

**AT A REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON DECEMBER 5, 2017 AT 6:00
P.M., THE FOLLOWING PROCEEDING WAS HELD, VIZ:**

Present: Brenda Holt, Chair, District 4
Dr. Anthony "Dr. V" Viegbesie, Vice Chair, District 2
Eric Hinson, District 1
Gene Morgan, District 3
Sherrie Taylor, District 4
Dee Jackson, Interim County Administrator
David Weiss, County Attorney
Marcella Blocker, Deputy Clerk

INVOCATION, PLEDGE OF ALLEGIANCE

Chair Holt called the meeting to order and asked everyone to silence their phones. Commissioner Viegbesie said the Invocation would be by Pastor Williams of First Community Primitive Baptist Church. Everyone was asked to stand and Chair Holt then led in the Pledge of Allegiance to the U. S. Flag.

AMENDMENTS AND APPROVAL OF AGENDA

Mrs. Jackson said she would like to add to the Agenda Item 8a-Economic Development Professional Services Contract.

Commissioner Morgan said that item was about funding and was not publicly advertised and asked why it was on this Agenda without being properly advertised. Chair Holt said she spoke with GCDC and with the Manager and since there was no change in the contract itself and the money was approved and budgeted, just a change in how the money was disbursed. Commissioner Morgan pointed out again that it had not been publically advertised and placed on the Agenda and did not understand the urgency in this without it being advertised. Chair Holt said to vote on the Agenda and then they could discuss this matter.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY CHAIR HOLT, THE BOARD VOTED 2-2 BY VOICE VOTE. CHAIR HOLT SAID ITEM WOULD NOT BE ADDED, NOT ENOUGH VOTES TO DO SO.

UPON MOTION BY COMMISSIONER VIEGBESIE AND SECOND BY COMMISSIONER HINSON, THE BOARD VOTED 4-0 BY VOICE VOTE TO APPROVE THE AGENDA AS AMENDED.

AWARDS, PRESENTATIONS AND APPEARANCES

1. Presentation

(Andy Thomas, Public Defender for Leon County)

*****Mr. Thomas arrived late and his presentation was after Mrs. Anderson below*****

Andy Thomas appeared before the Board concerning the overcrowding at the jail.

Commissioner Taylor appeared at this juncture of the meeting.

Mr. Thomas said he had spoken with the Sheriff concerning this matter and how the overcrowding

could be addressed. He suggested they could look at non-monetary bail where someone was established and known in the community and was not a flight risk.

Commissioner Taylor said the person that sparked the conversation she found out had been in jail long past what their sentence would have been if they had been sentenced. She asked if this could be taken up at their budgeting session.

Chair Holt said she would like to see some programs and they could do that before the budgeting session.

Mr. Thomas said one thing they could do was pretrial release and bail reform.

Commissioner Viegbesie thanked him for coming and said he did not know how much he worked with the Public Safety Coordinating Council, and if there was not one here, maybe they could work on establishing one.

CLERK OF COURT

CONSENT

ITEMS PULLED FOR DISCUSSION

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Rosetta Hylton-Anderson, 8215 S. Virginia Street, Quincy, FL-appeared before the Board regarding National Hookup of Black Women, Inc.

Mrs. Anderson said she wanted to appear before the Board to make sure they knew who they were and what they do. She said they were active in the community, do literacy training with young people at every library in the County; do a Domestic Violence presentation where a victim gives testimony before young people and she spoke with Sheriff Young and he gave them a male and female felon who were Quincy residents and now trying to make a life for themselves. She also passed out a brochure to the Commissioners.

PUBLIC HEARINGS

- 2. PUBLIC HEARING-Adoption of Ordinance No. 2017-009, An Ordinance of the BOCC of Gadsden County, FL amending Section 74-1 of the Gadsden County Code of Ordinances, to include parks and recreational facilities maintenance and improvements as an authorized use of the discretionary and improvement as an authorized use of the discretionary sales surtax proceeds levied pursuant to Section 212.055(3), Florida Statutes; providing for repeal, severability, inclusion in the Gadsden County Code of Ordinances, modifications that may arise from consideration as public hearing, and correction of scrivener's errors; and providing for an effective date**

Ms. Jackson introduced the above item and said this was for adoption of an Ordinance amending Section 74-1 of the Gadsden County Code of Ordinances to include parks and recreational facilities maintenance and improvements as an authorized use of the discretionary sales surtax levied pursuant to Section 212.055(3), Florida Statutes.

Chair Holt announced it was a public hearing and explained the Ordinance to the public.

Ms. Jackson pointed out it did require a super majority vote.

Commissioner Viegbesie said this was first adopted in 1995 and amended in 2011. He said this was not about the \$200,000 but would enable Public Works to work in all the parks and recreational centers in the County. He said using Public Works in any of the parks have violated their own ordinances.

