

The Geneva County Commission met in regular session on Monday, March 8, 2021 at 9:30 a.m. at the Geneva County Courthouse in Geneva, Alabama.

Commission Chairman Toby Seay called the meeting to order and welcomed guests present. Commissioner Spivey opened the meeting with prayer. Chairman Seay led the group in the Pledge of Allegiance.

There were no elected officials requesting to make public comment.

There were no citizens requesting to make public comment.

Commission Chairman Seay called the roll, and the following members were present: Commissioners Weston Spivey, Todd Brannon, Bart Wilks, and Wade Fulford. The County Attorney Phil Eldridge; Engineer, Justin Barfield; Assistant County Engineer, Mike Shirah; Sheriff, Tony Helms; EMA Director, Eric Johnson; Solid Waste Director, Dawn Smith and County Administrator Cindy Williams were also present. The following business was transacted:

MINUTES OF THE MEETING

NEW BUSINESS:

1. Approve Minutes of February 22, 2021. Commissioner Spivey made a motion to approve the minutes of February 22, 2021. Commissioner Wilks seconded the motion. Vote was 4-0.
2. Proclamations: None
3. Bids: None
4. Board Appointments: None
5. Judge Stephen Smith was not present for the meeting but had spoken to Judge Seay requesting that the County be the official agent for the Children's Policy Council grants. It would operate like the CDBG Fund where the County maintains a passthrough account for the funds. This will be discussed at a latter date when more information is available.
6. Emily VanScyoc with Southeast Alabama Regional Planning & Development was present to discuss two resolutions. The first resolution was regarding the County applying with the Alabama Department of Economic and Community Affairs for grant assistance from the CARES Act Community Development Block Grant Coronavirus Grant Fund. The total grant will be for \$300,000.00. By this resolution, the County is approving the submission of the FY2021 CARES Act CDBG-CV Grant application requesting \$300,000.00 in federal grant assistance. Commissioner Brannon made a motion to adopt the resolution for the CDBG-CV Grant Application and allow Chairman Seay to sign all necessary application,

RECORDED IN OFFICE OF THE CLERK OF THE SUPERIOR COURT, GENEVA COUNTY, ALABAMA
TODAY, MARCH 8, 2021 AT 12:14 PM

contract, and other agreement papers for the CDBG-CV Grant funds.

Commissioner Wilks seconded the motion. Vote was 4-0.

The second resolution Mrs. VanScyoc discussed was for the County to apply to the Alabama Department of Economic and Community Affairs for grant assistance from the CARES Act Community Development Block Grant Coronavirus (CDBG-CV) Grant fund to utilize the grant assistance to provide modifications to the upstairs courtroom in the Courthouse. The total amount for the modification is \$35,000.00. The county will receive \$10,000.00 from the FY2021 CARES Act CDBG-CV Grant application and then commit to the \$25,000.00 remaining towards the courtroom modification. Commissioner Spivey made a motion to adopt the resolution for the CDBG-CV Grant Application for courtroom modifications and allow Chairman Seay to sign all necessary application, contract, and other agreement papers for the CDBG-CV Grant funds. Commissioner Brannon seconded the motion. Vote was 4-0.

OLD BUSINESS:

