana, it split. Part was in District 1 and part in District 2 and wanted to make sure District 1 received representation.

Commissioner Viegbesie said he did not know where Rev. Hill lived, Mr. Higdon or Mr. Maxwell, but the County only have two appointments to this Board. If they want to make district representation on this Board, they need to establish the methodology where the appointment was rotational so each district will have someone represent it.

Chair Holt suggested to bring all the Boards they have and then they could look at who they want to appoint to the Boards. She said they had all kind of boards that were lying dormant because they were not working them. They need to set up guidelines. She asked if this was not an urgent matter what did they want to do.

Commissioner Hinson said they could table this because he received some breaking news from someone whose wife is a banker that lives in the Lake Yvette area, Shannikia Bethea.

Commissioner NeSmith asked if a motion to table was needed because he thought they needed information.

**COMMISSIONER VIEGBESIE MADE A MOTION TO TABLE AND COMMISSIONER GREEN MADE THE SECOND. MR. DIXON ASKED IF THEY SHOULD BRING BACK ADDITIONAL NAMES. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE TO TABLE THIS ITEM.**

**8. Approval of Road Name Change Application Form**

Mr. Dixon introduced the above item and said it was for approval of a Road name change Application Form for Mr. and Mrs. Shepard Eubanks.

**COMMISSIONER HINSON MADE A MOTION TO APPROVE AND COMMISSIONER VIEGBESIE MADE THE SECOND WITH A QUESTION.**

Commissioner Green asked if other homeowners lived on the road and approved of the name change. Mr. Dixon said they attempted to contact other homeowners on the property and there was no opposition to the name change.

Commissioner Viegbesie asked if there was a fee for the name change and was told yes, \$500.00.

Commissioner Hinson asked if they had been in contact with the Smith family and Mr. Dixon said they attempted to contact everyone. The house on the road was uninhabitable and they were unable to reach anyone else. He also stated they had not heard anything from anyone.

Commissioner Viegbesie asked if the fee was \$500.00 and Mr. Dixon stated yes, it was to keep people from moving in and changing road names.

Chair Holt said they were correct to get all documentation, as much as possible because once they do that, the County would then contact and get everything physically needed and that was it.

Commissioner Viegbesie wanted to make sure it was stated on record, this name change was not in any way, shape or form a consent from this County that this road would be a county-maintained road. It will remain a private road with a private name.

**Mr. Sheffield Eubanks** appeared before Board. He said in 18 months, they will have been there for 100 years. The County already grades that road and pulls ditches and does a wonderful job.

Commissioner NeSmith said in given this information, does the County maintain some private roads and Mr. Dixon stated no. Commissioner NeSmith asked if the road sign was blue or green and Mr. Dixon stated it was green, it was a public road. Commissioner NeSmith said the County had yet to receive the road.

Mr. Eubanks said it was a green sign indicating it was a public road.

Commissioner Viegbesie stated if it were a green sign, that was a public road.

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

**9. Approval of Department of Highway Safety and Motor Vehicles**

Mr. Dixon introduced the above item and said it was for renewal of the Memorandum of Understanding Annual Certification Statement.

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

**10. Approval of Granicus Contract**

Item pulled

**11. Approval of Health Insurance Rates**

Mr. Dixon introduced the above item and stated it was for approve of their health insurance rates with Capital Health Plan. He said no-one provided the benefits to the employees as CHP with great satisfaction. He stated the committee recommended to accept option 1.

**Lonyell Butler, HR Director**, appeared before the Board. Every year they receive the renewal rates from CHP and this year it was received with a 4.47% increase and was 2.48% higher than last year's renewal rate. When the increases are received, they are taken before the Insurance Committee made up of representatives from every Constitutional Office. She said two recommendations were made. The first was to change the premium rate for single coverage to not allow the employee who had single coverage to pay any amount but have the employer pay 100% for that premium and for the remaining tiers, which was the employee + spouse and employee + dependents and family coverage that the premium rate currently would remain the same for them as was currently and the employer absorbs the increase. The second recommendation was to allow the tiers to remain the same, the employee with single coverage will continue to contribute towards the premium amount, however the current rates for employees would remain the same and the employer would absorb the increase.

