

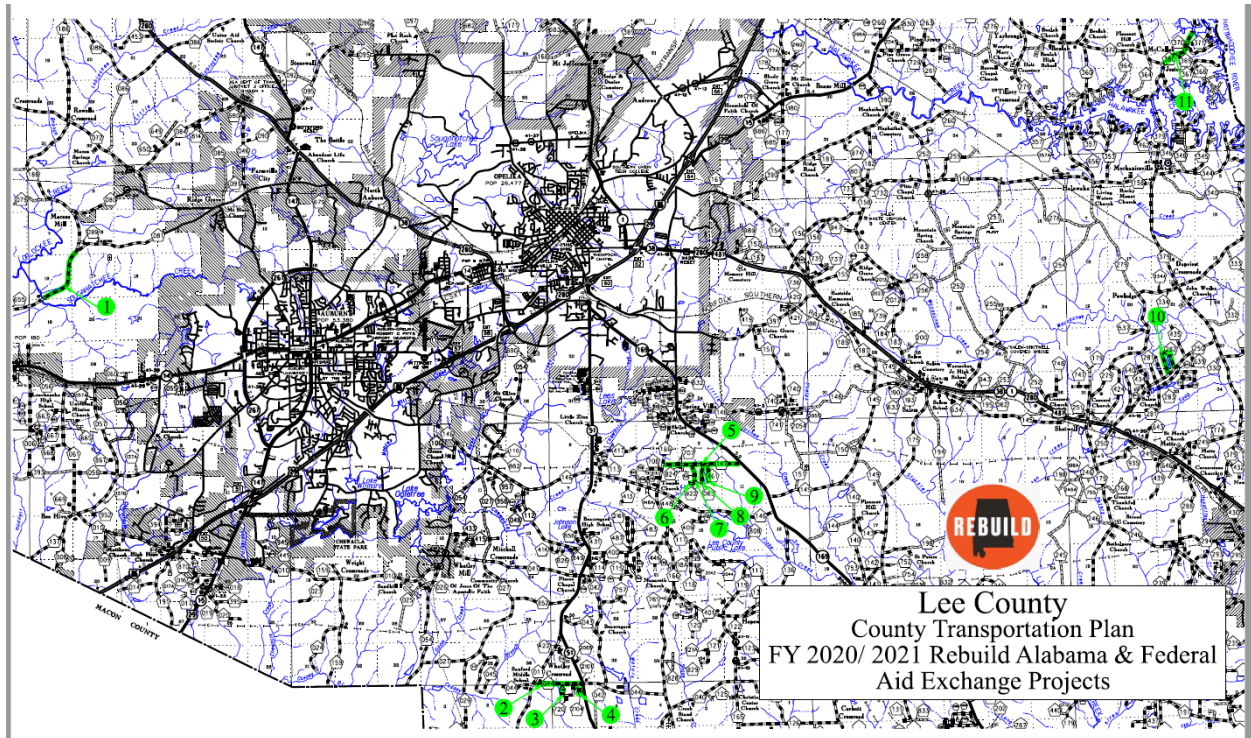
MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 18, 2022

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 18, 2022. This meeting was originally scheduled for Monday, January 10, 2022 but was cancelled that day by the Chairman due to several members of the body having close Covid exposures resulting in a lack of a quorum and was rescheduled to the 18th. 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 Ham. Elected Officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: Opelika Observer owner/reporter Michelle Key.

Judge English recognized Chief Administrative Officer Holly Leverette who is attending her first meeting in her new position. Judge English also asked Mrs. Leverette to say a few words for those in attendance. Mrs. Leverette introduced herself stating her background is in Risk Management, Safety and Human Resources and not as a CPA or a numbers person, she stated she is more of a relational person. Mrs. Leverette said she came here from Montgomery County Commission. Judge English said she has hit the ground running and has already had several things thrown at her.

Due to the absence of County Engineer Justin Hardee from a close Covid exposure, Assistant County Engineer Patrick Harvill presented the Rebuild Alabama Fund annual report. Mr. Harvill said in accordance with Code of Alabama §23-1-433(f), at the first meeting in January of each year following the creation of the Rebuild Alabama fund, the county engineer shall present to the county commission a written report detailing the expenditures made from the fund during the previous year; and, the report shall be entered into the minutes of the county commission meeting and shall be made available to the public for inspection, including posting on the county's website. Mr. Harvill reported that all the projects from FY2021 have been completed by the punch list and the removal of the signs. Mr. Harvill stated the report shows there were 11 projects with 9 being funded by Rebuild Alabama funds and two being funded by Federal Aid Exchange funds. The report has been sent to the Commission and the Legislature as required by the Act.

