

AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON NOVEMBER 16, 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- via Zoom
Kimblin NeSmith, District 3
Ronterious "Ron" Green, District 5
Edward J. Dixon, County Administrator
Clayton Knowles, County Attorney
Marcella Blocker, Deputy Clerk
Sara Green, Deputy Clerk

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE

Chair Holt called the meeting to order at 6:02, asked for a moment of silence and asked everyone to please keep the injured deputy that was shot earlier in the day in their prayers. She then led in the Pledge of Allegiance to the U. S. Flag.

AMENDMENTS AND APPROVAL OF AGENDA

Ms. Daniels, Assistant County Administrator, sat in as Mr. Dixon was out and asked to pull Item 9.

Chair Holt stated she had supporting documents for item 10 to be included in the record and was support for the cell tower.

(No Motion, Second or Vote was taken on Amendments and Approval of the Agenda. Chair Holt moved onto the Reorganization of the Board.)

REORGANIZATION OF THE BOARD

1. Election of the Chairman and Vice-Chair

Chair holt asked if there are any nominations for chairman of the Board.

COMMISSIONER GREEN NOMINATED COMMISSIONER VIEGBESIE AS CHAIRMAN OF THE BOARD AND THERE WERE NO OTHER NOMINATIONS. COMMISSIONER VIEGBESIE WAS ELECTED AS THE NEW CHAIR.

Mr. Dixon arrived at 6:05 p.m.

Chair Viegbesie opened nominations for Vice-Chair.

CHAIR VIEGBESIE NOMINATED COMMISSIONER GREEN AS VICE CHAIR AND THERE WERE NO OTHER NOMINATIONS. COMMISSIONER GREEN BECAME VICE-CHAIR.

He nominated Commissioner Green.

AWARDS, PRESENTATIONS AND APPEARANCES

CONSENT

COMMISSIONER HOLT MADE A MOTION TO APPROVE THE CONSENT AGENDA AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS PRESENTED.

2. **Ratification Memo**
3. **Approval of Minutes**
 - **October 19, 2021 Regular Meeting**
4. **Approval of Library Annual Plan of Service 2021-2022**
5. **Approval to Accept the 2021-2026 Mutual Aid Operations Plan between the Florida Department of Agriculture and Consumer Services, Florida Forest Service and Gadsden County Fire Service, and the 2020-2021 Annual Forestry Report and Operating Plan**
6. **Approval of the 2022 Board of County Commissioners Meeting Calendar**
7. **Approval of Signatures for Special Assessment Liens and Rehabilitation Contracts-State Housing Initiative Partnership (SHIP); Hurricane Housing Repair Program (HHRP); and Emergency Repair Program (ER)**
8. **Approval of the E911 Rural County Grant Award Agreement for E911 NICE Recorders Maintenance**

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 until 11:00 a.m. August 17, 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 the above statement.

Commissioner Holt stated there was a speaker request form for on Non-Agenda item.

Shirley Parker, 3851 FL-GA Highway, Havana, FL appeared before the Board. She stated water was running off Highway 27 and damaging their homes. The holding pond was not effective.

Commissioner Hinson said he has spoken to Ms. Parker and Mr. Richardson about the problem.

Mr. Dixon asked Mr. Lee, Public Works Director, to get their information and someone would follow up with him in the morning.

Commissioner Hinson stated this was in Chair Viegbesie’s district, another party put a fence up and was unsure if it was legal. They put a holding pond at the front as well. (Commissioner Hinson was on Zoom and the connection started breaking up)

Chair Viegbesie said there could be a code violation going on as well and to speak with Mr. Lee and the County Admin regarding the problem.

Lillie Richardson- 450 Long Pine Dr. Tallahassee, Fl.- Property damage, drive way, water run-off, holding pond.

Shirley Parker, Marilyn Williams, and Eugene Richardson- 3851 Fl. Ga Highway, Havana Fl- Driveway Easement, property damage, etc.

John Revell- 307 Live Oak Lane- Cell tower

Neal Blount- 125 Harrison Road- Cell tower

Cyndi Tarapani- 22 N. Spring Blvd. Tarpon Springs, Fl.-Item 10

Townsend Tarapani- 172 Harrison Rd, Greensboro- Item 10

PUBLIC HEARINGS

~~**9. Public Hearing Approval of Resolution 2021-039 Grant Budget Amendment for FY 2021**~~
Item Pulled

10. Public Hearing-(Quasi-Judicial)-Greensboro FL 1776 Telecommunication Tower Conceptual/Preliminary Site Plan (SP 2021-05)

Mr. Dixon introduced the above item and said it was presented to the Board for consideration of a request for approval of a 250’ tall, self-supporting communication tower with a request for two deviations from setback requirements as outlined in this report.

