

AT A REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON FEBRUARY 2, 2021 AT 6:00 P.M.,  
THE FOLLOWING PROCEEDING WAS HAD, VIZ:

**Present:** Brenda Holt, Chair, District 4  
Dr. Anthony "Dr. V" Viegbesie, Vice Chair, District 2  
Eric Hinson, District 1 – appeared remotely  
Kimblin NeSmith, District 3  
Ronterious "Ron" Green, District 5  
Edward J. Dixon, County Administrator  
Nicholas Thomas, Clerk of Court  
Clayton Knowles, County Attorney  
Marcella Blocker, Deputy Clerk

**INVOCATION, PLEDGE OF ALLEGIANCE**

Chair Holt welcomed everyone at 6:00 p.m., asked for a moment of silence and then led in the Pledge of Allegiance to the U. S. Flag.

**AMENDMENTS AND APPROVAL OF AGENDA**

Mr. Dixon stated he would like to add Item 3A-Approval of CareerSource Bylaws and Item 6a-Settlement of Final Settlement Agreement.

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

**AWARDS, PRESENTATIONS AND APPEARANCES**

**ITEMS PULLED FOR DISCUSSION**

**CONSENT**

**UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER GREEN, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THE CONSENT AGENDA AS PRESENTED.**

1. Ratification Memo
2. Approval of Minutes
  - September 25, 2020 – Emergency Meeting
  - November 19, 2020 – Special Meeting
  - December 1, 2020 – Regular Meeting
  - December 15, 2020 – Regular Meeting
  - January 5, 2021 – Regular Meeting
3. Approval of Letter of Support for the Liberty County BOCC to Support their efforts to obtain State Owned Property Located in Tate's Hell
- 3a Approval of the Bylaws of the Big Bend Jobs & Education Council, Inc.

**CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS**

**Due to COVID-19 and the efforts of Gadsden County Board of County Commissioners to continue the practice of social distancing, Commissioners want to continue to hear from citizens under the Citizens Requesting to be Heard section of the agenda.**

**If citizens have any questions, comments or concerns, please email**

**[CitizensToBeHeard@gadsdencountyfl.gov](mailto:CitizensToBeHeard@gadsdencountyfl.gov) and anticipate receiving a response within 48 hours.**

Chair Holt read aloud the statement regarding Citizens that wished to speak on non-agendaed items.

Bishop Willie C. Green, 296 Bradwell Road, Quincy, - General concerns

Les Epperson, 5491 Bainbridge Highway, Quincy – Citizens Zoning

Rosemary Fodor, 5491 Bainbridge Highway, Quincy

Stanley Sims, appeared before the Board. He asked the Board to develop a minority economic council and for them to come up with a strategic plan.

**PUBLIC HEARINGS**

**4. PUBLIC HEARING-(Legislative) Consideration of Adoption of Ordinance 2020-005 to amend Section 7001.1, by repealing the ‘Citizens Growth Management and Planning Bill of Rights’ (LDR 2020-02)**

Mr. Dixon introduced the above item and stated it was for consideration for a recommendation to adopt Ordinance 2020-005 amending Section 7001.1 by repealing the Citizens Growth Management and Planning Bill of Rights, Chapter 7, Development Orders, Development Permits and Development Agreements.

**Diane Quigley., Growth Management Director**, appeared before the Board. On May, 2010, BOCC adopted the Citizens Growth Management and Planning Bill of Rights (CBOR). She explained the current CBOR in the Land Development Code applied to Comprehensive Plan Amendments, major land development reviews including but not limited to variances, special exception uses, major site plans and major subdivisions in Gadsden County. It requires a mandated citizen participation meeting, a neighborhood participation meeting as well as a second public meeting for Comprehensive Plan Amendment submittals. Additionally, the CBOR requires a super majority (4 out of 5) vote of the Board for approval. Since then, the amendment and/or repeal of the CBOR has been discussed by Planning and BOCC at numerous workshops and public hearings without a consensus vote to repeal or amend. On December 7, 2020, the Planning Commission held a workshop to discuss the proposed Ordinance and whether the entire CBOR should be deleted including the requirement of a community meeting. On January 7<sup>th</sup>, the Planning Commission voted 9-2 to recommend deletion of the CBOR (Subsection 7001.1) in its entirety. They said the reasonings were:

- The citizens of Gadsden County did not want limitations on development;
- The CBOR did not provide a clear benefit;
- That the “super majority” vote requirement should go;
- The CBOR was a hinderance to creating jobs, economic growth, etc.;

- While there may be merits to having a community meeting on some projects, they would like to start over with a clean slate and re-develop some of the text for the Land Development Code;
- Want to see a new and less complex version of the CBOR which would afford citizens basic rights to be heard and have access to government was discussed.

