

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2021

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, April 26, 2021 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Brown.

During citizens' communications, John Andrew Harris appeared to discuss several items. First, Mr. Harris stated he is Co-Chair of State of Alabama NAACP. Mr. Harris stated he has been contacted by a group from Birmingham about the need for people to be vaccinated. Mr. Harris stated they were going to bring a motorcade to the area for the Motor Voter bill, he stated he would like to see more people involved in voting. Mr. Harris stated he would be working with Commissions all over the State for a more efficient voters database.

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. News media in attendance: Opelika Observer reporter Hannah Lester and Opelika-Auburn News reporter Mike Eads.

Environmental Services Director John McDonald presented an update on the recent efforts of the Clean Up Lee County Campaign. Mr. McDonald reported that 1,300 bags of trash were picked up in April and 370 bags of trash were picked up during the event this past weekend. Mr. McDonald stated turnout was less than expected, but felt it was still a success. Mr. McDonald stated his employees would like to see the clean-up day be an annual event. Mr. McDonald stated if anyone is planning an event to call his office for supplies which are available year-round. The Commissioners and the audience applauded Mr. McDonald for he and his departments efforts.

County Engineer Justin Hardee announced the week of April 26-29 is National Work Zone Awareness Week. Mr. Hardee stated this is held annually to encourage drivers to use extra caution when driving through highway work zones. This year's theme is: "Drive Safe. Work Safe. Save Lives." Mr. Hardee said Lee County is happy to participate in this campaign and shared a few statistics from 2019, since those are the latest ones available. Mr. Hardee said 762 fatal crashes occurred in work zones resulting in 842 deaths, a total of 135 were roadway workers, the others were drivers and passengers, and pedestrians.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, Blackbaud transaction listings and minutes of the April 12 meeting. Commissioner Long questioned a few items on the listing of ratified claims. Commissioner

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2021

Long questioned the amount over \$90,000 paid to GFL Environmental Inc. Judge English stated GFL Environmental is the solid waste transfer station. Mr. McDonald affirmed it is the transfer station and stated in March the tonnage increased significantly. Mr. McDonald stated the budgeted amount is around \$70,000 per month. Next, Commissioner Long questioned the \$2,500 paid to Harmon Engineering for stormwater inspection at the Beauregard Park project. County Administrator Roger Rendleman stated he receives these reports and contacts the General Contractor which in this case is Rabren Construction to address the issues since Lee County holds the stormwater permit and is responsible for them. Commissioner Long questioned whether Lee County is responsible for fixing any issue. Mr. Rendleman stated once he receives the report, if there are issues, as in this case, he contacts the General Contractor in charge and tell them to correct their issue since Lee County is responsible for it. Commissioner Ham made a motion, seconded by Commissioner Long to approve the consent agenda items as presented. The motion carried unanimously.

Judge English stated ADEM will hold a Public Hearing at 6:00 p.m. Thursday, May 20 at the Opelika Municipal Court building concerning the proposed issuance for an Air Permit and a NPDES (Water) Permit to Creekwood Resources LLC on the proposed granite quarry. Judge English stated ADEM said they will hold the Public Hearing with not more than 15 people in the room at a time, including them. They will only allow one speaker in the room at a time, with no audience, and speakers have to exit after speaking. ADEM says they cannot provide live streaming or allow remote participation, but Judge English believes the county can at least allow people to watch it. Judge English asked the Commission to authorize a remote broadcast of ADEM's hearing at the Lee County Meeting Center, so the citizens will have an opportunity to observe the proceedings. Judge English stated he has gotten permission from the City of Opelika to access the broadcast capability they have in their new Municipal Court Building. Further, Judge English stated our IT Department has been meeting with Opelika's IT Department to work out the details so it can be broadcast at the meeting center. Judge English stated also he would like to see it placed on the internet like the Commission meetings are done, so people can watch from home. Commissioner Ham made a motion to authorize the use of streaming services to the Lee County Meeting Center and online if possible. The motion was seconded by Commissioner LaGrand and carried unanimously.

Judge English discussed the need for a consultant to help the Lee County Planning Commission in developing their zoning ordinances and/or regulations. Judge English stated the Lee County Planning Commission has held three meetings so far and elected officers at their first meeting on April 7, with Kevin Flannagan elected as Chair, Tom Kelly as Vice-Chair, and Danielle Ritch as Secretary. At their April 21 meeting, they heard via Zoom from current Dothan City Manager Kevin Cowper, who previously served as Assistant City Manager in Auburn. Prior to his time in Auburn, Mr. Cowper was Planning Director for Baldwin County for five years, a planner there for the five years before that, and has also worked in the Shelby

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2021

County Planning Department. Further, Judge English stated Mr. Cowper was able to relay his experience from both the city perspective and the county perspective. Mr. Cowper strongly recommended the Planning Commission engage professional assistance in developing their zoning ordinance and/or regulations. Upon his suggestion, Judge English agreed that hiring a consultant for a temporary and/or part-time role will assist to guide the Lee County Planning Commission over the next month or so. Judge English stated the county is not at a point to hire a full-time staff for planning and zoning. Judge English stated no firm has been selected, which he feels should be up to the Planning Commission members, but Commission authorization is needed to pay for the services. Judge English asked the Commission to approve the temporary engagement of a planning professional for up to six months to assist the Lee County Planning Commission. Commissioner Long made a motion, seconded by Commissioner Ham to approve to engage a planning consultant for up to six months not to exceed \$50,000 to help guide the Lee County Planning Commission. The motion carried unanimously.

