

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON OCTOBER 19, 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
 Kimblin NeSmith, District 3
 Ronterious “Ron” Green, District 5
 Edward J. Dixon, County Administrator
 Opal McKinney-Williams, Assistant County Attorney
 Marcella Blocker, Deputy Clerk

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE

Chair Holt welcomed everyone to meeting and called it to order, 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 said he wished to pull items 13 and 14 because of legal issues.

Chair Holt asked to add an invoice for FCI as Item 18a.

COMMISSIONER GREEN MADE A MOTION TO APPROVE THE AGENDA WITH CHANGES AND COMMISSIONER NESMITH MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE.

AWARDS, PRESENTATIONS AND APPEARANCES

- 1. Check Presentation to Capital Medical Society Foundation-The We Care Network**
Mr. Dixon asked The We Care Network to come forward for the presentation.
- 2. Check Presentation to Gadsden Community Health Council**
A presentation was made to the Gadsden Community Health Council.
- 3. Gadsden County Extension Update**
Mr. Robbie Jones, County Extension Director, appeared before the Board for an update.

He said the Ag Adventures program was currently on hold and there were changes happening in the Research Center.

Florida Light and Power was sponsoring the Public Speaking Competition.

They were continuing with the 4-H Program and mentioned the different clubs.

He mentioned another program they had going on, the peanut butter challenge. It is an annual event that the UF/IFAS Extension hosts. It is sponsored by the Florida Peanut Producers Association and the Florida Peanut Federation. They have challenged IFAS with raising peanut

butter to help those individuals of need in their community. He explained they were raising jars of peanut butter and those two entities will provide a proportional match. He has tasked his office staff to raising 10% of the population in jars raised. He said the more jars raised would be more jars that would be matched that would be given to the food banks. His goal is to be number 1. He said money would not be matched, it had to be jars of peanut butter. He also wanted to make sure the community was aware that the North Florida Research and Extension Center was 100 years old.

Commissioner Hinson said there were a lot of students that have a strong interest in agriculture and science. Could he forward the information to him? Yes.

CONSENT

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

4. Ratification Memo
5. Approval of Minutes
 - August 13, 2021 BOCC Emergency Meeting
 - August 17, 2021 Contracts/Committees Workshop
 - August 19, 2021 Budget Workshop
 - September 7, 2021 BOCC Meeting
6. Approval of the 2022 Holiday Schedule

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 11:00 a.m. August 17, 2021. Comments submitted after the deadline but prior to the meeting will be added to the official record, but the County cannot guarantee that Commissioners and staff will have adequate time to review comments prior to the meeting.

Commissioner Viegbesie read the above statement aloud.

Danny Miller

Cametra Gibson-Bryant, 7123 Havana Hwy., Havana, FL appeared before the Board and wanted to share her experience regarding the American Rescue Plan. She passed out a timeline to share with the Commissioners regarding her experience with the Plan. She explained everything that happened in the process and she was ultimately denied.

Wilbert Butler

Shane Wellenderf, 13093 Henry Beadel Drive, Tallahassee, FL

Rolland Maser, 25 Talquin Hideaway Road

Ruth Maser, 25 Talquin Hideaway Road

Marion Lasley

PUBLIC HEARINGS

Mr. Dixon said before getting started with the Public Hearings, he wanted to introduce Mr. Justin Stiehl, Interim Planning Director. Mr. Steel spoke and told A little about himself.

7. Public Hearing (Legislative) Comprehensive Plan Text Amendment (CPA 2021-03) Ordinance 2021-08, Policy 1.1.1.k Commercial-Consideration to approve transmittal of the text amendments to Policy 1.1.1.k of the Future Land Use Element to the Department of Economic Development

Mr. Dixon introduced the above item. He said the Board was asked to consider transmittal of text amendments to the Future Land Use Element Policy to the Florida Department of Economic Opportunity. The text amendment would allow RV's to drive on non-arterial roads.

This item has been to Planning twice and both times Planning and Zoning rejected it. The Neighbors have indicated they were not happy with this program.

Danny Miller, 1600 Reynolds Road, Quincy, FL appeared before the Board. He stated the Idea is to bring eco-tourism to Gadsden County by bringing in an RV resort. He explained he was not doing a trailer park or RV campsite. It will be a tourism opportunity. He also would like to bring a 5-star restaurant to the lake. The current Ordinance does not allow RV parks on non-arterial roads and this property will present an excellent opportunity. The text amendment will allow to move forward to have an RV park.

Commissioner Green thanked him for the presentation. He asked for the estimation of jobs this opportunity would provide and Mr. Miller stated the park would require approximately 10 full-time employees, it will also spin off jobs in maintenance. They intend to put in a package sewer plant, which was a requirement of a development of this type. They have to put in a modular package sewer plant, it will take the nitrogen out of the effluent, will treat the water to the first (inaudible) level, one level below potable water and that will water the landscape. He said there will be spin-off jobs from the RV park. The restaurant will employ approximately 15 full and part-time employees.

Commissioner Green said he had the opportunity to look and thinks the opportunity could be great. He said he had the opportunity to speak with people this would impact and in speaking with some, could the restaurant sustain without the RV park or would it be package deal? He said the biggest issue is the size of the RV's taking up the road.