She explained this was a legislative procedure and public notice requirements were met by advertising in the Tallahassee Democrat and the three local papers. She listed the options the Board had to vote on as follows:

- 1) Adopt Ordinance 2020-005 deleting Section 7001.1, Citizens Growth Management and Planning Bill of Rights (CBOR);
- 2) Do not adopt Ordinance 2020-005 resulting in keeping Section 7001.1, Citizens Growth Management and Planning Bill of Rights; and
- 3) Board Direction.

She stated the County Administrator recommended Option Number 1.

Chair Holt announced this was a public hearing and she had emails to be read. (She did not read the emails in their entirety as some were lengthy. They will be attached at the end of the Meeting Minutes.)

**Don Stewart, 102 Timber Run, Havana, FL 32333.** Chair Holt read aloud a portion of his email and it is below in its entirety.

Honorable Commissioners,

Thank you once again for the opportunity to provide my input.

As we have seen on the national level, beliefs are very powerful motivators, even when they are not supported by evidence. For the sake of the two new commissioners a brief review of the beliefs and the evidence about the CBOR is in order.

Over the past two years, some of you have heard and have supported the belief that the CBOR was a hindrance to attracting business and jobs. Yet, in the ten plus years of CBOR there were only two instances that were verifiable. One was a dog breeding business and the other was an RV park. Neither of which were going to result in many, if any jobs. The other example that was repeatedly brought up was the Family Dollar Distribution Center that is in Jackson County AND was built 6 years before the CBOR was even enacted. Last March I testified before the Commission that according to Gadsden County Chamber of Commerce's David Gardner, "We are still studying the impact of the CBOR, but as now, we have yet to see any hard and fast data that suggests that it significantly impacts economic development in Gadsden County." Still this economic development killing story about the CBOR has persisted.

There were statements made at a BCC meeting and a Planning Commission meeting in January that no benefits of the CBOR can be found. That is also not supported by my observations. Over the last few years I have observed how the CBOR has motivated citizens to get involved in the development decisions in their communities. One example is the relocation of the Robert F. Monroe School to Blue Star Highway near Lake Yvette and across from Lanier Road. Citizens attended the mandated CBOR meeting, had their questions and concerns addressed, the project was subsequently approved and the school was welcomed to the neighborhood. In two other cases, a developer of Dollar General Stores proposed a DG at the corner of Old Federal Road and CR267 and later another one on Old Bainbridge Road. Because of the mandated Citizen Participation meetings, the neighbors of those proposed projects told the developer and the County that they would like DG to find better locations for the stores. The developer dropped the Old Federal Road proposal and it's been over a year since the Old Bainbridge road meeting and they have not proceeded with that project. By learning of opposition early on the developer saved further development costs. All of these examples are in my mind benefits and how CBOR is designed to work. And you might say, but the folks would have found out about it by notification in the newspaper of the Planning Commission meeting and the County Commission meeting. But not everyone subscribes to the local papers and by that time the Developer has expended more money for planning, design and fees, for the project and also may then have to address issues brought up at the planning commission meeting which could have been resolved earlier or they could have been convinced that it was not wise to pursue.

What about the bigger perceived bugaboo of the CBOR, the Super Majority? I want to remind the veteran commissioners and point out to the new ones, if it hasn't already occurred to them, by eliminating the Super Majority, you are allowing the very real possibility that just 3 Commissioners could approve a development in your district that you and your constituents might not want. And I found evidence in the May 17, 2011 BCC minutes, during the first attempt to repeal the CBOR, that prior to the ordinance, that had happened on more than one occasion. As a citizen and as a commissioner I would think that would be a worrisome possibility. As a commissioner come the next election your constituents might blame you even though you couldn't.... do... anything.... about it. And I want to remind any citizens listening that despite the pronouncements from the Commission that they represent all of Gadsden County, the reality is that you can hold accountable only one of them at the ballot box. The other four are not accountable to you.

But my experience with this issue over the last 3 plus years and my observation that the newest version of the Planning Commission that y'all appointed all but one member voted 9-2 to repeal the CBOR in its entirety. And I expect that you would tend to want to accept their recommendation. I get it. So, this tells me that y'all will not likely be

persuaded by my arguments, especially about the Super Majority. So, I have one request and one recommendation. The request is that you keep the Citizen notification and participation for Comprehensive Plan Amendments, Future Land Use changes, major Site plans, and major Subdivisions. Citizens should continue to have a right to know early on and participate in land development decisions that potentially affect their lives and their property.

If you are dead set on eliminating the Super Majority then I propose this compromise for the sake of accountability to the voters. Change the ordinance such that if only 3 commissioners vote for a Comprehensive Plan Amendment, Future Land Use change, major Site plan, or major Subdivision, one of the three must be the Commissioner representing the people that will be affected by the change. That way you have at least some accountability and fairness with simple majority rule.

