

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

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 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, 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 and Coroner Bill Harris. News media in attendance: Opelika Observer reporter Hannah Lester and Opelika-Auburn News reporter Tim Nail.

Commissioner LaGrand recognized five young ladies who recently graduated from Radio Boot Camp which was hosted by IHeart Radio. Commissioner LaGrand thanked IHeart Media for giving back to the community in this manner and he also thanked Lee County Youth Development Executive Director Laura Cooper, Sherry Cook and Mr. Terry Woodall. Commissioner LaGrand asked each of the five young ladies to introduce themselves, and each thanked the Commission for allowing their attendance at the meeting. Commissioner LaGrand said it was an honor to work with each of the young ladies during radio boot camp. Last, Commissioner LaGrand thanked the staff at IHeart Radio, Sheriff Jones, and EMA Director Rita Smith.

Next, EMA Director Rita Smith recognized EMA employee Steven Holden in obtaining his pilot's license for unmanned aircraft for the new drone. Ms. Smith stated Mr. Holden passed the test on his first try and commended Mr. Holden for his achievement.

Judge English acknowledged that tonight is the last meeting for Chief Administrative Officer Roger Rendleman and thanked him for his over 20 years of service to Lee County. Judge English stated Mr. Rendleman has been invited to come back to a future meeting for a more formal recognition.

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 November 22 meeting. Also, an additional listing of claims for approval and to ratify were presented prior to the meeting. First reading was made for the appointment of Andrew Bryan to the Beulah Utilities Board and for the appointment of Judy Lockhart to the Lee County Recreation Board representing District 1. Commissioner Ham made a motion, seconded by Commissioner Cannon to approve the consent agenda items as presented. The motion carried unanimously.

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Judge English stated interviews had been held previously for the Chief Administrative Officer position being vacated at the end of the month by the retirement of Mr. Rendleman. Judge English stated that six candidates were interviewed by the two separate panels of Commission members along with County Attorney Stan Martin, County Engineer Justin Hardee and EMA Director Rita Smith and clarified that at no time was a quorum present, since they separated into two interview groups. Judge English stated the finalist Mrs. Holly Leverette is in attendance and he asked her to come forward to address the Commission. Mrs. Leverette stated she currently is employed with the Montgomery County Commission as Director of Risk Management and said she works with elected officials and department heads to protect county government. Judge English questioned when she could start if offered the position. Mrs. Leverette said she would like to give a two-week notice; but would be able to start the first of the year. Commissioner LaGrand questioned what she feels makes her the most qualified candidate. Mrs. Leverette said her background in risk management and human resources, inmate health care services and further stated she has an extensive background in many areas, and said she majored in public relations. Commissioner Cannon questioned if she is chosen, what her priorities would be in her first year. Mrs. Leverette said first she would look at the ARPA Funds since that is a lot of money which is a once in a lifetime opportunity for the county. Next, she would develop a plan for the expenditure of the funds which is of upmost importance. Mrs. Leverette said she understands the county has a couple of building projects upcoming and she would oversee and manage those and any future projects. Last, Mrs. Leverette said she understands that curbside garbage service will begin in March and said she would stay on top of that so she can provide assistance to Mr. Hardee. Commissioner Cannon also questioned if she is willing to commit 7-10 years to Lee County. Mrs. Leverette said she would since she lives in Lee County. Mrs. Leverette said even though Montgomery is her hometown, she currently lives in Lee County and said she has lived here longer than in Montgomery. Mrs. Leverette said she would like to work with people in the community and a plus would be that she would be able to volunteer and give back to the community. Commissioner Ham stated he was looking forward to working with her. Mrs. Leverette said she would be honored and is looking forward to working with the Commission.

