

The Geneva County Commission met in regular session on Monday, February 14, 2022, 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 Fulford 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. County Attorney, Phil Eldridge; County Engineer, Justin Barfield; Assistant County Engineer, Mike Shirah; Sheriff, Tony Helms; EMA Director, Brian Smith; Revenue Commissioner, Mary Ann Ellison and County Administrator, Cindy Williams was also present. The following business was transacted:

MINUTES OF THE MEETING

NEW BUSINESS:

1. Approve Minutes of January 24, 2022. Commissioner Brannon made a motion to approve the minutes of January 24, 2022. Commissioner Fulford seconded the motion. Vote was 4-0.
2. Public Hearing to vacate Ausley Road – The vacation had been done earlier, however due to an error in the description process had to be started again. Attorney Eldridge stated that notice of hearing was given as required by law about vacating Ausley Road North of County Road 43. According to the sworn petition this vacation would not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property and is in the interest of the public. Mr. Eldridge then asked if anyone was present regarding the vacation of Ausley Road. No one was present regarding this matter. Commissioner Fulford, in whose district the road is located, made a motion to adopt the resolution to vacate Ausley Road North of County Road 43. Commissioner Spivey seconded the motion. Vote was 4-0. Mr. Eldridge then stated that notice must be published once more in the newspaper before it becomes final.
3. Mr. Kyle Hovey with Slocomb EMS and Geneva County Firefighters Association was present to request funds from the County's share of the American Rescue Plan Act. Mr. Hovey presented the Commissioners with information regarding the purchase of new radios for all county fire departments, city run and volunteer. The

cost of the radios is \$150,181.88. Mr. Hovey stated that he is aware that the State Legislature has met and will be sending funds to Emergency Services and Fire departments, however they are under advisement that it will be in the \$10,000 - \$20,000.00 range. The departments are still requesting the funding from the county for the radios so the funds from the State can be used to operate the department. Mr. Hovey then presented an E911 call list to the Commissioners showing the number of calls received for each city and the calls in the county for the past three years. The county jurisdiction for EMS has the second highest call volume and the county jurisdiction for Fire has the highest call volume. Mr. Hovey stated that currently the Slocomb EMS department has three ambulances down and have two borrowed from other entities. The ambulance situation is critical for EMS departments in the County. The EMS and Fire departments are requesting 20% (\$1,040,000.00) of American Rescue Plan Funds allotted for the County, to operate EMS and Fire services. Mr. Hovey is requesting the Commission to make a motion and vote on this request today. Commissioner Spivey made a motion to allow Mr. Tracy Nelson with the Slocomb Fire Protection District Board to speak. Commissioner Wilks seconded the motion. Vote was 4-0. Mr. Nelson explained that fire departments and EMS departments are struggling to make ends meet. In Slocomb and Fadette the citizens voted to add a fee to their property tax in support of the Fire departments and that has helped those units with funding, however they still struggle. All funds are being used to provide services to citizens, but the dollars are running short. Mr. Nelson is asking the Commission to consider providing funding to the EMS and Fire departments so they can continue to provide services to the citizens of Geneva County. He also stated it could come to the day when these departments cannot go to a call because they do not have the equipment to provide the needed services. Commissioner Spivey asked if he had heard correctly that all cities were willing to forgo their requests for water and sewer projects from the American Rescue Plan Funds and all their request be put toward EMS and Fire departments. Mr. Hovey stated that he had spoken with all mayors and yes, they are all willing to remove their requests for water and sewer projects and all money be given to the EMS and Fire departments. He also stated the EMS and Fire departments are receiving funds from the State and the total request will be reduced by the amount they receive. Commissioner Spivey asked what the total amount requested for the cities was to which Chairman Seay stated those requests totaled \$2,300,000.00. Chairman Seay went on to say that nothing has changed since this process began. We have been operating under the Interim Final Rule which did not allow for purchase of ambulances, also, that the Final Rule does not go into effect until April 1, 2022, which might allow for these purchases. The County partnered with the ACCA in the Investing in Alabama Counties program to vet all projects to ensure the County was expending the funds according to the Federal guidelines because if the funds are not spent properly the County is responsible for repaying the funds. The Commission has provided the ACCA with all the projects planned and requests from the cities to be vetted, once they were all vetted the Commission would prioritize the projects. Chairman Seay stated that yes, when the Final Rule was released, it opened doors for expenditures on purchases for ambulances, road

