

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2021

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 14, 2021, at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

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 and Loachapoka Mayor Ricky Holder. News media in attendance: Opelika Observer reporter Hannah Lester and Intern Kinley Beshers and Opelika-Auburn News reporter Mike Eads.

During citizens communication, Peter Byrd stated he noticed the first reading of an appointment to the East Alabama Health Care Authority Board and asked the Commission to appoint someone that may control EAMC a little better.

Next, John Sophocleus again appeared before the Commission about what he views as the corruption of the county commission and raised several of the numerous issues he has raised previously.

Loachapoka Mayor Ricky Holder stated Loachapoka will be holding a fireworks display for the first time ever on Thursday, July 1 beginning at 7:00 p.m. with a DJ and food vendors, and the fireworks will begin at 9:00 p.m. and he invited everyone to attend. Further, Mayor Holder stated he has had several meetings with Commissioners LaGrand and Cannon on issues in Loachapoka and wanted to publicly thank them for the work they are doing for Lee County, but especially in Loachapoka.

Joshua Lewis appeared before the Commission concerning Executive Order 13985. Mr. Lewis stated he is concerned for the black community since the county will receive a sizeable amount of funds by the order and asked that the Commission not earmark the funds for infrastructure but consider allocating the funds for education and health care for the underserved and the black community. Mr. Lewis stated the poverty level in Auburn is close to 30%, but in the black and minority community it is greater than 40%. The poverty level in Opelika is around 19-20%, but in the black and minority community it is up to 25-30%. Mr. Lewis said that they feel that the allotment of funds should go to the black community and would like to join in the conversation on the allotment of funds.

Next, John Andrew Harris appeared before the Commission stating he is a facilitator for Executive Order 13985. Mr. Harris stated he has talked to people in the community who are

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2021

concerned how the funds are going to be spent and they want a piece of the pie. Mr. Harris stated the funds will be distributed in July and indicated that there are only 12 things that can be done with the funds and stated the order can't be violated. He said we should model on other counties and that he is also working with Russell County.

Last, Kristine Ball, a resident of the City of Loachapoka, said she also is in attendance to address Executive Order 13985. Ms. Ball stated she would like to see the funds used for promoting wellness in the community, economic and small business development such as starting a small business incubation system. Ms. Ball stated she has presented a specific and refined proposal to the City of Loachapoka to have dilapidated facilities restored. She asked the Commission to put it on their radar as well. Commissioner Ham asked Ms. Ball to leave her information with the Commission and Mayor Holder.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, Blackbaud and procurement card transaction listings and minutes of the May 24 meeting. First reading of Stanley Tucker to the East Alabama Health Care Authority Board was made. Commissioner Ham made a motion, seconded by Commissioner Cannon to approve the consent agenda items as presented. The motion carried unanimously.

Judge English stated the Lee County Zoning Regulations adopted by the Lee County Planning Commission and approved by the Lee County Commission at the May 24, 2021, meeting have been advertised for three consecutive weeks out of an abundance of caution. Judge English opened the floor at 5:20 pm for a Public Hearing on the Zoning Regulations. No one appeared to speak, so the floor was closed at 5:20 pm. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to re-approve the same Lee County Zoning Regulations as approved at the May 24, 2021, meeting. The motion carried unanimously.

County Engineer Justin Hardee presented the final plat for Ridge Grove Farms Subdivision located in District 4 for Commission approval. Mr. Hardee stated the subdivision has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed subdivision consists of 14 frontage lots located adjacent to Lee Road 183. The adjacent property owners were notified of the development by letters sent out on May 25, 2021. Christy and Vince Gaultney stated they live on the property across the road from the proposed subdivision and are concerned about the type of homes that will be built. Further, Mr. Gaultney stated he is extremely concerned about a stream that flows to their pond stating the area has been deemed a wildlife zone, since it has woodland ducks and other wildlife. Mr. Hardee stated Lee County only looks at the subdivision regulations and if the proposed development meets them, further stating he they do not look at the type of homes being built. Mr. Hardee stated the smallest lot is a little over two acres. Commissioner Ham

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2021

stated since the smallest lot is over two acres, he feels they will build pretty nice houses. Mr. Hardee offered to meet with the Gaultney's to review their concerns. Commissioner Ham questioned if they had talked to the developer. They responded they had not, stating since Mrs. Gregory died, they are not aware of who took over her estate. Commissioner Brown questioned if the item could be tabled until the next meeting. After discussion, the Commission moved the item forward to the next agenda.