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FY 2021 County Rebuild Alabama Annual Report Lee County



Map Index	Project No.	Road Name/ Number	Begin		End		Road Improvement Project	Bridge Improvement Project	Project Details		Amount of Rebuild Alabama Funding Expended in Current Fiscal Year	Method in Which Rebuild Funds Were Utilized			Percent Complete	Original CTP (Yes or No)	CRAF or FAEF	CRAF Amount	FAEF Amount
			Lat.	Long.	Lat.	Long.			Project Length (miles)	Description of Work		Amount Expended Utilizing Competitive Bid Contracts	Amount Expended Utilizing Public Works Contracts	Amount Expended exempt from Competitive and/or Public Works Contracts					
										Beginning Balance								\$50,000.00	\$105,000.00
										Annual Revenue Received by County								\$1,200,000.00	\$400,000.00
										Rebuild Funds Received from Municipalities through MCLUs								\$0.00	
1	RA-LCP 01-01-2021	188	32.6268	-85.5878	32.6425	-85.5745	X		1.441	FDR, Resurfacing, and Traffic Striping from bridge over Doughartches Creek to LR 81	\$324,173.00		\$324,173.00		95.0%	Y	FAEF		\$324,173.00
2	RA-LCP 01-02-2021	44	32.4874	-85.3942	32.4875	-85.3744	X		1.160	FDR, Resurfacing, and Traffic Striping from LR 011 to AL 51	\$215,039.97		\$215,039.97		100.0%	Y	CRAF	\$215,039.97	
3	RA-LCP 01-03-2021	719	32.4873	-85.3829	32.4835	-85.3815	X		0.310	FDR, Resurfacing, and Traffic Striping from LR 044 to LR 120	\$55,447.60		\$55,447.60		100.0%	Y	CRAF	\$55,447.60	
4	RA-LCP 01-04-2021	2104	32.4947	-85.3740	32.4961	-85.3758	X		0.215	FDR, Resurfacing, and Traffic Striping from AL 51 to pavement end	\$48,607.55		\$48,607.55		100.0%	Y	CRAF	\$48,607.55	
5	RA-LCP 01-05-2021	147	32.5709	-85.3425	32.5710	-85.3116	X		1.796	FDR, Resurfacing, and Traffic Striping from LR 185 to AL 150	\$360,386.55		\$360,386.55		100.0%	Y	CRAF	\$360,386.55	
6	RA-LCP 01-06-2021	922	32.5641	-85.3301	32.5641	-85.3321	X		0.115	FDR, Resurfacing, and Traffic Striping from LR 108 to pavement end	\$10,568.90		\$10,568.90		100.0%	Y	CRAF	\$10,568.90	
7	RA-LCP 01-07-2021	706	32.5708	-85.3314	32.5638	-85.3299	X		0.375	FDR, Resurfacing, and Traffic Striping from LR 147 to pavement end	\$69,967.92		\$69,967.92		100.0%	Y	CRAF	\$69,967.92	
8	RA-LCP 01-08-2021	63	32.5709	-85.3263	32.5645	-85.3268	X		0.450	FDR, Resurfacing, and Traffic Striping from LR 147 to pavement end	\$89,686.16		\$89,686.16		100.0%	Y	CRAF	\$89,686.16	
9	RA-LCP 01-09-2021	461	32.5709	-85.3247	32.5646	-85.3246	X		0.450	FDR, Resurfacing, and Traffic Striping from LR 147 to pavement end	\$77,163.10		\$77,163.10		100.0%	Y	CRAF	\$77,163.10	
10	RA-LCP 01-10-2021	282	32.6001	-85.1421	32.6021	-85.1398	X		1.116	FDR, Resurfacing, and Traffic Striping from LR 230 to LR 220	\$169,926.93		\$169,926.93		100.0%	Y	CRAF	\$169,926.93	
11	RA-LCP 01-11-2021	380	32.7035	-85.1438	32.7153	-85.1315	X		1.120	FDR, Resurfacing, and Traffic Striping from LR 379 to a bridge over Coatsville Creek	\$270,701.83		\$270,701.83		95.0%	Y	FAEF		\$270,701.83
Note: Only Rebuild Alabama Funds are intended to be reported			Total Miles Addressed this Fiscal Year (Total Mileage Does Not Include Bridge Projects)						8.55	Total Rebuild Funds Expended this Fiscal Year	\$1,691,669.51	\$0.00	\$1,691,669.51	\$0.00	Total CRA/FAEF Remaining			\$163,206.32	(\$89,574.83)
Percent of Rebuild Funds Expended in Compliance with Section 7a(2)(d) on the Rebuild Alabama Act															100%				

Remarks: Public Works Projects are covered under Bid Inquiry LCP 41-RALR-21.
 Overage in the FY 21 FAEF balance will be taken out of the FY 22 FAEF.
 Any retainage that is being withheld in accordance with the Public Works Law is considered encumbered and is included in the project costs listed above.
 No amendments were made to the County Transportation Plan.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listings of claims, a procurement card transactions listing, and minutes of the December 13 meeting. Also, an additional listing of claims for ratification was presented prior to the meeting. Commissioner Cannon made a motion, seconded by Commissioner Ham to approve the consent agenda items as presented. The motion carried unanimously.