Mr. Miller said he did not think the restaurant would be feasible without having the RV element. He said the road at its narrowest point was 21 feet wide and at the widest was almost 23 feet wide. He said when the pavement was put on the road, it was paved on clay. While there was nothing wrong with paving on clay, but he people that did it was in a hurry to get in and get out. He added from the beginning to Reynolds Road to the RV site was only approximately 1 ½ miles and the County had funds for improving roads and may be able to get

a grant to improve/widen the road. He said the ditches on the road also needed improvement. He added that he owned some of the property along the road and would gladly dedicate some to the County if necessary.

Commissioner Hinson disclosed that he had the opportunity to meet with Mr. Miller. He believed in economic development and how would this impact environmentally? Mr. Miller stated the water retention would be in the form of holding ponds. He has done a discharge study. Tonight, he was just asking for the ability to bring this plan forward. He said he had to meet requirements of DEP, Northwest Florida Water Management and Gadsden County in order to build this. Commissioner Hinson asked if the County partnered with a company to hold an annual event. Chair Holt said that was the Crappie tournament but had not had that in a couple of years.

Mr. Miller said the crappie event was a national event but haven't had one since COVID. He said they felt like they could bring the crappie tournament back. Fishermen all travel in RV's, will have a place to park them, and have a restaurant to feed them. He added they will be bringing in people as tourists for economic development. Commissioner Hinson asked in his opinion, how would this benefit County? Mr. Miller said first, the impact and value for Gadsden County was tourism. Second, would be creating jobs for local people, people would be buying groceries, fuel, etc. They felt there may be cottage industries that may be created such as car washes for RV's. A lot of people that come are northerners, what is called "snowbirds". The park would not have permanent residents. They want to bring people in that would spend money. He said he has been a responsible developer, been doing it for 40 years. This opportunity is for Gadsden County. Commissioner Hinson said former Commissioner Lamb also called him up and spoke highly of Mr. Miller.

Commissioner Viegbesie said he also had met with Mr. Miller and understand this is not an approval for development. The question he had was would this be a trailer park and was told no. As a professor of economics, he got excited. With college homecomings, he saw this as a way for economic development for the County. He asked how it would generate noise and then said people would come and would leave. He also saw it as a way to grow the crappie fish tournament. Until COVID, he attended the fish tournament and sees it as a way to grow. He thought it would be a wonderful thing instead of shutting it down. The County has been crying for jobs and economic development and here they were with some idea that might be a chance to bring development in. Commissioner Viegbesie said, if they want economic development, open their minds to it.

Mr. Miller asked to show his presentation to everyone.

Chair Holt said she had looked at the property and asked for comments from the audience.

Shane Wellendorf, 13093 Henry Beadel Drive, Tallahassee, FL, appeared before the Board. He stated he was a Conservation Coordinator with Tall Timbers Research Station and Land Conservancy. They hold a conservation easement on Reynolds Road across the road from the property being considered. He said Tall Timbers respectfully requested they deny this proposed amendment. This will be a change to commercial and once done, that commercial designation stays on this property and would open doors to other types of commercial projects. He thought the bigger concern was not the RV park or restaurant but opening up

commercial to other projects. He said they would like to see this property kept as rural. He asked they deny the land amendment change.

Mr. Miller said Tall Timbers was a good organization but owns conservation easements. They do not contribute to the economic development of the County. He said he was trying to offer an RV development, was not asking for commercial zoning to put in a Walmart.

Ruth Maser, 25 Talquin Hideaway Road, Quincy, FL, appeared before the Board. She stated she was a homeowner in a gated community adjacent to Mr. Miller's property. She added that Reynolds Road was not wide enough to accommodate RV's. RV's were usually hauling their toys, jet skis, etc. She also stated that the septic system he wants to use is a drain field with a spray feature.

Rolland Maser, 25 Talquin Hideaway Road, Quincy, FL, appeared before the Board. He gave credit to Mr. Miller for more than four years of extra-ordinary effort of trying to build this park. He felt it was a little fool-hardy for the proposed area. He said Tyndell Road becomes an easement dirt road and is used by property owners living at the end of Tyndell Road. He asked they not approve this project without serious thought. He asked they consider the all the wisdom of the Planning Commission that determined this RV park was not good for the area, for the property owners in the surrounding area and the viability of such a project. He also asked they consider the questionable pay-backs.

John Brown (was on Zoom but could not hear him speak), Chair Holt said he was opposed to this project.

Marion Lasley, Chair Holt said she was opposed to this item.

Mr. Miller re-appeared before the Board. He stated the package sewer plant would not have a spray field and would not be spraying anything, it was a modular package sewer plant. When he brings this back for final approval, he will have a sanitary person to appear before the Board. The system he was talking about using is used in rest areas. He will have a road put in that would not affect Tyndell Road. He wanted to be a responsible developer.

Commissioner Viegbesie asked Mr. Miller if he had maps available during the Planning community meetings? If he had, he may have been able to more effectively communicate his position to them. He suggested if he could do it in a more cordial way, as opposed to both parties being antagonistic. Mr. Miller said he understood and was a point well taken. Commissioner Green asked how many community meetings were offered. Mr. Miller said three years ago, they had CBOR meeting. He stated he had never been sworn at as much before in his life.

