

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Tuesday, October 31, 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 Long. Elected Officials in attendance: Revenue Commissioner Oline Price and Loachapoka Mayor Ricky Holder. News media in attendance: Opelika-Auburn News reporter John West.

Environmental Services Director John McDonald gave an update on the closure of the last two disposal sites in east Lee County and gave an update on curbside bulk pickup. Mr. McDonald said the last two disposal sites, one on Lee Road 240 and one on US Highway 280E, will be closing the week of November 7. The closure date has been posted at the sites and on the county website. Mr. McDonald said currently the department is running three boom truck routes along with one smaller truck, after the closure of the last two sites, they will begin running four boom truck routes. Judge English questioned if they are still seeing a decrease in the tonnage rates. Mr. McDonald answered in the affirmative.

Next, Chief Administrative Officer Holly Leverette presented a request for a possible ADECA grant amendment if the Commission agrees. Mrs. Leverette asked the Commission to consider amending the ADECA grant for an equipment purchase for automated CPR devices for all the volunteer fire departments except Smiths Station Fire and Rescue, who already purchased the equipment through COVID-19 funds. The purchase would include eight automated CPR devices, along with two trainer devices. Mrs. Leverette asked if the Commission would like to proceed, if so, saying Mrs. Swann will work with ADECA and Lee-Russell Council of Governments to expedite the process since the equipment would have to be ordered and received by the February 1 deadline. Commissioner Cannon questioned how long it would take to receive the equipment. Mrs. Swann stated once approved it would take a few weeks. Commissioner Long questioned if there is any reason to wait. Mrs. Leverette said no, but a Resolution would need to be prepared and presented for Commission approval at the next meeting. Additionally, Mrs. Leverette said there still will be a money left after the equipment purchase and she suggested giving it to the East Alabama Food Bank if the Commission agreed; stating this is a good time to give with the upcoming holidays.

Commissioner Ham stated he has served on the Commission for 12 wonderful years and wished to thank the staff, the public and fellow commissioners for their professionalism and friendship. Commissioner Long said even though he and Commissioner Ham agreed to disagree over the years, he thanked Commissioner Ham for his involvement in spearheading the railroad crossing issue with the crossing devices being placed near Smiths Station High School. Commissioner Long said that if Commissioner Ham had not stepped up, it would have taken a

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

lot longer for the crossing devices to be installed. Judge English thanked Commissioner Ham for his service and thanked Commissioner LaGrand, the newest serving Commissioner, who is leaving also. Commissioner LaGrand said he is feeling the love tonight, stating it was a privilege and an honor to work with his fellow Commissioners and the citizens of Lee County. Commissioner LaGrand took the time to thank his beautiful wife Katie LaGrand and for the opportunity to work with his son Richie LaGrand, former Chief Appraiser.

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 meeting on October 11, 2022. Announcement was made for openings on the following Boards: 1) one opening on the Beulah Utilities Board; 2) two openings on the Lee County Youth Development Board; and 3) two openings on the Lee County Recreation Board one representative from District 2 and one representative from District 4. Commissioner Cannon made a motion, seconded by Commissioner Long to approve the consent agenda items as presented. The motion carried unanimously.

Under old business, Judge English discussed the necessity of engaging legal counsel for the Lee County Planning Commission. County Attorney Stan Martin said that Tutt Barrett has agreed to represent the Lee County Planning Commission in case a situation arises where there is a conflict of interest between the Lee County Commission and the Planning Commission. Commissioner Long made a motion, seconded by Commissioner Cannon to engage Attorney Tutt Barrett as legal counsel for the Lee County Planning Commission. The motion carried unanimously.

Under new business, Carolyn Hunter appeared to discuss litter in the Loachapoka area. Ms. Hunter stated she has lived in the community for 15 years noting that litter has been a chronic problem in her area. Ms. Hunter stated she drove the dirt roads of Loachapoka and was pleased to see that one area of concern had been cleaned up. Ms. Hunter also thanked whoever was responsible for the grooming of the dirt roads, saying they had done a great job. Ms. Hunter also asked if the letters concerning curbside collection be sent out once again so that the message can get out to all the citizens. Lastly, Ms. Hunter said she has seen recent improvements with the litter situation and thanked Commissioner LaGrand. Commissioner LaGrand thanked Ms. Hunter for her help in picking up litter in the Loachapoka community. Judge English questioned Mr. McDonald on how much litter his crews picked up last week. Mr. McDonald stated the crew picked up 22 bags of litter along Lee Road 4 and another 13 bags of trash along Lee Road 393.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

Judge English asked the Commission to approve the following release of liability and waiver of claims for voting precincts prepared by Mr. Martin. Judge English reported that the Sportsman's Outpost was requesting one so the facility could be used for the November 8 General Election. He indicated that there were no others requested at this time but wanted to be prepared if another one was called for in the future. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize the Chairman to sign the release of liability and claims waiver as presented. The motion carried unanimously. Judge English reminded everyone to vote on Tuesday, November 8, 2022.