In conclusion I am recommending option 3, Board Direction.

**Herb Sheheane, 1455 Cane Creek Road, Quincy, FL 32351.** Chair Holt read aloud his email and it is below in its entirety.

“Gentlemen,  
I am writing you to urge you to keep the Citizen Bill of Rights in Gadsden County. I am a landowner in Gadsden County, District 3, and respectfully ask that you not alter/change this important document. We property owners have a right to know what changes neighboring landowners are considering that could have an impact on our property.  
I would appreciate your support of maintaining this important landowner policy.”

**Hugh Stephens, 701 Woodward Road, Quincy, FL 32352.** Chair Holt read aloud a portion of his email. It is below in its entirety.

“Gadsden County Board of County Commissioners:  
I have previously written to but again by way of introduction my name is Hugh Stephens and I reside in District 2. I have resided on the Woodward Road for many years. I previously had the honor of serving on the Gadsden County Planning Commission for 10 years.  
I am writing this to ask and to urge you to KEEP the Citizen's Bill of Rights pertaining to land use and development.  
As a prior Planning Commissioner and before the Citizen's Bill of Rights, I saw many instances where citizens were not even aware that adjoining land use was going to be changed and used for another purpose. In many instances these changes would adversely affect the land owners property, value and/or their way of life. On a personal note this almost happened to my Mother years ago. The land owners and others (not from Gadsden County) wanted to do a major development with maximum density on property that joined hers. We had to learn all this without any prior type of notification. Later the land was developed and with our input consistent with the land adjoining and near this property.  
The Citizen's Bill of Rights does **protect your constituents** by allowing them to know that land near or adjoining theirs will have a land use change that could drastically affect them. This allows our residents time to do research and provide their input to you our County Commissioners before the change is made.

I realize the Property Bill of Rights does require extra steps in a land use change but I would request that you far **outweigh** that by protecting your constituents and allowing them to provide their input to you on changes that could affect them. Many times I have seen where some of these land use changes are being requested by individuals/companies that have no ties to Gadsden County. Their only intent is to come in and make a fast dollar and then leave the residents and our County Government to deal with any residual issues such as traffic patterns, hazardous intersections, road maintenance, infrastructure effects and in some cases local law enforcement. I urge you to KEEP THE CITIZEN BILL OF RIGHTS. I think it is a very significant protection for all of your constituents who currently own property or will purchase property in our fine county.

I only regret that I cannot personally appear before you and express my recommendations in person, but please consider this as my personal urgent appeal to each of you. Please KEEP THE CITIZEN BILL OF RIGHTS!  
Thank you.”

She stated she had a Petition that stated “Retain Our Planning & Zoning ‘Citizens’ Bill of Rights” (The petition itself was not attached). She stated the Petition had 600 signatures in favor of keeping the CBOR.

**Les Epperson, 5491 Bainbridge Highway, Quincy, FL** – Citizens Zoning – appeared before Board and said he found it interesting in all the years he spent developing and selling property, the Planning Commission wanted to suspend notification to citizens. He stated Chair Holt was his commissioner and was the only one he could complain to because the other four were not elected in his district and if they dropped it back to three commissioners, it meant there were three that he could not vote for but they could decide what happened in his neighborhood. He asked if they were going to change anything, change it so the Commissioner they were doing the re-zoning in, had to vote (inaudible) because then they would have repercussions. He asked why they wanted to take away citizens’ rights; it seemed to be working. He said he had developed all over Leon County and understood Planning and Zoning and it was important to have regulations and that neighbors hear about it.

Chair Holt stated before they had CBOR, they had a notification process in place; they notified within a certain perimeter around the property; sent out notifications and let people know what was going on with their property.

**Rosemary Fodor, 5491 Bainbridge Highway, Quincy, FL** appeared before the Board. She said in the notification process, she related to the past year when Dollar General wanted to place a store on the Bainbridge Highway. When she went door to door, she was told that the residents did not get notification and thought it was “just a white envelope” and she shared the letter, they had no clue. She said there needed to be a change and the community needs to develop but need to know. She added that “what goes on in that community, not everybody knows because you all have your own little quadrants. Come together and be one where everybody is heard and everybody can work it out for the better in this County because it’s a great place to live.”

**Bishop Willie C. Green, 296 Bradwell Road, Quincy, FL**, - General concerns – appeared before the Board. He said he was very concerned about this issue. He said he thought there was a misnomer involved. When you label something “Citizens’ Bill of Rights” it should be very

specific about how the citizens would benefit from such rights and he had read nothing in it that gave him any particular understand of any rights that were afforded to him as a result of said instrument. He said it had been in place for more than 10 years and had not seen or heard anyone say anything specific about how this particular legislation has improved life in Gadsden County or made the process easier when it came to economic development. He said there were other ways to accomplish what they want to accomplish about the notification to citizens when there would be development in the neighborhood. He said that was done long before there was ever a CBOR and got along great without it and will get along even better as they move forward to abolish it. He further stated the greatest thing needed in the County was economic development, they needed to grow industry and find jobs that paid a living wage. He said there was no other county that has such restrictive requirements like this. He asked the Board to vote in favor of getting rid of this legislation, the misnomer they call CBOR.

