

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 31, 2022

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 31, 2022. 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 Cannon. Elected Officials in attendance: City of Auburn Mayor Ron Anders, City of Opelika Mayor Gary Fuller and Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Hannah Lester.

Judge English recognized former Chief Administrative Officer Roger Rendleman and presented him with a resolution commending him on his service and dedication to Lee County. Mr. Rendleman thanked the Commission for its support for all that he was able to accomplish during his tenure.

WHEREAS, Roger H. Rendleman was named Lee County Administrator in October 2001, and began a 20-year long career serving the citizens of Lee County, the County Commissioners, other elected officials, and employees of Lee County; and

WHEREAS, during his tenure the county experienced unprecedented growth and his guidance and leadership successfully ushered the county through great challenges and triumphs particularly the Great Recession of 2008 and the Covid-19 pandemic; and

WHEREAS, his sound counsel and common sense financial advice resulted in several major capital projects coming to fruition including the Justice Center Complex renovation with the addition of a new judicial building; the completion of the Lee County Detention Center and Sheriff's Office Administration Building; the Auburn Satellite Office Annex; the Bennie Adkins Meeting Center; the Lee County Courthouse renovation; the Revenue Commissioner's Annex; a Beulah Senior Center; and three county recreation parks; and

WHEREAS, through his many years of service not only did he help the citizens of Lee County, but also the State of Alabama through his Chairmanship of the Local Government Health Insurance Program, and through teaching various classes for the Alabama Local Government Training Institute; and

WHEREAS, through his years of service he served with fifteen different members of the Lee County Commission, including: Chairman: Judge Bill English

District 1: Sam Pierce, Mathan Holt, Sheila Eckman, Doug Cannon

District 2: Bobby Cannon, Johnny Lawrence, Sarah Brown

District 3: Harry Ennis, Gary Long

District 4: Terry White, Annell Smith, Robert Ham

District 5: John Andrew Harris, Richard LaGrand

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Commission expresses its sincere appreciation, gratitude and thanks to Roger H. Rendleman for his

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numerous contributions to Lee County and the state. He will be missed both professionally and personally and the Commission extends its very best wishes for continued success in life and with his future endeavors.

Animal Control Officer Lisa Wimberly made a presentation on Animal Control's new website. The site can be accessed directly from the county's website and contains information on the department including operating hours, address, and map. The site also allows citizens to file a report on missing pets and search the database on found pets in an effort to locate the lost animal. Found animals are uploaded to the site either same day or next business day. Contact information for the two agencies that house the county's found animals is also available for those interested in adopting a pet, as well as information on spay and neuter programs and frequently asked questions.

County Engineer Justin Hardee provided a status update on the transition to curbside trash collection. He stated that the vendor Arrow Disposal will begin getting carts to citizens next week that have been identified as needing them. Environmental Services Director John McDonald and his staff are working with software to determine the routing of the county's trucks for the bulk pick up which residents can call to arrange for at no additional cost. Mr. Hardee stated there will be two bulk pickups per month, but if citizens need more than those two then there could be additional pick-ups for an additional fee. The curbside service is slated to start March 1; the department does expect given the size of the county that some citizens may be missed. They will be working closely with the vendor to address those issues and will also be placing signs at the dumpster sites for citizens to contact the Environmental Services Department if they have not received a cart but should have. Mr. Hardee stated that once the curbside service begins there will be an overlap between that service and the dumpster service for one month, following that month the county will begin phasing out the collection sites. The phase-out is estimated to last 3-4 months, allowing sufficient time for the bulk routes to be established and for any citizens that may have been missed to be identified. The department asks citizens for patience while the adjustment occurs and stated the vendor is experienced in providing this service to other counties in the state. Mr. Hardee stated the department will be working closely with all involved to address any citizen concerns. He said he believes this will be a system that will serve the county well as it does in the other counties that are using it. He addressed Ms. Judy Lockhart who had a question regarding flyers that had been sent out and stated that if anyone had not received a flyer he would provide them one. Commissioner LaGrand asked how this contract would affect private vendors. Mr. Hardee stated it was his understanding the position of the Commission was that this was a system that Lee County was going to implement county-wide with Arrow Disposal, which was awarded the bid through a competitive bid process. He stated it was his understanding the county is not telling the private vendors they could not provide the service to citizens if the citizen wishes to continue to use them, but those customers will also be paying the county garbage fee. Commissioner LaGrand

