

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 13, 2021

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 13, 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, Sarah Brown, Gary Long, Robert Ham and Richard LaGrand. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Brown. Elected Officials in attendance: Sheriff Jay Jones and Coroner Bill Harris. News media in attendance: Opelika Observer reporter Hannah Lester and Opelika-Auburn News reporter Alex Hosey.

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 30 meeting. Also, an additional listing of claims for ratification was presented prior to the meeting. Judge English announced a vacancy on the Mid-South Resource Conservation and Development Council and asked one Commissioner to consider filling the vacancy replacing Sheila Eckman. The following four Resolutions are second readings for the Board appointments as indicated.

Commissioner Long made a motion, seconded by Commissioner Cannon to approve the consent agenda items and the following Resolutions. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Glenn Leuenberger to the Lee County Department of Human Resources Board to serve a six-year term from September 1, 2021, to September 1, 2027.

BE IT RESOLVED, the Lee County Commission hereby reappoints Larry Patterson to the Lee County Youth Development Center Board to serve a four-year term from September 30, 2021, to September 30, 2025.

BE IT RESOLVED, the Lee County Commission hereby reappoints Adam Littleton to the Lee County Public Building Authority to serve a four-year term from September 30, 2021, to September 30, 2025.

BE IT RESOLVED, the Lee County Commission hereby reappoints Ernest Griggs to the Lee County Recreation Board serving as the Loachapoka representative for District 5 to serve a five-year term from October 14, 2021, to October 14, 2026.

Marie Maples appeared before the Commission asking for an update on the noise ordinance. Ms. Maples stated she has not had an update since she last appeared. Ms. Maples stated the noise issue is still an ongoing problem on Highway 165 and the noises continue to be an issue from Margaret Brown's property. Ms. Maples stated high-pitch horrendous noises continue from 6 pm to 5 am, other neighbors shoot guns at 1:30 am, and cars revving up their

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engines at all hours of the day and night. Ms. Maples feels that it will not stop until a noise ordinance is passed by the county; additionally, she suggested making it a criminal offense. Ms. Maples stated her neighbors call the Sheriff's Office, whose deputies state they can't do anything about it until a noise ordinance is passed. Judge English addressed Ms. Maples' concern of the case against Mrs. Brown stating it is still an ongoing case. Judge English stated the local judges all recused themselves, so they are having to find an out of county judge who will address it. Judge English stated a draft noise ordinance was included in the last packet from Attorney Stan Martin for Commission review. Ms. Maples thanked Judge English for the update.

Commissioner Brown apologized for being absent at the last Commission meeting, stating she was very sick and unable to attend in person. Commissioner Brown stated she and Mrs. Swann have worked together on the American Rescue Plan funding request form for outside entities and indicated she would like to see it move forward. Judge English stated he has additional questions he would like to see included on the form. Commissioner Brown read the list of items Judge English wanted to include, they are: 1) how long has the agency been in existence, 2) who is the primary decision-maker & is there a board of directors, 3) what is the agency's overall budget for the last two or three years, 4) please give a generalized breakdown of operational expenses for the last two or three years, 5) what is the primary ongoing source of funding, 6) what other governmental agencies contribute to operations, 7) how many Lee County residents are served on a regular basis, and 8) how will this program continue once this one-time appropriation is depleted. Commissioner Ham said he would like to add an item asking the agencies to identify how the funds will benefit the community long-term. Commissioner Brown stated it may will be a multi-step process and the additional questions could be asked in a follow-up phase.

County Engineer Justin Hardee said Attorney Jim McKoon is present to update the Commission on the status of the vacation of Lee Road 321. Mr. McKoon stated he submitted petitions for another 13 residents today. Mr. McKoon stated within the next 10 days, he would be able to determine whether or not he can get petitions signed from all the residents to move on with the vacation. Commissioner Long stated he had hoped the issue could be resolved tonight but agreed to give Mr. McKoon another 10 days. Judge English stated the information would be needed by Wednesday, September 22 which is only nine days, instead of ten. Mr. McKoon agreed to have an update for the Commission packets by the close of business on September 22.