RELEASE OF LIABILITY AND WAIVER OF CLAIMS

WHEREAS, the Lee County Commission is the governing body for Lee County, Alabama and has the authority to designate a voting place in each ward and precinct within Lee County pursuant to Code Section 45-48-111.02 Code of Alabama (1975); and

WHEREAS, an election is set for Tuesday, November 8, 2022, and the Lee County Commission has designated certain voting places; and

WHEREAS, _____ is the owner of real property at _____, which has been designated as a voting place, and _____ is hereinafter referred to as the Released Party; and

WHEREAS, in consideration of the Released Party allowing the Lee County Commission and the election officials to use the real property at _____ as a voting place, the Lee County Commission has agreed to release the Released Party from any liability to the Lee County Commission and to waive any claims against the Released Party.

NOW, THEREFORE, in consideration of the foregoing, the Lee County Commission hereby agrees as follows:

1. The Lee County Commission waives, releases, and discharges the Released Party from any liability to the Lee County Commission for the use of said real property at _____ as a voting place on Tuesday, November 8, 2022.
2. The Lee County Commission in its regular meeting on October 31, 2022 authorized its Chairman, Bill English, to execute this Release of Liability and Waiver of Claims.
3. This Release of Liability and Waiver of Claims shall remain in effect for any future elections in which this location is used as a voting place, unless there is a Resolution adopted by the Lee County Commission in the future to the contrary, thereby rescinding this Release of Liability and Waiver of Claims.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

Captain Craig Meadows presented an educational reimbursement request for Deputy Jared Corbett. Captain Meadows said the course pertains to his current position. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the educational reimbursement request as presented. The motion carried unanimously.

Revenue Commissioner Oline Price presented an ad valorem tax abatement request for ADC200, LLC. Mrs. Price said the tax abatement is for all state and local noneducational property taxes, excluding hospital and dependent children taxes, for a period of up to 10 years. Mrs. Price said it is a distribution warehouse located off US Highway 29 South. Mrs. Price said the Commission is the granting authority on the application and must be approved by the Commission. Commissioner Ham questioned the number of employees since the application says it will employ 22 people. Mr. Howard Porter, the developer, stated the facility will start with 22 but that number will increase after the initial start-up. Mrs. Price said the project is a \$10 million investment in the county. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the following Resolution 1031-2022 for ADC200, LLC for a tax abatement for a 10-year period. The motion carried unanimously.

RESOLUTION 1031-2022

This Resolution is made this 31st day of October, 2022 by the Lee County Commission (the Granting Authority), to grant a tax abatement to ADC200 LLC (the Company).

WHEREAS, the Company has announced plans for a new project (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act) the Company has requested from the Granting Authority an Abatement of all state and local noneducational property taxes, excluding hospital and dependent children taxes.

WHEREAS, the Company has requested that the abatement of state and local noneducational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request: and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$10,590,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out the provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1: Approval is hereby given to the application of the Company and abatement is hereby granted of all state and local noneducational property taxes, excluding Hospital and Dependent Children taxes as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(a)(12) of the Act.

Section 2: The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3: A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Dept. of Revenue in accordance with the Act.

Section 4: The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish this purpose of the foregoing of this resolution.

Next, Mrs. Price presented a request authorizing her to contract with American Financial Credit Services for delinquent personal property placed on the “insolvent” list. Mrs. Price said the contract for services is a budgeted item. Commissioner Morris made a motion, seconded by Commissioner Ham to authorize Mrs. Price to enter into a contract with American Financial Credit Services for delinquent personal property as presented. The motion carried unanimously.

County Engineer Justin Hardee presented for Commission approval a final plat for the replat of Lot 1 in Palmetto Creek Subdivision. Mr. Hardee stated the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed development is located off Lee Road 379. Mr. Hardee said it is the splitting of one parcel into three, with no new roads or infrastructure. This could not be handled administratively because it involves more than two lots. Adjacent property owner(s) were notified by letters sent out October 20, 2022, so they may attend and to voice their support, opposition, or to obtain more information.

Terry Edge of Lee Road 379 appeared stating the property backs up to his property off Lee Road 330 on the southeast side of property and Lee Road 283 off the southwest side of the property. Mr. Edge questioned why there are no plans for turnouts on Lee Road 379 due to increased traffic from the subdivision. Mr. Edge said ambulances pass by his house on Lee Road 379 everyday; stating additional houses means increased traffic along that roadway and believes it should be addressed.

