

The Geneva County Commission met in regular session on Monday, February 28, 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 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. County Attorney, Phil Eldridge; County Engineer, Justin Barfield; Assistant County Engineer, Mike Shirah; Revenue Commissioner, Mary Ann Ellison; Solid Waste Director, Dawn Smith and County Administrator, Cindy Williams was also present. The following business was transacted:

### MINUTES OF THE MEETING

#### NEW BUSINESS:

1. Approve Minutes of February 14, 2022. Commissioner Wilks made a motion to approve the minutes of February 14, 2022. Commissioner Spivey seconded the motion. Vote was 4-0.
2. Petition to vacate Elijah Road – Mr. David Miller was present to present a petition to vacate Elijah Road on behalf of all property owners on the road. Attorney Phil Eldridge stated he had reviewed the petition and it is in order. He has made Mr. Miller aware that this must be posted on the bulletin board in the Courthouse and published in the newspaper for four (4) weeks and a hearing can be set for the Commission meeting on April 11, 2022 at 9:30 a.m. Commissioner Brannon made a motion to accept the petition to vacate Elijah Road. Commission Fulford seconded the motion. Vote was 4-0.
3. Board Appointments: Chairman Seay stated that we did have appointment on the Food Bank Board, but more research needed to be done before this could be completed. Commissioner Spivey stated that in July 2022 Mrs. Kelli McAllister had resigned her board appointment on the DHR board. Commissioner Spivey thought he had already made a new appointment; however, nothing was in the minutes. Commissioner Spivey is nominating Mrs. Emily Richards to replace and complete the term of Mrs. Kelli McAllister on the DHR board. Commissioner Brannon seconded the motion. Vote was 4-0.
4. Proclamation/Resolution:

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TOBY L. SEAY, PROBATE JUDGE, GENEVA COUNTY, ALABAMA

5. Bids/Quotes: None.
6. Personnel Handbook updates. Administrator Cindy Williams presented to the Commissioners several items to be considered for updating the Personnel Handbook. Items included a notation in the handbook regarding the employee's responsibility of paying their portion of the medical expense while on any type of leave. The second item was a policy on Nepotism. The third item was a Payroll Practices policy. The fourth item was an update to the Bereavement Leave policy. The fifth and final update was a Personal Relationship Policy. Attorney Eldridge noted a few corrections that should be made to the Nepotism and Personal Relationship policies. The Commission will take time to review the items and will vote on the changes at a future meeting.

**OLD BUSINESS:**

None

**REPORTS OF STAFF:**

**Sheriff:** Not present.

**County Administrator:** Mrs. Williams updated the Commission on the vehicles the Sheriff had on order. Three of the four vehicles have arrived at Stivers Ford and the fourth is on the production line in Detroit, Michigan. The financing cannot be finalized until an invoice is received for the fourth vehicle. Mrs. Williams also told the Commission that the Confinement Grant for the Jail has been approved and finalized. Mrs. Williams completed the grant on behalf of the Sheriff and the Geneva County Jail applied for and will receive \$180,512.60.

**County Engineer:** Engineer Barfield stated that his department has been performing FEMA project work on County Road 79, Cotton Box Road and Malloy Road. He met with a FEMA liaison from Washington last week regarding issues he has had especially with bridges during the past few storms.

Currently he has two Motor Grader Operators out for medical reasons, one will be an extended leave.

ADEM has approved the termination of use for Hatcher Pit.

Two items that were on the list from the insurance visit in December have been corrected. The third item should be completed this week. Mr. Barfield is letting Administrator Williams know so she can prepare the response to the insurance company.

Since the last Commission meeting fourteen (14) driveway pipes have been installed. Bids were sent out last week for crushed concrete and lime rock. They will be opened at the Commission meeting on March 14, 2022.

Mr. Barfield stated the deadline for application for the scholarship for Engineering is April 1, 2022. The scholarship is available to high school seniors and current college students.

