

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 14, 2022

At the beginning of the meeting, newly appointed Commissioner Ross Morris was sworn-in by Judge English, with his wife Melissa holding their family bible. Commissioner Morris was appointed February 11, 2022 by Governor Ivey to replace Sarah Brown.

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 14, 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, Ross Morris, Gary Long, Robert Ham and Richard LaGrand. The Pledge of Allegiance was recited, followed by an invocation by Judge English. Elected Officials in attendance: Opelika Mayor Gary Fuller and Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Hannah Lester and Opelika-Auburn News reporter Tim Nail.

Judge English recognized five Beauregard High School FFA members who were in attendance in recognition of National FFA Week. They include: Braxton Hughes, Caroline Jernigan, Kinslee Morris, Jewel Thompson, Victoria Thompson and FFA Advisor Whitney Dyess. FFA member Caroline Jernigan read the following Proclamation.

WHEREAS, FFA and agricultural education provide a strong foundation for the youth of America and the future of food, fiber, and natural resources systems; and

WHEREAS, FFA promotes premier leadership, personal growth, and career success among its members; and

WHEREAS, agricultural education and FFA ensure a steady supply of young professionals to meet the growing needs in the science, business, and technology of agriculture; and

WHEREAS, the FFA motto – “Learning to Do, Doing to Learn, Earning to Live, Living to Serve” - gives direction and purpose to these students who take an active role in succeeding in agricultural education; and

WHEREAS, FFA promotes citizenship, volunteerism patriotism and cooperation.

NOW, THEREFORE, the Lee County Commission designates the week of February 19-26, 2022, as National FFA Week.

Next, EMA Director Rita Smith discussed upcoming plans for the 3-year anniversary of the tornadoes that hit Lee County on March 3, 2019. Ms. Smith said the event begins at 2:03 p.m. at the Smiths Station Government Center hosted by Mayor Copeland. Next, events move to Providence Baptist Church at 5:00 p.m. with a picnic for responders and survivors, then followed at 7:00 p.m. with a Memorial Service. Ms. Smith said she was appreciative of Pastor Rusty Sowell and Providence Baptist Church for providing the location, and the food for the picnic. Ms. Smith extended an invitation to the Commission and all in attendance.

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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 31 meeting. Announcement of an upcoming vacancy on the Beulah Utilities District was made. Commissioner Ham made a motion, seconded by Commissioner Long to approve the consent agenda items as presented. The motion carried unanimously.

Under old business, Commissioner LaGrand presented an Agreement between Lee County and the Town of Loachapoka for recreation purposes. Commissioner LaGrand made a motion authorizing the Chairman to sign the agreement with the Town of Loachapoka. The motion was seconded by Commissioner Cannon and carried unanimously.

**AGREEMENT BETWEEN LEE COUNTY, ALABAMA
AND THE TOWN OF LOACHAPOKA, ALABAMA**

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

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

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

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

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

1. Town states and represents that it is the lawful owner of the said 4.3 acres, more or less, on Alabama Highway 14 where the Loachapoka Community Center was previously located, hereinafter referred to as “the location”.
2. Town states and represents it has the legal authority to enter into this Agreement with the County, as evidenced by a Resolution of the Loachapoka Town Council dated _____, a copy of which is attached hereto as Exhibit A, and that Mayor Ricky Holder is authorized on behalf of the Town to execute this Agreement.
3. The County states and represents that it has the legal authority to enter into this Agreement with Town, as evidenced by a Resolution of the County Commission dated _____, a copy of which is attached hereto as Exhibit B, and the Bill English, Chairman of the Lee County Commission, is authorized on behalf of the County to execute this Agreement.
4. The location shall be open to any and all residents of Lee County, Alabama.
5. The County will provide funding, assistance, maintenance, and improvements to the

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existing walking trail at the location in a manner to be mutually agreed upon by the County and Town.