Judge English discussed providing office space for County Attorney Stan Martin. Judge English stated Mr. Martin and Allen Martin are changing their law practice arrangement and will be working remotely and/or from different locations. Mr. Martin put his building up for sale, and has a contract on it already, closing at the end of the week. Mr. Martin will maintain an office at home for family/friend matters and could do his county work from there, but Judge English stated he suggested using an office in the Courthouse on an occasional basis for county business. Judge English stated he has a space off the Probate Courtroom that was going to be used as a “holding cell” for mental health patients coming to court, but those hearings are being held virtually since the pandemic began and all indications from EAMC and others are that the commitment cases will continue to be held electronically for the foreseeable future. Mr. Martin understands that the room could become unavailable in the future and will vacate it if requested. Mr. Martin does not anticipate needing the space for more than a few hours per week, unless, of course, he is working on something like a noise ordinance. Out of an abundance of caution, Mr. Martin has sought opinions from the State Bar and the Alabama Ethics Commission about the propriety of this arrangement, and they did not see a problem so long as his work here only involves Lee County matters. Judge English asked the Commission to authorize Mr. Martin to use the office on an as needed basis with the provision that is only be used in relation to county matters. Upon this request, Commissioner Ham made a motion, seconded by Commissioner Brown to approve the use of an office in the Courthouse by Mr. Martin for county purposes. The motion carried unanimously.

Sheriff Jones presented an application for a retail beer & retail table wine application for Backwaters Marina located in District 4. Sheriff Jones stated no objections have been noted on the application. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution for Backwaters Marina. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2021

BE IT RESOLVED, the Lee County Commission hereby approves the retail beer and retail table wine application for Backwaters Marina located at 9825 Lee Road 379, Valley, Alabama.

Mr. Hardee presented results of the 2021 full-depth reclamation, resurfacing and traffic stripe bid. Mr. Hardee stated two bids were received and he recommends the bid be awarded to the lowest responsive bid from D & J Enterprises, Inc. for \$1,772,153.25. Mr. Hardee stated both local funds and the Rebuild Alabama funds will be utilized for the projects. Commissioner Long questioned the milling of the existing pavement, and who owns the material afterwards. Mr. Hardee stated if the existing asphalt is too thick it becomes necessary to remove some depth of asphalt by planing the wearing surface. Commissioner Brown made a motion, seconded by Commissioner Long to award the bid for the 2021 Full-Depth Reclamation, Resurfacing and Traffic Stripe to D & J Enterprises, Inc. The motion carried unanimously.

Judge English stated Commissioner Brown would like to add an item to the Agenda which will take unanimous consent of the Commission. Commissioner Brown made a motion to discuss the search for a replacement for Mr. Rendleman since his recent email confirmed his upcoming retirement in November. The motion was seconded by Commissioner Cannon and carried unanimously. Commissioner Brown questioned what steps are taken to pursue the search process and questioned who takes responsibility and works on it. Judge English suggested a professional recruitment search be done and suggested to authorize Mr. Rendleman to contact a firm he had suggested and engage them in the task. Commissioner Ham thanked Mr. Rendleman for the amazing job he has done over the last 19 years. Commissioner Long concurred with Judge English since Mr. Rendleman knows the position better than anyone, stating he has done a great job. Mr. Rendleman said he would reach out to several firms for proposals and then would provide guidance on the process and give pros and cons of each. Mr. Rendleman stated as addressed in his email he would recommend the new Chief Administrative Officer provide more of an administrative role, since the new Chief Financial Officer position has relieved the Administrator of some of those duties. Commissioner Long questioned Mr. Rendleman if someone is hired prior to his leaving would he work with them. Mr. Rendleman stated Lee County has been good to him and he would see that it is a smooth transition. Commissioner Brown made a motion to authorize Mr. Rendleman to research recruitment firms. The motion was seconded by Commissioner Long and carried unanimously.

Judge English stated an Agenda item needs to be added for an Executive Session to discuss current litigation. Commissioner Ham made a motion, seconded by Commissioner Long to add the agenda item. The motion carried unanimously.

Judge English stated Mr. Rendleman, Mr. Hardee, and County Attorney Stan Martin need to attend the Executive Session and Ms. Frawley will attend by Zoom to discuss current

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2021

litigation. Judge English stated the session should last approximately 30-45 minutes and no official action is expected at the conclusion. Commissioner Ham made a motion at approximately 5:45 pm to adjourn into Executive Session. The motion was seconded by Commissioner Long and carried unanimously.

At the conclusion of the Executive Session, Commissioner Brown made a motion at approximately 6:30 p.m. to adjourn. The motion was seconded by Commissioner Cannon and carried unanimously.