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Toby L. Seay, Probate Judge, Geneva County, Alabama

The Geneva County Commission met in regular session on Monday, November 23, 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.

A citizen was present to make public comment. Mr. Thomas Knight was present to state that on the weekend of November 6 and 7, 2020 an order was issued by the County EMA Director for the Samson Legion Hall regular events to be closed due to Covid-19. They shut down their dance on Friday night the Ladies Bazar on Saturday and the dance on Saturday night. His complaint is that the only thing shutdown in the town was the Legion Hall. No other events in town were shutdown. There was even a parade and cattle drive in town that weekend. The word for the shutdown was issued verbally. Mr. Knight is stating that the Legion Hall suffered creditability due to

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; County Engineer, Justin Barfield; Assistant County Engineer, Mike Shirah; Sheriff Tony Helms; EMA Director Eric Johnson and E911 Director Jeremy Williams were also present. The following business was transacted:

### MINUTES OF THE MEETING

#### NEW BUSINESS:

1. Approve Minutes of November 11, 2020. Attorney Eldridge noted that a correction was needed under the Administrator's section for the November 11, 2020 minutes about the banking service bids were to be sent to locally owned banks per the Commissions instructions. Commissioner Fulford made a motion to approve the minutes of November 11, 2020, with the noted correction. Commissioner Wilks seconded the motion. Vote was 4-0.
2. The Commission unanimously voted to allow Mr. Thomas Knight to address the Commission with his complaint regarding the Samson Legion Hall being forced to be closed the weekend of November 6th and 7<sup>th</sup>. Commissioner Spivey asked Mr. Knight if he had received a notice to close in written format or was it verbal. Mr. Knight stated he heard if from another member who had been told by the County EMA Director that they should be closed due to the increase number of Covid cases in the area and the recent death of a few citizens due to Covid. EMA Director Eric Johnson addressed the complaint and stated he had spoken to Mr. Gary Ward and explained to Mr. Ward that in his opinion they should shutdown

due to the spike in cases in the area and the County now being in the very high risk category. He stated he did not demand they shutdown but did suggest they consider not opening that weekend. He also spoke with the Chief of Police and other officials and told them his opinion on the matter. Commissioner Spivey stated he supported free choice on this matter and that people know what they should do but, unfortunately, they don't always follow protocol. Mr. Knight stated that when Covid began the Legion Hall shutdown for six weeks at a financial loss for the Legion Hall. They removed chairs and tables to try and abide by the social distancing guidelines. Mr. Knight stated was a combat medic and has been through two pandemics and understands the need for distance and the protocols put in place. Mr. Johnson stated he felt due to the age of the patrons at the Legion Hall it was, in his opinion, the best thing to do. Mr. Knight stated that had other events been shutdown he would not be here to complain but since the Legion Hall was the only thing asked to close it was upsetting. The parade and cattle drive scheduled for that same weekend still occurred and no other businesses or restaurants in Samson were asked to close. The Commission offered an apology if there was any misunderstandings on this matter but explained that they did not have the authority to shut anything down. The Commission thanked Mr. Knight for attending the meeting with his concerns.

3. County EMS Personnel were present for the Commission to present eight Lucas Devices, two for each city, ordered on their behalf. Chairman Seay thanked the EMS Personnel for attending and for their service to their communities. Chairman Seay stated the County was glad to be able to provide these life saving devices to the EMS departments. This purchase was made with proceeds from the CARES Act provided by the Federal Government for all State and Local governments. The EMS Personnel thanked the Commission for making this purchase on their behalf.
4. Attorney Phil Eldridge asked on behalf of the Courts that Friday, December 4, 2020 the Farm Center be made a Courthouse Annex for Jury Selection. Mr. Eldridge has a resolution and order for the Judge to sign approving the Farm Center as a designated Courthouse Annex on December 4, 2020 and moving the Circuit Court on that day only. Commissioner Spivey made a motion to adopt the resolution and order that the Farm Center be made a Courthouse Annex on December 4, 2020 for Jury Selection. Commissioner Wilks seconded the motion. Vote was 4-0.
5. Proclamations: None
6. Bids: Bids for banking services were received, however they were sent to all banks in the county and not just the three locally owned and operated banks. Attorney Eldridge stated the bids should not be opened and should be resent to the specifications of the Commission. Commissioner Wilks made a motion to reject all bids for banking services and resend bids. Commissioner Fulford seconded the motion. Vote was 4-0.  
Lime Rock - none were submitted. This is the second time bids have been sent out and none received.
7. Board Appointments: None

