

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, AUGUST 29, 2022

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, August 29, 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, Revenue Commissioner Oline Price and Special Coroner Daniel Sexton. News media in attendance: Opelika-Auburn News reporter John West.

Special Coroner Daniel Sexton recognized Bill Harris and his staff. Coroner Sexton recognized the family of Bill Harris and asked former Deputy Coroner Gene Manning to present a plaque to Christy Harris and family members to commemorate Bill Harris' 24 years of service to the Lee County Coroner's Office and the citizens of Lee County.

Next, Mr. Sexton recognized Gene Manning for his 24 years of service as Deputy Coroner and over 40+ years of public service in Lee County with the Opelika Fire Department. Mr. Sexton thanked Mr. Manning by presenting him with a plaque, displaying his badge, and thanked him for his dedicated service.

Next, Mr. Sexton recognized Charlotte Patterson for her 14 years of dedicated service in the Coroner's Office and 25+ years serving the citizens of Lee County with EMS and the Opelika Fire Department.

Last, Judge English read a Resolution honoring Bill Harris' 24 years of service as the Lee County Coroner prior to his untimely passing on June 29, 2022. Judge English thanked the family for their attendance.

East Alabama Health Center Chief Financial Officer Sam Price and Executive Vice President Greg Nichols made a presentation before the Commission requesting funding of \$6 million from the American Rescue Plan Act. Mr. Price stated that the unprecedented pandemic took a toll on the hospital's cash reserves. Mr. Price said in 2020 they received \$28 million from the Federal Government, but in 2021 those funds began drying up. In July 2022 the hospital had a shortfall of \$36.5 million and the \$6 million will help fill some of the holes to "shore up" their reserves.

Mr. Nichols provided the details of the request, which includes finishing their chillers project, which began in 2020 and is still in progress, which will increase capacity and improve services costing over \$9 million. Also upgrades to procedure rooms, operating rooms and cath labs of over \$3 million. After more discussion, Commissioner LaGrand questioned how they arrived at a shortfall of \$36 million. Mr. Price answered from their cash reserves, they had \$36 million less than before, and must remain profitable to keep moving forward. Commissioner LaGrand questioned the loss of \$36 million in two years. Mr. Price affirmed stating in 2021 they about a loss of \$15-\$16 million and this year a loss of about \$20-\$21 million. Commissioner Ham questioned how much they have in reserves. Mr. Price stated \$160 million

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but they owe \$90 million. Mr. Price explained that the level of reserves is divided by the days of cash on hand, after which their debt of around \$90 million must be taken into account. Mr. Price said the hospital spends approximately \$1.4 million every day to operate, which means their reserve would allow them to continue to stay in business for about 70 days. Mr. Price said they like to stay up to date in their operations, which includes adding new equipment, which is quite expensive, and to stay ahead they must continue building new facilities. Mr. Price stated they currently are A rated and they are trying to keep that rating. Commissioner Morris asked from whom they had requested funds. Mr. Price said they had asked for funds from everybody they could. He said the City of Auburn had committed \$3.2 million, the City of Opelika committed \$1.3 million, and they also are seeking more funding from FEMA.

Next, Emergency Transport Director Austin Bayles and Emergency Dept. Executive Director Amy Brandon requested a 10% operational increase and a 4% capital increase for the ambulance service. The Commission had no questions for Mr. Bayles.

Chief Administrative Officer Holly Leverette updated the Commission on a broadband survey to be conducted by IAC. Mrs. Leverette stated the Commission has identified the expansion of broadband services as a critical need and plans to utilize a portion of its American Rescue Plan Act funds. As a member of the Investing in Alabama Counties (IAC) program, the Commission is able to access customized assistance, expertise, guidance, and implementation resources for the expenditure of the funds. As a part of the service provided to the county, the IAC is providing a comprehensive broadband study and project analysis for the county facilitated by Sain Associates. The study will compile FCC data, county GIS data, information provided by broadband providers, and results from a public survey to analyze gaps or needs in broadband coverage. Sain Associates will provide a complete feasibility study and project analysis of options to improve broadband access in Lee County and ways that ARPA funds can be used to accomplish these goals. Mrs. Leverette provided an information sheet outlining the survey process as well as a projected timeline for the Commission's review. Judge English said he saw a report in the news about \$26.6 million in ADECA broadband grants just awarded, but none were allocated for service in Lee County.

