

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 27, 2021

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 27, 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 Judge English. Elected Officials in attendance: Sheriff Jay Jones, Revenue Commissioner Oline Price, Coroner Bill Harris, and Loachapoka Mayor Ricky Holder. News media in attendance: Opelika Observer reporter Hannah Lester, Opelika-Auburn News reporter Alex Hosey and WTVM Channel 9 reporter Rico Mitchell.

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 September 13 meeting. Also, an additional listing of claims for ratification was presented prior to the meeting. Judge English asked if any Commissioner had thought about serving on the Mid-South Resource Conservation and Development Council to replace Sheila Eckman. There was no response, so Judge English moved the item forward. Commissioner Brown made a motion, seconded by Commissioner Long to approve the consent agenda items as presented. The motion carried unanimously.

Judge English presented information in the packets on a Planning Review board. Judge English stated he has reached out to several asking for nominees who would be willing to serve.

Commissioner Brown asked to move the item concerning a noise ordinance to the next meeting. Commissioner LaGrand said that since the item has been moved for months, he would ask the Commission to agree to take action at the next meeting. The Commission agreed to move it forward.

Next, Commission Brown discussed the American Rescue Plan Funds and the updated request form. Commissioner Brown suggested, if all are in agreement, to begin receiving applications on October 1 and to set a November 15 deadline. Commissioner Cannon questioned the reason for setting a deadline. Commissioner Ham suggested to receive the forms for a month and a half, review them, then if needed, open the application period up for a second round. After more discussion, Commissioner Brown made a motion to open the website for applications on October 1 and accept them through November 15. The motion was seconded by Commissioner Cannon and carried unanimously.

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Commissioner Long stated he talked to Attorney Jim McKoon who indicated he has four additional signatures on the petition, and two others he is trying to reach who are not full-time residents. Mr. McKoon requested the Commission consider moving the deadline to the first October meeting for consideration. Commissioner Long asked the Commission to honor the request. No official action was taken.

Mr. and Mrs. Fariss appeared before the Commission to discuss the exceptional service they have received from Mr. Philpot of Virotek Services, and to question why they can't keep their current provider after the Commission begins pickup service. Mr. Fariss stated for years he took his own trash to the county dump site, but due to his health conditions, he had to contract those services and he chose Virotek Services. Mr. Fariss stated his condition causes him to forget and when he would call Mr. Philpot, Mr. Philpot would be understanding and pickup his trash without charging for an additional pickup. Mr. Fariss questioned if the vendor the county has chosen would provide the same level of service, and, stated he does not believe they will. Mr. Fariss said he is upset that the county is trying to mandate who he must use for his garbage service in the future. Further, Mr. Fariss said the county will put a man out of business who is only trying to support his family.

Next, Mr. Willie Philpot, owner and operator of Virotek Services said he has a contract with Waste Management for his disposal needs. Mr. Philpot stated he had talked to Environmental Services Director John McDonald who told him that the citizens would have the option to choose their own vendor and could stay with their current provider. Mr. Philpot addressed several items concerning statements made at the Commission meeting on September 13 by County Engineer Justin Hardee concerning the bid. Mr. Philpot asked the Commission to keep the marketplace open and to remove exclusivity from the current bid.

Next, Chad Anderson of Anderson Disposal Services stated he has been serving citizens for the last decade and a half. Mr. Anderson stated the Commission is forcibly taking customers he and Mr. Philpot have been serving for years and mandating the citizens use Arrow Disposal. Mr. Anderson stated Arrow Disposal Service has 1.7 stars on Google and his service has 5 stars. Mr. Anderson asked the Commission to allow he and Mr. Philpot to keep their existing customers, to allow competition and not monopolize the garbage pickup service.

Last, Micah Messer appeared to address the Commission on the change in garbage pickup service. Mr. Messer said it was easier for the Commission to sign a contract with Arrow Disposal, easier to shut down the small businessmen to have a government sanctioned monopoly, which he believes may be illegal. Mr. Messer addressed Act 81-737, Section D, concerning the solid waste disposal fee, stating the two laws are contradictory. Mr. Messer questioned why Lee County is the last county to move to curbside pickup and asked the Commission to do it the right way and not to rush into anything.