6. County will provide funding and assistance, as well as develop and maintain other areas of the location, including a playground area with appropriate playground equipment and a pavilion, in a manner and at places to be mutually agreed upon by the County and Town.
7. The funds needed for the walking trail, the playground area and equipment, the pavilion, and anything else agreed upon by the County and Town for the development of the location shall be from the Lee County Recreation Fund. The County shall be responsible for handling the payment of the expenses necessary for these items through the Lee County Recreation Fund.
8. Town shall provide the County an insurance policy with a minimum of One Million Dollars (\$1,000,000.00) in general liability coverage and Twenty-Five Thousand Dollars (\$25,000.00) in medical payments coverage for the location. Town shall also have the County added as an additional named insured under said policy of insurance and provide written certification from the insurance carrier to the County in this regard.
9. Town agrees to defend, indemnify, and hold harmless the County, the Lee County Commission, Lee County Commissioners, Lee County Recreation Board, members of the Lee County Recreation Board, their agents, servants, employees, and representatives from any and all claims resulting from any injuries, including death, and losses, damages, and expenses of any sort, including, but not limited to, the general public, which may arise or may be alleged to have arisen out of or in connection with any use or activity at this location or anything relating to or connected with this Agreement. This indemnification provision shall be broadly interpreted in favor of the County and those identified above; however, this indemnification provision does not apply to private contractors awarded Contracts for County work.
10. County shall not provide any employees or staff to operate the location.
11. County shall have the sole authority to terminate this Agreement by giving Town thirty (30) days written notice that County intends to terminate the Agreement. The written notice shall be sent by certified mail to Post Office Box 10, Loachapoka, Alabama 36869.
12. Town shall report to County on an annual basis on the first meeting of the Lee County Commission each year on the activities and overall development and operation of the location.

This Agreement made and entered into on this 14th day of February 2022.

Judge English recognized Mayor Fuller and Airport Director Bill Hutto who were in attendance to discuss funding for the Airport Runway Safety Zone as presented at the last meeting. Mayor Fuller thanked the Commission for agreeing to participate in funding the

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project, saying he and Mayor Anders need to know the county's financial commitment before taking their own requests to their respective city councils. Commissioner Cannon questioned when they anticipate getting bids back on the project for the exact cost of the project. Mayor Fuller said the bid will take place sometime this year. Commissioner Ham asked for the breakdown of the participating parties and their commitment for the project as previously presented. Judge English said the project totals \$6.8 million, with FAA providing \$2.5 million, a state and local match of \$278,000; Auburn University \$470,000; AO Tourism \$250,000; Indian Pines \$500,000. Mayor Fuller stated that left \$2.8 million to be split among the three entities for a total of \$934,000 each. After more discussion, Commissioner Cannon made a motion, seconded by Commissioner Ham to commit \$500,000 to the Airport Runway Safety Zone project. The motion carried unanimously. Judge English pointed out that the county's contribution would be paid to the City of Auburn and/or the City of Opelika annually over a period of five years. Commissioner LaGrand stated he would like to look back at this once the bid is received. Commissioner Cannon stated he would like to revisit it in October during budget work sessions and Commissioner Ham agreed.

Chief Administrative Officer Holly Leverette made a request to add her as a signature authority on all bank accounts held by Lee County. Commissioner Ham made a motion, seconded by Commissioner Long to authorize the addition of Chief Administrative Officer Holly Leverette on all bank accounts held by Lee County Commission and remove Roger Rendleman. The motion carried unanimously.

Probate Judge Bill English presented a request to amend the job description of the election manager position, which is a budgeted position in his department. Judge English stated there is no change in the pay range, but the update is to make the position more functional for his office. Judge English stated the job description may contain minor adjustments once it is reviewed by the Human Resources Department. Commissioner Long questioned if it is a full-time position. Judge English answered in the affirmative. Commissioner Cannon made a motion authorizing the amendment of the election manager position in the Probate Office after review by the Human Resources Department. The motion was seconded by Commissioner Ham and carried unanimously.

County Engineer Justin Hardee presented information regarding Senate Bill 157. Mr. Hardee stated the bill proposes to increase the legal weight limit for log trucks on roadways in Alabama. Mr. Hardee stated the bill was introduced and quickly voted out of the Senate Agriculture, Conservation and Forestry Committee last Wednesday, without first being discussed with ALDOT or the ACCA in regard to its impact on those who maintain the majority of the roadways affected by this legislation. Mr. Hardee explained that the way this bill is written, it would allow an increase in the overall weight of a loaded log truck. It would

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go from 88,000 pounds to a maximum of 99,440 pounds with the proper number of axles. Mr. Hardee stated more concerning is it would do away with current axle spacing requirements that help distribute the load to maximize the damaging impact. Mr. Hardee stated that when they reached out to NCAT and asked them to help quantify the increase in damage, they said that 100 trucks at the new axle weight would be the equivalent to 187 trucks at the existing axle weight, thereby causing nearly double the damage to our county roads. Mr. Hardee said if passed, the county would also have to evaluate our bridge inventory and see which bridges will have to be posted because they cannot carry this proposed type of load. Mr. Hardee presented the following Resolution in opposition of SB 157 for Commission consideration. Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the following Resolution in opposition to SB 157. The motion carried unanimously.

