

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, JUNE 27, 2022

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, June 27, 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. News media in attendance: Opelika-Auburn News reporter John West.

EMA Director Rita Smith recognized Michael Holden upon receipt of his Basic Emergency Manager certification by the Alabama Association of Emergency Managers. Ms. Smith said the certification requires 300 training hours in which specific criteria must be met. Judge English congratulated Mr. Holden on behalf of the entire Commission. Mr. Holden thanked the Commission stating it is not about him, but what is best for the county.

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 June 8 Special meeting and the June 13 meeting. Additionally, announcement was made for two positions on the East Alabama Health Care Authority Board and for two positions on the Lee County Communications (E911) Board. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the consent agenda items as presented. The motion carried unanimously.

Environmental Services Director John McDonald stated a draft copy of the Bulk Waste Rules and Regulations was presented at the last meeting for Commission review. Mr. McDonald stated the department is seeking approval and adoption of the rules and regulations today. Mr. McDonald said this is in addition to the weekly curbside pickup and pertains to the “on demand” curbside pickup for bulk items. Commissioner Long questioned where it states bulk items must be placed 3 feet from the curb. Commissioner Long stated on Highway 280, where he lives, he would suggest the wording be changed to within 5 feet, instead of 3 feet due to the volume of traffic especially in his area. Commissioner Long stated he is concerned for the safety of traveling public with the limbs and debris being too close to roadway. Mr. McDonald stated the reasoning for placing the items 3 feet from the curb is for their trucks to access the debris. Mr. McDonald said he would take a look at this issue. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the Bulk Waste Rules and Regulations. The motion carried unanimously.

EAMC EMS Operations Manager Austin Bayles and Executive Director of Emergency Services Amy Brandon were in attendance requesting an increase in the governmental EMS

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appropriation for the ambulance service. Mr. Bayles stated operational and capital expenses have increased exponentially over the past few years. Mr. Bayles said in 2019, 6 ambulances were running each day, five of the trucks were 24-hour trucks and one truck was running from 8 am to 8 pm. Due to the increase in call volume, currently nine trucks are running each day, six of the trucks are 24-hour trucks, one truck runs 8 am to 8 pm, one truck runs 6 am to 2 pm, and one truck runs 11 am to 7 pm. When the increase in ambulances was made, no increase was made in the subsidy. The proposal provides for an increase of 10% operational and 4% capital each year for the next three years. Mr. Bayles stated the increase would be from the current subsidy of \$345,476; increase to \$376,517.20 in 2023; in 2024 increase to 410,522.26; and in 2025 increase to \$447,781.97; then a reevaluation of the subsidy in 2025. Commissioner Long questioned if the chart on the back page is year-to-date from 3/2021 to 3/2022. Mr. Bayles answered in the affirmative. Commissioner Long questioned if a possible reason of the increase is due to the discontinuance of ambulance service in the Smiths Station area. Mr. Bayles stated the call volume has increased but can't say for certain that is the reason. Judge English questioned the transport counts; how the two cities' numbers remain the same, but the call volume in Beauregard has almost tripled in the last two years. Mr. Bayles stated the calls have picked up tremendously. Commissioner Ham stated population in the area has not doubled and questioned what he attributes the increase to. Mr. Bayles said he does not have an answer, normally they see trends, but not in this instance. Judge English said the Commission will be working on the budget in the upcoming months and will consider it. Commissioner Ham said he would like to look over the information since placed on his desk just before the meeting. Ms. Brandon said the budget has been presented to both the City of Opelika and the City of Auburn and both have accepted it.

Judge English presented two new ABC license types for Commission action. Judge English said according to the information received there is no limitation on the maximum fee amounts. Judge English stated the food or beverage truck license does not apply to Lee County since according to Act 2022-432 it only pertains to Class 1 Municipalities, which is Birmingham only. Act 2022-360 applies to Hospitality Management Program license applies for any two-year institution of higher education that has its own campus police department or a four-year institution of higher education. Judge English stated previously on other license fees the Commission matched what the State charged. Commissioner Long made a motion, seconded by Commissioner Ham to charge \$1,000, the same as the State charges, for the Hospitality Management Program license. The motion carried unanimously.