Commissioner Hinson said he saw a few things that left him perplexed. He asked what staff recommended. Mr. Dixon said they did not see it any differently than Pat Thomas Park. It is an opportunity. He said they were talking about the road because they were listening to the citizens. They had to improve the road for Robert F. Munroe and Four Star Freightliner. He said the current law did not allow RV's to travel down the road. He added they just received \$50,000 to improve roads. Commissioner Hinson read **Policy 1.1.1 K-3 Density**. He felt Staff

was given a different direction than what he saw. The way he read it, they were in violation with Pat Thomas Park.

Mr. Dixon said he thought what Commissioner Hinson was highlighting was the same reason the Commissioners did away with CBOR because it did not encourage growth of any type. That was where they saw a way to improve where people could operate within the law.

Commissioner NeSmith said since he arrived on this Board, they have been talking about two issues and number one was economic development. He also met with Mr. Miller and always focuses on the best interest of Gadsden County and the residents. He had an opportunity to travel and many of these cities are thriving in the mist of this pandemic except for Gadsden County. Not only does the County have a lack of economic development, they also have an issue with keeping residents in the County because they will move to a community that was growing and thriving. They will always be able to find issues to not approve economic development because it would be that someone lives a mile down the road, an extended family member that has an issue, etc., but they have to change that. He said they just received the Census Report and saw a reduction in population. They were not approving a plan that was not before them. There is time to have additional dialogue but they need to grow. They need to move toward economic develop so they can work out the issues and grow in the County.

Commissioner Hinson said first, he was not against this. At Twin Creek in Havana, it was built in an area where the whole community was under water. When looking at things, have to ask questions. He thought this was a great idea and was inspired by it.

Commissioner Viegbesie stepped out at 7:26 p.m.

Commissioner Hinson continued and said he had to ask questions. It appeared staff lambasted this thing. If they vote for something that will be a problem, staff could say they gave every reason why they should not vote for it. Now the County Administrator was saying they were trying to build at Pat Thomas Park and was the same thing. He wanted to make sure people were reading this. He said staff lambasted the opportunity.

Commissioner Viegbesie returned at 7:29 p.m.

Mr. Dixon said they did not have that staff anymore.

Chair Holt said this was something they had for two weeks and had the opportunity to read through it. They need roads other than arterial roads. She said that was why it was very important to make decisions based on facts. There are people that have tracts of land they cannot sell because of (?) like they are and there are descendants of the people that used to own that land between McCall Bridge Road and Reynolds Road and the land was taken from them and they want that land back if they had the opportunity. But that does not seem to be happening.

COMMISSIONER NESMITH MADE A MOTION TO APPROVE.

Commissioner Green said to the citizens, this was not an approval of the project holistically, it was to move forward. He hoped in the process, they could have better dialogue and did not want to be hypocritical. If they shut down everything every time, they will never move forward. He just wanted to open the door for other areas.

COMMISSIONER NESMITH MADE A MOTION TO APPROVE THE COMP PLAN AMENDMENT AND COMMISSIONER HINSON MADE THE SECOND. CHAIR SAID IT WAS FOR OPTION ONE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

8. Public Hearing (Legislative) Reynolds Road Small Scale Comprehensive Plan Future Land Use Map Amendment (SSPA 2021-02)

Mr. Dixon introduced the above item and stated it was for approval of the transmittal and adoption of Ordinance 2021-009 for a small-scale amendment to the Comprehensive Plan Future Land Use Map (FLUM).

COMMISSIONER HINSON MADE A MOTION TO APPROVE AND COMMISSIONER VIEGBESIE MADE THE SECOND.

Chair Holt reminded them it was a public hearing and asked for comments from the audience.

Mr. Miller said the comprehensive amendment would change the property to commercial zoning and need that in order to build an RV resort. He said they were asking they approve the Comp Plan amendment for transmittal to Economic Development so they could have the opportunity to bring a plan to them to build an RV park. He reiterated it was not approving the park, only the changes zoning the property to commercial to allow them to bring the plan for the park.

Chair Holt asked that page 4 of 116 be placed on-screen. (Before that came up, she asked her to bring up page 13 of 116.)

Chair Holt said while they were waiting for it to load, she would bring up the speakers.

Shane Wellendorf, 13093 Henry Beadel Drive, Tallahassee, FL appeared before the Board and stated he had basically said everything when he presented the first time.

Ruth Maser, 25 Talquin Hideaway Road, Quincy, Florida, appeared before Board and said she was speaking for the community and they would not like it to be changed to commercial. She added it would be hard to tell what would go up and their property value would go down.

Rolland Maser, 25 Talquin Hideaway Road, Quincy, FL, appeared before the Board and stated he really respected everything they were doing. He said to Commissioner NeSmith that he articulated very well and was all for whatever could be done in the County. He had lived here a number of years and asked him what would bring these people into that area? Yes, they need to build up the area but an RV park has to have attractions and Mr. Miller has optimistic ideas on paper. He said he felt sorry for folks that live on Reynolds Road and would like to help them out. He said to get it all down pat before approving.

Mr. Miller said at the point where they will bring the project forward, they will do a national marketing campaign to bring people to Gadsden County. They will bring people in on a continuous basis.

Chair Holt asked for discussion or comments.

Commissioner NeSmith wanted to reiterate the statement from Commissioner Green and Commissioner Hinson that the County was not approving the plan, it was just another step in the process.

COMMISSIONER NESMITH MADE A MOTION TO APPROVE OPTION 1 AND COMMISSIONER HINSON MADE THE SECOND. CHAIR HOLT READ ALOUD THE OPTIONS AND THEN CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

GENERAL BUSINESS

9. Medigreen Medical Waste Management

Mr. Dixon introduced the above item and stated it was for a contract between the Gadsden County BOCC and Medigreen Medical Waste Management.