Chair Holt asked if the Constitutionals pay into the insurance and Mrs. Butler said yes. She asked if they had looked at combining with the Cities and she stated no.

Commissioner Green liked the suggestion made and asked with the increase, was it still comparable to other insurance agencies? Mrs. Butler said yes and surprisingly, with the percentage considering the health impact COVID brought about.

Commissioner Viegbesie asked if they had other providers with Blue Cross/Blue Shield? How does this compare to BC/BS? Mrs. Butler said there was no comparison. In the past they have asked the agent to shop and they did look at BC/BS as well as United Healthcare and the proposals presented was not comparable to what CHP provided.

Mr. Dixon said the deductible meant if he had to go to the hospital, he had to pay \$1500 first before the benefit of the plan kicked in.

Commissioner NeSmith asked Mrs. Butler about the dental insurance. She said that had not come before the Board because there was no question of the premium for dental that the Board contributed to, it was 100% funded by the employee.

Mr. Dixon said what was before them was the policy change if they wanted to provide single members coverage for free or continue to have them pay into that service.

Commissioner Hinson asked with the family plan, how much would employees pay? Mrs. Butler said for family coverage, currently the employer pays bi-weekly \$256.33; for employee and spouse pays \$205.07, single coverage is \$51.27 and Employee + dependent is \$174.31 bi-weekly. Commissioner Hinson said the Chair brought up a great idea about partnering with other agencies.

Mrs. Butler said that had been brought up in the past about possibly bringing in the School Board. She said there was a reason why school boards were separate and she will bring that back to the Board.



Commissioner Green asked if there were the same constraints with other cities and municipalities. Mrs. Butler responded it did not, however that would need to be a discussion at a later time.

Commissioner Viegbesie said he was leaning toward option 1 because, as Commissioner Hinson pointed out, it would help retain quality employees.

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

**12. Approval to Amend Ordinance 2014-002**

Mr. Dixon introduced the above item and said it was presented for discussion to look at Ordinance 2014-002 which was the criteria and procedures for road adoptions within the unincorporated areas of the County. He said private roads were not all built by wealthy folks that want to be at the end of a cul-de-sac, there are a bunch of subdivisions in the County that pre-dates the Comprehensive Plan and the Ordinance.

Commissioner Hinson said, as they know, there are rough roads in his district, especially if it was raining.

Commissioner Viegbesie said this was an item for them to visit and there were four or five in his district as well. He asked that they look at procedures on the adoption of private roads and how to work with developers when developing roads.

Mr. Dixon said they will look at it.

Commissioner Green asked for clarity when Commissioner Viegbesie spoke of developers.

Chair Holt said they need to do some heart-searching on how to do it.

Commissioner Hinson said lot of folks want private roads.

**13 Supplemental Insurance Rates**

Mr. Dixon introduced the above item and said the County was impacted by Hurricane Michael and suffered significant damage. An initial assessment was conducted by the insurance company. However, upon further review, it was determined that there was an opportunity for the county to recover additional private insurance funds that were covered under their private insurance company. They have secured Phoenix and Integrity to look at the insurance and have found things and they need to retain attorney. They were asking to approve a Letter of Representation to enable Phoenix to be able to speak with the insurance carriers and to retain Berger & Singerman in this specialized legal area of the insurance claim. He added that it would not require the County to put up any funds, they will only be paid if funds are recovered.

Commissioner Hinson said thought this firm was a law firm that would be taking care of this and Mr. Dixon said no.

Commissioner Viegbesie said Commissioner Hinson touched on his comments. He asked the Administrator how this would impact the portion of what was recovered and came to the County. Mr. Dixon said it would not impact the percentage.

Commissioner Viegbesie asked if that were the case, why was the County the one that had to retain and employ Berger & Singerman.

Mr. Dixon said the County was the client.