1. Board Appointments – Commissioner Fulford made a motion to reappoint Mr. Coley Andress to the Coffee County Water Authority Board. Commissioner Wilks seconded the motion. Vote was 4-0.
2. Bids – None
3. Spec Building – Mr. Phillip Santora with Northstar Engineering was present to update the Commission on the progress at the Spec Building site. Mr. Santora stated progress is being made and crews are at full staff and working diligently on the site. All the steel beams have been reset. Mr. Santora also stated that he would be in contact with Chairman Seay and will provide a detailed schedule of work on the site. Hughes Brothers Construction has requested, through Mr. Santora, for an extension on the contract completion. There have been thirty-four (34) rain delay days during this construction. The original contract had a completion date of February 28, 2021. Hughes Brothers is requesting an additional sixty-four (64) days which would cover the thirty-four (34) rain delay days and add an additional thirty (30) days for completion. This would put the completion date around May 7, 2021. Commissioner Spivey made a motion to allow an extension of sixty-four days to Hughes Brothers Construction contract for completion on the Spec Building. Commissioner Brannon seconded the motion. Vote was 4-0. Attorney Eldridge asked Mr. Santora if he needed to file an extension on the Sales Tax Exemption. It was decided that Mr. Eldridge will file for an extension for the Sales Tax Exemption with a date of completion on May 10, 2021.
4. Courtroom Renovation – Chairman Seay stated that the second coat of paint had been applied in the courtroom. The next phase will include the flooring and work on the ceiling. The electricians should be in this week however, some delays are expected due to the availability of some products.
5. Mr. Jeff Cahill with JMR+H was present to discuss the jail dome removal and Sallyport addition. Mr. Cahill stated that no work will be completed on the inside of the old jail per the new design. The Sallyport will now be an awning type port

and not the enclosed port originally designed. There will be a fenced in area around the Sallyport. The jail domes and fencing around the domes will be removed completely. There will be twenty-eight (28) parking spaces added, sidewalks and new fencing. The estimated cost of this is \$331,908.50. There is an alternate that can be added to install an eight-foot black vinyl coated privacy fence with slats and a motorized cantilever gate at a cost of \$29,654.00. Attorney Eldridge asked if this was a redesign of Bid #1 because the low bid received grossly exceeded JMR+H's cost estimate for this project. Mr. Cahill answered in the affirmative to the question. Commissioner Wilks asked if it would be feasible to break this up into two bids, but Mr. Cahill thought it would be best as one bid to avoid any bid law issues and there might not be enough interest to bidders for just one piece of the project. This project will have to be advertised for three weeks. Commissioner Wilks also asked if the County was being billed for the previous design and bid since the cost came in so far above the original estimate and was rejected for that reason. Mr. Cahill stated that to his knowledge, the County would not be expected to pay that billing, but he would discuss this with Mr. Rutland and advise the Commission on the issue. Chairman Seay stated we did receive an invoice for the original design.

REPORTS OF STAFF:

Sheriff: Nothing to report

County Administrator: Mrs. Williams relayed to the Commission that they are all subject to completing the 2020 Statement of Economic Interest which can be completed online at ethics.alabama.gov and must be completed by April 30, 2021. Administrator Williams also discussed rental of the Farm Center. Currently when a citizen rents the facility, they have the facility all day and have access to the entire facility. The Farmers Market is scheduled to begin in April or May and are using the Farm Center. Will the Commission allow the facility to be rented during the Farmers Market? County Extension Agent Gloria Marks was present for the meeting and stated to her knowledge the Farmers Market will only be held on Saturdays this year and usually they are done by lunch or 2:00 pm at the latest. The Commission unanimously decided that the Farm Center can be rented to citizens on Saturday after 2:00 pm.

County Engineer: His department started blading roads again last week. The contractor is currently painting his office after the workplace modification. They are taking three (3) tractors, two (2) excavators and six (6) Kenworth dump trucks to J M Wood Auction. Since the last Commission meeting eight (8) driveway pipes have been installed. Survey work has begun on the three (3) bridges washed out during Hurricane Sally. Commissioner Wilks asked Mr. Barfield about rain days and what work his employees perform during heavy rain days when road work cannot be performed. Is there a plan in place for employees to be off during these times and work on clear days to avoid excess

overtime? Mr. Barfield stated that he has had plenty of work to fill the days during this past month of rain due to getting equipment ready for the auction.

County Attorney: Attorney Eldridge stated that Solid Waste Director Dawn Smith had given him the paperwork for the two (2) new garbage trucks that were delivered last Friday. They are being financed through Bancorp South for \$373,720.00 at 2.590% interest on a payment plan of \$5,997.54 per month for thirty-six months. He has prepared the paperwork for Chairman Seay's signature. Commissioner Brannon made a motion to adopt the resolution authorizing and approving execution of a contract with Bancorp South Equipment Finance on the two (2) new garbage trucks and allow Chairman Seay to sign all documents. Commissioner Wilks seconded the motion. Vote was 4-0. Said resolution is attached hereto.

