

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON AUGUST 18, 2015 AT 6:00 P.M.,
THE FOLLOWING PROCEEDINGS WERE HAD, VIZ:**

Present: **Brenda A. Holt, Chair, District 4**
 Eric Hinson, Vice Chair, District 1
 Dr. Anthony "Dr. V" Viegbesie, District 2
 Gene Morgan, District 3
 Sherrie Taylor, District 5
 Nicholas Thomas, Clerk of Court
 Robert Presnell, County Administrator
 David Weiss, County Attorney
 Marcella Blocker, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE

Chair Holt called the meeting to order at 6:03 p.m., asked for a moment of silence and then led in the Pledge of Allegiance to the U.S. Flag. A silent roll call was conducted by Marcella Blocker, Deputy Clerk.

AMENDMENTS AND APPROVAL OF AGENDA

There were no amendments to the Agenda.

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

AWARDS, PRESENTATIONS AND APPEARANCES

**1. Gadsden County Jail Review
 (Clemons, Rutherford & Associates, Inc.)**

Mr. Presnell introduced the above item.

Mr. Bill Rutherford, Clemons, Rutherford and Associates, Inc., appeared before the Board.

Mr. Rutherford thanked the Commission for the opportunity to look at the facility. He said they were asked to look at the facility, the site, walls, roof, floor, mechanical system, structure, devices to tell the condition it was in and below was a list of things that needed to be reviewed:

1. All aluminum ties need to be replaced with steel ties and that had been started.
2. Additional razor Wire installed on roof and razor wire at the top of the fence should be enhanced.
3. At the gates into the yard at a couple of specific areas a concrete strip (rat wall) should be installed At the base of the chain link gates.
4. A Corridor time monitoring system should be installed to verify correctional officer observation.
5. All unnecessary items in cell should be removed.
6. On the exterior of the building the caulking in the masonry joints has deteriorated and needs to be totally removed and replaced with new caulking.
7. A Maintenance Program should be developed for replacement of HVAC units in facility

- because of age and need for replacement in coming years.
8. A small number of cameras need to be installed giving officer in control room the ability to view all areas of the facility.
 9. Suggested that a roofing contractor evaluate roof.
 10. Posting of egress routes in case of disaster.
 11. Establish maintenance program for painting, floor care, etc.
 12. Most difficult issue facing the jail is area of the (2) Pod Control Rooms which need to be manned 24/7.

Chair Holt thanked Mr. Rutherford for looking at the jail and said they had just had a “lively” discussion in the earlier workshop concerning the budget and fencing at the jail. She added that extra fencing was a suggestion by someone in law enforcement. Mr. Rutherford said he met with staff at the jail and they requested that he recommend a fence on the outside and he said his opinion was the fence was not necessary. He felt an officer in the Control Room was watching the detainees and the cells and they knew who went out and who came in and there were officers in the rec yard watching the detainees when they were out there. He added that most prisons have a two fence situation because it was a prison and most jails have one fence because there was staff watching and they were out just a t certain times. He said while he could not see adding an additional fence, he might be able to see adding additional razor wire at the top to try to stop someone from getting over.

Commissioner Viegbesie said his only comment was to thank Mr. Rutherford for a job well done and it was a “very thorough product”.

Commissioner Morgan agreed the report he did was brief and to the point and said based on what he had read, it was not a facility issue; it was “a people and process type issue” that could be addressed. He then asked when he was there, if Mr. Rutherford asked the number of inmates that was there that day and if it appeared there was an over-crowding situation. Mr. Rutherford said he did ask but could not recall the number of inmates on that day but there did appear to be adequate space for the inmates.

CLERK OF COURTS

Mr. Thomas said he had a few brief reminders. They still needed to amend the current year budget to take into account the refunding of the transportation bond and there was still a negative cash situation in the EMS fund and needed to be monitored and needed to be amended to add more cash.

CONSENT

UPON MOTION BY COMMISSIONER MORGAN AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE AGENDA AS WRITTEN.