Parks Director Ryan Norris updated the Commission on the progress of the Loachapoka Community Park design. Mr. Norris presented Phase 1 which includes a parking lot, a pavilion, improvements to the walking trail and fencing along the southern border from the railroad. Mr. Norris stated this is just a concept as discussed with Commissioner LaGrand. The estimate presented totals \$691,675. Commissioner LaGrand stated the Commission has procrastinated on the Loachapoka Park for a long time and asked that a pavilion be built and then go from there. Mr. Norris stated there is one issue that has to be addressed and it is that the land is owned by the Town of Loachapoka, not Lee County. Mr. Norris stated he has reached out to Mayor Holder but has received no response. Commissioner LaGrand said he would like to see dirt moved. Mr. Norris again stated the request must come from the Town of

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Loachapoka. Judge English questioned if the \$691,000 is in anyone's budget. Commissioner LaGrand said there is approximately \$288,000 in the Loachapoka Recreation Fund that can be used. Mr. Norris said it is his understanding that the Commission is only assisting in developing the park. Judge English said his understanding of the allocation for recreation is that half of the funds are distributed to each of the four school districts equally and the remaining half is allocated to the four based on student population. Commissioner Cannon questioned if there were any funds from Beauregard or Beulah that could be utilized for the Loachapoka Park. Mrs. Leverette said the county could go ahead with an architect for permanent design, instead of just a conceptual design. Commissioner Cannon questioned if a request is needed from Mayor Holder before moving forward. He also questioned if Mr. Hardee to look to see if there is anything the Highway Department could do in-house. Judge English asked Mr. Hardee if he had seen the estimate of construction costs, and the answer was no. Commissioner LaGrand once again stated he would like to see a pavilion and benches erected. Mr. Norris suggested that the mayor and the local townspeople need to consider working with a local contractor who may be willing to give of their time and talent to build at the park. No action was taken by the Commission.

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 August 8. Also, an additional listing of claims awaiting Commission approval were presented. Judge English noted they were mainly invoices for fuel. 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.

Under old business, County Engineer Justin Hardee presented information at the last meeting on the Rebuild Alabama Act and the County Transportation Plan. Mr. Hardee is asking the Commission to take action on the plan tonight. Mr. Hardee stated these are the roads the department is interested in utilizing Rebuild Alabama 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, but which must be adopted by an August 31 deadline. Commissioner Long made a motion, seconded by Commissioner LaGrand to approve the Rebuild Alabama Act and County Transportation Plan as presented. The motion carried unanimously.

Mrs. Leverette presented information concerning the allocation of ARPA Funds to the water authorities. Mrs. Leverette stated five water authorities submitted requests totaling more than \$24 million with one of those from Wall Street Water submitting only one project totaling

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\$175,000.00. Mrs. Leverette stated requests totaling \$12,737,005.00 were submitted to the IAC for possible consideration and approval. Mrs. Leverette recommended the Commission allocate the funds to the four larger water authorities with a set base amount of \$2 million each plus an additional amount based on the number of meters each water utility services throughout Lee County. Additionally, for the smallest water authority a base amount equivalent to its funding request. A proposed allocation includes base amounts totaling \$8,175,000 and a service allocation of \$4.56 million for Commission consideration. Commissioner Cannon said he felt this allocation was a fair way to do it. Commissioner Cannon made a motion to approve the allocations to the water authorities as presented. The motion was seconded by Commissioner Long for discussion. Commissioner Ham recognized Chairman Lamar Sims of the Beulah Utilities in attendance and questioned his opinion on the allocation. Mr. Sims stated he appreciated everything that was being done for the water authorities and he felt it was a fair allocation. After vote taken, the motion passed unanimously.

Ms. Sherrie Duke appeared before the Commission asking the county to waive attorney fees for a nuisance violation concerning property, she and her sister Lisa Bailey own. Ms. Duke said that the trailers on the property were not abandoned, they have an appraised value of \$6,600, but she concedes they have outlived their useful life. Ms. Duke said prior to the lawsuit filed by the county, the trailers were not visible from Lee Road 380, there was no public outcry, only a complaint by one individual. Ms. Duke stated since she lives out of town it has been difficult, saying she has been working diligently to get help in removing the debris since being issued the violation. Ms. Duke said several factors led to delays, including COVID and rising fuel and oil prices. Ms. Duke said everything is in compliance now, saying the only thing in dispute are the attorney fees. Once again, she asked the Commission to consider waiving the attorney fees. Judge English recognized Captain Chris Wallace to see if he would like to respond. Captain Wallace stated the Sheriff's Office had been lenient stating the initial complaint was received in November 2020. Captain Wallace said he talked with Ms. Duke and afterwards it was hard to get in contact with her. Then Captain Wallace said he worked with County Attorney Stan Martin to send a notice and received confirmation on April 3, 2021. Again, he stated he tried to contact her by phone and email without success. In September 2021 the Commission voted to pursue the matter in court. Captain Wallace stated the property has been cleaned up, but he feels she should pay the court costs and attorney fees due to her lack of response and slow progress. No action was taken by the Commission.