and bridge projects and other traditional needs, however we are still operating under the Interim Final Rule until April 1, 2022. Chairman Seay continued stating that there has never been any question about the Commission's desire to support the EMS and Fire departments, over the last eighteen months the Commission has contributed \$420,000 to the EMS departments. The first expenditure was from the CARES Act for \$120,000 which provided two Lucas devices for each EMS department. Secondly the County applied for and received a grant for \$300,000.00 of which the County used \$10,000.00 for the EMA department and the remaining \$290,000.00 went to the cities. Chairman Seay stated again that the Commission is in total support of assisting in any way they can, however we have been gathering all information for each request and forwarding them to the ACCA for vetting purposes, which now will be vetted per the Final Rule. We are also in the process of getting quotes on County infrastructure projects and once all the information is received, we will better know what monies are available to work with. Chairman Seay went on to say that the Commission wanted early on to assist with the purchase of the new radio equipment for all departments but was told at the time it was not an allowable expense. Now under the Final Rule it looks as if that will be an allowable expense. The Chairman stated that himself and the County Administrator had a Zoom meeting this afternoon with the ACCA regarding expenditures under the Final Rule. At this point we are still in the fact-finding stage. We are aware that half of the American Rescue Plan funds are being requested by the cities. The County also has infrastructure projects that need to be addressed. Chairman Seay asked each mayor to update their request, if they are willing to drop the request for water and sewer projects, so that the new request can be submitted to the ACCA. Commissioner Spivey stated that he has had numerous telephone calls from his constituents in support of the EMS and Fire departments receiving funding from the county and therefore, contingent upon the cities submitting current and corrected requests for the American Rescue Plan Funds and the expenditures meeting the guidelines he puts forth in a motion that the County honor the request from the cities for funds from the American Rescue Plan in support of EMS and Fire services. Commissioner Wilks also wanted it noted that all cities also received American Rescue Plan funds. Chairman Seay asked Mr. Hovey if he was speaking on behalf of all the cities regarding the request for funding or if he was just there asking on behalf of the EMS and Fire departments. Mr. Hovey stated that he was speaking on behalf of all the cities. Chairman Seay stated again that all the cities would need to provide an updated letter of request from the mayor and council stating the specific requested items from the American Rescue Plan. It cannot be a general request for funding, it must be specific such as purchase of an ambulance at a cost of \$300,000.00. The County is not allowed to just write a check to the city, there must be a specific request with quotes for each item requested. As stated before the County is the responsible party for these funds and if spent incorrectly the County must repay the funds. Commissioner Spivey restated his earlier motion that contingent upon the cities submitting current and corrected requests for the American Rescue Plan Funds and the expenditures meeting the guidelines he puts forth in a motion that the County honor the request from the cities for funds from the American Rescue Plan in

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support of EMS and Fire services. Commissioner Fulford stated he is in full support of the EMS and Fire departments, but he believes the Commission needs time to review the information presented today and hear the requests from the Sheriff's department and Road and Bridge department since the Final Rule now allows for expenditures for these departments. Commissioners Brannon and Wilks agreed with Commissioner Fulford. Commissioner Spivey's motion dies for lack of a second. Mayor King spoke on behalf of the other mayors stating that they had spoken at length about this, and the cities would provide services in the county for the next sixty (60) days but after that they would discontinue EMS and Fire services outside their jurisdiction.