County Engineer Justin Hardee discussed participation in ACCA's IAC Program stating participation had been reopened and would ask the Commission to consider joining. Mr. Hardee stated after talking with ACCA Executive Director Sonny Brasfield he felt he needed to bring it back before the Commission for consideration. Mr. Hardee said that if the county joined the IAC Program the ACCA staff would be able to navigate all the Federal regulations, and deadlines. Mr. Hardee stated the deadline to join the ACCA program is Thursday, December 16. Commissioner Long stated he was in favor of joining with the program since it is too much for us to attempt to do on our own. Commissioner Long said it is no reflection on who is hired as the county administrator, stating the ACCA has put this together to help the counties. Commissioner Ham said he agreed and stated the county needs professionals to help even though it is a steep price, the money will come out of the funds that

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have been allocated to Lee County. Commissioner Ham said that Mr. Brasfield will see that the program is handled correctly. Commissioner LaGrand said he originally was not in agreement to joining the ACCA; but is in agreement now. Commissioner Ham made a motion, seconded by Commissioner Long to join the ACCA's IAC Program. The motion carried unanimously.

Mr. Hardee presented a speed limit reduction on Lee Road 379 for Commission consideration, stating a portion is in District 3 with the majority in District 4. Mr. Hardee explained that the Highway Department is planning to use Columbus-Phenix City Municipal Planning Organization (MPO) funding to resurface approximately 7.7 miles of Lee Road 379 from U.S. 280 to the Lee Road 158 junction. This portion of Lee Road 379 has a traffic count that varies from 3,500 to 4,500 vehicles per day with up to 9.4% of that traffic being large trucks. Mr. Hardee said the portion of Lee Road 379 from the Lee Road 249 intersection to nearly the Lee Road 158 junction is posted at a 55 mph speed limit zone while the rest of the section is posted at 45 mph. Commissioner Long said even though a small portion is in his district, he travels the road a lot since his son-in-law and daughter live on Lake Harding, and said he supports it. Commissioner Ham agreed with Commissioner Long saying the speed limit needs to be decreased. Commissioner Long questioned the speed limit on the portion in Chambers County. Mr. Hardee stated he did not know the speed limit but would check with their engineer. Commissioner Ham suggested posting the sign at the county line. Mr. Hardee agreed stating he would coordinate it with Chambers County. Commissioner Ham made a motion, seconded by Commissioner Long to reduce the speed limit on Lee Road 379 as presented. The motion carried unanimously.

Environmental Services Director John McDonald appeared before the Commission to update them on curbside transition. Mr. McDonald stated the contract with Arrow Disposal has been signed and the company will begin delivery of the carts in February with a start date for curbside pickup of March 1. Mr. McDonald said that flyers about the transition are being printed and will be distributed to residents countywide. Judge English questioned the cost of printing and mailing the flyers. Mr. McDonald estimated around \$16,000. Further, Mr. McDonald said Arrow Disposal will begin distributing the garbage containers which will include information on where and when the carts can be placed on the roadways. Commissioner Ham made a motion, seconded by Commissioner Cannon to authorize the Environmental Services Department to print and distribute the flyers to county residents as stated. The motion carried on a vote of 3-1 with Commissioner LaGrand voting "No."

At approximately 5:35 p.m. Judge English opened the floor to a Public Hearing on a Noise Ordinance for those in attendance. First, Marie Maples spoke concerning the issues she had been having for a number of years, and said she first came before the Commission

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concerning a noise ordinance since 2014. Ms. Maples said the noise continues to be a problem in her neighborhood on Lee Road 165.

Next, Stanley Miller appeared stating that he is a resident of Lee County and has wanted the county to pass an ordinance for years and years, saying it is time for the Commission to pass it. Mr. Miller said he has called the police and was told that there is nothing they can do because the county does not have a noise ordinance.

Next, Margaret Young Brown stated no noise is coming from her residence at 125 Lee Road 127. Ms. Brown stated she was arrested for disorderly conduct and a restraining order from individuals she had never heard of. Ms. Brown said the judge set aside the restraining order since it was done illegally. Ms. Brown said there continues to be a problem with noise in the vicinity but again said it is not coming from her residence. Ms. Brown said she has read the ordinance but said the Commission should put it on the county's website and invite citizens to read it, because based on what she has read, nothing will be addressed by the noise ordinance. Ms. Brown said she is a lawyer and feels that it is unconstitutional.

Next, John Sophocleus said the noise is still out there and said he does not want a noise ordinance to be passed that cannot be enforced well and the Sheriff's Office must be given the resources so it can be enforced uniformly and well.

Ms. Maples wanted to add a few comments saying that when she had previously called the Sheriff's Office about the noise, she was told they could not do anything until a noise ordinance is in place and she asked that it be a criminal offense.