Chair Viegbesie brought up Robert Volpe’s letter in support of the item.

Neal Blount, 125 Harrison Road, Greensboro, FL appeared before the Board in opposition of the location of the cell tower. He stated he was unsure how far from the road the tower was, was told 300 feet. He said his residence is 400 feet from the tower. He was before the Board to ask that the tower be denied with consideration to the deviations from 1500’ setbacks from residents. He also asked that they deny a deviation from the south and said if the tower falls it’ll fall onto someone’s land. He added that he did not want to see a cell tower when he walks out his front door. He also was unsure of the guide wires. He said there was a better place up the road half a mile and would still on this owner’s land.

Cyndi Tarapani, 22 N. Spring Blvd., Tarpon Springs, FL appeared before the board representing Townsend Tarapani, her son and landowner that is adjacent to the tower property. In speaking to the Planning issues regarding the tower, the land has a home that was built in 1935 in close proximity to the tower. She said the tower should meet all requirements and is not meeting the setbacks. She asked that the tower be required to meet all requirements or be moved further to the north. She also asked if the tower is to be 250 feet, could it be camouflaged.

Commissioner Hinson arrived at the meeting at 6:26 p.m.

Townsend Tarapani, 172 Harrison Road, Greensboro, FL appeared before the board and objected to the request for the variance.

John Revell, 307 Live Oak Lane, Havana, Florida appeared before the Board and spoke in opposition. He stated he was not against cell towers, he was against changing the setbacks in rules. Companies should follow the same rules as citizens of Gadsden County. He asked that the BOCC be consistent with the rules.

Commissioner Holt said they have not heard from the presenter yet.

Robert Volpe, Esquire, appeared before the board and represented Tarpon Towers. He thanked the BOCC for considering the application and brought Allara Gutcher as well. He said the shape and size of the property dictated the deviation of the setbacks. Verizon will be the initial/primary carrier, there will be three additional carriers on the tower. EMT and public antennas can be on the tower free of charge. He said the tower would be 5g capable. The Applicant is agreeable to all the conditions of approval.

Allara Mills Gutcher, The Planning Collaborative, appeared before the Board and spoke in approval of the tower. She said the County required a deviation be granted for the following two regulations of Subsection 5810.B:

1. A setback from the property line is required at least 1.5 times the height of the tower and the tower it is 250 feet tall. In this case, the setback measurement is 375 feet from the property line and they were unable to meet that footage in all compass directions and a deviation is requested for the south.
2. The 1500' setback from a parcel designated as rural residential or from a residential area is not applicable here.

Commissioner NeSmith asked what page Ms. Gutcher was reading from and she stated page 2 of the report that was submitted.

Ms. Gutcher continued and stated the second deviation was not required as there was not a predominantly residential area within 1500 feet within the project lines. She said the camouflage option, a 250-foot tall "tree" tower would be less attractive than the actual tower. The camouflage only goes to 150 feet towers per Gadsden Code. She said also the historic house did not apply as it's not a historic land use category. The tower would help improve the quality of life within Gadsden County.

Commissioner Green if she felt this was the best area/property that could be found and Ms. Gutcher stated she could not testify on the science location behind why the tower/property was appropriate. Mr. Volpe said all parcels are sent to the radio frequency engineers to analyze and choose from. Out of all the circumstances, this was the best property.

Commissioner NeSmith said Commissioners are bound to the needs of the constituents. He said there was a need for better cell phone service in that community and asked if they had had an

opportunity to meet with Mr. Blount and other opposing citizens. Ms. Gutcher said she did not but Mr. Volpe has reached out. Mr. Volpe said after the hearing he spoke to several who were in opposition. Has also reached out to Mr. Tarapani, sent letters to those who wrote/spoke at the planning meeting. He said he spoke to the Tarapanis' recently. A deviation would be needed no matter which direction the tower is moved. Commissioner NeSmith asked if the tower were to fall, could it land on his or her home? Mr. Volpe stated there was a fall zone letter from an engineer. There is a fall zone of 110 feet and the tower would fall into itself. The closest residence was 750 feet.

