

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON DECEMBER 6, 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 "Ron" Green, District 5
Edward J. Dixon, County Administrator
Clayton Knowles, County Attorney
Marcella Blocker, Deputy Clerk
Crystal Jimenez, Deputy Clerk

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE

Chair Nesmith welcomed everyone and called the meeting to order at 6:01 pm. Commissioner Simpkins gave the invocation and Chair NeSmith led in the Pledge of Allegiance to the U. S. Flag.

AMENDMENTS AND APPROVAL OF AGENDA

Mr. Dixon stated there were two amendments-Item 4a Approval of Resolution for the New Chairman Facsimile Stamp and Item 4b-Letters of Support for Broadband/Internet Providers Seeking Funding from the DEO Broadband Opportunity Grant Program to Expand/Improve Services in Unserved Areas of Gadsden County.

Commissioner Hinson asked if the meeting was properly advertised and Mr. Dixon said yes.

COMMISSIONER HOLT MADE A MOTION TO APPROVE AND COMMISSIONER SIMPKINS MADE THE SECOND. THE BOARD VOTED 4-0 TO APPROVE THE AGENDA AS AMENDED.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Recognition of Future Builders of America-Gadsden Chapter

Mr. Dixon said there was a notification problem and no-one was present.

CONSENT

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

2. Ratification Memo

3. Approval to Accept the 2021-2022 Annual County Commission Report Between Florida Forest Service and Gadsden County

4. Walmart Pharmaceutical Settlement Agreement

4a. Approval of the Resolution for the New Chairman Facsimile Stamp

4b. Letters of Support for Broadband/Internet Providers Seeking Funding from the DEO Broadband Opportunity Grant Program to Expand/Improve Services in Unserved Areas of Gadsden County

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 January 18, 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.

PUBLIC HEARINGS

5. Approval of Purchase Agreement for the Purchase of the Property Located at Gadsden County Parcel ID # 3-24-2N-4W-0000-00330-0100 Pursuant TO Gadsden County Code of Ordinances Section 2-113

Mr. Dixon presented the above item and said the Board was required to hold a Public Hearing for the purchase of the property. The initial Agreement expired on November 16, 2022 and on November 28, 2022 the Board voted to approve and the parties agreed to extend the option agreement until December 6, 2022. The board has paid to the seller a non-refundable deposit in the amount of \$20,000 that will be deducted from the final purchase price of \$750,000 should the board approve this item.

Commissioner Green arrived at 6:07 pm.

Mr. Dixon continued and said \$730,000 represents the original purchase price less the amount of the deposit. In the booklet was a County sponsored appraisal that shows the property today was worth \$865,000 and was the county's independent appraisal. There is included a survey and a schematic on the possibilities of the property. He asked how they could improve affordable housing in Gadsden County. The property on Pat Thomas parkway was one of those opportunities. He introduced Danny Miller, a local housing developer.

Mr. Dixon asked the Board to look at the map on the screen and he explained it.

Chair Nesmith opened the floor for public comments.

Danny Miller, Real Estate Developer, appeared before the Board. He thanked them for the opportunity to speak about affordable housing. He said he was currently working with a 501(c)3 in Tallahassee. They would like to meet with a committee.

Commissioner Green stepped out at 6:20 pm.

Mr. Miller said housing could be affordable if the real estate was affordable. He thought the property was a steal and an excellent opportunity. They have sewer, water and the key was affordability. Key things in society was that we all want to be home owners. There is a need for affordable housing. This also would allow the county to build a county facility.

Commissioner Green returned at 6:22 pm.

Chair Nesmith thanked Mr. Miller. Mr. Miller said this was the best time to be in affordable housing development.

COMMISSIONER HOLT MADE A MOTION TO APPROVE AND COMMISSIONER GREEN MADE THE SECOND. COMMISSIONER HINSON HAD QUESTIONS.

Commissioner Hinson asked Mr. Dixon if there were any appraisals from other companies? Mr. Dixon said there were no other companies involved and the law required one appraisal and they got that. Commissioner Hinson said they all received the email from the Clerk. He asked why they used the same company the seller used? Mr. Dixon said they were professionally recommended to them and could meet the boards needs in terms of timeframe. Commissioner Hinson asked what the property appraiser value was now? Mr. Dixon said about \$390,000. Commissioner Hinson asked if they talked to the upper team appraiser about it at all? Mr. Dixon said no. He asked if there was a process for how they find and select properties they purchase? Mr. Knowles said ordinance and Mr. Dixon said they follow the State and local when ordinance. Commissioner Hinson said he was perplexed about the “why” and it was to move the county building, now today is to make it commercial. He said he was confused. He now was hearing other “why’s” he didn’t know about.

