

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 8, 2021

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 8, 2021 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Brown.

During citizens' communication, Peter Byrd again appeared before the Commission to voice his concerns about EAMC billing issues. Mr. Byrd indicated that EAMC says they cannot provide access to his records due to COVID-19. Mr. Byrd stated EAMC generated a paper copy of his records, which he states it is not a correct copy of his records. Last, Mr. Byrd presented to Chairman English an Open Records Request. The request contained the following items from the East Alabama Health Care Authority and EAMC: 1) The annual financial statement for the years 2019 and 2020; and 2) the Corporate Articles and Bylaws, including all amendments. Mr. Byrd submitted his request.

Next, Lee County Recreation Board member Ernest Griggs appeared to update the Commission on property located in Loachapoka for recreation. Mr. Griggs stated that Commissioners Cannon, Ham and LaGrand met with them to look at proposed location which is the old Loachapoka Community Center property. Mr. Griggs stated it is a five-acre lot, but best of all it is being offered for free by the Town of Loachapoka.

Next, Misty Carroll appeared before the Commission concerning the Del Ranch issue. Ms. Carroll stated Del Ranch has been in her family since 1975 when her grandmother opened the establishment. In 2014 after her grandmother died, her mother hired a manager to help to run the day-to-day operations, but found they catered to a different crowd. Ms. Carroll stated they found out the manager had served time and had 37 counts against him. Ms. Carroll stated they found out he was embezzling and misappropriating funds. Ms. Carroll stated her mother terminated his contract in 2019. Further, Ms. Carroll stated the family had plans to convert it back to the way her grandmother intended, but then the pandemic hit. Ms. Carroll stated she nor her family are the ones committing the crimes. Ms. Carroll stated they have the same safety goals in running this business for her mother, the employees, the patrons, and the community. Ms. Carroll stated she is willing to work together with law enforcement to provide as safe an environment as possible but stated it takes time and she would ask that her family be allowed that time to get things under control. Last, Ms. Carroll stated crime is a problem across the country, not isolated to the Del Ranch, and shutting down a sustainable business that has been in her family for 46 years is not the solution to the root of the problem.

Next, Mayor Bubba Copeland appeared to speak concerning the performance of EMA Director Rita Smith. Mayor Copeland stated he was speaking for Smiths Station alone and only. Mayor Copeland stated during tornadoes in March 2019, Ms. Smith had gone above and beyond the call of duty, and that he is not here on her request, but on his own. Mayor Copeland stated last night their Fire Chief had a fire at his house and they were there at 1:00 am to assist. Further, Mayor Copeland stated he supports extending the employment of the EMA Director

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and her staff.

Commissioner LaGrand stated he echoes the words of Mr. Griggs about the potential property in Loachapoka for recreation purposes. Commissioner LaGrand thanked Commissioner Cannon, Commissioner Ham, Loachapoka Mayor Holder and Lee County Parks Manager Ryan Norris for meeting at the possible site, which has so much potential. Commissioner LaGrand further stated he and Commissioner Ham went to see the Beulah Complex which is beautiful. Commissioner LaGrand stated he had a chance to ride around Beulah and the Lake Harding area, which raises his opposition of the quarry from 200% to 250%.

Last, Opelika Police Chief Shane Healey stated he was in attendance, like Mayor Copeland, to speak on behalf of EMA Director Rita Smith about her employment. Chief Healey stated he worked alongside Ms. Smith during the response to the March 2019 tornadoes in Beauregard stating she has the drive and willingness to stay until the job is done. Further, Chief Healey stated Ms. Smith is a world class trainer stating she has brought training to the Opelika Police Department to help with their job. Last, Chief Healey stated it is great to have partners that you trust and can count on and who are willing to stand beside us to help with whatever needs to be done. He asked that she be given a shot to stay on as EMA Director.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Doug Cannon, Sarah Brown, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones, Smiths Station Mayor Bubba Copeland and Interim District Attorney Jessica Ventiere. News media in attendance: Opelika-Auburn News reporter Mike Eads and Opelika Observer reporter Hannah Lester along with reporter Kayla Evans.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card and Blackbaud transaction listing and minutes of the January 25 meeting. Judge English stated Commissioner Long had not received his packet until today and questioned if any other Commissioner had any issue receiving their packet. No other Commissioner had an issue. Commissioner Brown made a motion, seconded by Commissioner Long to approve the consent agenda items as presented. The motion carried unanimously.