At the last Commission meeting the Commission had requested that he research old tax maps and deeds to the property in question in Commissioner Fulford's district on Harvest Time Road. Mr. Eldridge stated that his research of the Davis and Morris properties, neither reference a road being there. Attorney Eldridge stated in his opinion this was probably not a public road. Commissioner Fulford made a motion to table this matter. Commissioner Spivey seconded the motion. Vote was 4-0.

Attorney Eldridge stated he had sent a letter to Mr. Nathan Mathis regarding the subdivision in the Slocomb area. Mr. Barfield stated that Mr. Mathis' attorney had told him he would be providing documentation to get this matter resolved. He believes they are looking at creating a homeowner's association for the development and the entrance road would be a private drive.

Chairman Seay: Chairman Seay stated that he was working with the Sheriff's office on the inventory of the old jail and anticipated having it for the next Commission meeting. At that time, the Commission can review and decide on a course of action in declaring the items for surplus.

Revenue Commissioner: Not present

EMA Director: Mr. Eric Johnson stated that the number of Covid cases has dropped significantly in the past few weeks and our County is now in the green. The Governor has extended the safer at home order until April 9, 2021 and it is expected, barring any new developments, that it will not be extended past that date. Covid vaccinations are going well, and citizens are getting the shots. Commissioner Wilks asked Mr. Johnson if his required EMA coursework was completed. Mr. Johnson provided a checklist of the coursework and stated he still had eight courses remaining and there is a course that is an in-person course scheduled in June. Commissioner Wilks stated that upon Mr. Johnson's hiring on October 28, 2019, the Commission instructed Mr. Johnson that he would be given six (6) months to complete the required EMA coursework, but due to Covid the Commission had graciously extended that timeframe. Commissioner Wilks continued, stating that on January 11, 2021 himself, Commissioner Brannon and Attorney Eldridge had a conversation with Mr. Johnson regarding his completion of the EMA coursework the Commission had required upon his hiring and at that time Mr. Johnson stated he still did not have the courses

completed, but he would have it completed by the first Commission meeting in March. On this date they explained to Mr. Johnson that he had until March 8, 2021 to complete the coursework. Attorney Eldridge explained at that time to Mr. Johnson that the Commission wanted him to make the coursework a priority. Commissioner Wilks stated that Mr. Johnson was given a deadline of today to have the coursework completed and given Mr. Johnson's admission that it is not completed, he is making a motion that Mr. Johnson be released from his position making Friday, March 12, 2021 his last day. This will allow Mr. Johnson time to get his office in order and get with other county employees on issues in his department that may need attention before a new EMA Director can be hired. Commissioner Brannon seconded the motion. Vote was 3-0. Commissioner Spivey abstained from voting.

Solid Waste: Director Dawn Smith asked that her current garbage trucks 55-3 and 55-5 be made surplus to be sold once her new garbage trucks are in service. Commissioner Wilks made a motion that garbage trucks 55-3 and 55-5 be made surplus. Commissioner Spivey seconded the motion. Vote was 4-0.

Mrs. Smith also asked the Commission about the potential of purchasing another new truck in FY2022. Commissioner Wilks asked her how many trucks she currently has, and she replied that she had five (5) trucks not including the two (2) new trucks. She will be selling two old trucks and keeping three. They run three routes daily so there are two spare trucks for when a truck is out of service.

Director Smith also asked if the Commission would consider opening the Landfill one Saturday per month. In her opinion this could eliminate some of the trash being thrown on the roadways. Engineer Barfield stated the Landfill does have free day once per year in April. The Commission will take this under advisement.

E-911: Not present.

Auburn Extension: Mrs. Marks stated they are currently doing pesticide testing. They are working on the ground water festival but this year they will not be taking students to Troy. They recently had an oxen workshop and will have a wild game workshop on March 16, 2021 and a Serv Safe certification class on March 30-31, 2021. Their Nutrition and 4-H agents are back in person in the schools.