Commissioner Nesmith said there is opportunities for mixed use on the property. Commissioner Hinson asked how much wetlands. Mr. Dixon said there were very little. Chair Nesmith said he has also asked that before. Commissioner Hinson asked if they had any plans from the architect yet? Chair Nesmith said he spoke to the building inspector which is Gadsden County’s own. Mr. Dixon said they were running out of contract with the current architect. They were caught in a situation where they were moving from one to another. They did not do free work for them. They had to pay for the work. Commissioner Hinson said he would let other commissioners ask questions.

Commissioner Holt said they did not normally bring in an architect until they were ready to build something. The Property Appraiser value for the property is less than the actual value and they do that for tax purposes. This was a good deal. The layout is not the final layout, it is a proposal.

Commissioner Simpkins said she wants to make sure they are following the guidelines they are supposed to follow. The statute that Mr. Thomas sent stated they have to have 2 appraisals and they do not when. They cannot use the same one as the owner as stated on page 17 of 100, “intended use of report” is for the sole purpose of assisting the client, Betty Register Family Trust, in estimating the market value for internal evaluation purposes. What bothered her with the value and what brought the value to the \$865,000 was the automotive service. When they look at the breakdown, it carries a value of \$350,000, for the 1.5 acres for the body shop. They are not going to do anything with the body shop. She loves the idea of affordable housing but she wants to make sure they are making smart decisions when it comes to spending.

Mr. Dixon confirmed the intended use was in error and it was paid for by Gadsden County. Attorney Knowles said he disagreed with the Clerk, if the board wanted to keep this potential purchase out of public records, Section 119, Public Records Request dealing with Sunshine Law, the second subsection deals with purchases of property under \$500,000 that requires one appraisal if they were looking to use those protections from Section 119 request. If they were looking at property above \$500,000 then they would need two appraisals and a super majority vote if the average of those appraisals were more than \$100,000 less than the purchase price. He stated he did not concur with that analysis of that statute. There are concerns and the Clerk has indicated he did not intend to remit payment for this property if there is not an independent appraisal. He said he would like to hear from the Clerk, there are certain grounds where he can refuse payment. He would like to hear in writing what it would take. If this is an independent appraisal, that is what they are going with. He did say he could see how this could be a concern. Maybe they should get a second appraisal. If they need to go to court on it then they can do that. He would like to understand from Mr. Thomas what would qualify for him to remit payment.

Commissioner Green said he was going to ask for advice from attorney about the email. He wanted to make sure they were following their own ordinance. He understood the questions about the value of the property and sometimes those are not the real numbers. He wanted the attorney to give clarity. He stated he was hoping that they did not have to go to court in order to get, if it passes, something they agreed on by way of the majority.

Mr. Knowles advised the board to make sure they were comfortable with the appraisal. If there were concerns, his advice would be to get a second appraisal. He said they did not need two appraisals, statutorily or required by their ordinance, however, to ensure public trust and to make sure if they approve this, it is paid for, they are not sued for breach and they did not have to go to war with the Clerk, it would behoove them to get a second appraisal. He said they would have an independent appraisal that was not from the same company would give them cover and avoid litigation.

Commissioner Green said he has been asking for a second appraisal as well. If they go back to asking for it, where do they stand as it relates do they forfeit it. How does it affect them now? Mr. Dixon said they anticipated the board may wish to go for a second appraisal. He said it will now kick in the \$20,000 and \$75,000 charge from the seller for attorney's fees and fees for another appraisal. He said there was no time limit, but they should do it expeditiously. They will then have meeting again to assess it.

Chair Nesmith said if they request a second appraisal, the seller does not have to move forward. Mr. Knowles said they could put it on the market.

Commissioner Hinson said they have the same independent appraisal. Mr. Knowles said yes. Commissioner Hinson said once they have a second appraisal, the appraised value may be at \$400,000. What if there were slopes or wetlands on the property or it was a flood zone, it was good for them to have their own appraisal. He asked how much property tax will they lose if they buy it? Mr. Dixon said the building pays taxes but for the most part its agricultural so they would pay the least amount because agricultural property is less than commercial property. Why were they paying for commercial rate when it is agricultural property?

Commissioner Hinson asked for him to look at pages 2 and 3. He said those pages were missing and was missing articles 2 and 3.