Mr. Hardee stated he and Environmental Services Director John McDonald wanted to relay information to the Commission about the county getting out of the garbage business and transitioning to curbside collection. Mr. Hardee stated the transition is being modeled after other counties that have done the same. Mr. Hardee stated on March 26 bids were mailed to

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seven vendors, and a pre-bid conference was held on April 6. After the pre-bid conference, one of the local transport vendors questioned the exclusivity of the curbside bid. A copy of the local act was provided to the vendor which states that under the current system it allows citizens to contract with a private disposal service and be exempt from the county system. After that, on July 8, a letter was received from the vendor requesting that over 200 citizens be exempt from the garbage fee because he would be providing curbside and disposal services. Then other companies were advertising their services stating the county was getting out of the disposal business, which is not true, the county is transitioning to curbside collection. Mr. Hardee continued that the Commission awarded the bid on June 21 to Arrow Disposal for door-to-door pickup service in Lee County. Mr. Hardee stated Mr. McDonald has done research and found that in Alabama 56 counties have exclusive contracts with outside vendors for curbside services; five counties have non-exclusive contracts and the remaining five counties, not including Lee County, have not responded. Mr. Hardee stated two current transport vendors attended the pre-bid conference, had an opportunity to bid, but did not. Mr. Hardee recommended that the Commission enter into an exclusive contract with Arrow Disposal for curbside service with bulk service provided by county forces. Commissioner Ham questioned if the bulk services would be free of charge to county residents. Mr. Hardee stated after looking into keeping the disposal sites open, he and Mr. McDonald determined that an on-demand bulk route would be more cost effective. At this time, they are considering a free, on-demand bulk pickup service twice a month, but will consider additional pickups in that month for a fee. Commissioner Ham stated that is better service than what is currently being provided, and thanked Mr. Hardee for coming up with this solution. Commissioner Long agreed stating there are a number of counties that have exclusive contracts, and it would not be fair to allow other companies to essentially “cherry-pick” their customers in this county. Commissioner Brown applauded those that have provided the service, agree with exclusivity, but stated it needs to be communicated to those vendors and to the citizens, and questioned Mr. Hardee if it has been communicated. Mr. Hardee stated the contract with Arrow Disposal is currently being negotiated, and the attorneys are working on the terms, so, nothing can be communicated until that process is complete. Commissioner LaGrand stated curbside service is a great plan, but he hates to see anyone lose their living, but believes curbside is the way to go. Commissioner Cannon made a motion, seconded by Commissioner Ham to award Arrow Disposal the exclusive right to provide curbside collection services to residential customers in unincorporated Lee County. The motion carried unanimously. Mr. Hardee stated the county will rebid these services in the future, and those other companies will have an opportunity to bid at that time, if they wish to do so.

Commissioner Ham introduced Robert Griffith who was in attendance on behalf of the Plainview Volunteer Fire Department. Commissioner Ham stated it is an unusual issue and he would like the Commission to help in finding a solution. Mr. Griffith thanked Commissioner Ham and also Chief Simpkins of the Lee County Volunteer Firefighters Association. Mr. Griffith gave a brief overview of the situation stating that Oak Bowery Volunteer Fire

