

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, APRIL 25, 2022

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, April 25, 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: Sheriff Jones. News media in attendance: The Observer reporter Hannah Lester.

Chief Administrative Officer Holly Leverette discussed the backstop repair at the Beulah Park. Mrs. Leverette said the repairs to the backstop at the Beulah Park, which failed during a windstorm in May 2021, are complete. Pictures showing the repaired backstop were displayed on the screen. Commissioner Long asked if the poles in the picture are new. Mrs. Leverette indicated they are new poles. Commissioner Ham questioned the warranty terms. Mrs. Leverette said it is the same as before, a one-year warranty.

Commissioner LaGrand questioned when the sign will be erected in Loachapoka as discussed. Mrs. Leverette said the sign unveiling will be held in Loachapoka at 10:00 a.m., Saturday, May 7. The sign will show the plans for the park, but she noted the plans are still in the infancy stage.

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 April 11 meeting. Additionally, a list of claims for ratification was presented to each Commissioner prior to the meeting. First reading of Robin Raiford and Charles Sanders as the District 1 representatives on the Lee County Planning Commission was made. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the consent agenda items as presented. The motion carried unanimously.

Upon request, the agenda item concerning the Lee County Association of Realtors is moved forward to the May 9 meeting.

Sheriff Jones presented the results of Bid #2022-05 for equipment installation on 11 or more 2022 Ford patrol units. Sheriff Jones said four bids were returned and the recommendation is to award the bid to the lowest responsive bid from Mobile Communications for \$110,071.50. Sheriff Jones noted the bid has a 90-day window for equipment installation after the vendor receives the equipment. Upon this recommendation, Commissioner Cannon made a motion, seconded by Commissioner Ham to award the Bid #2022-05 to Mobile Communications for \$110,071.50. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, APRIL 25, 2022

Next, Sheriff Jones presented an ABC application from Dollar General Corporation for Store #23445 located in District 5. Sheriff Jones stated no objections were noted regarding the proposed license issuance at this location. Commissioner LaGrand made a motion to approve the following Resolution granting the license to Dollar General Corporation. The motion was seconded by Commissioner Ham and carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the retail beer and retail table wine license application for Dollar General Store #23445 located at 5661 Lee Road 175, Salem, Alabama.

Mrs. Leverette asked the Commission to move the next agenda item concerning the Resolutions relating to the American Rescue Plan Act forward for further consideration.

Chief Building Inspector and Interim Planning Director Joel Hubbard presented two amendments to the current Zoning Regulations approved unanimously by the Lee County Planning Commission at its meeting on April 13, 2022. The amendments are as follows:

- A. Rezone approximately 112 acres of land located on Lee Road 266 and 267 near the intersection Chambers County Road 388 from the current Rural Preserve (RP) to Rural Center (RC) District. These properties are commercial in nature but were improperly placed in a RP District.
- B. Amend the Table of Permitted Uses to change certain use classifications from Not Permitted to Special Exception Use. This amendment provides the property owner another avenue for approval without the need for rezoning and can be decided by a vote of the Planning Commission.

Notice of the amendments has been provided to the public as required by law through publication and public hearing. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Ham to approve the amendments as presented. The motion carried unanimously.

Assistant County Engineer Patrick Harvill updated the Commission on the status of Lee Road 196. Mr. Harvill stated Mr. Kevin Humphres contacted the Lee County Highway Department about the public nature of Lee Road 196. Lee Road 196 is a non-county-maintained dirt road off Lee Road 145. Prior to 1997, Lee Road 196 was a county-maintained dirt road approximately 2.6 miles long, and in February 1997 the Lee County Commission vacated approximately one-mile of the southern-most portion of Lee Road 196 at the request of Mead Coated Board, Inc. In 2005 when the first Lee County Highway Reference Guide was adopted by the Lee County Commission, Lee Road 196 was not listed. The Lee County Highway Reference Guide was intended to be a comprehensive list of all the roads the Highway Department maintained, not necessarily all public roads. Mr. Humphres' request

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, APRIL 25, 2022

concerns the northern approximately 1.6 miles of Lee Road 196. Both sides of the road on this portion of Lee Road 196 are now owned in its entirety by JRBC Holdings, LLC. On April 19, 2022, JRBC Holdings, LLC filed a petition requesting to vacate this portion of Lee Road 196. Mr. Humphres presented a map showing owners along Lee Road 196 and access to his property. Mr. Harvill said at the last meeting Mr. Humphres presented concerns about access to his property on Lee Road 196. Mr. Harvill stated both sides were in attendance tonight.