Commissioner Morgan said he was confused because they talked about this item in a public hearing at their previous meeting and this appeared to be the same as in the previous and as a point of order since it did not pass, how was it before them again in the same form.

Mr. Weiss said his recollection was it was requested it come back for further consideration with revisions and since they found out that Public Works could not do any work on any parks and they decided to bring this back before the Board and limitations could be placed on this along with it being sunsetted after a period of time.

Commissioner Morgan said this was not a good move and was not the way to get this done.

Jeff Price, Budget Director, appeared before the Board. Chair Holt asked how the Public Works department was funded and he explained the County Transportation-gas tax money. She asked about SCOP and SCRAP and he explained that was different grants. He said with the surtax they were discussing, half went to Public Works and half to Fire.

Mr. Weiss said funds for the operating budget for Public Works Department came solely from gas tax revenues, whether State or County and was restricted funds. This discretionary sales tax the County elected to charge, and was a penny on all sales tax and the County could establish the uses of the funds derived from that tax by Ordinance and could elect to use it however they wanted with limitations. He said the uses had to be set forth in an Ordinance.

Chair Holt said there was State tax money, SCRAP, SCOP, etc. but the sales tax was where this particular one came from and when the public would buy items in the County, a surtax was paid and it originated when the jail was being built and then was designated to include fire. She said she had a concern in that the Road and Bridge Department could work on other projects and had done so and did not believe they were breaking any rules or regulations because she had seen them do it.

Commissioner Viegbesie read aloud a legal opinion (no copy provided).

Commissioner Hinson called the question and Chair Holt said they had not heard from the public. He said last time he voted in favor of this but could not do something that would affect the other districts.

Commissioner Morgan said he was unaware of any violations of this ordinance they had and would need to be shown and what this was about was prioritizing what they look at as needs for the sales tax dollars and had no problem with funding parks if they found a way to do so through services from Public Works but it went back to budgeting and prioritizing. He asked what was more

important than fire, safety and other things they were currently spending the dollars on. He cautioned them if they opened this up, it would never stop.

Chair Holt announced it was a public hearing and asked if anyone wished to speak and there was no-one.

Chair Holt said if they do this how would Road and Bridge and at the Fire Department be compensated.

Mrs. Jackson said way they had used Public Works in the past had been in-kind services where no money came from the pot.

Chair Holt asked if they were going to do the work and the County was going to pay them, why it was being discussed.

Mrs. Jackson said according to the Attorney, currently the Ordinance stated they could not provide in-kind services because their labor was to be used only on roads and bridges. Chair Holt said he was not saying when they have events and they come to set up chairs, etc. and they had been doing that for years. She said she did not understand why that could not be an in-kind service.

Commissioner Taylor said she was confused and if Clyde Collins wanted Curtis Young to have Public Works cut St. John's park, if Mr. Collins would have to budget the funds to pay Mr. Young's department, would the taxing part that would be affected not be Mr. Collins' department and not Public Works.

Mrs. Jackson said with this particular grant, inmate labor could not be used and Public Works had equipment that Parks and Rec did not have and that was the reason for the change in this Ordinance to enable the park to be built.

Commissioner Taylor told Commissioner Hinson if he would put his district out there, she would put hers-she hated to return money.

Commissioner Viegbesie asked Mrs. Jackson since she was the grant writer and the person who completed the grant application for this grant, if the Public Works in-kind match included in the grant application and approved by the former County Administrator before being submitted and she said yes.

Commissioner Taylor stepped out at this juncture of the meeting.

Commissioner Viegbesie asked what now prohibited the use of Public Work services as in-kind match for the \$200,000 and in his opinion had "every trace and smell of some kind of retaliatory sabotage and was just too conveniently coincidental for me that this ordinance was invoked when it came to a grant that had been approved and the Public Works in-kind services were actually used as a collateral for the application for this grant". He said if this was an Ordinance that should have been used, then it should not have been referred to as the leverage to get this grant. He said again that this was a retaliatory action in not getting the park through.

Commissioner Taylor returned at this juncture of the meeting.

Chair Holt asked Mrs. Jackson if, when she wrote the grant, was she told in-kind services could not be used and she stated no. Chair Holt asked the Attorney why he did not inform them of this and he said he was not sent the grant application for review and had no knowledge of how the operating budget for the Public Works Department was comprised. He said the former County Administrator asked him if they could use the surtax proceeds toward in-kind services for Parks and Recreation.