2. Approval to Accept the FY 2015 3rd Quarter Report

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

PUBLIC HEARINGS

3. PUBLIC HEARING (Legislative)-Adoption of Text Amendment to Subsection 5705 of the Gadsden County LDC to Allow “Outdoor Advertising Billboard Signs” on Lands Designated “Public” (LDR-2015-02)

Mr. Weiss said this item was for the potential adoption of Text Amendments to the Subsection 5705 of the Gadsden County Land Development Code to allow outdoor advertising billboard signs on lands designated as public. He said the reason he wanted to speak before there was any discussion was research had been done and FDOT was prohibited from permitting signs in any zones that did not permit either commercial or industrial uses. He said in addition they were prohibited from permitting signs that are located in zones that had been designated in areas that the primary purpose was to permit signs. He further stated the proposal to include the signs that potential use in a public zone does not expressly permit commercial or industrial uses and felt in consultation with the Planning Director it would be a bit of a stretch to say that commercial or industrial uses are permitted in public future land use categories. He then said if they were to adopt this text amendment, it would be inconsistent with statutory scheme for permitting signs, and FDOT would not be able to permit the signs anyway, even if they adopted it and recommended against this amendment. He said aside from that, FDOT received substantial funding from the United States Department of Transportation and as part of that funding, they had to enforce the Federal Highway Beautification Act, which was the genesis of this requirement. He said if the United States Department of Transportation determined that FDOT was not doing what they were supposed to do in enforcing the Highway Beautification Act, US Department of Transportation could pull funding from Florida Department of Transportation, which if Florida Department of Transportation determined that the County played a role in having that funding revoked, FDOT could potentially pull funding from the County. He said having said all that, he recommended against the Text Amendment.

Chair Holt said they needed to make sure they followed all of the legal sides of everything they did. She said they needed to look at the item and make sure they looked at what the State statute said they could and could not do. She said she would like to ask a couple of questions and asked if someone wanted to put a billboard sign in a commercial area near the interstate, could that be done under the State Statute. Mr. Weiss said yes, but not under our Land Development Code currently. He added there were two layers, FDOT was the permitting authority that permitted the sign, but FDOT looks to see if the proposed sign was in a future land use category or zone that allowed commercial or industrial uses. He added that in the current land development code, they did not allow new billboards at all, it could be changed to allow in commercial or industrial zones as long as the primary purpose behind that was to not just permit signs.

Chair Holt asked as of this meeting in the Land Development Code, if it was permitted in commercial. Mr. Weiss said correct, the statute only dealt with whether or not FDOT was going to permit a sign and they would not permit a sign if it was not in a zone that did not allow industrial or commercial uses.

Commissioner Hinson asked if this was dealing with the Citizens Bill of Rights or just the Land Development Code. Mr. Weiss stated it was just the Land Development Code.

Larry Ganus, 2174 Frank Smith Road, Quincy, FL, appeared before the Board and spoke against the change in policy. He felt it was bad public policy to create a land use code that only applied to one large land owner and in this case, TCC was the only public land use category in the area along

Interstate 10 and would be producing a land development code just for them only. He added that in this case it could not comply with state statutes the way it was written and it would open or re-open the door for new billboards and asked them to keep in mind the vision for the County and what they wanted it to look like in years to come. He added that even if they were put in commercial or industrial areas, that would be all there would be along the highways. He also mentioned there were no limitation to the number of signs that could be placed on TCC property and no control of the content on the boards. He also told the Board members that Planning and Zoning had voted against this unanimously.

Chair Holt asked the TCC representative to come forward to present his proposal.

Al Moran, VP Marketing and Communications, Tallahassee Community College, appeared before the Board. He said this started with an approach from an individual that told them if they put two poles in the ground with a sign that could be seen either way they would get the equivalent of approximately \$300,000 in value over the course of thirty years. He went to the Economic Development Council, and presented the idea to them, said the signs could be shared, he could promote the new Gadsden Center and promote jobs for one-half a year, they would have the opportunity to promote tourism, job creation and there was no money value in this.

Chair Holt asked once he ran into the Planning Commission, did he have a chance to research any of their concerns.

Mr. Moran said yes and no, there had been different opinions that he had received, some of which they would never do, he respected the Planning Commission, and was the over-all good of the County. He said all they were after “was two holes in the ground”.

Chair Holt asked the County Attorney if they did that, there was nothing in place that said they had to limit the number and Mr. Weiss said the proposal would be to not limit the number and the number was limited based on FDOT standards. He said there was an exception for on-premises signs in terms of if all they were doing was putting a sign up promoting what you were doing on your property, then there was an exception to permit requirements in terms with FDOT permits. He said his understanding was there would be three signs, one promoting their business (TCC) and two others that would be potentially available for GCDC and also be used as revenue generating commercial signs to advertise for whomever.

