

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, APRIL 10, 2023

Retired Probate Judge Hal Smith was in attendance to swear-in newly appointed Commissioner Richard LaGrand, Sr. representing District 5. Opelika Mayor Gary Fuller and ??? held the bible for Commissioner LaGrand.

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, April 10, 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, Tony Langley and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones and Mayor Gary Fuller. News media in attendance: The Observer reporter Hannah Lester and Opelika-Auburn News reporter John West.

Pamela Hughes of the Mid-South RC&D Council was unable to attend and wanted to move the item to the next agenda.

Kathryn Guthrie of Worthy Squared Initiative gave a presentation on her organization which has been active in Lee County for over seven years. Ms. Guthrie said they are advocates for those exploited by sex trafficking or commercial sex so they may reclaim their identity or self-worth with a team compassionately guiding and mentoring them to discover true freedom. Ms. Guthrie said she and her team work across the state and partner with other ministries in Alabama and Georgia. They also work as a support role as advocates with federal, state and local law enforcement agencies. Ms. Guthrie said last year they actively made contact with 111 victim survivors, stating their team consistently has about 17-35 active cases. Ms. Guthrie said she checked the website before coming today and found 33 online for sale. Ms. Guthrie said recently they have been overwhelmed with approximately three calls a week in the area. Ms. Guthrie said her organization is self-funded, but the Opelika City Council members provide support for their program and stated they are before the Commission requesting the same. Judge English thanked Ms. Guthrie for her presentation.

County Engineer Justin Hardee wished to recognize Work Zone Awareness Week. Mr. Hardee stated it begins next week, April 17-21, 2023, and the theme is "Work with Us". Mr. Hardee reminded everyone to slow down in a work zone stating 857 people killed in a work zone accident in 2020. Mr. Hardee provided additional statistical information. Mr. Hardee asked everyone to pay attention and put the cell phones down especially in work zones. Mr. Hardee further said the goal is for everyone to go home at the end of the day.

Last, EMA Director Rita Smith presented an update on House Bill 22. Mrs. Smith said ...

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, APRIL 10, 2023

Environmental Services Director John McDonald stated his department once again will be participating with Alabama PALS Spring clean-up which entails the entire month of April. Mr. McDonald said PALS will provide bags and indicated a dumpster will be available at the Engineering Building for organizations to utilize. Mr. McDonald asked agencies to contact him if they wish to participate.

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 a copy of the March 27, 2023 minutes. Commissioner Cannon made a motion, seconded by Commissioner Langley, to approve the consent agenda items as presented. The motion carried unanimously.

Second reading of one position on the Beauregard Water Authority Board was made. Commissioner Langley made a motion to approve the following Resolution appointing Dave Ketchan. The motion was seconded by Commissioner Morris and carried on a vote of 4-0-1 with Commissioner LaGrand abstaining.

BE IT RESOLVED, the Lee County Commission hereby appoints Dave Ketchen to the Beauregard Water Authority Board to serve a six-year term from April 10, 2023 to March 1, 2029.

Calvin Bellamy appeared before the Commission to discuss Lee Road 246. Mr. Bellamy stated he is before the Commission once again about the dirt portion of Lee Road 246 stating it is in rough shape with a lot of potholes. Mr. Bellamy thanked the department for picking up the trash along the roadway. Mr. Bellamy said he would like to see the county pave one dirt road a year, starting with his road. Mr. Bellamy feels there is no reason Lee County should have any dirt roads. Judge English asked Mr. Hardee to address the issue. Mr. Hardee explained that the Commission made a decision in 2010 to suspend the dirt road paving program. Mr. Bellamy questioned a road the county put tar on the cracks. Mr. Hardee said it is a crack seal that keeps water from getting underneath the asphalt. Mr. Hardee said Lee County has 175 miles of dirt road. Mr. Bellamy questioned if gravel will help the dirt road. Mr. Hardee said gravel will not help the dust issue. Mr. Bellamy questioned if they could apply rock and tar on the road. Mr. Hardee once again said the Commission suspended the paving program.