Commissioner Morgan said if he were hearing the conversation, they were suggesting they make an exception for one situation and what would happen when someone comes in five years later and are told no, if they did this, they were opening something they did not want to do, along with the legal ramifications. He said it was poor judgment and if it warranted this much discussion, it simply was not good judgment to use the dollars for parks. He said those dollars were meant for other items much higher up the list of priorities than parks. He said if they wanted to fund the park, fine, if the majority wanted to, do it that way. He added that changing the Ordinance for one project was not using good judgment.

Commissioner Viegbesie said he would like the citizens of the County to understand that the \$200,000 was not out of the County budget but was a grant that was approved and the Public Works in-kind services were actually a part used for leverage for the grant. He said his issue was if that was the case when the former Administrator, who was a former Public Works Director, knew it was inappropriate to use Public Works in-kind services as leverage, why after the grant was approved, was it suggested to do in-kind services if known the funds could not be used.

Chair Holt said the Board approved the grant and everything they have talked about was talked about and voted on in this room.

Mr. Weiss said he did not think the Board approved the application but the action the Board took was to accept contingent on the amendment to the Ordinance. Chair Holt said it was on the Agenda before the surtax because she asked why the grant was approved before they approved the funding.

Clyde Collins came forward. Chair Holt asked him who cut grass in the parks and he said he did. She asked who took care of the facilities and he said he did and she asked if it came from a fund for parks and he said yes.

Commissioner Taylor asked the Administrator about the in-kind portion, they were not asking for money and Mrs. Jackson said no. She then asked if the in-kind that Mr. Collins department could generate was not enough to cover what the grant was requesting and Mrs. Jackson said that but also that Mr. Collins did not have the equipment.

Chair Holt asked if the Road and Bridge Department could not volunteer their services and Mrs. Jackson said according to their Ordinance, no. Chair Holt said they could volunteer their services, she did not say out of that fund, she asked if they could volunteer their services and Mrs. Jackson said no. Mr. Weiss asked if she meant the county employees volunteer their time and not be paid for it and she said yes. He said anyone could volunteer and do whatever work they wanted on the property but the equipment could not be used. Chair Holt said this should have been done before.

COMMISSIONER VIEGBESIE MADE A MOTION FOR ADOPTION OF OPTION 1 AND CHAIR HOLT

MADE THE SECOND WITH A QUESTION.

Chair Holt asked if this was exclusive to the one time. Commissioner Viegbesie said if they were not going to make the changes now that they had opened “Pandora’s box”, any citizen anywhere could take legal action on what they do as a government if seen that they were violating their own ordinance. He said he wanted a change to the Ordinance for future reasons.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 2-3 BY VOICE VOTE. CHAIR HOLT, COMMISSIONER TAYLOR AND COMMISSIONER MORGAN OPPOSED. MOTION FAILED.

COMMISSIONER TAYLOR MADE A MOTION FOR ONE TIME APPROVAL TO GET THIS MATTER PUSHED THROUGH AND COMMISSIONER VIEGBESIE MADE THE SECOND. MR. WEISS ASKED FOR CLARITY.

Mr. Weiss said the best way would be to be specific and establish a date they knew the work would be completed and that would be the cut-off date and funds for this purpose would sunset at that time. Mrs. Jackson asked if could be make specific to the project without a date. Commissioner Viegbesie said this was not for the park because the architectural design of the park would cost \$4. Million dollars; this was for \$200,000 grant for the walking trail. He said the \$4. Million was what the community itself was working on through the legislature.

Commissioner Taylor said she never wanted to give a funding agency the impression that they did not need or want money and she could not sit back and say no.

COMMISSIONER TAYLOR STATED AGAIN HER MOTION WAS TO APPROVE ORDINANCE 2017-009 IN ITS CONTENT ADDING THAT IT WILL SUNSET IN 2019 AND BE SPECIFIC TO THE GRANT WRITTEN FOR THE \$200,000 AND COMMISSIONER VIEGBESIE MADE THE SECOND. COMMISSIONER MORGAN HAD A QUESTION.

Commissioner Morgan asked Mrs. Jackson for a breakdown of dollars and she said she did not have that information in front of her at this time. He said of the \$200,000, they knew \$60,000 was going to the designer but that was standard. Commissioner Morgan pointed out they were not getting \$200,000 for a park for Gadsden County. Mrs. Jackson said it had to be drawn and that was the standard allowable rate. Commissioner Morgan asked the attorney if he was comfortable with this moving forward and he said yes.

CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 4-1 BY VOICE VOTE TO APPROVE THIS ITEM. COMMISSIONER MORGAN OPPOSED.

Commissioner Viegbesie thanked the Commission for doing what they just did and added they could not continue to do what they have been doing and get results.

GENERAL BUSINESS

3. Cooks Landing Road SCOP Agreement

Mrs. Jackson started to introduce the above item.