**County Attorney:** Attorney Eldridge stated that at the last Commission meeting they had discussed with Mr. Mike Rutland from JMR+H, the delays in the Jail project. Mr. Rufus McNeill with JMR+H has sent a letter to the contractor, Working Properties II putting them on notice that the County may invoke the liquidated damages clause in the contract. The project is currently 109 days past due per the revised contract dated October 9, 2021. The liquidated damages would be \$66.59 per day. JMR+H has requested the updated number of rain days but has not received that information to date. Chairman Seay stated that according to the employees on site, barring any unforeseen issues, they should be approximately two weeks out on completion. They still must install the fencing and automatic gate for the Sallyport entrance and have some landscaping work to be completed.

Attorney Eldridge stated that he will need a motion from the Commission to convene into executive session at the end of this meeting to discuss with their attorney the legal ramifications of and legal options regarding a controversy where litigation could be likely if the Commission pursues a proposed course of action. Attorney Eldridge also stated that he is a licensed attorney of the State of Alabama and the planned discussion fits into this category. This can be done after the regular portion of the Commission meeting. The meeting should take about fifteen minutes and based on the topic no action will be required today.

**Commission Chairman:** Chairman Seay stated that he had spoken with Mr. Brad Kimbro with Wiregrass Electric and inquired about a cost estimate for adding lighting at the Industrial Park. The cost estimate to add six (6) LED lights at the Industrial Park is approximately \$5,000.00. Chairman Seay has applied for and received a \$5,000.00 grant from Dothan Area Chamber Foundation which would cover the cost of the lighting and installation. The cost to the county after installation would be \$18.00 per light per month. Chairman Seay presented to the Commissioners a rendering from the engineering firm working on the sidewalk project. This project will be completed using the TAPS grant already awarded. This grant can only be used for access to public buildings and insuring ADA compliance with such access. The project should see movement by this summer. After viewing the rendering the Commission is in agreement to proceed. Chairman Seay said they can plan for bid alternates for grass, concrete, and brick pavers. A \$10,000.00 regional planning grant for Economic Development advertising and promotion was received last year and must be allocated by this May. It can be used at the Industrial Park to update the signage. There should be funds remaining. The Greater Geneva Area Chamber of Commerce has requested funding to assist marketing, advertising and promoting economic development within the county. Chairman Seay has spoken with Southeast Alabama Regional Planning and Development about this, and it would be allowable under the grant to award The Greater Geneva Area Chamber of Commerce a portion of this grant. Commissioner Wilks made a motion to award the Greater Geneva Area Chamber of Commerce up to \$2,500.00 of the Economic Development Grant for use in marketing, advertising and promoting economic development in Geneva County. Commissioner Spivey seconded the motion. Vote was 4-0. Commissioner Brannon asked if the area around the current signage at the Industrial Park could be cleaned up. It is grown up and needs maintenance. Chairman Seay stated that the Courthouse maintenance department had gone out and mowed around the sign

but there were areas that they could not get to, and the Road & Bridge department were going to go out with the longarm to trim up the area.

Chairman Seay told the Commission that he would be working with the Sheriff to create a list of property that will need to be declared as surplus so those items can be sold. The Sheriff has several items as well as the Solid Waste department, EMA department and the Courthouse.

A boundary survey needs to be completed on three (3) lots, approximately ten (10) acres at the Industrial Park. There is a potential business that is interested in the property. The lots are the three lots below where Air Performance is located. The cost of the survey is \$3,500.00. Commissioner Wilks made a motion to have three lots at the Industrial Park surveyed at a cost of \$3,500.00. Commissioner Fulford seconded the motion. Vote was 4-0.

JMR+H was here on February 14<sup>th</sup> to do a study on the Farm Center and Courthouse ventilation and plumbing for an IAC project for the American Rescue Plan funds. Their report is due to the IAC, Friday March 4, 2022 and will include a cost estimate for the upgrading. Once those estimates are received the Commission should have a clearer picture of spending the American Rescue Plan funds. Projects and requests can then begin to be prioritized.