Commissioner LaGrand stated he voted on the prevailing side and would ask the Commission to reconsider the decision. Judge English asked if there was a second. Judge English asked for a second again and, after hearing none, the motion died for lack of a second.

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Mr. Lamar Sims was not in attendance to address the request of the Beulah Utilities District, so the item was moved forward.

Commissioner LaGrand presented the following Agreement between Lee County and the Town of Loachapoka for Commission consideration. Commissioner LaGrand stated the agreement would be to utilize funds available through the Lee County Recreation Board for recreation purposes at the former site of the Loachapoka Community Center. Commissioner LaGrand recognized Loachapoka Mayor Ricky Holder and thanked him for the opportunity to work together on this project. Commissioner Brown questioned if they had a cost estimate. Recreation Director Ryan Norris stated they do not have an estimate at this time, because they are just looking into the matter. Mr. Rendleman stated the Agreement is to develop a partnership with Loachapoka, the funding would be provided by the recreation funds allocated for the Loachapoka school district. Commissioner Long questioned if those funds provide for building structures on the land. Mr. Rendleman answered in the affirmative, stating they currently do not have enough funds to build anything now, they only have enough to improve the walking trail and for some playground equipment. Commissioner Ham stated he was happy an agreement is being considered since this has been talked about for a decade and it is the first concrete step in the process. Commissioner LaGrand made a motion, seconded by Commissioner Cannon to authorize the Chairman to sign the following Agreement with the Town of Loachapoka for recreation purposes. The motion carried unanimously.

AGREEMENT

WHEREAS, Lee County, Alabama, hereinafter County, is a political subdivision of the State of Alabama, and the Town of Loachapoka, Alabama, hereinafter Town, is a municipal corporation organized under the laws of Alabama and is located in Lee County, Alabama, and

WHEREAS, County desires to assist Town with recreational opportunities with funds available through the Lee County Recreation Fund, and

WHEREAS, Town wishes to provide these recreational opportunities at a location on Alabama Highway 14, being the former location of the Loachapoka Community Center, consisting of 4.3 acres, more or less, and already having a walking trail, and

WHEREAS, County and Town have agreed to this general framework for the development of a recreation park at this location.

NOW, THEREFORE, in consideration of the above and the terms set forth below County and Town agree as follows:

1. Town states and represents that it is the lawful owner of the said 4.3 acres, more or less, on Alabama Highway 14 where the Loachapoka Community Center was previously located, hereinafter referred to as the location.
2. Town states and represents that it has the legal authority to enter into this Agreement With County, as evidenced by a Resolution of the Loachapoka Town Council dated,

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- _____, a copy of which is attached hereto as Exhibit A, and that Mayor Ricky Holder is authorized on behalf of Town to execute this Agreement.
3. County states and represents that it has the legal authority to enter into this Agreement with Town, as evidenced by a Resolution of the Lee County Commission dated September 27, 2021, a copy of which is attached hereto as Exhibit B, and that Bill English, Chairman of the Lee County Commission, is authorized on behalf of County to execute this Agreement.
 4. The location shall be open to any and all residents of Lee County, Alabama.
 5. County will provide funding, assistance, maintenance, and improvements to the existing walking trail at the location in a manner to be mutually agreed upon by County and Town.
 6. County will provide funding and assistance, as well as develop and maintain other areas of the location, including a playground area with appropriate playground equipment and a pavilion, in a manner and at places to be mutually agreed upon by County and Town.
 7. The funds needed for the walking trail, the playground area and equipment, the pavilion, and anything else agreed upon by County and Town for the development of the location shall be from the Lee County Recreation Fund. County shall be responsible for handling the payment of the expenses necessary for these items through the Lee County Recreation Fund.
 8. Town shall provide the County and insurance policy with minimum of One Million Dollars (\$1,000,000.00) in general liability coverage and Twenty-Five Thousand Dollars (\$25,000.00) in medical payments coverage for the location. Town shall also have County added as an additional named insured under said policy of insurance and provide a written certification from the insurance carrier to County in this regard.
 9. Town agrees to defend, indemnify, and hold harmless County, the Lee County Commission, Lee County Commissioners, Lee County Recreation Board, members of the Lee County Recreation Board, their agents, servants, employees, and representatives from any and all claims resulting from any injuries, including death, and losses, damages, and expenses of any sort, including, but not limited to, the general public, which may arise or may be alleged to have arisen out of or in connection with any use or activity at the location or anything related to or connected with this Agreement. This indemnification provision shall be broadly interpreted in favor of County and those identified above.
 10. County shall not provide any employees or staff to operate the location.
 11. County shall have the sole authority to terminate this Agreement by giving Town thirty (30) days written notice that County intends to terminate the Agreement. The written notice shall be sent certified mail to Post Office Box 10, Loachapoka, Alabama 36869.
 12. Town shall report to County on an annual basis on the first meeting of the Lee County Commission each year on the activities and overall development and

