

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 12, 2021

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 12, 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, Robert Ham and Richard LaGrand. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Hannah Lester and Opelika-Auburn News reporter Tim Nail.

Judge English announced the resignation of Commissioner Sarah Brown, due to her moving out of her district. Judge English said Commissioner Brown asked him to pass along that she was honored to serve and said hates to not be here, but the law requires a commissioner to live in the district during their term of office. Judge English said the vacancy will be filled by an appointment by Governor Ivey and noted that qualifying for the seat begins sometime in December and closes January 28, 2022. The Primary Election for the position will be May 24, 2022. Commissioner Ham said Commissioner Brown was on the Commission for a year and made quite a contribution, Lee County was better off by having her here for a year, saying she hit the ground running and was an asset and thanked her for her service. Judge English added that she completed her mandatory training in less than a year.

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 27 meeting. Also, an additional listing of claims for Commission approval was presented prior to the meeting. Judge English again asked if any Commissioner is interested in serving on the Mid-South Resource Conservation and Development Council, no one responded. Commissioner Long made a motion, seconded by Commissioner Ham to approve the consent agenda items as presented. The motion carried unanimously.

Commissioner Long stated he talked previously with Attorney Jim McKoon about Lee Road 321. Commissioner Long said Mr. McKoon stated he is down to one more person he is trying to get to sign the paperwork and requested additional time to complete. Commissioner Long asked the Commission to move the item to the next agenda and there were no objections.

Carl Gagliano appeared on the item concerning a Noise Ordinance. Mr. Gagliano asked the Commission to consider passing an ordinance to control the noise issues in the county. Mr. Gagliano addressed the Commission several weeks ago, and stated the situation has gotten worse, especially over the Labor Day weekend. Mr. Gagliano stated a doggy daycare is located next door to his property and is a nuisance when multiple dogs are barking day and night. Mr. Gagliano stated he has complained to the owner numerous times and has met with the property owner who said they were going to move the dog kennels into the center of the property, away

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from his property, to help with the noise issue. Mr. Gagliano said on the weekends they house about 30-40 dogs adding that it is not always manned by staff, who come and go. Mr. Gagliano added that the owner lives in Auburn, where there is a noise ordinance and such a nuisance is not allowed. Mr. Gagliano asked the Commission to pass a noise ordinance that has teeth so that people will be more considerate of other people. Judge English said County Attorney Stan Martin has presented a draft noise ordinance to the Commission for consideration previously. Mr. Martin stated he had heard back from the Sheriff and the Circuit Clerk on the matter. Commissioner Cannon made a motion, seconded by Commissioner Long to hold a public hearing on a noise ordinance at the November 29 meeting. Commissioner LaGrand questioned if the Commission needs to adopt the ordinance first, then hold the public hearing. Judge English stated the public hearing must be held prior to the adoption of a noise ordinance, which has been proposed for November 29, unless we talk about November 22, which will be discussed later in the meeting. After more discussion, vote was taken and the motion carried unanimously.

Beulah Utilities Board Chairman Lamar Sims appeared before the Commission concerning their board members' rotation schedule. Mr. Sims stated two board members terms expire on the same date, which is a concern. Upon their review, this rotation schedule was initiated at the time the Lee-Chambers Utilities District name was changed to Beulah Utilities District, and the two Chambers County members of the Board were replaced by Lee County residents on the same date, with term dates ending the same. Mr. Sims said the Board of Directors voted in their regular meeting of September 21, 2021 to approve the extension of Assistant Secretary Treasurer Linda Holt's term from May 24, 2022 to December 1, 2022 which they feel will maintain consistency of their operations. Upon this request, Commissioner Ham made a motion, seconded by Commissioner Cannon to extend the term of Linda Holt from May 24, 2022 to December 1, 2022. The motion carried unanimously. Commissioner Ham said Mr. Sims is an example of an excellent Board appointee, stating Mr. Sims works all the time to make the water system better. Commissioner Ham thanked Mr. Sims for his leadership.

Judge English gave an update on the appeal by the county to the Alabama Department of Environmental Management concerning the water permit issued to Creekwood Resources. Judge English stated ADEM held an Alabama Environmental Management Commission Board meeting last Friday and Mr. Davis made an argument asking the Board for a stay on the effective date of the water permit until further hearing can be held. ADEM denied the request for a stay.

