

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR ADJOURNED MEETING, NOV. 16, 2022

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Wednesday, November 16, 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, and Gary Long. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Cannon. Elected Officials in attendance: Corner Daniel Sexton. News media in attendance: The Observer reporter Hannah Lester and WTVM Channel 9 reporter Rico Mitchell.

Judge English had the honor of swearing-in of new Commissioner Tony Langley and returning Commissioner John Andrew Harris. Commissioner Langley was joined by his wife, who held the family Bible, for his swearing-in. Commissioner Langley had several family members in attendance. Next, Judge English performed the swearing-in of Commissioner John Andrew Harris, with his friend Wilbert Payne holding the Bible. Commissioners Langley and Harris joined the others on the bench.

Commissioner Cannon recognized Judy Lockhart on receiving a Lifetime Achievement Award from the Alabama Senior Citizens Hall of Fame. Commissioner Cannon presented a plaque to Ms. Lockhart commemorating her award. Ms. Lockhart serves in Loachapoka and Auburn; and leads activities at the Family Enrichment Center. Commissioner Cannon thanked Ms. Lockhart for her years of dedicated service.

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 31, 2022. An additional listing of claims for payment was presented prior to the meeting. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the consent agenda items as presented. The motion carried on a vote of 3-0-2 with Commissioners Langley and Harris abstaining.

Judge English stated the Sheriff's Office issued a noise ordinance violation that has gone unpaid since issuance on September 30, 2022. Captain Chris Wallace said the next step is to authorize the county attorney to pursue it in civil court. Captain Wallace stated Lieutenant Bill McGuire would discuss the violation. Lt. McGuire said Deputy Jessica Daley issued the violation after the recipient stated he would not turn down his music adding a few expletives. Lt. McGuire stated the person was playing music from a large speaker on his back porch. Judge English stated the next step is for the Commission to authorize County Attorney Stan Martin to proceed. Commissioner Morris made a motion, seconded by Commissioner Harris to authorize Martin Law, LLC to pursue the matter on behalf of the Commission. The motion carried unanimously.

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At approximately 5:21 p.m., Judge English opened a Public Hearing on the ADECA CDBG-19 Grant. Judge English asked, but there was no one in attendance for the Public Hearing. Governmental Relations/Safety Coordinator Wendy Swann read the following statement: The County Commission is seeking citizen feedback on a proposed change in scope of activities. The County is considering moving a portion of the rental and utility assistance funds (\$285,000) from this project and reallocating those funds for equipment purchases to help the County prevent, prepare for, and respond to the spread of infectious diseases such as COVID-19. At approximately 5:23 p.m., Judge English closed the Public Hearing on the grant.

Upon conclusion of the Public Hearing, County Administrative Officer Holly Leverette presented the following Resolution for Commission consideration. Commissioner Long made a motion, seconded by Commissioner Cannon to approve, and authorize the Chairman to sign the following Resolution as presented. The motion carried unanimously.

**LEE COUNTY RESOLUTION TO
AMEND ADECA CDBG-C19 GRANT**

WHEREAS, the Lee County Commission was awarded \$500,000 by the Alabama Department of Economic and Community Affairs (ADECA) to prevent, prepare for, and respond to the spread of infectious diseases such as COVID-19 (Project # CV-NC-20-001); and

WHEREAS, the Commission budgeted a total of \$375,000 for mortgage/rental assistance and utility assistance and \$75,000 for food distribution; and

WHEREAS, although a portion of the funds allocated for mortgage/rental assistance and utility assistance have been disbursed to qualified applicants, more citizens were unable to provide the required qualifying documentation than originally anticipated; and

WHEREAS, the Commission has decided it to be in the best interest of the County's residents to reallocate funds from mortgage/rental assistance and utility assistance activities in the amounts of \$285,000 for equipment purchases and an additional \$75,000 for food distribution; and

WHEREAS, the Commission wishes to follow all policies and procedures related to the Formal Amendment process prescribed by ADECA.

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Commission hereby authorizes the reallocation from mortgage/rental assistance and utility assistance activities in the amounts \$285,000 to purchase equipment to prevent, prepare for, and respond to the spread of infectious diseases such as COVID-19 and an additional \$75,000 for food distribution, and authorizes the Chairman to sign and submit the necessary paperwork to ADECA to complete the Formal Amendment Process.