Commissioner Viegbesie asked Mr. Knowles for his opinion; if Phoenix was the sub-contractor of Integrity, could they say they want to retain Berger & Singerman as the law firm that they would work with.

Mr. Knowles stated Phoenix could engage anyone, Integrity could engage anyone, as he was sure the Board knew, attorneys did not have to be bid out pursuant to statute and services were not required to be bid out for RFP's. It could be a cost, if the Board desired, could be borne by Phoenix and could come from their cut but could not speak as to how they would handle their claims process. He said he believed there was a 10% fee on recovered amounts and a 20% fee if it went to litigation plus the outstanding costs.

Commissioner Viegbesie asked if the contract entered into with Phoenix would need to be revised to add the law firm?

**Mark Glover, Phoenix, and Gina Lozier, Esquire, Berger Singerman**, appeared before the Board. He said he has worked with Berger Singerman closely in the past. He said they were trying to position and Gadsden County is the only one able to engage Berger Singerman. Ms. Lozier said in order to represent the County, she needed to be able to go to the insurance company and explain she was the attorney and would be assisting Phoenix. She said there was a three-year limitation coming up in October to put in their notice of claims.

Commissioner Viegbesie said based on the contract signed with Phoenix through Integrity, if County received \$100,000, Phoenix would receive 20% or \$20,000. If the legal services provided was \$10,000, would that amount come from Phoenix's \$20,000 and would not touch any of the \$80,000 that would come to the County. Mr. Glover said that was correct. Commissioner Viegbesie pointed out he was asking the questions so they would be on record.

Commissioner NeSmith asked Mr. Knowles if that was how he read the contract and Mr. Knowles stated no. Mr. Knowles read from the contract (page 3 of 10).

“Client agrees to pay to Attorneys an attorneys’ fees if Client recovers money after execution of this Agreement, whether that recovery is due to voluntary payment, appraisal, arbitration, settlement or verdict/judgment. If this case is resolved by a trial, judgment, or arbitration, the fee owed to the Attorneys will be greater of the percentage of recovery described below or the court-awarded fee, if any.

If applicable, the percentage recovery is as follows:

A. If this case is resolved before a lawsuit is filed, Client understands and agrees that the minimum attorneys' fee due will be 10% of the gross amount recovered, the hourly fee negotiated with the Insurance Company, or the attorneys' fee awarded by the Court. This minimum attorneys' fee is contingent upon recovery and will not limit any court awarded fee in any way..." He went on to explain the fee recovery. He further stated as it read now did not reflect a removal of the amount from Phoenix's money, it was from the County's money. He said if the desire of the Board was to have that money come from Phoenix's money, the contract would need to be revised and brought back to the Board.

**Chris Crowell, Phoenix**, appeared before Board. He said when they initially began this process, they had a fee structure as 20%, but due to the nature of the situation on this opportunity and the timeline, it became obvious to bring in specialized legal counsel to have collaborative effort to put this together. He said they agreed to reduce the percentage from 20% to 10% to make an allotment for the 10% of pre-litigation fees, etc. He said the gross expense would be the same unless there was eventful litigation and then there would be an additional 10%.

Chair Holt said if they need specialty help to get this ready by October, they will need someone to get the information ready and it was already August. They went from 20% to 10% and will split the other 10% with the attorneys' fees. She asked if there was other litigation, he was saying there may be another 5%?

Mr. Knowles stated that was on the appellate review; there were three tiers. The first was you receive a settlement; second tier was you go to trial; and the third was you win or lose and have to seek appellate review.

Chair Holt said 100% of 0 is 0; if they don't recover anything, they would not receive anything.

Commissioner NeSmith said he wanted to get the percentages right. He said if they recover \$100,000, Phoenix, based on the previously signed contract, will get \$20,000. If the law firm litigated that \$100,000, they get an additional 10%...

Mr. Dixon said the total amount from Phoenix was 20% and the law firm would take from that 20%, not the County's 80%.

\*\*There was further discussion regarding this matter. Please see the audio/video at [www.gadsdenclerk.com](http://www.gadsdenclerk.com) under Archived Minutes to follow the discussion.