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stated based on that then, this would not affect the private vendors. Mr. Hardee said he's not sure how it would affect them, but the County is not telling them they cannot operate. The county is going to be providing a different system than the one previously provided. Commissioner LaGrand then asked if they could still keep operating with Mr. Hardee saying that it was his understanding they could still keep operating if they wish. Commissioner LaGrand asked if there was a way to extend the phase out of the dumpsters beyond the three months as he wasn't sure that was enough of a transition time. Mr. Hardee stated that when this process began, they carefully looked at the transition and not affecting the cost to the citizens as well as carefully looking at expenses of one system versus another system. He said that during the overlap the county will be essentially paying for two systems. At that time, he stated they felt 3-4 months could suffice, but if it had to be extended the costs would increase but he wasn't sure what time frame Commissioner LaGrand was requesting. The financial consequences of any extension beyond that would need to be looked at. Commissioner LaGrand said he wanted to give people enough time to adjust and adapt, feel it needs to be a minimum of 6-9 months. Mr. Hardee stated he would need to discuss with Mrs. Leverette and look at what would be involved and if the Commission would like to fund that then would try to find a way to do that. He stated he couldn't say it was possible at this point, given the budget they are currently working with. He said the department is incurring a significant amount of overtime right now with the Covid pandemic and workload impacting the budget. He stated he would need to speak with Mrs. Leverette before coming back to the Commission with a recommendation on any adjustment that would need to be made to accomplish that request. Mrs. Leverette said they would look at costs and get back to the Commission as to a monthly cost and what taking additional months would cost to let the Commission decide what the budget could withstand. Commissioner Ham asked Mr. Hardee to let the Commission know during those three months on what they are seeing and not put a hard date on the three month timeframe if a longer adjustment is needed.

Dr. Bill Hutto, Director of the Auburn University Regional Airport; City of Auburn Mayor Ron Anders; City of Opelika Mayor Gary Fuller and Cliff Knight, Chairman of the Board of Indian Pines Golf Course, made a presentation to the Commission seeking support for the airport's runway safety project. Dr. Hutto stated that because of growth, the airport is needing to expand its northern safety area. The current safety area is 300 feet, but the FAA is requiring 1,000 feet by the standards of aircraft in use today. Dr. Hutto stated that if they are not able to extend the safety area, the airport would need to shorten its runway to under 5,000 feet and would significantly impact airport users and its ability to serve the community. Mayor Fuller lauded the partnerships the cities and county have participated in over the last several years including the various projects at the airport. Mayor Anders then spoke on the specifics of the project, which would necessitate the purchase of land and the rebuilding of the Indian Pines Golf Course costing \$6.8 million. Mayor Anders stated the FAA will provide \$2.5 million, state and local match would be \$278,000; Auburn University is contributing \$470,000; AO Tourism \$250,000; Indian Pines \$500,000. Mayor Anders stated that left \$2.8 million being

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split among the three entities for a total of \$934,000 each. He stated they have been talking to banks and are looking to amortize the amount over five years. He respectfully requested the Commission to join in funding the project that would benefit everyone in the community. Commissioner Cannon asked what the timeframe is for the project and the loan. Dr. Hutto stated that it would begin in fiscal year 2024 with the construction extended out to fiscal year 2025. Mayor Anders stated that early discussions are for a five-year loan. Mr. Knight stated that Indian Pines is one of two public courses in area, has one course and has people from surrounding areas that utilize it. He said there were 42,000 complete rounds of golf played last year with a total of 63,000 rounds started. Commissioner Ham asked what the course does with its revenue. Mr. Knight stated they are now operating in the black which was not always the case. He also stated they have been saving any additional revenue for the last few years in anticipation of this project and contributing to it. Commissioner Ham said the Commission would need to discuss and speak to Mrs. Leverette to find out what is available and how the Commission would be able to assist.

