

**AT A SPECIAL BUDGET HEARING OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN AND FOR  
GADSDEN COUNTY, FLORIDA ON NOVEMBER 28, 2022,  
AT 6:00 P.M., THE FOLLOWING PROCEEDING WAS  
HAD, VIZ:**

**PRESENT:**       **Kimblin Nesmith, Chair, District 3**  
                  **Eric Hinson, Vice Chair, District 1**  
                  **Alonzetta Simpkins, District 2**  
                  **Brenda Holt, District 4**  
                  **Ronterious Green, District 5**  
                  **Edward Dixon, County Administrator (appeared by phone)**  
                  **Georgette Daniels, Assistant County Administrator**  
                  **Clayton Knowles, County Attorney**  
                  **Marcella Blocker, Deputy Clerk**  
                  **Crystal Jimenez, Deputy Clerk**

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE**

Chair NeSmith called the meeting to order at 6:00 PM, Commissioner Green gave the Invocation and Chair NeSmith led in the Pledge of Allegiance to the U. S. Flag.

**AMENDMENTS TO THE AGENDA**

Chair NeSmith asked if there were any amendments to the agenda and Mr. Knowles said there was one amendment, which was the addition of Item 2-Approval of Extension of the Option Agreement for the Purchase of the Property Located at Gadsden County Parcel ID# 3-24-2N-4W-0000-00330-0100.

Commissioner Hinson stated he did not realize this was a public hearing and asked if this met the public hearing requirements because he thought ordinances required 10 days' notice. Mr. Knowles explained this was a public hearing and asked Ms. Steele if this was advertised. Ms. Steele responded it was advertised in all three local newspapers and met the 10-day threshold for the budget portion. Commissioner Hinson asked if this was going to affect the budget, should the public have a chance to weigh in on it. Chair Nesmith explained they were not moving money regarding Item 2 that was the extension on the option agreement.

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

**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 11:00 a.m. on November 28, 2022. 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 Hinson read the above statement.

1. **Public Hearing: Approval of Resolution 2022-036 and Final Budget Amendments for FY 2021-2022**

Ms. Daniels, Assistant County Administrator, introduced the above item and said this was for approval of Resolution 2022-036 and for authorization for the County Administrator, Assistant County Administrator, and Finance Director to complete and execute all budget amendments necessary to maintain a balanced budget for Fiscal Year 2021-2022 BOCC budget. She said there was attached a Resolution 2022-03 for budget amendment numbers 2022-037, 2022-053, 2022-054 and 2022-055 that required a public hearing to amend the budget. She stated there was one correction for budget amendment 2022-053 and a copy of the amended budget amendment was passed out to all Commissioners and the Deputy Clerk. She explained budget amendment 2022-037 was to correct an error in FY 2021/2022 adopted budget. The transfer into fund 214 was budgeted correctly however, the transfer out of the general fund was budgeted incorrectly; and 2022-053 was for the purchase of the three ambulances, one was a replacement of the wrecked ambulance. There was a loan for the wrecked ambulance and insurance paid that off and the county had to finance that one unit.

*Commissioner Holt had been appearing by phone and arrived at the meeting at 6:13 p.m.*

She further explained budget amendment 2022-054 was a transfer to the EMS fund in the General Fund and this was now a transfer to the Debt Service fund for striker equipment and budget amendment 2022-055 showed the transfer from general fund for striker equipment. There was a budget amendment, 2022-052 that did not require a public hearing (and was not included in the packet) that moved it from one line item to another and covered the cost of pay for the additional students that worked the Summer Youth Program.

Commissioner NeSmith asked the attorney what action they needed to take and Mr. Knowles said to approve or not approve the item.

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

2. **APPROVAL OF EXTENSION OF THE OPTION AGREEMENT FOR THE PURCHASE OF THE PROPERTY LOCATED AT GADSDEN COUNTY PARCEL ID# 3-24-2N-4W-0000-00330-0100**

Ms. Daniels said this item has been added to the agenda and was for approval of an extension to the option agreement to purchase from seller the Gadsden County parcel ID number 3-24-2N-4W-0000-00330-0100 and is located on Pat Thomas Highway. She said it seeks approval for an extension to the option agreement to purchase that parcel and would authorize the Chair to sign the documents.

**COMMISSIONER HOLT MADE A MOTION TO APPROVE AND COMMISSIONER GREEN MADE THE SECOND. COMMISSIONER SIMPKINS HAD A QUESTION.**

Commissioner Simpkins said she had just received the extended option agreement and was something they would need to be able to read over the initial agreement that was made, she was not privy to that information and would need to know the initial agreement that was set forth. She said in looking at this particular agreement, if they did not agree to the extension they would

lose the \$20,000 down payment plus the additional \$7500 that was a non-refundable amount which shall not be applied to the purchase price at closing for a total of \$27,500.