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operation of the location.

This Agreement made and entered into on this 27th day of September 2021.

Sheriff Jones presented an ABC liquor license application for a Special Events Retail License for Greenawalt Hospitality located in District 5. Sheriff Jones stated the venue includes a structure and a patio area and is for a one-day sorority event scheduled for October 15, 2021.

BE IT RESOLVED, the Lee County Commission hereby approves the special events license for Greenawalt Hospitality LLC located at 5505 Lee Road 137, Auburn, Alabama.

Revenue Commissioner Oline Price presented an educational reimbursement request for Administrative Assistant Hannah Preston. Mrs. Price stated all requirements for reimbursement have been met and Ms. Preston will have to complete the coursework with a “B” or better. Commissioner Brown made a motion, seconded by Commissioner Ham to approve the educational reimbursement request for Ms. Preston as presented. The motion carried unanimously.

Due to the County Engineer Justin Hardee being under the weather, Assistant County Engineer Patrick Harvill presented the following High-Risk Rural Road (HRRR) Funding Agreement for Commission consideration. Mr. Harvill stated Lee County was awarded approximately \$240,000 through the State’s HRRR Program to correct the super elevation and make other safety improvements in a horizontal curve on Lee Road 179 from the bridge over Little Uchee Creek north for 1,329 feet. Mr. Harvill stated this is a 90/10 match with the county providing \$26,615.39 of the total cost of \$266,153.94. Mr. Harvill recommended that the Commission pass the following Resolution and authorize the Chairman to execute the funding agreement as presented. Commissioner LaGrand made a motion, seconded by Commissioner Cannon to approve the following Resolution and authorize the Chairman to sign the HRRR Funding Agreement as presented. The motion carried unanimously.

RESOLUTION

BE IT RESOLVED, By the Lee County Commission as follows:

That the County enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for the:

Installation of safety improvements (striping, raised pavement markers, advanced warning signs, guardrail, and shoulder widening) on CR-179 north of Uchee Creek; Project#HRRR-4121(250); County Project #LCP 41-HRRR-21; CPMS Ref#100072721.

Which Agreement is before the Commission, and that the agreement be executed in the name of

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the County, by the Chairman for and on its behalf and that it be attested by the County Clerk and the official seal of the County be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the County.

Mr. Harvill presented a request from The Crimson Group, LLC about an alternate method of roadway buildup in the Hornet Flats Subdivision, Phase 2 for Commission consideration. Mr. Harvill stated Section 8-3 of the Lee County Subdivision and Land Development Regulations allows for approval of such requests with the recommendation of the county engineer. The proposed roadway buildup would consist of 8" full-depth reclamation with Portland cement, 175 lbs./sq.yd. asphalt binder layer and 110 lbs./sq.yd. asphalt wearing surface. Mr. Harvill said based on the results the county has had in using full-depth reclamation on county projects, the engineer recommends the request be granted. Commissioner Ham stated the project is in his district, but he will abstain. Commissioner Long stated the full-depth reclamation has been used by the county and he feels it is great, stating he would like to see it used more often. Judge English questioned Phase I of the subdivision. Mr. Harvill stated Phase I included the front lots. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the request as recommended in Hornet Flats Subdivision, Phase 2. The motion carried on a vote of 4-0-1 with Commissioner Ham abstaining.

