

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON DECEMBER 21, 2021 AT 6:00
P.M., THE FOLLOWING PROCEEDING WAS HAD, VIZ:**

Present: **Dr. Anthony “Dr. V” Viegbesie, Chair, District 2**
 Ronterious “Ron” Green, Vice Chair, District 5
 Eric Hinson, District 1
 Kimblin NeSmith, District 3
 Brenda Holt, District 4
 Edward J. Dixon, County Administrator
 Clayton Knowles, County Attorney
 Marcella Blocker, Deputy Clerk
 Sara Green, Deputy Clerk

****Due to technical difficulties, recording started after meeting started****

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE

Chair Viegbesie called the meeting to order at 6:00 p.m., Rev. Jimmy Salter gave the Invocation and Chair Viegbesie then led in Pledge of Allegiance to U. S. Flag.

AMENDMENTS AND APPROVAL OF AGENDA

Mr. Dixon asked to pull item 13 and item 14 from the agenda.

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

Commissioner Hinson arrived at 6:04 p.m.

AWARDS, PRESENTATIONS AND APPEARANCES

CONSENT

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

- 1. Ratification Memo**
- 2. Approval of Minutes**
 - **September 9, 2021 Budget Public Hearing**
 - **September 20, 2021 Budget Workshop**
 - **November 2, 2021 Regular Board Meeting**
- 3. Approval for Adopt-A-Road Agreement with National Hook-up of Black Women, Inc. (Gadsden Chapter) for Spooner Road**
- 4. Approval of Resolution for New Chairperson-Facsimile Stamp**

5. **Approval for the Gadsden County Sheriff’s Office Peer Support Team to Attend the 1st Responder Mental Health & Wellness Conference**

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 noon on December 21, 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.

PUBLIC HEARINGS

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

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

Justin Stiell, Senior Planner II, appeared before the Board and was sworn in by the Deputy Clerk.

Chair Viegbesie said he had two speaker forms and asked if anyone else wished to speak

John Revell, 307 Live Oak Lane, Havana, FL appeared before the Board and was sworn in by the Deputy Clerk. He said they did contact him, wanted to move the tower 150’ and that would move it closer to the Town of Greensboro city limits. They asked one resident what they wanted and she told them she wanted them to follow the set-back rules. He said they told them there were no alternative sites the tower could be moved to. He added this would affect a lot of people. He read “The tower was compatible to area”. They tried to reach out and talk to 13 land owners to try to put the tower on; nine did not respond, one did and he owns three pieces of property. If they met the set-back rules, everyone in Greensboro would support it.

Vernon Neal Blount, 125 Harrison Road, Greensboro, FL appeared before the Board and was sworn in by the Deputy Clerk. He stated his road was the road they want to use to build the tower. The tower would be less than 400’ from his house. This will affect his property value and would be a hardship if he wants to sell his house. Rules are for a purpose, everyone should abide by them. He said he did not want the tower there as the site was very small. He hoped the Board would vote against this.

Robert Volpe, Esquire, 119 N. Monroe Street, Tallahassee appeared before the Board. He said he reached out to everyone, but was unable to reach Mr. Blount.

Chair Viegbesie announced again this was a public hearing and asked if anyone else wished to speak and there was no-one.

Commissioner Green thanked the Applicant for reaching out to the residents in the area. If there was never no change, they would be stuck in the same predicament that they have been in.

Commissioner NeSmith echoed what the Vice-Chair just said. They have to make decisions that help move the County forward.

Mr. Stiell reappeared before the Board. Commissioner NeSmith asked if the change met the set-back requirements. He said the Land Development Code provides for set-back deviations and this met all but two of the set-backs.

Commissioner Hinson thanked the citizens and attorney that appeared before the Board. He asked if alternative sites existed. Mr. Stiell said an alternative site analysis was done and it was determined that this does meet that.

Commissioner NeSmith said commissioner Hinson hit on a very important question. There has to be an optimal location for the tower to transmit properly. Commissioner NeSmith asked and he responded that was the best location for the tower to transmit properly in that area.