Last, Ms. Brown spoke up again and said the noise ordinance only authorizes a civil offense, not criminal. Further, stating for a citation to be written a deputy must rely on his knowledge or information he receives to issue a citation, which is not a criminal statute only a \$150 fine for each infraction.

Judge English closed the Public Hearing at 5:46 pm. Commissioner LaGrand made a motion to approve the following Noise Ordinance. The motion was seconded by Commissioner Cannon and carried unanimously. Commissioner Cannon said it can be adjusted down the road, but action must be taken tonight as a starting point.

AN ORDINANCE FOR THE ABATEMENT OF NOISE WITHIN THE UNINCORPORATED AREAS OF LEE COUNTY, ALABAMA, TO ESTABLISH PROCEDURES FOR THE IMPLEMENTATION OF THE ORDINANCE, AND TO PROVIDE ADMINISTRATIVE AND CIVIL PENALTIES, INCLUDING FINES, FOR THE ENFORCEMENT OF THE ORDINANCE.

Be it ordained by the Lee County Commission as follows:

The Lee County Commission finds that it is in the best interest of the citizens of Lee County, Alabama to adopt an Ordinance pursuant to The Alabama Limited Self-Governance Act, §11-3A-1 et. seq. Code of Alabama (1975), hereinafter referred to as the Act, to provide for the public welfare, health, and safety of its citizens through the abatement of noise, as specifically authorized by §11-3A-2 (a) (5) of the Act;

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The Lee County Commission finds that there have been numerous complaints from its citizens during recent years about unreasonable noise, excessive noise, or noise to such a volume to constitute a nuisance and that an Ordinance is needed in Lee County, Alabama to address these issues and concerns; and

The Lee County Commission further finds that the Act empowers and provides the Lee County Commission with the authority to set forth in an Ordinance the procedures to implement the Ordinance, as well as establish administrative and civil penalties, including fines, for the enforcement of the Ordinance.

THEREFORE, the Lee County Commission adopted and promulgated the following Ordinance for the abatement of noise at a regular meeting of the Lee County Commission on December 13, 2021, which adoption is evidenced by Resolution attached hereto as Exhibit "A."

SECTION 1. This Ordinance shall only apply within the unincorporated areas of Lee County, Alabama and shall in no way be in effect or in force within the municipal limits of any municipality within Lee County, Alabama. Additionally, this Ordinance shall in no way affect any protection granted to any persons or businesses pursuant to §6-5-127 Code of Alabama (1975) or §11-3A-1 et. seq. Code of Alabama (1975), including the limitations set forth in §11-3A-2 (d).

SECTION 2. Electronically generating or the operating, playing, or permitting the operation of playing of any radio, television, stereo, musical instrument, sound amplifier, or other device in any manner, which produces, reproduces, or amplifies sound at such an unreasonable volume, as determined by a sworn deputy of the Lee County Sheriff's Office, as to annoy or disturb the quiet, comfort, or repose of any reasonable person in any residence or to interfere in the conduct of business operations at any commercial enterprise, is prohibited and a violation of this Section and this Ordinance. The sworn deputy may use his or her training, experience, and common sense in determining whether the noise is an unreasonable noise given the facts and circumstances of the situation, including, but not limited to, the length of time of the noise, the distance the noise is heard, and whether it is continuous or repetitive. Since the Act in §11-3A-2 (a) (5) references public nuisance, the sworn deputy may consider the definition of nuisance in §6-5-120 Code of Alabama (1975) in applying this Ordinance. Nuisance is defined as follows: "A 'nuisance' is anything that works hurt, inconvenience or damage to another. The fact that the act done may otherwise be lawful does not keep it from being a nuisance. The inconvenience complained of must not be fanciful or such as would affect only one of a fastidious taste, but it should be such as would affect an ordinary and reasonable man." The sworn deputy may also consider whether the noise is of such degree or extent as to materially interfere with the ordinary comfort of a reasonable person.