Kathie Grow, 465 John Yawn, Havana, FL, appeared before the Board and said Mr. Ganus had said everything she wanted to say.

Michael Dorian, 154 Alligator Road, Quincy, FL, appeared before the Board and asked for point of order and asked if any commissioner had a conflict of interest and all said no. Mr. Weiss pointed out the conflict of interest was pretty high and there had to be a special private gain or loss that was well defined and not to just be affiliated with an organization. Mr. Dorian said he felt otherwise. Commissioner Viegbesie said he felt he was speaking about him and he has found there is no conflict of interest because he would have no personal gain just because he was a full-time professor of TCC. Mr. Dorian stated he was against it and would continue to fight.

Commissioner Hinson asked the reason for banning signs and Mr. Dorian said there were two signs on Highway 27 that went up within a couple of months of each other and Mr. John Yerkes made a

motion at a Planning and Zoning meeting and junior signs could have been chosen but they chose to ban billboards.

Chair Holt said when the request was made, they have to go back and look at the law because that was their right to do and she said she did speak with an attorney that specialized in zoning and said anytime and he did say when there was something dealing with property in a County Commission Meeting for public hearing, the property description needed to be read into the record. Mr. Weiss pointed out this was a legislative hearing and was not quasi-judicial.

UPON MOTION BY COMMISSIONER MORGAN OF OPTION TWO TO DENY THE AMENDMENT AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE. MOTION PASSED TO DENY THE AMENDMENT.

Commissioner Taylor said she agreed with Mr. Moran from TCC with the value they provide to County and thanked them for what they do and for county and did not want him to think that she did not appreciate or support what they were doing for the County.

Chair Holt asked the Attorney for clarification of what they could do on their property and Mr. Weiss stated there was an exception to the FDOT permitting for on-premises signs that they could solely promote or advertise what happened on their own piece of property but it would still have to be permitted under the County's Land Development Code.

Commissioner Taylor stepped out at this juncture of the meeting.

GENERAL BUSINESS

4. Update of Activities by RiverWay South A/C and Approval of Resolution 2015-007 Recognizing October at Explore Our Florida Month

Mr. Presnell introduced above item and said was for approval of Resolution 15-007 to support October as *Explore Our Florida* month.

Pam Portwood, RiverWay South AC Program Director, appeared before the Board and spoke.

Commissioner Taylor returned at this juncture of the meeting.

Chair Holt asked her how much County money they receive from the Counties and she responded they received \$5,000 from each of the contributing County partners and was able to leverage that with grants from Visit Florida, Department of Economic Opportunity and in-kind services from West Florida Electric, the Florida Wildlife and Conservation Commission totally approximately \$180,000. She also said they had been able to match every \$1 of local funding with more than \$6 from other funding sources to deliver a comprehensive and robust package of marketing and educational programs and materials. Chair Holt asked Ms. Portwood if a commissioner had something in their district that they would like to add to the brochure, how they would do that. Ms. Portwood responded that it went through the County's TDC to them and added that. She said each county had two board members and if there was something in their district, just let TDC know and it then goes to RiverWay South.

Commissioner Viegbesie thanked her for the presentation and said his question had already been

answered.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER MORGAN, THE BOARD VOTED 5-0 BY VOICE VOTE FOR APPROVAL OF OPTION ONE.

5. Approval of Book Check and Detection Device Agreement with 3M Library Systems

Mr. Presnell introduced the above item and said was for authorization of the annual service agreement for book check and detection devices to be provided by 3M Library Systems for the William A. "Bill" Library.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER TAYLOR, BOR BOEARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

6. Discussion of Citizen Task Force

Mr. Presnell said this item was presented to the Board for discussion of a Citizens Task Force to convene regarding Molly and other community related issues.

Chair Holt said she had spoken with Sheriff Young and was informed they have Drug Task Force already.

Commissioner Viegbesie said he had the same understanding and felt they needed to work with the Sheriff's Office with the Task Force they already have in place.

Chair Holt said they had this conversation a few years ago and found there were liabilities with citizens because they were in the same communities with people that had the problems, but agreed with the expanding and whatever they could do to help.

Commissioner Taylor said this was what she had asked to bring back after a presentation from a citizen/deputy with the Sheriff's Office and agreed they should not duplicate the services but take an active role if the Sheriff's Office allowed them to. She added that she had an intense conversation with Major Wood and based on that, the task force was in the development stage and not at the level where they could start actually attacking some of the issues in the community yet.