Mr. Hardee presented for Commission consideration a renewal agreement with the National Center for Asphalt Technology (NCAT). Mr. Hardee stated Dr. Buzz Powell, P.E. is in attendance to address any questions of the Commission. Mr. Hardee stated it is a 3-year renewal which allows NCAT to continue their research into ways to improve the county's ability to maintain our asphalt pavements and highway infrastructure system. The information Lee County along with the Association of County Engineer's of Alabama (ACEA) has gained through NCAT's work has proven to provide cost effective means of maintaining our county roadways. This Pavement Preservation Project involves asphalt test strips on a paved portion of Lee Road 159 between the Martin Marietta quarry below Chewacla State Park and Lee Road 10, aka Sandhill Road. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following 3-year Agreement with NCAT. The motion carried unanimously.

AGREEMENT

This Agreement is made this 14th day of June 2021 (the "Effective Date"), by and between Auburn University, through its National Center for Asphalt Technology ("NCAT"), having offices at Office of Innovation Management and Commercialization, 570 Devall Drive, Suite 102, Auburn, Alabama 36832 ("Auburn"), and Lee County, Alabama having offices at 215 South Ninth Street, Opelika, Alabama 36801 ("Lee County"). The said parties may hereinafter also be referred to collectively as "the Parties" and individually as "Party".

WHEREAS, Lee County and Auburn wish to collaborate in a project for testing various pavement preservation treatments for maintaining and extending the life of roadways in Lee County, Alabama (the "Project"); and

WHEREAS, the Project should result in valuable research data for the road construction and maintenance industry as a whole, as well as provide Lee County with cost effective options for maintaining its roadways.

NOW, THEREFORE, the Parties agree as follows:

1. No funds from Lee County will be required to support this Project.
2. Work will be performed by NCAT, at Auburn's expense, on both sides of Lee Road 159 from the Auburn city limits south to the intersection with Lee Road 10.
3. Various preservation treatments have been installed in a series of test sections throughout much of this approximately one-half mile section of Lee Road 159.
4. Regular post construction testing will continue to be performed by NCAT in which pavement performance will be carefully monitored.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2021

5. Appropriated traffic control needed during testing will be the responsibility of NCAT.
6. The Lee County Engineer will be invited to participate in 6-month sponsor meetings at the NCAT Pavement Test Track.
7. Auburn, through NCAT, will assume maintenance responsibility of the experimental surfaces on Lee Road 159 throughout the testing process and will keep Lee Road 159 and its surfaces in a condition safe for the traveling public throughout the period of this Agreement.
8. After the completion of the Project, Auburn, through NCAT, will leave Lee Road 159 in no worse condition than if the test section had not been installed, to the satisfaction of the Lee County Engineer.
9. The planned end date of the research cycle is September 30, 2024; however, the Pavement Preservation Project may be extended beyond that date if funding is available, subject to the written consent of both Parties.
10. NCAT will provide Lee County with Construction Data, Performance Data, and Reports through NCAT's website, newsletter, and various other means of communication.
11. The effective period of this Agreement is from the Effective Date through September 30, 2024, and can be extended by the written consent of both parties. During this period, either Party has the right to terminate this Agreement in part or in total by giving the other Party written notice of its intent to terminate at least one hundred twenty (120) days prior to the effective date of termination. In the event of termination, by either party, Auburn, through NCAT, will leave Lee Road 159 in no worse condition than if the test sections had not been installed, to the satisfaction of the Lee County Engineer.
12. Neither Party shall use the name or trademark or names of any employees of the other Party in any advertising, promotional, or sales literature without the prior written consent of the other Party.
13. This Agreement shall be construed, interpreted and governed in accordance with the laws of the State of Alabama, notwithstanding the residence or principal place of business of any Party, the place where this Agreement may be executed by any Party or the provisions of any jurisdiction's conflict-of-laws principles.
14. This Agreement contains the entire Agreement between the Parties. The terms and conditions set forth herein are subject to amendment by the written agreement of the Parties.