SECTION 3. The use or operation on public property or on public vehicular areas, roads, highways, or rights-of-way of any sound amplifier which is part of, or connected to, any radio, public address system, paging system, sound amplification equipment, stereo receiver, compact disc player, cassette tape player, or other similar device when used or operated or permitted to

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be used or operated in such a manner as to be plainly audible and at an unreasonable volume, as heard and determined by a sworn deputy of the Lee County Sheriff's Office, from the building, structure, or vehicle in which it is located, is prohibited and is a violation of this Section and this Ordinance. It is also a violation of this Section and this Ordinance for any person, firm, or corporation to use any object that produces sound at an unreasonable level which is used in a manner to annoy or disturb the quiet, comfort, or repose of any reasonable person, including using any non-electronic means of sound generation. The sworn deputy may use his or her training, experience, and common sense in determining whether the noise is an unreasonable noise given the facts and circumstances of the situation.

SECTION 4. It is hereby declared unlawful and a nuisance for any person, firm, or corporation to make or generate noise in violation of any section of this Ordinance or otherwise to engage in conduct prohibited thereby, including, but not limited to, allowing any unreasonable noises or sounds generated by or from animals of any sort for a consistent period of time exceeding 1 (one) hour in a manner which annoys or disturbs the quiet, comfort, or repose of any reasonable person in any residence or interferes with the conduct of business operations of any commercial enterprise, which shall be a violation of this Ordinance, as determined by a sworn deputy under the guidelines of Section 2 above.

SECTION 5. Any real property owner, landowner, owner, or any person in control or possession of any real property, land, house, residence, business, or other structure of any sort who knowingly or should have known that an unreasonable noise was being generated from the real property, land, house, residence, business, or other structure of any sort shall be in violation of this Ordinance. The same standards set forth in Section 2 above shall apply, and all other provisions of this Ordinance are applicable.

SECTION 6. A citation shall be issued by the sworn deputy to the person, firm, or corporation, hereinafter referred to as the violator, charged with violating this Ordinance or any section of this Ordinance. The citation shall specify in writing the person, firm, or corporation committing the violation, as well as the nature of the violation, date, approximate time, approximate location of the violation, and the type of violation, such as residential, commercial, or open country. A copy of the citation shall be given to the violator, and a copy shall be kept by the Lee County Sheriff's Office. Delivery of the citation to the violator may be done by personal delivery by the sworn deputy of the Lee County Sheriff's Office, and, if that is not possible in the discretion of the sworn deputy, by certified mail, return receipt requested, or by posting the citation on the door of the residence of the violator or on a gate to the residence of the violator. If delivery of the citation by certified mail is refused, then delivery shall be deemed to have been made on the date of said refusal. The sworn deputy may use his or her training, experience, and common sense in determining the most effective and safest way to deliver the citation.

The citation shall include a civil penalty or fine of \$150.00 (One Hundred Fifty Dollars) per day for a violation of this Ordinance. Each day in which a violation continues shall constitute a separate offense, and a separate civil penalty or fine of \$150.00 (One Hundred Fifty Dollars) shall be assessed for each violation. However, the total civil penalty or fine shall not exceed \$5,000.00 (Five Thousand Dollars). The citation shall notify the violator that the civil penalty

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or fine must be paid to the Lee County Commission at the Lee County Courthouse, 215 South 9th Street, Opelika, AL 36801 within 14 (fourteen) days of the date of the citation, unless the citation is delivered by certified mail, in which event the fine must be paid within 14 (fourteen) days of the date on which the violator signs the return receipt or the date the violator refuses to sign for the certified mail. The citation shall also notify the violator of his or her right to appeal or contest any alleged violation of the Ordinance to the Lee County Commission by filing any such appeal within 14 (fourteen) days of the date of the citation. The appeal must be in writing and addressed to the Chairman of the Lee County Commission. The appeal shall be delivered to the Lee County Commission at its office at the Lee County Courthouse with a copy to the Lee County Sheriff's Office at its address of 1900 Frederick Road, Opelika, AL 36803.

SECTION 7. If the appeal is timely filed, the item shall be placed on the agenda of the next regular meeting of the Lee County Commission, at which time the violator shall be given an opportunity to be heard. The Lee County Commission shall provide the violator with written notice of the meeting date, time, and place immediately upon receipt of the notice of the appeal and shall provide the Lee County Sheriff with a copy of the written notice. The violator may request a continuance prior to the Lee County Commission meeting, which shall be granted upon good cause by the Chairman of the Lee County Commission. However, absent a granted continuance, failure to appear at the scheduled meeting shall result in dismissal of the appeal.