Commissioner Holt asked if the attorney had looked over it. Mr. Knowles said the pages were there but just not in the packet. Mr. Dixon confirmed it was an error. Commissioner Holt asked if they were online? Mr. Dixon said no. Commissioner Holt asked the attorney to send it to them so it could be resolved. Commissioner Hinson said it could not be resolved. Commissioner Holt asked how much the county paid for their appraisal and Mr. Dixon said about \$3,000. Commissioner Holt said the concern seemed to be for the commercial property and she wanted to make a public statement, they could look at any property and see that the seller can say they want more for it because it was commercial, it could go up in value. She asked about the dispute with the clerk. She asked for him to send the subsection of the statute to the commissioners. Mr. Knowles read aloud the subsection and what time and date he sent it to them. Commissioner Holt said so there was no exemption. Commissioner Holt said he could choose to pay or not pay on anything they request and they can go to court. She did not have a problem with getting an appraisal and they would not get a cheaper price for commercial property between US 90 and I-10. When they purchase the property, it will continue to go up in value anyway. She asked them to keep in mind if they decided to not get the property, they lose the \$20,000. The property value will not go down.

Commissioner Simpkins said the contract they extended ended October 31st, not November 16th. Mr. Knowles said that was correct. They waited a month to extend the contract. She did not want to rush, wanted to move with infrastructure but be smart about it and be good stewards of the taxpayers' money.

Mr. Dixon said those exemptions apply if they were doing it in secret. If they get a second appraisal, don't have to disparage the company. Property is about its highest and best use.

Commissioner Hinson said with the paint and body shop, there could be soil contamination. They need to select their own appraisal so that there is no contamination.

Chair Nesmith said they need to grow.

Commissioner Green said they have spent almost 3 hours or more on this item and he was going to withdraw the motion and second. He asked how long it would take to get second appraisal, it probably would not change the price. He loves the idea but for clarity on the appraisal, how long will it take and how much more money will they be spending?

Chair Nesmith said since there was an error in the appraisal, would it be a detriment to have another appraisal and would they understand the county wanted to bring clarity. Mr. Dixon said he thought they were watching and it was a question for the attorney. Mr. Dixon said they had talked about a second appraisal, talked about \$2,500-\$3,000 for the appraisal. Mr. Knowles said they would have to negotiate it. They have not presented any other cash buyers.

Commissioner Holt said to keep the highest and best use in mind. They were looking at paying \$10,000 in attorney fees. She said she was willing to withdraw her motion if they could workshop this before the next meeting at 5pm before the regular meeting at 6pm? Mr. Knowles

said he was going to ask for a shade meeting for two hours before the next meeting. Chair Nesmith said they will do it.

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

Commissioner Holt asked if they could do this at the next meeting and if it was enough time? Mr. Dixon said no.

COMMISSIONER HOLT MADE A MOTION TO TABLE THIS ITEM UNTIL THE FIRST MEETING IN JANUARY AND COMMISSIONER SIMPKINS MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.

Commissioner Holt said for the Commissioners to make sure they get their questions out of the way with the administrator before the next meeting.

GENERAL BUSINESS

6. Approval to Award RFQ No. 22-02 Professional Services-Architectural Services

Mr. Dixon presented the above item to the board and stated it was for approval to award RFQ number 22-02 Architectural Services Contract CRA Architects and Barkley Consulting Engineers as they were the two firms with the top score.

Commissioner Hinson said they need to work together and have them come to the Board and make a presentation. He was familiar with CRA and did not have any problems with them but they need to hear them out and get the right architectural firm to represent them.

Commissioner Holt said they were a good firm. They have many projects and need to move on this.

Commissioner Green asked if they produced any pictures in the evaluation? Mr. Dixon said they brought portfolios.

Chair Nesmith said they do have input on the buildings.

UPON MOTION BY COMMISSIONER HOLT AND SECOND BY COMMISSIONER GREEN, THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE. COMMISSIONER HINSON OPPOSED.

7. Havana Middle School Sidewalk (LAP)-Construction Award

Mr. Dixon introduced the above item and said it was for board approval to award the construction of the Havana middle schools sidewalk LAP project to Pyramid Excavation in the amount of \$332,350.

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

8. Scotland-Dover Road Safety Improvements-Bid Award

Mr. Dixon and said it was for board approval to award the construction of the Scotland -Dover road safety improvement (Lap) resurfacing project to C. W. Roberts Contracting, Inc. In the amount of \$789,444.55.

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

9. Approval of Contract with AE Engineering, Inc. for Engineering Services

Mr. Dixon presented the above item and said it was for board approval of the contract with AE Engineering, Inc. For the county's professional services-engineers/engineering consultants.

