

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 30, 2023

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Tuesday, May 30, 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, Gary Long, Tony Langley and Richard LaGrand. Commissioner Cannon was absent due to one of his daughters, Brooklyn Trammell, being hospitalized. Judge English stated Commissioner Cannon reported prior to the meeting that she was a little better today but had been hospitalized since Saturday morning. Elected Officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: The Observer reporter Hannah L. Goldfinger.

Commissioner LaGrand was happy to introduce Loachapoka Track Coach Mitchell Chenier recognizing that the boys track team won the Class 1A State Championship in Cullman recently. Coach Chenier also mentioned that the Loachapoka girls track team came home with the third-place trophy. Coach Chenier said it takes determination, discipline, and dedication, especially since the team had to travel to Beauregard High School to practice. Coach Chenier said he heard that the Lee County Board of Education approved a track field for Loachapoka. Commissioner LaGrand told Coach Chenier that Glynn Smith Chevrolet committed to make a monetary donation to the track team.

Next, Parks Director Ryan Norris gave an update on the Loachapoka Park project. Mr. Norris said the cost estimate came in under the estimate at \$440,000, saying that over half of that is for site work. Also, he said the RFP advertisement has been approved. Chief Administrative Officer Holly Leverette said the project would go to IAC for approval for use of ARPA funds. Commissioner LaGrand commended Mr. Norris and the members of the Lee County Recreation Board. Mr. Norris said the project should take approximately 180 days, but it would be up to the winning contractor to decide the length of time it will take to complete, within a reasonable timeframe. Judge English questioned the distance between the entrances to the post office and the park which appeared to be close.

Last, EMA Director Rita Smith recognized Clint Knox for completing the Federal Signal certification for the outdoor sirens. Mrs. Smith said Mr. Knox traveled to Chicago for the training, which was budgeted, and passed the test on his first attempt. Commissioner Long congratulated Mr. Knox saying the county is fortunate to have him.

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 May 8, 2023 minutes. Additionally, first reading of Lauren Penton to the East Alabama Mental Health Board was made. Commissioner Long made a motion, seconded by Commissioner Morris, to

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 30, 2023

approve the consent agenda items as presented. The motion carried unanimously.

Under new business, Commissioner LaGrand requested a detailed accounting on the Federal Rescue Plan funds. Chief Administrative Officer Holly Leverette provided a spreadsheet showing \$31,960,000 of budgeted items and the Commissioners wish list. Mrs. Leverette said the remaining funds total \$1,337,114, with hopes of some of those funds to go toward the ventilation system in the deed room. Also, discussion was held at the last meeting to allocate some funds for the East Alabama Mental Health Building. Commissioner LaGrand said he would like to see a more itemized list, since he feels that Broadband situation is missing out on some resources. Commissioner LaGrand turned the floor over to Ann Scales.

Ann Scales, a retired resident of Lee County, said she understands the needs in rural Lee County with inadequate phone service and internet service. Ms. Scales said she is concerned due to her health concerns and the need for access to care. Ms. Scales said she is one of 7,900 households in rural Lee County all facing the same issue, an infrastructure issue. Ms. Scales said it affects first responders, students dealing with remote learning, individuals dealing with trying to work remotely and/or holding zoom meetings in the rural areas. Ms. Scales said she has been working with a coalition on broadband, stating that funding for broadband projects is down to the wire. Ms. Scales mentioned several different levels of funding, from State to Federal, for broadband projects. After some time, Judge English asked Ms. Scales to conclude since there were several agenda items to address. Ms. Scales asked the Commission to review the broadband report from SAIN Associates and asked them to hold off on any action until further information can be obtained and reviewed.

Revenue Commissioner Oline Price presented a Digital Information Cooperative Agreement with the Alabama Department of Transportation for digital ortho-photography and updated mapping. Mrs. Price said it is a \$12,000 grant to assist the county with the cost of the digitizing project. Commissioner Morris made a motion, seconded by Commissioner Langley authorizing the Chairman to sign the agreement as presented. The motion carried unanimously.

Next, Mrs. Price presented a proposal from Ingenuity, Inc. for conversion of their property software program. Mrs. Price said her office has outgrown the current system which has been in place for over 20 years. Mrs. Price said the initial cost is \$296,640 with a portion being shared with the Appraisal Department. Mrs. Price said the annual fees total approximately \$18,600 for cloud and in-house storage. Judge English questioned the end date since it automatically renews. Mrs. Price said she would look into the automatic renewal, saying she can terminate with a 6-months' notice. Judge English said he uses Ingenuity for business licenses and is well pleased. Commissioner Morris made a motion, seconded by Commissioner Langley to authorize the Chairman to sign the agreement with Ingenuity, Inc. as presented. The motion

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 30, 2023

carried unanimously.