Kaylene Travers was not in attendance on the Lee Road 2071 issues.

Judge English asked the Commission to consider nominating a Commission member to the Mid-South RC&D Council to replace Commissioner Sheila Eckman. Commissioner Cannon volunteered to serve. Commissioner Morris made a motion, seconded by

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Commissioner LaGrand to appoint Commissioner Cannon as the Commission appointee to the Mid-South RC& D Council. The motion carried unanimously.

Revenue Commissioner Oline Price presented an engagement letter with Maynard, Cooper, and Gale to represent the Revenue Commissioner's Office and Lee County for property valuation issues. Mrs. Price stated she has used the firm in the past with successful results. Commissioner LaGrand made a motion, seconded by Commissioner Morris to authorize Mrs. Price to sign the engagement letter with Maynard, Cooper and Gale as presented. The motion carried unanimously.

Sheriff Jones presented an educational reimbursement request for Deputy Jared Corbett. Sheriff Jones said the class directly relates to his current position. Commissioner Morris made a motion, seconded by Commissioner Cannon to approve the educational reimbursement request as presented. The motion carried unanimously.

Sheriff Jones presented two special event retail license applications from B & B Beverage Management for Commission consideration. Sheriff Jones stated it is for one-day events to be held on September 20 and November 15, 2022. Commissioner Cannon made a motion to approve the following Resolutions. The motion was seconded by Commissioner Morris and carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves a special retail license for B & B Beverage Management for two one-day events to be held on September 20, 2022 and November 15, 2022. The events will be held at Twenty One Acres located at 5505 Lee Road 137, Auburn, Alabama.

Next, Sheriff Jones presented a retail beer license application for Cusseta Travel Center located in District 4. Sheriff Jones said no objections were received for the transfer of the license. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution approving the retail beer license application for Cusseta Travel Center.

BE IT RESOLVED, the Lee County Commission hereby approves the retail beer license for the Cusseta Travel Center located at 5495 County Road 388, Cusseta, Alabama.

Last, Sheriff Jones presented a lounge retail liquor license application for Cheers Liquors located in District 4. Sheriff Jones stated no objections have been noted regarding the transfer of this license. Commissioner Ham made a motion, seconded by Commissioner Long

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to approve the following Resolution approving a lounge retail liquor license for Cheers Liquors.

BE IT RESOLVED, the Lee County Commission hereby approves the lounge retail liquor license for Cheers Liquors located at 5495 County Road 388 Suite A, Cusseta, Alabama.

Sheriff Jones presented the results of Bid #2022-09 for in-car cameras and Bid #2022-10 for body worn cameras. Sheriff Jones stated on Bid #2022-09 three bids were returned and for Bid #2022-10 only two bids were returned. Sheriff Jones stated the results of the total camera program received from Axon totals \$195,511.64, Motorola Solutions totals \$187,576.83 and Digital Alley totals \$170,838.00, but no bid was submitted the body cameras. Sheriff Jones stated that while Axon is the lowest bidder on Bid #2022-10, Motorola is the lowest for the total camera package, and the Motorola equipment is compatible with their current server and software, while the Axon system is not. Sheriff Jones recommended the Commission award the bids to Motorola Solutions for a total of \$187,576.83 on Bid #2022-09 and Bid #2022-10 for the total camera system. Commissioner Morris made a motion, seconded by Commissioner Cannon to award Bid #2022-09 for 12 or more Watchguard digital in-car video systems and Bid #2022-10 for 45 or more Watchguard wearable cameras to Motorola Solutions for the total package cost of \$187,576.83. The motion carried unanimously.

Judge English said County Attorney Stan Martin indicated the Commission needs to adjourn into Executive Session on a personnel matter. Those who should attend are Mr. Martin and Attorney Robbie Hyde. The session is estimated to last approximately 30 minutes and formal action is possible at the conclusion. At approximately 6:45 p.m., Commissioner Ham made a motion, seconded by Commissioner Cannon to adjourn into Executive Session. The motion carried unanimously.

At the conclusion of the Executive Session at approximately 7:15, Commissioner Ham made a motion, seconded by Commissioner Cannon, to set a special called Commission meeting on Tuesday, September 6, at 5:00 p.m. on a personnel matter. The motion carried unanimously.

Upon the conclusion of the Executive Session, at approximately 7:17 p.m., Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Cannon and carried unanimously.