IN WITNESS THEREOF, the Parties have executed this Agreement as of the Effective Date entered above.

Next, Mr. Hardee presented an additional request from the National Center for Asphalt Technology (NCAT) for assistance with their test track rebuild for 2021. Mr. Hardee stated they have asked the Highway Department to assist them by hauling an estimated 25 loads of

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2021

chert material from our pit on Lee Road 151, directly across the road from their test track, to their facility. Mr. Hardee stated the Highway Department has helped them in the past and it could be accomplished in a day's time. Mr. Hardee stated they are willing to reimburse the county for the cost of the material. Additionally, they have requested assistance with mowing and herbicide around the test track when our mowing and herbicide treatments are coming down Lee Road 151. Mr. Hardee stated the county has provided this service in years past, however, with the transition from two to only one round of mowing each year, they are requesting the county spray herbicide around the track to help with vegetation management. Commissioner Brown made a motion, seconded by Commissioner Ham to provide the assistance as presented. The motion carried unanimously.

Mr. Hardee presented a request from Beauregard Fire Department to assist with site development for a future fire station location. Mr. Hardee stated the work will be on property owned by the fire department that is located off Alabama Highway 51 near Marvyn. The work will include removal of a small existing slab, then at a later date, the construction of a driveway and building pad for the future station. The Highway Department estimates the initial work can be done by two employees using excavating equipment in one day if they do not run into complications. The later work is to be determined based on the requirements of the Beauregard Fire Department. Judge English asked Chief Mike Holden to consider allowing the county to use it as a polling location once the new facility is completed. Commissioner Brown questioned if this will be an additional location. Chief Holden answered in the affirmative. Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the site work by the Highway Department as presented. The motion carried unanimously.

Environmental Services Director John McDonald presented the results of Bid #2021-10 for Solid Waste Collection and Transport. Mr. McDonald stated on May 10, 2021, the department received bids from Arrow Disposal and Amwaste and two no bids from GFL Environmental Inc. and Waste Management. Mr. McDonald stated the current system requires service 7 days per week/365 days per year, which results in tremendous overtime expense, currently over \$80,000 and steadily increasing. The overtime is a significant strain on the department employees. Additionally, the tonnage has increased by over 6,000 tons from last year costing well over \$900,000 for disposal fees alone. Mr. McDonald stated Lee County is the only county in the State still utilizing a system like this. Mr. McDonald stated the bid does not include disposal, it only includes curbside collection and transport. Mr. McDonald stated three options are provided for Commission consideration are: Option 1) weekly curbside cart pickup by a contractor with weekly curbside bulk waste pickup by the contractor as well, and no drop-off sites; Option 2) weekly curbside cart pickup by a contractor with a county run on-demand bulk disposal service and use of a few county-owned drop-off sites on a couple of "amnesty" days per month; or Option 3) county operated weekly curbside cart pickup with a county run on-demand bulk disposal service and use of a few county-owned drop-off sites on a