Mr. Harvill presented the following results on Bids #11-#18 For the FY2021-2022 Highway Department annual maintenance bids. Commissioner Long made a motion, seconded by Commissioner Ham to award Bids #11-#18 as follows. The motion carried unanimously.

FY2021-2022 Highway Maintenance Bids:

Bid#11-Cement Mortar Flowable Backfill-----	No Bids Received
Bid#12-Emulsified Asphalt-----	Ergon Asphalt and Emulsions, Inc.
Bid#13-Gasoline and Diesel Fuel-----	R.K. Allen Oil Co., Inc.
Bid#14-Grader Cutting Edges-(SE Region)-----	Thompson Tractor Company, Inc. Valk Manufacturing Company
Bid#15-Maintenance Stone-----	Martin Marietta Vulcan Materials Company Wadley Crushed Stone Co., LLC
Bid#16-Picked up at the Plant Bituminous Treatment-----	East Alabama Paving Co., Inc.
Bid#17-Ready Mix Concrete-----	No Bids Received
Bid#18-Tied Concrete Block Erosion Control Mat-(SE Region)-	Southern Pipe & Supply

Commissioner Cannon made a motion, seconded by Commissioner Brown to award the following FY2022 bid extensions as presented. The motion carried unanimously.

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The following vendor was awarded a one (1) year extension period on the bid as stated in the bid under Section 2.1:

First Extension (FY 2020-2021)

Bid #09-Emulsified Asphalt-----Ergon Asphalt and Emulsions, Inc.

Last, Commissioner Long made a motion, seconded by Commissioner Ham to award the following bid extensions for FY2022 as presented. The motion carried unanimously.

The following vendors were awarded a one (1) year extension period on bids as stated in the bids under Section 2.1:

Second Extension (FY 2019-2020)

Bid#12-Bales of Grass Hay-----Parker Grassing, Inc.

Bid #14-Gasoline and Diesel Fuel-----Petroleum Traders Corp.

Bid #16-Maintenance Stone-----Wadley Crushed Stone Co., LLC

Bid #17-Plant Cold Mix-----Advanced Asphalt Products
Chris Clark Grading & Paving, Inc.

Environmental Services Director John McDonald presented a Scrap Tire Agreement with the Alabama Department of Environmental Management for Commission consideration. Mr. McDonald said the program is a great benefit to help offset the cost of keeping scrap tires in the county cleaned up and taken to an appropriate facility. Commissioner Brown asked if it is a three-year contract and questioned how long this has been in place. Mr. McDonald affirmed it is a three-year contract and stated he believes the program has been in existence since 2015, which was started by his predecessor, Chris Bozeman. Commissioner Long made a motion, seconded by Commissioner Brown to authorize Judge English to sign the contract as presented. The motion carried unanimously.

Chief Administrative Officer Roger Rendleman presented a franchise renewal agreement for utilizing the county's right-of-way from Spectrum Southeast, LLC locally known as Charter Communications. The agreement is a 10-year agreement with an automatic five-year extension. Additionally, Mr. Rendleman suggested that the cable franchise fees be allocated to the Environmental Services Department since that department is responsible for cleaning up the rights-of-way and the fees would be used for that purpose. After discussion, Commissioner Ham made a motion, seconded by Commissioner Long to renew the 10-year agreement, along with the automatic five-year extension, with Spectrum Southeast, LLC and to designate the cable franchise fees to the Environmental Services Fund for such purpose. The motion carried unanimously.

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Next, Mr. Rendleman presented the FY2022 Budget for Commission consideration. Mr. Rendleman stated it is almost a \$60 million budget, and five separate items need Commission action.