Commissioner's: Commissioner Fulford stated he had a citizen in the Lowery Community that had called with a problem with beavers and asked if there was anything the County could do. She did tell him that the County had come and busted up a dam the beavers had built but it was built back the following day. Commissioner Fulford asked if a pipe could be installed in some way that would not allow the flow of the water so it would not back up when the beavers built their dams. Engineer Barfield said he would have someone from his department investigate the issue.

Commissioner Fulford also stated there are several roads in his district that have problems with trash being dumped on them. He is asking if the County could have dumpsters for citizens to dispose of their trash or stage a dump truck in various areas around the county during the month for the benefit of the citizens to dispose of trash. Sheriff Helms stated that he would like to initiate a plan for the Adopt A Mile program in

**STATE OF ALABAMA
COUNTY OF GENEVA**

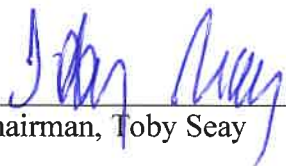
**REGULAR SESSION
March 8, 2021**

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the County. Chairman Seay stated it was time for the Spring Clean Up state project to begin and we would be able to pick up the large garbage bags for trash from the ACCA the end of this month. Sheriff Helms stated that if Commissioner Fulford would give him a list of roads he would get with Officer Tyson and have him take the Roadside crew to those areas for clean-up.

Commissioner Fulford made a motion to adjourn. Commissioner Spivey seconded the motion. Vote was 4-0.

The above constitutes the minutes of the meeting of the Geneva County Commission held on Monday, March 8, 2021.



Chairman, Toby Seay



Cindy Williams
County Administrator



Commissioner Weston Spivey



Commissioner Todd Brannon



Commissioner Bart Wilks



Commissioner Wade Fulford

**GENEVA COUNTY COMMISSION, ALABAMA
CDBG-CV GRANT APPLICATION**

RESOLUTION NUMBER: 382021-B

WHEREAS, the Geneva County Commission is hereby making known its intention to apply to the Alabama Department of Economic and Community Affairs for grant assistance from the CARES Act Community Development Block Grant Coronavirus (CDBG-CV) Grant Fund; and,

WHEREAS, the Geneva County Commission will be utilizing the County's grant assistance to provide modifications to the courtroom located in the Geneva County Courthouse; and,

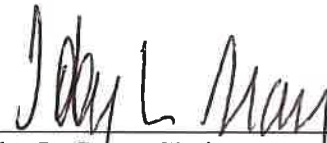
WHEREAS, the Geneva County Commission understands that the total estimated amount for the above referenced improvements is **\$35,000**,

BE IT HEREBY RESOLVED, by the Geneva County Commission, that the county will receive approximately \$10,000 from the FY 2021 CARES Act CDBG-CV Grant application and is therefore committing to provide \$25,000 towards the courtroom modifications in order to bring the proposed project to fruition, and that this legislative body of Geneva County hereby authorizes Toby L. Seay, Chairman of the Geneva County Commission, to act as the appropriate County Official on behalf of the Geneva County Commission, in dealings with the State of Alabama and to sign any and all necessary application papers for the CDBG-CV Grant funds as well as any necessary contracts and other agreements relative to the implementation of the proposed project.

This resolution is hereby passed and approved by the Geneva County Commission in official session on this 8th day of March, 2021.