Mr. Volpe reappeared and said an alternative site analysis was done and potential properties are considered by radio frequency engineers. This was the best site to triangulate and was the best alternative.

Commissioner Hinson asked if this was best location or the only location.

Mr. Volpe said there were 13 properties and was private property-they did not want the towers on their personal property.

John Revell reappeared before the Board. He said there were thirteen land-owners that this site would fit. He assumed a letter was sent and had no response but from the one land-owner. This was still not meeting the set-backs for 1500'.

Mr. Volpe re-appeared before the Board. Chair Viegbesie a asked if there were certified letters sent out and if was there any response. He stated he did not contact them himself.

Commissioner NeSmith asked if the client contacted property owner and asked if they all were contacted in same way. Mr. Volpe said yes, and believed they did talk with other property owners.

Commissioner Holt said there was comment made this did not meet any of the 1500' set-backs. He said it was 890' feet from the closet residence.

Mr. Stiell reappeared before the Board. She asked him his definition of rural residential. He stated that rural residential is a future land use category that is defined within their code. None of these properties fall in the rural residential future land use category. She said if they deny, they have to give reasonable reason why. She then asked Mr. Volpe about the 1000' feet on the NE corner, and if the property fell within the 1500 feet. He said it did that it was not designated rural residential.

Commissioner Hinson said was sure lot of research was done and asked if they had any heartburn regarding this matter. Mr. Dixon said there is always have heartburn about these things and rules were designed to harm as few people as possible. This is difficult process for everyone involved. The applicant and neighbors have shown their willingness. The rules say they have to have they great reason to not approve this. Commissioner Hinson said the photo in the packet was not same as what Mr. Volpe passed out as an exhibit. Mr. Stiell said it was not the same as the document provided.

Commissioner Green asked if was the same map with different numbers. He asked for a moment to review.

Mr. Blount reappeared before the Board. He said was listening to the definitions of rural residential. His house is located on 2 acres, did that not make it rural residential? He pays taxes on his property.

Mr. Stiell reappeared and said one item he placed at their seats was an email from Mr. Revell that has a map on back.

Commissioner Hinson said this was public hearing and all information must be in two weeks in advance-to come in the day of, he wanted to be sure the lines were right.

Commissioner Hinson wanted to disclose he received an email from Mr. Revell but never responded to it.

Commissioner Green said he was about to have heartburn also but saw they had what was needed to decide.

Ms. McKinney-Williams said they had asked what was required at a quasi-judicial public hearing was public notice, the date and time of the hearing and the map of the location of the property. Separate and apart for purposes of the public hearing either side can present evidence which has occurred, testamentary evidence and documentary evidence. The packet had just referenced, there is testimony in the record that that packet contained an email and a copy of the map. The map was generated at the request of the land-owner and provided well in advance. In addition to everything helps that is in the actual packet and all evidence that they can consider and review when making their ultimate decision. For purposes of why it is required in order to get here, all they needed was a notice with the map, it did not have to be that map. That is the evidence that the Board can now consider in making their decision.

Commissioner NeSmith said between the dialogue, his questions were answered.

Chair Viegbesie said they could not please everyone. They cannot find a perfect solution for everyone but they have to look for the situation that is best possible. He said COVID is still going on and now there are the variants. There are parents that have to drive kids to fast-food restaurants for internet connection to be able to do homework; they have elderly that cannot go to the hospital and has no internet connection for telemedicine.

Chair Viegbesie asked the will of the commission.

Commissioner NeSmith thanked Mr. Revell for his time and attention. Given Commissioner Holt's query earlier, the petitioner has met all the requirements.

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

7. Public Hearing-Legislative-Consideration of Ordinance 2021-013, Adoption of the Capital Improvements Schedule for Fiscal Years 2021/22-2025/26 (LSPA 2021-04)

Mr. Dixon introduced above item and said it was for consideration of a recommendation to adopt Ordinance number 2021 -013 to adopt the annual update of the Capital Improvements Schedule for Fiscal Years 2021/22 -2025/26 of the Capital Improvements Element. He said they knew some things were not on the list and not only would they be bringing goes back to them, in the next few months they will be adding or discussing adding new capital improvements to that.