Last, Mrs. Price presented the annual report on errors, litigations, and insolvencies. The amount represents what has been assessed and collected and remitted less the insolvencies and exemptions/credits every year. The credits were errors in assessments, insolvencies, bankruptcies, litigations, etc. The insolvencies are personal property that still have not been collected or that have liens on them and some of them may be from prior years. Mrs. Price said the law has changed and she can only hold those insolvencies for a certain number of years before they are written off, but they continue to make efforts to collect on those. Commissioner Long made a motion to adopt the following Resolution, seconded by Commissioner Morris, and carried unanimously.

BE IT RESOLVED by the Lee County Commission that the reports filed by Oline W. Price, Lee County Revenue Commissioner, of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2022 and Uncollected Insolvencies and Taxes in Litigation for previous years are hereby approved, and that the Chairman is hereby authorized to sign same; and that said Revenue Commissioner be and she is hereby allowed credit for taxes listed in these reports.

Sheriff Jones presented educational reimbursement requests from Deputies Jeff Snyder, Jared Corbett, and Hayden Greenlee. Sheriff Jones said the courses pertain to their current positions and recommends approval. Commissioner Long made a motion, seconded by Commissioner LaGrand to approve the educational reimbursement requests as presented. The motion carried unanimously.

Assistant County Engineer Patrick Harvill discussed the unauthorized and improper paving of Lee Road 321. Mr. Harvill reviewed the timeline over the last two years of the improper paving of Lee Road 321 by a private contractor working for the developer and residents. Mr. Harvill said since there appears to be no other option to resolve the matter, the Highway Department requests the Commission adopt the following resolution and pass the revised policy for private improvements on public roads and/or rights-of-way. Commissioner Long made a motion, seconded by Commissioner Morris, to adopt the following Resolution, and adopt the following "Policy for Private Improvements on Public Roads and/or Rights-of-Way" as presented. The motion carried unanimously.

RESOLUTION

WHEREAS, at the regularly scheduled meeting of the Lee County Commission on May 30, 2023, it was determined that Lee Road 321 was paved in April of 2021 in an unauthorized and improper manner in violation of Lee County's policies, standards, and good engineering

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 30, 2023

practices, and specifically that the placement of asphalt on Lee Road 321 did not comply with the Lee County Commission's Public Participation Project Policy adopted on April 12, 1999; and,

WHEREAS, non-compliance with the Lee County Commission's Public Participation Project Policy prohibits Lee County from accepting the project for permanent maintenance by Lee County; and,

WHEREAS, abutting property owners attempted to vacate the right-of-way pursuant to Ala. Code 1975 §23-4-20; however, support from all of the owners of land abutting Lee Road 321 was unobtainable; and,

WHEREAS, if Lee County ignores the unauthorized and improper paving of Lee Road 321, and the disregard for Lee County policies, and good engineering practices, then Lee County will be encouraging others to do the same and cost-savings measures taken by irresponsible individuals will later be paid for by the taxpayers of Lee County instead.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission that the Lee County Highway Department, the Lee County Commission, and Lee County, Alabama shall have no further maintenance responsibility of any sort for Lee Road 321, the right-of-way, the pavement, the ditches, or anything related to Lee Road 321; and,

BE IT FURTHER RESOLVED that Lee Road 321 shall be removed from the Lee County Highway Reference Guide as a County-maintained Road and shall not be shown as a County-maintained road on the Maintenance Map; and,

BE IT FURTHER RESOLVED that the Lee County Highway Department shall place a green Lee County Road sign on Lee Road 321 for 9-1-1 emergency purposes to indicate to the public that Lee Road 321 is a non-County maintained road; and,

BE IT FURTHER RESOLVED that the above act taken is hereby approved, ratified, and adopted.

POLICY for PRIVATE IMPROVEMENTS on PUBLIC ROADS and/or RIGHTS-OF-WAY

Effective May 30, 2023, construction of Private Improvements on Public Roads will require the private individual, company, business, or corporation to employ an Alabama licensed Professional Engineer to design the project in accordance with the design standards contained within the Subdivision and Land Development Regulations of Lee County, Alabama, and submit the construction plans to the Lee County Engineer for review and approval. Upon approval, the approved construction plans will be returned to the private individual, company, business, or corporation to employ an Alabama Licensed Contractor to construct the project in conformance with the approved plans under the supervision of the Lee County Engineer and the private Professional Engineer. Upon completion of the project, the private Professional Engineer will submit a signed affidavit to the Lee County Engineer stating the project was constructed in conformance with the designed construction plans, and the private individual, company, business, or corporation shall submit a surety acceptable to the Lee County Commission in the amount of five percent (5%) of the total construction cost to serve as a two (2) year maintenance bond.

