

The Geneva County Commission met in regular session on Tuesday, April 28, 2020 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 Todd Brannon, Sandy Hammer, Weston Spivey, and Bart Wilks. The County Attorney, Phil Eldridge; County Engineer, Justin Barfield; Sheriff Tony Helms; EMA Director, Eric Johnson; Revenue Commissioner Mary Ann Ellison, County Administrator Marietta Webster and Assistant County Administrator Cindy Williams were also present. The following business was transacted:

### MINUTES OF THE MEETING

#### NEW BUSINESS:

1. Approve Minutes of April 13, 2020. Commissioner Hammer made a motion to approve the minutes of April 13, 2020. Commissioner Wilks seconded the motion. Vote was 4-0.
2. Proclamations: N/A
3. Bids: N/A
4. Board Appointments: N/A

#### OLD BUSINESS:

1. Regarding the Covid-19 pandemic, the Governor is scheduled to speak today and announce the State will be reopening some businesses. Commissioner Hammer made a motion that the Courthouse reopen to the public beginning May 4, 2020 but only allow ten citizens in at any one time. Chairman Seay stated he had spoken with Judge Smith and he said he would be holding Traffic Court but would keep citizens at a safe distance apart. County Attorney Eldridge asked if they could conduct court due to the Supreme Court rules. Sheriff Helms stated that Judge Filmore will have Zoom conferences for first appearances and other court hearings to limit citizens in the Courthouse. All entering must have their temperature screened. Commissioner Brannon seconded the motion. Vote was 4-0. Chairman Seay stated citizens were continuing to order their tags online and by telephone and his office had continued to hold steady through these methods as

opposed to in person sales. Due to this he would like to extend the waiver of mailing out tags until May 17, 2020. Commissioner Wilks made a motion to allow the Probate Office to waive fees for mailing out tags until May 17, 2020. Commissioner Spivey seconded the motion. Vote was 4-0.

2. Jail Construction. Mr. Mike Rutland with JMR+H was present to give an update on Jail Construction and insight into the weather days and delays from sub-contractors. First off Mr. Rutland stated they were moving forward with the Sally Port and Courthouse remodel projects. There would be two bid items. One for the Sally Port and anything supporting jail functions. And the other for the Courtroom improvements. The anticipated final completion date for the jail is slated for the end of June 2020. Barring any unforeseen circumstances. He presented a climatological report which recapped the weather days from NOAA. Mr. Rutland, Mr. Buddy Eubank, and the CEO all reviewed all documentation from the contractor and according to all the documentation they can stand behind the delays in the completion of the jail construction. He understands if the Commission wants him to go to the contractor regarding the delay in turning over the jail, however he needs a letter from the Commission requesting him to go the contractor and demand some type of reimbursement for the added delays in the project. Attorney Eldridge stated from a legal standpoint it should be JMR+H's decision and not the Commission. Per the contract they were allowed 450 calendar days from the date of commencement of work for completion of the project, subject to adjustments of this contract as provided in the contract documents. Attorney Eldridge read to the Commission Article 8.3.1 from AIA Document A201-2017, General Conditions of the Contract for Construction, which is a part of the contract documents, on delays and extension of time. He then read Article 15.1.6.2 on adverse weather conditions as a basis for a claim for additional time to complete the project. Attorney Eldridge asked Mr. Rutland if pursuant to Article 15.1.6.2 the 172 rain and impact days claimed are justified based on the documented data submitted by the contractor. Mr. Rutland said they are justified based on this. Attorney Eldridge stated that according to Articles 15.2.1 and 15.2.5, the architect is the initial decision maker and his decision is final and binding on the Commission but subject to mediation. Attorney Eldridge told the Commission at mediation they would have to have documented evidence to refute these rain and impact days and right now the County has no such evidence. Mr. Rutland stated they could go to mediation and eventually file a lawsuit but they will have to have solid documentation to refute the facts presented in the report that shows the significant loss of days related to weather. At this point the documentation looks solid in favor of the contractor. Commissioner Hammer pointed out that the Commission is satisfied with the work of JMR+H and the contractor Bear Brothers. The issue still lies with the sub-contractor that was twenty-one days getting to the job site and after two days on the job walking off to go to another project. This alone amounted to a thirty-seven-day delay in that portion of the project being completed which resulted in water in the building which delayed forward progress further. That sub-contractor should be held accountable for the delay and the Commission is demanding some kind of reimbursement for the delay. Mr. Rutland stated he understood the frustration

however, if the Commission chose to go to mediation over this matter it would be with the General Contractor, Bear Brothers and not the Sub-Contractor. If the Commission wishes him to go to the Contractor, he will he just needs direction and a letter from the Commission stating their demands and for him to approach the Contractor. However, once again Mr. Rutland stated the weather days noted in the Contractors documentation and the NOAA reports validate the delay in the project. Commissioner Hammer stated it is not about the rain delays but about the sub-contractor that cause the delay because he was late getting to the job and then walked off the job. Mr. Rutland stated the payments are being held on the sub-contractor and will not be paid at this time. Commissioner Wilks made a motion for Attorney Eldridge to send a letter to JMR+H to approach the General Contractor regarding the sub-contractor that caused the delay in the jail construction project. Commissioner Spivey seconded the motion. Vote was 4-0. Mr. Rutland stated the jail construction project was moving at a fast pace now since the roof has been completed. They are painting and pulling wiring and a lot of finish work is in progress.

3. Chairman Seay stated concerning Board Appointments that Mrs. Faye Bauman had resigned from the Personnel Board. She was the appointment of the Probate Judge. He would be asking around to see if he could find a replacement for Mrs. Bauman.
4. Spec Building. Chairman Seay stated the spec building project is currently being advertised and the bids are slated to be opened on May 27, 2020.