4. Mr., Mike Rutland with JMR+H was present to discuss an invoice discrepancy on two invoices. Attorney Eldridge asked Mr. Rutland if the County had been charged for the design and redesign of the Sallyport and parking lot on the Jail renovation. Mr. Rutland stated that there was not a duplicate charge for these services. Mr. Eldridge stated that the two invoices in question are 20-985-1 in the amount of \$15,548.64 and invoice 20-985-2 in the amount of \$20,350.95. Mr. Rutland said those are the invoices on the Courtroom and the County was charged for the original design and not the redesign. There was no duplicate invoicing for services. Once that was cleared up, Chairman Seay asked Mr. Rutland to speak about the IAC projects they were here to review. JMR+H was here to do a project report on heating, air and ventilation at the Farm Center and the heating, air, and ventilation issues at the Courthouse. This is paid for by the IAC and that report will go to the IAC. This is for ventilation pieces only. Once that report is received from the IAC and the Commission is assured that the expenditures are fully compliant with the Final Rule, ventilation upgrades could be made to the Farm Center and Courthouse in accordance with the CDC guideline and ASPRAY. At that point the Commission would make the decision to proceed or not. If they choose to proceed, they will advertise, interview, and hire someone to do the designs. Mr. Rutland stated that now that the Final Rule has been released the projects previously discussed for upgrades to the Courthouse will all likely be approved projects to be paid for from the American Rescue Plan funds. There was no more discussion on the American Rescue Plan projects, but Attorney Eldridge asked Mr. Rutland if the rain days had been computed on the site work project at the Jail to which Mr. Rutland stated he did not know if they had been computed. Mr. Eldridge stated the project is 103 days behind schedule and there is a liquidated damages clause in the contract. Mr. Rutland stated he could not speak to the whole project since it was not up to the point of closing, but rain days should be calculated up the current day but that there were also some other issues not foreseen at the beginning of the project. Mr. Rutland requested an email from Attorney Eldridge so he could respond properly.
5. Board Appointments: None.
6. Proclamation/Resolution: Mr. Pres Register had previously sent information regarding adding Dale County to the Industrial Development Authority of Houston, Henry, and Geneva Counties. He has sent a resolution approving the Articles of Amendment adding Dale County as a member of the Authority and increasing the number of members on the Board of Directors from thirteen (13) to

sixteen (16). Commissioner Brannon made a motion to pass the resolution approving the Articles of Amendment adding Dale County to the Industrial Development Authority of Houston, Henry, and Geneva County and increasing the number of members of the Board of Directors from thirteen (13) to sixteen (16).

Commissioner Wilks seconded the motion. Vote was 4-0

7. Bids/Quotes: Bids were opened for the leasing of farmland at the Industrial Park. Attorney Eldridge opened the only bid received from Mr. William Birdsong. The total bid for the roughly 62 acres of property is in the amount of \$10,235.00 for a three-year lease. He also provided a bid bond in the amount of \$500.00. Commissioner Brannon made a motion to accept the bid for the leasing of farmland at the Industrial Park from Mr. William Birdsong in the amount of \$10,235.00. Commissioner Wilks seconded the motion. Vote was 4-0. Attorney Eldridge stated a motion was also needed for the Chairman to execute the lease of the farmland. Commissioner Wilks made a motion to allow Chairman Seay to execute the lease of the farmland at the Industrial Park. Commissioner Brannon seconded the motion. Vote was 4-0.

OLD BUSINESS:

None

REPORTS OF STAFF:

Sheriff: The Sheriff stated that several years ago an initiative was begun to take back prescription drugs from citizens in the County and dispose of them properly. This is done in every community four or five times per year in conjunction with SpectraCare. This was started due to many citizens disposing of them by flushing them down the toilet which goes back into the water systems or water tables. Up until recently they were incinerated using an incinerator at a chicken house. Chicken house farmers no longer use the incinerators and therefore we have lost a way to dispose of the drugs. Currently his department had ten, forty-pound garbage bags of drugs that need to be disposed. An incinerator is needed to be able to continue this service. The Sheriff is presenting information on purchasing an incinerator and placing it at the impound yard. He is in hopes that the purchase would be allowable under the American Rescue Plan. He is also in need of new vehicles in his department. The Commission did approve the purchase (lease) of four new vehicles in this Fiscal Year budget. He has twelve (12) full time deputies and four part time deputies that all have take home vehicles. His fleet is aging and in need of replacement. He provided a detailed listing of his vehicles and the mileage of each vehicle. The average mileage for a deputy is 30,000 per year. The Sheriff is asking to replace twelve vehicles and keep four of the newer vehicles. The Sheriff also stated that he has purchased several vehicles out of the Pistol Permit Fund which is under attack again and this year it may be voted out. He stated that the estimated cost of a new vehicle and outfitting it should run around \$42,000.00. He would not be able to use equipment from most of the old vehicles for the new vehicles.