Cyndi Tarapani said Mr. Volpe did not reach out to them, she set up a meeting with him. The distance from the tower to Townsend's property is 223 feet. They can move the tower to the north, they would need a deviation but the property to the north is vacant. It would not impact the existing home.

Commissioner Green asked why not move the tower to the north? Mr. Volpe stated the initial location was further north but they had three deviations there. They wanted to meet as many setbacks as possible. If they were to move north they'd be closer to the multiple homes and not within the 1500 feet setback.

Commissioner Viegbesie asked if it must be 250 feet? Mr. Volpe said to meet the radio frequency and connectivity requirements. Commissioner Viegbesie asked why it couldn't be moved to the north for compromise with the neighbors. He said he liked the project but not to the disrespect of the citizens. Mr. Volpe said the letter was sent to all neighbors in the packet. He attempted to call numbers of those they were able to get. He proposed a spot to the north but staff suggested to move it to the south. They could entertain it but that would require a third deviation. They will have to re-submit an application with three deviations instead.

Mr. Blount reappeared and stated he was not contacted by Mr. Volpe's group. He found out when surveyors showed up in his yard. He was told after the Planning meeting he would receive something and never did.

Commissioner Green asked if it was possible to ask Mr. Stiell to come up. He stated he was concerned about the chain of communication. Did Mr. Stiell know of any letters that should have gone out to residents? Mr. Stiell stated he received a copy of the letter after he started, the letter was dated October 12th. Planning made a recommendation to reach out to citizens. It appears the applicant has been acting in good faith regarding reaching out to the community.

Commissioner Holt asked if they sent out letters? Mr. Volpe stated yes. Commissioner Holt asked if they had any returned? Mr. Volpe stated no.

Chair Viegbesie asked if there was a sense of urgency with the project? He said he was not hearing any resistance to the tower but rather their concerns with the deviations. The tower is needed but there are safety concerns. Mr. Volpe said if BOCC would approve with three deviations then they could reassess. He said they could not agree to an unknown. This is for an approval on their code requirements.

Chair Viegbesie said he wanted to hear what the Administrator has to say.

Mr. Dixon wanted to ask Mrs. Gutchner, there is talk of movement to the north, did she encounter a different set of people to the North? Ms. Gutchner said there is a greater density of people to the north than the south.

Chair Viegbesie said Mr. Volpe just made a legal comment. They do not have to legally approve this project. He said haste makes waste and there was no sense of urgency. He said to see what they could do.

Commissioner NeSmith asked if they needed to provide Mr. Volpe with direction? He wanted to make sure they were legally sound. Mr. Knowles said this was a quasi-judicial piece and their decision needed to be based on the evidence presented.

Commissioner Green stepped out at 7:20 p.m.

Mr. Knowles stated they needed to decide based upon what they already have in the land development code. The decision needed to be based off evidence presented today.

Chair Viegbesie asked for a motion.

Chair Viegbesie send it back to planning and zoning? Mr. Knowles stated he did not believe so because Planning and Zoning were just recommending to the Board. He said they needed to make a recommendation to approve or deny.

Commissioner Holt asked if there was in there that they could not abide by or did not apply to them? (page 13 of 160). Mr. Volpe said everything there had been met. Commissioner Holt asked if everything in Section C had been met? Mr. Volpe said yes. Commissioner Holt went through the rest of the sections and Mr. Volpe said they had all been met and were not detrimental to the public.

Commissioner Green returned at 7:24 p.m.

Commissioner Holt said when things are sent out the Board receives copies of the letter and envelope to take care some of the concerns. She asked Mr. Knowles that they could not find a reason to not move forward what would the ramifications be. Mr. Knowles said for Section B, there were no deviations for the tower height. He said Section C was supplemental information the applicant was required to provide. With Section D was what the BOCC needed to look at when approving. He added approval or denial was based off what BOCC viewed to be the best evidence presented.

Commissioner Holt said her only concern was the availability of contact that was for the notification part. She said if they move the project, there will be three deviations.

Chair Viegbesie said they had heard from everyone and should be able to decide based off what they have heard to. Chair Viegbesie asked if he could reapply for the same site and Mr. Stiell said yes. Mr. Volpe if there's direction from BOCC for moving the site, it'd be helpful.