Cindy Williams, County Administrator


Toby L. Seay, Chairman


Commissioner


Commissioner


Commissioner


Commissioner

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**GENEVA COUNTY COMMISSION, ALABAMA
CDBG-CV GRANT APPLICATION**

RESOLUTION NUMBER: 382021-A

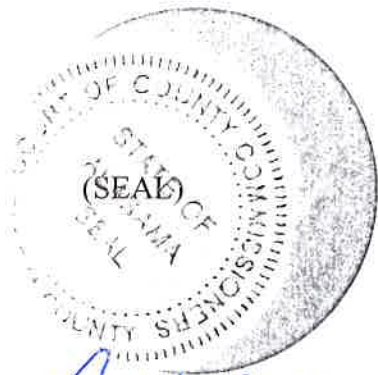
WHEREAS, the Geneva County Commission is hereby making known its intention to apply to the Alabama Department of Economic and Community Affairs for grant assistance from the CARES Act Community Development Block Grant Coronavirus (CDBG-CV) Grant Fund; and,

WHEREAS, the Geneva County Commission will be utilizing the grant assistance to prevent, prepare for, and/or respond to the COVID-19 pandemic and other infectious diseases in Geneva County; and,

WHEREAS, the Geneva County Commission understands that the total allocated amount for Geneva County under the CARES Act is **\$300,000**,

BE IT HEREBY RESOLVED, by the Geneva County Commission, that the county approves the submission of the FY 2021 CARES Act CDBG-CV Grant application requesting **\$300,000** in federal grant assistance, and that this legislative body of Geneva County hereby authorizes Toby L. Seay, Chairman of the Geneva County Commission, to act as the appropriate County Official on behalf of the Geneva County Commission, in dealings with the State of Alabama and to sign any and all necessary application papers for the CDBG-CV Grant funds as well as any necessary contracts and other agreements relative to the implementation of the proposed project.

This resolution is hereby passed and approved by the Geneva County Commission in official session on this 8th day of March, 2021.



Cindy Williams
Cindy Williams, County Administrator

Toby L. Seay
Toby L. Seay, Chairman

Scott A. Bram
Commissioner

Bar Wilks
Commissioner

Wesley Smith
Commissioner

Wade F. Hill
Commissioner

**RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF AN CONTRACT
WITH BANCORPSOUTH EQUIPMENT FINANCE, A DIVISION OF
BANCORPSOUTH BANK**

WHEREAS, Geneva County Commission, the Governing Body (the "Governing Body") of Geneva County, Alabama (the "Buyer"), acting for and on the behalf of the Buyer hereby finds, determines and adjudicates as follows:

1. The Buyer desires to enter into an Contract with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Contract") with BancorpSouth Equipment Finance, a division of BancorpSouth Bank ("Seller") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment").

2. It is in the best interest of the residents served by Buyer that the Buyer acquire the Equipment pursuant to and in accordance with the terms of the Contract; and

3. It is necessary for Buyer to approve and authorize the contract.

4. The Buyer desires to designate the Contract as a qualified tax-exempt obligation of Buyer for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Seller and the Buyer is hereby approved, and **Toby L. Seay, Chairman,** (the "Authorized Officer") is hereby authorized and directed to execute said Contract on behalf of the Buyer.

Section 2. The Delivery Order is being issued in calendar year 2021.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Buyer hereby designates the Contract as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 2021, Buyer has designated \$ 373,720.00 of tax-exempt obligations (including the Contract) as qualified tax-exempt obligations. Including the Contract herein so designated, Buyer will not designate more than \$10,000,000 of obligations issued during calendar year 2021 as qualified tax-exempt obligations.

Section 8. Buyer reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Buyer during calendar year 2021 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from Buyer or by an entity subject to substantial control by Buyer as provided in Section 265(b)(3) of the Code.

Section 10. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the reading of the foregoing resolution, BRANNON moved that the foregoing resolution be adopted, Wilks seconded the motion for its adoption. The Chairman put the question to a roll call vote and the result was as follows:

<u>Commissioner Spivey</u>	Voted: <u>Aye</u>
<u>Commissioner Brannon</u>	Voted: <u>Aye</u>
<u>Commissioner Wilks</u>	Voted: <u>Aye</u>
<u>Commissioner Fulford</u>	Voted: <u>Aye</u>
_____	Voted: _____
_____	Voted: _____
_____	Voted: _____

The motion having received the affirmative vote of all members present, the Chairman declared the motion carried and the resolution adopted this the 8th day of March, 2021.

J May L May
(Signature)

ATTEST:
Cindy Williams

(SEAL)