Commissioner Viegbesie asked for the numbers and he would read them into his motion.

Mr. Knowles said Phoenix will receive 10% of all recovered amounts; Berger Singerman will receive additional 10% of all pre-litigation amounts recovered; Berger Singerman will receive additional 20% of all amounts recovered after a lawsuit has been filed; Berger Singerman will receive an additional 5% if any matters result in appellate review.

Ms. Lozier stated that was correct.

**COMMISSIONER VIEGBESIE SAID THAT WAS HIS MOTION AND COMMISSIONER NESMITH MADE THE SECOND. COMMISSIONER HINSON HAD A QUESTION.**

Commissioner Hinson said they went from 35% to 45%. It was 10%, 10%, 20% and 5%.

Mr. Knowles pointed out the 20% was only if it resulted in litigation. Commissioner Hinson stated regardless, it was 10%, 10%, 20% and 5%.

Commissioner Holt said she thought they should say “additional” 20%, because the 20% would nullify the 10% before.

Commissioner Green asked if they could state “up to 35%” and someone (unclear who spoke) said “not more than”.

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

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE THE SERVICES OF THE LAW FIRM WITH THE BREAKDOWN IN THE RECOVERY DISTRIBUTION AS STATED AND NOT MORE THAN 35% OF ALL GROSS TOTAL AND ALLOW DIRECT COMMUNICATION WITH THE INSURANCE COMPANY AND COMMISSIONER HINSON MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.**

**14 Approval of Language Amendments for the Gadsden County American Rescue Plan Programs**

Mr. Dixon introduced the above item and said it was to approve language amendments for the Gadsden County American Rescue Plan Program.

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE OPTION 1 AND COMMISSIONER GREEN MADE THE SECOND. COMMISSIONER HINSON HAD QUESTIONS.**

Commissioner Hinson asked about the Small Business Assistance Program. He said a lot of people were hurting and still felt they should increase more than what it was. He added he knew they had food cards but lot of people needed help.

Mr. Dixon said that was correct. They knew that portion of the population received additional food stamps, additional services directly from the Federal government and those folks were taken care of. He said they were trying to help the next layer of citizens who did not qualify for anything and there was no program for them to qualify to receive anything for programs under the American Rescue Plan. The Food card was a way to help the working class of the County.

Commissioner Hinson said the reason he brought this up, a lot of Senior Citizens received as little as \$19/month in food stamps and if they receive food stamps, they could not receive the food card.

Commissioner Green said this item was only to vote on language at this time.

Chair Holt said what he was addressing was a whole other matter.

Commissioner Hinson said once this was approved changing the language tonight, it meant the Clerk could write checks tomorrow.

Commissioner Green said for clarity, it was not that he was not fighting for people, his understanding was to have clarification for the sake of the Clerk, not for the sake of changing and amending. They have already voted on and approved this item. It was worthy of discussion at the appropriate time.

Commissioner NeSmith called the question.

**THE BOARD VOTED 4-1 BY VOICE VOTE IN APPROVAL OF THIS ITEM. COMMISSIONER HINSON OPPOSED.**

**15 Approval of Funding for Travel to Golden Triangle**

Mr. Dixon introduced the above item and said it was for approval for travel to the “Golden Triangle” located in Starkville, MS. He added they have tentatively scheduled the trip for August 25-26. The total costs would be up to \$15,000 for accommodations. He added non-County staff would be responsible for their meals.

Chair Holt said she needed to know, in this scenario, was it included for the Planning and Zoning Commission to go? Mr. Dixon said they had added as many people as they could safely seat, including Planning and Zoning, along with the School Board, some managers along with local business partners. She said this was a learning activity. She said she would rather have \$20,000 and if not needed, they could put the \$5,000 back. The money was not going anywhere if not used.

Commissioner Green said he loved the idea of seeing somewhere progressive, however, they all needed to be dollar conscience. He felt they should give something themselves and take care of some of their own expenses.