COMMISSIONER TAYLOR MADE A MOTION TO APPROVE AND COMMISSIONER VIEGBESIE MADE THE SECOND. COMMISSIONER MORGAN ASKED THEY LET THE PUBLIC KNOW WHAT THEY WERE DOING.

Mrs. Jackson said this was for approval to do work on Cook Landing Road and was a FDOT SCOP Agreement for widening and resurfacing.

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

4. County Road 65B (Old Federal Road) SCOP Agreement

Mrs. Jackson introduced the above item and said it was for Board approval of the FDOT SCOP agreement for the widening and resurfacing of this road.

COMMISSIONER TAYLOR MADE A MOTION FOR APPROVAL AND SECOND MADE BY COMMISSIONER VIEGBESIE. COMMISSIONER MORGAN HAD QUESTIONS.

Commissioner Morgan pointed out the attachment was not correct. Mrs. Jackson said the correct attachment was before them.

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

5. Bell Road SCRAP Agreement

Mrs. Jackson introduced the above item and said it was for approval of the FDOT SCRAP agreement for the widening and resurfacing of Bell Road.

COMMISSIONER HINSON MADE A MOTION TO APPROVE AND SECOND MADE BY COMMISSIONER VIEGBESIE. COMMISSIONER TAYLOR HAD QUESTIONS.

Commissioner Taylor asked what district this was in and Mrs. Jackson said District 1. Commissioner Hinson said there was no address and he was told it was the whole road.

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

6. Request to Apply for the Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant

Mrs. Jackson introduced the above item and said it was a request to apply for a Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant and was submitted by Redeemed, Inc. for \$1.2 Million over the course of three years and she wanted to make sure the Commissioners saw that the County would administer the awarded grant funds while Redeemed would focus on the service provision and expansion outlined in the grant.

Commissioner Viegbesie said Redeemed has been doing outstanding work with the Sheriff's Office and the Jail but his concern was addressed, which was Redeemed was a non-profit organization and was applying for the grant through the BOCC. He asked what that would do to other non-profit organizations. He said he understood Redeemed was directly under the Sheriff's Department and working with them and if they received this grant it would be monitored by the

Clerk's Office. He said with that understanding, he would make the motion.

COMMISSIONER VIEGBESIE MADE A MOTION TO ADOPT OPTION 1 AND CHAIR HOLT MADE THE SECOND WITH QUESTIONS. SHE ASKED IF MRS. BERRY COULD STEP FORWARD TO DISCUSS THE GRANT.

Annie Berry, Director of Redeemed, Inc. appeared before the Board. She said the grant was to expand Drug court and the Pretrial Release Services that they provide, to monitor people going to jail to see if there are any mental health or substance abuse issues and then tailor them with a coordinator to ensure they receive the needed services and would be paid for through the grant.

Chair Holt said she did not see a copy of the grant attached. Mrs. Berry said she did not bring a copy of the grant, only an outline.

CHAIR HOLT CALLED FOR THE VOTE.

Commissioner Morgan asked the process to be explained as far as it coming back before the Board. Mrs. Berry said she needed an answer at this meeting because she needed to do a Letter of Intent that was due the next day.

Mr. Weiss said they were approving the application of the grant tonight and he assumed the grant would come back before them for approval if they were responsible for the grant. Mrs. Jackson explained the grant was being submitted under the name of Gadsden County Board of County Board of County Commissioners and if it was awarded, they would subcontract the grant with Redeemed, Inc. for them to administer the services.

COMMISSIONER VIEGBESIE AMENDED HIS MOTION TO INCLUDE THE GRANT MUST COME BACK BEFORE BOCC FOR FINAL APPROVAL AND COMMISSIONER TAYLOR MADE THE SECOND. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

7. 2017 Striping Project Phase II-Bid Award

Mrs. Jackson introduced the above item and said it was for Board approval to award the bid of the 2017 Striping Project Phase II to AKCA, Inc., the low bidder, in the amount of \$175,951.00.

Commissioner Viegbesie asked Mrs. Jackson if there was a chance of this item coming back with change orders and she said no, they were not doing change orders.

COMMISSIONER VIEGBESIE MADE THE MOTION TO ADOPT OPTION 1 AND COMMISSIONER TAYLOR MADE THE SECOND WITH A QUESTION. CHAIR HOLT CALLED FOR THE VOTE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

Commissioner Morgan had a question and asked about the striping product used and she asked Curtis Young to step forward.

Curtis Young, Public Works Director, appeared before the Board and said they were using paint but changed because the thermos-plastic lasted longer and was a better product.

8. Approval to Utilize County Law Enforcement Training Funds to Conduct an Active Shooter Training Involving Faith-Based Organizations

Mrs. Jackson introduced the above item and said it sought funds from the Gadsden County Law Enforcement Education Fund (LEEF) to conduct active shooter training and exercise in a church setting. She explained the training was scheduled for early December 2017 and would involve local law enforcement and faith-based community members.