County Engineer Justin Hardee presented a final plat approval for Creecy Subdivision in District 5. Mr. Hardee said the owner is subdividing one parcel into three separate parcels, ranging from 1.6 acres to 7.3 acres, with no new infrastructure. Mr. Hardee said the subdivision meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee stated letters were mailed to adjoining landowners the

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week of June 2, 2022. Judge English recognized Christine McCuin and Harriette White who signed in for the agenda item. Ms. McCuin said she is concerned that she did not receive prior notice before the final approval was presented. Ms. McCuin questioned the process stating prior to the meeting she spoke with Commissioner Cannon and Mr. Hardee who both provided answers to some of her concerns. Ms. McCuin stated the property must have water and septic and questioned if adjacent property owners would be notified where those would be placed. Mr. Hardee stated verification of the perc test goes to the Lee County Health Department for approval or not. Ms. White questioned if she would be notified of placement of septic tank and field lines. Mr. Hardee stated that would be based on Health Department and he could not answer; stating those could be adjacent to her property. Commissioner Cannon stated there is a set-back distance from the property lines. Mr. Hardee said the area is serviced by Smiths Water and Sewer Authority and the Health Department determines that the lot size is sufficient for the septic system. Ms. White further questioned the last time the road was worked, stating it has been over 45 years. Mr. Hardee asked Ms. White for her contact information, and he would look into her concerns. Commissioner LaGrand asked that the item be tabled until the next meeting.

Next, Mr. Hardee presented final plat approval for Broken Rock Subdivision, Phase II located in District 4. Mr. Hardee said four lots are being created out of a parent parcel and the subdivision meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee stated letters were mailed to adjoining landowners the week of June 16, 2022. Mr. Don McWhorter questioned the minimum square footage of the homes. Mr. Hardee stated the county does not have such requirements, that we only look from a stormwater standpoint and at minimum lot size. Mr. Hardee said this approval is to create the lots that the developer intends to sell. Commissioner Long stated he know the developer and could ask about the square footage requirement. Mr. McWhorter asked that he talk with the developer. Commissioner Ham made a motion, seconded by Commissioner Long to approve the final plat approval for Broken Rock Subdivision, Phase II. The motion carried unanimously.

Next, Mr. Hardee presented final plat approval for Broken Rock Subdivision, Phase III, also located in District 4. Mr. Hardee said this creates three lots out of one parent parcel and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee stated letters were mailed to adjoining landowners the week of June 16, 2022. Commissioner Ham made a motion, seconded by Commissioner Cannon to approve the final plat approval for Broken Rock Subdivision, Phase III. The motion carried unanimously.

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Next, Mr. Hardee presented an Adopt-a-Mile program request from Mr. Kyle Moseley wishing to adopt Lee Road 86, from Lee Road 88 to Lee Road 72. Commissioner Cannon thanked Mr. Moseley for his commitment to keep the roadway clean. Commissioner Cannon made a motion, seconded by Commissioner Ham to approve an Adopt-a-Mile application from Mr. Kyle Moseley for Lee Road 86. The motion carried unanimously.

Last, Mr. Hardee presented an Adopt-a-Mile program request from Ms. Elizabeth Chapman wishing to adopt Lee Road 240, from Lee Road 236 to Lee Road 212 to help keep litter picked up along the road's right-of-way. Commissioner Long thanked Ms. Chapman for her commitment. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the Adopt-a-Mile application from Ms. Chapman for Lee Road 240. The motion carried unanimously.

Commissioner Ham made a motion to add an item to the agenda to hear a presentation by Point Broadband. The motion was seconded by Commissioner Long and carried unanimously. Mr. Chad Walter and David Ficken of Point Broadband gave a PowerPoint presentation asking the Commission to consider working together to utilize the federal and local funds being distributed. Mr. Ficken stated Point Broadband is a private company operating in 8 states with over \$80 million in revenues. Mr. Ficken stated the company liked to invest in the community stating that since their headquarters is in Opelika he would like to see a partnership formed with Lee County. Judge English questioned the amount of the State ARPA funds available for broadband. Mr. Ficken stated \$180 million, but those funds have not been distributed. Mr. Ficken said his recommendation to the Commission is: 1) decide what you want to do; 2) identify key areas of need; 3) analyze findings and determine the mix of funding opportunities; and 4) gain community support. Further, Mr. Ficken said to start now, he would like to get together with the Commission to discuss future opportunities. Commissioner Ham questioned the timeline for getting fiber to homes to make the dollars go as far as possible with emphasis on schools. Mr. Ficken said ADECA Funds must be spent in a two-year timeframe which includes: 1) funding; 2) design; 3) permitting; and 4) scale of the project. Commissioner Morris said he would like to make sure everybody is on the balance sheet, because we want it in all areas of the county. Judge English questioned where the State is going to spend its dollars and how to utilize county ARPA funds to get broadband to the areas where it is needed. Commissioner Ham thanked both gentlemen for attending and sharing the information, especially the overlay maps of what areas are being addressed.

Judge English said the executive session scheduled was cancelled prior to the meeting. At approximately 6:03 p.m. Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Ham and carried unanimously.