

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, FEBRUARY 13, 2023

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 13, 2023. The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Ross Morris, Doug Cannon, Gary Long and Tony Langley. District 5: Vacant. Officials in attendance: Sheriff Jay Jones and Coroner Daniel Sexton. News media in attendance: Opelika-Auburn News reporter John West and WTVM reporter Rico Mitchell.

Governmental Relations/Safety Coordinator Wendy Swann said the LUCAS automated CPR devices were received and ready to give to each department in the Lee County Fire Fighters Association. Mrs. Swann explained the funds are 100% provided by an ADECA Grant. Commissioner Long presented a device to the Fire Fighters Association President Blake Simpkins and thanked each fire department for their dedicated service. Additionally, Commissioner Long said he was thrilled to be able to present these devices as an additional potential life-saving tool for each department. Commissioner Long also said if the volunteer fire departments ceased to exist then insurance rates would go way up.

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 the January 30, 2023 minutes. Announcement of openings on the following boards were made. They include: the Beauregard Water Authority, the Loachapoka Water Authority, the Smiths Water & Sewer Authority, the Lee County Recreation Board in District 4, and the Alternative Sentencing Board. First reading of Jeff Wooley and Rex Barr to the Lee County Recreation Board was made. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the consent agenda items as presented. The motion carried unanimously.

County Engineer Justin Hardee said the Highway Department received a petition on January 26, 2023, from JRBC Holdings, LLC to vacate all public rights on Lee Road 196. Mr. Hardee said the Highway Department does not currently maintain any portion of Lee Road 196; however, the portion of Lee Road 196 from Lee Road 145 south to the half section line of Section 11, Township 18 North, Range 28 East (approximately 1.7 miles) was never formally vacated by the Lee County Commission. JRBC Holdings, LLC now owns all property abutting this portion of Lee Road 196. As required by the Code of Alabama §23-4-20, they have submitted a written petition requesting the Commission vacate the public's rights along Lee Road 196. Mr. Kevin Humphres came before the Commission on January 30, 2023, and several times prior, and stated his case that he is landlocked to why he needs access to this portion of Lee Road 196 and that remains the main area of contention between the two parties. Pursuant to Code of Alabama §23-4-20, the Commission is requested to set a public hearing to determine the vacation request on either April 10 or 24, 2023, to provide JRBC Holdings, LLC to meet all

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, FEBRUARY 13, 2023

notification requirements and comply with the time frame provided in the law for conducting the public hearing. Commissioner Langley said he talked with Mr. Humphres, and he would prefer to hold the public hearing on April 24, 2023 since Mr. Humphres is still in negotiations with them for access to his property. After more discussion, Commissioner Langley made a motion to set the public hearing for April 24, 2023. The motion was seconded by Commissioner Long and carried unanimously.

Chief Administrative Officer Holly Leverette presented the following updated COVID-19 Policies for Commission consideration. Mrs. Leverette said the edits are from the updated recommendations from the Centers for Disease Control (CDC) for isolation and precautions for people with COVID-19 and for exposure to the COVID-19 virus. Additionally, Mrs. Leverette said the recommendations call for only 5 days of isolation in most cases, so it is recommended the Commission approve lowering the amount of sick leave given to new hires from 80 hours to 40 hours. Also, she recommended that the maximum cap for sick leave balances be adjusted from 1120 hours to 1080 hours to accommodate the change. Mrs. Leverette also noted the vaccination requirements have been removed. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the updated COVID-19 Policies as presented. The motion carried unanimously.

LEE COUNTY COVID-19 POLICY

(Revised February 13, 2023)

A. Wearing of masks or shield coverings are optional (EXCEPT as noted below).

B. All personnel who are directly impacted by COVID-19 in the following ways:

1. If you are experiencing COVID-19 symptoms (according to Center for Disease Control guidance like fever, cough, shortness of breath) and seeking a medical diagnosis for COVID-19. If positive for COVID-19, see number 2. If negative for COVID-19, follow standard sick leave policies.

2. If you tested positive for COVID-19, you shall self-isolate immediately.

Without Symptoms: If you continue to have no symptoms, you are to return to work after 5 days have passed since you had a positive test.