Commissioner Viegbesie said that was one of his concerns as well. The dates that were selected were the first two days of classes in the fall and he would not be able to make that trip.

Commissioner Hinson said he felt it was a great idea and would approve for staff, but thought in looking at it now, the Federal government was giving them so much money and the School Board received \$11 Million for things such as this so why pay the School Board to go on this trip. They could pay their own trip. He also did not think it was a good idea to ride on a bus with the Delta variant out now.

Commissioner Green said that was a very valid point and liked the idea of splitting costs. He also agreed they may need to table the date because of the increase in the virus.

Commissioner Viegbesie said he also was in opposition of the County footing the bill of other constitutional governments. They have their own budgets and revenue sources. If any of the municipalities were into growing this County, then each government should invest in a portion of this visionary retreat. He added he would not support other individuals other than staff.

Chair Holt said to ones that were watching on Facebook and other media, the Board was responsible for economic development, not the School Board or anywhere else. Everything they have discussed in the budget workshop requires money. They could not have money unless the enticed businesses that could come here and offer good jobs. Now they were fussing

about \$15,000 and it really should be \$25,000-\$30,000. She said if they were going to worry about who paid for what, they will never have anything.

Commissioner Green said her point was well taken and he heard her passion. But he felt the timing may be wrong as it related to the virus.

Chair Holt said when they can pull up 4,000-6,000 jobs, all she wanted to 200-300.

Commissioner NeSmith said you have to spend money to make money. The community has expressed how proud they are Gadsden County was moving forward. They need to take the trip as soon as possible to bring economic development to the County.

Mr. Dixon said the trip was not designed for staff.

Commissioner Viegbesie said the last person they wanted to convince about investing in economic development was an economist, which he was. He knew what economic development was and his only concern was the these are Constitutional Officers that they were going to be paid to go to do what was good for the county. He understood the fact that when districts were moved some years ago, there other cities and groups that joined. He said he would dare to say that those groups, it was the Chamber of Commerce that pulled everyone together to make the trip. This is what they do in Tallahassee every year. He added he was surprised they were not on the list and assumed that GCDC would be, since they were a part of the County and if he was not going to be in class, he would be going on the trip.

Commissioner Hinson said they invest in a lot of different groups. The one heartburn he had was the delta virus, Tallahassee hospitals were at capacity right now.

Mr. Dixon said this trip was designed after listening to board members and was his perspective it was difficult to lead if not present. The Board was gathering up everyone. It was their leadership that had people excited about what tomorrow might bring. He said it was important to participate.

Commissioner Green said he heard the conversation and they were all on the same page, yes, it will be there when COVID over. But he did not want to be responsible for others contracting the virus, he added that money was not the issue, but the timing was not right.

Commissioner Viegbesie said his concern was still the same. His question was to the attorney. His concern was with them traveling at this time at the rate the virus was spreading. He felt they should consider the danger and reconsider and his concern was health.

Mr. Dixon said he heard the members and they will postpone until a later date.

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

**16 Approval of Millage Rate for TRIM Notification and Set the Date**

Mr. Dixon introduced the above item and said the talked about this earlier. He said they could lower it after this date but not raise it. He added that up to now, the answer to the problems have been to ignore them and they might go away.

Commissioner Hinson had a question about the taxable value and it was explained by the County Attorney.

Commissioner Viegbesie said before making a motion, he wanted to let the community know this motion was so they would have this in place and they had the opportunity to come down.

**COMMISSIONER VIEGBESIE MADE A MOTION TO SELECT OPTION C, WHICH WAS 9.5 MILLS AND MOTION DIED FOR LACK OF SECOND.**

**COMMISSIONER NESMITH MADE A MOTION TO APPROVE OPTION 4 OF 10 MILLS AND MOTION DIED FOR LACK OF SECOND.**

**COMMISSIONER GREEN MADE A MOTION TO APPROVE OPTION B WITH 9 MILLS (PROPOSED MILLAGE RATE B) AND COMMISSIONER NESMITH MADE THE SECOND. THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE. COMMISSIONER HINSON OPPOSED.**

**17 Approval to Submit a Grant Application to the Department of Commerce**

Mr. Dixon introduced the above item and said it was a grant application seeking funds to expand broadband. He said this was what they have been able to find and they need to get the grant out as they have until August 17<sup>th</sup> to submit the grant. They could be able to receive up to \$30,000. They have been working around the clock and the fiscal impact at this time was unknown. He said they were asking them to approve the submittal of grant application and this was a big program.