Chair Viegbesie said having heard that, if there was no sense of urgency, he asked they consider making sure the Ordinance WAs complete before approving. There needs to be a way to make the capital improvements list more complete and harmonizing better.

Ms. McKinney-Williams said she not sure there was a right or wrong way.

Commissioner NeSmith wanted to make sure he had clarity on the issue and understood this list was compiled before the two new commissioners came on. He was told the list could be amended as needed and was why he was comfortable in moving forward.

Commissioner Holt said the reason she asked for the flow-chart was because there was at a need for visibility.

Mr. Dixon asked Mr. Stiell if he was right in saying they could continue to improve the list and make sure they were meeting obligations and deadlines of the plan. Paving and repaving of roads would be separate from Capital Improvement Plan.

Commissioner Hinson said he was thinking this was something they did not want to lose money on the funding. If they could not articulate, then they might need to have a name workshop. He said they need A workshop, become educated and then they could decide.

Commissioner Holt said SCOP and SCRAP will come to them all the time. Once they pass this, all they do is add more roads and keep moving because other Counties will be glad to take the funding.

Mr. Dixon asked if roads of concern could be added tonight? Mr. Stiell asked if those roads were paving and re-paving.

Chair Viegbesie said resurfacing, paving, widening, and restructuring.

Mr. Stiell said this was an amendment to the Capital Improvements Element in the Comprehensive Plan. The projects are laid out and pulled from the Capital Regional

Transportation Planning Agency. He said anything identified in those documents would be included in the work program.

Commissioner Green said wanted to concur with commissioner Hinson on having a workshop so they could be educated on the road improvement process.

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

GENERAL BUSINESS

8. Approval to Accept Reduced Payment for Satisfaction of Special Assessment Lien dated February 3, 2014

Mr. Dixon introduced the above item.

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

9. Gadsden County Facilities Management Software

Mr. Dixon introduced the above item and said it was presented for approval of the Dude solutions proposal. He said it was budgeted in the facility's maintenance budget.

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

Chair Viegbesie asked if this was a sole source provider and was told yes.

Commissioner Hinson said that funding coming from the CARES Act. He thought they were going to have a meeting first, the meeting got cancelled and now they want to use funds for this.

Chair Viegbesie said the reason the meeting was cancelled, the information on that workshop was not ready in timely manner. He does not support items being added at the dais, does not give them time to research properly. His understanding was the CARES money has all been allocated.

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

10. Appointment to the C2 Juvenile Justice Circuit Advisory Board

Mr. Dixon introduced the above item and said it was presented to the board to appoint a representative to serve on the Juvenile justice Circuit Advisory Board.

Commissioner Green recommended commissioner Holt; commissioner Holt said she was going to nominate Commissioner NeSmith. Chair Viegbesie seconded commissioner Green's nomination.

Commissioner NeSmith said he concurred for Commissioner Holt to occupy that position. He offered to be alternate.

COMMISSIONER GREEN MADE A MOTION TO RECOMMEND COMMISSIONER HOLT AND COMMISSIONER NESMITH AS ALTERNATE AND CHAIR VIEGBESIE MADE THE SECOND.

Commissioner Holt said that was why she like being retired, so she would not have to be bothered. She was a retired school teacher, a retired math teacher and that meant she was a disciplinarian, she did not think children want to see her.

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

11. Approval of the Gadsden County Public Library Pandemic Technology Enhancement Program

Mr. Dixon introduced the above item and said it was for board approval and execution of the Gadsden County Public Library Pandemic Technology Enhancement Program for \$117,250.

Chair Viegbesie stepped out at 7:51 p.m.

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

Commissioner Hinson said this required money and would it be coming from the American Rescue Plan. Mr. Dixon said it was coming from a national program and would be a grant from national program.