Judge English said on the update on the Planning Commission, he has not been successful in landing a Planner and asked Mr. Hardee if he had any update. Mr. Hardee stated he had no success in filling the other positions at this time.

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County Engineer Justin Hardee gave an update on the Solid Waste issue. Mr. Hardee stated he reached out to the transport vendors after they raised concerns at the last meeting to discuss the facts and to consider what they are requesting. Mr. Hardee said the vendors have been given until the close of business on Friday to turn in the information. Once the information is compiled, it will be relayed to the Commission. Judge English stated they also met with Arrow representatives about their contract and Arrow now has concerns on the number of customers they may be able to obtain. The county bid request indicated a total of approximately 18,500 customers, but that number may now be under 18,000. Commissioner LaGrand questioned if that gives the vendors enough time to submit their information. Mr. Hardee said it was sent out two weeks ago, so it should be enough time.

Judge English questioned Chief Administrative Officer Roger Rendleman if the county is running a radio advertisement for his replacement. Mr. Rendleman reminded him that the Commission approved the modified job description at the last meeting and advertising was started as soon as it was approved, including radio advertisements. Mr. Rendleman said by Wednesday the position will be advertised on the ACCA website and in the newspaper. The applications are due by close of business October 22. Mr. Rendleman said so far five applications have been received, of which two are promising. Judge English questioned if Mr. Rendleman was receiving the applications, and Mr. Rendleman said that the Human Resources Department is receiving the applications. Judge English again questioned where the position is being advertised. Mr. Rendleman said by radio advertisements, the ACCA and Alabama City/County Managers Association websites.

Next, Mr. Rendleman asked for Commission direction on the outside appropriations. Commissioner Ham questioned the number of years the county has been involved in the FAA Project. Mr. Rendleman stated the terminal project has been allocated \$100,000, which the county's commitment has been complete, but Johnny Lawrence rallied to continue participation in the ongoing project. Commissioner Ham suggested to level fund the agencies down to the Alabama Kidney Fund; and asked the Commission to consider funding \$24,000 to One Voice Coalition and allocate \$10,000 to both Girls Steps and The Curtis House. Commissioner LaGrand asked to increase the allocations to \$12,000 for Girls Steps and The Curtis House. Upon his request, Commissioner Ham made a motion to level fund the agencies as stated, funding One Voice Shelter Coalition at \$24,000 and Girls Steps and The Curtis House at \$12,000 each. The motion was seconded by Commissioner Long and carried unanimously.

Appropriation Agencies:

Family Enrichment Center	\$27,551
Horseshoe Bend Library	\$25,000
American Red Cross-Lee Co Chapter	\$12,000
Child Advocacy Center of East Alabama	\$17,500

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East Ala. Services for the Elderly	\$10,000
Judicial Volunteer Service	\$12,000
Auburn Daycare Association	\$6,000
Lee County Historical Society	\$13,000
Valley Haven School	\$8,000
Domestic Violence Intervention Center	\$6,000
Lee County Conservation District	\$6,000
County Firefighters Association	\$4,000
Museum of East Alabama	\$6,600
The Salvation Army of Lee County	\$3,000
Community Market	\$2,650
Alabama Kidney Foundation	\$5,000
One Voice Shelter Coalition	\$24,000
Girls S.T.E.P.S. Inc.	\$12,000
The Curtis House	<u>\$12,000</u>
Total Appropriation Agencies: <u>\$212,301</u>	

Mr. Hardee presented amendments to the Subdivision Regulations for Commission review. Mr. Hardee stated the amendments take into consideration feedback from citizens, developers, and Commissioners. Mr. Hardee said the packet includes a summary and proposed changes. The Subdivision Regulations was last amended in February 2020. Mr. Hardee said the amendments are only for review tonight, and he will ask for Commission action at the next meeting. Mr. Hardee reviewed the types of changes being proposed and asked the Commission to review the changes and contact the Highway Department with any concerns prior to the next meeting. Commissioner Long said he liked how it was laid out. Mr. Hardee thanked Assistant County Engineer Patrick Harvill for his work on the project.