Commissioner Hinson asked why bring this to the Board? Mr. Dixon said it was a contract.

Commissioner Green stepped out at 7:49 p.m.

Commissioner Hinson stated it was under the \$25,000 threshold.

Mr. Dixon said he trying to clarify what the Board wanted to see and want they did not want to see. The Board made it clear they wanted to see contracts. Mr. Dixon asked the Deputy Clerk and her response was the Board has to approve all contracts and the Chairman signs them. Chair Holt said this was a very important one because needles, etc. has to be disposed of properly.

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

10. Approval of Point Milligan Road SCOP CEI Selection

Mr. Dixon introduced the above item and stated the selection committee chose AE Engineering and recommended they be given the contract.

COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE AND COMMISSIONER HINSON MADE THE SECOND.

Chair Holt asked that the Administrator, Road and Bridge Director and Engineer to please come up with a chart showing the roads in the districts and what services were provided.

Commissioner Viegbesie also said if they could provide approved construction amounts so they will know how much to be spent on each road.

CHAIR CALLED FOR THE VOTE. THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE.

11. Approval of Potter Woodberry SCOP CEI Selection

Mr. Dixon introduced the above item.

**UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER NESMITH,
THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE.**

12. Neighborhood Medical Center Mediacom Agreement

Mr. Dixon introduced the above item and said it was for approval of a construction agreement that authorizes Mediacom to install, maintain and operate the Company's wiring, cables, conduits, equipment on the premises necessary for Mediacom to provide its communication services to tenants located at the premises.

Commissioner Green returned at 7:53 p.m.

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

13. ALS 360 Stryker Agreement

Item Pulled

14. ~~Contract with I.F.W. Security, LLC to Provide Security Services at the Butler Building and Gadsden County Public Library in Quincy, FL~~

Item Pulled

15. Funding Request from the Havana Community Development Corporation, Inc.

Mr. Dixon introduced the above item and stated it was a funding request of Havana Community Development Corporation (Havana CDC) from the County to facilitate repairs, renovations and repurposing of the old Northside High School buildings and facilities.

Commissioner Viegbesie said from the earlier workshop, they all understand the importance of this project. It will impact healthy food from the farmers market. He stated he was in support of this project but funding was what was giving him heartburn. If they could find a way to creatively fund this project and work with the Havana CDC to see what could be worked in the annual budget to ensure they will get something they could work with the County on. The \$600,000 in one lump sum, he was not very comfortable with. If the money was there or they could find a way to creatively fund, he was ok with it.

Commissioner Green said he did not want to be redundant and felt it was a great project, however, as they were addressed earlier in reference to funding a business, they need to make sure they move some money so they could not only accommodate that individual but others that have already been approved. He agreed with Commissioner Viegbesie.

Commissioner NeSmith thanked Commissioner Hinson for bringing forth an awesome program. He said he had an opportunity to tour it.

Commissioner NeSmith wanted to make a recommendation to the Board. He did not think that \$600,000 was enough, even if they knew where it was coming from, because in previous Board meetings, they obligated that money to other areas. He said the County Administrator alluded to this earlier and he supported it 100%. This is a major project that could turn and made a significant difference in the east side of the County. He would like Dr. Butler and the team to partner with the County so they could find some major dollars to fund all the resources it needed to be a beacon of light for that community. He told Dr. Butler it was an excellent presentation and they needed to see if they could work on some major projects for that facility. He said again the amount requested was not enough for the school.

Chair Holt said the presentation was great. She then said whatever they do for Havana, they must do for Gretna Elementary. She said as long as everyone got the same thing, she was good, but everyone has to present a plan like Mr. Butler did. She added there was also other schools out there and they need to see how they could rotate some of the things out. They need to figure out a way to do it.

Commissioner Hinson said she did great job for coaching up the team. He said they were talking economic development, mental health, and kids. He said he did not believe in tit for tat and what they have to do for one, do for all. He stated they took money from small businesses and gave it to other projects. They now have \$1.3 Million that is not restricted now and had the American Rescue Plan. He asked Mr. Dixon how much money was in the General Fund. Mr. Dixon said he could not tell him right now. He said before they decide, they have to know that first.

Mr. Butler appeared before the Board and said he appreciated their efforts. He said when they came to the last meeting, it was about vendors and they showed how they support and help them out. He said while he understood supporting vendors, there was nothing in the till about Gretna or any other project such as this. He said they have been before the Board several times and had been put off several times. They had a workshop several years ago and the only thing that came out of it was aquaponics in terms of putting people to work. They started an aquaponics system and spent money to keep that going. He said they were doing things in the community that would put people to work. They are selling products online and just got the Department of Agriculture to come out to approve them for growing hemp. He explained their buildings and services to the Commissioners. He said they were doing great things but needed the Commission to step up, support their efforts and if they could not give the \$600,000, give them \$200-300,000 and plan the next time they had money and to not deny them.

Commissioner Viegbesie said like earlier, residents in Havana vote for him as well as other sections. One that was there, their business was not funded in the American Rescue Plan. There are religious organizations in Havana that needed money. Who among the voters do they ignore? Do they please one group to the detriment of others or abandon ones already promised to do for others. He said he would do what his conscience told him to. He added they may not be able to give all \$600,000 but the Board could instruct staff to look at the books and see how they could work the organization into their annual operation. He added that \$600,000 was not near enough they needed to ask for. He added that Voters come in all shapes and sizes.

