

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR MEETING, AUGUST 8, 2022

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 8, 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 and Richard LaGrand. Absent: Commissioner Robert Ham. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long. Elected officials in attendance: Sheriff Jay Jones. News media in attendance: The Observer reporter Hannah Lester, Opelika-Auburn News reporter John West and WTVM reporter Rico Mitchell.

Girls STEPS Inc., founder Tiffany Gibson made a presentation regarding that organization and provided the Commission with an update on how its funds were allocated last year. Accomplishments include having 19 girls become CPR certified; held a camp for middle-school aged girls; as well as conducted workshops on healthy relationships, mental health, goal setting and planning. The organization has served more than 600 youth through its various programs and partnerships. Girls STEPS, Inc. will be hosting an informational session on August 20 at the Opelika Public Library for persons interested in becoming a part of the program. Future endeavors for the organization include the continuation of a mother-daughter dinner and father-daughter brunch, a career expo for girls, after-school programs, entrepreneur program as well as the purchase of two vans. Commissioner LaGrand commended Ms. Gibson on the program and what it has accomplished.

Environmental Services Director John McDonald provided an update on the curbside transition. He stated that in the five months that Arrow has been collecting curbside carts, it has done a great job taking care of the citizens and has been quick to respond to issues. The department now has the equipment needed to begin providing curbside bulk collection. Signs were put up a week ago at the five sites that are scheduled to close a week from today, on August 15. Mr. McDonald stated they are starting on the western end of the county in the Roxanna, Loachapoka and Auburn areas. Once closed, customers in those areas will transition to a curbside bulk collection service, and the department will move to the next phase and start posting signs and closing sites in another area. He stated currently they are working on training employees to operate the new equipment, stating it's a slow process but going well.

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 special meeting and of the regular meeting on July 25. Commissioner Cannon moved for approval with Commissioner LaGrand seconding. The motion passed on a 3-0-1 vote with Commissioner Long abstaining due to his absence at the last meeting.

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Under old business, second reading of Dr. Stephen Lock and Wayne Alderman to the East Alabama Health Care Authority Board was made. Commissioner Cannon made a motion, seconded by Commissioner Long to approve the following Resolution. The motion passed unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Dr. Stephen Lock and Wayne Alderman to the East Alabama Health Care Authority Board to each serve a six-year term from October 1, 2022 to September 30, 2028.

Second reading of Sheriff Jay Jones and Austin Bayles to the Lee County Communications (E911) Board was made. Commissioner Morris made a motion, seconded by Commissioner Cannon to approve the following Resolution on the appointments. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Sheriff Jay Jones and appoints Austin Bayles to the Lee County Communications (E911) District Board to each serve a four-year term ending July 24, 2026.

Commissioner Cannon brought up for discussion a change order for the EMA building project. On a recent tour of the building under construction, Commissioner Cannon asked why certain parts of the building were not being completed; he stated he was told by EMA Director Rita Smith those items were not included in the budget for the project. Commissioner Cannon asked Ms. Smith for a cost estimate for the unfinished projects and discussed the matter with Chief Administrative Officer Holly Leverette. Mrs. Leverette stated the funds were not in this year's budget but could be included in next year's budget. Commissioner Cannon stated his concern was that the contractor was currently on-site and if he left and had to come back, it may cost more. Mrs. Leverette stated that in conversations with her predecessor that the project was planned based on the priorities specified by EMA, which is why areas of the downstairs portion were not budgeted for since there was never enough money to do all the projects. Mrs. Leverette said it was her feeling and in conversations with Ms. Smith that it is important to complete those areas and she would look at putting it into next year's budget to finish that portion. She said that due to supply chain issues, the contractor now will have time before the overall project is completed. Mrs. Leverette reached out to the architect, who reached out to the contractor, and they have found a way to still complete the project. As discussed previously, it would be in next year's budget to complete the areas not included in the original scope using a change order. Mrs. Leverette said she would like to move forward with the project in that manner as she feels it is the more fiscally responsible way. In addition, there is still \$527,000 in already existing project costs that has not had a funding source earmarked yet, and that a money source will have to be identified as the project completes. Judge English asked if it was that much over budget, but the real answer is no, that it is just

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that much under-funded. Commissioner Morris stated he was fine with timing the money in next year's budget, noting he is in full support of finishing the building to bring the other areas up-to-date. Commissioner Morris said that it's a lot of money, but it is only \$130,000 on a million-dollar project and he would like to see the county finish it. Ms. Smith provided the Commission with a cost estimate of \$156,208.19 which included furnishings she wanted to complete the project. After much discussion on the cost amounts for the change order and overall project budget due to cost overruns, Commissioner Long said he did not see another choice other than waiting to allocate funds in next year's budget. Commissioner Cannon said this was the reason he wanted to begin the discussion tonight. No action was taken by the Commission on the matter.

Judge English said he asked Commissioner Morris to attend the Lee-Russell Council of Government's most recent meeting. The Commission seat on that body had previously been held by Commissioners Johnny Lawrence and Sarah Brown, but it has been vacant since then. Judge English said Commissioner Morris holds the more "urban" seat, and that the Metropolitan Planning Organization deals with urban development, so he asked that commissioner if he would be interested in serving and Commissioner Morris said yes. A motion was made by Commissioner Cannon, seconded by Commissioner Long to appoint Commissioner Morris to the LRCOG and MPO Boards of Directors. The motion passed unanimously.