Next, Mack Daugherty stated wrecks are constantly an issue at the intersection of Lee Road 379 and Lee Road 250, sometimes with fatalities. He stated the speed limit on the road

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

recently changed to 45 mph but stated it is still dangerous. He said there is no caution light at the intersection and said it should be looked at by planning and development, with more than 400 vehicles per hour. He said he would like to see more caution lights and more patrols in the area. Commissioner Long and Ham concurred that the traffic along that stretch travels over the posted speed limit, and they both said that they have traveled the road recently. Commissioner Ham agreed that it should be looked at in the future.

Commissioner Ham made a motion, seconded by Commissioner Cannon to approve the replat of Lot 1, Palmetto Creek Subdivision as presented. The motion carried unanimously.

Next, Mrs. Leverette presented the FY2022-2023 outside appropriations previously approved by the Commission at its work session held October 11, 2022. Commissioner Morris made a motion, seconded by Commissioner Long to authorize the Chairman to sign the agreements for the FY2022-2023 contract agencies and appropriation agencies as shown below. The motion carried unanimously.

Contract Agencies:

Lee-Russell Council of Governments	\$157,900
EAMC Emergency Medical Services	<u>\$376,517</u>
Total Contract Agencies:	<u>\$534,417</u>

Appropriation Agencies:

Dept. Human Resources (Local)	\$4,725
Lee County Health Department	\$120,000
East Alabama Mental Health	\$64,050
Airport Terminal Project	\$100,000
Airport Runway Safety Zone Extension	\$100,000
Auburn University Airport FAA projects	\$30,000
Lee County Alternative Sentencing Board	\$100,000
Judicial Volunteer Program	\$12,000
Alabama Cooperative Extension	\$106,542
Soil & Water Conservation	\$10,000
Lee County Firefighters Association	\$24,545
Valley Haven School	\$8,000
Horseshoe Bend Library	\$25,000
East Ala. Services for the Elderly	\$10,000
Domestic Violence Intervention Center	\$6,000
Child Advocacy Center of East Alabama	\$17,500
American Red Cross - Lee Co Chapter	\$12,000
Community Market	\$2,650
Auburn Daycare Association	\$6,000
Museum of East Alabama	\$6,600
Lee County Historical Society	\$13,000
Family Enrichment Center of Loachapoka	\$27,551
Salvation Army	\$3,000
Alabama Kidney Foundation	\$5,000

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

One Voice Shelter Coalition	\$24,000
Girls S.T.E.P.S.	\$12,000
The Curtis House	\$12,000
Dream Day Foundation	\$10,920
Forward Opelika (Chamber of Commerce)	\$25,000 (5-year commitment)
Rape Counselors	\$15,000
Lee County CASA	\$2,500
Total Appropriation Agencies:	<u>\$915,583</u>
TOTAL OUTSIDE APPROPRIATIONS	<u>\$1,450,000</u>

Next, Mrs. Leverette presented the following carryover items from FY2022 for capital items in FY2023. Most of the items are for purchases that have been delayed as a direct result of adverse global supply chain issues. The needed adjustments include:

General Fund

Revenue Commissioner	\$49,050
Information Services	\$93,515
Sheriff's Office	\$318,521
Fund Balance Carryover	\$461,086

SRO Fund

Motor Vehicles & Equipment	\$514,000
Fund Balance Carryover	\$514,000

Parks Fund

Other Equipment (Grounds Keeping)	\$28,000
Fund Balance Carryover	\$28,000

Gas Tax Fund 111

Motor Vehicles & Equipment	\$139,615
Fund Balance Carryover	\$139,615

There is also a proposed listing of capital items to be included in the FY2023 Budget based on budget work sessions held in September 2022. They include:

Revenue Commissioner

Replace outdated computers	\$55,648	Additional to reach requested
<u>Auburn Satellite</u>		\$76,700

Modifications for Revenue Commissioner \$125,000

Sheriff's Office

Communications 800 Mhz System	0	Requested \$4,567,018
Motor Vehicles & Assoc. Equipment	\$525,000	Requested \$1,107,280
Data Processing Equipment	\$95,000	Requested \$201,428
Other Equipment	\$84,000	Requested \$178,187

Detention Center

Replace 3 Dryers	\$28,470
Replace Booking Controls	\$95,000

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

EMA

2 Trucks w/lights, sirens & equipment	\$60,000	Requested 2/Only \$60K for 1
Bunk Room 1&2 Furnishings	\$6,000	
Large Conference Room Furnishings	\$9,800	
Kitchen Appliances	\$5,645	

Animal Control

Animal Control Truck with box	\$70,000
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Justice Center

HVAC Controls Replacement	\$85,000
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Courthouse

HVAC Controls Replacement	\$30,000
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DHR Building

Replace PA System	\$50,000
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Building Maintenance