Upon second reading, Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the following Resolution on the reappointment of Andrew Bryan to the Beulah Utilities Board. The motion carried unanimously.

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BE IT RESOLVED, the Lee County Commission does hereby reappoint Andrew Bryan to the Beulah Utilities Board to serve a four-year term from December 1, 2021, to December 1, 2025.

Next, Commissioner Cannon made a motion, seconded by Commissioner LaGrand to appoint Judy Lockhart to the Lee County Recreation Board to serve as the District 1 appointee replacing Alice Buchanan, who left at the end of her term in October 2021. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby appoint Judy P. Lockhart to the Lee County Recreation Board to serve a five-year term from January 18, 2022, until October 14, 2026.

Under old business, Mrs. Leverette presented for Commission consideration an amended COVID-19 Policy from December 30, 2021. Mrs. Leverette said the amendments follow current CDC guidelines. The two major changes are the number of days a person can return to work after testing positive and the manner in which masks should be worn after receiving a positive COVID-19 test or exposure to COVID-19. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following amended COVID-19 Policy as presented. The motion carried unanimously.

(Revised December 30, 2021)

A. Wearing of masks or shield coverings are now optional (EXCEPT as noted below); however, all unvaccinated employees are still strongly encouraged to wear a mask or shield covering their mouth and nose indoors around other people.

B. All personnel who are directly impacted by COVID-19 in the following ways:

1. If you are experiencing COVID-19 symptoms (according to Center for Disease Control guidance like fever, cough, shortness of breath) and seeking a medical diagnosis for COVID-19. If positive for COVID-19, see number 2. If negative for COVID-19, follow standard sick leave policies.

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2. If you tested positive for COVID-19, you shall self-isolate immediately.

Without Symptoms: If you continue to have no symptoms, you are to return to work after 5 days have passed since you had a positive test.

With Symptoms: You are to return to work after meeting the following conditions:

- 5 days since symptoms first appeared **and**
- 24 hours with no fever without the use of fever-reducing medications **and**
- Other symptoms of COVID-19 are improving*

UPON return to work, you **MUST** wear a mask when around others for 5 days.

**Loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation*

Severe Illness (requiring Hospitalization): You are to return to work after meeting the same conditions as **With Symptoms** (above); **except for**, the first condition will be 5 days after released from the hospital.

If you are still experiencing Post-COVID Complications, the standard FMLA policies and procedures apply.

3. If you have had close contact with someone with COVID-19, you are to quarantine. The CDC defines close contact as exposures adding up to a total of 15 minutes spent 6 feet or closer to an infected person.

For those who are unvaccinated or not yet vaccinated including any recommended booster, you are to return to work after 5 days after last exposure with no symptoms. If you develop symptoms, get tested follow number 2. With Symptoms above if positive. If negative, return to work.

UPON return to work, you **MUST** wear a mask when around others for 5 days.

However, anyone who has had close contact with someone with COVID-19 and who is fully vaccinated with the recommended booster for their vaccine does **NOT** need to stay home.

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- *UPON return to work, you should wear a mask when around others for 10 days.*

Appropriate Documentation will be required for each of the above. Types of documentation are copy of orders, proof of tests and/or written certifications.

Providing false documents or misleading and false statements associated the above are Group Two Offenses under 11.4.2 A. (5) and (6).

In addition, anyone who is staying home is being paid to follow orders and instructions for public health and safety reasons. Failure to follow those orders and instructions is a Group Two Offense under 11.4.2 A. (7).

Such actions in this section are grounds for the employee's dismissal from employment.

(For Sheriff Service Employees, enforcement and discipline determination is solely the discretion of the Lee County Sheriff)

- C. Employees under the budgetary and administrative authority of the County Commission should protect the public, their coworkers and themselves by:
NOT reporting to work and notifying their supervisor if they have:

- temperature above 100.3
- or are experiencing the following:
- Persistent Cough
 - Shortness of breath or difficulty breathing
- Or have two or more of these symptoms:

- Chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Employees failing to practice such safety measure are in violation of Group One Offense under 11.4.1 A. (6).

