

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 12, 2021**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, April 12, 2021 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Cannon.

During citizens' communications, John Sophocleus appeared and again asked the Commission to install a 3-minute timer on the podium so he can see when his three minutes are about to expire. Next, Mr. Sophocleus addressed the Coroner's request at the last meeting for a pay increase. Mr. Sophocleus suggested that the increase be effective upon the next election cycle if the Commission agrees to increase the Coroners pay.

Next, Jerri Young stated the Family Enrichment Center of Loachapoka partnered with the USDA Food to Family Program, along with several area churches and on April 1 they distributed 1,250 boxes of food. Ms. Young announced on April 15 another distribution will take place and is available to anyone in the surrounding area. Additionally, Ms. Young stated they will be hosting the 4<sup>th</sup> Annual Youth Fishing Rodeo and asked for Commission support of the event. Commissioner LaGrand thanked Ms. Young for all she does in the Loachapoka community.

Next, Judy Lockhart appeared to thank Commissioners Cannon and LaGrand for their dedication to the Loachpoka area since taking office. Ms. Lockhart discussed the unsightly trash at the dumpster on Lee Road 61 and the traffic on Lee Road 188. Ms. Lockhart stated the dumpster situation, she believes, is from people coming from other places, not Loachapoka. Next, Ms. Lockhart stated cars are speeding along Lee Road 188 and traveling 55 mph in a 35 mph speed zone and requested the Sheriff's Office patrol the area.

Loachapoka Mayor Holder announced that Ms. Lockhart has organized a trash pickup day on April 24 from 7:00 a.m. to 9:00 a.m. along Lee Road 188 from the cemetery to Saugahatchee Creek, and Keisha Chapman has organized a clean-up day on the same date along Lee Road 188 south of the railroad tracks.

Mayor Holder announced he signed a contract with Alabama Power Company for lighting for enhanced security along the walking trail at the site of the former Community Center.

Also, Mayor Holder stated that Mt. Zion Baptist Church has been designated a safe shelter in the Loachpoka community during severe weather. Mayor Holder asked whether the Commission would consider improving the road since there is only one way in and one way out, which could cause issues when people are trying to get to a safe place during severe weather. Commissioner Cannon stated he talked with County Engineer Justin Hardee who will be contacting Mayor Holder.

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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, Coroner Bill Harris, Loachapoka Mayor Ricky Holder and Opelika City Council member Erica Norris. News media in attendance: Opelika Observer reporters Hannah Lester and Loftin Wheelles.

Governmental Relations/Safety Coordinator Wendy Swann presented updated information concerning a noise ordinance. Mrs. Swann stated the last time the Commission addressed the issue was in 2014. Mrs. Swann reminded the Commission that in 2005 the Alabama Legislature passed the Alabama Limited Self-Governance Act that allows counties through referendum approval to enact ordinances to address “health and safety issues” such as noise, junkyards, animal control, litter, unsanitary sewage, and pollution. Mrs. Swann stated that as of 2021 only 20 counties have held a referendum granting them this authority, including Lee. For those that have utilized these powers, the majority use them primarily for junkyards and animal control, very few have used them to develop a noise ordinance. The following five counties have noise ordinances; however, they have all experienced limited impact/success with noise regulation. They are: 1) Madison, 2) Shelby, 3) Chambers, 4) Washington, and 5) Macon. Currently, Colbert and Cherokee counties are examining the issue. In 2018 Madison County passed a Constitutional Amendment through the State Legislature to regulate noise which requires permits and provides criminal penalties for violators. Mrs. Swann stated from March 2020 to March 2021 there have been 19 reports in that county with the vast majority of those being barking dogs. Mrs. Swann stated Madison County utilizes eight meters that measure decibels. They are located in each shift sergeant’s vehicle to measure levels when a complaint is filed. Commissioner Ham thanked Mrs. Swann for her research and stated the Commission needs to address it the right way, because they do not want to put the deputies in a tight spot. Commissioner LaGrand stated they were looking into the noise regulations because something has to be done. Commissioner Ham stated he would like to be the first county to find ways to enforce one, because he would like to see the Commission tackle the issue stating it cannot be done in one night. Commissioner Long stated he is in support of whatever the Commission can do, stating the Commission has been down this road a lot.