COMMISSIONER VIEGBESIE MADE A MOTION TO APPROVE OPTION 1 AND CHAIR HOLT MADE THE SECOND. COMMISSIONER TAYLOR HAD QUESTIONS.

Commissioner Taylor questioned the wording in the agenda item. Chair Holt explained. Commissioner Hinson said he had no problem with this but asked with it being faith-based, could they support it. Mr. Weiss said they were not promoting religion and no single type of religion and in his opinion it was ok.

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

COUNTY ADMINISTRATOR

9. Update on Various Board Requests

Mrs. Jackson gave an update on the Ag Center. She said the Architect would be done by the end of this month and it will go out for bid the first of January and they were not in jeopardy of missing a timeline. She said regarding the Courthouse, there was a discrepancy as far as the timeline and will be meeting at the end of the week to update the timeline. She said regarding the Greenshade Fire Station that will be going out for bid next week to get started with the building.

She reminded them about the Christmas parade Friday at 6:00 and if they planned on participating, be at Ward's Lot.

She said the Christmas luncheon will be at Public Works next Thursday, December 14th at Noon.

She said there will be a Public hearing by the Florida House of Representatives in these Chambers on December 11 at 3:00 p.m.

She reminded them there is a Community Meeting on Stevens School on December 11th at Kelly Campbell Building at 6:00 p.m.

She said there is an Economic Development retreat on Tuesday December 12th at Tri-Eagle at 4:30 p.m.

Commissioner Taylor stepped out at this juncture of the meeting.

Mrs. Jackson said Collins Forman, a former Gadsden County citizen that currently lives in South Florida, was interested in selling Ingram's Marina and it was suggested by a Commissioner that it be run by the Board to see if they were interested in purchasing. She said she was not asking if they were interested but for Board direction as to whether they would like it brought back as an Agenda item. Commissioner Viegbesie suggested they hold a workshop on this matter.

Mrs. Jackson said there were changes being made to day-to-day processes at the County and it would not affect budget and being done to increase safety and streamline process. She said she would be submitting electronically monthly newsletters to all Commissioners to keep them abreast of day-to-day highlights.

Commissioner Taylor returned at this juncture of the meeting.

She thanked them for allowing her to serve and thanked Staff.

Commissioner Taylor said she wanted to get back to striping. She said there were left-over funds for roads in each district and she has three or four roads in her district that need to be striped with new type of striping.

Commissioner Morgan thanked her for updates. He asked about the status of the County-Wide communication issue. Mrs. Jackson said everything had been signed and submitted and the application submitted for the FCC license.

He asked about televising meetings and the issue with problems in the Chattahoochee area. He said Spectrum had now lost the governmental channel and asked her to keep them abreast of what was going on. He asked if there was anything they could do here to broadcast the meetings live over the internet. She said there were some upgrades they could enact and she would discuss this with the IT Director if it were the will of the Board.

Commissioner Viegbesie said his understanding was when they got contract with Mr. Southerland; the Clerk's office was streaming this live already. Chair Holt explained the Clerk was not an issue; Mr. Southerland came first and then the Clerk; then the contract was cancelled with Mr. Southerland and the Clerk put cameras up. The Deputy Clerk explained the meetings were not streamed live; the meetings were placed on the Clerk's website the following day. Chair Holt said she had no problem with Facebook Live or any other live since people were filming anyway. She asked that they look into all the options. Commissioner Hinson said he image was everything, they had four or five ways the meetings could be viewed now and somethings they did not want to get bogged down that could make the County look horrible and was his opinion the people that were supporting this did not want the County to grow. He said Tallahassee did not have live meetings and it could hurt the image of the County if put on live.

Commissioner Morgan said this was strictly to provide access and they needed to get over their insecurities of not wanting people to see the Board and if the Board as a whole did not want to do it, fine. He said they were in the day and age now where information was processed differently and people look for ways to access information immediately.

He said he had discussed redistricting issues with the Administrator and she was gathering information.

Commissioner Viegbesie left the meeting at this juncture.

Mrs. Jackson said she reached out to the Supervisor of Elections, they were 29,747 registered voters in the County; District 1 had 7,813; District 2 had 6,517; District 3 had 4,780; District 4 had

4, 994; and District 5 had 5,643. She said as to whether they had to redistrict, she was not able to get an answer because the Supervisor of Election was out of town.

Commissioner Morgan said there was a wide disparity with the largest district had 7,813 voters and the smallest was 4,780.

Commissioner Morgan asked about the County Administrator position itself and she said there had not been any direction from the Board to proceed.

COUNTY ATTORNEY

10. Update on Various Legal Issues

Mr. Weiss said he could speak on the redistricting.