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Ben Bramlett, Vice President of Operations and Manager of Neal Pope's Farm and Sustainable CBD appeared before the Commission asking for a letter concerning the zoning status of their farm. Mr. Bramlett stated the farm became licensed in 2019 by the Alabama Department of Agriculture and Industries (ADAI) to cultivate and process hemp. Mr. Bramlett said they continue to operate a state licensed hemp farm and processing facility. Mr. Bramlett explained that the State of Alabama plans to issue five (5) Medical Cannabis Integrated Facility Licenses, which will allow a licensee to operate a cultivation facility, manufacturing facility, secured transport service, and up to 5 retail stores across the state. Mr. Bramlett stated they are uniquely situated to apply, obtain, and operate a Medical Cannabis Integrated Facility License at the property. The State of Alabama Medical Cannabis Commission has developed a stringent set of rules to govern the operation of medical cannabis facilities in the state. All medical cannabis will be tracked from seed-to-sales using RFID technology. All operations will be under 24-7 surveillance and security guards will be on the premises during hours of operation. Owners and employees will be required to pass state and federal background checks. Mr. Bramlett said the farm's location in Lee County is the perfect location to continue Neal Pope's legacy and establish a medical cannabis cultivation and processing facility. Mr. Bramlett stated they are currently in discussions with Auburn University and Troy University about research projects related to medical cannabis. These research projects will focus solely on the production of medical cannabis products and not cannabis products used for recreation. The facility expects to employ 20-25 employees in the first year, not to mention the local architects, engineers, and contractors the company will engage to construct a new facility. Mr. Bramlett stated the group has already put a significant amount of money and resources into the project, and the future investment will likely be upwards of \$10 million dollars over the first few years of operations. Mr. Bramlett stated he believes the farm property falls outside the county's existing zoning map and is not subject to the Lee County Zoning Regulations. The state Medical Cannabis Commission requires all applicants to provide: "Proof of local zoning and other approvals necessary to operate the business in the community, including but not limited to, as necessary, any local ordinance or resolution approving the operation of medical cannabis facilities there." Mr. Bramlett asked the Commission to provide such proof for their operation. Commissioner Morris questioned County Engineer Justin Hardee about zoning. Mr. Hardee stated the facility is outside Beat 13, so that does not affect it. Michael Delaney of Delaney Property Group stated they want to be a part of the community, stating 75% of the ownership group are Auburn alumni. Mr. Delaney stated a capital investment of about \$4-\$6 million will bring tax revenue of around \$60,000 in ad valorem taxes. Mr. Delaney said the revenue will be put back into Lee County and asked the Commission to support their request for a zoning letter. Next, Attorney Warren Cobb thanked the Commission for consideration, reiterating that in the first year the about 40 new jobs will be created, which will be high level positions. Also, they will team with Auburn University and Troy University to perform research projects. Judge English informed them that the Lee County Interim Planning Director could provide a letter indicating that zoning does not apply without action by the Commission.

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Next, Judge English stated Code of Alabama §11-3-8(a) requires the county commission to establish its regular meeting days during the “organizational meeting”, and Code of Alabama §36-25A-5 requires the county commission to adopt written rules of procedure. Judge English questioned if the Commission wished to continue meeting on the first and last Monday of each month as are held currently. The Commission agreed to continue the same meeting schedule. Next, Judge English stated the updated Rules of Procedure contain a new Electronic Participation Policy. Judge English said the new electronic participation process may not be used until at least 45 days after it is adopted. So, if the new policy is adopted tonight, it will not go into effect until the first meeting of 2023. Commissioner Cannon made a motion, seconded by Commissioner Long to meet the first and last Monday of each month and to amend the Rules of Procedure as distributed to include the Electronic Participation Policy as presented. The motion carried unanimously.

Judge English said that Mr. Hardee indicated an agreement has been reached with Beauregard Fire to move the portable classroom used for voting at Beat 10 in Marvyn to the new fire station on Alabama Highway 51 about ½ mile north of the current location. Judge English said the location will have permanent connection to electricity and water/septic system and no longer have to utilize a generator or a holding tank. Beauregard Fire will pay the utilities in exchange for being allowed to use the classroom for training when not in use for elections. Commissioner Harris made a motion, seconded by Commissioner Cannon to move the portable classroom building from its current location in Marvyn next to the new Beauregard Fire Station on Alabama Highway 51 to be used for future elections. The motion carried unanimously.