COMMISSIONER HOLT MADE A MOTION TO APPROVE AN COMMISSIONER GREEN MADE THE SECOND. COMMISSIONER HINSON HAD A COMMENT.

Commissioner Hinson said they normally have workshops where they have them present as to why they should be engineering for the county. He stated the previous engineer was not on there. He stated it was important that they come to the board, they don't have to accept the recommendation. Chair Nesmith said there was no fiscal impact and Commissioner Hinson stated there was.

Commissioner Simpkins asked if they were able to get the correction on the language in the contract. Mr. Dixon was going to ask them to change it and said in item 9, to remove 5.1 from the documentation on page 17 of 30. That language was not negotiated. Mr. Knowles said the contract was approved by DEO and was not the final contract.

COMMISSIONER HOLT AMENDED HER MOTION TO INCLUDE THE REMOVAL OF 5.1 FROM THE CONTRACT AND COMMISSIONER GREEN AMENDED HIS SECOND. THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE. COMMISSIONER HINSON OPPOSED.

10. Approval of Contract with Alday-Howell Engineering, Inc. for Engineering Services

Mr. Dixon introduced the above referenced item and said it was for board approval of the contract with Alday-Howell Engineering, Inc. The same would go with this contract as the previous agenda item in the removal of 5.1 in article 5. He added this was a second set of engineers to bring on board to diversify the services they were getting.

COMMISSIONER HOLT MADE A MOTION TO APPROVE WITH THE REMOVAL OF 5.1 FROM THE CONTRACT AND CHAIR NESMITH MADE THE SECOND. TH BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.

11. Approval of Contract with Ballard Partners, Inc. for Lobbying Services

Mr. Dixon presented the above item for approval of the contract for a Federal lobbying services. At the November 1, 2022 BOCC meeting, the board approved to award RFP number 22-03 Federal lobbyist services to Ballard Partners, Inc. He said the contract shows the start date as November 15, 2022 but that date will be whatever the board sets. Their fee will be \$7500 a month.

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

CLERK OF COURT

12. Updates

No comments.

COUNTY ADMINISTRATOR

13. Updates

Mr. Dixon said on the next day they will receive updates on items from grants to where they are in Human Resources and it would not be pretty right now but will be much simpler to read and enjoy. He thanked the commissioners and staff for their participation in the Christmas activities and for their support.

COUNTY ATTORNEY

14. Updates

Mr. Knowles requested they have a shade meeting on December 20th at 4:00 PM before the regular board meeting regarding pending litigation.

COMMISSIONER HOLT MADE A MOTION FOR A SHADE MEETING ON DECEMBER 20TH STARTING AT 4PM AND COMMISSIONER SIMPKINS MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.

Mr. Knowles said settlement money regarding the opioid litigation will start coming in. He felt it would be good to workshop that to get a feel on how they would like to spend the money.

DISCUSSION ITEMS BY COMMISSIONERS

15. Report and Discussion of Public Issues

Commissioner Alonzetta Simpkins, District 2

Commissioner Simpkins thanked the Administrator and staff for a job well done with the Christmas float and showing up. On Saturday she went to a water-skiing tournament at Lake 38. She said this was something they need to look at. There were 24 participants and most were from out of town. In June, they will have an international tournament. She thinks they should look at it as an opportunity for tourism in the county.

She thanked Public Works for a sign on Salem that was done right away.

She said they spoke about grants and assumed there were grant writers in place or they were getting grant writers.

She asked Mr. Dixon if a climate survey could be done to get the climate of the field for all the employees? Mr. Dixon said sure.

Commissioner Brenda Holt, District 4

Commissioner Holt thanked everyone for participating in the Christmas events.

She said if they could get an opportunity see about St Johns School, it looked awful with broken windows and grass grown up. She also stated she had taken two companies from Bainbridge to look at it to see if they could use it since it already had water and sewage on the property. She asked they get in touch with the property owners to keep it up because it looked bad in the neighborhood.

She also hoped their conduct will improve and did not know other Boards were watching them. She added they need to have workshops for issues to be discussed before the meetings but commissioners have to come.

Commissioner Ronterious Green, District 5

Commissioner Green congratulated Coach Willie Simmons on being recognized as Region III Coach of the Year.

He also thanked the Bill and Paula Glen for the food giveaway for Thanksgiving.

He thanked Mr. Lee, Public Works, on the High Bridge Road improvements.

He asked if they still had accessibility for Social Security Services at the Public Library? Mr. Dixon said no. He asked if there were any other options so people would not have to travel to Tallahassee. Mr. Dixon said the last conversation he recalled, during COVID people started using on-line services. He also thanked everyone for working on the Christmas parade and thanked the City of Quincy for their hard work.