Chairman Seay stated since the Final Rule allowed for the purchase of radios for the Fire and Rescue departments, he had asked the IAC for a resolution. They have prepared a proposed resolution and the Chairman read it to the Commission. The purchase would be \$151,000.00. The E911 Director, Mr. Jeremy Williams asked about this purchase. In 2020 E911 purchased 120 radios for this purpose due to the fact of ever-increasing accessibility to the equipment. His department still has sixty (60) radios for distribution. Attorney Eldridge explained to Mr. Williams that during the last conversation with the IAC the question had been asked if it would be allowed to reimburse for the radios already purchased and the answer was if the procurement had been done correctly with at least three quotes obtained. Mr. Williams stated procurement procedures had been followed. Commissioner Fulford made a motion to accept the proposed resolution to use a portion of the American Rescue Plan Funds to purchase radios for the Fire and Rescue departments. Commissioner Brannon seconded the motion. Vote was 4-0.

**EMA Director:** Mr. Smith was not present.

**Revenue Commissioner:** Ms. Ellison stated her department has been diligently working on contacting property owners concerning their unpaid property tax accounts. These accounts must be published in the newspaper for three weeks beginning on March 16, 2022. The property tax sale is scheduled for April 19, 2022.

**Solid Waste Director:** Mrs. Smith was present and explained to the Commission that her drivers have always been on the same pay scale as the Equipment Operator II drivers at Road and Bridge. She recently discovered that since the beginning of FY2022, that is no longer the case. She lost an employee to the Road and Bridge department because he could make more in that department. It was explained that her driver positions were not out more than 10% from the salary study that has been used in trying to get employees to a higher wage rate. Increases have been made to various jobs over the past two years. It is

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the Commission's desire to increase wages and the salary study has been the tool in this effort. Attorney Eldridge pointed out that wages cannot be increased for one employee, job or department. Commissioner Fulford made a motion to table this discussion. Commissioner Wilks seconded the motion. Vote was 4-0.

**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.

Mr. Williams asked that should the cities send notice to not service the county with EMS and Fire services he will need immediate notice of that action since it will affect his office.

**Auburn Extension:** Ms. Marks was present and gave an update on the Extension Office. They had the Cotton Expo February 11<sup>th</sup> with 150 attendees. The Peanut Producers meeting was February 14<sup>th</sup> with fifty (50) attendees. Oxen training will be March 14<sup>th</sup>. The AG Day will be held March 21<sup>st</sup> for area third graders. Ms. Sicily Stacy from the extension office was recently recognized for the Giving Garden that she planted.

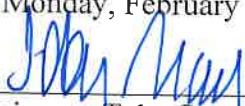
**Commissioner's:** Commissioners had nothing additional to report.

Commissioner Brannon made a motion to go into executive session. Commissioner Spivey seconded the motion. Vote was 4-0. Chairman Seay took an oral vote, Commission Spivey – yes; Commissioner Brannon – yes; Commissioner Wilks – yes and Commissioner Fulford – yes.

Commissioner Fulford made a motion to reconvene the regular Commission meeting. Commissioner Wilks seconded the motion. Vote was 4-0.

No action was required from the executive session. Commissioner Fulford made a motion to adjourn. Commissioner Wilks seconded the motion. Vote was 4-0.

The above constitutes the minutes of the meeting of the Geneva County Commission held on Monday, February 28, 2022.

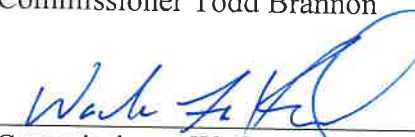
  
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Chairman, Toby Seay

  
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Commissioner Weston Spivey

  
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Commissioner Bart Wilks

  
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Cindy Williams  
County Administrator

  
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Commissioner Todd Brannon

  
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Commissioner Wade Fulford

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