Chair Holt said she felt it would be OK to have the Administrator contact the Sheriff's Office to get information for them or see what they could do.

7. Value Adjustment Board Appointments

Mr. Presnell introduced the above referenced item and said it was for Board approval of the attorney and appointed members to the Value Adjustment Board.

COMMISSIONER HINSON MADE A MOTION TO REPLACE MARVA DAVIS AS ATTORNEY FOR THE VALUE ADJUSTMENT BOARD AND SECOND WAS MADE BY CHAIR HOLT. COMMISSIONER VIEGBESIE HAD COMMENTS.

Commissioner Viegbesie said he had no problem with the motion but thought this was some of the appointments they discussed to advertise vacancies for volunteers to serve.

Chair Holt asked if this was time sensitive and Mr. Presnell referred the question to the Deputy Clerk. Mrs. Blocker explained she had received the dates from the Property Appraiser when the TRIM notices were sent out and an organizational meeting was scheduled for September 17th. Chair Holt asked if there was a certification the members had to do and Mrs. Blocker confirmed there was, everyone had to do the certification training and it was available online through the Clerk's website. Mrs. Blocker explained there needed to be two commissioners appointed, one of which needed to serve as Chair of the Board; the BOCC needed to appoint the Homestead Property Representative; the School Board would appoint a member of the School Board and the Commercial /Business Representative.

Commissioner Morgan asked Mrs. Blocker if everyone had been contacted and agreed to serve. Mrs. Blocker said she had not heard back from Mrs. Peeler at that time, Commissioner Taylor had opted out to let someone else serve and Mrs. Lewis had said that she was willing to serve.

Commissioner Viegbesie said to approve this item as presented was to approve the names and if the above people had not been contacted to determine if they were willing to accept the appointment, he did not think they could do that.

Chair Holt asked if she could call for the vote for the motion on the table, approve her and still look into the other appointees.

Commissioner Hinson offered to serve on the Board.

Commissioner Morgan felt it was a good idea to have "fresh faces" from the Commission on the Board.

Commissioner Taylor asked about the attorney and stated there was less than three weeks before the first meeting and felt unfair and may be an option to look at for the next year.

Commissioner Hinson stated it would take a "split second" to pass and said he took the test.

Mrs. Blocker stated it was on line and informed the Commissioners it would take longer than a "split second".

Commissioner Morgan pointed out they needed an attorney with a background in this and Commissioner Hinson stated she had the background that she had worked in local government.

Commissioner Morgan stated he was concerned about that and was not comfortable serving and would like to opt out.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 4-1 BY VOICE VOTE TO APPOINT MARVA DAVIS TO THE VALUE ADJUSTMENT BOARD. COMMISSIONER MORGAN OPPOSED.

There was conversation among the Board concerning the appointees to the Board. Commissioner Taylor recommended giving Mrs. Blocker an opportunity to talk with the two appointees to see if they were willing to serve this year and to have this done earlier next year to adequately have everyone trained.

There was conversation around the Board as to who else would serve on the Board.

Commissioner Morgan stepped out at this juncture of the meeting.

Chair Holt volunteered to serve on this Board.

Commissioner Morgan returned at this juncture of the meeting.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE COMMISSIONER HINSON, COMMISSIONER HOLT AND MARVA DAVIS TO THE BOARD AND PENDING AGREEMENT BY MARTHA PEELER AND SCOTT WATSON TO SERVE ON THE BOARD.

COUNTY ADMINISTRATOR

8. Update on Various Board Requests

Mr. Presnell said on September 1st they have been asked to defend the Stevens school grant that was applied for and the Commissioners were welcomed to attend and would provide them with more details to them concerning the actual time and place.

He said they opened the road bids yesterday and would be on the next agenda. He said they had received the best asphalt bid in the past six to eight years at \$71/ton.

He further said the ad for the committees would be in the newspapers as well as the contractors ad was already in the paper and would keep them updated.

COUNTY ATTORNEY

9. Update on Various Legal Issues

Mr. Weiss said he had nothing to report but was available for questions.

DISCUSSION ITEMS BY COMMISSIONERS

10. Report and Discussion of Public Issues and Concerns Pertaining to Commission Districts and Gadsden County

COMMISSIONER ANTHONY “DR. V” VIEGBESIE, Ph.D., District 2

Commissioner Viegbesie announced that he had been appointed to the NACO Agricultural and Rural Affairs committee.

