

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR MEETING, JUNE 13, 2022

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 13, 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 Ham. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: The Observer reporter Hannah Lester and Opelika-Auburn News reporter John West.

Vickie Dearing, Director of Rape Counselors of East Alabama, gave a presentation on their organization. Mrs. Dearing said she has been with the organization for 21 years, beginning as a volunteer in college. Mrs. Dearing said their organization provides a 24-hour hotline with a staff of three. The majority of their calls are received between 4:00 pm and 8:00 am. Mrs. Dearing said they respond to the hospital, provide clothing to victims, then follow them through the process; and they also serve as an outreach service. Mrs. Dearing said they serve five counties which include: Chambers, Lee, Russell, Tallapoosa, and Macon. Mrs. Dearing stated she is asking the Commission to consider allocating funds to the agency. Mrs. Dearing said they are mainly funded by grants, which are decreasing, and funds are necessary to operate. Commissioner LaGrand stated they have a nice facility and appreciates what the organization does for the community. Judge English thanked Mrs. Dearing for what they do as well.

County Engineer Justin Hardee gave an overview of the existing facilities the Highway Department operates in daily. Mr. Hardee said they have various locations across the county and will be able to better serve the county once a central facility is constructed. Mr. Hardee stated the Maintenance Shop on Magazine Street was built in 1992 and contains 5 bays servicing over 150 units. He said Unit 1 Camp is located on Alabama Highway 51 which entails 1.67 acres with 10 employees reporting there. The Unit 3 Camp is located on US Highway 280/431 on 1.54 acres with 6 employees. The Engineering Building houses 33 employees which includes: 1) Building Inspection Department; 2) Environmental Services Department including Animal Control, Litter Control and Recycling, and 3) Engineering Department. Mr. Hardee said it is a good facility, but they have just outgrown it.

Mr. Hardee stated the new Maintenance Shop and Engineering Building will be located on 35 acres at the intersection of Williamson Avenue and Society Hill Road. Mr. Hardee said the new Central Facility will be located on approximately 20 acres of the land, which leaves the rest for future development. Mr. Hardee said once complete all highway employees will report to the central facility, which Mr. Hardee feels will help with assignment issues. For example, if an employee is absent due to sickness or other reasons, the Highway Superintendent will have the ability to move employees where they are most needed, without having to pull personnel from other locations across the county as must be done now. Mr. Hardee asked Architect Randy Wilson to give an overview of the new facility. Mr. Wilson

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said both the Engineering Building and the Shop Building will be pre-engineered metal buildings. Mr. Wilson said the Engineering Building will be gated, except for the front porch area, which will have public access to each department. Mr. Wilson said they are close to being ready to put the project out for bid. Mr. Wilson said the site work has been done in-house which he applauded as having been done well. Mr. Wilson said Harmon Engineering is currently adapting the plans to the new prep site work. Judge English questioned if employees could access the building from both Williamson Avenue and Society Hill Road. Mr. Wilson answered in the affirmative. Commissioner Ham questioned the roof construction and warranty. Mr. Wilson stated all the buildings will have a high standing seam metal roof with a warranty, which should last many years if installed properly. Commissioner Ham said the standing seam is the best way to go. Mr. Hardee wished to recognize Assistant County Engineer Patrick Harvill for his work on the site and the site clearing, stating credit should be given where credit is due; and he has done an outstanding 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 May 31 meeting. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the consent agenda items as presented. The motion carried unanimously.

Commissioner Cannon stated the Commission discussed during the work session and at the last meeting about allocating the ARPA funds to broadband and the water authorities. Commissioner Cannon made a motion to allocate 58% of the ARPA funds to water and 20% to broadband services. The motion was seconded by Commissioner Morris and carried unanimously.

Next, County Administrative Officer Holly Leverette recommended the Commission allocate \$700,000 for the Beauregard access road out of the \$10 million set aside in revenue replacement funds from the ARPA fund allocation. Mrs. Leverette asked the county engineer to verify the total cost. Judge English questioned the length of the road. Mr. Hardee stated it is approximately ½ mile from Lee Road 400 to Lee Road 431 by the new Beauregard Elementary School. Judge English questioned the cost to pave that ½ mile. Mr. Hardee stated the estimate is higher since it includes turn lanes coming off Lee Road 400. Commissioner Morris made a motion, seconded by Commissioner Ham to allocate \$700,000 of the \$10 million set aside for revenue replacement, for the access road to the Beauregard Park upon verification by the county engineer. The motion carried unanimously.