**OLD BUSINESS:**

1. Board Appointments – None
2. Bids – None
3. Spec Building – Chairman Seay stated all the footers have been poured and he had spoken to Mr. Phillip Santora and the building is set to be dropped on December 11, 2020. They will be onsite at that point until the building is erected.
4. Courtroom Renovation – JMR+H was present to discuss the renovations. Minor modifications to the original plans showing the sheltered Sally Port for cover from the weather instead of the full Sally Port. The shelter will be approximately 30'. A couple of parking spots will be eliminated. Could add an option for a fenced in area around the Sally Port with a privacy fence and a manual or mechanical opening. The new plan is just a bare bones sheltered Sally Port with no renovations to the inside of the old jail. Chairman Seay stated that was good at this time due to the bids that came in at two- and one-half times more than expected. The current budget for this project is coming in around \$320,000.00. The timetable would be some time in January to advertise and work to begin in February on the demolition of the domes, fencing and the sheltered Sally Port. Per Mr. Mike Rutland this new bid will be for the demolition of the domes, new parking lot with stripping, removal and replacement of fencing around air condition units, a drive-up canopy with four brick piers for support. An alternate is being added for fencing around the canopy with a gate. Once you walk in the old jail nothing will be changed. The kitchen will still be in, no store fronts will be added and no humidity-controlled storage. Commission would like to know what the total cost of the dome demolition and removal would be if separated out. Commissioner Spivey asked if the cost of this piece of the project could be split into two phases, Phase One and Phase Two to lower the cost on the project. Mr. Rutland explained that would be against the bid law because it would look as if you are trying to skirt the bid law. Attorney Eldridge agreed. Commissioner Wilks explained that the Commission is having a hard time understanding the cost of the demo and removal of the domes being so high. JMR+H will send out the drawings and cost estimate.

**REPORTS OF STAFF:**

**Sheriff:** The Sheriff stated he was working on getting prices on the new software for the Jail. He has all the required equipment the Judge has required for the Jail for Zoom hearings or discussions with inmates. He has vehicles being stripped down to try and get them ready to sale. The cooler that was at the old Jail has been converted into a cooler for the Coroner and should be ready to turn over to him this week. The Sheriff stated that in the past he had requested the Commission approve a processing fee for serving Civil Papers. In Dale and Houston Counties they have an Administrative Fee of \$25.00 for Civil Papers being served in County and \$50.00 on out of County and out of State service. The Sheriff went back and figured this for 2019 and found the County could have made \$84,000.00 from this processing fee and to date in 2020 could have made \$74,000.00. Representative Sorrells or Senator Chesteen would have to get Legislative

reference to draw up the bill and then the County would publish it in the newspaper four times. Attorney Eldridge, Chairman Seay and Commissioner Brannon got together in 2019 and drew up this plan but it never was introduced in the Legislature. Table this matter until next Commission meeting. The Sheriff also wants to have the gun sales introduced since it currently only allows him to sale guns in Geneva County to licensed gun dealers. This will also be tabled until next Commission meeting. The auditors have gotten with the Sheriff on the Work Release Bill. They are unsure on the language on the Inmate Trust Fund. The auditors are researching this and will get back with him. This Bill has already passed but the auditor had some questions on the part on the Inmate Trust Account.

The Jail is still down one employee and there is now one employee that had to go to an 8-hour shift.

**County Administrator:** Not present.

**County Engineer:** Engineer Justin Barfield stated they had applied for a HRRR grant and had been awarded \$32,000.00 to put in guardrails next year. In addition to the Rebuild Alabama program there are two other programs, the ATRIPII and the Local Grant Program. The Local Grant Program allows to apply for up to \$250,000.00 and the funds are not as tied to specific projects as the ATRIPII program. He made application for the Local Grant Program last year but did not receive any funds. This year Slocomb is resubmitting their grant for paving South Ball Street (which turns in to County Road 85S) and he is applying to finish the portion of that road that is in the County. Applying this way in hopes of piggybacking on the Slocomb project we would be in a better position to be approved to receive the funding. Next year under Rebuild Alabama we will be paving N County Road 49 and Goosehollow Road. The first portion of Goosehollow Road is in the city limits of Geneva so he is hopeful that again it can be a piggyback situation where if the city is approved, they will approve ours so the road can be completed.

They are moving forward with FEMA. The three bridges that were damaged during Hurricane Sally are the only remaining damages from the storm. These roads are still closed. Last conference call was last week with himself, Mike Shirah, Eric Johnson, FEMA Rep, Mitigation and Environmental people and a consultant. The next meeting will be December 2. Still does not have a definite on the dollar amount we can expect from this disaster.