County Administrator: Mrs. Williams stated that she did not have anything to report but Ms. Marks from Auburn Extension called and said she would be unable to attend but wanted to let the Commission know that they had the Cotton Expo last Friday and had 150 people attend.

County Engineer: Engineer Barfield stated that he had given each Commissioner a new updated district map.

At the last meeting he had stated that Geneva County had been awarded the \$350,000.00 ATRIP II grant to complete the work at State Road 52 and Shiloh Road in Hartford. This project will let in March and construction should begin around the first of May.

Since the last meeting the Rebuild Alabama road projects from last year, County Road 8 and County Road 49 have been permanently stripped and reflectors placed down so those projects are 100% complete. There is some touch up shoulder work to be completed.

To update on FEMA projects, the State EMA was furnished information last week and they are still in talks regarding the three bridges. Mr. Barfield requested an extension on completing the FEMA projects and has been granted a six-month extension. They currently have fourteen (14) projects remaining to complete and the three bridges.

Mr. Don Hatcher, owner of the Hatcher Dirt Pit on T Peacock Road asked the Road & Bridge department to remediate the pit. This work has been completed over the last two weeks and Mr. Barfield has a termination notice that requires the Chairman's signature.

In the coming weeks the permit will be terminated through ADEM.

Since the last meeting there have been eighteen (18) requests for driveway pipe installation. It will take two to three weeks to complete this number of driveway installations.

The dump trucks for the JM Wood Spring Auction are starting to be cleaned up in preparation for the sale. They will need to be in Montgomery in the next few weeks.

Mr. Barfield updated the Commission on Senate Bill 157 which is a bill to increase the weight of logging trucks. Currently a six-axle truck is allowed to carry up to 88,000 pounds. If this bill passes, they will be allowed to carry up to 100,000 pounds. This is counterproductive to the Rebuild Alabama project to pave roads and repair bridges. He has spoken to our Legislators regarding this and is asking the Commissioners to do the same.

Mr. Barfield also presented the Commission with a request from the American Rescue Plan funds since the Final Rule has been released. He needs new equipment such as new trucks, backhoes, liquid emulsion tank and fuel tanks. His request is for \$800,000 and could be offset by \$60,000 from the sale of current equipment.

Commissioner Fulford informed the Engineer of a call he received Friday morning about Goat Hill Road. A citizen hit a bad spot on the edge of the road and messed up her tire. She was not asking for anything but wanted to make the County aware of the bad place on the road. Commissioner Fulford told Mr. Barfield exactly where the spot was so his department could investigate the problem.

County Attorney: Attorney Eldridge had nothing further to report.

Commission Chairman: Chairman Seay gave an update on the Jail Sallyport and parking lot project. The final wearing surface has been placed down, the awning for the

Sallyport is up and the columns have been bricked. Waiting on finishing projects like striping and the fencing. At the next meeting the Administrator will have updates to the Personnel Handbook for consideration by the Commission. Chairman Seay and the Administrator have a Zoom meeting scheduled with the IAC at 12:30 today regarding the updates for the Final Rule. A list of projects has been forwarded to the IAC which included all the requests from the cities which will now be different according to today's meeting.

EMA Director: Mr. Smith had nothing new to report. Chairman Seay asked if there were any updates on the Hazard Mitigation grant for Storm Shelters. Mr. Smith stated it was at the State EMA department and they have not sent any requests for information.