Judge English stated at the last meeting he overlooked two ladies at the last meeting who had signed in under citizen's communication but were in attendance to speak on the

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Gentry-Lee Road 37 Subdivision agenda item. Judge English stated he had placed the item back on the agenda since he did not recognize the two ladies once the item was addressed by the Commission. Judge English said he reached out to Commissioner LaGrand since the item was in his district to contact them. Commissioner LaGrand said he reached out to one of the ladies, but no further discussion is necessary.

Commissioner Cannon made a motion to approve the following Resolution appointing Hayley Welch as the B-2 representative on the East Alabama Health Care Authority Board. Mrs. Welch is replacing Lucinda Cannon, who is no longer eligible to renew her position at term end. The motion was seconded by Commissioner Long and carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints Hayley Welch as the B-2 representatives on the East Alabama Health Care Authority Board to serve a six-year term from October 1, 2022, to September 30, 2026.

Next, Revenue Commissioner Oline Price joined the meeting by Zoom to discuss her agenda item, since she was out of town. Mrs. Price asked the Commission to authorize a Senior Mapper/GIS position for the Appraisal Department. Mrs. Price stated that since Buddy Webster retired, the department has been without a certified mapper. Mrs. Price stated the position is fully budgeted and the county will only have to provide 17% of the cost, since the rest is paid out of the Appraisal Budget. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize a Senior Mapper/GIS position in the Appraisal Department as budgeted. The motion carried on a vote of 4-0-1 with Commissioner LaGrand abstaining.

Sheriff Jones presented an educational reimbursement request from Deputy Jared Corbett. Sheriff Jones stated it is for two courses related to his current position, they are: 1) Criminology and 2) English Composition 1. Sheriff Jones stated the necessary paperwork has been submitted as required for reimbursement. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the educational reimbursement request as presented for Deputy Corbett. The motion carried unanimously.

Mr. Hardee presented a request from Alabama Power Company to grant an easement to for relocation of power lines at the new Maintenance Shop and Engineering Facility. Mr. Hardee said currently a high voltage power line runs diagonally across the middle of the site where the new buildings are to be located. Mr. Hardee said after working with Alabama Power Company to find an alternate location for the lines, they have agreed to relocate the power lines along the southern and western property line to allow for future development of the property with the least amount of conflict with the power lines. Mr. Hardee asked the Commission to

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authorize the Chairman to sign the easement allowing Alabama Power Company to relocate the power lines. Judge English questioned if they are transmission lines or distribution lines. Mr. Hardee said he believes they are transmission lines. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize the Chairman to sign the easement granting permission to Alabama Power Company to move the power lines. The motion carried unanimously.

Mr. Hardee stated the Association of County Engineers of Alabama is working with Auburn University, ALDOT and others to establish a CDL and Heavy Equipment Training Program. Mr. Hardee introduced Assistant Professor Jorge Reuda, with Auburn University's Department of Civil and Environmental Engineering who made a presentation on the new training program. Mr. Reuda said the process to obtain a CDL license has changed, now along with taking a written test, a person must also complete driver training from a FMCSA-approved training provider. Mr. Reuda said their program will offer the training which will be beneficial to the county by providing qualified candidates for open CDL positions. Mr. Reuda said the program will be offered free of charge for two years through grants. Additionally, Mr. Hardee said they are requesting the Lee County Highway Department assist with clearing approximately 2.9 acres at the National Center for Asphalt Technology (NCAT) facility on Lee Road 151 for the proposed training area. Commissioner Cannon questioned if the county had equipment to do the work. Mr. Hardee answered in the affirmative stating it would take an excavator and one crew approximately two weeks to clear and level it out for the future training site. Mr. Hardee said he thinks it is a well-intentioned partnership with Auburn University and NCAT. Commissioner Long made a motion, seconded by Commissioner Cannon to authorize the Lee County Highway Department to clear and grub the site, as presented, at the NCAT facility on Lee Road 151. The motion carried unanimously.

Mrs. Leverette presented for Commission consideration a five-year lease agreement with BancorpSouth Equipment Finance for \$1,012,236.50, with a 2.78% interest rate, to lease five (5) 2023 Freightliner trucks with knuckle boom loader bodies. Mrs. Leverette said this the second phase of the curbside collection of waste by the county. Commissioner Ham questioned the benefits of leasing. Mr. McDonald said it is a lease to own over five years and includes quarterly maintenance on the vehicles. Commissioner LaGrand questioned the warranty. Mr. McDonald stated the trucks carry a five-year warranty and the loaders has a four-year warranty. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize County Administrative Officer Holly Leverette to sign the necessary documents for the lease agreement with BancorpSouth Equipment Finance. After a roll-call vote, the motion passed on a vote of 4-0-1 with Commissioner Ham abstaining, due to a business conflict.

RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF AN CONTRACT WITH BANCORPSOUTH EQUIPMENT FINANCE, A DIVISION OF CADENCE BANK

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WHEREAS, Lee County Commission, the Governing Body (the “Governing Body”) of Lee County, Alabama (the “Buyer”), acting for and on the behalf of the Buyer hereby finds, determines, and adjudicates as follows:

1. The Buyer desires to enter into a Contract with the Delivery of Order and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit “A” (collectively, the “Contract”) with BancorpSouth Equipment Finance, a division of Cadence Bank (the “Seller”), for the purpose of leasing with an option to purchase the equipment as described therein for the total cost specified therein (the “Equipment”).
2. It is in the best interest of the public purposes of the Buyer that the Buyer acquire the Equipment pursuant to and in accordance with the terms of the Contract; and
3. It is necessary for Buyer to approve and authorize the Contract.

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit “A” by and between the Seller and the Buyer is hereby approved, and Holly H. Leverette (the “Authorized Officer”) is hereby authorized and directed to execute said Contract on behalf of the Buyer.

Section 2. The Contract is being issued in calendar year 2022.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade of business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Section 7. The Buyer desires to designate the Contract as a “qualified tax-exempt obligation” of the Buyer, as defined in Section 265(b)(3) of the Internal Revenue Code of 1986 (the “Code”). The aggregate face amount of all tax-exempt obligations (excluding private activity bonds other than qualified 501(c)(3) bonds) issued or to be issued by the Buyer and all subordinate entities thereof during the current calendar year is not reasonably expected to exceed \$10,000,000. The Buyer and all subordinate entities thereof will not issue or enter into

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in excess of \$10,000,000 of tax-exempt obligations (including the Contract, but excluding private activity bonds other than qualified 501(c)(3) bonds) during the current calendar year, without first obtaining an opinion of nationally recognized counsel in the area of tax-exempt municipal obligations acceptable to the Seller that the designation of the Contract as a “qualified tax-exempt obligation” will not be adversely affected.

Last, Environmental Services Director John McDonald presented for Commission consideration Bulk Waste Pickup Rules and Regulations. Mr. McDonald said for curbside bulk waste, citizens will call and be able to schedule two free pickups per month. Mr. McDonald said he is only asking the Commission to review the rules and regulations, and he would present it for Commission consideration at the next meeting.

Commissioner LaGrand made a motion to add an agenda item concerning the upcoming Juneteenth holiday. The motion was seconded by Commissioner Ham and carried unanimously. Commissioner LaGrand invited everyone to attend a Juneteenth Celebration on Sunday, June 19 at Courthouse square. Commissioner LaGrand said the event will include food, vendors, and a performance by American Idol Contestant Kezia “Lady K” Istonia.

Judge English asked to add an item to the agenda to discuss an employment issue in the Probate Office. Commissioner Ham made a motion, seconded by Commissioner Long to add the item to the agenda. The motion carried unanimously. Judge English said the Election Manager position has been vacant in his office since December 2021. Judge English said he handled the Primary Election but getting prepared for the run-off has been difficult. He has found someone with over 20 years election experience who started helping this past Friday afternoon. Judge English said Ed Packard was employed with the Secretary of State’s Office for over twenty years and is now retired. Judge English asked the Commission to waive the standard policy of hiring through a temporary agency, so he can hire Mr. Packard directly on a temporary basis. Commissioner Ham made a motion, seconded by Commissioner Cannon to authorize Judge English to hire Mr. Packard as Election Manager outside of the standard temporary hiring policy. The motion carried unanimously.

At 6:38 p.m. Judge English announced County Attorney Stan Martin stated the Commission needed to adjourn into Executive Session on a matter of current litigation. Mr. Martin said Mrs. Leverette needed to attend. The session should last approximately 15 minutes with no action anticipated afterwards. Commissioner Long made a motion, seconded by Commissioner Cannon to adjourn into Executive Session. The motion carried unanimously.

Upon reconvening at the conclusion of the Executive Session, at approximately 7:05

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p.m. Commissioner Long made a motion, seconded by Commissioner Ham to adjourn. The motion carried unanimously.