Commissioner Cannon introduced Mrs. Sheppard on the discussion of polling locations. Mrs. Sheppard of the Republican Executive Committee presented folders to each Commissioner. Mrs. Sheppard asked the Commission to consider additional polling locations to reduce congestion and overcrowding at several locations.

Lekeisha Hicks appeared before the Commission to discuss the broadband issue. Ms.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, APRIL 10, 2023

Hicks reviewed the broadband study presented at the meeting held March 13. Ms. Hicks said she would like to see a push forward with services. Ms. Hicks mentioned the following areas in Loachapoka, including: Lee Roads 188, 3, 1, 393, 662, 645, 675, 6 and 661. Ms. Hicks said she lives south of Lee Road 188 near the Macon County line. Ms. Hicks said she has talked with several residents who had service installed with Point Broadband. Ms. Hicks asked the Commission to make Loachapoka a priority, since currently no one holds the District 5 seat. Ms. Hicks said Mrs. Leverette assisted her with some questions and concerns. Further, Ms. Hicks questioned if the county will apply for other funds for Loachapoka. Ms. Hicks also asked that the information be shared with her so that she can get it out to the citizens of Loachapoka since they can't get the Opelika-Auburn News because there are no carriers in the area. Commissioner Cannon assured Ms. Hicks that Loachapoka will not be left out, saying Mrs. Leverette received the final report on the broadband study today. Commissioner Cannon said it is planned to be discussed at an upcoming work session.

Chief Building Official Joel Hubbard presented for Commission adoption the updated 2021 Building and Administrative Codes. Mr. Hubbard asked if anyone had questions for him. Commissioner Long made a motion, seconded by Commissioner Cannon, to approve the following resolution updating to the 2021 Building and Administrative Code. The motion passed unanimously.

RESOLUTION

WHEREAS, it is the desire of Lee County to adopt in all respects the various International Building and Residential Codes and special provisions related to building, such as mechanical, plumbing, electrical and energy, and;

WHEREAS, the adoption of these codes is done to facilitate proper inspection activities by Lee County relating to construction and relating to public safety, health and general welfare, and;

WHEREAS, the adoption of these codes is done in accordance with Code of Alabama 1975 Section 41-9-166.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission as follows:

1. That Lee County and the Lee County Commission do hereby adopt by reference and provide for the enforcement of, separately and severally, each of the following codes, and any update and replacement editions thereof the same, may be adopted as published, which as aforesaid, are adopted by reference as fully completely as though they were copied herein fully:

International Building Code	2021 Edition
International Residential Code, including Appendix AJ, AM and AQ	2021 Edition
International Plumbing Code	2021 Edition

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, APRIL 10, 2023

International Mechanical Code	2021 Edition
International Fuel Gas Code	2021 Edition
International Existing Building Code	2021 Edition
International Swimming Pool and Spa Code	2021 Edition
National Electrical Code	Current Edition
International Energy Conservation Code	2021 Edition
International Fire Code	2021 Edition
ICC A117.1 (2017) Standards for Accessible and Usable Buildings and Facilities	
ICC 500 (2020) Standard for the Design and Construction of Storm Shelters	
ICC 400 Standard for the Design and Construction of Log Structures	
Lee County Building Inspections Administrative Code	
Lee County Storm Water Management Plan, Construction Site Runoff	
Lee County Flood Damage Prevention Resolution	
Lee County Access Management Policy	

2. Be it further resolved that the above Codes shall apply to and govern in all unincorporated areas of the County and in those parts of the County lying within the corporate limits of municipalities which have not adopted and are not enforcing municipal building codes, when a request, in the form of a resolution, is sent to the County Commission by the governing body of such municipality.
3. Be it further resolved that administrative provisions for each of the above codes are hereby adopted.
4. Be it further resolved that the Lee County Commission does hereby prescribe and exact fees and charges to be paid for inspections and other administrative services and for the issuance of building permits as shown in the Administrative Code.
5. Be it further resolved by the Lee County Commission that any matters in the Administrative Code which are contrary to the above International Codes, the Administrative Code shall prevail.
6. Be it further resolved that the provisions of this Resolution and separately and severally, the provisions of the above Codes are each severally, any part of the Codes referred to above are declared invalid, illegal, or unconstitutional, such declaration shall not affect the part which remains. It is anticipated that each of the above Codes will be updated as necessary.
7. Be it further resolved that exclusions apply for certain agricultural structures not intended for human occupancy and that nothing in the Codes herein adopted shall apply to any building or project authorized or licensed by the

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, APRIL 10, 2023

Nuclear Regulatory Commission, the Federal Energy Regulatory Commission, or the Alabama Public Service Commission.

