

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 30, 2021

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, August 30, 2021. 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, Gary Long, and Richard LaGrand. Absent: Commissioners Sarah Brown and Robert Ham. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Cannon. Elected Officials in attendance: State Representative Joe Lovvorn and Opelika City Council member Erica Norris. News media in attendance: Opelika Observer reporter Hannah Lester and Opelika-Auburn News reporter Alex Hosey.

Judge English presented State Representative Joe Lovvorn with a plaque for passing Act 2021-165 establishing “Safer Places” statewide for severe weather events. The legislation creates standardized guidelines for the establishment of “Safer Places” to allow local participation and encourage volunteers to temporarily shelter individuals during severe weather events. Representative Lovvorn thanked the Commission for recognizing him for this piece of legislation, stating as a former firefighter, he has seen firsthand the destruction from severe weather in the area. Senator Randy Price, who had a prior commitment, was also involved in the passage of the “Safer Places” legislation and honored simultaneously.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listings of claims, procurement card transaction listing and minutes of the August 9 meeting. Also, first reading of the following board appointments were made: 1) Glenn Leuenberger-Lee County Department of Human Resources; 2) Larry Patterson-Lee County Youth Development Center; 3) Adam Littleton-Lee County Public Building Authority; and 4) Ernest Griggs-Lee County Recreation Board, District 5/Loachapoka representative. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the consent agenda items as presented. The motion carried unanimously.

Due to Commissioner Brown’s absence, Judge English moved the agenda item on the funding request form to the next meeting.

County Engineer Justin Hardee discussed the establishment of 25 mph speed zones in Lee County Subdivisions as presented at the last meeting. Mr. Hardee stated the Highway Department has compiled a list of roads and created a map of roads that are within subdivisions in the county, have not already had their speed limit lowered by the County Commission, and/or are less than 0.5 miles in length. Mr. Hardee noted there are about 658 roadways. Additionally, Mr. Hardee stated County Attorney Stan Martin drafted a resolution to go along with this list for consideration. Commissioner Long made a motion, seconded by Commissioner LaGrand to

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approve the list of roads and the maps created by the Highway Department setting the speed limit at 25 mph within subdivisions in the county, which have not already had their speed limit lowered by the County Commission, and/or are less than 0.5 miles in length. The motion carried unanimously.

RESOLUTION

WHEREAS, Section 32-5A-173 Code of Alabama (1975) authorized the local authority to determine and declare a reasonable and safe maximum speed limit on streets, roads, or highways under the jurisdiction and control of any county commission, and

WHEREAS, the Lee County Commission is the local authority and has determined by an engineering and traffic investigation through the Lee County Engineer and his staff that certain streets, roads, or highways in Lee County, Alabama should have a proper maximum speed of 25 miles per hour, and

WHEREAS, the Lee County Engineer has provided a list of roads in Lee County, Alabama which do not already have a maximum speed limit of 25 miles per hour, are less than .5 miles in length, and/or are within a platted subdivision, said list being attached as Exhibit A and said streets and roads being under the jurisdiction and control of the Lee County Commission, and

WHEREAS, the Lee County Commission determines and declares that 25 miles per hour is a reasonable and safe maximum limit for the streets and roads listed in Exhibit A, and

WHEREAS, there have been many citizen requests to the Lee County Commission over the years to alter or lower maximum speed limits to 25 miles per hour on certain streets and roads in Lee County, Alabama, particularly streets and roads in platted subdivisions, and

WHEREAS, based on an engineering and traffic investigation by the Lee County Engineer and his staff, the Lee County Engineer has routinely recommended lowering the speed limit to 25 miles per hour on said streets and roads; and

WHEREAS, the Lee County Commission determines that 25 miles per hour is a reasonable and safe maximum speed limit under the conditions existing on streets and roads in the unincorporated areas of the county within a platted residential subdivision, a platted manufactured home community where the lots are rented or sold, a platted condominium development, or any other platted subdivision or development subject to the approval or development control by the Lee County Commission where interior road improvements are or have been required, including but not limited to, those street and roads listed in Exhibit A, and