Commissioner Hinson said this was in Commissioner NeSmith's district so he should be the first to make the decision.

Commissioner NeSmith said they need these services. He asked how could they give direction moving forward given they could not have it part of their motion? Mr. Knowles said they could, in theory, table the issue.

Mr. Tarapani said his experience was if there are issues the item can be deferred back to Planning or they can deny the tower and the applicant can reapply.

Commissioner NeSmith asked if there was a motion to defer, could it come back with adjustments? Mr. Knowles said if you say move to the north, that's an approval. He suggested tabling the matter if that's the Board's will. He said it would be beneficial to give some manner of closure tonight.

Chair Viegbesie asked Mr. Dixon what his suggestion would be to get the project done and compromise with the citizens? Mr. Dixon if this matter was tabled or deferred, they would try to find a situation that's more appealing to citizens. It may not be to the north, they would try to find an answer for how to find a smaller impact to those present. Reality is, the goal is always to affect as few people as possible. If that is possible or not it will be brought back before the Board.

COMMISSIONER NESMITH MADE A MOTION TO TABLE THE ITEM AND CHAIR HOLT MADE THE SECOND. COMMISSIONER HINSON HAD A QUESTION.

Commissioner Hinson said one of the heartburns for him was the 250 feet. Could they prove that it was 238 feet from the house instead of more? He said they have to have a balance between the people and the corporation.

Commissioner Holt said Items 1 and 5 needed to be addressed further.

CHAIR VIEGBESIE CALLED FOR THE VOTE. THE BOARD VOTED 4-1 TO TABLE THIS ITEM. COMMISSIONER HINSON OPPOSED.

11. Public of Adoption of Ordinance 2021-006 (CPA 2021-02) to adopt Chapter 11, Property Rights Element to the Gadsden County Comprehensive Plan

Mr. Dixon introduced the above item and said it was presented to the board for consideration of adding Chapter 11, Property Rights Element to the Gadsden County Comprehensive Plan.

Mr. Stiell came before the Board and read the Analysis.

COMMISSIONER HOLT MADE A MOTION TO APPROVE AND COMMISSIONER NESMITH MADE THE SECOND.

Commissioner Hinson asked Mr. Stiell the pros and cons with this item. Mr. Stiell stated if this was not adopted, any amendments to the Comprehensive Plan cannot be adopted unless this is approved. Commissioner Hinson asked why the Property Rights Element was important? Mr. Stiell said these rights were already understood, federally and state recognized, now they have to be recognized by the local government. Commissioner Hinson asked how does this circumvent a builder from taking property from another citizen? Mr. Stiell said he was not aware of any situation

where someone could take the property from you but this would give you a basis for being able to file a lawsuit if so. This is to protect the property owner.

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

GENERAL BUSINESS

12. ALS 360 Stryker Agreement

Mr. Dixon introduced the above item and said it was for Board approval of the ALS 360 Stryker Management Program with Gadsden County Emergency Services.

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

13. Approval OF Addendum to the Audit Engagement Letter

Mr. Dixon introduced the above item and said it was for approval of the Addendum to the Audit Engagement letter. He said the estimated cost for the additional work would be \$5000 for each of the projects.

COMMISSIONER HOLT MADE A MOTION TO APPROVE AND CHAIR VIEGBESIE MADE THE SECOND. COMMISSIONER NESMITH HAD A QUESTION.

Commissioner NeSmith asked the length of the initial contract. Mr. Knowles said the original contract started in 2019.

Commissioner Hinson asked where the \$5000 was from? Mr. Dixon replied any monies over \$750,000 are subject to audit.

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

14. Approval of the Security Force Southeast, LLC Contract

Mr. Dixon introduced the above item and said it was for Board approval of the Security Force Southeast, LLC contract.

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

15. Emergency Operations Center UPS Maintenance Agreement

Mr. Dixon introduced the above item and said it was for board approval and renewal of a sole-source contract for the county-owned Liebert UPS located at the EOC at the W. A. Woodham building.

COMMISSIONER HOLT MADE THE MOTION TO APPROVE AND CHAIR VIEGBESIE MADE THE SECOND. COMMISSIONER NESMITH HAD A QUESTION.

Commissioner NeSmith asked the annual cost and if that was a long-term contract. Mr. Dixon said it was annual, we have machinery and they are the only people that can fix it.