Commissioner Viegbesie said this was the type of thing he has been talking about and had heard this was coming down the pipe when they were discussing this issue. This was seeking approval of submittal of the grant application.

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE OPTION 1 AND COMMISSIONER NESMITH MADE THE SECOND. COMMISSIONER HINSON AND COMMISSIONER GREEN HAD QUESTIONS.**

Commissioner Green said this package was placed in front of them without an opportunity to review it.

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

**CLERK OF COURT**

**13. Updates**

Chair Holt asked why there were so many Minutes on the Agenda and what was the delay. Deputy Clerk Marcella Blocker explained they have had that many meetings and workshops and with no meetings in July, allowed her to catch up transcribing.

Mr. Dixon said it not only allowed them to catch up, but did not think they realized how many meetings, how long the meetings go on and what happens after the meetings.

Deputy Clerk Blocker explained also the delay when there were four- and five-hour meetings that had to be transcribed.

*Commissioner NeSmith stepped out at 9:57 p.m.*

#### **COUNTY ADMINISTRATOR**

##### **14. Updates**

Mr. Dixon had updates.

##### **American Rescue Plan**

He said they will be sending out the first round of funding and will also be bringing back to them for re-allocation, probably at the next meeting.

*Commissioner NeSmith returned at 10:00 p.m.*

Mr. Dixon said he will also be bringing some staffing issues to them.

*Commissioner Viegbesie stepped out at 10:00 p.m.*

#### **COUNTY ATTORNEY**

##### **15. Updates**

Mr. Knowles said regarding the Dollar General litigation, two claims brought against the County have been stricken, there is still have one claim and the hearing is scheduled for September 13<sup>th</sup>.

Mr. Dixon said also they will be running through a bunch of contracts that will expire at the end of the fiscal year and later in the year. He said they have just gotten around to it in freeing up time, space and people and there were quite a lot, some will need direction on how to proceed.

#### **DISCUSSION ITEMS BY COMMISSIONERS**

##### **16. Report and Discussion of Public Issues**

##### **Commissioner Eric Hinson, District 1**

Commissioner Hinson stated he had some Save the Dates.

Florida Rights in Restoration Coalition bus tour will be at the North Florida Fairgrounds on Saturday at 3:00 p.m.

The Second Annual Back to School will be August 6<sup>th</sup> at MLK Track and Field across from Carter Parramore School.

*Commissioner Viegbesie returned at 10:03 p.m.*



On August 15<sup>th</sup>, the 1 Gadsden Foundation, Inc. in partnership with MLK Foundation will be the 10<sup>th</sup> annual Back to School Community Resource Fair with school supplies giveaway from 2-5 p.m. along with COVID vaccinations and screenings.

He asked about the Summer Youth employment. Mr. Dixon said they did not reach the numbers they wanted to and will have a report tomorrow on the things found. What they dreamed it was, it was not and kids were not what they used to be. He felt they will have to go lower in age as 17 might be too late.

### **Broadband Hotspots**

Commissioner Hinson asked how they were coming with the broadband devices. Mr. Dixon said they had reached out to Figgers/FCI a couple of times to let them know they were ready and that was where they were there.

Commissioner Hinson said he received word today that someone died in the jail recently and this was the second one he knew of. Mr. Dixon said he would look into it.

He said they gave Ms. McGriff a Proclamation a couple of years ago and she just passed away. Want to give Resolution to Ms. Herring, just turned 100 years old.