On another note, he said he was present when the Legislative Delegation had their meeting the other night and was highly disappointed that the County did not have a prioritized list that they could have given to the legislative representatives and said those were the things to be worked on in priority order.

Commissioner Viegbesie said he would like to ask questions of Ms. Quigley.

He said there were some concerns that have been expressed regarding citizens participation in the CBOR if the Ordinance was adopted. She explained it would not remove all the public notices and how the hearings for Type 2, special exceptions, comprehensive plan amendments. The Land Development Code still provided for that. The CBOR adds a community meeting up-front in addition to the public hearing as well as a second community meeting at the end for comprehensive plan amendments; it would add two additional meetings. Currently, the Land Development Code requires two public hearings, which are held at the Planning Commission meeting and at the BOCC meeting. Advertisement would still go out; in a smaller distance of 1000 feet for some cases, not all and would still be in place. She said this would remove the community meeting up front, a second meeting for comp plan amendments in the end and removing the super majority vote. Commissioner Viegbesie said his understanding was this met the requirement and Ms. Quigley stated yes. He said citizen participation was not being taken out, it was in the Land Use and Land Development Code and she said correct. In the Land Development Code for Comprehensive Plan amendments, major land development reviews, special exceptions, major site plans and major subdivisions would still require to have a public hearing at the Planning Commission and BOCC and to advertise.

Commissioner Green said in layman's terms, as Mr. Sims stated, the land was ready and the Commissioners and citizens want to develop the land. He said they were not trying to take away anyone's rights, they just want to make sure the growth process was more simplified.

Commissioner NeSmith said, as the Board knew, as he was seeking his position, all the citizens of his district continued to express the need for economic development in the County. He said that would not happen if they continue to provide additional impediment and cause the corporations to go to other communities. He stated they had to move forward with economic development and open the County for business and be as "business friendly" as they could be. To do that, they needed to eliminate any barriers that impede the growth.

Commissioner Hinson said first, there was a 9-2 vote for this in the Planning Commission. He remembered with Peavy came about the tower in the Havana area because they could not get good service. He said there was one commissioner to vote against it and would have only taken one more to vote against it and tower would not be there. He agreed the citizens had to be notified. He further explained his position by stating there was a situation on Strong Road where a company had closed and another company decided to purchase the building and one commissioner voted against it. If one more had voted against it, that business would not have gone in. He commented the biggest issue was the super-majority vote and even 1000 Friends of Florida was in agreement with this. Gadsden County was the only County in Florida that restricted citizens without a super majority vote. He stated he strongly agreed with the Planning Commission.

Marion Lasley zoomed into the meeting. Her comments were as follows:

“If a project is a good project in the right location with proper infrastructure, it should be easy to get unanimous approval from the Commissioners. However, it is these projects that often need special leniency to our already minimal rules and the land use changes that alter the nature of the neighborhood that need to afford more discussion with the affected landowners, homeowners, renters and tax payers.

The citizens who live within ½ mile of these proposed developments need to have the opportunity to learn about the pros and cons of these high impact developments before the first public hearing. With this additional pre-hearing meeting, the citizens will have unlimited time to learn of the pros and cons of the development and ask unlimited questions of the developer or applicant. They would not be restricted to limiting their comments and or questions to the 3-minute rule. This would inform and possibly garner support for the project and it would present issues that need to be resolved or adjusted to provide support or consensus in the neighborhood.

We are not talking about your neighbor putting in another homesite; We are talking about land use changes to a higher density that change the nature of the neighborhood, subdivisions and commercial and industrial businesses with impacts to road ingress and egress, that increase traffic and have noise, odor and water drainage issues. We, the neighbors, need to have as much information as possible on these projects that will affect our property values, our lifetime investment and our quality of life.

Allow the citizens the opportunity to continue to be informed of development around them. We need this information before the projects are presented to the Planning Commission public hearing. If this is our first opportunity for input, by this time in the application process, a conceptual AND a preliminary plat can be heard at this initial meeting!! At this point, the developer/applicant is virtually assured of approval as they have “QUOTE: invested so much already END QUOTE”. During this meeting, a citizen has only 3 minutes to question and defend the health, safety and welfare of their property investment. This is unfair and counterproductive to a thriving community.