Mr. Sean Owsley appeared before the Commission and stated the individual he discussed at the last meeting was playing air raid sirens on a day when bad weather was forecast. Mr. Owsley stated he is less than ½ mile from the individual, further noting that he has a friend who lives over a mile away who has stated he can hear the noises too. Mr. Owsley stated the individual plays the noises/music at all hours of the day and night with no rhyme or reason. Mr. Owsley stated due to this one person, one neighbor sold his property and moved, another neighbor who was renting chose to move and if things do not get better, he may consider moving himself. Mr. Owsley stated he has been contacting the Commission Office about the situation since October 2020.

Next, Mr. Larry Bell said he concurs with Mr. Owsley. Mr. Bell stated he lives on

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Highway 51, below R & D Grocery, stating the noises are annoying and he feels he has a right to peace and quiet too.

Timothy Cummings stated he is a combat veteran, also a tornado survivor, and when you hear the sirens going off you become concerned about the weather and open the door to see what is going on with the weather, stating it happens every night. Mr. Cummings stated he has called the Sheriff's Office numerous times. Mr. Cummings stated he raises expensive goats to sell and when this person is broadcasting mating calls of a coyote, he is concerned that the coyotes will come looking, which gives him concern for his livelihood. Mr. Cummings questioned whether or not Alabama law addresses disrupting the peace of others. Mr. Cummings stated the residents of Beauregard are begging for help in this situation.

Next, Bonnie Williams stated she lives directly across the street from the individual. Ms. Williams stated he plays noises like sirens, air raid horns, church bells, stating it must be entertainment to the person, but is an annoyance to others. Ms. Williams questioned if something could be done, disorderly conduct, harassment, she stated she feels that nothing is being done and stated she feels that the property owner is as guilty as the person doing it. Ms. Williams said, in her opinion, the landowner has no respect for others. Ms. Williams questioned if there is not a noise ordinance to address it, what else can be done to address the situation.

Leanne Kidd stated one of her grandsons is being affected by the noises, because he survived the tornado that struck in 2019, but unfortunately her 6 year old grandson was killed. Ms. Kidd said people are afraid to call the person's name, but she is not afraid, her name is Margaret Young. Ms. Kidd stated 23 people lost their lives in the tornado, stating the only thing her 12-year old grandson remembers is the noise and that his brother was killed. Ms. Kidd stated the harassment has to stop.

Next, Marie Maples spoke and stated she presented a draft noise ordinance for Commission consideration many years ago, but nothing was ever done with it. Ms. Maples stated she lives in Beauregard near the location where the tornadoes touched down, stating siren noises are played at all hours of the night. Ms. Maples stated she is a Vietnam Veteran with PTSD and was thinking the sirens were indicating a tornado was headed her way. Ms. Maples stated she hears it nearly every night.

Last, Katie Knight of Lee Road 392 stated she recently moved from Phenix City to the Beauregard area because she thought it was a better place to live, but now, she is having second thoughts due to being subjected to the continuous noise.

Commissioner Ham suggested the Commission hold a work session to discuss possible solutions for the noise issue because these people need some relief. Commissioner LaGrand asked if County Attorney Stan Martin can research the issue to find out what can be done to address it. Judge English said no formal action is necessary for Mr. Martin to look into it. Commissioner Ham made a motion, seconded by Commissioner Cannon to set a work session to discuss a noise ordinance on Monday, April 19 at 5:00 p.m. in the Commission chambers. The motion carried unanimously.

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Sheriff Jones asked to address the Commission on the situation. Sheriff Jones stated he didn't disagree with anything that has been said, adding that his office does go to each call but stated his deputies can't take action the way the law is currently written. Sheriff Jones stated he has been talking with District Attorney Jessica Ventiere about ways to address the issue. Sheriff Jones stated people in the community can take civil action against the landowner to address it. Commissioner Ham asked the Sheriff to attend the work session for his input in possible solutions.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, procurement card and Blackbaud transaction listings and minutes of the March 29 meeting. Commissioner Ham made a motion, seconded by Commissioner Brown to approve the consent agenda items as presented. The motion carried unanimously.