The Lee County Commission shall also provide notice of the appeal to any person or persons who complained of the unreasonable noise which resulted in the issuance of the citation. In addition, this person or persons, being the complaining party, shall also be notified by the Lee County Commission of the date, time, and place of the hearing of the appeal. The complaining party shall then notify any other potential witnesses, such as neighbors or adjoining property owners, of the date, time, and place of the hearing of the appeal. Also, the Lee County Commission shall notify any potential witnesses as shown on the sworn deputy's citation or incident report of the date, time, and place of the hearing of the appeal.

Upon hearing, the Lee County Commission shall take whatever action it deems appropriate, including, but not limited to, dismissing the citation, waiving any civil penalties or fees, or affirming the action of the sworn deputy of the Lee County Sheriff's Office. Should the Lee County Commission affirm the action of the sworn deputy, all outstanding civil penalties or fines must be paid to the Lee County Commission within 7 (seven) days of the hearing.

The violator shall have the right to appeal the decision of the Lee County Commission to the Circuit Court of Lee County, Alabama; however, the appeal must be filed within 30 (thirty) days of the decision of the Lee County Commission. The violator shall pay all filing fees or Court costs in connection with the appeal to the Circuit Court of Lee County, Alabama.

SECTION 8. Upon receipt of the payment of any civil penalty or fine, the violator shall be given a written receipt by the Lee County Commission. All civil penalties and fines collected

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shall be paid into the Lee County General Fund and earmarked for the administration of this Ordinance. These civil penalties and fines collected shall only be used for the purpose of administering the powers in subsection (a) of §11-3A-2 of the Act, and the civil penalties and fines shall not exceed the actual cost of the implementation and enforcement of this Ordinance pursuant to §11-3A-3 (c) of the Act.

SECTION 9. In addition to all other remedies available pursuant to this Ordinance, in the event that a violator who has been assessed civil penalties and fines for the violation of any provision of this Ordinance fails to pay all civil penalties and fines due within fourteen (14) days of issuance of the citation, the Lee County Commission may bring an action against the violator for the unpaid civil penalties and fines in the appropriate civil court in Lee County, Alabama; provided, however, that in the event the violator has filed an appeal with the Lee County Commission pursuant to Section 5 of the Ordinance, no Court action shall be filed by the Lee County Commission until such time as the Lee County Commission has taken final action on the appeal filed.

SECTION 10. The Lee County Commission may also pursue compliance with this Ordinance through civil or equitable action filed in the Circuit Court of Lee County, Alabama seeking injunctive relief or other appropriate remedy pursuant to §11-3A-3 (e) of the Act.

SECTION 11. The operation of public address systems at public facilities shall not be subject to the provisions of this Ordinance nor shall this Ordinance or any section or subsection thereof apply to any special licensed public events.

SECTION 12. Nothing in this Ordinance shall be construed to prohibit any noise or sound produced by radio, siren, or other equipment attached to or being operated by police, fire, rescue, or other emergency vehicles or personnel.

SECTION 13. Nothing in this Ordinance prohibits a sworn deputy of the Lee County Sheriff's Office from charging any person with Disorderly Conduct pursuant to §13A-11-7 Code of Alabama (1975) or any other alleged violation of the Alabama Criminal Code. The Lee County Sheriff and the Lee County District Attorney shall be responsible for prosecuting any such charge or charges.

SECTION 14. Any operator of a business with alcoholic beverage licenses in violation of this Ordinance in the operation of such business may have any future alcoholic licenses denied by the Lee County Commission for creation of a nuisance.

SECTION 15. If any section, clause, or provision of this Ordinance shall be declared unconstitutional or held invalid, such shall not affect any other section, clause, or provision thereof, but the same and all other provisions hereof shall remain in full force and effect.

SECTION 16. This Ordinance shall become effective on _____, 2021.