8. Be it further resolved that all prior Resolutions or parts of prior Resolutions which conflict with this Resolution are hereby repealed to the extent of such conflict, and;
9. Be it further resolved that the above Codes and the provisions of this Resolution shall take effect May 1, 2023.

Commissioner Cannon made a motion, seconded by Commissioner Langley, to approve the following Resolution reappointing George Ervin and Joel David Taylor to the Loachapoka Water Authority. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints George R. Ervin and David Taylor to the Loachapoka Water Authority Board to each serve a six-year term from March 1, 2023 to March 1, 2029.

Commissioner Langley made a motion, seconded by Commissioner Morris to approve the following Resolution reappointing Adam Littleton and Jason Flowers to serve on the Smiths Water and Sewer Authority Board. The motion carried on a vote of 3:0:1, with Commissioner Long abstaining.

BE IT RESOLVED, the Lee County Commission hereby reappoints Adam Littleton and Jason Flowers to the Smiths Water and Sewer Authority Board to each serve a six-year term from March 1, 2023 to March 1, 2029.

Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the following Resolution to approve reappointment of William A. (Bill) Parker, Jr. and Edgar Adams to serve on the Lee County Alternative Sentencing Board. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints William A. (Bill) Parker, Jr. and Edgar Adams to serve on the Lee County Alternative Sentencing Board.

First reading of one position on the Beauregard Water Authority Board was made. Three applicants submitted Citizen Interest forms for consideration, including: Larry Patterson, David Ketchen and Mitchell Lazenby. Commissioner Langley said he feels that since Harry Lazenby currently serves on the board, that his son Mitch Lazenby, should not serve at the same time. Commissioner Langley made first reading to appoint David Ketcham to the Beauregard Water

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, APRIL 10, 2023

Authority Board. The motion was seconded by Commissioner Long and carried unanimously.

Fabien Smith appeared before the Commission to appeal a claim which was denied by County Risk Services. Mr. Smith said he filed a Citizen Incident Report on March 8, 2023 for damages to a tire and rim totaling \$1,559.16 caused by a pothole on Lee Road 248. Mr. Smith said it does not make sense for his claim to be denied because he was the first person to report the pothole, saying it is an antiquated process. Judge English questioned which tire was damaged. Mr. Smith said it was the front passenger tire. Commissioner Long questioned if he was currently riding on the spare. Mr. Smith said no, the tire and wheel have been replaced and the invoice was from those repairs. Commissioner Long said he knew where the pothole was and asked Mr. Smith to allow him to look at it and he would get back with him. Mr. Smith asked the Commission to decide whether or not it was fair. Commissioner Long said he would look into the issue.

Sheriff Jones presented an Intergovernmental Support Agreement (IGSA) between the Lee County Sheriff's Office and the US Army. Sheriff Jones said the agreement is for the US Army to compensate the Lee County Sheriff's Office for confinement services on military personnel accused of criminal law violations under the UCMJ. This IGSA mimics the Sheriff's Offices current ISGA's with the US Marshall Service for detention of federal inmates. Commissioner Morris made a motion, seconded by Commissioner Langley, to approve the Intergovernmental Support Agreement between the Lee County Sheriff's Office and the US Army at Ft. Benning as presented. The motion carried unanimously.

Sheriff Jones presented a restaurant retail liquor license application from San Miguel Mexican Cuisine located in District 4. Sheriff Jones recommended granting the license as presented. Commissioner Langley made a motion, seconded by Commissioner Morris, to approve the following Resolution approving the application. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the restaurant retail liquor license for San Miguel Mexican Cuisine located at 50 Lee Road 344, Salem, Alabama.