With Symptoms: You are to return to work after meeting the following conditions:

- 5 days since symptoms first appeared **and**

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, FEBRUARY 13, 2023

- 24 hours with no fever without the use of fever-reducing medications **and**
- Other symptoms of COVID-19 are improving*

UPON return to work, you MUST wear a mask when around others for 5 days.

Severe Illness (requiring Hospitalization): You are to return to work after meeting the following conditions:

- 10 days since symptoms first appeared **and**
- 24 hours with no fever without the use of fever-reducing medications **and**
- Other symptoms of COVID-19 are improving*

If you are still experiencing Post-COVID Complications, the standard FMLA policies and procedures apply.

**Loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation*

3. If you have had close contact with someone with COVID-19, you can come to work regardless of vaccination status or if you have had a previous infection. You should wear a mask as soon as you are aware of the exposure for 10 days when you are around others. The CDC defines close contact as exposures adding up to a total of 15 minutes spent 6 feet or closer to an infected person.

If you develop symptoms, get tested and follow number 2. With Symptoms above if positive. If negative, return to work.

Appropriate Documentation will be required for each of the above. Types of documentation are copy of orders, proof of tests and/or written certifications.

Providing false documents or misleading and false statements associated the above are Group Two Offenses under 11.4.2 A. (5) and (6).

In addition, anyone who is staying home is being paid to follow orders and instructions for public health and safety reasons. Failure to follow those orders and instructions is a Group Two Offense under 11.4.2 A. (7).

Such actions in this section are grounds for the employee's dismissal from employment.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, FEBRUARY 13, 2023

(For Sheriff Service Employees, enforcement and discipline determination is solely the discretion of the Lee County Sheriff)

- C. Employees under the budgetary and administrative authority of the County Commission should protect the public, their coworkers and themselves by:

NOT reporting to work and notifying their supervisor if they have:

- temperature above 100.3
- or are experiencing the following:
 - Persistent Cough
 - Shortness of breath or difficulty breathing

Or have two or more of these symptoms:

- Chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Employees failing to practice such safety measure are in violation of Group One Offense under 11.4.1 A. (6).

Repeated failure to practice and/or absolute disregard to such safety measures are in violation of Group Two Offense under 11.4.2 A. (12) "Violation of safety practices that might endanger the life or health of the employee or others". Repeated failure and/or absolute disregard should be a suspension without pay or terminated.

(For Sheriff Service Employees, enforcement and discipline determination is solely the discretion of the Lee County Sheriff)

- D. Employees hired on or after February 13, 2023, upon hire, will have 40 hours added to their sick leave balances intended for such use however not specifically designated. The maximum cap for sick leave balances will be adjusted from 1120 to 1080 hours.

Reporting to work knowingly sick with COVID-19 is a violation of Group Two Offense under 11.4.2 A. (12) "Violation of safety practices that might endanger the life or health of the employee or others". Such action is grounds for the employee's dismissal from employment.

Mrs. Leverette said previously the Commission designated \$7,663,100 of the ARPA revenue replacement funds be allocated for the construction of the Lee County Engineering Complex. Now, Mrs. Leverette said the Commission needs to officially pass the following Resolution to allocate the ARPA revenue replacement funds as designated for the project.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, FEBRUARY 13, 2023

Commissioner Long made a motion, seconded by Commissioner Cannon to authorize the Chairman to sign the following Resolution officially allocating \$7,663,100 from the ARPA revenue replacement funds to be used for the construction of the Lee County Engineering Complex. The motion carried unanimously.

RESOLUTION

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 to provide adequate office and working space for County staff to operate efficiently and effectively to serve the County and its citizens; and

WHEREAS, the County Engineering Division is in need of a new space in order to effectively provide government services; and

WHEREAS, the County has determined that the building of a new Engineering Complex including, an office building; shop building; equipment parking shed; fueling station; kennel building; and a multi-use building for storage of asphalt emulsion, herbicides, and signs, is a necessary, reasonable, and proportionate measure to facilitate the provision of these government services; and

WHEREAS, the County issued an Invitation to Bid consistent with the competitive bid requirements of the Public Works Law, codified as Title 39 of the Code of Alabama (1975); and

WHEREAS, the County received and publicly opened three sealed bids on December 13, 2022; and

WHEREAS, after a review of the bids, Gamble Winter Construction, LLC, was determined to be the lowest responsive and responsible bidder for this project by the Lee County Commission (“Commission”) in its January 9, 2023, meeting; and

WHEREAS, the County certifies that it has procured these services in a manner consistent with the Public Works 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:

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, FEBRUARY 13, 2023

1) The County shall use up to \$7,663,100.00 of ARPA funds, which are hereby designated as ARPA revenue replacement funds, to facilitate the provision of the government services described herein.

