

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, MARCH 28, 2022

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, March 28, 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 Commissioner Cannon. Elected Officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: The Observer reporter Hannah Lester and WTVM reporter Rico Mitchell.

Parks Director Ryan Norris thanked the Commissioners for attending the Opening Day Ceremony at the new Beauregard Park. Mr. Norris stated there were no complaints, only compliments on the park. Mr. Norris estimated there were about 1,500 people in attendance.

Next, Mr. Norris reminded the Commission of the upcoming 2nd Opening Day for the Beulah Park at 8:45 a.m. this Saturday, April 2, 2022. Mr. Norris said hopefully in the coming weeks they will be able to do an unveiling in Loachapoka as well. Commissioner Ham complimented Mr. Norris on the Beauregard Park opening stating it was truly a family day for all those that attended. Commissioner LaGrand stated Mr. Norris did an awesome job.

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 March 14 meeting. First reading to appoint Ashley Aaron to the Lee County Planning Commission as a District 2 representative was made. Commissioner Cannon made a motion, seconded by Commissioner Ham to approve the consent agenda items as presented. The motion carried unanimously.

Judge English stated that the Planning Commission did not have a quorum at the last meeting and were unable to meet after two attempts. Judge English asked each Commissioner to contact their representatives and gauge their interest and consider appointing members who will attend the meetings as necessary.

Judge English stated County Engineer evaluation forms were sent to each Commissioner and asked for them to be returned by Wednesday so he could include them in the packets. Judge English stated he received one response by Wednesday and only one more since then. Judge English asked that the item be moved to the next meeting.

Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution to reappoint Lamar Sims to the Beulah Utilities District Board to serve a four-year term.

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BE IT RESOLVED, the Lee County Commission hereby reappoints Lamar Sims to the Beulah Utilities District Board to serve a four-year term from May 24, 2022, to May 24, 2026.

Judge English presented a contract addendum and lease with Arrow Disposal Service. Judge English stated Arrow Disposal needs a place to park their fleet overnight and asked to use property owned by Lee County located at the District 4 Camp. Judge English stated the addendum to the contract is only to recognize the lease agreement, and the lease will run in conjunction with the garbage service contract. Judge English stated the county purchased the property in 1954. Commissioner Long made a motion, seconded by Commissioner Ham to authorize Judge English to sign the addendum and lease agreement as provided. The motion carried unanimously.

Judge English presented a request for an Attorney General's Opinion on local Act 81-737 and Code of Alabama Section 22-27-1 et seq on collection of garbage fees. Commissioner Ham questioned if there is any idea of how long it will take. Judge English stated the more things you ask, the longer it takes to get an answer. Judge English stated he and County Attorney Stan Martin would work on the wording together and send it. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize Judge English and Mr. Martin request an Attorney General's Opinion on the two laws pertaining to the collection of garbage fees. The following resolution carried unanimously.

Whereas, a genuine conflict of law appears between Sections 22-27-1 et seq of the Code of Alabama and Section 1 (d) of Lee County local legislation Act No. 81-737 of the Acts of Alabama, 1981 Regular Session; and

Whereas, the Lee County Commission needs clarity as soon as possible on permissible methods of billing for garbage services the county provides.

Now therefore, be it resolved by the Lee County Commission, that the Chairman of the County Commission and the County Attorney are authorized to prepare and file a request for a formal opinion from the Attorney General of the State of Alabama to resolve various issues regarding the solid waste system of Lee County.

County Engineer Justin Hardee presented the following Auburn-Opelika MPO Resolution for Commission consideration. Mr. Hardee stated the Auburn-Opelika Metropolitan Planning Organization (MPO) has been working with the state to update the functional classification of the city and county roadways within and around the Auburn-Opelika MPO boundary based on the growth within the area. Mr. Hardee stated county roads

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are functionally classified by the state as either a local, minor collector, major collector, or arterial route. Routes classified as a minor collector or higher are generally eligible for federal aid funds whereas local roads generally are not. Also, roads classified as a minor collector or higher are eligible for use of the \$400,000 in federal aid exchange funds the county receives from the state yearly. The proposed changes will net the county with an additional approximately 15.5 miles of roads classified as a minor collector or higher. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the following Resolution to endorse the proposed changes by the MPO. The motion carried unanimously.

RESOLUTION 03282022
Auburn-Opelika Metropolitan Planning Organization (MPO)
Amending the Highway Functional Classification Map for the
Auburn-Opelika Metropolitan Planning Area

WHEREAS, the Auburn-Opelika MPO is the organization designated by the Governor of the State of Alabama as being responsible, together with the State of Alabama, for implementing the applicable provisions of 23 USC 134 and 135 (as amended by FAST Act, Section 1201 and 1202, December 2015); 42 USC2000d-1, 7401; 23 CFR 450 and 500; 40 CFR 51 and 93; and

WHEREAS, consistent with the declaration of these provisions the City of Auburn, the City of Opelika, Lee County, Auburn University, and the Lee-Russell Council of Governments and Auburn-Opelika MPO Planning Staff in cooperation with the Alabama Department of Transportation has requested review of the Auburn-Opelika MPO Highway Functional Classification Map and consideration of the recommended changes for amendment of the Auburn-Opelika MPO Highway Functional Classification Map; and