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Department is located in Chambers County and Plainview Volunteer Fire Department is in Lee County. Mr. Griffith stated they once were working as sister units due to their close proximity to the county lines. They merged to help with workers compensation fees which are ridiculously high. The merger was ill conceived so in January 2020 Judge Walker reestablished Plainview Volunteer Fire Department, which had one member remaining, who has now decided to retire after 20 years, which leaves no Lee County residents in that VFD. Mr. Griffith asked for Commission support to provide a list of taxpayers who reside in the area so they can be contacted to see if anyone is interested in becoming a Board member or if no interest, to dissolve the department and any remaining funds be returned to the Commission. Mr. Griffith stated they considered a few options, which included: 1) split the district between Beulah and Farmville, for different reasons, neither of those Boards felt they could do that; 2) turn it over to Oak Bowery – legal requirements, etc. Mr. Griffith stated he was open to suggestions since those living in the district will see their insurance rates double if they lose the volunteer fire department. Commissioner Ham questioned if Mr. Griffith lives in Chambers County. Mr. Griffith stated yes. Commissioner Ham questioned if there are no Lee County residents serving currently on the Plainview Board or fire department. Mr. Griffith confirmed. Commissioner Ham said the Board should send letters to the residents, about 70 houses in the district, to explain the situation and ask for volunteers to serve on the board. Commissioner Brown questioned if the fire fee remains the same until 2036 and questioned if it can be increased. Judge English stated any increase must be voted on by the citizens. Commissioner Brown questioned that the same fire fee is paid on a \$400,000 home or a mobile home, not based on property value. Commissioner Long stated the fee is based on “ridge line” or roof, not value. Judge English stated the fire fee was passed in 1989 by one vote in Plainview. Commissioner Ham questioned Mr. Griffith if they needed help getting the letters mailed out. Mr. Griffith said they would appreciate assistance from the Commission. Judge English stated he could do a mail merge and the postage can be processed by the county if they would draft the letter they would like to send. Mr. Griffith stated they would give a 30-day response period and would report their findings at a subsequent meeting.

Sheriff Jay Jones presented a special retail license application for Choctafaula LLC located in District 5. Sheriff Jones stated the license allows for multiple events during a one-year period and stated the venue includes a structure and patio area. Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the following Resolution as presented. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves a special retail license application, for more than 30 days, for Choctafaula LLC located at 929 Lee Road 14, Auburn, Alabama.

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Commissioner Brown made a motion, seconded by Commissioner Long to add a special retail license application to the Agenda for Commission consideration. The motion carried unanimously. Sheriff Jones presented another special retail license application for Trinity Hospitality Group located in District 5. Sheriff Jones stated the license would allow for events during a two-day period, September 24-25, 2021, adding the venue includes a structure and patio area. Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the following Resolution granting the license as presented. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves a special retail license application for Trinity Hospitality Group located at 5505 Wire Road, Auburn, Alabama.

Commissioner Brown made a motion, seconded by Commissioner Long to add a retail beer and retail table wine license application to the Agenda for Commission consideration. The motion carried unanimously. Sheriff Jones presented a retail beer and retail table wine license application for The Backwaters Group in District 4 for an off premise only license. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution granting the license as presented. The motion carried unanimously.

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

Last, Governmental Relations/Safety Manager Wendy Swann presented the ACCA's Safety Incentive Discount Program verification form for Commission approval. Mrs. Swann stated all necessary requirements to qualify for SIDP discounts have been met for the current year. Mrs. Swann requested the Commission authorize the Chairman to sign the verification form as presented. Commissioner Long made a motion, seconded by Commissioner Ham to authorize the Chairman to sign the necessary paperwork for the ACCA's Safety Incentive verification form for the current year. The motion carried unanimously.

Judge English stated the Commission will adjourn into executive session to discuss a matter of current litigation. Judge English said the following should attend: County Attorney Stan Martin, Chief Administrative Officer Roger Rendleman, Mr. Hardee, and Attorney Richard Davis. Judge English stated the session should last approximately 30 minutes and no official action is anticipated afterward. Commissioner Brown at approximately 5:56 p.m. made a motion to adjourn into Executive Session. The motion was seconded by Commissioner Long and carried unanimously.

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No official action was necessary at the conclusion of the Executive Session, and at approximately 6:15 p.m., Commissioner Long made a motion to adjourn into a Budget work session. The motion was seconded by Commissioner Brown and carried unanimously.