To remove the CBOR without retaining the community meeting option makes it seem that Developments have a far greater value to the Board than the public taxpaying homeowner’s value. I’m sure you want to keep our government



processes open and welcoming to its citizens to maintain the population in the County. Think of the citizens and afford us the right to keep having these pre-development community meetings. Thank you. “

Chair Holt said she had been a commissioner the longest and they had notifications before they had the CBOR. They notified within a certain perimeter around the properties. She added that when people were not notified, it was the company that was notifying the people as what happened with the business on Strong Road. When they sent out the notifications, they notified the property owners and not people that lived in the apartments. She said they were trying to get prospective companies here; no other county required a super majority vote to change the zoning. She further stated they had to become a viable prospective site for the companies they were trying to recruit.

Chair Holt then asked the will of the Board.

Mr. Epperson asked if he could say one more thing and Chair Holt stated it was time to vote.

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE THE OPTION THAT WAS RECOMMENDED BY THE ADMINISTRATOR AND COMMISSIONER NESMITH MADE THE SECOND. COMMISSIONER HINSON HAD A COMMENT.**

Commissioner Hinson asked the Administrator and said maybe staff could answer. How would this impact homeowners when it came time to divide property? Mr. Dixon said there was no impact on the homeowner from that perspective.

**COMMISSIONER VIEGBESIE ASKED FOR A ROLL CALL VOTE.**

<b>COMMISSIONER GREEN</b>	<b>YES</b>
<b>COMMISSIONER VIEGBESIE</b>	<b>YES</b>
<b>COMMISSIONER NESMITH</b>	<b>YES</b>
<b>COMMISSIONER HINSON</b>	<b>YES</b>
<b>CHAIR HOLT</b>	<b>YES</b>

**MOTION PASSED 5-0 BY ROLL CALL VOTE.**

Chair Holt said to clarify a little more, the Board can decide and what she used to do and can do as a Commissioner, when she knew something was, coming go out and ask if they want a meeting.

Commissioner Viegbesie asked that his comment be entered for the record with regard to this item. All five of them voted in affirmation and anyone of them could, if they think there is something they need to bring back up with regard on how this vote was adversely affecting the community, could bring that up and re-design an Ordinance that would be in addition to the Land Development Code. He added that just because this had been voted in, it could be brought back and modified based on how it was affecting the County.

Chair Holt said “there’s no reason to bring this item back, you can add as many meetings as you want. You don’t have to have an audience.”

Mr. Dixon said the Planning Commissioner will address this issue again and send any recommendations they have.

Ms. Quigley said to clarify, this was not on all residential property; only for commercial, special exceptions and large major site plans and major developments. She said it would be for really large developments and mostly commercial developments or any special exceptions.

Mr. Dixon said this really addressed speed and time. Businesses like Hoover took more than a year to get approved and now puts the County in a whole new ball-game dealing with industry.

## **GENERAL BUSINESS**

### **5. CARES Act Spending Plan**

Mr. Dixon introduced the above item and stated the Property Appraiser's Office was requesting to be added to the CARES Program Spend Plan for COVID-related reimbursable expenses. He further stated the Property Appraiser and Tax Collector submitted a request on September 1, 2020 to the Interim County Manager to be included in the CARES Program and Commissioner Holt spoke then about \$19,000 being needed to erect a shield between the employees and customers. She thought there was some funding in the CARES Act money that was put aside under the Administrator. There was no motion carried by the Board and since then, both the Property Appraiser and Tax Collector felt it was in the best interest of the employees, taxpayers and the County to move forward with the construction of the sneeze guard.

**Reginald Cunningham, Property Appraiser**, appeared before the Board. He stated this item was discussed in a workshop and never went to a vote and therefore was not included on the Spend Plan. The amount they were asking for also included other items that were installed in the Tax Collectors Office.

Chair Holt asked the total amount he was looking for and he stated \$109,602.40. She then asked the Administrator if there was funding left for that.

Mr. Dixon said it would come from what was left-over from the current spending plan and the Clerk might know exactly what the number might be.

Mr. Dixon asked the Clerk what the amount was and the Clerk said it was a moving number. In his last memo, he explained they had been approved for Phase III spending reimbursement at \$1.2 Million and was now up to \$1.7 Million but they have not received that money yet. That much has been confirmed and they had to reimburse the General Fund and have been approved for enough to reimburse that. He said there will be money left over, approximately \$600-700,000 at this point after reimbursing the General Fund; but was a moving number. He added there should be money to cover this expenditure.

Chair Holt asked Mr. Cunningham how this was funded before and he stated it was not. They added the sneeze guard and other items when the pandemic came and they had to construct something to protect the employees and was what a lot of the expense was. He said with the data collection system, it is a 1987 system and they cannot do anything remotely with it.