Commissioner Hinson said personally, the \$1.3 Million plan was put before them and they were told to vote for it. That money was not restricted because it went back into the General Fund. He said they took that money and used it for whatever the County Administrator wanted. He asked the Board for workshops first so the community could have input before they voted on it. He said it was brought to them and they voted for it the same night without looking at it. The next agenda had \$4.4 Million for the American Rescue Plan and they voted for everything that same night without looking into it. He further stated they were going to spend \$200,000 to refurbish their meeting room. He said they put more money into Churches than they did small businesses. He added that the barbers and beauticians could not work and they still voted on it; they refused to have meetings. He said they laughed about it but it was not funny to him. Now they act like they were so concerned about the people. He said for them to look at the budget first and then could make a rational decision. He then said he did not want to vote for something in the blind because he did not know how much was in the General Fund. He wanted to table this item for two weeks until he could find out how much was in the General Fund, bring that information back and they could make the right decision.

Chair Holt said they could not be threatened into doing anything or accuse them of not reading the Agenda items or bully them into anything. She said they said to look at the budget and what they had to do. To try to degrade Commissioners because one had a concern was not the way to get them on your side. No-one has said they did not want to fund the program, they said they needed to look at what they were doing so far and what was promised. She said they need to look at this. She said she was getting tired of him insulting Commissioners. The young lady that commented was not the only one that complained about the distribution process. The Sheriff also commented about the distribution. She felt everyone would be happy if this item came back.

COMMISSIONER HINSON MADE A MOTION TO TABLE THIS ITEM UNTIL THEY HAD ALL THE INFORMATION BEFORE THEM AND COMMISSIONER VIEGBESIE MADE THE SECOND. COMMISSIONER VIEGBESIE ALSO ASKED THE ADMINISTRATOR TO HAVE AN OPEN-DOOR ACCESS TO MR. BUTLER AND THE HAVANA CDC TO SEE HOW THEY COULD HELP AND WORK WITH THEM FOR THE GOOD OF THE CITIZENS. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE TABLING THIS ITEM.

16. Approval of Resolution 2021-034 in Support of Protecting Seniors Through Immunization Act of 2021 to eliminate out-of-pocket costs for vaccines under Medicare Part D

Mr. Dixon introduced the above item and stated it was in support of protecting the Seniors through the Immunization Act of 2021 to eliminate out-of-pocket costs for vaccines under the Medicare Part D.

Commissioner Viegbesie said this would support H.R. 1978 and the United States House of Representatives in the effort to ensure deductible, coinsurance, initial coverage limit, and cost-sharing requirements that apply under the Medicare prescription drug benefit that did not apply with respect to vaccines that are recommended by the Advisory Committee on Immunization Practices for Disease Control and Prevention.

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

17. Board Approval to Submit a Florida Department of Economic Opportunity (DEO) Community Development Block Grant-Coronavirus (CDBG-CV) Small Cities Application Seeking \$1.6 Million in CDBG-CV Funds to Rehabilitate, Improve and Furnish the County Owned Facility, that once served as the Cafeteria to the William S. Stevens Historic High School for the Resolution Approving the Submittal of the Application

Mr. Dixon introduced the above item and stated it was for approval to submit a Florida DEO CDBG-CV application for \$1.7 million in CDBG-CV funds to rehabilitate, improve and furnish the County-owned facility that once served at the cafeteria to the William S. Stevens historic high school for the purpose of providing a dedicated COVID shelter for Gadsden County citizens.

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

18. Board Approval of the Gadsden County Community Development Block Grant (CDBG), Duplication of Benefits Policy (DOB) and the Four-Factor Analysis Language Assistance Plan (LAP)

Mr. Dixon introduced the above item and stated it was for Board approval of the Gadsden County Community Development Block Grant Duplication of Benefits Policy and the Four-Factor Analysis Language Assistance Plan.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER NESMITH, THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

18a. FCI Invoice

Mr. Dixon said Chair Holt submitted this item.

Chair Holt said this item was added because there was an invoice, they had already approved the contract items that were distributed and Mr. Figgers sent information showing he had already sent the items and she wanted to get a vote to approve and move on.

Commissioner Hinson said he spoke with Mr. Dixon a few months ago and if not mistaken, they talked about this. He said they gave away food cards and asked the process for purchasing them. Mr. Dixon said they went to the vendor and as the vendor submitted them, they signed off on them, brought them into their shop. The Clerk's office created a number to go with the name and that required them to change the process where they would mail but the vendor wanted the people be present to get a signature so they would know exactly who received what card. Commissioner Hinson said normally they would purchase the food card and then give them out. He said he was ready for this to be done with. He asked why not allow them to give the 25,000 hotspots, pay for it first, they have a surety bond that covers \$2 Million anyway, so if they order just like they did the food cards, purchase them, they send it to the County and then they distribute and move on. Then FCI would not be responsible for delivering anything. He felt that was fair since they have a surety bond. They won't have to worry; the County will distribute them.