Under old business, Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the following Resolution to reappoint Harry Lazenby to the Beauregard Water Authority Board. The motion carried unanimously.

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RESOLUTION

BE IT RESOLVED, the Lee County Commission hereby reappoints Harry Lazenby to serve on the Beauregard Water Authority Board for another six-year term from March 1, 2021 to March 1, 2027.

Governmental Relations/Safety Coordinator Wendy Swann discussed the ADECA CDBG opportunity for COVID-19 funds. Mrs. Swann stated the Alabama Rural Ministries and the City of Smiths Station were anxious to begin the process so funding could be available as soon as possible. At the last meeting Mrs. Swann provided the Commission up to three possible projects for the citizens of the community, they include: 1) rental and utility assistance; 2) supplemental donation to the East Alabama Food Bank; and 3) the possibility of a mobile vaccination clinic. Mrs. Swann stated the rental and utility assistance would be administered by agreement with the Alabama Rural Ministries since they have experience with the CDBG program. Commissioner Ham questioned the total amount of the grant. Mrs. Swann stated \$500,00 with 10% allocated for administration duties or \$50,000. Commissioner Ham questioned who would receive the administration fees. Mrs. Swann stated the Alabama Rural Ministries and/or Lee-Russell Council of Governments depending of how the funds are used. Commissioner Brown questioned the process of how the funds will be allocated to the Alabama Rural Ministries and the East Alabama Food Bank. Mrs. Swann stated since these are CDBG funds they are subject to CDBG guidelines and will only be available for eligible applicants in the unincorporated areas. Mrs. Swann asked the Commission to approve the projects and authorize the Chairman to sign the Local Government Agreement with the City of Smiths Station and the Memorandum of Understanding with Alabama Rural Ministries once documentation is complete. After the presentation, Commissioner Ham made a motion, seconded by Commissioner Long to approve the projects and authorize the Chairman to sign the documents once completed. The motion carried unanimously.

Vikki Reed called prior to the meeting asking to reschedule to the next meeting on February 22, 2021.

Commissioner Ham stated the one-year probationary period for EMA Director Rita Smith is near and requested that Ms. Smith give an overview of the past year. Ms. Smith stated she included a one-year overview of EMA activities in the packets. During the meeting, Ms. Smith distributed a notebook containing detailed information, including her one-year and five-year plan for the EMA Department. Ms. Smith stated they are moving from providing PPE supplies to assisting with COVID vaccinations. Ms. Smith stated she is providing a staff member to assist at the current vaccination site in Auburn. Ms. Smith stated she has gone from a staff of two, herself and Austin Jones, to being fully staffed in a year. Ms. Smith stated she

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sets a high bar not only for herself, but for her staff as well. Ms. Smith stated her department has done a lot of things COVID related over the past year, in addition, search and rescue that lasted 52 hours for one of our own, provided assistance for a drowning victim and other assistance, not included due to its sensitive nature. Commissioner Ham stated he was able to receive his vaccine Wednesday and stated he has never seen anything so well organized. Ms. Smith stated EAMC, City of Auburn, City of Opelika and EMA had worked together on it and it has worked beautifully. Ms. Smith stated she is thankful for the cooperation among those groups. Commissioner Ham stated he is not surprised to see all agencies in the community come together. Commissioner Ham questioned Ms. Smith about speaking engagements. Ms. Smith stated due to the pandemic there have been a lot of restrictions placed on it, but she has spoken with different groups, Spire Gas Company, Alabama Power Company, Rotarians and other private groups, not counting a number of zoom meetings, which has become the norm. Commissioner Ham stated he had asked former Director Kathy Carson to hold public information seminars on different topics, stating one was on a pandemic. Ms. Smith stated they have on their radar is to have brown bag luncheons to discuss different topics of interest to the community. Commissioner Brown asked more about her one year and five-year goals. Ms. Smith stated she would like to see a rebranding of her department. Ms. Smith stated she will continue to build relationships with our partners and our community resources. Further, Ms. Smith stated she will be sure her new staff will receive the training necessary and to build better relationships with EAMC and ADPH. Commissioner LaGrand thanked Ms. Smith for the great job she has done over the past year and questioned if there are plans to commemorate the two-year anniversary of the tornadoes in Beauregard. Ms. Smith affirmed a ceremony will be held at the fountain at the Courthouse square. Commissioner Ham stated the next step will be to give Ms. Smith the job and take her off probation at the next meeting.