Revenue Commissioner: Ms. Ellison stated her department has sent out notices on 550 unpaid property tax accounts.

Solid Waste Director: Mrs. Smith was not present.

E-911: Mr. Williams stated the Samson radio tower site should be turned on and functional in March if all goes according to plan. There will be two more sites to complete. The Mobile County E911 has taken down four, four-hundred-foot towers and the Geneva County E911 Board has requested one of those towers which could be made into two 190-foot towers for Geneva County. Should the cities send notice to not service the county with EMS and Fire services he will need immediate notice of that since it will affect his office.

Auburn Extension: Not present.

Commissioner's: Commissioner had nothing else to report.

Commissioner Brannon 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, February 14, 2022.




Chairman Toby Seay




Commissioner Weston Spivey




Commissioner Bart Wilks



Cindy Williams
County Administrator



Commissioner Todd Brannon



Commissioner Wade Fulford

STATE OF ALABAMA,
GENEVA COUNTY.

RESOLUTION

WHEREAS, a petition was signed and filed with the Geneva County Commission by Derek Warren and Rebecca Warren, who are the owners of all the lands abutting the following described public road, situated in the County of Geneva, State of Alabama, requesting that the Geneva County Commission approve the vacation of said public road, and

WHEREAS, the public road above referred to is more particularly described as follows:

County road known as Ausley Road, lying North of County Road 43, Samson, Alabama

WHEREAS, a public hearing was held at 9:30 a.m./p.m. on the 14th day of February, 2022, in the Geneva County Commission Court Room, Geneva County Courthouse, Geneva, Alabama on the vacation of said road after notice of said hearing was given as provided in Section 23-4-2 of the Alabama Code of 1975, as amended, and no one appeared at said public hearing objecting to said vacation, and it appears to the Geneva County Commission that the vacation of said public road would not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property and it is in the interest of the public that said road be vacated.

NOW, THEREFORE, BE IT RESOLVED, by the Geneva County Commission, Geneva County, Alabama, that the Geneva County Commission does hereby approve the vacation of said public road described hereinabove and said public road is hereby vacated pursuant to the provisions of Section 23-4-20 of the Alabama Code of 1975, as amended.

Commissioner, Wade Fulford, the Commissioner in whose district said public road is located, moved that the foregoing resolution be adopted and spread upon the minutes of this meeting, which motion was seconded by Commissioner Spivey, and upon the motion being put to vote, the following vote was recorded.

YEAS:

NAYS:

Commissioners:

Weston Spivey
Todd Brannon
Bart Wilks
Wade Fulford

The chairman thereupon announced that the motion for adoption has been unanimously carried.

FILED
11-4-2022

**STATE OF ALABAMA,
GENEVA COUNTY.**

I, **Toby L. Seay**, Chairman of the Geneva County Commission, hereby certify that the above is a true, correct and exact Copy of a Resolution duly and legally adopted by the Geneva County Commission, at a meeting on the 14th day of February, 2022.



Chairman of Geneva County Commission

RESOLUTION 02142020

A RESOLUTION OF THE COUNTY COMMISSION OF GENEVA COUNTY, ALABAMA, APPROVING AMENDMENTS TO ARTICLES OF INCORPORATION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF HOUSTON, HENRY AND GENEVA COUNTIES AND DECLARING THAT IT IS WISE, EXPEDIENT AND NECESSARY THAT THE PROPOSED AMENDMENTS BE ADOPTED.