Chair Holt said she did not bring this before the Board for that. She was looking at what they delivered for their amount of money. Once there was the cease and desist, especially at that park, they have no idea how many were given out but a lot of people were there and at the IGA. She knew there was a certain amount that was given out. They have a contract but in looking at it, either they need to do what they needed to do to settle this part; or they will end

up in Court, and said she believed that was where they will be, and did not have problem with that. She said she knew x number of devices were received but were never turned on because they stopped. She said she was only talking about the number of instruments given out, if they could halfway settle that part, she would be happy.

Commissioner Viegbesie said he has said this before, there was nothing personal, it was strictly business. He stated again he has never met Mr. Figgers. If he recalled correctly, the Board voted for 100% attestation of the devices before payment was made. He asked the Administrator for the invoice being presented now (\$40,383.20), could delivery be attested and if not, why was it being presented for payment. The amount that was attested was approved for payment and if could be provided documentation that this invoice was invoice for fully attested delivery of the instruments and they were fully provided, would have no problem, otherwise he was not in favor. He said it was about principals and he stood on principals.

Mr. Dixon said, like him, he just received the invoice from the Chair, it was not from staff. He said he met with Mr. Figgers/FCI and once again tried to move beyond the situation. He said he had good ideas he wanted to present to them, he did what the Board asked to verify the number of devices, submitted that for payment as the Board instructed on what they could verify. The amount was for \$1700.00 roughly that they could verify. He stated he was not here saying they did not give them to the people, he saw some of the activity, there were people all around. However, like the food cards that were just brought up, there were a lot of people around but there was only one person that said they did not receive their food card out of 1700. He said the process worked, whether it was the food card or wi-fi device, they have tried to move beyond this knowing that they thought it was settled activity, that they proved what they could prove. It was said to them if the devices were later proven to have been handed out and put on line, they would be glad to submit them for payment as they moved through program, they declined. They said pay this or bust. In the very last meeting, they have scheduled them for the next meeting, they said they wanted to come before the BOCC, and then he had no choice but to end the discussion and it was placed on the agenda for the Board to decide on. He said he could not move if they were not willing to move. He has sat with Commissioner Hinson and thought they had good ideas about how to make it go but they refuse to entertain anything beyond this invoice being paid in full. He told them he did not have the authority and nothing verifiable that could be verified to be submitted to the Board to justify payment. He said that was where he and staff were and have not seen anything to differ.

Commissioner Green asked if the invoice came directly from Mr. Figgers or where did the numbers come from. Chair Holt said the invoice came from Mr. Figgers' company and she also received one from there. Commissioner Green said based on their previous approval, there was a substantial amount of money that was possibly invested into the devices. Would the \$40,000 clear out what was owed? Chair Holt said he has stated that was what they had given out. She said what was brought to IGA, they gave out everything. She called Mr. Bebe about what was being said negatively about the County about the distribution. There were people lined up out of the parking lot and they did that even though they were supposed to have someone from the County for the distribution. She called Mr. Bebe and told him she did not appreciate the young lady making negative comments about the County and asked it be taken down because they thought the County was the ones giving them out. He was to bring them

here and the Administrator was to verify and then be given out. She asked if they had started giving them out at Tanyard Creek Park.

Bishop Green appeared before the Board, said he did not know this was on the Agenda and requested permission to speak. Bishop Green said he shared in a meeting with Mr. Dixon, one of his biggest concerns to both parties, there is a contract and the County has contractual obligation and each party was responsible to do certain things. This issue is one he knew that has dragged on too long. The County hired the company to create, advertise and distribute the devices, be responsible for the device and all its components. He sat with them through several meetings where they went through the contract, redid the contract and renegotiated it. He said Contract law one of the most difficult challenges but was black and white. He said to just abide by the agreement and avoid litigation. He said he could not say how many actually worked and could not say how many was actually given out, but saw them being given out. He stated that asking for payment of devices already given out was part of their contractual discussion. He stated If they were trying to canvass, there was no way if the devices were given out in February, they would be active in May, three months had expired. If they do not handle this correctly, there will be no winners and the real losers will be the citizens. He said they could not get what was gotten in a contractual obligation from FCI from any other vendor and will not get it going forward from any other vendor under this kind of treatment. He said normally they would make the purchase, they would contract for the purchase and then take responsibility for the distribution of the items. He said he was told data usage was attached and sent with the invoice. He further stated the cure for it was in the surety bond, they had a guarantee. He did not see how the County could lose but could see how all could lose. He thought tonight they were at a crossroads, they need to decide to either honor the contract, pay the invoice or prepare for litigation and the citizens will lose. If they find out he did not produce and distribute the number being paid for, they have a remedy covered in the contract. He has to make the devices good. Bishop Green said he read the contract and why have contract and have to go by. He further stated the fact was they asked the Administrator to verify each device and it was hard to verify something that was working in July that was distributed months earlier. There was a limited 3-month contract and he was charging for the device and data usage. If he is committing fraud, submitting documents that is fraudulent, he assumes not only civil liability but criminal liability. He said he felt it would be in the best interest of the citizens of the County to honor the invoice, pay it because they have recourse. He said his last point was for them to stop beating this horse, either bury it or ride it. He has a good product at a good price. He thought it would do the Board, community and FCI a great service if they could find a way to resolve this in a peaceful manner and pay the invoice.

Chair Holt said she brought this item because she was looking for settlement on this and was trying to get one tonight.

Commissioner Green said he wanted to be clear. Chair Holt stated they could not settle the contract, it had a lot more “stuff” in it.