Repeated failure to practice and/or absolute disregard to such safety measures are in violation of Group Two Offense under 11.4.2 A. (12) "Violation of safety practices that might endanger the life or health of the employee or others". Repeated failure and/or absolute disregard should be a suspension without pay or terminated.

(For Sheriff Service Employees, enforcement and discipline determination is solely the discretion of the Lee County Sheriff)

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Mr. Harvill presented an update on Lee Road 57A. Mr. Harvill stated since the last meeting in which the public nature of Lee Road 57A was discussed, the Highway Department has reaffirmed that the Commission did accept Lee Road 57A, 412 feet in length, for public maintenance in 2005 and that the Highway Department has performed maintenance on the road since that time. This affirms that Lee Road 57A is a county maintained public dirt road. Mr. Hardee stated the citizens feel strongly that it is a private dirt road. Mr. Henry L. Yancey, Jr. has submitted a petition to the Highway Department that appears to have been signed by the abutting property owners requesting for Lee Road 57A to be a private drive and privately maintained. Mr. Harvill said it appears, by a surveyor, that all of Lee Road 57A is located on Mr. Yancey's property, which, in this case, the property lies on and is controlled by one individual property owner, Mr. Yancey. Mr. Harvill stated that Patricia Wilson and Franklin Lockhart, and Mr. Washington own property along Lee Road 57 via Lee Road 57A, after research there is an easement recorded in the 1970's showing ingress and egress for Mrs. Wilson and Mr. Lockhart's property, but there is no easement found for Mr. Washington's property. Mr. Harvill stated there are issues of this nature that are trying to be resolved. Mr. Harvill questioned the direction of the Commission on whether they would like to see the vacation of the road by the property owners, vacation of the road by the Commission or for no action to be taken. Judge English recognized James Washington who wished to comment. Mr. Washington said he would like to see the recommendation of the Commission, along with Mr. Hardee and Commissioner LaGrand to see that the property is returned to its rightful owner. Mr. Washington said he has no problem with the right-of-way as it stands. Further, Mr. Washington requested that the paperwork be recertified, remove the signs, and go back to the way it was. Commissioner LaGrand said his intent, after talking with the residents, is to support their request, but noted there are procedures that must be followed to vacate it. Commissioner Ham agreed stating he has been through the process before, and it does take time to complete. Mr. Yancey said his father purchased the property in 1985 and has no problem with his neighbors, and he agrees that the road should be vacated back to him. No action was taken by the Commission at this time.

Revenue Commissioner Oline Price asked the Commission to consider adding a Technical Support Specialist set at a Pay Grade 115. Mrs. Price stated her office runs off the AS/400 and they need someone who is well versed in the AS/400. Mrs. Price said the position would work under the direction of the Information Technology Department. Mrs. Price said since a portion of the work would be provided to her office and the Appraisal Office, the salary would be paid 2/3 out of the general fund budget and 1/3 out of the Reappraisal budget. Upon this request, Commissioner Ham made a motion, seconded by Commissioner Cannon to approve a Technical Support Specialist at a Pay Grade 115 be added to the Lee County Pay and Classification plan. The motion carried unanimously.

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Mr. Harvill presented for Commission consideration the bridge replacement over Saugahatchee Creek on Lee Road 217. Mr. Harvill said bids were received on December 15 and three bids were returned. Mr. Harvill stated the lowest responsive bid was received from Newell & Bush for \$1,780,780.20. Commissioner Ham questioned the length of the bridge and if the Highway Department will be performing the approach work. Mr. Harvill stated the existing bridge is 370 feet and the new bridge will be 415 feet in length and answered affirmatively that the Highway Department would perform the approach work once the bridge work is completed by the contractor. Judge English questioned the detour route. Mr. Harvill stated the posted detour will be through Lee County, which is significant, but said local traffic would most likely travel through Tallapoosa County, which is ½ the distance, but still approximately 8-9 miles. Judge English questioned if in situations like this if they work with adjoining counties. Mr. Harvill said normally they will contact them. Mr. Harvill stated it will be a 6 to 8 month project depending on the weather. Judge English questioned if all of Lee Road 217 is dirt and Mr. Harvill responded in the affirmative. Commissioner Ham questioned if there is an incentive for completing the project early. Mr. Harvill said it is a number of working days project and liquidated damages are included. Commissioner Ham questioned in the future if incentives for the contractor if job is completed ahead of schedule or some type of bonus for it. Commissioner Long stated he personally saw on Lee Road 379 how much time it took to complete, especially once the bridge was completed, the approach work took time. Mr. Harvill stated that project is the reason the county began performing their own approach work. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to award the bid to Newell & Bush for the bridge replacement project on Lee Road 217 for \$1,780,780.20. The motion carried unanimously.