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

12. Cochran Road Change Order Number One

Mr. Dixon introduced above item. He explained this was for approval of change order number 1 for Cochran road resurfacing and drainage improvements. This was something the engineers and FDOT did not see. The Change was requested and DOT has agreed to partially pay. The total cost of the change will be \$39,301.00 and DOT has agreed to fund \$25,769.66 and the county will be responsible for the remaining amount which it will come from Public Works budget.

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

Commissioner NeSmith wanted to make sure the dollars were coming from Public Works budget and was allocated and was told yes.

Chair Viegbesie returned at 7:55 p.m.

Chair Viegbesie said this was an item he had expressed to the County Administrator he was not in favor of because of the change orders. Now this will cost the County \$13,531.34.

Commissioner NeSmith asked the Administrator, based on his experience, was this unusual to have a change order? Mr. Dixon said if you read closely, change orders were built into these contracts because of things not caught.

VICE CHAIR GREEN CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.

13. Re-Approval of the Gadsden County CARES Act Residual Funds

Item Pulled

14. Re-Allocation of Funds for the Gadsden County American Rescue Plan (GCARP) Program

Item Pulled

CLERK OF COURT

15. Updates

There were no updates.

COUNTY ADMINISTRATOR

16. Updates

Mr. Dixon said the County office will be closed for Christmas on Friday and Monday; the State has closed Thursday and Friday both weeks. The Courthouse will be closed Thursday and Friday this week and Friday next week as will the Tax Collector's Office.

Commissioner Hinson asked about FCI. Mr. Dixon asked if he wanted him to comment on it. Commissioner Hinson said yes, he wanted to know how soon they could have a conversation. Mr. Dixon said as soon as he could, he was running at top gear.

Commissioner Hinson said he would like to have the names, addresses and phone numbers of everyone that applied and received funding for the CARES Act. Chair Viegbesie asked the attorney if that was public record and she said yes.

Chair Viegbesie asked as they prepare their plan and the heavy load they will be carrying, to consider working with the congressional partners in regards to the national source.

Mr. Dixon said they have recently talked about homelessness and the services that go with that situation. They have met with Mr. White who was the builder of the Kearney Center and tiny houses. One thing they will bring back is a listening opportunity on what was happening in Gadsden County and how it could be addressed Gadsden County style.

Commissioner Green asked if there was a way to find out the correct way to address the local homeless issue in the County. Mr. Dixon said he participated in the Veteran's homelessness every year in his capacity of Sheriff's office.

Commissioner Hinson said they had \$100,000 for homelessness in the CARES Act and it got taken out.

Commissioner Holt said this sounded like a workshop.

COUNTY ATTORNEY

17. Updates

Ms. McKinney-Williams said she had nothing to report but Merry Christmas and Happy New Year to everyone.

DISCUSSION ITEMS BY COMMISSIONERS

18. Report and Discussion of Public Issues

Commissioner Brenda Holt, District 4

Commissioner Holt said she wanted on the agenda the Mobile Health Unit; increase in gas, and an update on the hospital. Move

Commissioner Eric Hinson, District 1

Commissioner Hinson said he had received his booster shot.

They need to have a couple of meetings next week to close some things out, the American Rescue Plan, etc.

He said they had an issue that came to the Board and got pulled and he wanted to make sure he was in line with what was going on and wanted to make it sure did not affect him or the Board by it being pulled.

Chair Viegbesie said the reason it was polled was because of an email the attorney sent, they wanted to make sure they did what they needed to do so as to keep the board free of any kind of legal ramification and to keep the Administrator out of any legal implications so they could continue to do what they need to do. The item will come back with the action that was taken to keep Board, as well as the operations, free of any charges of ethics and violations by the Board.

Commissioner Hinson asked the attorney if there were any ramifications.