#### REPORTS OF STAFF:

**Sheriff:** The Sheriff stated his department is following regulations set forth by the Center for Disease Control for COVID-19. All employees, inmates and visitors are being screened upon entrance to the jail. The Sheriff is asking for the Jail budget to be amended to allow for the moving of radio equipment from the old jail to the new jail, a new com and two additional walkie talkies. He has obtained two bids to move the equipment, add the com and two additional walkie talkies. The bids received are from S & P Communications for \$8,398.28 and Sci-2-Way for \$17,766.50. County Attorney Eldridge pointed out that the new purchasing policy requires three quotes and except the lowest and the three quotes must be submitted to the purchasing agent. Sheriff Helms will obtain one more bid to comply. Commissioner Wilks made a motion to amend the Jail budget to allow for the moving of radio equipment from the old jail to the new jail and the purchase of new radio equipment and also to approve the lowest bid for moving the radio equipment from the old jail to the new jail and the purchase of additional radio equipment. Commissioner Brannon seconded the motion. Vote was 4-0

**County Administrator:** Nothing to report.

**County Engineer:** Engineer Justin Barfield said he has one new employee that just started last week. Used up balance of Federal Aid on projects on County Road 4 and

County Road 53. Projects to widen the roads are progressing on County Roads 16, 34 and 105 and Hartford Lake Road. Project will include tar and gravel and asphalt.

Permanent stripping on County Road 49 is complete

Free day at the landfill was a success. There were upward of 125 tickets for Friday and Saturday.

The amount of rain we received on Thursday has set the department back since the roads are so wet. Rainfall totals across the county were from six inches to around eleven inches. One road was a washout. Will begin to patch back from the rain event as soon as possible.

**County Attorney:** Attorney Eldridge has received an approval from the Department of Revenue for the sales tax exemption extension on the jail through Jan 15, 2021. Bear Brothers has also requested an extension.

The loan with US Bank on the Jail Construction requires an audit on the jail project will be provided annually. Mr. Eldridge contacted the bond attorney Mr. Heyward Hosch as requested by the Commission, to submit a formal written request for an extension to US Bank. Mr. Hosch said he would assist he would but is behind right now and it would take some time. Mr. Eldridge will continue to monitor this situation.

Information from the ACCA in their weekly newsletter stated that the U.S. Treasury had given guidelines for filing for expenses related to the COVID-19 pandemic. It is under the Federal Care Act and the county should keep up with all expenses related to the COVID-19 pandemic. It may be possible to file for reimbursements on the masks for the Sheriff's department, Jail and Solid Waste along with cleaning supplies related to the virus and the Emergency Leave granted to employees during this crisis. There is not currently a timeline for when the money will be available but if the expenses are not coded the way they have them set up they will not be reimbursed. Mr. Eldridge suggested the Administrator track all expenses related to this event and code them to the proper codes per the Federal government.

Also, some election expenses for the primary election could be eligible for reimbursement and the deadline is June 12, 2020.

**Chairman Seay:**

**Revenue Commissioner:** Ms. Mary Ann Ellison stated the tax sale was scheduled for May 5, 2020 outside the Courthouse. In the past there have been as many as twenty people to show up for the sale so depending on the number of people that attend it may require, they have two groups. Her office has called the repeat individuals that show up to bid and instructed them that only one person from their party can actually be in the group of individuals doing the bidding on properties. There are eighty-seven properties to be auctioned at this time unless some show up before next Tuesday to pay their taxes. Of the eighty-seven properties thirty are at Lakeside.

**EMA Director:** Eric Johnson stated there were thirty-five citizens that showed up for the COVID-19 testing last Friday. Twenty-five of those did not meet the criteria for testing. More PPE has arrived and been distributed in the County. The most recent weather event did some damage to some chicken houses and a lot of trees were down.

ORDERED 1064 61

Mainly rain was a problem in some areas. County Administrator Marietta Webster stated that she has been the acting Safety Director since Mrs. Wise left the EMA Director position and requested the Commission appoint Mr. Johnson as the Safety Director. Commissioner Brannon made a motion to appoint Mr. Eric Johnson as the County Safety Director. Commissioner Hammer seconded the motion. Vote was 4-0.

**E-911:** Nothing to report.

**Auburn Extension:** Not present.

**Solid Waste:** Not present.

**Commissioner Brannon:** Nothing to report.

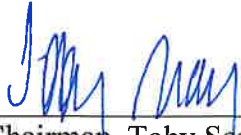
**Commissioner Hammer:** Nothing to report.

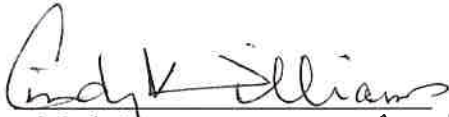
**Commissioner Spivey:** Nothing to report.

**Commissioner Wilks:** Nothing to report.

Commissioner Hammer made a motion to adjourn. Commissioner Brannon seconded the motion. Vote was 4-0.

The above constitutes the minutes of the meeting of the Geneva County Commission held on Tuesday, April 28, 2020.

  
\_\_\_\_\_  
Chairman, Toby Seay

  
\_\_\_\_\_  
Marietta Webster      Cindy Williams  
Chief Administrative Clerk      Asst. Administrator

  
\_\_\_\_\_  
Commissioner Weston Spivey

  
\_\_\_\_\_  
Commissioner Todd Brannon

  
\_\_\_\_\_  
Commissioner Bart Wilks

\_\_\_\_\_  
Commissioner Hammer