First, Commissioner Ham made a motion, seconded by Commissioner Long to adopt the FY2021-2022 Budget as presented by Mr. Rendleman. The motion carried unanimously.

Fiscal Year 2021 - 2022
County Commission Proposed Budget

<u>Commission Funds</u>	<u>Carryover**</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Operating Transfers In / (Out)</u>	<u>Increase/ (Decrease)</u>
General Fund	<u>2,265,698</u>	<u>36,571,897</u>	<u>31,877,298</u>	<u>(6,960,297)</u>	<u>0</u>
SRO	<u>535,476</u>	<u>1,239,354</u>	<u>1,774,830</u>	<u>-</u>	<u>0</u>
Recreation	<u>-</u>	<u>1,215,000</u>	<u>947,868</u>	<u>(267,132)</u>	<u>0</u>
General Fund – Total	<u>2,801,174</u>	<u>39,026,251</u>	<u>34,599,996</u>	<u>(7,227,429)</u>	<u>0</u>
Gasoline Tax Fund	<u>551,500</u>	<u>2,182,000</u>	<u>6,463,729</u>	<u>3,730,229</u>	<u>0</u>
RRR Gasoline Tax Fund	<u>479,425</u>	<u>2,852,000</u>	<u>3,331,425</u>	<u>-</u>	<u>0</u>
Rebuild Alabama Act Fund	<u>178,847</u>	<u>1,700,000</u>	<u>1,878,847</u>	<u>-</u>	<u>0</u>
Federal Aid Exchange Fund	<u>83,825</u>	<u>400,000</u>	<u>483,825</u>	<u>-</u>	<u>0</u>
Highway – Total	<u>1,293,597</u>	<u>7,134,000</u>	<u>12,157,826</u>	<u>3,730,229</u>	<u>0</u>
Reappraisal Fund	<u>406,188</u>	<u>1,726,093</u>	<u>2,132,281</u>	<u>-</u>	<u>0</u>
Refuse Disposal Fund	<u>382,464</u>	<u>3,644,350</u>	<u>5,239,431</u>	<u>1,212,617</u>	<u>0</u>
Capital Improvement Fund	<u>-</u>	<u>650,000</u>	<u>650,000</u>	<u>-</u>	<u>0</u>
Judicial Facilities Fund	<u>-</u>	<u>450,000</u>	<u>-</u>	<u>(450,000)</u>	<u>0</u>
Capital Projects Fund	<u>1,656,335</u>	<u>0</u>	<u>2,156,335</u>	<u>500,000</u>	<u>0</u>
Operational	<u>6,539,758</u>	<u>52,630,694</u>	<u>56,935,869</u>	<u>(2,234,583)</u>	<u>0</u>
Debt Service					
2004/12 Debt Service - Jail Expansion	<u>-</u>	<u>717,668</u>	<u>1,305,151</u>	<u>587,483</u>	<u>0</u>
2010/19 Debt Service - Bridge Program	<u>-</u>	<u>-</u>	<u>542,400</u>	<u>542,400</u>	<u>0</u>
2013 Debt Service - Justice Center Expansion	<u>-</u>	<u>-</u>	<u>621,162</u>	<u>621,162</u>	<u>0</u>
2018 Debt Service - Recreation & Facilities	<u>-</u>	<u>-</u>	<u>483,538</u>	<u>483,538</u>	<u>0</u>
Total County Commission Funds:	<u>6,539,758</u>	<u>53,348,362</u>	<u>59,888,120</u>	<u>0</u>	<u>0</u>

** = Funds available above restricted, reserved and designated fund balances for one-time expenditures like capital equipment or projects

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Next, Commissioner Brown made a motion, seconded by Commissioner Cannon to amend the county's pay plan by a 3.25% cost-of-living increase effective October 9, 2021. The motion carried unanimously.

Next, Commissioner Brown made a motion, seconded by Commissioner LaGrand to approve the following Resolution to adjust the Coroner's salary with the same 3.25% increase. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves a 3.25% pay increase for the Lee County Coroner.