Commissioner Viegbesie asked if this request was for COVID or for something that was very needed for the operation of his office; because if it was not something needed right now, the County was having to go through this process of draw-down and suggested they look at a future budget amendment because the Property Appraiser's is a revenue generating office for the County. If it was something they needed right now, did not know how they would be able to accommodate, but if needed for the future for effective and efficient operations, he would suggest upon the draw-down, they should, when that money goes into general revenue, look at making a budget amendment to accommodate.

Commissioner NeSmith asked if he was asking for additional funds or to be included in the Spending Plan and the amount included the Tax Collector also. Mr. Cunningham said this was to only approve his sneeze guard that he constructed and thought he had already paid for it. He said he did not need to be reimbursed now.

Commissioner Green said the total would not be the whole \$109,602.40 and he asked the timeframe he was expecting to be reimbursed.

Mr. Cunningham stated the initial timeframe was back in September when the request was first made; they were planning to use that money to buy a server that was needed.

Chair Holt said the amount was approximately \$95,069.40.

Commissioner Hinson said he always ask every meeting when they were going to have a meeting regarding the CARES Act to take care of issues for the citizens. He said he was promised they would have a meeting in January and it was now February. He said he had a citizen call him in tears and thought before they entertained any needs for anyone, they needed to take care of the citizens first.

Chair Holt asked the Administrator when they could expect to have a meeting regarding the CARES Act.

Mr. Dixon said they always knew this was a moving process that they were not in control of and would not cull until the end of February and knew they might have a good hold on it. As the Clerk just stated, the situation was moving and soon as they get a good hold on what the number would be, the meeting would be had about what to do next. He said there was an understanding on the number but did not have a good hold of it yet.

Chair Holt asked if they were to get an update at the beginning of the next meeting, was that possible? Mr. Dixon stated yes. She asked if they could have Integrity, the Clerk and everyone else that has an interest in it in the room at 4:00 at the next meeting. Mr. Dixon said they already have a 4:00 meeting scheduled on FDOT and Grants workshop on roads. Chair Holt said it would not be then because they had to follow the schedule of FDOT. Mr. Dixon said a meeting could be scheduled at Board request.

Commissioner Green said they were there now and Chair Holt stated to bring it up under Commissioners' Comments. Mr. Dixon stated they could have an update for them at the next meeting. Chair Holt said they could still have a Workshop on a Thursday. Commissioner Green said he concurred with Commissioner Hinson they needed a meeting, not just an update in

reference to being proactive when they do receive the money. He said in listening to Commissioner Hinson's comments, he was proactive for citizens as well as business owners and knew the impact that the virus has had, but wanted to be clear in the money that was being asked for, this was things that had to be done that was for the citizens to protect them and was COVID-related.

Commissioner NeSmith asked if the CARES fund was still being drawn down.

The Clerk said with Phase 1, they sent \$1.9 Million upfront; in Phase 2 they sent money upfront that totaled \$3.5 Million and the County had to spend that money. They said Phase 3 was reimbursable but they had not spent Phase 1 and 2 and what they were drawing down from the reimbursable now, was payroll for law enforcement, EMS and that was complicated. He said they then went ahead and did some Phase 3 spending and they had to front that with the General Fund. He said they were entitled up to \$4.3 Million reimbursement for Phase 3. He further stated they were approved for \$1.7 Million that they will receive for Phase 3 that will go into the Fund. However, they had to cover the money that was fronted in spending Phase 3 that was funded with the General Fund to that has to go back first. Whatever was left, they will have to spend and could be the difference from the \$4.3 minus the \$1.1 or less because they have only approved the \$1.7 of the \$4.3 and have only received a fraction of that. He explained that was why it was called a "moving number" because they were still reviewing some things that had to be submitted by December 3<sup>rd</sup>, to determine if the County would be reimbursed. He said they had been doing so a little at the time and the number was up to \$1.7 Million and could go as high as \$4.3 Million, but we did not know that yet. He said they knew they would receive at least \$1.7 Million and was putting that back to cover what was fronted in Phase 3 spending, the \$1.1 Million and left about \$600,000 that they were pretty sure the County would have in reimbursements for Phase 3, but how much more, he was uncertain of that amount yet. He said they were informing us as they review and approve submitted items.

Mr. Cunningham said for sake of clarity, he brought this to the Board in September and the only thing he was requesting, was for it to be included in the Spending Plan. He said they were a County agency and would like to be included as well, because they brought it to the Board in May, it went to June and after all that, they still were not on the Spend Plan. However, for the sake of what was needed now, they need two servers and will use the money that will be reimbursed to them, that was promised to them if they put the sneeze guard in to purchase the servers.

Commissioner NeSmith pointed out there were two of them that was not here in September. He asked if a commitment was made and Mr. Cunningham said was not a commitment; it was when the pandemic situation first started, they were told whatever was spent for the offices, they would be reimbursed for COVID-related items.