He said another family lost their house to fire in the Dogtown area and they needed to be aggressive in providing fire service in that dead zone area of the County.

He further stated that being someone who teaches personnel, and they had jokingly talked about Mr. Lawson leaving soon, there was something called “succession planning” and that was a better way of dealing with filling positions where expertise was needed and felt they needed to plan for a replacement before he left.

He also mentioned the need to review items and schedule a workshop with the Hospital board and CRMC to review items of concern on the contract.

Chair Holt asked him what he wanted the Administrator to do and he said wait until the next meeting and he would get with Administrator on his thoughts concerning what they could be doing.

Mr. Weiss said before having a representative from CRMC come, suggested having a workshop with this Board and GHI Board and said felt it would be better beneficial to get concerns out and then approach CRMC

COMMISSIONER ERIC F. HINSON, Vice Chair, District 1

Commissioner Hinson said there was a situation with Capital CareerSource and Roy Moore where Capital CareerSource was requesting him to file a financial disclosure form and he had never attended a meeting and did not want to file the requested form. He stated the Board had recommended Mr. Moore and he had never served on the Board. It was explained that was a State law and the Board could not control that.

Commissioner Taylor said based on what Commissioner Hinson said, a letter should be drafted that he was appointed and never agreed to it and ask that Board for their direction. Mr. Weiss said they could send a letter stating that the Board appointed him without his knowledge or consent and felt Mr. Moore could state his position as to why he felt he was not obligated under the State statute to submit his financial information.

Commissioner Hinson asked that the Board do a Proclamation for Elder Lee Plummer.

UPON MOTION BY COMMISSIONER HINSON AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE A PROCLAMATION FOR ELDER LEE PLUMMER.

Commissioner Viegbesie said he forgot to ask for a Proclamation for Jerome Showers.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE A PROCLAMATION FOR JEROME SHOWERS.

COMMISSIONER SHERRIE TAYLOR, District 5

Commissioner Taylor said an arm of the GCDC was being honored in Tampa for expansion and retention and hoped they could be recognized at a later date here for their achievement.

UPON MOTION BY COMMISSIONER TAYLOR AND SECOND BY COMMISSIONER VIEGBESIE, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THEY BE RECOGNIZED AT A LATER DATE.

COMMISSIONER GENE MORGAN, District 3

Commissioner Morgan said what Commissioner Taylor had brought up was a great example of GCDC and Mainstreet working together and to recognize them would be appropriate.

He said Commissioner Viegbesie had mentioned succession planning and the importance of that and he agreed and said he has had several conversations with the Administrator and felt it very important that they allow him to come to the commissioners individually regarding different ideas

as he moved forward. He said it needed to be thought through and be in a position to have two brand new people in the positions (the County Administrator's position) and they needed to take into consideration possible change in Board members as well.

COMMISSIONER BRENDA A. HOLT, Chair, District 4

Chair Holt asked to speak with Mr. Lawson and he stepped forward. She asked Mr. Lawson when they were discussing the Attorney Contract and with their Policy and Procedures if they needed to state why they did not go with the lowest bidder.

Mr. Lawson said the Board had discretion when they put out an RFP to decide who they wanted and part of the process after the decision was to allow the Administrator to negotiate it.

Mr. Weiss said as Mr. Lawson had stated, an RFP was different than a straight low bid. With the RFP they were looking for qualifications and not looking solely at the price.

RECEIPT AND FILE

UPCOMING MEETINGS

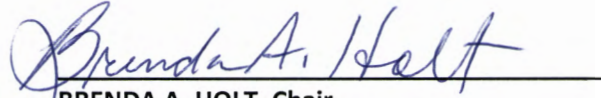
11. **September 1, 2015-Regular Meeting-6:00 p.m.**
September 10, 2015-1st Public Hearing (Budget)-6:00 p.m.
September 21, 2015-Final Public Hearing (Budget)-6:00 p.m.
September 22, 2015-Regular Meeting-6:00 p.m.

August 18, 2015
Regular Meeting

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 8:01 P.M.

GADSDEN COUNTY, FLORIDA



BRENDA A. HOLT, Chair
Board of County Commissioners

ATTEST:



NICHOLAS THOMAS, Clerk