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 January 18 meeting. Commissioner Ham made a motion, seconded by Commissioner Cannon to approve the consent agenda items as presented. The motion carried unanimously.

Under old business, Judge English stated the commission approved claiming the default \$10 million revenue loss at the last meeting, but Mrs. Leverette needs that in the form of a resolution, so there is a resolution in the packet that needs to be approved. Commissioner Ham asked if the resolution was not adopted at the last meeting; Judge English stated it wasn't adopted as a resolution, but a motion to support the agreement. A motion was made by Commissioner Ham to adopt the following resolution, seconded by Commissioner Long and passed unanimously.

**RESOLUTION FOR TREATMENT OF THE STANDARD ALLOWANCE FOR
REVENUE REPLACEMENT FROM THE COUNTY'S
AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS**

WHEREAS Lee County, Alabama (the "County") has received American Rescue Plan Act fiscal recovery funds ("ARPA funds") and is charged with ensuring that such funds are administered in accordance with state and federal law; and

WHEREAS, under the Final Rule published by the United States Department of Treasury ("Treasury") dated January 6, 2022, the County has the option either to elect a standard allowance of \$10,000,000 to be categorized as revenue replacement funds, or to perform calculations of revenue loss as provided in the Final Rule; and

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WHEREAS, the Final Rule provides that the election is a one-time, irrevocable election that must be made for the period of performance of the ARPA funds award; and

WHEREAS, the election must be made in the next Project and Expenditure Report, which is due on January 31, 2022; and

WHEREAS, the Lee County Commission (the "Commission") has determined that it would be appropriate to delegate the determination and election to its Chairman.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION as follows: The Chairman of the Commission is hereby authorized to make a determination as to whether or not to utilize the standard allowance for the purposes of calculating revenue loss for the County and shall direct the County's authorized reporting representative for ARPA funds to make a corresponding election in conjunction with the filing of the County's ARPA Project and Expenditure Report on or before January 31, 2022.

Under new business, Mrs. Leverette presented a retiree in service request. She explained that a retiree can come back 30 days or more after leaving county employment to provide technical aid and support as needed to help an individual or department. Mrs. Leverette stated she had asked Mr. Rendleman to come back and assist her as they did not have time to work together before he retired. She said Mr. Rendleman had agreed to assist and she is seeking Commission approval to do so. Judge English stated other retirees have done this including Bobby Armstrong, former chief appraiser and Tim Parson, former IT director. He stated there are some limits including a salary cap. Commissioner Long made the motion seconded by Commissioner Cannon to approve the request; the motion passed unanimously.

Mr. Hardee presented the results of the crack sealing bid for work that will be performed on Lee Road 240 from AL Hwy 169 to the Russell County line. The bid will cover a total of approximately 24.7 lane miles. Mr. Hardee stated that four bids were received with the low bid from Gordon Company in Thomasville, NC, for \$152,607. There was only one in-state vendor, and they were the highest at \$189,630. Mr. Hardee stated the work will take place in Districts 3, 4, and 5. Commissioner Long asked about start date with Mr. Hardee responding that since crack sealing depends on temperature he would notify the Commission of a definite start date after consulting with contractor and looking at the temperatures. He stated the contract is for 45 working days with the road remaining open during that time as this is a heavily travelled roadway. Commissioner Ham asked if there was any resurfacing that is also being looked at for this roadway. Mr. Hardee stated that in the coming years the department is looking at placing an overlay through the Columbus-Phenix City MPO for a portion of Lee Road 240 and local funds for the rest of it. Commissioner Long asked if it was possible to work on one end, then come back and work on the other end to help with traffic. Mr. Hardee stated he would need to talk to the contractor as he wasn't sure if there was a set way they intend to do it and could talk to them to see if they could be flexible. Commissioner Ham

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asked for the Highway Department to notify citizens with signage once a start date is known. Commissioner Long made the motion to approve with Commissioner Ham seconding and the motion passed unanimously.