Commissioner Long made a motion, seconded by Commissioner Cannon to authorize the merit raises for Fiscal Year 2021-2022 based upon the employee annual evaluations. The motion carried unanimously. Such increases will be as follows:

- The employee must obtain at minimum a "Meets Expectations" for 1.0% increase
- The employee must obtain at minimum a "Exceeds Expectations" for 2.0% increase
- The employee must obtain at minimum a "Consistently Exceeds Expectations" for 3.0% increase

Mr. Rendleman suggested the Commission could wait to address the entire Appropriations list, since the budget can be passed without it. That would leave about \$314,000 in funds budgeted for outside agencies to be allocated in the future. If the Commission chooses to go ahead and provide each existing agency with level funding, there would be about \$120,000 left to allocate at a future meeting.

Mr. Rendleman asked that if the Commission decides to wait to allocate those outside agency appropriations, would the Commission consider going ahead and approving funding for those agencies that have contracts, are governmental agencies and/or those approved by Commission Resolution. Commissioner Brown made a motion, seconded by Commissioner Long to approve funding to the following agencies as recommended by Mr. Rendleman. The motion carried unanimously.

Contract Agencies, Governmental Agencies & by Commission Resolution:

Emergency Transport System (EAMC)	\$375,476
Auburn University Airport Terminal Project	\$100,000
Lee-Russell Council of Governments	\$157,900
Lee County Health Department	\$118,168
Alabama Cooperative Extension Service	\$106,542
Lee County Dept. of Human Resources	\$4,725
East Alabama Mental Health	\$64,050
Lee County Alternative Sentencing Board	\$100,000
East Alabama Food Bank	\$8,333
Total Contract Agencies:	<u>\$1,035,194</u>

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Further, since Commissioner Brown asked if the allocations could be handled in a work session, Mr. Rendleman advised the Commission that official action would be necessary at a future meeting. Commissioner Brown thanked Mr. Rendleman for his work on the FY2022 Budget. Mr. Rendleman concluded by saying he always wears his Tigger tie when presenting the budget, and has done so for the last 20 years, tonight he will retire it since it is his final budget presentation. Commissioner Brown congratulated Mr. Rendleman on his upcoming retirement.

Mr. Rendleman presented proposed changes to the Chief Administrative Officer job description for Commission consideration. Mr. Rendleman stated that since the first search to replace his position was unsuccessful, he has provided an updated job description with proposed changes for Commission review and approval. Mr. Rendleman suggested restarting the process and to have the stakeholders, including appointing authorities and elected officials, take part in the interview process. Commissioner Cannon made a motion, seconded by Commissioner Ham to approve the changes as presented to the Chief Administrative Officer job description. The motion carried unanimously. Mr. Rendleman agreed to extend his retirement, by at least two months, to help with the search.

Judge English stated the Commission needed to adjourn into two executive sessions. First is a matter of a nuisance violation and Judge English said the following needed to attend: County Attorney Stan Martin, Mr. Rendleman, Sheriff Jones, and Captain Chris Wallace. Judge English stated the session should last approximately 15 minutes and possible action may be necessary afterward. Commissioner Brown at approximately 6:12 p.m. made a motion to adjourn into Executive Session. The motion was seconded by Commissioner Long and carried unanimously.

After the first executive session concluded, Commissioner Ham at approximately 6:30 p.m. made a motion, seconded by Commissioner Long, and carried unanimously, to authorize the County Attorney to file suit against two property owners for extended nuisance violations despite repeated attempts by the Sheriff's Office to address the situation.

The second executive session was for a matter of imminent litigation. Judge English stated Mr. Martin, Mr. Rendleman, Mr. Hardee, and Mr. John McDonald should attend. That session should last approximately 30-45 minutes and possible action is not anticipated afterward. Commissioner Brown at approximately 6:35 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 second Executive Session, and at approximately 7:30 p.m., Commissioner Cannon made a motion to adjourn, seconded by Commissioner Brown and unanimously carried.