WHEREAS, it is the intent of this Resolution to establish 25 miles per hour as the maximum speed limit on the streets and roads listed in Exhibit A, any streets and roads in existing or future platted subdivisions where interior road improvements are or have been required in Lee County, Alabama, and any existing or future streets or roads in Lee County, Alabama being less than .5 miles in length, all of said streets and roads being under the jurisdiction and control of the Lee County Commission.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission that the Lee County Commission determines and declares that 25 miles per hour is the maximum speed

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limit on the streets and roads listed in Exhibit A attached hereto, and that this determination and declaration is based on the engineering and traffic investigation by the Lee County Engineer and his staff, and

BE IT FURTHER RESOLVED by the Lee County Commission that 25 miles per hour is a reasonable and safe maximum limit under the conditions found to exist upon said streets and roads listed in Exhibit A, and

BE IT FURTHER RESOLVED by the Lee County Commission that said maximum speed limit of 25 miles per hour shall apply to any other streets and roads in the unincorporated areas of the county within a platted residential subdivision, a platted manufactured home community whether the lots are rented or sold, a platted condominium development, or any other platted subdivision or development subject to the approval or development control by the Lee County Commission where interior road improvements are or have been required in Lee County, Alabama or any streets or roads in Lee County Alabama under the jurisdiction and control of the Lee County Commission being less than .5 miles in length, and

BE IT FURTHER RESOLVED by the Lee County Commission that said maximum speed limit of 25 miles per hour shall be effective at all times and that the Lee County Highway Department place appropriate signs on said streets and roads giving notice of the 25 miles per hour speed limit, and

BE IT FURTHER RESOLVED by the Lee County Commission that any violation of this maximum speed limit of 25 miles per hour on said streets and roads shall be a traffic offense subject to penalties and fines under applicable law.

Due to the weather conditions, Ms. Marie Maples notified the Commission Office she would not be in attendance and asked that her item on noise ordinance be moved to the next Agenda.

Opelika Main Street Executive Director Ken Ward appeared before the Commission requesting a partnership with the county to spruce up the small pocket park, Kilgore Scholarship Block, at the corner of 9th Street and Avenue B near the EMA Building. Mr. Ward stated this would include refurbishing the historic marker, which is chipped, to repair and repaint it and replacing two existing bushes with new trees and some minor landscaping, all at no cost to the county. Additionally, Mr. Ward stated if funds allow to paint a mural on the wall of the adjacent building if the owner will allow. Judge English thanked Mr. Ward stating that this is the only partnership which involves no monetary exchange and thanked Mr. Ward.

Christine Berry-Bradshaw appeared before the Commission to discuss the next steps in the quarry issue. Ms. Berry-Bradshaw questioned that the quarry company has been putting up signs and power pole has been erected on the property asking if the Commission has drafted the letter to the people with the quarry to work with the community. Judge English stated the sign

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is a private property issue, not a county commission issue. Ms. Berry-Bradshaw questioned whether or not the quarry company has applied for a license since they had erected signs. Judge English stated the county cannot do anything about a sign, but he is not free to say much about it since it is an ongoing issue. Judge English stated all that is known at this point is that they applied for ADEM air and water permits but have not applied for a business license from the Probate Office, nor is one due until they begin business operations. As far as the power pole, it has been erected, but it cannot get power until they get permission from Lee County Building Inspection. Ms. Berry-Bradshaw said her concern is to inform the people in Beat 13 on the current situation. Judge English recognized Ms. Berry-Bradshaw as a member of the Lee County Planning Commission. Commissioner LaGrand thanked her for commitment to serve.