WHEREAS, the Alabama Department of Transportation and the Federal Highway Administration has recommended approval of the recommended changes to the Auburn-Opelika MPO Highway Functional Classification Map; and

WHEREAS, pursuant to the duties, functions and responsibilities, the Lee County Commission, at its regularly scheduled meeting this 28 day of March 2022, did review and evaluate the aforementioned Amended Highway Functional Classification Map; now

THEREFORE, BE IT RESOLVED by the Lee County Commission that the same does hereby endorse said Amended Auburn-Opelika MPO Highway Functional Classification Map.

Mr. Hardee presented the final plat for Sunset Ridge Subdivision, Phase 4 which has been reviewed and meets the minimum requirements of the *Lee County Subdivisions and Land Development Regulations*. The proposed subdivision is located adjacent to Lee Road 70. The adjacent property owners were notified of the development by letters sent out March 17, 2022. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the final plat for Sunset Ridge Subdivision, Phase 4. The motion carried unanimously.

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Next, Mr. Hardee presented the preliminary plat approval for Oliver Trails Subdivision, Phase V-B which has been reviewed and meets the minimum requirements of the *Lee County Subdivisions and Land Development Regulations*. The proposed subdivision is located adjacent to Lee Road 318 and Lee Road 320. The adjacent property owner(s) were notified of the development by letters sent out March 17, 2022. Commissioner Long made a motion, seconded by Commissioner Ham to approve the preliminary plat for Oliver Trails Subdivision, Phase V-B as presented. The motion carried unanimously.

Next, Mr. Hardee presented the results of Bid #2022-06 for a scrub seal trailer. Mr. Hardee stated the Highway Department opened bids on March 16, 2022. The Highway Department received two bids however one of the vendors, Greensbroom, emailed their bid to the Highway Department prior to the bid opening. This would not be considered a sealed bid as required by the Alabama Cooperative Bid Law of the bid documents. Mr. Hardee recommended to reject all bids and rebid if the item can not be purchased for less than \$15,000 as required by state bid law. Commissioner Ham made a motion, seconded by Commissioner LaGrand to reject Bid #2022-06 for a scrub seal trailer as requested. The motion carried unanimously.

Last, Mr. Hardee stated bids were opened on March 16, 2022, for Project No. LCP 41-PP-146, to resurface Lee Road 146, Moores Mill Road, from the Auburn City Limits to SR-51. Mr. Hardee recommended the bid be awarded to East Alabama Paving Company for \$687,946.56 for the resurfacing project. Commissioner Morris questioned the timeframe of the project. Mr. Hardee stated 25 working days. Judge English questioned if it will be completed before football season. Mr. Hardee stated definitely; adding that one lane of the roadway will remain open, but citizens should expect delays. Commissioner Morris suggested the project start once schools close, but before football season. Mr. Hardee stated he would speak to the contractor at the pre-construction meeting. Commissioner LaGrand questioned the hill at Green Chapel Church. Mr. Hardee stated signs will be erected during the project. Commissioner Ham made a motion, seconded by Commissioner LaGrand to award the bid to East Alabama Paving Company for \$687,946.56 for the resurfacing project as presented. The motion carried unanimously.

Information Services Director Amanda Sides presented a Vendor Security Policy Compliance Agreement and a Vendor/Contractor Remote Access Management Policy for Commission consideration. Mrs. Sides stated the need to begin having vendors sign the agreement prior to granting access to information by the Information Services Department is a requirement of the state auditors of our security policy. Commissioner Ham made a motion, seconded by Commissioner Long to approve the Vendor Security Policy Compliance Agreement and the Vendor/Contractor Remote Access Management Policy as presented. The

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motion carried unanimously.

Next, Judge English stated Sheriff Jones would like to add an item to the agenda and reminded that Commission policy requires unanimous consent to add items to the agenda during the meeting. Commissioner Long made a motion, seconded by Commissioner Ham to add the item to the agenda. The motion carried unanimously. Sheriff Jones presented a Special Events Retail license application from B and B Beverage Management. Sheriff Jones stated this is a single day event planned for April 9 to be located at 21 Acres, a venue site consisting of an open-air pavilion with an enclosed bar/service area. Sheriff Jones stated a similar application has been approved previously for this location. Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the following Resolution.

BE IT RESOLVED, the Lee County Commission hereby grants the Special Events Retail License for B and B Beverage Management located at 5505 Lee Road 137, Auburn, Alabama.

At approximately 5:47 p.m., Judge English announced the Commission needed to adjourn into an Executive Session on a matter of potential litigation. Judge English stated the following needed to attend: County Attorney Stan Martin and Chief Administrative Officer Holly Leverette, Mr. Hardee, and Revenue Commissioner Oline Price. Mr. Martin indicated the session is estimated to last approximately 15-20 minutes and formal action is possible 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 5:55 p.m., Commissioner Cannon made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.