Mr. Hardee presented for final plat approval the Hawks Landing Subdivision, Phase 2. Mr. Hardee said the subdivision is located in District 1 off Lee Road 76. He said there are no roads, streets or infrastructure being put in as part of the subdivision, as it is using existing county road frontage as lots are created. The developer's plat meets the access management requirements in Lee County's Subdivision Regulations. Mr. Hardee said the subdivision is utilizing shared driveways for some lots along with existing road frontage for other lots; shared driveways do have restrictions that are spelled out on the plat. He said, in accordance with county policy, letters went out to adjacent property owners. Bill Lacey, an adjacent property owner, discussed with the Commission his concern on the significant traffic increase along the road. He asked for speed limit signs and/or speed breakers to be placed and dust issues to be addressed. Mr. Hardee stated that traffic counters could be placed to examine both the speed and volume to see if any measures do need to be taken to address any potential situation. Judge English asked what lots would access Lee Road 76; Mr. Hardee stated that lots 4, 3A and 3B would access Lee Road 76 directly, with lots 5 and 6 sharing a driveway; lots 1A and 7 sharing another driveway; and that lot 2 is a flag lot that also accesses Lee Road 76. Barrett Kerns, another adjacent property owner, asked the Commission if the portion of some other lots located in Tallapoosa County would be annexed into Lee County or if the City of Auburn would annex it. Mr. Hardee stated the county lines would not change and he could not address any plans that the City of Auburn might have in the future. Judge English stated citizens have to ask the city for annexation; that is not something that can be done against their wishes. Commissioner Cannon moved for approval with Commissioner Long seconding. The motion passed unanimously.

Sheriff Jones presented the results of bid #2022-03 for Toughbooks for the patrol vehicles. These mobile laptops are used to access law enforcement sensitive databases in regard to their daily operations. He stated bids were submitted for additional units to several companies and they received one bid from Columbus Mobile Communications in Columbus, Ga., for 10 or more Panasonic laptops or equivalent. The bid was for \$30,500 and does meet the specifications put forth and are the same price as last year. Commissioner Long moved for approval of the bid that was seconded by Commissioner Ham. The motion passed unanimously.

Sheriff Jones also stated that a second bid for Watchguard Camera Systems received no bids, so that will be rebid at a later date.

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Sheriff Jones asked to remove the alcohol license application for Poco Locos from the agenda as it was located in the city limits of Smiths Station. He then presented the alcohol license for Annillos Pizzeria, located in District 3 northwest of Hwy 280/431. Commissioner Long moved for approval with Commissioner Ham seconding. The motion passed unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the retail beer and retail wine license for Annillos Pizzeria located at 15405 U.S. Highway 280 East, Smiths Station, AL.

At approximately 6:15 p.m., Judge English announced the Commission needed to adjourn into Executive Session on a matter of potential litigation. Judge English stated the following needed to attend: County Attorney Stan Martin, Chief Administrative Officer Holly Leverette, and County Engineer Justin Hardee. Judge English said the session is estimated to last approximately 15-20 minutes and no formal action is anticipated at the conclusion. Commissioner Cannon made a motion for the Commission to go into executive session, seconded by Commissioner Long and carried unanimously.

Upon conclusion of the executive session, at approximately 6:40 p.m., Commissioner Ham made a motion to adjourn. The motion was seconded by Commissioner Cannon and carried unanimously.