Sheriff Jones discussed the situation at Del Ranch Bar and Grill. Sheriff Jones stated he provided information in the packets on the progression of events at the Del Ranch over the last few years. Sheriff Jones affirmed the discussion by Ms. Carroll that the Del Ranch has been open since 1975, stating he admires someone that has been in business over four decades. Sheriff Jones stated through the years the response by the Sheriff's Office has been as expected from the venue driven activities based on the type of business, which is expected, and can't be totally prevented. Sheriff Jones stated in the past few years the license changed to a club-type license which has brought problems and has come to a point where we are concerned from a public safety standpoint. Sheriff Jones stated it is not to indict the Del Ranch or those associated with it stating he admires Mrs. Grady and the family for running a business over the years. Sheriff Jones stated when it is coming from a particular location and creating a specific problem from a law enforcement standpoint it becomes our business. Sheriff Jones stated it is our job is to protect the citizens of Lee County, of particular concern are those in the vicinity of the business as well as the patrons. Sheriff Jones stated it has escalated recently, especially violent activity involving firearms. Sheriff Jones stated he is making an informational type presentation to: a) let you know we are having some problems; and, 2) that we intend to address

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those that involve public safety. Sheriff Jones stated in his opinion there are management issues with inadequate security measures. Sheriff Jones stated he had a discussion with Mrs. Carroll in regard to operating hours, since most of the events have occurred during the early morning hours after other establishments have closed and people migrate to the Del Ranch, that is when we've seen most of these problems occur that have been very violent in nature. Sheriff Jones stated his hope and desire is to work with management to increase safety through their security procedures at the establishment to hopefully mitigate some of the problems and talked about modified hours. Sheriff Jones stated to their credit since the first of the year an effort has been made to curtail their hours and the Sheriff's Office has not had the type of calls as they have had in the past; he said it seems an effort is being made, and one he appreciates. Sheriff Jones stated he wanted to make the Commission aware of the situation and that if things continue, especially where public safety is concerned, he may be back at a future date to request some specific action with the Alcoholic Beverage Control Board and possibly a licensing change. Commissioner LaGrand thanked Sheriff Jones for the presentation. Judge English stated Sheriff Jones has been at this a long time and asked him if there are other establishments with this volume of calls. Sheriff Jones stated no, other locations have calls, but not the volume of calls received at this particular location. Judge English questioned if the hours have been curtailed. Sheriff Jones affirmed it. Commissioner Long questioned their hours. Sheriff Jones stated they close at 1:00 a.m. which is 2:00 a.m. ET, and, Saturday nights close at midnight which is 1:00 a.m. ET. Sheriff Jones stated they have been agreeable to that. Commissioner Long addressed Ms. Carroll stating he is not trying to close them down, but stating he will not continue to take the phone calls from people about the noise, people shooting one another and the fights that occur all during the night. Commissioner Long asked for her assistance to help to curtail these activities and not stay open until 5:30 in the morning. Judge English questioned if the ABC Board has regulations on hours of operation or time limits. Sheriff Jones stated it depends on the type of license and they have a Club Liquor Class II license which is a private club license, which allows extended hours of operation and other requirements like having a membership role and membership dues. Judge English questioned Ms. Carroll if they have a membership role and pay dues. Ms. Carroll affirmed it. Commissioner Ham asked Ms. Carroll to help them and stated he had a similar situation in his district and was able to talk with the owner for help in that situation.

Sheriff Jones presented a restaurant retail liquor license application for Good Ol Boys Restaurant located on Lee Road 10 in District 2. Sheriff Jones stated the business has been closed and now intends to reopen under new ownership. Sheriff Jones stated he received no objections to the issuance of the license at this location. Commissioner Brown made a motion, seconded by Commissioner LaGrand to approve the following Resolution. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the restaurant retail liquor license application by Good Ol Boys Restaurant located at 1843 Sandhill Road, Auburn.