Margaret Brown appeared to discuss two roads bordering her property on Lee Roads 392 and 127. Ms. Brown stated she had appeared before the Commission around 2007 about Lee Road 392 stating at that time it was a sandy dirt road which didn't take much to work it. Then at some point the county hauled in about 40 loads of an ugly red dirt for whatever reason which makes a muddy problem now. Ms. Brown said the county keeps encroaching on her

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property when the road is bladed, and she would ask the county to give her a 48-hour notice so she can protect her property before they are going to grade her road. Ms. Brown said she has complained but it does no good, saying it is serious to her. Ms. Brown said the county is going onto her property when there is no reason for it since there is plenty of room on the other side of the road. Ms. Brown said her fence has been damaged, her vegetation has been damaged and she would like to have prior notice so that she can prevent further damage. Further, Ms. Brown stated she would not call the Highway Department about it.

Ms. Kaylene Travers was not in attendance concerning Lee Road 2071. Judge English questioned Mr. Hardee about the situation. Mr. Hardee said Lee Road 2071 is a private dirt road off Lee Road 379 north of Concord Church which is not county maintained. Mr. Hardee said it is a private subdivision containing 32 lots and was built in 1999 and the developer previously maintained it.

Mr. Henry Yancey appeared before the Commission to discuss Lee Road 057A. Mr. Yancey said speed limit signs had recently been placed on Lee Road 057A, which he says is basically his driveway and not a county road. Mr. Yancey asked the Commission to remove the sign from his property and vacate it so they can maintain it themselves. Next, Sylvester Thomas appeared to request that the speed limit sign be removed from their property since the road is one way in and one way out, and they had no knowledge that the county was putting up the sign. Deborah Adkerson, sister of Henry Yancey, appeared stating Mr. Yancey's house is at the end of the road, and since the sign was put up cars are traveling down the road and she feels it is dangerous, she is afraid someone is going to run into his house. Ms. Adkerson said the county scraped the road in the late 80's or early 90's but asked the Commission to remove the sign and allow them to maintain it. Next, Atherton Thomas appeared stating that since the sign was erected, people have been going down it and throwing out garbage. Mr. Thomas said the sign is located on private property, stating it is our driveway which is self-maintained and asked the Commission to take down the sign. Commissioner LaGrand said after talking to Mr. Yancey he asked Mr. Hardee to look into it. Mr. Hardee indicated that the records indicated the road was county maintained and designated it as Lee Road 57A and a 25 mph speed zone. Recently the Highway Dept. sign technician noticed there was no road sign, so he had placed one there. Mr. Hardee stated either the county or the citizens can vacate the road and he will pull the information before the next meeting. Mr. Hardee suggested in the meantime, he can see that a "No Outlet" sign be put up which may alleviate the unwanted traffic. Commissioner LaGrand asked Mr. Hardee to put up the sign. James Washington stated he moved onto the road in the 70's and has never known the county to maintain it and asked that the county vacate it. Mr. Hardee explained that the county does not own the road, it only has prescriptive right-of-way. Mr. Hardee further explained that there are 39 more situations like the one presented, where signs are placed to identify roads. He would research this one and bring it back on the next agenda.

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Commissioner Ham once again asked to use the Lee County Meeting Center on December 22 and 23 to assemble boxes and wrap gifts for needy families in the area. Commissioner Ham said on December 23 Jere Colley would play Santa Claus and deliver the toys and meals from the Meeting Center. Commissioner Ham made a motion, seconded by Commissioner Long to approve use of the Meeting Center on December 22 and 23 as presented. The motion carried unanimously.

Sheriff Jones presented an educational reimbursement request. Sheriff Jones said the request is for Sergeant Heather Freeman for two courses which meet the requirements of the program. The employee must obtain at a "B" or better in the course for tuition reimbursement. Commissioner Cannon made a motion seconded by Commissioner Long to approve the educational reimbursement request of the two courses as presented on behalf of Sergeant Freeman. The motion carried unanimously.

Judge English presented a memorandum to the Commission in the packets concerning the second December meeting. Judge English said the last time the Commission met that second December meeting was in 2012. Commissioner Long made a motion, seconded by Commissioner Cannon to cancel the December 27 Commission meeting. The motion carried unanimously.