Mr. Hardee presented the final plat for Watoola Crossing Subdivision for Commission consideration. 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 is located adjacent to Lee Road 38 and Lee Road 39 in District 5. The adjacent property owners were notified of the development by letters sent out September 30, 2021. Mr. Hardee indicated there are 9 lots with no roads being constructed in the development. Judge English questioned if this is where the tornadoes were located. Mr. Hardee affirmed it. Commissioner LaGrand made a motion, seconded by Commissioner Cannon to grant final plat approval for Watoola Crossing Subdivision as presented. The motion carried unanimously.

Mr. Rendleman presented the following Resolution for Commission consideration to continue Lee County's membership in the ACCA Workers' Compensation Self-Insurance Fund program. Mr. Rendleman stated it is a three-year commitment. Commissioner Long made a

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motion, seconded by Commissioner Ham to approve the following Resolution as presented. The motion carried unanimously.

RESOLUTION

WHEREAS, Lee County is a member of the Association of County Commissions of Alabama Workers' Compensation Self-Insurers Fund ("the Fund") on Oct. 1, 2021; and

WHEREAS, the County's participation in the Fund has been a significant benefit to the County since becoming a member; and

WHEREAS, the representation and service provided by the Fund continues to be in the best interest of Lee County and its officials and employees; and

WHEREAS, the Fund is providing a 2024 Longevity Bonus to those County participants who remain active members of the Fund for a three-year period concluding on Sept. 30, 2024, at which time the provisions of the existing contract between Lee County and the Fund will remain in force unless altered as provided therein.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission that it renews its participation in the Fund through Sept. 30, 2024, and hereby directs its Chair to immediately provide the original signed copy of this Resolution to the Fund, and

BE IT FURTHER RESOLVED by the Lee County Commission that, should it voluntarily withdraw from the Fund prior to Sept. 30, 2024, it agrees to return the 2024 Longevity Bonus provided by the Fund, plus five (5) percent annual interest.

Mr. Rendleman presented for Commission consideration a draft Investment Policy for the Lee County Commission Other Post-Employment Benefits (OPEB) Trust Fund. Mr. Rendleman said the OPEB Trust Fund was established a few months ago and now the Commission needs to adopt the Investment Policy and to establish an Investment Committee. Mr. Rendleman stated the committee should be comprised of the Chief Administrative Officer, Chief Financial Officer, a representative of the Sheriff's Office, a representative of the County Engineering Department and a Commission representative. Mr. Rendleman stated the two departments represented comprise 80% of the employee population. Mr. Rendleman asked the Commission to establish an Investment Committee and appoint one Commission member to the Committee and stated the committee will meet annually. Commissioner Ham made a motion,

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seconded by Commissioner Long to adopt the Investment Policy as presented. The motion carried on a vote of 3-0-1 with Commissioner LaGrand abstaining. Mr. Rendleman said he can wait on the Commission appointee. Commissioner Ham stated he would volunteer for the position if no one objected.

Human Resources Director Erica Norris presented an educational reimbursement request for Sergeant Heather Freeman. Ms. Norris stated the course follows the guidelines for reimbursement as long as a “B” or better is obtained in the course. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the educational reimbursement request for Sgt. Freeman as presented. The motion carried unanimously.

Governmental Relations/Safety Coordinator Wendy Swann asked the Commission if they want to once again purchase an advertisement to spotlight Lee County in the Business Alabama Magazine. Commissioner Long made a motion, seconded by Commissioner LaGrand to approve a half page advertisement for \$1,827 in the Business Alabama magazine. The motion carried unanimously. Judge English asked that a current picture of the Commission be taken at the next meeting.

Judge English gave a PowerPoint presentation on the redistricting issue. Judge English thanked Information Services Director Amanda Sides and her staff for their assistance since they only had two weeks to work on it with new data and new software. Judge English reviewed the last two previous census and redistricting numbers since 2000. Judge English noted the total 2020 census population for Lee County is 174,241. According to the census, District 1 needs to lose over 8,000 people and Districts 2, 3, 4 and 5 need to gain anywhere from 1,000 to 5,000 people, noting that the ideal district should contain 34,848 people. Judge English stated the map being shown tonight is a 1st draft, which is within plus or minus about 500 people, but he will try to get it closer than that. Judge English said he will also try to reduce the number of precinct “splits”, noting that it reduces confusion for the voters and reduces the number of ballot styles for the voting sites.