Road & Bridge department worked last Friday blading roads. Also opened a road for the City of Slocomb. This will be reimbursed by the City of Slocomb.

The landfill will be closed Wednesday through Friday this week for the Thanksgiving Holiday. Currently the Landfill is open five days per week Monday through Friday. On Friday it closes at 2:00 pm. Mr. Barfield is asking the Commission to change the hours and be closed on Friday. This would give the employee four, ten-hour days per week, like the rest of the Road & Bridge department. From 6:00 a.m. until the Landfill opens to the public, he will be able to work on digging the new cell. The cell is filling faster than we can get it dug out. Had to shut down road crews for three weeks the last time the cell had to be dug out because the employee at the Landfill could not get it dug out due to

customers coming into the Landfill. Mr. Barfield will do some research on which days are busiest at the Landfill.

Commissioner Spivey asked if the County had subdivision guidelines. Mr. Barfield stated that we have those guidelines in place.

Within the next few weeks should have the new low boy tractor/trailer.

**County Attorney:** Had been given a resolution and agency agreement by Administrator Williams from the Secretary of State's Office. They send certain voter notifications for the County and it is provided in the State Election Fund that the County can be reimbursed for those expenses. The agency agreement is required by the State. This has been done since 1997. A resolution has not been required before but is being required this year. Commissioner Brannon made a motion to adopt the resolution giving Chairman Seay authority to sign the agency agreement with the Secretary of State's Office regarding the mailing of voter notifications. Commissioner Spivey seconded the motion. Vote was 4-0.

Attorney Eldridge brought up again that he had read in the newspaper new guidance on the CARES Act which allowed for reimbursement on all Public Safety employees payroll expenses between March 1, 2020 and December 31, 2020. He will give the information to Administrator Williams so we can apply for reimbursement if this is true. Chairman Seay said he would check with the ACCA to see if this is true.

**Chairman Seay:** Chairman Seay stated that the Commission had before them a new job description, for the Courthouse Maintenance Worker. Administrator Williams gave the Commissioners an updated Job Description which combined the Maintenance Worker and Custodian positions. The current employee has filled in during the absence of the Courthouse Maintenance Supervisor and has performed added duties to clean and repair other Courthouse facilities and would also be adding cleaning the Road & Bridge offices and the Farm Center/Auburn Extension Office. The new job would also have a new pay scale. It is recommended to place Mr. Cobb at Step 2 on the new pay scale. Commissioner Brannon made a motion to approve the new Job Description of Courthouse Maintenance Worker/Custodian and the new pay scale, also to move Mr. David Cobb to Step 2 on the new pay scale. Commissioner Fulford seconded the motion. Vote was 4-0.

Received a quote from Premier Entertainment for \$14,200, which is under the bid law, to upgrade the sound in the main Courtroom for jurors that sit in the gallery due to Covid. This will be paid for from the CARES Act funds. Commissioner Spivey made a motion to approve the quote from Premier Entertainment for sound improvement in the main Courtroom. Commissioner Brannon seconded the motion. Vote was 4-0.

Chairman Seay stated the Flat Creek residents have had several meetings regarding the Community Center at Flat Creek. The building is owned by the County. It is utilized by the citizens of the Community and the County uses it for a voting precinct. Upon inspection it is noted that a new roof and fascia boards are needed. Other items will be needed but they will come later. Commissioner Fulford stated that he believes a new exterior door is also needed. Chairman Seay said that Maintenance Supervisor Sam Turner could do some of the work, but he believed we needed to hire out the roofing project. The funds collected for the rental on the building will be collected by the new