Coroner Daniel Sexton presented the results of Bid #2023-07 for a 2023 passenger van for body transport services. Coroner Sexton said out of 28 bids mailed only one was returned and he received a phone call from a vendor with a "no bid". Coroner Sexton recommended the Commission award it to the lowest responsive bidder, Honda of Jasper for \$42,909. Commissioner Cannon questioned if the vehicle was in stock. Coroner Sexton answered in the affirmative. Commissioner Cannon made a motion, seconded by Commissioner Long to award Bid #2023-07 for a 2023 passenger van to Honda of Jasper for \$42,909. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, APRIL 10, 2023

Next, County Engineer Justin Hardee deferred discussion of Bid #2023-08 for two 2023 ¾-ton crew cab pickups to Assistant County Engineer Patrick Harvill. Mr. Harvill detailed the issues in trying to bid trucks for their on-call personnel who need reliable transportation. Mr. Harvill said they have tried numerous times over the last three years. Only one bid was returned despite several being sent out. Mr. Harvill recommended the Commission award the bid to the lone bidder Langley Motor Company for \$133,799.36. Commissioner Cannon made a motion, seconded by Commissioner Morris to award Bid #2023-08 for two 2023 ¾-ton crew cab trucks to Langley Motor Company for \$133,799.36. The motion carried unanimously.

Mr. Hardee presented a request from the Lee County Board of Education for assistance from the Lee County Highway Department in relocating a portion of Lee Road 373 which runs through their property adjacent to Beulah High School. Mr. Hardee said they wish to construct a new track and field facility on their property and the current dirt road location would interfere with their planned location. Mr. Hardee said the Highway Department has spoken with the Board of Education on the matter and the Board has agreed to pay for all out of pocket expenses (i.e. rock, pipe, silt fence, etc.) and asks approval for the Highway Department to provide labor and equipment to realign the roadway to run along their western property line. Commissioner Langley made a motion, seconded by Commissioner Long, to allow the Lee County Highway Department to realign the road as requested by the Lee County Board of Education and for out of pocket expenses be paid by the Board. The motion carried unanimously.

Commissioner Morris made a motion to add an item to the agenda concerning the Opioid Settlement. The motion was seconded by Commissioner Long and carried unanimously. Attorney Christy Crow appeared before the Commission asking them to authorize Judge English to sign the settlement agreements for the Opioid crisis as presented at a Commission meeting about six months ago for the Johnson & Johnson settlement with no funds for Lee County. Ms. Crow said Lee County still has an opportunity to receive funds with other companies if they wish to participate. Judge English questioned the second paragraph on page 1 and the second paragraph on page 2, stating attorney fees were 25%. Ms. Crow said that is the contingency fee if Lee County is awarded any money, then the attorney fees are determined by the Special Master who would set those fees. Commissioner Morris said he would recommend the Commission participate since the Opioid crisis is everywhere. After more discussion, Commissioner Morris made a motion, seconded by Commissioner Cannon to authorize Judge English to sign the necessary documents as presented. The motion was seconded by Commissioner Long and carried unanimously.

Sheriff Jones asked to add an item to the agenda concerning a federal allocation for communication updates for discussion. Commissioner Langley made a motion, seconded by

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, APRIL 10, 2023

Commissioner Morris, to add the item as requested. The motion carried unanimously. Sheriff Jones reminded the Commission of the discussion during budget hearings last fall of needed radio communications upgrades. Sheriff Jones said he met with Congressman Mike Rogers in February about a federal allocation to assist in upgrading the radio communication system from an analog based platform to the P-25 digital standard. Sheriff Jones said Opelika and Auburn police departments along with other municipal and county law enforcement agencies in east central Alabama have already migrated to P-25 compliant radio systems in the last few years. Sheriff Jones said the Lee County sheriff deputies are unable to directly communicate with their counterparts, resulting in safety issues and delays in critical information sharing between agencies. Sheriff Jones asked the Commission to write a letter of support for the federal allocation to Congressman Rogers. Commissioner Morris made a motion, seconded by Commissioner Langley in writing a letter of support to Congressman Rogers. The motion carried unanimously.

Commissioner Long made a motion at approximately 6:00 p.m. to adjourn. The motion was seconded by Commissioner Langley and the motion carried unanimously.