Judge English asked the Commission to set a public hearing on redistricting for November 8 since the deadline to adopt a redistricting plan for 2022 elections is November 23. Commissioner Ham made a motion to set a Public Hearing for Redistricting on November 8. The motion was seconded by Commissioner Cannon and carried unanimously. Judge English thanked each Commissioner for taking their time to come in previously to review the redistricting map with him. Next, Judge English asked the Commission to consider moving the second November meeting from November 29 to November 22, in case the redistricting plan is not adopted on November 8. After consideration, Commissioner Long made a motion, seconded by Commissioner Cannon to move the Commission’s last November meeting from

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November 29 to November 22. Commissioner Long questioned the Public Hearing on the Noise Ordinance questioning if it will be moved to November 22 as well. After discussion, vote on the motion carried unanimously. Judge English asked that the public hearing be advertised.

Judge English stated the following four items need to be added to the Commission agenda but changes to the agenda require unanimous consent of the Commission. Commissioner Cannon made a motion, seconded by Commissioner Long to add the four items to the agenda. The motion carried unanimously.

First, Sheriff Jones presented an ABC License application for B & B Bartending for an event to be held at 21 Acres on October 22, 2021. Sheriff Jones 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 does hereby approve a Special Events Retail License to B & B Bartending Management located at 5505 Lee Road 137, Auburn, Alabama.

Second, Sheriff Jones presented another Special Events License application for B & B Bartending for an event to be held at 21 Acres on November 5, 2021. Sheriff Jones 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 does hereby approve a Special Events Retail License to B & B Bartending Management located at 5505 Lee Road 137, Auburn, Alabama.

Third, Mr. Rendleman presented a request to add the following Resolution to designate the Lee County Meeting Center as a courthouse annex so that it can be used for judicial proceedings. Commissioner Long made a motion, seconded by Commissioner Ham to approve the following Resolution. The motion carried unanimously.

RESOLUTION

WHEREAS, the Lee County Commission is the governing body of Lee County, Alabama (the "County") and wishes to designate additional space as a county courthouse annex; and,

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WHEREAS, Alabama law provides that county commissions may locate county offices, including courthouses, to property outside the courthouse, provided the building is designated as a courthouse annex by order of the county commission at a regular meeting; and,

WHEREAS, the County Commission wishes to designate the property located at 205 South 10th Street, Opelika, Alabama 36801 (“the Lee County Meeting Center”), as a courthouse annex to accommodate judicial duties and court proceedings pursuant to, but not limited to, Alabama Code Sections such as 11-3-11 and 11-14-12; and,

WHEREAS, the Commission wishes to permit any duly appointed judge or duly empaneled jury performing judicial duties in Lee County to conduct any and all court business as needed at the above-listed courthouse annex as if such business were being conducted in the Lee County Courthouse located at 2311 Gateway Dr., Opelika, AL 36801; and,

WHEREAS, upon motion having been duly made by Commissioner Long, and seconded by Commissioner Ham, with discussion having been had thereon and a vote having been taken, upon which vote said motion carried by the vote of 4 to 0.

IT IS HEREBY RESOLVED by the Lee County Commission as follows:

The Lee County Meeting Center, which is located at 205 South 10th Street, Opelika, AL 36801, is hereby designated as a courthouse annex.

1. Any duly appointed judge and/or duly empaneled jury performing their duties in Lee County may conduct any and all court business at the Lee County Meeting Center as if it were being conducted at the Lee County Justice Center located at 2311 Gateway Dr., Opelika, AL 36801; and,
2. This resolution shall take effect on the date it is approved and adopted and shall remain in effect until changed by further order of this Commission.

Last, Commissioner Ham asked the Commission to consider allowing the Farm-City Breakfast to be held at the Lee County Meeting Center and to waive any fees for use of the building. Commissioner Ham made a motion, seconded by Commissioner Cannon to allow the Farm-City Proclamation Breakfast to be held on November 9 at the Lee County Meeting Center and to waive any fees to use the facility. 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, Mr. Rendleman and Mr. Hardee. Judge English stated the session should last approximately 20 minutes and no official action is anticipated afterward. Commissioner Ham 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 Executive Session, and at approximately 6:55 p.m., Commissioner Cannon made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.