Ms. Daniels said that would be if they did not agree to extend the option. A good faith deposit of \$20,000 was put up through November 28<sup>th</sup> to decide if they wanted to purchase the property or not. This item was just to extend that option so they would have additional time to do their due diligence and the money would not be lost.

Commissioner Simpkins said if they do not agree to the extension of the option, they would keep the \$20,000. If they agree to extend the option and then decide to not purchase the property, they would lose \$27,500 based on this contract.

Mr. Knowles said sort of. If the option is extended until today, there will be a public hearing on Tuesday regarding the actual purchase pursuant to their Code. If the County wants to get a second appraisal, because there has been talk about that at the last meeting, the Sellers are requesting an additional \$7500 as consideration for them granting the County additional time to obtain a second appraisal. The \$7500 paid to the Sellers would be non-refundable and would not apply to the purchase price. With the \$20,000 already paid, if they elect to extend and then purchase, that \$20,000 would be deducted from the purchase price of \$750,000. He said she was correct in that, if they choose to extend this option tonight and then elect to not purchase, the \$20,000 is gone; the \$7500 is only if they want a second appraisal and that was what the sellers were requesting.

Commissioner Green wanted to make sure they understood why they were asking for the extension. He did know on the seller front of it, they could have the opportunity to move forward to sell the property to someone else, and was their decision to make, but he was one of the ones that asked for a second appraisal. That was why they would need the extension to have the time to have a second appraisal done between the last meeting and now. Being that they were asking for the appraisal and was interested in the property and the second appraisal, it was a chance they would have to take because they have legal fees that is holding on this project on their behalf and was where the \$7500 was coming from because they were asking for a second appraisal. He asked if they would be able to get a second appraisal done by the time they were getting the extension.

Commissioner Simpkins said going back to the last meeting, she was under the assumption they were in negotiations and asked if there was a set price on the property? Mr. Knowles stated yes. Commissioner Simpkins said she understood at the last meeting there was no set price on the property. Mr. Knowles said there was not an amount of money that was moved and the price was in the option and that was before she came on the board. There is an Option to Purchase for \$750,000 that they have had since late September. He added they have paid the \$20,000 and if they elect to approve this, it would be \$730,000. Commissioner Simpkins asked if this property was advertised for sale or was this property they just inquired about.

Mr. Dixon said the property was not advertised for sale. The property across the street was advertised and the County was looking for property and found this piece. He said to add to what the attorney said, they met with the owners' representatives of the property in order to talk about the price and the owner based it in great part on the appraisal they have gotten and their asking price still stands at \$750,000.

Chair NeSmith said he had the opportunity to follow this discussion with the County Administrator since he discovered this property and there was one appraisal that was done on this property and they were all aware of that appraisal and the Administrator, to his knowledge, implemented due diligence to make sure the property was useful for the purpose they discussed and he also had additional discussions with Mr. Morris, Gadsden County Building Official, regarding the quality of that property. He was satisfied with the feedback he received from the Administrator and the Building Inspector regarding the quality of the property before them. He asked the attorney if it was mandatory they have a second appraisal and Mr. Knowles said no. He said they were seeking it for their knowledge and the attorney said yes. He said also regarding the three options they have, they did not have to choose, the only purpose of the \$7500 was if they wanted an extension to provide a second appraisal. Mr. Knowles stated that was correct. They could move on this agenda item and exclude number three, and essentially one and two was part of the original agreement.

Mr. Knowles said they would just sign the extension and not get the second appraisal if that was what they wanted with the caveat that the \$20,000 would become non-refundable and property of the seller and next week if they voted to not purchase it, the seller would keep the money. Chair NeSmith said if they vote this down they would get the \$20,000 back and Mr. Knowles confirmed if it was voted down tonight they would. Chair NeSmith said if they vote for the extension on December 6<sup>th</sup>, they would lose the money if they did not move forward with the contract. Mr. Knowles said if they voted to extend the contract tonight and do not vote to approve the purchase of the real property, yes, that \$20,000 is gone. Commissioner NeSmith asked if they could vote tonight to approve the purchase of a property and the \$20,000... Mr. Knowles said no, they would have to vote to approve the property at a public hearing, this was just an extension.