Coroner Bill Harris appeared and addressed the comment made by Mr. Sophocleus during citizens' communications, stating he wished to clarify he is not asking for a pay raise, he is only requesting an increase in his vehicle allowance to cover increased vehicle expenses. Commissioner Long questioned the number of certified deaths and questioned if the coroner himself and/or his deputy coroners responded to all 694 calls. Commissioner Long asked how many deputies and Mr. Harris responded three. Commissioner Brown asked why they do not have to go to every call. Mr. Harris stated they do not respond to a call unless circumstances require them to. Judge English questioned who determines whether a case is suspicious or not. Mr. Harris stated he does, based upon reports from EMS and law enforcement.

Judge English asked Mr. Harris if he could document calls more completely for the second half of this year so the Commission can get a clearer picture of the actual vehicle needs. Commissioner Brown suggested the vehicle allowance be increased from \$4,800/per year to \$7,200/per year until the end of July during budget discussions. Additionally, Commissioner Brown asked Mr. Harris to keep a log or a journal of his mileage to and from each call for the Commission to examine during budget discussions. Commissioner Long questioned Mr. Rendleman if the vehicle allowance can be changed if the Commission increases it now. Mr. Rendleman stated the Commission sets the coroner's vehicle allowance and can increase or decrease it if they choose to do so. Commissioner Brown made a motion, seconded by Commissioner Cannon to increase the Coroner's vehicle allowance from \$400/per month to \$600/per month and a vehicle allowance of \$150/per month for the deputy coroners from now until the end of July and reevaluate the vehicle allowance during budget discussions. The motion carried unanimously.

Commissioner LaGrand clarified that there is no formal agreement between the Town of Loachapoka and Lee County at the community center location for recreation purposes, but

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things are being looked at and being considered at this time. He commended Mayor Holder for his efforts.

Sheriff Jones presented the results of Bid #2021-09 for five or more air purifiers. Sheriff Jones stated three bids were received, noting that one was disqualified since it was not properly notarized. Sheriff Jones recommended the Commission award the bid to the lowest responsive bidder Aerus Electrolux of Huntsville, Alabama. Commissioner Ham made a motion, seconded by Commissioner LaGrand to award Bid#2021-09 for five or more air purifiers at \$2,000/each to Aerus Electrolux. The motion carried unanimously.

Sheriff Jones presented an application for a lounge retail liquor license from Happy Hour Cigar Wine Spirits located in District 3. Sheriff Jones indicated there were no objections noted on the application. Commissioner Long stated one of the boxes on the application indicates the nearest residence is 0 blocks and questioned if that is just a formality. Sheriff Jones affirmed it. Commissioner Long made a motion, seconded by Commissioner Brown to approve the following Resolution for Happy Hour. The motion carried unanimously.

**BE IT RESOLVED**, the Lee County Commission hereby approves the lounge retail liquor license for Happy Hour Cigar Wine Spirits located at 2319 Pierce Road, Suite 4 and 5, Phenix City, Alabama.

Mr. Hardee presented an Adopt-A-Mile Application from the Rittenbury Family. Mr. Hardee stated the application is for adoption of a one mile stretch along Lee Road 263 located in District 4. Commissioner Ham made a motion, seconded by Commissioner Long to approve the Adopt-A-Mile application as presented. The motion carried unanimously.

Human Resources Director Erica Norris presented two educational reimbursement requests from Deputy Christopher Kyle Maxwell. Ms. Norris stated Deputy Maxwell is requesting reimbursement for two classes, planning and budgeting and human trafficking. Ms. Norris stated the paperwork has been approved by the appointing authority. Commissioner Ham made a motion, seconded by Commissioner Brown to approve the educational reimbursement requests as presented. The motion carried unanimously.

Judge English stated prior to the Commission meeting Mr. Hardee requested to add an item to the Agenda. Judge English indicated it would take unanimous consent of the entire Commission for it to be added. Commissioner Ham made a motion, seconded by Commissioner LaGrand to add an item to the Agenda. Upon vote, the motion carried

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unanimously. Mr. Hardee requested the Commission set a Public Hearing to amend the Solid Waste Management Plan. Environmental Services Director John McDonald stated the Solid Waste Management Plan needs to be amended to add curbside cart garbage service to the existing system, so that either method would be included in our Solid Waste Management Plan whichever direction the Commission chooses to go. Commissioner Ham made a motion, seconded by Commissioner Brown to hold a Public Hearing on May 24, 2021 during the regularly scheduled meeting to amend the Solid Waste Management Plan to include an option for curbside garbage pickup. The motion carried unanimously.

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