First, Mr. Humphres said he is before the Commission since he needs access to his 112-acre tract which he previously accessed by Lee Road 196. Mr. Humphres stated he was given a key for the gate by Mead Property until it was purchased by JRBC Holdings in 2015, afterward the gate was open until December 2021. Mr. Humphres said that his use of Lee Road 196 indicates it is a public road. Commissioner Morris questioned if Lee Road 196 is Mr. Humphres only access to his property. Mr. Humphres said he has three access paths to his property: 1) across JRBC property from Lee Road 196; 2) through a 600-acre Herndon parcel to the north of his; or 3) through a 300 acre parcel to the south of his. Commissioner Ham questioned if the parties could work it out between themselves and questioned Mr. Humphres how he currently is accessing his property. Mr. Humphres said he has not had access to his property. Judge English questioned when was the last time he accessed his property. Mr. Humphres said in March, but through another landowner's property, however due to weather conditions he was unable to do the burning he planned to do. Commissioner LaGrand asked Mr. Humphres about what he wants from the Commission. Mr. Humphres said he would like the county to determine whether Lee Road 196 is a public or private road.

Next, Attorney Blake Oliver appeared on behalf of JRBC Holdings, LLC. Mr. Oliver said he presented a petition last week to the Commission Office to vacate Lee Road 196, as the property surrounding it is owned entirely by JRBC Holdings, LLC. Mr. Oliver stated in 1997 Mead Corporation petitioned the Commission to vacate one mile of the southernmost point, which is over 20 years ago. Commissioner Ham questioned if there is a gap from Lee Road 196 to Mr. Humphres property. Mr. Oliver stated he could show it to the Commission on the map, but that even if it is public, it does not touch Mr. Humphres' parcel. Mr. Oliver stated the most direct route for Mr. Humphres to gain access to his property is through Banks Herndon's property. Mr. Joey Massingill, property manager for JRBC Holdings, stated JRBC owns all the property along Lee Road 196, and they maintain the road in its entirety, including grading and placing rocks on the road. Judge English questioned whether the road is gated or not. Mr. Oliver stated that Mr. Humphres had been given a key for Lee Road 145 up until December 2021. Mr. Oliver said the reason the access had been removed was due to the liability of JRBC Holdings since several of Mr. Humphres family members and friends had been hunting on the property. Commissioner Long questioned whether there is a closer alternate route for Mr. Humphres that is as good as Lee Road 145. Mr. Massingill stated he does not know, he only manages the property. Commissioner Ham once again asked if the two could work out something concerning the use of the road. Mr. Massingill said they already had but indicated he would try again. Judge English stated a determination must be made by the Commission

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, APRIL 25, 2022

whether Lee Road 196 is public or private, stating that if it is not public, we don't have any interest or authority, but if the road is public, it can't be gated. Judge English said this should go to County Attorney Stan Martin for review. Commissioner Long questioned Mr. Humphres about an alternate route. Mr. Humphres stated the alternate route is muddy in places and has a steep slope on the last 400 feet and he would be unable to get his timber out by that route. No action was taken by the Commission.

Mr. Harvill presented the results of the FY2022 local striping bid for Project No. LCP 41-SRPM-22, traffic stripe and pavement markers on various public roads in Lee County. Mr. Harvill stated bids were opened on April 19, 2022, and received only one bid. Mr. Harvill recommended the Commission award the contract to Hornsby Striping for \$224,260.60 for the project. Judge English commented that this company has had our striping business for several years and seems to have done a good job. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner Long to award the bid for FY2022 local striping projects to Hornsby Striping. The motion carried unanimously.

Last. Mr. Harvill presented the results of the FY2022 local resurfacing bid for Project No. LCP 41-RALR-22, full depth reclamation, resurfacing, and traffic stripe on various public roads in Lee County. Mr. Harvill stated the bids were opened April 19, 2022, and only one bid was received, from D & J Enterprises for \$2,357,089.05. Mr. Harvill recommended the Commission award the contract to D & J Enterprises for the project. Commissioner Ham made a motion, seconded by Commissioner LaGrand to award contract to D & J Enterprises for the FY2022 local resurfacing projects. The motion carried unanimously.

Mrs. Leverette presented a request from the Beauregard Baseball Association for reimbursement of the cost of the background checks for the 2022 season for each of their coaches, as required in the Beauregard Park Use Agreement. The Lee County Recreation Board approved the expenditures at their meeting on March 26, 2022, to utilize the funds from their allocated recreation funds. Commissioner Ham made a motion, seconded by Commissioner Cannon to reimburse \$1,333.00 to the Beauregard Baseball Association from their allocated recreation funds for the cost of the background checks as required by the lease agreement. The motion carried unanimously.

At approximately 5:55 p.m. Commissioner Long made a motion, seconded by Commissioner Ham to adjourn. The motion carried unanimously.