Consultant Jim Lehe appeared before the Commission for the adoption of amendments to the Planning and Zoning Regulations in Beat 13. Mr. Lehe stated the amended regulations have been advertised for three consecutive weeks, posted on the county website and on webpage at leecountyplanning.com. Mr. Lehe stated this is the second item in the process which completes it. Mr. Lehe stated there are 3 zoning categories, including: 1) Rural – preserve; 2) Rural – center (businesses); and 3) Special District – flood zone (not mapped until approved). Mr. Lehe stated this special district would pertain to landfills, junkyards or quarries, which would go before the Planning Commission and the County Commission, which both must approve under a Special District. Commissioner Long stated several citizens were concerned with existing mobile home parks in Beat 13. Mr. Lehe stated mobile homes are allowed in Mobile Home District which are permitted by special exemption or outright use. Commissioner Long stated that people have concerns that their businesses may not comply. Mr. Lehe stated it falls under non-conformity and they may continue and as long as there is no expansion, they are grandfathered in. Commissioner Long thanked Mr. Lehe for all he has done on this project. Judge English thanked Mr. Lehe, Commissioners Long, Cannon and LaGrand and Mr. Hardee and Mrs. Wendy Swann.

See Copy of Amended Planning & Zoning Regulations on file in Commission Office and website

Judge English presented an Agreement with Ingenuity for computer software for business licenses in the Probate Office. Judge English stated the software program they currently use is no longer supported. Judge English stated this is the same company recently engaged by Revenue Commissioner Oline Price for car tag software. Commissioner Long asked if the fee is annual. Judge English affirmed that it is annual adding that it is a three-year agreement. After more discussion, Commissioner Long made a motion, seconded by Commissioner Cannon to approve the Agreement with Ingenuity as presented. The motion carried unanimously.

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Captain Craig Meadows presented a retail beer and retail table wine license application for Backwaters Restaurant and Convenience Store located in District 4. Captain Meadows stated there were no objections noted for this location. Commissioner Cannon made a motion, seconded by Commissioner Long to approve the following Resolution to approve the license as presented. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the retail beer and retail table wine license application for Backwaters Restaurant and Convenience Store located at 9883 Lee Road 379, Valley, Alabama.

County Engineer Justin Hardee presented an issue of an unauthorized and improper paving of Lee Road 321 to the Commission's attention. Mr. Hardee presented pictures and information regarding the violation of Commission Policies, the Lee County Subdivision and Land Development Regulations and Alabama laws that occurred when a contractor improperly paved Lee Road 321 in District 3 without informing the County. Mr. Hardee stated once the Highway Department became aware of the unauthorized paving, he took immediate action to contact the developer and the contractor. Mr. Hardee stated letters were sent to the citizens and property owners on Lee Road 321 letting them know the Commission will be discussing the item tonight to address how to correct the violation as the contractor and developer have repeatedly failed to comply with the Highway Department's attempts to get them in compliance. Judge English questioned how many were in attendance on this item and about 12 individuals from the neighborhood were identified. Mr. Hardee stated The Bluffs Subdivision was developed in 2019, consisting of 12 lots, and in April 2021 the county maintained dirt road was paved by Phenix Paving without proper notice to or approval by the Lee County Highway Department. Mr. Hardee stated once he found out the road had been paved, he questioned if it met county standards, since the roads are required to be built to county standards to protect the citizens. The pictures of Lee Road 321 show the pavement with inconsistent widths, no ditches for stormwater, large trees near the roadway, the right-of-way not cleared and grubbed, and areas with a greater than 6" drop-off because the shoulders were not constructed properly. Further, Mr. Hardee stated he does not know what is located underneath the pavement, stating on August 25 the Highway Department cored the road with county equipment and found less than 1.5" of asphalt. He said the standard is a 3" layer. Mr. Hardee stated this road is not only used for residential traffic, but construction traffic as well, since it appears the lots are still being sold. Mr. Hardee stated he has talked with Commissioner Long since Commission policy has been violated and county standards total disregarded. Mr. Hardee stated they should be held to the same standards as every other developer/contractor. During Mr. Hardee's presentation, he gave a comparison between the minimum requirements of roads and the issues surrounding Lee Road 321. Mr. Hardee stated he brought the item to the Commission since every option given to the contractor and developer has been ignored. Commissioner Long asked Mr. Hardee for his recommendation. Judge English asked what choices does he have to choose from. Commissioner Long stated the developer hired an attorney who made promises, but nothing has