Judge English asked the Commission to adjust the job grades for certain positions in the Probate Office. Judge English said a discrepancy in the pay structure was created after the 2019 compensation study. Judge English said he had to learn the hard way after an employee just completing their six-months' probation in the Probate Office, had applied and was hired in the Revenue Commissioner's Office because the starting pay was higher for their clerks. Judge English explained that after training the employee for six months, then having to start over makes work more difficult for the remaining employees. Judge English said he is losing another employee to the Revenue Commissioner's Office and one to the City of Auburn. Judge English said retaining experienced clerks in the Probate Office is becoming increasingly difficult in this job market. Judge English asked the Commission to adjust the job grades for Probate clerks from grade 108 through 111 up one level each to match the Revenue Commissioner's Office. Judge English said HR Director Erica Norris has calculated a way to move the employees up on grade without affecting their seniority or advancement and thanked her for the help. Last, Judge English said he mentioned it to Mrs. Price who indicated she did not know how the discrepancy occurred and had no objection to their pay being equalized. Commissioner Long made a motion, seconded by Commissioner Cannon to adjust the job grades for the Probate clerks from grade 108 through 111 up one level each. The motion carried unanimously. Judge English thanked the Commission on behalf of his staff.

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County Engineer Justin Hardee presented for Commission consideration final plat approval for River Valley Farms Subdivision located in District 4. Mr. Hardee said the final plat has been reviewed and meets the minimum requirement for the *Lee County Subdivision and Land Development Regulations*. The proposed subdivision is located adjacent to Lee Road 462 and contains seven lots. The adjacent property owner(s) were notified of the development via letters sent out December 2, 2021. Commissioner Ham made a motion, seconded by Commissioner Cannon to grant final plat approval for River Valley Farms Subdivision as presented. The motion carried unanimously.

Mr. Rendleman requested that the Commission consider a temporary increase in compensation for Chief Building Official Joel Hubbard for additional duties recently assigned. Mr. Rendleman said Mr. Hubbard has been serving as the Interim Planning Director since being appointed on November 8, 2021. Mr. Rendleman said he will serve in that capacity until the position is established and filled. According to Mr. Hardee, Mr. Hubbard has been researching and assisting in the development and application of the Planning and Zoning Regulations. Mr. Hubbard has been and will continue to work to develop standardized processes and forms for the Lee County Planning Commission to use to best communicate with citizens and developers in Beat 13 in assisting in the understanding of Lee County's regulations. Further, Mr. Hubbard has been in contact with Shelby and Baldwin Counties about their processes and fee schedules to determine how it should be done in Lee County. Additionally, Mr. Hubbard has been attending the Lee County Planning Commission meetings after a full-work day as the Chief Building Official. Mr. Rendleman stated the current policy only considers the temporary assignment of individuals in positions already established and classified by the County Commission. Commissioner Ham made a motion, seconded by Commissioner Long to temporarily increase the compensation of the Chief Building Official Joel Hubbard by 10% as long as his position is concurrently serving as the Interim Lee County Planning Director with an effective date of December 18, 2021. The motion carried unanimously.

Mr. Rendleman presented for Commission consideration two new positions for the Parks Department. Mr. Rendleman stated with the completion of the Beulah Park and the Beauregard Park near completion the Parks Director Ryan Norris will need these positions filled by March. Mr. Rendleman stated three positions were included in the FY2022 Budget for this purpose, they include: 1) a Parks Maintenance Supervisor-pay grade 115; and 2) two Parks Maintenance Worker at pay grade 108. Upon this presentation, Commissioner Cannon made a motion, seconded by Commissioner Ham, to approve the Parks Maintenance worker position at a pay grade 108 and a Parks Maintenance Supervisor position at a pay grade 115. The motion carried unanimously.

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Mr. Rendleman stated his last construction project with Lee County is to contract with PH&J Architects for the renovation of the four original courtrooms and judicial suites at the T.K. Davis Justice Center, with approval of the Judges in the audience. Mr. Rendleman stated this project has been sitting on his desk the longest and is glad to present it tonight for Commission consideration. PH&J Architects have reviewed the facility and estimated the renovation project to cost about \$5 million. The project will be light to medium renovation along with the complete replacement of the original air handlers and ventilation system. Commissioner Ham made a motion seconded by Commissioner Long to authorize the Chairman to sign the contract with PH&J Architects for the renovation project at the Justice Center after review and approval by County Attorney Stan Martin. The motion carried unanimously. Judge English recognized Judge Hughes, Judge Fellows and Judge Bush.