Chair Holt said she told the Sheriff and everyone else, they may be reimbursed and may not; because when you deal with Federal and State government, you work by their timeline. FEMA said they were paying for stuff and the County was still waiting on a little of it.

Commissioner Nesmith asked the money spent for the sneezeguard and other COVID-related items totaled what?

Mr. Cunningham said he was looking for reimbursement for the initial COVID barriers and the permanent COVID barriers that were installed and that would help him purchase the needed servers and the rest of the items to be included in the Spend Plan.

Commissioner Viegbesie moved to approve the Property Appraiser's request to be added to the CARES Act spending plan but did not understand amount asking for right now. Chair Holt said to do the approval, he would be added.

**COMMISSIONER VIEGBESIE MADE A MOTION TO ADD THE PROPERTY APPRAISER TO THE SPEND PLAN AND COMMISSIONER GREEN MADE THE SECOND. COMMISSIONER HINSON HAD A QUESTION.**

Commissioner Hinson said it was a travesty to even consider putting money in anyone's hands because they needed to be sensitive to the residents and small business people. He stated he has been asking for a meeting regarding the CARES money.

Commissioner Green said he was not asking for \$109,000, and only agreed to give him something was because it was for the protection of the citizens to why he had to do this, he was not asking for the money tonight, but to be a part of the conversation when they do have the conversation. Also, he understood every county, business and citizen has not benefited from the CARES Act money and we were privileged and hope when do meet, come up with better plan for the citizens.

Commissioner Hinson said he concurred with everything Commissioner Green said, but where he was coming from, don't think about giving anyone a dime, have a meeting first for citizens and small business. All he was saying was to put cash in the citizens hands.

Chair Holt said Mr. Cunningham wanted to be added to the Spend list and they all had questions.

**CHAIR HOLT CALLED FOR THE VOTE.**

**THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE. COMMISSIONER HINSON STATED HE VOTED IN FAVOR OF THIS SO HE COULD BRING IT BACK AT A LATER DATE.**

**6. Agreement between the Gadsden County Clerk and Property Appraiser**

Mr. Dixon introduced the above item and said the County Clerk was requesting there be an Interlocal Agreement per Florida Statute Chapter 163 between the Property Appraiser's Office and the Clerk's Office.

Mr. Cunningham said over the past 9 years, the Clerk's office has provided bookkeeping services. Before that time, there was a young lady that provided the services and because of same, they would have to do a budget amendment to Department of Revenue and was why it was in front of them today.

Mr. Thomas said this arrangement has saved the County 100's of thousands of dollars and every year they have been able to return money back to BOCC. He said he came into this year underfunded; with CARES, have had to spend hundreds of hours, BOCC hired Integrity to do the

initial process and things that were approved are sent to the Clerk's Office and have to be audited and processed; he has the same staff, they have spent hundreds of hours doing COVID/CARES Act processing, had 3 out with COVID and put audit preparation behind, was a department that was already stressed and under-funded and this was a way to insure the County was able to receive all the services they need to receive from the Clerk's Office. People have worked really hard and they will continue to do that, will need to work overtime to be able to get audit out; the Property Appraiser is a constitutional officer and is required to keep his books and there is a separate audit for him and have always helped ensure he gets a good audit and it has been a good arrangement and the County has benefited as a result of this. This money will come from the General Fund; they have a budgeted line item that is reserved for Contingency, there is \$50,000 in it and they would not be going into Fund Balance.

Chair Holt asked if Mr. Dixon had any ideas for the \$50,000. Mr. Dixon said any other time would have to come up in the budget cycle and can't disagree, as much as he would like to. The Clerk had been nice enough to provide a line item and COVID has changed things for everyone and at this time, just trying to get through and had no objection.

Commissioner Nesmith asked what they were voting for. Chair Holt read the options aloud.

**COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE OPTION 1 AND CHAIR HOLT MADE THE SECOND.**

Mr. Knowles asked the Clerk if this required a formal budget amendment process and have a subsequent public hearing and approval. The Clerk stated yes.

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

**6a Execution of Final Settlement Agreement**

Mr. Knowles said they had an executive session at an earlier meeting and he was asking for ratification of the settlement agreements.

Commissioner Nesmith asked if this was a settlement that was brought to the attention of the previous Board and Mr. Knowles stated yes.

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

**CLERK OF COURT**

**7. Updates**

Mr. Thomas stated he understood he was asked to be sure to be at the meeting tonight because they wanted to discuss his memo. Chair Holt said no, they were through discussing that. Mr. Thomas said good because his attorney has advised to not go into any details about that but he wanted to put them on notice that he sticks by his Memo, they have grave concerns that the contract puts the County at risk. The Clerk's attorney has advised the Clerk to not pay any invoices based on that contract at this time as it is currently constructed; the spending plan was contrary to Florida law and would put the County at great financial risk and his attorney has

advised the Clerk to not make payments based on that contract as currently construed at this time and he was not getting into any details about it because there may be litigation.