County Engineer Justin Hardee presented the annual Rebuild Alabama Act update regarding the County Transportation Plan. He stated the Highway Department is asking the Commission to consider the plan for approval at its next meeting, tonight is just for review and consideration. He said these are the roads the department is interested in using Rebuild Alabama funds. Mr. Hardee stated that three miles of the roads were carried over from this last year that unfortunately were not able to be done because rising asphalt prices. The first seven roads are in Sessions subdivision in the southeastern portion of the county and they will be looking to move forward with those in next set of funds. Mr. Hardee said the roads listed do not include roads the county will be working on with its local funding or planned projects for next year. Mr. Hardee said part of the Rebuild Alabama Act includes the transparency of having the plan publicized and must be adopted by the August 31 deadline.

Mr. Hardee presented the next item which is a request from the Beauregard Fire Department to construct a building pad for their storm shelter. Mr. Hardee said the department reached out and asked if the county could assist them in constructing a building pad for a community storm shelter. The pad will be located next to the new fire station on Alabama Highway 51 just north of US Highway 80 in the Marvyn community. Mr. Hardee said the Commission previously approved for the Highway Department to construct the building pad

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for the fire station itself. The community safe room will be 20 feet long, 8 feet wide and 8 feet high and they are asking for a 20ft x 40ft pad to be constructed on property owned by the fire department. Mr. Hardee said they have been in discussion with the Beauregard Fire Department to utilize the new pad to also house a portable classroom building which would be used as a polling place in Marvyn. Judge English stated if that is possible, it would allow them to leave the building hooked up and would prevent Jerry Lynch from constantly having to hook up a generator, water, and greywater each election, and would provide better parking and ADA access. Mr. Hardee said in those discussions the Fire Department expressed its willingness to allow that to happen; and in exchange the department could also utilize the building for training, etc., when it is not in use as a polling location. When asked by Commissioner Cannon how long construction would take Mr. Hardee said it would take one crew about a week. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to authorize the Highway Department to construct the building pad as described for the Beauregard Volunteer Fire Department. The motion passed unanimously.

Mr. McDonald presented an amendment to the contract of the county's solid waste disposal contract. He stated the renewal would allow for the continued disposal of the county's solid waste at the transfer station in Opelika. The contract is for a two-year term which would put it in line to renew at the same time as the contract for solid waste collection and transport. Judge English stated he hoped when the contract comes up for renewal that it will be the same timing as the disposal contract, which would allow them to be put out as a single bid rather than separate bids. Commissioner Cannon made a motion, seconded by Commissioner Long to approve the amendment to contract for the disposal of solid waste with GFL Environmental Inc. ending at midnight on February 28, 2025. The motion passed unanimously.

AMENDMENT TO CONTRACT FOR DISPOSAL OF SOLID WASTE

This Amendment to the Contract for Disposal of Solid Waste dated March 7, 2014 between GFL Environmental Inc., a corporation (the "Service Provider"), and Lee County, Alabama, a political subdivision of the State of Alabama (the "User"). This Amendment is dated the 8th day of August 2022 with an effective date of February 28, 2023.

WITNESSETH

WHEREAS, Advanced Disposal Services Alabama, LLC and the User entered into a Contract for Disposal of Solid Waste on March 7, 2014;

WHEREAS, said Contract was amended by Amendment dated July 29, 2019 with an effective date of March 1, 2020;

WHEREAS, the Contract dated March 7, 2014 was assigned to Waste Management, Inc., which later assigned the Contract to GFL Environmental Inc., which is the current Service Provider, on October 30, 2020;

WHEREAS, the Service Provider owns and operates the transfer station in Opelika, Lee County, Alabama;

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WHEREAS, the current term ends February 28, 2023 and both parties wish to renew the contract;

WHEREAS, the User requests that the renewal be for a term of two (2) years to put the term of said Contract in line with the term of its Contract for Residential Solid Waste Collection and Transport. Both parties agree for the renewal to be for two (2) years with an end date of midnight on February 28, 2025;

WHEREAS, both parties want future renewal terms of the Contract to be for three (3) year periods; and

WHEREAS, both parties want the previous terms and conditions of the Contract dated March 7, 2014 and the Amendment dated July 29, 2019 to remain in full force and effect, except that this current renewal shall end at midnight on February 28, 2025.

NOW THEREFORE, in consideration of the mutual grants and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Service Provider and the User agree as follows:

1. The parties have properly notified each other of their intention to renew the Contract dated March 7, 2014, as amended on July 29, 2019, and the parties waive any claim of any sort that such intention was not given by mutual written consent at least one hundred eighty (180) days prior to the end of the current term of the Contract, being February 28, 2023.
2. The Contract renewal period for this next renewal shall be for two (2) years, that is from February 28, 2023 until midnight on February 28, 2025.
3. Any successive renewal terms of the Contract, that is, after February 28, 2025, shall be for three (3) years.
4. All other terms and conditions of the Contract dated March 7, 2014, as amended on July 29, 2019, shall remain in full force and effect, except that this next renewal of the Contract shall be for two (2) years.
5. This Amendment was approved by the Lee County Commission in its regular meeting on August 8, 2022, and the Chairman of the Lee County Commission, Bill English, was authorized to execute this Amendment on behalf of the User. John Goodspeed is the Region VP for the Service Provider, and he is fully authorized to execute this Amendment on behalf of the Service Provider.

IN WITNESS WHEREOF, the Service Provider and the User have caused this Amendment to Contract for Disposal of Solid Waste to be executed by their duly authorized representatives as of the date first written above.

Mrs. Leverette asked the Commission to set the following dates for budget work sessions, immediately following the regularly scheduled meetings on August 29 and September 12, and at 5:00 p.m. on September 13 and September 15. Commissioner Cannon made the motion, seconded by Commissioner Morris to approve the dates as requested. The motion carried unanimously.

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Judge English said the Executive Session was cancelled prior to the meeting due to a scheduling conflict.

At approximately 5:56 p.m., Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner LaGrand and carried unanimously.