committee of community members but will be turned in to the Commission Office. Commissioner Fulford made a motion to replace the roof on the Flat Creek Community Center. Commissioner Spivey seconded the motion. Vote was 4-0. Chief Deputy Danny Staley had an issue that he has asked the Chairman to present to the Commission. Previously the Commission had voted that November 15<sup>th</sup> would be the deadline for employees to submit a request for vacation to be paid out over the 160 hours allowed to be carried over. Letters were sent out in every paycheck, there were several topics on the same letter. Mr. Staley does not have insurance through the County, so he did not pay attention to the remainder of the letter. When he went to submit his request, it was explained that he had missed the deadline. Deputy Staley is requesting that he be allowed to submit his request. He did try and submit his request the Monday after the deadline. Attorney Eldridge stated that the Commission may want to extend the deadline, this year only, to December 1 due to this fact. Commissioner Spivey made a motion that the deadline for submitting a request for vacation payout be extended until December 1, 2020 and a notice be sent out to all departments of the extension also that in the future memos sent out only have one topic of discussion to avoid future problems. Commissioner Wilks seconded the motion. Vote was 4-0. The Sheriff is requesting that any unused Emergency Leave be allowed to be rolled over to Sick Leave. Commissioner Brannon made a motion that the issue be tabled until the next meeting to give Attorney Eldridge time to research this matter. Commissioner Spivey seconded the motion. Vote was 4-0. Attorney Eldridge stated that he read in the paper on September 2, 2020 the U.S. Department of Treasury released additional guidelines that now allows all Public Safety payroll and benefits between March 1, 2020 and December 31, 2020, be reimbursed under the CARES Act. Administrator Williams has presented the Commission with information regarding the Step Raises. An employee has brought it to the attention of the Personnel Department that he would have one more raise to Step 6 before he went to a Step raise every other year. The Personnel Department explained that was not correct that the program was designed that you received a raise every year to Step 5 and after that it was every two years. The employee presented the newspaper ad he responded to when applying for his job which advertised a raise was guaranteed every year for the first five years. Commissioner Wilks made a motion to table the topic until next meeting giving Attorney Eldridge, Chairman Seay and Mrs. Williams an opportunity to research this matter. Commissioner Spivey seconded the motion. Vote was 4-0.

**Revenue Commissioner:** Not present

**EMA Director:** EMA Director Eric Johnson reported that the County has had another spike in Covid cases. We are almost at capacity in all area hospitals due to Covid. Commissioner Wilks asked Mr. Johnson about the situation that Mr. Knight had come in to discuss regarding having the Legion Hall close. Mr. Johnson stated that he did not give a directive to the Legion Hall that they had to close he suggested due to the age of the patrons and the recent deaths in the community they should not have the dances.

**Solid Waste:** Not present.

STATE OF ALABAMA  
COUNTY OF GENEVA

REGULAR SESSION  
November 23, 2020

**E-911:** Mr. Williams stated they should have a new generator in, in the next few weeks that will run the building in the event of a power outage. The old generator went out during Hurricane Michael. Their building is still on lock down due to Covid.

**Auburn Extension:** Not present.

**Commissioner Brannon:** Nothing to report.

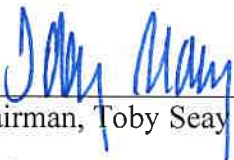
**Commissioner Fulford:** Nothing to report.


**Commissioner Spivey:** Nothing to report.


**Commissioner Wilks:** Nothing 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, November 23, 2020.


  
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Chairman, Toby Seay

  
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Cindy Williams  
County Administrator

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

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

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

  
\_\_\_\_\_  
Commissioner Fulford

STATE OF ALABAMA

GENEVA COUNTY

RESOLUTION AND ORDER

WHEREAS, on March 13, 2020, the Governor of Alabama declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus known as COVID-19 in the State of Alabama, and the State Health Officer issued a statewide Order of the State Health Officer Suspending Certain Public Gatherings Due to Risk of Infection by COVID-19, which Order has been amended numerous times;

WHEREAS, the Geneva County Commission joined the State and Federal Government and declared a state of emergency in Geneva County due to the COVID-19 Coronavirus epidemic;

WHEREAS, said Order provides that government offices open to the public shall take reasonable steps, where practicable, to maintain six feet of separation between persons, except for those persons who share the same household;

WHEREAS, due to the COVID-19 Coronavirus epidemic and the State Health Officer's Order, the Alabama Supreme Court previously issued a statewide suspension of jury trials, but the Alabama Supreme Court has now lifted this suspension of jury trials;

WHEREAS, the Geneva County Circuit Judge William Filmore has set a December 2020 term of criminal jury trials in Geneva County for the week of December 7, 2020, and approximately \_\_\_\_\_ prospective jurors are being summoned for these criminal jury



trials;

WHEREAS, Judge Filmore is requesting that the Geneva County Commission temporarily change the location of the Circuit Court from the Geneva County Courthouse to the Geneva County Farm Center for the jury selection process only on Friday, December 4, 2020, for this December term of criminal jury trials in order that the Court can comply with the social distancing requirements of the State Health Officer's Order and declare and establish said site as the Geneva County Courthouse Annex for such jury selection process on December 4, 2020 only;

WHEREAS, Ala. Code 11-3-11(a)(1), as amended, provides that the county commission has the authority:

"(1) To direct, control and maintain the property of the county as it may deem expedient according to law, and in this direction and control it has the sole power to locate the courts in the rooms of the courthouse and to designate the rooms to be occupied by the officers entitled to therein, including the circuit judge if resident in the county and to change the location of the courts and the designation of the rooms for officers as it may deem best and most expedient and this shall be done by order of the commission entered upon the minutes of the county commission at a regular meeting of the county commission. In the event the courthouse is inadequate to supply office rooms for such officers, the county commission may lease such office rooms in a convenient location in the county site and pay the rental from the county fund." (Emphasis added)

The provisions of Ala. Code 31-9-10 of the Alabama Emergency Management Act of 1955, as amended, also provides that the Geneva County Commission has the power and authority to provide for the health and safety of its citizens during any disaster or emergency; and

OFFERED 1083 489

WHEREAS, the Geneva County Commission desires to comply with the request of the Presiding Geneva County Circuit Judge to temporarily change the location of the Circuit Court from the Geneva County Courthouse to the Geneva County Farm Center for the jury selection process only on Friday, December 4, 2020; for this December 2020 term of criminal jury trials in order that the Court can comply with the social distancing requirements of the State Health Officer's Order and to declare and establish the Geneva County Farm Center as the Geneva County Courthouse Annex for said jury selection process on December 4, 2020.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Geneva County Commission, pursuant to the request of the Presiding Geneva County Circuit Judge, Ala. Code 11-3-11(a)(1), as amended, and Ala. Code 31-9-10 of the Alabama Emergency Management Act of 1955, as amended, that the location of the Circuit Court be and hereby is temporarily change from the Geneva County Courthouse to the Geneva County Farm Center for the jury selection process only on Friday, December 4, 2020, for this December 2020 term of criminal jury trials, and said site be and it hereby is temporarily declared and established as the Geneva County Courthouse Annex for Friday, December 4, 2020 only.

Commissioner Spivey moved that the foregoing resolution be adopted and spread upon the minutes of this meeting, which motion was seconded by Commissioner Wilks, 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.

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 23rd day of November, 2020.

\_\_\_\_\_  
Chairman of Geneva County Commission

STATE OF ALABAMA

DATE: November 23, 2020

COUNTY OF GENEVA

**AGENCY AGREEMENT**

The Geneva County Commission hereby authorizes the Alabama Secretary of State to act as its agent for the purposes of paying postage necessary for the mailing of certain notices to voters as required by Act 95-769 and collecting reimbursements from the State Elections Fund associated with compliance with Act 95-769. The County Commission understands that the Secretary of State will be paying postage on the voter notifications required by §17-4-30(a), Code of Alabama (1975) for which the Commission will be obligated to reimburse the Secretary of State by this agreement and that such reimbursement shall occur from monies the County is entitled to for such costs from the State Elections Fund pursuant to §17-4-31, Code of Alabama (1975) . The County Commission also agrees that the business reply mail account fee and business reply mail postage charges will remain its responsibility for which it may be reimbursed by the State of Alabama under the normal operation of the Act.



\_\_\_\_\_  
Chairperson  
County Commission

Acceptance by the Secretary of State:

\_\_\_\_\_  
John H. Merrill  
Secretary of State

RESOLUTION BY  
GENEVA COUNTY, ALABAMA, COMMISSION

WHEREAS Act 95-769 requires the Geneva County Board of Registrars to implement a voter file maintenance process, and

WHEREAS Act 95-769 also requires the Geneva County Commission to pay the cost of postage necessary to mail certain notices to voters and to subsequently apply for and receive reimbursement for such costs from the State of Alabama, and

WHEREAS the Alabama Secretary of State has indicated that her office is willing to serve as the agent for the Geneva County Commission for the purposes of paying postage costs and collecting reimbursements for such costs from the State Elections Fund as provided for in Act 95-769, and

WHEREAS the Alabama Secretary of State served as the agent for the Geneva County Commission in 1997, 2001, 2005, 2009, 2013, and 2017, for the purposes of paying postage costs and collecting reimbursements from the State Elections Fund as provided for in Act 95-769, now therefore

BE IT RESOLVED BY the Geneva County Commission that it hereby agrees to appoint the Secretary of State to serve as its agent for the purposes of paying postage costs necessary for the mailing of certain notices to voters as required by Act 95-769 and collecting reimbursements for such costs from the State Elections Fund as provided in the Act, and now

BE IT FURTHER RESOLVED that the Chairperson of the Geneva County Commission is authorized to execute an agency agreement to be entered into between this county and the Office of the Alabama Secretary of State.

Adopted this 23rd day of November of the year 2020.

Jay L May  
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