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been done; promises to initiate the process to vacate the road, which has not happened either. Judge English questioned the process of vacating the road either by the citizens or if the county initiates it. Mr. Hardee stated the recommendation to vacate the road by the property owners puts the problem on unsuspecting future homeowners, which could be affected by their banking institution when they seek a mortgage. Mr. Hardee indicated his opinion is that the road should be plowed up and turned back into a dirt road unless they wish to pave the road properly as required of other developers. Commissioner Cannon agreed since there are standards that must be followed. Commissioner Long questioned those in attendance who had been approached to sign a petition to vacate the road and one hand raised. Attorney Jim McKoon stood stating he had been hired to represent Mr. Anderson the developer. Mr. McKoon stated the way it has been represented to him was that Mike Hall, who is in the paving business, went out and paved the road on his own. Mr. Anderson came to Mr. McKoon in May or June to vacate the road or to determine if there was any other solution to the issue. Mr. McKoon stated he had gotten with Nathan McBride to get a legal description of Lee Road 321 (the yellow part on the map) and indicated that his client still wishes to vacate it and asked the Commission to give him an opportunity to continue the process, stating he would hate to see the road dug up since it is better than it was. Mr. McKoon stated as soon as he can, he will get the petition signed and to the Commission for consideration. Commissioner Long questioned those in attendance who will not sign the petition. One person raised their hand stating she owns lot on Lee Road 320 and questioned if the lot could be sold. Mr. Hardee stated the existing lots today can be sold and built upon. Commissioner Cannon questioned how this would affect other developers. Mr. Hardee stated the policies have not changed and he only wants them to be consistent. Mr. Hardee stated he brought the issue before the Commission for guidance. Mr. Hardee stated that if the Commission allows the vacation, then it will not help the county since it is not a deterrent for others. Mr. McKoon stated Mark Anderson developed the subdivision, but he did not have anything to do with paving it and thought the county had come out and paved it. Commissioner Long questioned Mr. McKoon how long it would take to get the petition done and get the signatures. Mr. McKoon indicated a few weeks. Commissioner LaGrand questioned if it could be completed by the next meeting. Mr. McKoon questioned the date. Commissioner Long stated September 13. Mr. McKoon stated he could not be ready by then. Commissioner Long stated he would like to include the item on the next agenda and requested that Mr. McKoon update the Commission on his progress. Mr. McKoon agreed to bring an update in two weeks. Commissioner Long questioned Mr. Hardee on the signature requirements of those involved. Mr. Hardee indicated that 100% of property owners must sign the petition to vacate the road. Judge English questioned whether the Commission will vacate the road if all the citizens will not agree. Commissioner Long indicated he would like Commissioner Ham to be in attendance as well before they make that decision.

Anthony Newell of Lee Road 321 appeared and asked why the Commissions concern, since the road has been there a long time, and pavement has been placed on top of an existing road. Commissioner Long indicated since the road is paved, the concern is that the speed of the cars will change. Mr. Newell said he would argue that the speed has not changed, if that is a concern he asked that signs be put up or speed humps be installed, options to consider. Mr.

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Newell stated he was unaware of the moratorium on paving dirt roads. Judge English questioned Mr. Hardee about the average cost of resurfacing a road. Mr. Hardee said it costs the county approximately \$200,000 per mile of two-lane road.