Commissioner Viegbesie returned at this juncture of the meeting.

Mr. Weiss said this was mentioned at the last meeting and now was happy to respond to specific questions. Commissioner Morgan asked if he could explain to the public why it was important to redistrict and he did so. He said there was a mandatory obligation to look at each district after the census and the Commission was to look at numbers during odd numbered years to see if lines needed to be redrawn.

Commissioner Morgan clarified why he was bringing this up and if it did not require change that was fine, but wanted to make sure they had met their legal requirement to meet statute. Mr. Weiss said to his knowledge nothing happened after the 2010 census. He reiterated they did not have to redraw lines but did have to make a determination if it was necessary. He said if their determination was not necessary, they had to take action to reaffirm the line and that did not happen.

He spoke regarding the woman that appeared before them about livestock being kept in a rural residential area and Code Enforcement action was taken and fined them for keeping livestock on the residential property and they have attempted to persuade the gentleman to remove the livestock and he has refused. He asked what the Board wanted to do about it and to him; their option was to bring an action to enjoin him from keeping the livestock on the property and would entail a lawsuit. He asked if the Board wanted to file a lawsuit against him or wait to see if the neighbors filed.

Commissioner Viegbesie asked of the Attorney and Administrator, it was his understanding that the offender has been charged \$50.00/day for approximately 60 days. Mrs. Jackson said much more was involved, the person won the lottery and the fine was not an issue.

Clyde Collins appeared before the Board and said they had sent citations out and the man who owns the hogs did not own the property. They have taken her to the Magistrate, he had ordered a fine and being fined \$50/day for the violation and had been going on for little over two months.

Chair Holt said they needed to think about what they wanted to do and this was not an isolated incident.

Commissioner Taylor said he said the property owners were in violation and there were rules on the books.

Mr. Weiss clarified the Code Enforcement Ordinance was adopted years ago.

Commissioner Taylor said they had already exhausted the processes and her sentiment went to people living next door because of the odor.

COMMISSIONER TAYLOR MADE A MOTION TO START LEGAL PROCESS. MOTION DIED FOR LACK OF SECOND.

Commissioner Morgan asked Mr. Weiss-1) they talked in the past about process or direction and who had the ability to add or take items off the Agenda and was still confused. Chair Holt said when she was first was on the Board, any Commissioner could put items on the agenda. She continued and said after Commissioner Croley and Commissioner Lamb came on, Commissioner Croley asked if they could and she said yes, they had the right to add things regarding their district. She said in recent years, they started voting and it made no sense.

Mr. Weiss said according to their Ordinance, the Agenda shall be prepared by the County Administrator in an appropriate form approved by the Commission and to him, the County Administrator prepares the agenda and the County Administrator puts items on the Agenda.

Commissioner Viegbesie said he thought every Commissioner on the dais had one vote and did not think the Chair should dictate or determine what goes on the agenda and if something affected a district that Commissioner should be able to contact the Administrator to have it placed on the agenda for discussion.

Commissioner Holt said she agreed with him but there had to be some finalization and she has asked for Policies and Procedures to be placed on the Agenda to be discussed. Mrs. Jackson asked if she wanted an Agenda item or a workshop and Chair Holt said it could be a workshop.

Commissioner Morgan asked the attorney about emails he was still receiving about the Public Information request that was being sent to them and asked the status. Mr. Weiss said he had received responses from all the Commissioners, had assembled all the documents Staff was able to assemble, and was waiting on a couple of items from a couple of Commissioners and was told they were waiting on service providers to get back with them regarding the records. Commissioner Morgan said it was in the record that everybody was aware of their responsibilities and Chair Holt said yes. Commissioner Morgan shared with the Commissioners a copy of an article that was printed in the Tallahassee Democrat regarding Commissioners in Martin County that were facing records violations charges.

Mr. Weiss responded to Commissioner Morgan's statements.

DISCUSSION ITEMS BY COMMISSIONERS

11. Report and Discussion of Public Issues

Commissioner Eric Hinson, District 1

Commissioner Hinson said he noticed they finished the meeting at 6:40 p.m. and it was now 8:40 p.m. and felt the cameras slowed them down and felt they now needed to stay focused to help out seniors, youth and the community. He hoped they could put a strong emphasis on community centers and parks because when people were healthy, there was a less chance they may need EMS or go to the hospital.

Commissioner Morgan stepped out at this juncture of the meeting.

He said some churches had their own community centers.

Commissioner Morgan returned at this juncture of the meeting.

He said Churches that had community centers had basketball courts, etc. where people could get in exercise and he thanked the Churches for that but some did not have the money or resources to provide that and felt it was the responsibility of the County. He said the County was supposed to protect public health, safety, and welfare and they were getting away from the responsibility.