Chair Holt asked the Administrator if would be scheduled and Mr. Dixon stated it would be scheduled for the next meeting.

Commissioner NeSmith said to the Administrator he did not know they could bring something like this to the Commission, if it was appropriate. Mr. Dixon said it was an item they voted on

to add at the beginning of the meeting. He then asked the Administrator what would be on Agenda and Mr. Dixon said the Board's direction on how to handle this matter. He clarified what he was asking for, if they want to do the contract, it was not the County that was holding this up. He said they could choose to talk about the \$40,000 or talk about the \$1.7 Million. He said they could talk about the \$40,000 that he could not prove and if they wanted to put the food card out there, it was the same thing, the cards were bought and signed for and they could prove what went to who. He said there was one card out of 1700 that the person stated they did not receive. Turned out the store made a mistake and based on the information they had, they were able to fix it. He said he did not know how to fix this, based on the Board's direction based on what he was told to do. In the best interest from his conversations with each of them on how to move forward, he said to talk about the \$1.7 Million and how they could get the other 20,000 distributed. They (Figgers) did not want to have any conversation about that and he did not know what to do without Board direction.

Commissioner Hinson said he recently purchased 400 items from Amazon and got them 2 weeks later after paying for them. With the food cards, they paid for them first before being given out. He wanted this to come to a resolution, they have a surety bond for almost \$2 Million. He said they would get the money anyway because that was insurance. They did not get a surety bond for the food cards.

Chair Holt asked the attorney about the surety bond, would the County be paid in case Figgers did not satisfy the contract? She said in this instance, yes, the surety bond would cover failure to perform under the terms of the contract. She said for example, party A pays on the contract and party b does not perform for payment, the surety bond would come in to ensure that party a would get paid.

Commissioner Viegbesie said he thought the decision was already made that this item would be placed on the agenda for the next meeting. He said they need to get the appropriate documentation and bring it back on the next agenda. He also heard what the Attorney said if there was no delivery, but that was not what the issue was. The claim that delivery was made. So, the surety bond was not really applicable in this case because the Recipient was saying they did not get all of the services delivered. The surety bond was not a guarantee because the service provider was saying he delivered. He added he was not sure why the surety bond was being brought into play. He said for them to place this on the Agenda and come back to it as the Administrator has suggested.

The Attorney said if party A would be paying, party B providing the product. Fundamentally there is a dispute whether certain provisions in the contract were performed or required to be performed. Mr. Dixon stated he was having a hard time being able to document that product that matched that invoice that actually went out. Fundamentally, the issue was where did it go, is there documentation to support that. In general, the surety bond can cover failure to deliver a product and can also cover performance issues on contracts. She did not want to say that there was no affirmation to the surety bond issue in this instance. She also did not know if it was a slam-dunk, fundamentally, the issue was about the contract provisions and whether certain provisions of the contract were performed and from their vantage point, not to say she thought it was right, whether they had to perform certain provisions of the contract in a certain way.

Commissioner Green asked if there was a way FCI could verify data usage on the devices? Could they show proof of what was delivered along with usage on each device? Mr. Dixon said they can prove delivery, they gave away 572 devices and had data usage information. The point he was making, the County never knew the person had the food card. How did they know it was the County's food card the person was cashing? The Board said to prove every one of the devices before paying and have done what they were told to do to the best of their ability. In a perfect world, it would have been done just like the food cards; they would have sold the County stack of food cards, the County would initial them, paid for them, and redistributed. In this instance, they would have redistributed them but would have been written a \$900,000 check because they would have been verified up front. If they sent them out, ok, if not, the surety bond could kick in. He said that was why he kept trying to move to the second piece of the contract because they could go from talking about \$1.7 Million and how they could make sure it was done right and not get stuck on the \$40,000. But that was not what they want to do.

Commissioner Green asked for clarity, they don't want to agree to pay this invoice. Mr. Dixon said they want them to pay the invoice of \$1.7 Million or \$40,000 or they don't do business with us.

Commissioner Holt said that was almost a good move, it would save the rest of \$1.7 Million if they pay \$40,000. If that would cancel out the \$1.7 Million contract, they would save money. Chair Holt said everything has to be documented. She said how they want it done was very important. They could not say the company wants to do that, they have to give (the County something. If not the services, it becomes null and void anyway. The attorney said it would be a question about default.

Commissioner Green said (inaudible) but want invoice paid and Administrator said it would be on the next agenda.

COMMISSIONER GREEN MADE A MOTION TO PAY THE INVOICE OF \$40,383.20 AND COMMISSIONER HINSON MADE THE SECOND. THE BOARD VOTED 3-2 BY VOICE VOTE. COMMISSIONER NESMITH AND COMMISSIONER VIEGBESIE OPPOSED.

CLERK OF COURT

19. Updates

COUNTY ADMINISTRATOR

20. Updates

Commissioner Viegbesie asked the Administrator for an update on the Havana EMS site and to get an update on St. Hebron Walk and Bike Trail. He asked for a timeline. Mr. Dixon said he will respond in writing.

COUNTY ATTORNEY

21. Updates

DISCUSSION ITEMS BY COMMISSIONERS

22. Report and Discussion of Public Issues

Commissioner Eric Hinson, District 1

Commissioner Hinson echoed what Commissioner Viegbesie said earlier. He had also contacted the Administrator about Havana EMS.