Commissioner Holt asked if the withdrawal of the motion would determine that they did not want an appraisal. She asked if the motion to approve this was to approve the second appraisal and Mr. Knowles said no. He said the motion to approve was to approve the extension. He said it might be better to start over and clarify the motion. Commissioner Holt said that was why she said to withdraw the motion and Mr. Knowles asked if the second could be withdrawn. She said if she withdrew the motion that would be withdrawing the \$7500 for the second appraisal. She said they would not get too many appraisals that were any different and the Property Appraiser's value was 80% of the true value (inaudible) and they were not going to do formulas tonight. She said what they would do was withdraw the motion, vote this down and go ahead forward with the sale.

**COMMISSIONER HOLT WITHDREW HER MOTION AND COMMISSIONER GREEN WITHDREW HIS SECOND.**

There was discussion regarding the motion and Mr. Knowles stated in the Background section of the Agenda Request, there were three terms and conditions the seller and buyer were requesting to be a part of the contract. He said with the third term if they were not going to obtain a second appraisal to not make that a part of a motion. He said her motion as he understood, they want to hold a public hearing next week as required by 2-133 to purchase the property but he also wanted the board to be aware if they vote up or down on this, the \$20,000 is non-refundable and wanted that in the motion so the board understood.

**COMMISSIONER HOLT MADE A MOTION TO EXTEND THE DEADLINE TO HOLD PUBLIC HEARING TO PURCHASE THE PROPERTY UNTIL DECEMBER 6, 2022 AND PROVIDE FOR THE INITIAL DEPOSIT OF \$20,000 TO BECOME NON-REFUNDABLE AND COMMISSIONER GREEN MADE THE SECOND. COMMISSIONER HINSON HAD QUESTIONS.**

Commissioner Hinson said he was reading if the extension was not approved the board shall have five days to request a refund of the \$20,000 deposit amount in full. Chair NeSmith said his understanding was if they did not approve the extension tonight, they would have 5 days to request a refund of the \$20,000. Commissioner Hinson said you would think everything would be in writing instead of saying what they think it would be what they see, everything should be in detail because everybody goes by what is in writing.

*Commissioner Holt stepped out at 6:36 p.m.*

Chair NeSmith said they had a motion on the table and Commissioner Hinson stated he wanted to be transparent to the public. He said they were purchasing a piece of property and did not know the why and asked Chair Nesmith if he knew why they were buying the property and what it would be used for. Chair NeSmith said they were “in the property acquisition business because we want to expand...” He said once they determine the why, that would give him the motivation to vote for this. He knew of other properties in the County that they could go after if they were in that field that may be a lot cheaper than this. Commissioner Hinson said he wanted to make sure if they were going to spend that kind of money to know why and what the use would be.

*Commissioner Holt returned at 6:37 p.m.*

Commissioner Hinson also said there was a lease on a portion of the property for another two years, what would they do with the leasee, would they be evicted and Commissioner Holt said that would work. Commissioner Hinson went on to ask if they had checked for asbestos. He said if they had their own realtor they would check for things like that and make sure everything was clear so there would not be any problems with this piece of property. He said a realtor would know exactly what was best for them and find out whether or not there were wetlands in the area because a realtor knew that. In buying 50 acres of property would you go by what you knew or get a professional person to look out your best interest. If you are buying a piece of property, would you go by what the seller said or would you hire a realtor. He said they were looking at public trust. He said they had a realtor by Commissioner Holt, she is a realtor, would she go with what the seller said or tell her citizens to get a second opinion. Chair NeSmith asked if he would like the County Attorney to explain the part about if the extension was not approved.

Mr. Knowles said in the prior agreement there was a time frame to request a refund and that time frame was five days. They have to send written notice within five days if they elect to not exercise the option. Commissioner Hinson said the first time they had an in-depth conversation was last week. He said they talked about it and hinted on it and September 6<sup>th</sup> the board was really not as engaged in this process during that time. He said normally, the Board of County Commissioners Chairman would give the County Administrator directions on when to execute whatever they were going to execute on behalf of the Board, not on behalf of the County Administrator, but on behalf of the Board. He said they did not execute that on September 6<sup>th</sup>, they could not do anything without the Board giving directives and the reality is it should be null and void on September 6<sup>th</sup> because the board never gave him direction to do this.

Gadsden County Board of County Commissioners  
November 28, 2022-Special Budget Hearing

**CHAIR NESMITH CALLED FOR THE VOTE. THE BOARD VOTED 3-2. COMMISSIONER HINSON AND COMMISSIONER SIMPKINS OPPOSED THE MOTION.**

**MOTION TO ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR NESMITH DECLARED THE MEETING ADJOURNED AT 6:42 P.M.**

**GADSDEN COUNTY, FLORIDA**

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**KIMBLIN NESMITH, Chair  
Board of County Commissioners**

**ATTEST:**

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**NICHOLAS THOMAS, Clerk**