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County Administrator Roger Rendleman presented two change orders for the Beauregard Sports Park. Mr. Rendleman stated the Beauregard Baseball Association had approached him to include additional value items to be more usable for their activities, grassing changes and some base changes. Mr. Rendleman stated the second change involves the mounds. The two changes come underneath the original contract but need to be added as a change order. The two change orders total \$33,491.83. Commissioner Ham made a motion, seconded by Commissioner Cannon to approve the two change orders as presented. The motion carried unanimously.

Next, Mr. Rendleman stated Revenue Commissioner Oline Price had approached him concerning the Appraisal Department operations with the recent retirement of Chief Appraiser Richie LaGrand. Mr. Rendleman stated he still has reservations concerning having one person over the valuation, assessment, and collection of property taxes from an internal control perspective, there are a few compelling reasons for the consideration. First, Code of Alabama instructs the County Commission to have property in the county appraised “through its respective tax assessor, which would be the Revenue Commissioner. Second, we already assign the day-to-day oversight of other county employees to elected officials like the Probate Judge and the Revenue Commissioner based on those officials’ statutory responsibilities through our personnel policies. Third, the same reasons identified in the first paragraph. Finally, the Courthouse Annex building was designed and constructed with the consideration of how integrated the appraisal and assessment functions are on a daily basis. Even with the compelling reasons, the County Commission has a responsibility within the Code of Alabama for the appraisal process. The relevant code sections include 40-7-62, 40-7-66 and 40-7-67. Mr. Rendleman requested the Commission approve the following with an effective date of March 1, 2021: 1) shift day-to-day oversight of the Appraisal Department to the Lee County Revenue Commissioner; 2) adopt the attached additional policies as measures for the County Commission’s responsibilities under Sections 40-7-62, 40-7-66 and 40-7-67, and; 3) consider increasing the Revenue Commissioner’s compensation by \$1,200.00 per month.

Policies below will be in addition to any other County Commission policies in effect:

- All appraised property values shall be initially determined and entered into the information systems by the professional staff in the appraisal department.
- Any changes shall be recorded by identifying who made the change and the reasoning for such change.
- The Chief Administrative Officer, or other designee of the County Commission, shall review the records and the document changes from time to time.
- Upon completion of the Board of Equalization process, decisions regarding addressing appeals made to the circuit court shall be determined by the Revenue Commissioner and the Chief Administrative Officer.
- Any issues and/or disputes not resolved between the Revenue Commissioner and Chief Administrative Officer will be heard by the County Commission.

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Mr. Rendleman stated no action is needed tonight but action will be requested at the next meeting. Commissioner Ham questioned Mr. Rendleman's reservation about all functions being under one umbrella and asked how other counties do this and if they are separated like us. Mr. Rendleman stated Lee County is one of only two that has it structured like this, us and Russell County. Commissioner Ham reiterated the effective date of March 1, 2021. Mr. Rendleman affirmed that date. Commissioner Brown questioned bullet point number 3, on the statement from time to time indicating it is an ambiguous statement. Mr. Rendleman stated that it is just to have some controls in place so that the Commission has the ability from time to time, not definite. Judge English asked if Mrs. Price understood the concept in the role of oversight by the Commission. Mr. Rendleman stated the policy makes the three code sections clearer, because the Commission has a responsibility for the process so if there is an issue from time to time, then the Commission can address it. Judge English questioned if there is any action needed. Mr. Rendleman stated none tonight but it will be on the next agenda.

Mr. Rendleman presented a proposal for an employee advancement program for Commission consideration. Mr. Rendleman stated this is one of the final two concepts that came from the Evergreen Pay and Classification study for Commission consideration. Mr. Rendleman stated there are still some details and implementation steps to be finalized; however, the Advancement Program is in a position to be considered for adoption. Mr. Rendleman stated the Advancement Program is intended primarily for entry level positions to provide an opportunity for promotions based on time and performance regardless of turnover rates in supervisory or similar higher-level positions. A proposed policy for the Advancement Program was included in the Commission packets. The positions with both a Level I and a Level II range assignments are the positions that are up for Commission consideration for the Advancement Program designation. Mr. Rendleman stated no new positions are being added. The Title Changes and Position with the grade in orange are those positions that need adjustments to achieve the programs goal and to maintain equity within the classification plan. Mr. Rendleman stated the only one with significance is within the Sheriff's Department. Mr. Rendleman stated the Advancement Program is being presented for consideration and adoption at a subsequent meeting with a planned effective date of June 1, 2021 for the implementation of the program and the related changes. Judge English questioned if the item would be on the next agenda. Mr. Rendleman stated either the next agenda if no questions are presented or either the first meeting in March.