Jerry Lee, Public Works Director appeared before the Board and said Public Works paved the driveway and it should be completed tomorrow with lime rock. Commissioner Hinson asked for the location and was told on Highway 27 across from L&J Lounge. Commissioner Hinson wanted to look into purchasing property next to it so they could move forward because they planned on building a building, not have a portable there.

Chair Holt said to make sure they have a line item, how it would be budgeted.

Commissioner Hinson said based on information, he thought they had already voted on FCI, made the motion and voted on it. They do not need to bring it back and look at anything, just give the County Administrator direction. He did not see the reason for meeting again on something they already moved. They have a surety bond. Reason bringing up, was in Havana and saw a lady and she asked when they would finish the situation with FCI. She moved here from Miami in 1992 and could not get service. He said people and kids need service. He further stated they had all the answers with the \$2 Million surety bond. He said they need to look at if they purchase anything, Public Works, Facilities, when they order something, they purchase and pay first and then get the product. He hoped they can do the same practice with FCI.

Chair Holt said there was no way she would agree to that, they have to have everything in place. She was in favor of a meeting, taking care of this the same way she was when they get complaints. Get them in the room, get everything out, if there was anything in the contract they have questions about, it could be taken care of at the same time.

Commissioner Hinson said the Board voted for it. This was not the first time seeing it. Chair Holt said she wanted to see it. She was not interested in staff giving out anything as they have jobs to do.

Commissioner Kimblin NeSmith, District 3

Commissioner NeSmith said with the broadband issue, he supported the statement she made, he was looking at the big amount of \$1.7 Million and would like for them and Figgers to do whatever was needed to work out this arrangement. Citizens need broadband, they have a contract and want to meet with them as often as have to, to work this out.

He thanked the County Administrator for the new badges and to be able to get rid of the key fob.

He thanked everyone for giving him the opportunity to travel, it has been phenomenal. He said he will be bringing ideas and they have to focus on economic development.

He also said for them to do whatever needed to be done to work things out with Figgers.

Commissioner Ronterious Green, District 5

Commissioner Green said he also attended the symposium and one workshop that stuck out, there was one particular place had too many jobs and not enough people. He said to bring that to Gadsden County.

He wanted to encourage the citizens for them to be patient with Department of Transportation on Bainbridge Road and High Bridge Road.

Mr. Dixon said he understood from Mr. Lee and his staff that they just got approval to go ahead with Cane Creek. They had to wait until they knew they would be reimbursed.

Commissioner Anthony “Dr. V” Viegbesie, District 2

Commissioner Viegbesie said he had several:

- 1) One that Commissioner Green and Commissioner NeSmith alluded to-December 8th – 10th will be a Florida Rural Economic Development Summit and will be some items on that summit that were pertinent to what the County needs.

He said he would like to schedule a workshop regarding placing brick pavers around the Veterans’ memorial on the Courthouse grounds.

He said the issue going on around the County regarding no alcohol sales within a certain distance of a Church. He thought they needed to visit that Ordinance and resolve that. He said the Church could come to where the alcohol was.

The last comment was, they were working on evaluations for the Attorney and County Administrator. The one for the Administrator was due on November 21st. His concern was when they sign with the attorney, they do not sign with the individual but with the firm. In his opinion, the question should be the question that determines whether the law firm, in order to maintain their contract, depends on legal moves and compromises the integrity of some of the legal advices to suit the desire of the Commissioner or Commissioners. He suggested they change from evaluating the attorney to evaluating the law firm.

Commissioner Viegbesie had a clip shown that was a testimony to the SHIP program.

He said he did not know if they had any program in the County for cyber security. TCC requires that of every employee and it was mandatory. They need to train the employees along with Commissioners on cyber security.

Commissioner Brenda Holt, District 4

Chair Holt said they need a follow-up meeting with the Legislative committee.

Transportation

She knew that was coming up. They need to go after some of the Amazon jobs and need transportation there and back.

Commissioner Viegbesie said there was a CRTPA retreat this morning and was one of the conversations he brought up. He told the Administrator he would be getting a call from Tal-Tran and said he would suggest they bring in Big Bend Transit and Star Metro.

Commissioner NeSmith asked if they have rescheduled the trip to the “Golden Triangle” and was told it was being worked on now. Chair Holt said she definitely wanted to do that. Mr. Dixon said on that idea, they were working virtual through the internet, all he could think about was Havana Northside and business incubators that sets up. If a business incubator was created where people could work digitally, that would create ideas for that to happen.

Chair Holt said they need to look at having free truck driving classes. At one time they were able to work with a company in Gretna about cyber security.

Commissioner Viegbesie thanked her for mentioning that, NACo was now providing cyber-security class. He said he would forward the NACo training information to the Administrator.

She asked for an update on the Dollar General in St. John and stated two other communities was trying to get one. Mr. Dixon said they were moving quite deliberately throughout the County.

Commissioner NeSmith wanted to make sure for the second year of the Administrator’s contract, they have the evaluation form done.

Chair Holt said she would agree later to do the law firm. If the firm could send anyone, then they would not evaluate one person but the whole firm.

Chair Holt asked if they were still doing Resolutions for all funerals and was told yes. Commissioner Viegbesie said in the past staff went through the newspaper unless a special request was made.

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 10:02 P.M.

GADSDEN COUNTY, FLORIDA

BRENDA A. HOLT, Chair
Board of County Commissioners

ATTEST:

NICHOLAS THOMAS, Clerk