Chair Holt asked if he wanted to make a motion and he said he would bring something up in the future.

Commissioner Gene Morgan, District 3

Commissioner Morgan had nothing to report.

Commissioner Sherrie Taylor, District 5

Commissioner Taylor said she wanted to reiterate having the Administrator bring back how much funds were left in the paving project and to look at the roads done in her district the past two years.

Emergency Fund

She asked about the amount of money set aside for emergency fund for the Commissioners' district to repair houses. She said she knew there were some language concerns and maybe a moratorium set in place by former administrator and wanted to know where were now because there were people that were in need. She asked the attorney how would they handle, being in a small County, how they would handle things with everyone being kin. She said if someone was related to a commissioner could the funds be utilized.

Mr. Weiss said the first part was the Clerk expressed concerns about the program, the process and the availability of funds. He felt mainly it was more of a notification issue and the Clerk had expressed a desire to codify the policy and Ordinance and have some procedures and it would address some of the concerns. He said the way he understood, they could refer people who had needs, it operated like the SHIP program except it was money coming from the BOCC and not the State. He said there were a few exceptions due to the emergency nature of the repairs but for the most part, it was made known the availability of the funding, made known through the County website, make people aware through workshops they conduct and when people are referred, there was a program in place and the policy stated what the criteria are for qualifications and the

submittal requirements for applications and they follow the process. He said he did not see where that would not qualify as a public purpose and did not see why they could not use the funds and the Clerk was the one who ultimately writes checks. He said he saw no harm in adopting the policy as an Ordinance. He said as long as they had the funds, he did not see any prohibition against someone who had a relative using the funds, but they could not show favoritism.

Commissioner Taylor said per his discretion, they could utilize the dollars moving forward because of how it was vetted in the SHIP department. However, he did say that the Clerk had issues with it but the Clerk worked for them, he took direction from the Board on how they wanted to spend their dollars. She said she did not want to get into a tug-of-war because it would hurt the citizens trying to receive the services. She said she felt they needed to try to bring back something that made “the whole picture bright” so they could move forward. She said if the SHIP department was doing it right approving the applications and orchestrating the deliverable services, fine.

Commissioner Hinson said they just had an audit report and asked if they said something about that and Mr. Weiss said not that he was aware of. Commissioner Hinson said to move forward, it had been working forever, people did not have time for another week or two for them to make decisions, and they needed help. He said they had already voted on this matter during the budget workshop; the auditors had no problem with it and felt they should vote on this tonight because Christmas was coming and did not want folks freezing because of having no heat in their house.

Chair Holt said she thought all recommendations went to the Manager anyway. Mr. Weiss said the way he understood it and the way he thought it should work, Commissioners could make people aware of the program; tell them to contact the Administrator or the SHIP department and the Commissioners should not be involved in choosing them. Chair Holt said as long as they stayed within the law they were good.

Commissioner Hinson said his thing was, for the record, he never had that kind of problem, he just recently found out they could do this and he said he wanted to put a motion out to keep it as it was.

Chair Holt said they did not need a motion to keep it as it was.

Commissioner Taylor said that was perfect but her only concern was “whether or not the fellow across street would pay the bill based on what his concerns are”.

Mrs. Jackson said she thought if the Board decided this was the way they wanted to move forward with the funds, the Clerk had to honor it and she would see to it.

Commissioner Anthony “Dr. V” Viegbesie, Vice Chair, District 2

Commissioner Viegbesie said he had two things:

COMMISSIONER VIEGBESIE MADE A MOTION FOR A PROCLAMATION TO RECOGNIZE AMANDA GEE, WHO TURNED 100 YEARS OLD ON JANUARY 6TH AND SECOND MADE BY COMMISSIONER HINSON. THE BOARD VOTED 5-0 TO APPROVE THIS MOTION.

He then suggested this weekend he heard something the County should take a look at; Pasco County has a County Food Ordinance and he asked them to send him a copy and thought they

could look at it to see if they wanted to explore to help their citizens.

Commissioner Brenda Holt, Chair, District 4

Chair Holt said she had two items, the Chamber and GCDC contracts. She asked if the invoices had been paid yet and Mrs. Jackson said no money had been disbursed yet and said their contracts were not fully executed until tonight when it would be signed by the County Attorney and would then go to Clerk and their first payment would be \$40,000. She said she wanted to have this on there to get the same pay-out for the groups and said both were behind because they backed up the Economic Development plan. Chair Holt said she felt they should work on the deliverables as well. She also said she heard people were getting frustrated with the projects that were coming up in Commissioner Viegbesie and Commissioner Hinson's district.

Mrs. Jackson said she would like legal direction on what to do with the contract and said it was voted on at the November 7th meeting to approve and would be the thirty days. She then asked the Board if they were questioning the contract or questioning the fee schedule of the contract.