Mr. Rendleman made a request for an allocation from the American Recovery Plan Funds of \$1.3 million for ventilation improvements at the T.K. Davis Justice Center. Mr. Rendleman said the Interim Final Rule from the U.S. Treasury on the implementation of the American Rescue Plan Act lists ventilation improvements for congregate settings in key locations as an eligible use of funds for the mitigation and prevention of COVID-19. The replacement of the 1983 installed air handlers and ventilation system of the original courtrooms in the T.K. Davis Justice Center would qualify for such use, especially with the planned modern filtration and ventilation controls. Commissioner Ham made a motion, seconded by Commissioner Cannon to designate up to \$1.3 million in the Recovery Fund allocation for the mitigation and prevention of COVID-19 in the T.K. Davis Justice Center renovation project of the courtrooms and judicial suites. The motion carried unanimously.

Rita Smith presented the results of Bid #2022-01 for a Matrice 300 RTK drone. Ms. Smith said bids were opened November 16 and the lowest bidder Kabaila Enterprise, LLC did not meet bid specifications, so, she recommended the bid be awarded to the next lowest bid for \$26,916.00 from DSLR Pros of Chatsworth, California. Ms. Smith stated the drone will be purchased with grant funds totaling \$26,547.90 and the difference of \$368.10 will come out of the EMA Operational budget. Commissioner Ham questioned what the drone will be used for. Ms. Smith said the drone will be used like in the instance of the recent house fire, whereby if requested, EMA will respond with the drone for assistance. Further, Ms. Smith assured the Commission that its use will not impede any investigation, since Lee County Sheriff's Office and Opelika and Auburn Police Departments have their own drones and operators. Ms. Smith stated it could be useful for fire departments to determine safe distances in certain situations or for spills containing hazardous materials. Ms. Smith said they will develop safe operating procedures for its use with outside agencies. Commissioner LaGrand questioned what is a laser range finder? Ms. Smith directed the question to Austin Jones, who indicated it is the ability to measure distance or a fancy measuring tape. Commissioner Long made a motion, seconded by Commissioner Cannon to award Bid #2022-01 for a drone to DSLR Pros for

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\$26,916. The motion carried unanimously.

Parks Director Ryan Norris presented two agreements for the Beauregard Park concession and restrooms project for Commission consideration. Mr. Norris said the contractor is requesting the Commission consider the agreements to try to find an alternate route for material trucks to travel during the installation of field lines for the septic system on the adjacent property where the Beauregard Park is located. The road and/or property will be returned to its original state at the conclusion of the investigation. One agreement pertains to the Beauregard Volunteer Fire Department Board of Directors and the other is with Charles Whatley, an adjacent property owner. Commissioner Ham made a motion, seconded by Commissioner Cannon to authorize the Chairman to execute the agreements as presented. The motion carried unanimously.

At approximately 6:41 p.m., Judge English announced the Commission needed to adjourn into an Executive Session on a personnel matter. Judge English stated the following needed to attend: Sheriff Jay Jones, Chief Administrative Officer Roger Rendleman, County Engineer Justin Hardee, and EMA Director Rita Smith. The session is estimated to last approximately 15 minutes and formal action is anticipated at the conclusion. Commissioner Long made a motion for the Commission to go into executive session, seconded by Commissioner Cannon and unanimously carried.

Upon reconvening at 6:55 p.m. following the Executive Session, Commissioner Ham made a motion to extend an offer for the Chief Administrative Officer position to Holly Leverette at a starting salary of \$125,069 with a one-year probation period. Commissioner Long seconded the motion and the motion carried unanimously. Mrs. Leverette graciously accepted the offer.

Judge English announced the Commission would need to adjourn into a second Executive Session to discuss a matter of current litigation. Those that needed to attend included: Mr. Martin and Mr. Hardee. Judge English said the session should last approximately 15 minutes and no formal action is anticipated. Commissioner Long made a motion, seconded by Commissioner Cannon to adjourn into the second Executive session at approximately 6:58 p.m. The motion carried unanimously.

Upon conclusion of the second executive session, at approximately 7:18 p.m., Commissioner Cannon made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.