Commissioner Eric Hinson, Vice Chair, District 1

Commissioner Hinson also recognized Willie Simmons.

He said he spoke with the Town of Havana and the City manager about the Havana Elementary School and was trying to work out some things. He said there were two owners of the property and they were trying to figure out how they could work with the City of Havana and the BOCC. He said he presented a proposal to the Board about two months ago in reference to the American Rescue Plan and giving \$250 to seniors. He said they need to look at that before Christmas, everyone was getting money except for the seniors.

COMMISSIONER HINSON MADE A MOTION TO GIVE SENIORS IN THE COMMUNITY \$250.00 FROM ARP AND CARES TO HELP THEM IN A CERTAIN CAPACITY.

Chair NeSmith said he wanted to make sure he understood the motion; it was to have a workshop regarding providing help to the Seniors.

COMMISSIONER SIMPKINS MADE A SECOND FOR DISCUSSION.

Chair Nesmith said it may need additional study. Commissioner Hinson said it did not need an additional study, he saw the seniors struggling.

COMMISSIONER SIMPKINS MADE A SECOND FOR DISCUSSION.

Commissioner Simpkins asked if the motion could be amended to discuss and not necessarily put a number on it, but discuss what could be done? Commissioner Hinson said that was perfect.

COMMISSIONER HINSON WITHDREW HIS MOTION AND COMMISSIONER SIMPKINS WITHDREW HIS SECOND.

COMMISSIONER HINSON MADE A MOTION TO APPROVE FOR A WORKSHOP TO DISCUSS POSSIBLE FUNDING FOR SENIORS AND COMMISSIONER SIMPKINS MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE TO APPROVE.

Commissioner Hinson asked could they do this next week? Mr. Dixon said he would check the schedule.

Commissioner Hinson asked what the Tourist Development Council comprised of? Mr. Knowles said there was certain criteria that had to be met. There are seven members on board, two of which have to be elected. Commissioner Hinson asked if it could come back to the board. Mr. Dixon said there were a number of boards they need to make appointments to. Commissioner Hinson asked about the Industrial Board with regards to a recent email from the Clerk. Mr. Dixon said that was a fall out for not bringing Mrs. Cicchetti back.

Commissioner Green said he failed to thank Sonya Burns and the housing program for their hard work and the key presentation. He also thanked the technicians regarding the sound.

Commissioner Kimblin NeSmith, Chair, District 3

Chair Nesmith thanked everyone for their involvement in the Christmas activities and thanked Commissioner Simpkins for being so engaged. He congratulated Commissioner Green for his celebration; thanked the Commissioners that attended the FAC Legislative conference; thanked Commissioner Holt for sharing her words at the conference. Commissioner Holt said regarding the Tourist Development tax, she knew small counties wanted to say over \$2 Million raised could be used for economic development, (this County) would not be able to raise that amount in a year.

Carlos Nathan, Federal Programs Officer for the National Telecommunications and Information Administration appeared before the Board and introduced himself. Mr. Dixon said he has already been linked up with the County's broadband representative.

Chair Nesmith asked the commissioners to please complete the Administrator's evaluations, only two have been submitted thus far.

He said they were going to make sure the agenda is ready early, by the Monday, a week before the meeting, so that they can do their research and sit down with the Administrator.

CHAIR NESMITH MADE A MOTION THEY ADOPT A THEME FOR THE UPCOMING BICENTENNIAL CELEBRATION OF THE COUNTY, "GADSDEN COUNTY, FL-TWO HUNDRED YEARS YOUNG AND WE ARE JUST BEGINNING".

Commissioner Holt stated it was too long. He then asked that they come back with a recommendation with a theme for the bicentennial celebration. They all said yes.

CHAIR NESMITH MADE A MOTION THEY ADOPT A GADSDEN COUNTY, FL MOTTO, "GADSDEN COUNTY, FL-THE INNOVATION CAPITAL OF THE WORLD".

Commissioner Holt said no, that was not true. Commissioner Green asked they be allowed the opportunity to bring back recommendations at the next meeting. He also suggested they solicit some public opinions.

Chair Nesmith said "We are one Gadsden".

Commissioner Green said that was a good Greenlight moment.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR NESMITH DECLARED THE MEETING ADJOURNED AT 8:42 PM

GADSDEN COUNTY, FLORIDA

**KIMBLIN NESMITH, Chair
BOARD OF COUNTY COMMISSIONERS**

Attest:

NICHOLAS THOMAS, Clerk