2) The Chief Administrative Officer is hereby authorized to expend these funds to construct a new Engineering Complex 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 purpose and in no event shall be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

IN WITNESS WHEREOF, the Lee County Commission has caused this Resolution to be executed in its name and on its behalf by its chairman on the 13th day of February 2023.

Lekiesha Young Hicks, daughter of Geri Young, appeared before the Commission to ask for the Commission to help her get internet connection where she lives in Loachapoka, south of Lee Road 188. Mrs. Young Hicks said Governor Ivey has said broadband is a necessity and that access will be available no matter where you live in Alabama. Commissioner Cannon said he talked to Mrs. Young Hicks about the broadband study. Mrs. Leverette said she has the first draft of the study, saying the underserved areas will be a priority. Mrs. Leverette said we are trying to use our dollars on the last few miles, where there is no internet service. Mrs. Leverette said at the next few meetings, she hopes the group will come to present their findings.

Judge English presented the Annual Levy of Alcoholic Beverages for FY2023-2024 and stated there are no changes in the county fees. Commissioner Long made a motion to approve the following Resolution to set the Annual Levy of Alcoholic Beverages for FY2023-2024. The motion was seconded by Commissioner Langley and carried unanimously.

BE IT RESOLVED by the Lee County Commission that the County license levies for the sale of liquor, beer and wine for the fiscal year beginning October 1, 2023, to be set in the following amounts:

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, FEBRUARY 13, 2023

010 Lounge Retail Liquor – Class I	\$150.00
011 Lounge Retail Liquor – Class II (Package)	\$150.00
020 Restaurant Retail Liquor	\$150.00
031 Club Liquor – Class I	\$150.00
032 Club Liquor – Class II	\$375.00
040 Retail Beer (On or Off Premises)	\$75.00
050 Retail Beer (Off Premises Only)	\$75.00
060 Retail Table Wine (On or Off Premises)	\$75.00
070 Retail Table Wine (Off Premises Only)	\$75.00
080 Liquor Wholesale	\$500.00
090 Wholesale Beer Only	\$275.00
100 Wholesale Table Wine Only – 16.5% or less	\$275.00
110 Wholesale Table Wine & Beer Combined	\$375.00
120 Warehouse License	\$100.00
130 Additional Warehouse – Wine, Beer or Both	\$100.00
140 Special Events Retail	\$75.00
150 Special Retail License – 30 days or less	\$100.00
160 Special Retail License – More than 30 days	\$250.00
170 Retail Common Carrier	\$150.00
200 Manufacturer	\$500.00
210 Importer	\$250.00
220 Brewpub	\$500.00
230 International Motor Speedway	\$3,000.00
250 Wine Festival License	\$50.00
260 Wine Festival Participant License	\$15.00
500 Direct Wine Shipper	\$200.00
510 Wine Fulfillment Center	\$500.00
520 Additional Wine Fulfillment Center	\$100.00
530 Delivery Service License	\$250.00
800 In-State Winery Off-Site Testing Permit	\$0.00

Sheriff Jones presented an ABC license application for a Special Events Retail from Premium Pours Bartending for a one-day event on Saturday, February 25, 2023 at 21 Acres. Sheriff Jones recommended granting license for the event. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the following Resolution granting the license to Premium Pours Bartending. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, FEBRUARY 13, 2023

BE IT RESOLVED, the Lee County Commission hereby approves the special events retail license for Premium Pours Bartending located at 5535 Wire Road, Auburn, Alabama.