RESOLUTION

WHEREAS, the Lee County, Alabama, County Commission stands in opposition to any statewide policies or procedures that upon implementation will detrimentally impact the integrity and lifespan of the county road and bridge system; and

WHEREAS, it is a well-known fact that any detriment to the county road and bridge system not only increases the financial burden on the local taxpayers who fund the system but also endangers the safety of the citizens who daily depend on the system; and

WHEREAS, the provision of Senate Bill 157, proposed for consideration before the Alabama Legislature during the 2022 Regular Session, will undoubtedly cause significant damage to county roads and bridges by removing the existing weight restrictions recommended by engineering professionals nationwide to allow for logging trucks to transport increased weight of almost 100,000 pounds per trip on public roads and bridges; and

WHEREAS, Senate Bill 157 specifically proposes to increase the allowable gross weight and axle weight for certain five-axle and six-axle logging trucks by 10 percent, and increase that is seemingly modest at face value but that, in the reality of physics, is much more significant and ultimately doubles the impact to transportation infrastructure; and

WHEREAS, the county road and bridge system was largely underfunded and subsequently undermaintained for nearly 30 years and is now undergoing significant repair thanks to the Alabama Legislature's recognition in 2019 of the dire state of county roads and bridges; and

WHEREAS, the impacts of Senate Bill 157 will not only negate the strides made by the Alabama Legislature in 2019 to stabilize long-awaited funding for county roads and bridges but also jeopardize tens of millions of dollars in federal funding provided to the State of Alabama each year for the statewide adherence to federal weight restriction guidelines; and

WHEREAS, the proposals under Senate Bill 157 are clearly harmful to our county road and bridge system, dangerous and costly to our citizens, and contrary to sound public policy.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission that it expresses its staunch opposition to the provisions and intent of Senate Bill 157 and any other legislation or policy modeled similarly.

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Mr. Hardee presented a request for a speed limit reduction on Lee Road 370 located in District 4 near Lake Harding. Mr. Hardee stated a citizen approached the Highway Department about decreasing the speed limit on the road. Mr. Hardee stated Lee Road 370 is a paved road that is 1.02 miles in length of which the first 0.762 miles measured from Lee Road 380 is 20 feet wide, and the last 0.258 miles is approximately 12 feet wide with two-way traffic. Mr. Hardee stated there are seven horizontal curves within the first 0.762 miles and four of those horizontal curves have a recommended advisory speed of 20 mph. Mr. Hardee said due to the curvature of the road, the Highway Department recommends that the speed limit be reduced from 45 mph to 20 mph for Lee Road 370 along the first 0.762 miles measured from Lee Road 380. The Highway Department recommends on the last 0.258 miles of roadway to reduce the speed limit from 45 mph to 10 mph because of the narrowness of the road with two-way traffic. The Highway Department recommends these as reasonable and safe maximum speed limits. Commissioner Ham stated that a person can only go 10 mph in the blind curve. Commissioner Ham made a motion, seconded by Commissioner Cannon to reduce the speed limits as recommended by County Engineer Justin Hardee. The motion carried unanimously.

Sheriff Jones presented the results of Bid#2022-04 for uniform dry cleaning. Sheriff Jones said only one response was returned out of three mailed. Sheriff Jones recommended the Commission approve the lone bid received from Downtown Cleaners who also has the current bid, and said they are doing a great job. Commissioner Ham made a motion, seconded by Commissioner Long to award Bid#2022-04 to Downtown Cleaners for uniform dry cleaning for the Sheriff's Office. The motion carried unanimously.

Sheriff Jones presented an alcohol license for Backwaters Restaurant and Convenience Store, located in District 4 at the north end of Long Bridge. Commissioner Ham made a motion, seconded by Commissioner Morris to approve the following Resolution. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the retail beer and retail table wine license for Backwaters Restaurant and Convenience Store located at 9883 Lee Road 379, Valley, Alabama.

Commissioner Long made a motion at approximately 5:45 p.m. to adjourn. The motion was seconded by Commissioner Cannon and the motion carried unanimously. Judge English wished everyone a Happy Valentine's Day.