Next, Judge English asked Mr. Hardee to examine the asphalt areas around the Meeting Center, and that after speaking with him about it, Mr. Hardee said the Highway Department can perform the work to replace the pavement. Mr. Hardee said he and his Highway Superintendent Bill Yarbrough looked at it and said the work could be performed within 4-5 days, and it will not negatively affect other ongoing projects. Judge English said no Commission action is necessary since it is county-owned property, but he wanted the Commission to be notified and onboard.

The agenda item concerning a promotion within the Appraisal Department was removed.

Mrs. Leverette presented agreements with Alabama Power Company for parking lot lighting at the Beulah Park and the Beauregard Park for Commission consideration. Mrs. Leverette said the money will come from the ARPA Revenue Replacement funds for safety concerns around the two parks. Parks Director Ryan Norris presented slides of the proposed placement of the lights according to the agreement with Alabama Power. Mr. Norris said he hopes to have the lighting installed prior to the spring season. Mrs. Leverette said that Alabama

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Power will maintain and take care of the poles as per the agreement. Further, Mrs. Leverette said this is the first fully expended project with ARPA funds. Since the parks are in District 4, Commissioner Langley made a motion, seconded by Commissioner Long to approve the following Resolution for ARPA Revenue Replacement Funds and authorize the Chairman to sign the agreements as presented. The motion carried unanimously.

RESOLUTION FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS FOR GOVERNMENT SERVICES

WHEREAS, Lee County, Alabama (the “County”) has received American Rescue Plan Act fiscal recovery funds (“ARPA funds”) and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, in accordance with the provisions of final rule published by the United States Department of Treasury dated January 6, 2022, the County has duly elected to designate a standard allowance of up to \$10,000,000 of its ARPA funds as revenue replacement (“ARPA revenue replacement funds”); and

WHEREAS, the County may use ARPA revenue replacement funds to fund government services; and

WHEREAS, the County has determined that there is a need to ensure the following government services: to provide for safety and security at County-owned parks; and

WHEREAS, the Beauregard and Beulah Parks are in need of lighting in the parking lot area to promote safety and security; and

WHEREAS, the County has determined that leasing light poles from Alabama Power at the rate prescribed by the Alabama Public Service Commission is a necessary, reasonable, and proportionate measure to facilitate the provision of these government services. The approved rate for each park is as follows: Beauregard Park - \$41,171.86; Beulah Park - \$57,400.98; and

WHEREAS, the County has procured the lease for these goods in a manner consistent with state law and federal guidelines, including compliance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), as applicable to ARPA revenue replacement funds.

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

1) The County shall use up to \$98,572.84 of ARPA funds, which are hereby designated as ARPA revenue replacement funds, to facilitate the provision of the government services described herein.

2) The Chairman is hereby authorized to expend these funds to lease the light poles as described herein from the designated vendor to facilitate the provision of these services.

3) The ARPA Program Director is charged with ensuring that ARPA revenue replacement funds allocated and expended to provide these government services will not be used in such a way as to frustrate COVID-19 mitigation guidance issued by the Centers for Disease Control, or for any other use prohibited by the Final Rule or any applicable state or federal law.

4) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA revenue replacement funds for this

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purpose and in no event shall be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

Governmental Relations/Safety Coordinator Wendy Swann presented the proposed FY2023 Holiday schedule for Commission approval. Mrs. Swann stated the holiday schedule includes two days for Christmas. Additionally, two holidays fall on regularly scheduled Commission meetings and those meeting dates will need to be moved from Monday to Tuesday. Those two holidays are Memorial Day and Columbus Day. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the FY2023 Holiday Schedule as presented. The motion carried unanimously.

FY2023 Holiday Schedule

New Year's Day	Monday, January 2, 2023
Martin Luther King, Jr. Day	Monday, January 16, 2023
Presidents' Day	Monday, February 20, 2023
Memorial Day	*Monday, May 29, 2023
Juneteenth Day	Monday, June 19, 2023
Independence Day	Tuesday, July 4, 2023
Labor Day	Monday, September 4, 2023
Columbus Day	*Monday, October 9, 2023
Veterans' Day	Friday, November 10, 2023
Thanksgiving	Thursday, November 23, 2023
	Friday, November 24, 2023
Christmas	Monday, December 25, 2023
	Tuesday, December 26, 2023

*Normal Commission Meeting Days

Note: Monday, May 29 meeting moved to Tuesday, May 30, 2023

Monday, October 9 meeting moved to Tuesday, Oct. 10, 2023

At approximately 6:00 p.m., Commissioner Cannon made a motion, seconded by Commissioner Morris to adjourn. The motion carried unanimously.