

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR MEETING, SEPT. 12, 2022

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 12, 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. Elected officials in attendance: Sheriff Jay Jones, Revenue Commissioner Oline Price, Loachapoka Mayor Ricky Holder and Loachapoka Town Council member Pat Conover. News media in attendance: Opelika-Auburn News reporter John West.

Judge English asked the Commission to move the section for Presentations and Other Recognitions to the end of the agenda to allow the representative from the Attorney General's Office to make his request concerning the Opioid lawsuit settlement. The Commission agreed.

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 regular meeting on August 29 and of the special meeting on September 6, 2022. Commissioner Cannon moved for approval. Commissioner Ham seconded. The motion carried unanimously.

Chief Deputy Attorney General Clay Crenshaw, Deputy Attorney General Michael Dean, Attorney Christy Crow, and Attorney Ron Jones of the Beasley-Allen Law Firm were in attendance. Chief Deputy AG Crenshaw explained that the Opioid lawsuit had been settled, with payment of \$141 million from McKesson toward the state's efforts to combat the opioid crisis and \$72 million from Johnson and Johnson. Mr. Crenshaw appeared to ask the Commission to authorize the Chairman to sign off on the Opioid lawsuit settlement agreements emailed to him. Mr. Crenshaw said since the case has been settled with some of the defendants on behalf of the State and its subdivisions, one of the requirements of the settlement is that all non-litigating subdivisions over 10,000 people sign off on the agreement. Judge English asked why the State entered a settlement requiring Lee County to sign without any discussion with Lee County. Judge English stated the reason he has not signed the agreement is that Lee County is not a party to the litigation, but the agreement waives a lot of future rights of Lee County, and he felt it was not in the best interest of the county. Judge English questioned the clause to waive future rights of the county. Mr. Crenshaw explained that Lee County had been approached, but the county chose not to join in the lawsuit. He stated that the county could join in their other litigation if they choose to. Commissioner LaGrand stated he is supportive of Lee County receiving funds, questioning if it will be divided among 67 counties. Mr. Crenshaw said it will be divided amongst the 65 counties that are plaintiffs, since Lee and Winston counties chose not to participate. Judge English clarified that the Commission as a body decided not to join. Commissioner Ham questioned if Lee County will receive any benefits. Attorney Crow stated the abatement funds will benefit the residents of Lee County

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and law enforcement. Commissioner Ham stated he would like for us to sign the agreements if they benefit our neighboring counties. Commissioner Ham made a motion, seconded by Commissioner LaGrand to authorize the Chairman to sign the agreements as presented. The motion carried unanimously.

County Engineer Justin Hardee presented an Adopt-A-Mile Application from Cynthia Rogers. Mr. Hardee said they want to adopt one (1) mile of Lee Road 86, in Commission District 4. Commissioner Ham made a motion, seconded by Commissioner Cannon to approve the Adopt-A-Mile application as presented. The motion carried unanimously.

County Administrative Officer Holly Leverette presented a request to allocate a portion of the funds from the American Rescue Plan Revenue Replacement funds for two items. Mrs. Leverette said this will come from the \$10 million set aside for revenue replacement, which has less restrictive guidelines. Mrs. Leverette said the two initiatives have been discussed as areas the Commission would like to see utilized by these funds, they are: 1) allocate an additional \$500,000 to the Environmental Services Department to help offset additional expenses incurred due to the significant volume increases at the collection sites during the pandemic in 2020 and 2021 and the operation of both systems for longer than expected; and 2) allocate \$250,000 for design and construction of the Loachapoka Park. The amount for the Environmental Services Department would be in addition to the \$500,000 previously allocated from the revenue replacement funds at the May 31, 2022 Commission meeting. Commissioner Cannon questioned the Loachapoka share of the Recreation fund currently having \$300,000. Mrs. Leverette said that Parks Director Ryan Norris has asked that all the funds not be utilized since the programs in that area utilize funds for other recreation needs. Mrs. Leverette said that \$250,000 of the \$288,000 available funds are to be set aside for the project. After discussion, Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the allocation of \$500,000 to Environmental Services Fund 140 and the allocation of \$250,000 to the Recreation Fund for the Loachapoka Park. The motion carried unanimously.

Sheriff Jones presented a retail beer and retail table wine application from the Quick Stop located in District 4. Sheriff Jones stated there were no objections to the issuance of the license. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution to grant the license to the Quick Stop. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the retail beer and retail table wine application for the Quick Stop located at 7717 Alabama Highway 51, Opelika, Alabama.

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Mr. Hardee introduced Assistant County Engineer Patrick Harvill for presentation of the resurfacing program PowerPoint overview. Mr. Hardee said that the Highway Department tries to stretch all the dollars it receives and wanted to give an update on how they utilize those funds. Judge English asked the Commissioners to hold their questions to the end of the presentation. Mr. Harvill said the current county inventory is 108 bridges, 173 miles of dirt roads, and 628 miles of paved roads for a total of 801 miles of county-maintained roads. Those roads are all graded according to the same standards as ALDOT grades state roads, and Commission policy has been to use resurfacing funds to address the worst roads first. The total resurfacing budget for FY2023 is \$3.565 million. He reminded the Commissioners that the dirt road paving policy was suspended in 2010, to try and get the maintenance of our already paved roads on a more realistic schedule. Mr. Harvill explained the different methods used and said the Highway Department will begin utilizing less of our funds on a “worst-first” approach, and more of the funds on pavement preservation in order to reduce the much more costly major reconstruction required if roads are allowed to deteriorate too far. He said the cost of full depth reclamation with cement and asphalt overlay is about \$250,000/mile and that road is expected to last about 20 years. That will allow the current budget to resurface about 14.26 miles this year, putting us on a 44-year resurfacing cycle.

Mr. Harvill said that 133 miles, or 21%, of county roads are in poor condition, 317 miles, or 51%, are in fair condition, and 178 miles, or 28%, are in good condition. Pavement preservation options include the “Cape Seal” method, the “scrub seal” method, and “crack sealing”. Utilizing the combination of all four methods will allow the current budget to preserve and/or resurface about 54.13 miles this year rather than just 14.26 miles. Several questions were asked about the pros and cons of the various methods and others, including “RAP”, or recycled asphalt products, and “chip seal”, or rock and tar.

Mr. Hardee commended Mr. Harvill on his presentation. Commissioner Cannon said he would like to look at additional funding for road paving. Commissioner LaGrand thanked Mr. Harvill for the presentation.

EMA Director Rita Smith gave an update on the final disposition of the FEMA individual storm shelter and safe room hazard mitigation grant. Mrs. Smith stated the funds became available upon the Federal Declaration #DR-4419 after the March 3, 2019 tornadoes. Mrs. Smith stated out of 118 citizens that applied, 26 withdrew their applications, for various reasons, so the program was utilized by 92 citizens who got approved for the grant funds. Mrs. Smith explained that of the \$35,600 cost to the county for paying for the inspections, her office received administration costs from FEMA/AEMA for managing the grants totaling \$32,207, resulting in a net cost to the county of \$3,393, which she said is close to cutting even. Mrs. Smith said grant funds are still available and asked interested citizens to call their office for additional information. Mrs. Smith said she hopes no major disaster of this nature will occur again in Lee County ever again.

At approximately 6:20 p.m., Commissioner Ham made a motion, seconded by Commissioner Long to adjourn into a budget work session. The motion carried unanimously.