Replace two work trucks	\$85,000
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Available Fund Balance (Recognize as Revenue) \$1,409,563

Last, is a request to move \$1.5 million from the General Fund to the Capital Projects Fund for ongoing capital projects in various stages of completion listed below:

EMA Expansion and Renovation	Under Construction
Highway Complex	Construction Plans Stage
Justice Center Courtrooms Renovations	Design Stage
Minimum Security Barracks	Concept Stage
800 MHz Trunk Communication System	Concept Stage

There is an overall additional funding need of \$24,260,778 for the projects. There will be a need for long-term financing and a phased approach for some of the projects listed. Moving the proposed funds will allow for the completion of the EMA Expansion and Renovation project and allow for some initial phased work to proceed on the other projects. Commissioner Cannon made a motion, seconded by Commissioner Ham to approve, and replace the FY2023 Budget for the capital item purchases carryover, approve the capital 2023 budget and Capital Projects Fund transfers as presented. The motion carried unanimously.

Next, Mrs. Leverette presented a FY2023 Gas Tax Fund budget adjustment for Commission consideration. Mrs. Leverette said the Highway Department recently received funds from a sale of surplus equipment in the amount of \$206,790. The Highway Department would like to recognize the funds as revenue to make additional capital purchases. Judge English questioned Mr. Hardee on the items that were sold. Mr. Hardee said they sold a 2001 motor grader, a used brush cutter unit and a used smooth wheel roller. Commissioner Long made a motion, seconded by Commissioner Ham, to approve a budget adjustment of \$206,790 in the FY2023 Gas Tax Fund as presented. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

Last, Mrs. Leverette requested the Commission approve the following Resolution requesting funds under the Local Assistance and Tribal Consistency Fund. Mrs. Leverette explained that Treasury launched the LATCF for eligible revenue sharing counties. The American Rescue Plan (ARP) appropriated \$2 billion to the Treasury across fiscal years 2022 and 2023 to provide payments to eligible revenue sharing counties and eligible Tribal governments for use on any governmental purpose except a lobbying activity. Lee County's allocation is a total of \$100,000; \$50,000 for 2022 and \$50,000 in 2023. Mrs. Leverette said upon application for these funds, the first \$50,000 will be in the 2022 year, but the receipt of the 2023 funds is still to be determined. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the following Resolution authorizing the Chairman to request funds under the Local Assistance and Tribal Consistency Fund. The motion carried unanimously.

RESOLUTION

WHEREAS, Lee County, Alabama (the "County") has been allocated funds in the amount of \$100,000 by the U.S. Department of Treasury ("Treasury") from the Local Assistance and Tribal Consistency Fund ("LATCF"), established by Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021; and

WHEREAS, the LATCF funds allocated to the County may be expended by the County for governmental purposes; and

WHEREAS, to receive the LATCF funds allocated to the County, an authorized representative of the County must submit a request for funding to Treasury on or before January 31, 2023; and

WHEREAS, the Lee County Commission (the "Commission") has determined that receipt of these funds for expenditure by the County for governmental purposes will inure to the benefit of the citizens of this County.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION as follows:

The Chair of the Commission is hereby authorized to request or to designate another County official to request the County's allocated share of LATCF funds in accordance with the procedures established by Treasury. The authority delegated herein includes the authority for the Chair, or his or her designee, to execute agreements or other documents necessary to request and receive this allocation.

IN WITNESS WHEREOF, the Lee County Commission has caused this Resolution to be executed in its name on its behalf by the Chair on the 31st day of October, 2022.

Judge English said EMA Director Rita Smith asked that an item concerning a storm shelter grant be added to the agenda. Commissioner Morris made a motion to add the item. The motion was seconded by Commissioner Cannon and carried unanimously. Mrs. Smith said a 2019 grant for a storm shelter in Smiths Station is about to expire because it was put on hold after the 2019 tornadoes and then the Covid pandemic. The grant was a 75/25 grant for \$62,000,

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, OCT. 31, 2022

which will no longer cover the cost of the storm shelter. Mrs. Smith stated that due to unforeseen circumstances involving this grant, her recommendation after discussing it with Lee-Russell Council of Governments Director Lisa Sandt is to withdraw from the initial grant and reapply under the COVID disaster hazard mitigation funds. Mrs. Smith stated Alabama EMA indicated other grant funds are available with a 90/10 match, but the deadline to apply is soon approaching. Commissioner Cannon made a motion to withdraw from the first grant and move forward with the new grant application for the storm shelter in Smiths Station. The motion was seconded by Commissioner Long and carried unanimously.

At approximately 6:06 p.m., for one last time, Commissioner Ham made a motion, seconded by Commissioner LaGrand to adjourn. The motion carried unanimously. Judge English reminded that the next meeting would be on Wednesday, November 16, 2022.