**COMMISSIONER HINSON MADE A MOTION TO GIVE A PROCLAMATION TO MS. HERRING ON TURNING 100 YEARS OLD AND COMMISSIONER VIEGBESIE MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.**

He then mentioned his Uncle JB Jones passed away yesterday.

Commissioner Viegbesie said on point, if any of them would be able to, Ms. Rosa McGriff's funeral will be Saturday at 1:00 p.m. at the Havana Middle School.

Commissioner Hinson said also, if able, donate to the schools and different programs to help the kids.

### **Commissioner Kimblin NeSmith, District 3**

Commissioner NeSmith sent condolences to the Jones family.

He said Chattahoochee Elementary School has a new principal and was doing a phenomenal job. They are organizing a clean-up campaign Saturday morning.

He thanked the Board for emphasizing the needs for the residents. He said District 3 and 4 were in desperate need of additional resources for roads.

He said to the Administrator and Mr. Lee, thank you for resurfacing Cochran Road and for the work at the Massey Building.

He said he was coming up on the anniversary of his tenure on this Board. They need an evaluation process of their two employees. They have to have a workshop.

### **Commissioner Ronterious Green, District 5**

Commissioner Green asked for clarification on the food card distribution.

Mr. Dixon said he talked with the Clerk's office on how to keep control of the card.

He thanked the PIO with what has been done with the "Love Where you Live Campaign".

Mr. Dixon said they were moving from Mondays to Saturdays for the pick-it up Campaign to be able to encourage people from the neighborhood to participate.

He asked that Public Works to look at a huge hole on Spooner Road.

He said there was a lot of informative information given at the FAC conference.

He congratulated Commissioner NeSmith on completing his certification.

He gave his condolences to Commissioner Hinson and to Georgette Daniels who had her sister transition.

He asked that the security of the building go on the next agenda. He said he will share a video of a major fight that took place a few weeks ago on this property. Also, staff should not have to come to work on Monday mornings with beer cans, bottles, etc. all in the parking lot.

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

Commissioner Viegbesie said the conference was very informative. He suggested to the County Administrator that he reach out to a group to come make a presentation of what they can do for the County.

He said there was a workshop they attended that Joyful Hearts Foundation presented. She requested that every County pass a Resolution to join forces to bring attention to domestic violence, human trafficking, etc.

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

He said Byrd Technology made a presentation and the part that interested him was this organization could help them in identifying and writing grants for treatment of drug addiction and mental health. He said he will provide the County Administrator with the information.

He said there were a lot of presenters that got his interest and he will be discussing that also with the County Administrator, one of those had to do with school districts and he has already forwarded that information. There was a group he wanted to invite to come make a presentation on their services to supplement what they already have on Procurement and Grant Assistance.

**Commissioner Brenda Holt, District 4**

Chair Holt said she told the young lady to come that complained about the Building Inspector because she has been calling forever. She said there were also two others. She thought they need to have some type of evaluation for the departments when they have community contact

and the departments have negative reports. She said she had mentioned before that the departments need to have “How am I doing” cards. She said the lady did have a nice home and if those comments were made, she did not deserve that type of treatment. Mr. Dixon said he will follow up on those allegations. She said they also need Complaint Resolution forms.

She said they were not getting the dollars the County would be getting on the inspections as people were going to private inspections and were complaining about the same thing.

She said she wanted to see if they could have something established to require County workers to get vaccinations or get tested every 2-3 days. She said she would like for the attorney to look into this and there were two to three other Counties already doing this.

She said she wanted to look at contracts, performance and wanted a flow chart. She said they must remember who put them here and this was people that were dying. She reiterated she wanted something in place.

**Animal Control**

She wanted to see the contracts with the cities.

She asked why there was a mobile home in front of a \$3 Million-dollar building (Ag building) and said that was not something you should do. If anything, it should be on the side or in the back. They need to look into that.

**Receipt and File**

**UPCOMING MEETINGS**

**MOTION TO ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 10:40 P.M.**

**GADSDEN COUNTY, FLORIDA**

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

**ATTEST:**

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**NICHOLAS THOMAS, Clerk**