Mr. Weiss said the action taken by the Board at the November 7th meeting was to approve the contract and if GCDC or the Chamber wanted to enforce the terms of the contract, they could. He added the Board previously approved it and that was why the Agenda item was drafted the way it was when they started rethinking the pay schedule was they could rescind the prior action and approve a new contract. He said they could enforce the contract, be agreeable to change the terms, or it takes a party to try to enforce the contract.

Commissioner Viegbesie said the attorney had just addressed his comment. He said since the commitment has been made, and said he knew for sure because he spoke with one of the businesses, if the parties to this contract, this Board and GCDC and the Chamber, if they accept what they were due now for them to go on with what they do and they agree to modify the payment of the other part to monthly, quarterly or whatever they agree on, so no-one breeched the contract, felt that would be a way it could be amended harmoniously. He added they could work with them, draw up a new contract and move forward.

Commissioner Taylor said any contractual agreement has room for amendment, there was a thirty day leeway in there and was not sure why it was not added to the Agenda tonight, but since it was brought up, it needed to be amended to include how they wanted the payment arrangement made. She said if they wanted to counter after the contract was presented, they then had the right to negotiate.

Chair Holt said her request was to have payments in installments like the Chamber had.

Commissioner Hinson said they had thirty days and it started November 7th. He asked if they could wait another day or two or did they need to make decision tonight? Mr. Weiss said the contract said in terms of the pay schedule, one payment of \$80,000 was due upon approval of the contract by the BOCC; that happened. He said if it were him and he represented them and wanted to enforce the contract, he would say they were owed \$80,000, it was approved. He said if they wanted to enforce the terms of the contract, it would not matter if they took action tonight or two weeks from now. He explained the thirty days come into play, in terms of payment, thirty days of submission of the invoice, if they have not yet submitted an invoice, the argument would be it would not matter that we approved it, an invoice has not been submitted and there was thirty

days from submission to pay, but did not mean they would not be entitled to the payment. He said there was the thirty day termination clause which allowed them to terminate the contract within thirty days but again, they would have to give thirty days' notice and would not change the payment provision in the contract.

Commissioner Morgan said the reason it was not on this Agenda tonight was because he made a motion to pull it because it was not properly advertised. He said if they looked at the Agenda, they should be on Discussion Items by Commissioners, things the Commissioner wanted to bring up and made the Board aware of. He said it was not about action items at this point of the meeting and this was what kept them there until 10:00 p.m. He said all he was asking was to do this in the proper fashion, put it on the Agenda in time for it to be advertised properly or wait until the next agenda. He said to communicate with them, let them know where they were and put it in the next Agenda and vote on it.

CHAIR HOLT MADE A MOTION TO SET UP A PAY SCHEDULE THE SAME FOR GCDC THAT THEY HAVE FOR THE CHAMBER AND COMMISSIONER VIEGBESIE MADE THE SECOND. THE BOARD VOTED 2-3 BY VOICE VOTE. COMMISSIONER HINSON, COMMISSIONER TAYLOR AND COMMISSIONER MORGAN OPPOSED. MOTION FAILED.

CHAIR HOLT MADE A MOTION TO PUT THE GCDC AND CHAMBER CONTRACT ON THE NEXT AGENDA FOR THE PAYMENT SCHEDULE AND SECOND MADE BY COMMISSIONER VIEGBESIE. THE BOARD VOTED 5-0 BY VOICE VOTE TO APPROVE THIS ITEM.

Chair Holt held up the Policies and Procedures and said they were going to start giving time for rebuttal and then move on. She added they were probably going to start being on live tv because she noticed some people brought their phones in and noticed they were recording tonight and may be better they cut it short. She said she had a comment from a lady that was sitting in the back and said people were tired of hearing family stories, what they thought about what was going on, address the item, stay on point and go home. Commissioner Hinson said they could not worry about what people said. Chair Holt said a lot of them were saying that and they were going to start cutting it short, for a short agenda they were still here at 9:45 and it was too long.

Receipt and File

- 12. Letter from Duke Energy
Letter from FDOT
Letter from the City of Miami Beach
Statement of Revenues, Expenditures & Changes in Fund Balance-Budget & Actual**

UPCOMING MEETINGS

December 19, 2017-Regular Meeting – 6:00 p.m.

Gadsden County Board of County Commissioners
December 5, 2017 – Regular Meeting

MOTION TO ADJOURN

THERE BEING NO FURTHER BUSINESS TO COME BECORE THE BOARD, CHAIR HOLT DECLARED THE MEETING ADJOURNED AT 9:34 P.M.

GADSDEN COUNTY, FLORIDA

BRENDA HOLT, Chair

ATTEST:

NICHOLAS THOMS, Clerk