Mr. Harvill presented for Commission consideration the Rebuild Alabama Act (RAA) Annual Grant Program Application. Mr. Harvill explained that since the passage of the Rebuild Alabama Act in 2019, the act stipulates that ALDOT shall create an annual grant program for no less than \$10,000,000; and, that projects will be awarded through a competitive project selection process administered by ALDOT. In FY2022 ALDOT has capped the maximum funding available for any project at \$250,000, and the funds are available for one year from the notice of award. Mr. Harvill stated that a date has not been set for when a sponsor will be notified of an award, but they expect to hear something in the spring or early summer. Mr. Harvill stated that it is a relatively short time frame to design, let, and award a project, but the Highway Department would like to apply for funding to resurface approximately 2.64 miles of Lee Road 279. Mr. Harvill said Lee Road 279 was chosen primarily for its poor condition and traffic count, but also because of previous and other planned improvements to the corridor. Mr. Harvill requested the Commission authorize the Chairman to sign a letter of intent to apply for the RAA Grant Program funds as presented. Commissioner Ham made a motion, seconded by Commissioner Long to authorize the Chairman to sign a letter of intent to apply for the RAA Grant Program funds. The motion carried unanimously.

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Mr. Harvill presented the Federal Aid Agreements for the resurfacing of Lee Road 318 and a portion of Lee Road 249. Mr. Harvill stated this is an 80/20 match with 80% coming from the Columbus/Phenix City Metropolitan Planning Organization. Mr. Harvill stated these are two separate projects, but they were combined to get better pricing. Mr. Harvill said the Lee Road 318 project is a total of 4.7 miles for a total cost of \$1,860,554.01 with matching county funds of \$342,116.30. The second project is 1.8 miles on Lee Road 249 at a total cost of \$693,152.36 with county funds of \$138,630.47. Commissioner Long made a motion, seconded by Commissioner Ham to authorize the Chairman to execute the Federal Aid Agreements for the resurfacing of Lee Road 318 and a portion of Lee Road 249. The motion carried unanimously.

RESOLUTION Lee Road 318

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:

Full depth reclamation, resurface, and traffic stripe CR-318 from CR-248 to CR-249; Project#CRSAPC-STPPC-4120(251); LCP 41-318-20; CPMS Ref#100067544.

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

RESOLUTION Lee Road 249

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:

Full depth reclamation, resurface, and traffic stripe CR-249 from CR-379 to CR-318; Project#STPPC-4120(252); LCP 41-249-20; CPMS Ref#100067545.

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

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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 an Adopt-A-Mile Application from Phil Bryant on Lee Road 79. Mr. Bryant wants to help keep litter picked up along the road's right-of-way. Commissioner Cannon thanked Mr. Bryant and made a motion, seconded by Commissioner LaGrand, to approve the authorize the Chairman to approve the application request as presented. The motion carried unanimously.

Judge English stated Mrs. Leverette has asked to add an item to the agenda concerning revenue replacement from the American Rescue Plan Act Fiscal Recovery Funds (ARPA). Commissioner Long made a motion, seconded by Commissioner Ham to add the item to the agenda. The motion carried unanimously. Mrs. Leverette presented a request for Commission consideration of revenue replacement from the County's ARPA Funds. Mrs. Leverette said that there have been recent changes under the Final Rule published by the United States Department of Treasury dated January 6, 2022, which allows the County the option either to elect a standard allowance of \$10 million to be categorized as revenue replacement funds, or to perform calculations of revenue loss as provided in the Final Rule. Mrs. Leverette said the election is a one-time, irrevocable election which must be done by January 31, 2022. Commissioner LaGrand made a motion, seconded by Commissioner Cannon to authorizing the utilization of the standard deduction for the purposes of calculating revenue loss for the County in conjunction with the filing of the County's ARPA Project and Expenditure Report on or before January 31, 2022. The motion carried unanimously.

At approximately 6:05 p.m., Judge English announced the Commission needed to adjourn into an Executive Session on a matter of current litigation. Judge English stated the following needed to attend: County Attorney Stan Martin and Chief Administrative Officer Holly Leverette. Mr. Martin said the session is estimated to last approximately 15 minutes and no formal action is anticipated at the conclusion. Commissioner Long made a motion for the Commission to go into executive session, seconded by Commissioner Ham and carried unanimously.

Upon conclusion of the executive session, at approximately 6:25 p.m., Commissioner Ham made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.