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2021

couple of “amnesty” days per month. Commissioner Brown questioned the timeframe of when the system, if approved, would go into effect. Mr. McDonald estimated around 3-6 months for the details to be worked out and operations ready to begin. Commissioner Long stated he had received phone calls from several elderly individuals that can’t get a cart to the road and questioned if options will be provided for them. Mr. McDonald stated the bid contained an option for back-door service at no additional cost to citizens, if they qualify. Commissioner Brown questioned the number of sites that will remain open. Mr. McDonald explained that of the 15 sites the county only owns 7 of them. Mr. McDonald stated at this time they are considering keeping 4 sites open, they are: 1) Highway 280 at the Bottle; 2) Motts/near the Lee County Flea Market; 3) one for the Beulah area; and 4) one for the Beauregard area. Mr. Hardee indicated those sites will be fenced and manned and only open twice a month for disposal of bulk waste and/or larger items. Commissioner LaGrand questioned the back-door service option. Mr. McDonald stated it would be available to any citizen that qualifies or pays an additional fee for the service. Commissioner Ham stated it would free up the department for litter control to keep the county clean and feels it should save on tipping fees. Commissioner LaGrand questioned the feasibility to keep all 15 sites open. Mr. Hardee stated of the 15 sites, at least 9 are not large enough to fence in and the department is not staffed to keep them open. Commissioner Ham stated he would like to see the county get away from the container sites altogether. Commissioner Cannon interjected that unless they are able to be fenced, they will not work because the abuse of the system will continue. Commissioner Brown questioned if the Commission needs to choose one of the three options presented and questioned whether public input is needed. Judge English questioned County Attorney Stan Martin and he stated he would suggest holding a public hearing for citizen input. Judge English indicated a public hearing is not required to change the system. Mr. Hardee stated the Commission will need to make a choice of one of the three options presented. Commissioner Ham questioned how long the bids are good for. Mr. McDonald stated the vendors would honor the bids until the next Commission meeting on June 28. Commissioner Cannon questioned if the Commission needs to hold a special meeting next week to consider the item. Commissioner Brown stated change is hard and most people that will show up will be the ones that don’t want change. Commissioner LaGrand agreed but stated he feels that public input is needed on it. Commissioner Brown agreed adding that Mr. McDonald and his department have done a great job and have provided three really great options, then, questioned which one is recommended. Mr. McDonald stated they are recommending the middle option, a combination of a private cart pickup service with a county boom truck and operator for picking up large items and to continue to open at least 4 drop off locations on a twice-monthly basis.

Mr. Hardee concurred with Mr. McDonald stating the county should change to a system that will work, since what is currently being utilized is not working. Mr. Hardee stated County Administrator Roger Rendleman suggested continuing to charge the current rate to users and after one and a half to two years, to get the system up and running and the second year to get real numbers on the cost to run the system, then, look at hard numbers to determine the true cost of the system and look at the fee structure at that time with real costs included. Commissioner Long made a motion to choose Option 2 for weekly curbside cart pickup by a contractor with a

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2021

county run on-demand bulk disposal service and use of three or four county-owned drop-off sites on a couple of “amnesty” days per month. The motion was seconded by Commissioner Cannon for discussion. Commissioner Brown questioned if they had a marketing plan to promote the change to the system. Mr. McDonald stated the vendor will do a marketing campaign and his department will notify citizens by advertising the changes and also by the county placing signs at the current sites informing them of the upcoming changes. Judge English questioned the starting date. Mr. McDonald said it could be up to six months which will give the vendor adequate time to acquire and distribute 18,000+ carts and get everything needed into place. Commissioner Ham stated he would like to hold a Public Hearing on it. After further discussion, Commissioner Long rescinded his motion, and Commissioner Cannon rescinded his second. Upon consideration, Commissioner Long made a motion, seconded by Commissioner Ham to hold a Special Meeting on June 21 at 5:00 pm in the Commission chambers to hold a Public Hearing on potential changes to the Solid Waste system and to discuss the future of the Solid Waste system in Lee County afterward. The motion carried unanimously. Chief Operating Officer Randy Lee with Amwaste stated they would require a 100-day startup delay. Arrow Disposal Service Representative Gentry Shows thanked the Commission for the opportunity to bid on the services and stated the back-door service requires a letter from a physician and no additional fee is charged.

Judge English stated there is no need for an Executive Session, so it was removed.

Commissioner Ham at approximately 6:42 p.m. made a motion, seconded by Commissioner Long to adjourn. The motion carried unanimously.