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

16 Approval of the Non-Profit/Human Services Funding Agreements and Inter-Local Agreements for Human Services for FY2021/2022

Mr. Dixon introduced the above item and said it was for board approval of Non-Profit/Human Services Funding Agreements and inter-local agreements for Human Senior Services for FY 2021/2022.

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

Chair Viegbesie asked if the Senior Center was now working with the County? Mr. Dixon replied, yes for the first time.

17 Approval to Implement the Department of Economic Opportunity (DEO) Broadband Toolkit, Approval of the County Administrator as the County's Designee/Team Leader for Implementing the DEO Broadband Toolkit and Approval of the Local Technology Planning Team Membership

Mr. Dixon introduced the above item and said it was presented to the board for approval to implement the DEO Broadband Toolkit, approval of the county administrator as the County's Designee/Team Leader for implementing the DEO Broadband Toolkit and approval of the local Technology Planning Team membership.

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

18. Commission Appointment/Re-Appointment to the Inmate Commissary and Welfare Funds Committee

Mr. Dixon introduced the above item and said it was for Board approval to appoint/reappoint one Commissioner to serve on the Committee to oversee the Inmate Commissary and Welfare Funds for the Gadsden County Jail for the provision of inmate programs and services.

COMMISSIONER HOLT NOMINATED COMMISSIONER NESMITH AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.

19. Appointments/Re-appointments to the Small County Coalition Board of Directors

Mr. Dixon introduced the above item and said it was for Board approval to appoint/reappoint two representatives from the Gadsden County BOCC to the Small County Coalition Board of Directors and identify a County staff person to serve as the County Liaison. He said in the past Commissioner Holt and Commissioner Hinson has served as the County's representative and the County Administrator served as the County's liaison.

COMMISSIONER NESMITH MADE A MOTION FOR CHAIR VIEGBESIE, COMMISSIONER HOLT AND MR. DIXON AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.

CLERK OF COURT

20. Updates

There was nothing to report.

COUNTY ADMINISTRATOR

21. Updates

Mr. Dixon said on November 29th that there would be an American Rescue Plan workshop and at 6:00 PM there would be a special meeting about the American Rescue Plan and Budget Amendment.

COUNTY ATTORNEY

22. Updates

Mr. Knowles had no updates.

DISCUSSION ITEMS BY COMMISSIONERS

23. Report and Discussion of Public Issues

Commissioner Eric Hinson District 1

Commissioner Hinson congratulated Chair Viegbesie and Commissioner Green on their appointment as Chair and Vice-Chair.

Commissioner Kimblin NeSmith District 3

Commissioner NeSmith said he would hold his comments due to time.

Commissioner Ronterious Green District 5

Commissioner Green thanked the BOCC for electing him Vice-chair. He had an opportunity to visit a constituent whose home needed repair and they are unable to be assisted due to a deed issue. He said he would like to discuss this with the SHIP director. He congratulated Brandon Heel as the new Executive Director for Senior Services. He added that the Senior Citizen building needed a piano and one was being donated.

Commissioner Anthony "Dr. V" Viegbesie. District 2

Chair Viegbesie asked for a Proclamation honoring Pastor Allen Jones of Neals Temple Holiness Church.

COMMISSIONER HOLT MADE A MOTION FOR THE PROCLAMATION AND COMMISSIONER GREEN MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.

Chair Viegbesie passed out the tentative work program for FDOT projects for Gadsden County for fiscal year 2023 to fiscal year 2027.

Commissioner Holt asked if he had a chance to check on the transit system with the City of Tallahassee buses? Chair Viegbesie said yes but Mr. Mitchell said there was already an agreement with Star Metro.

Commissioner Brenda Holt District 4

Commissioner Holt felt the board will work out well and was happy Commissioner Viegbesie became chair. She also stated annexations of roads were a big problem and could be expensive for the County if "we don't get some teeth in this". She said there was no documentation on some of these things and the County has some sections that they will be responsible for.

Gadsden County Board of County Commissioners
November 16, 2021 – Regular Meeting

Receipt and File

UPCOMING MEETINGS

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR VIEGBESIE DECLARED THE MEETING ADJOURNED AT 8:15 P.M.

GADSDEN COUNTY, FLORIDA

**ANTHONY VIEGBESIE, Chair
Board of County Commissioners**

ATTEST:

NICHOLAS THOMAS, Clerk