Miss McKinney-Williams said she could provide a general response to this question as to whether the Board is implicated in any kind of dual Office holding issue concerning a particular provision of the Ethics Code. In general, the Ethics code applies to public employer and public officers. Each public employee/individual person is subject to the Ethics code. They are required to comply with terms of the ethics code. If there is a question about something concerning the Ethics code, it would not be the Board, as a body, responsible for Cid compliance. It would be the individual members or officers. To answer the question, generally, are there any concerns regarding the Board, she did not believe so. Regarding the specific information Chair Viegbesie was talking about, she was not privy to it, Mr. Knowles is. She said to answer the general question, the Board was not impacted.

Commissioner Hinson said wanted to make sure by not responding, they were ok.

Mr. Dixon said he asked for the item to be agendaed, he asked for the opinion because that was what responsible public officials do. Secondly, he would never bring drama to this board. Thirdly, he has removed the conflict by resigning from his position as Executive Director of Health Council. That was the removal of the conflict.

Commissioner Hinson said he wanted make sure they were fine.

Commissioner Holt said she thought she would never have to clarify this; years ago, there were two professors that wrote grants for the County for \$3 million dollars and did not notify the County. They were subcontracting with health care providers, the reason this whole issue came together was because people were coming over here taking advantage of the numbers and one person in that group wrote them self a check for \$97,000 for the two years. They brought the information back and had it agendaed and the group that was doing the writing set up an office. She said she called City Hall and asked if they had the organization here and they said yes but they had not been there long enough to have the lights turned on. That was how the health council came together and was why the administrator was over the Health Council. She said she was not speaking for Mr. Dixon she was speaking for the Health Council. Mr. McKinnon was the director for years and then the Health Council selected Mr. Dixon before he became administrator. The County had to have some say-so as to what was written in the county's name for healthcare. Now we have to argue over someone being the Executive Director; didn't care about the \$3 million raised, didn't care about the \$97,000; that was what was upsetting about this. If the county has no say so over it, then it goes back to what it was.

Commissioner Hinson said if was everything legal, move forward, why move away.

Commissioner Holt stepped out at 8:40 p.m.

Commissioner Hinson said if they were doing what was right, move forward. Personally, he did not know that the previous County Administrator was doing this or the current Administrator.

Commissioner Kimblin NeSmith, District 3

Commissioner NeSmith thanked Ms. Daniels for making their stay in St. Augustine pleasant and for not having any hiccups.

Commissioner Holt returned at 8:43 p.m.

He said regarding homelessness, they have a census coming up in 9 years and they need to be able to track homelessness and all population.

Commissioner Ronterious Green, Vice Chair, District 5

Commissioner Green said he had a couple of concerns: High Bridge Road striping is not there; he received a compliment on services at the Emergency Room that a constituent received; received a call today about a dog and it would be nice if they had a portal on the website. He also has questions on who to contact for Animal Control, when the number is called there is no response. Mr. Dixon said he had no answer for that, there should be no reason the calls were not being answered or returned. He said he would be speaking with Mr. Meeks.

Chair Viegbesie said he has also been called about animal control, there are issues in every district.

Commissioner Hinson asked if he could give the number so people would know where to call. Mr. Meeks said they have moved and have not gotten the landline set up. The new software they approved will help.

The number is 850-875-8658 for Animal Control.

Commissioner Green asked when would the landline be set up. Mr. Meeks said the number has been forwarded to Sherita's cell. Commissioner Holt asked for a number for evenings and weekends because that was when most people were home.

Commissioner Green said he did not want to address this now but since it has been made publicly known, he wanted to make sure it was clear it was Mr. Dixon's decision to resign. Mr. Dixon said the Health Council has a Board and he was in that position prior to coming to the County. He said he asked for an opinion from the attorney and wanted to make sure there was no conflict. The conflict was that he was executive director of the Health Council, and to take away the conflict, he resigned.

Said Merry Christmas and Happy New Year to everyone.

And

Commissioner Anthony O. Viegbesie, Chair, District 2

Chair Viegbesie said his only comment was already made by Commissioner Holt about the mobile health unit.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR VIEGBESIE DECLARED THE MEETING ADJOURNED AT 9:05 P.M.

GADSDEN COUNTY, FLORIDA

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

ATTEST:

NICHOLAS THOMAS, Clerk