WHEREAS, the Legislature of Alabama has declared as follows:

In recent years changes have taken place in the economy of the state that have had a far-reaching effect on the welfare of its citizens. The agrarian economy that once prevailed in the state and provided the principal means of livelihood for most of its citizens has proven inadequate to provide employment for the state's growing population. The advent of mechanized and scientific farming methods has reduced greatly the number of persons required to obtain increased yields of agricultural products from land under cultivation. There has been a correspondingly greater dependency upon industrial development as the bulwark of the economy of the state. It is therefore appropriate and necessary that measures be taken to secure to the citizens of the state the benefits of a strengthening economy resulting from increased industrial development. Among these benefits are diversification of available job opportunities, higher salaries, better working conditions, lower consumer prices for industrial products, conservation and efficient use of natural resources, and maximum utilization of technical skills possessed by the citizens of the state. The police power of the state casts upon the Legislature the peculiar function of ascertaining and determining when promotion of industry, and the welfare of the people is so inextricably intertwined with industry and industrial development as to make its well-being a matter of governmental concern. The solicitation of industries and other concerns producing additional jobs and strengthening the economy of the state has become increasingly competitive, with the state being required to compete not only with other states, but with nations other than the United States of America. Therefore, it is imperative that public corporations be incorporated or reincorporated with authorities and powers sufficient, to the greatest extent possible, to permit the inducement of such enterprises to locate, expand, improve their operations, or remain in the state. It is the further intention of the Legislature that the public corporations authorized by this chapter [ALA. CODE § 11-92A-1, *et seq.*] shall have discretion as to the manner of expending funds at their disposal for the purpose of promoting industrial development, subject to the limitations detailed in this chapter [ALA. CODE § 11-92A-1, *et seq.*]; and

WHEREAS, the Industrial Development Authority of Houston, Henry, and Geneva

Counties has adopted a resolution proposing amendments to its articles of incorporation pursuant to ALA. CODE § 11-92A-11 in order to afford opportunity for Houston County, Henry County, Geneva County, and Dale County to work together to jointly promote the Wiregrass Area and to engage in economic and industrial development efforts for the benefit of all the citizens of the region; and

WHEREAS, in recognition of the foregoing, the Chairman and Secretary of the Board of Directors of the Industrial Development Authority of Houston, Henry, and Geneva Counties, in the name of and on behalf of the Industrial Development Authority of Houston, Henry, and Geneva Counties, have filed an Application for Amendment to Articles of Incorporation of the Industrial Development Authority of Houston, Henry, and Geneva Counties ("IDA Application") based upon the Resolution of the Board of Directors of the Industrial Development Authority of Houston, Henry, and Geneva Counties Proposing Amendments to Articles of Incorporation of the Industrial Development Authority of Houston, Henry, and Geneva Counties ("IDA Resolution") that adopted the Articles of Amendment of the Articles of Incorporation of the Industrial Development Authority of Houston, Henry, and Geneva Counties ("Amendments") pursuant to the provisions of ALA. CODE § 11-92A-11, which are attached hereto and incorporated herein by reference as if fully set forth; and

WHEREAS, ALA. CODE § 11-92A-11 requires that the County Commission of Geneva County, Alabama ("Commission") review and adopt a resolution to approve the Amendments before the Amendments can become effective.

NOW THEREFORE, BE IT RESOLVED by the Geneva County Commission as follows:

1. It is wise, expedient and necessary that the proposed Amendments be adopted pursuant to Title 11, Chapter 92A, Section 11, of the Code of Alabama 1975, as amended.
2. The Commission hereby approves of the IDA Application attached as **Exhibit A** to this Resolution.
3. The form of the Amendments attached as **Exhibit B** is hereby approved.
4. The Industrial Development Authority of Houston, Henry, and Geneva Counties is hereby authorized to proceed in adopting the proposed Amendments by signing and filing the Amendments for record with the Judge of Probate of Geneva County, Alabama.

The remainder of this page is intentionally left blank and the signature page follows.

The above and foregoing Resolution is adopted and approved on this the 14th day of February, 2022, by the Geneva County Commission.



TOBY SEAY, CHAIRMAN OF
THE GENEVA COUNTY COMMISSION

Authenticated:



Clerk and Chief Administrative Officer

Commissioner Brown moved that said Resolution be adopted, which motion was seconded by Commissioner Wilks, and, upon said motion being put to vote, the following vote was recorded:

YEAS: 4

NAYS: 0

The Chairman thereupon announced that said motion had passed and the Resolution was adopted.

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