Next, Sheriff Jones presented an ABC license application for a transfer of a Restaurant Retail Liquor license from Happy Hour Bar and Grill. Sheriff Jones said the business is located on island parcel which has not been annexed and is surrounded by Phenix City city limits. Sheriff Jones has no objections regarding the proposed transfer of the license. Commissioner Long made a motion, seconded by Commissioner Langley to approve the following Resolution for the transfer of the restaurant retail liquor license as presented. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the transfer of the Restaurant Retail Liquor license for Happy Hour Bar and Grill located at 5409 Summerville Road, Suite 1, Phenix City, Alabama.

Mr. Hardee presented a request from citizens to decrease the speed limit on Lee Roads 371 and 785. Mr. Hardee said the Highway Department has conducted a traffic study and recommends that the speed limit be reduced from 45 mph to 25 mph on Lee Road 371 and reduced from 45 mph to 10 mph on Lee Road 785. Mr. Hardee said Lee Road 371 is a dead-end road that is 10 feet wide and provides access to several homes on Lake Harding. The Highway Department recommends these as reasonable and safe maximum speed limits. Commissioner Langley made a motion, seconded by Commissioner Cannon to approve the reduction of the speed limit from 45 mph to 25 mph on Lee Road 371 and from 45 mph to 10 mph on Lee Road 785, as recommended. The motion carried unanimously.

Mrs. Leverette presented a request for a job reclassification and a request for a new position in the Building Maintenance Department. First, Mrs. Leverette said she and Maintenance Director Jerry Lynch had previously discussed the need to split the job. As Lee County continues to be one of the fastest growing counties in the state, the county's number of employees and facilities have increased too. The proximal opening of the larger EMA facility and the future opening of the Engineering Complex in a few years only adds to the anticipated amount of work orders and additional cleaning that must be accomplished by the Building Maintenance Department in a short amount of daily time. The recent departure of the Building Maintenance Supervisor gave an opportunity to evaluate that current position. Mrs. Leverette said they reviewed the workload on the position due to the number of work orders coming in throughout the county and the need for a working supervisor to work similar hours as the custodians and facility technicians after regular business hours. Over the past five years the

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, FEBRUARY 13, 2023

Building Maintenance Department staff averaged 1,463 work orders per year; approximately 250 more than the previous five years. The best course of action is to divide the position back into two positions as it was previously to allow for less strain on the department. It will allow for cross training of employees in other areas of the department as the administrative assistant will be the backup person for the courier when that person is absent. Additionally, it will allow for the working custodial and facility technician supervisor to add additional hands for cleaning the buildings as well as work directly with the custodians to cross-train them on all aspects of cleaning each of the county buildings. The budget will be able to accommodate the additional position due to the unfilled positions in that department. Commissioner Long made a motion, seconded by Commissioner Morris to approve the reclassification of the Building Maintenance Facility Supervisor to a Custodial and Facility Technician Supervisor at a Pay Grade 114 starting at \$47,332.84 and to approve the creation of a new unfunded position for a Building and Maintenance Administrative Assistant at a Pay Grade 111 starting at \$40,887.89. The motion carried unanimously.

Last, Judge English said Mr. Hardee needs to add an item to the agenda concerning a Federal Aid Project to resurface Lee Road 379 through the Columbus-Phenix City Metropolitan Planning Organization. Commissioner Cannon made a motion to add the item to the agenda. The motion was seconded by Commissioner Morris and carried unanimously. Mr. Hardee said he was notified about two hours ago by ALDOT that the paperwork must be turned in by February 22, 2023, saying there is no leeway. Mr. Hardee said the project was let and one bid was received from East Alabama Paving Company. Mr. Hardee said the award amount is \$1,891,090.54 with \$1.3 million coming from the Columbus-Phenix City MPO and the remainder of \$591,090.54 from county funds. Mr. Hardee said the funds are budgeted through the Highway Department. Commissioner Long questioned why the rush. Mr. Hardee said the bid was awarded on January 27, 2023 and the price is only good for 30 days. Commissioner Long questioned the start date. Mr. Hardee said the bid awarded in February, he would anticipate a start date of April or May. Commissioner Langley made a motion, seconded by Commissioner Long, to authorize the Chairman to sign the paperwork for the Federal Aid resurfacing project on Lee Road 379 as presented. The motion carried unanimously.

At approximately 5:40 p.m., Commissioner Cannon made a motion, seconded by Commissioner Morris to adjourn. The motion carried unanimously.