Next, Mr. Rendleman presented a new environmental services worker position for Commission consideration. Mr. Rendleman stated the position will be covered by an existing vacant position thereby not requiring an additional budgeted position. Mr. Rendleman asked the Commission to approve the creation of an Environmental Service Worker position and assign the pay range 107, which is starting at \$30,204.17 and tops out at \$45,608.30. Commissioner LaGrand made a motion, seconded by Commissioner Brown to approve the

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Environmental Service Worker position as presented. The motion carried unanimously.

Ms. Smith presented for Commission consideration a proposed agreement for LCEMA/CERT volunteers. Ms. Smith stated Mr. Rendleman and County Attorney Stan Martin have reviewed the document and are satisfied with it. Ms. Smith stated the agreements will be used for anyone volunteering with the Emergency Management Agency. Commissioner Ham made a motion, seconded by Commissioner Brown to approve the agreement for LCEMA/CERT volunteers. The motion carried unanimously.

Judge English stated County Engineer Justin Hardee needed to add an item to the agenda for Commissioner training to be held in conjunction with a Commission meeting concerning the stormwater program. Commissioner Long made a motion, seconded by Commissioner Brown to add the item to the Agenda. The motion carried unanimously. Mr. Hardee stated he sent an email concerning Commissioner training for “non-point source education for municipal officials”, called their NEMO Program. Mr. Hardee stated this is part of the public education requirements for our MS4 permit, that is implemented annually and submitted to ADEM on our efforts in educating the public and our public officials to protect our watershed and our streams. Mr. Hardee stated the last time training was held was in 2014 and we have added three new Commissioners since then. Mr. Hardee stated the training would be held on March 29 either before or after the Commission meeting by individuals from the Alabama Extension Service Office. Mr. Hardee stated the deadline is April 1 for completion. Commissioner Long stated he preferred to hold it at 4:15 p.m. prior to the meeting. Judge English stated he preferred 4:15 p.m. and questioned if the commission members were available March 29. After discussion, Commissioner Ham made a motion, seconded by Commissioner Long to schedule the stormwater training at 4:15 p.m. on March 29, 2021. The motion carried unanimously.

Judge English stated he needed to add an item to the Agenda concerning a memo he placed on each Commissioner’s bench prior to the meeting concerning a petition to call for a Special Election for planning and zoning for Beat 13 in Beulah. Judge English stated the petition had 633 signatures and he started Wednesday night and finished last night, with currently have 445 signatures verified who vote in Beat 13 and own property in Beat 13. The number of voters in Beat 13 on the day the petition was turned in was 2,656. The required 15% of that is 399, stating he still has about 190 to sort out, odds and ends, but stated there are more than enough already verified. Judge English stated he wanted to get it before the Commission as soon as possible. The legislation says the Special Election must be not less than 90 and no more than 120 days after the petition seeking election is filed in the Probate Office, and since it was filed on February 3, the earliest possible date to hold an election is May 11 and the latest is June 8, a fairly tight window. Commissioner Ham made a motion, seconded by Commissioner Long to add the item to the Agenda. The motion carried unanimously. Judge English stated

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discussion needs to be held because there are a lot of unanswered questions. Judge English stated he had sent an email to the Commission from Mr. Richard Davis last week. Judge English stated he is comfortable with the dates he has presented to the Commission. Commissioner Ham questioned the date of May 11. Judge English stated that May 11 is the earliest an election can possibly be held, but is right on 90 days and May 18 puts us in a position that there is no question we are more than 90 days. Commissioner Ham made a motion to hold a Special Election on May 18 for planning and zoning in Beat 13. The motion was seconded by Commissioner LaGrand and carried unanimously.

Judge English asked each Commissioner to be prepared at the next meeting to present two names as their representatives for appointment to the Lee County Planning Commission.

Commissioner Brown made a motion at approximately 6:15 p.m. to adjourn. The motion was seconded by Commissioner Long and carried unanimously.