Brian Nelson stated he was here to represent his wife and kids and is in favor of the paved road. Mr. Nelson said his mother worked for a paving company and it cost \$8,000 to mill up the road and questioned if there could be an alternative instead of tearing up the road. Commissioner Long stated he understood their concerns but asked what happens in 10 years when the road is in disrepair. Commissioner Long stated he serves 32,000 constituents.

Mike Dickerson stated he has lived in Lee County for 31 years on a dirt road and said the residents should not be penalized.

Tiffany Sellers appeared stating she lives off Lee Road 318 on a privately maintained road and said the expensive homes bring more money to the community and suggested taking the amount of money it would cost to tear up the road and invest that in improving it instead, just a thought.

Sonya Owens of Lee Road 320 said that that the selling point for her was that there was not an HOA.

Judge English said the next item on curbside transition/Arrow Disposal contract would be forwarded to the next Agenda for full consideration since two Commissioners are absent.

Chief Building Inspector Joel Hubbard presented a request from the City of Smiths Station to waive the permit fee for their new public works building on Lee Road 430 and that he is seeking guidance from the Commission. Mr. Hubbard stated if the Commission choses to waive the permit fee, it only waives the fee, not building permits or inspections. Commissioner Long stated Mayor Copeland had contacted him about this request. Commissioner Long made a motion, seconded by Commissioner Cannon to waive the \$2,174 building fees for the City of Smiths Station. The motion carried unanimously.

Human Resources Director Erica Norris presented a Service Agreement with Ambassador Personnel for direct hire placements. Ms. Norris stated this company has been used in the past for recruitments. Commissioner Long questioned if the fee is 12% of the starting salary. Ms. Norris concurred. Upon this presentation, Commissioner LaGrand made a motion, seconded by Commissioner Long to authorize the Chairman to sign the Agreement with Ambassador Personnel. The motion carried unanimously.

Next, Ms. Norris presented three educational reimbursement requests from two Sheriff's Office employees. Ms. Norris stated two classes are being submitted for Sergeant Heather Freeman and one class is being submitted for Corrections Manager D'metrius Hill. Ms. Norris

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stated all three courses directly relate to their current positions within the Sheriff's Department and meets the requirements of the educational reimbursement program. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to approve the three educational reimbursement requests as presented. The motion carried unanimously.

EMA Planner Austin Jones presented a request for approval from the Commission to authorize Judge English to sign a written request to Auburn University asking for financial support for communications equipment for the new EMA building. Commissioner Long questioned the full amount. Mr. Jones stated the request is for equipment and furniture for the Operations and Communications Room. Mr. Rendleman stated they are our partners and since the equipment needs upgrading he suggested that EMA ask for assistance from the outside agencies since they reap the benefit from it. Judge English questioned if the total amount of \$465,000 is being requested from Auburn University. Mr. Rendleman stated the request is just for a portion of the total cost of the furniture and equipment needs. Commissioner LaGrand stated that some items have not been upgraded since 2000. Commissioner LaGrand made a motion, seconded by Commissioner Long to approve the request as presented. The motion carried unanimously.

Judge English informed the Commission of a request from EAMC asking him to sign a joint letter to Medicare/Medicaid concerning the EAMC "campus" designation to include their facilities located across the railroad tracks. No action was necessary by the Commission.

Judge English stated Mr. Rendleman called an executive session to discuss the general reputation and professional competence of certain individuals related to the chief administrative officer position. Judge English said Mr. Rendleman, County Attorney Stan Martin and Carmen Davis of GovHR USA needed to attend. Mr. Rendleman stated the session should last approximately 30-45 minutes and possible official action is anticipated afterward. Commissioner Cannon at approximately 6:50 p.m. made a motion to adjourn into Executive Session. The motion was seconded by Commissioner Long and carried unanimously.

No official action was necessary at the conclusion of the Executive Session, and at approximately 8:05 p.m., Commissioner Cannon made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.