Chair Holt announced the Clerk could not discuss it and recognized Commissioner Green.

Commissioner Green said he could not discuss it but...

Chair Holt said to talk to their attorney, that was usually how it was handled.

### **COUNTY ADMINISTRATOR**

#### **8. Updates**

Mr. Dixon said the State of the County Address would be coming up on Friday at 9:45;

The FDOT Grant workshop with Dewberry will be February 16<sup>th</sup> at 4:00 p.m.

The BOCC retreat will be Saturday, February 27<sup>th</sup> from 9 am – 4 pm at the Extension office and will have a couple of facilitators there.

Understood that they gave shots today to 65+ at St. James; on Saturday they met their goal on shots at Old Jerusalem. He said they were running ahead and looking to come out with a new campaign regarding COVID; it was not going away and they had to get the rates down in the County.

Commissioner Viegbesie said the 4:00 workshops were putting pressure on him coming into the end of the semester and asked if could be pushed to a little later and stated his classes on Tuesday and Thursday ended at 4:15 p.m.

Mr. Dixon said they would go with the will of the Board.

Chair Holt said unless something would take two hours, otherwise felt it could be adjusted.

Commissioner NeSmith said the Administrator mentioned they were making good choices in keeping the citizens safe, was there anything they need to do that they have not done to keep the citizens safe? Mr. Dixon responded they would be coming back with an education information program.

### **COUNTY ATTORNEY**

#### **9 Updates**

Mr. Knowles said he had spoken with the Chair prior to meeting and wanted to say the Chamber was open for business and citizens were welcomed to attend the meetings.

He said he received a letter from Derick Elias' attorney regarding a complaint that he may or may not have against the County and it was self-explanatory. He asked the Commissioners to call with any questions. Commissioner Viegbesie stated when he read the letter, there were allegations of a violation of Florida Statutes §286.011, which was the Sunshine Law alleging the commission...

Chair Holt interjected and stated they could not discuss it and she saw it in the letter as well.

### **DISCUSSION ITEMS BY COMMISSIONERS**

#### **10. Report and Discussion of Public Issues**

##### **Commissioner Eric Hinson, District 1**

Commissioner Hinson felt it would be great if they could purchase N-95 masks for all employees because of the new variants of the virus and was told it could not come through the N-95 or KN-95 masks.

He stated he brought this up before regarding a bonus of \$250.00 for employees, thought they needed to consider that and for the emergency workers as well, Public Works and EMS, as they have been on the streets sacrificing their lives, leaving family behind and should be rewarded.

He thanked each Board member for working as hard as they can.

He also stated he had no clue what the Clerk said, it was hard to hear him.

He asked to give Ms. McGriff and Ms. Simmons a Proclamation for turning 104 and Commissioner Green made the second. The Board voted 5-0 by voice vote to approve.

##### **Commissioner Kimblin NeSmith, District 3**

Commissioner NeSmith thought there were certain things that needed to be done in the County to meet the optimal ability to thrive. In order to attract business to the County, it was imperative that the County look like it was inviting and wanted to thank Mr. Dixon; he stated he has called him countless times regarding trash on the side of the roads.

Chair Holt said she and the Administrator has talked about large item pick-up and they need to work on marketing a plan for heavy item pick-up. She added the need to encourage citizens to take those items to the land fill.

Commissioner Viegbesie said “Love where you live, Keep Gadsden beautiful”.

##### **Commissioner Ronterious Green, District 5**

Commissioner Green said he had to join the choir with this conversation. He wanted to stress to take pride in where you live. He also added that he hoped they could find resources to put street lights in his district for the sake of safety.

##### **Commissioner Anthony “Dr. V” Viegbesie, District 2**

##### **Commissioner Brenda Holt, District 4**

Chair Holt said one thing that would help with businesses was if they had a County flyer regarding wearing of masks. She added they were going to have to look again at their Comprehensive Plan as the Administrator said. There were a lot of concerns regarding property and what the process/costs factors were.



She told Commissioner Viegbesie she loved his phrase.

She said she received three different calls about people partying in different areas of county.

She mentioned she was hoping and suggested they could put up a flag for every COVID-related death in the County and hoped they could put up a bell that could be rung at the Courthouse.

She said she had been up there since '02 and this was one of best commissions she has worked with and was a pleasure to work with ones that wanted to learn.

**Receipt and File**

**UPCOMING MEETINGS**

**MOTION TO ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 8:23 P.M.**

**GADSDEN COUNTY, FLORIDA**

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**BRENDA A. HOLT, Chair  
Board of County Commissioners**

**ATTEST:**

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**NICHOLAS THOMAS, Clerk**