Noncompliance with the above policy will: (1) prohibit Lee County from accepting the

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 30, 2023

project for permanent maintenance; (2) require the Lee County Engineer to immediately return any unauthorized or improperly constructed road and/or public right-of-way to its original condition; and (3) Lee County may seek damages, or any other relief afforded under applicable law.

Next, Mr. Harvill presented a final plat approval for Abel Division of parcels C-5 and B-2 which has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed property division is located in District 5 adjacent to Lee Road 2163 and Alabama Highway 169. Adjacent property owners were notified of the development by letters sent out May 17, 2023, so they may attend and voice their support, opposition, or to obtain more information. Commissioner LaGrand made a motion, seconded by Commissioner Long, to approve the final plat for Abel Division of parcels C-5 and B-2. The motion carried unanimously.

Chief Administrative Officer Holly Leverette asked if there were concerns about the allocation for the broadband expansion grant program. Commissioner LaGrand said he would like to table the item especially since Commissioner Cannon is absent. Commissioner LaGrand made a motion to table the item until the next meeting. The motion was seconded by Commissioner Langley and carried unanimously.

Mrs. Leverette presented a request to reclassify a budgeted position. Mrs. Leverette said as Lee County has grown through the years, the Commission Office prided itself in keeping employee counts to a minimum to accomplish the workload. This conscious effort to be good stewards of taxpayers' dollars to monitor employment numbers for the county as well as other factors has allowed the County Commission to thrive. However, Mrs. Leverette said there is very little duplication of duties in the Commission Office to create continuity of operations especially when a person is out or retires. Mrs. Leverette said due to this she is proposing to reclassify a Projects Accountant at a Pay Grade 115 to an Assistant Chief Financial Officer at a Pay Grade 117. The position will be responsible for assisting the Chief Financial Officer with the overall financial, accounting, and analytical services of the county. Many of the tasks in this job will be as a backup for functions of the CFO, for payroll and for purchasing and procurement tasks completed in the Commission Office. Judge English questioned if this position is because of the audit issue. Mrs. Leverette said the FY2020 financials are complete, and right behind will be the completed financials for FY2021. FY2022 will be complete by July when the auditor is expected to come. Commissioner Morris made a motion, seconded by Commissioner Long, to approve the reclassification of a Projects Accountant at a Pay Grade 115 to an Assistant Chief Financial Officer position at a Pay Grade 117. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 30, 2023

Next, Mrs. Leverette presented a lockbox payment processing service to collect and process payments through Southern States Bank. Mrs. Leverette said the service would provide a lockbox where customers mail payments which will be processed multiple times a day and posted to the Company's account nightly. Mrs. Leverette said she and other staff members have met with Southern States Bank representative and representatives from their third-party processing company, IBML, to discuss how the service may benefit Lee County with garbage fee collection and processing of mailed in payments. Mrs. Leverette said hard copies will be stored for 60 days before being shredded. Commissioner Long questioned the 60-day storage which does not match the 90 days between billing cycles. Mrs. Leverette said she would check with the bank to see if there is any reason to keep them longer. Checks and deposits will be stored electronically for 7 years alleviating the concern regarding storage space for required record retention. A daily customized report will be programmed to be uploaded electronically daily into the garbage billing software to update customer payments into their accounts to alleviate some of the manual workload. The total current annual fee is \$53,043.30. Additionally, there is a one-time fee of \$2,702.20 for programming and implementation. The annual fee is a fluid number that is reviewed periodically and can change with 30 days' written notice based on the number of documents scanned and the number of checks deposited. Southern States Bank and the Environmental Services billing office staff have reviewed the number of checks that have been received for the billing since the first bill went out to come up with an agreed annualized number for an annualized quote. The benefits to utilizing a system like this includes: 1) consistency; 2) efficient operations; 3) reduction in overtime; 4) separate controls for handling the checks; 5) more time to work on other issues such as collections and exemptions; 6) permanent electronic storage; and 7) better use of temporary help. Commissioner LaGrand made a motion, seconded by Commissioner Morris, to authorize the Chairman to execute the agreement with Southern States Bank for lockbox payment processing service for the Environmental Services Department. The motion carried unanimously.

Last, Mrs. Leverette presented an amendment to the Loachapoka ARPA Water Infrastructure Projects. Mrs. Leverette said the Lee County Commission on April 10, 2023, conditionally allocated up to \$1,791,500 of the approved \$2,899,590.98 allotment to Loachapoka Water Authority to carry out three eligible water projects, including up to \$294,620 towards two generator projects and one project for a water main improvement on Lee Road 137. In preparing and planning bid documents for the two generator projects, the Loachapoka Water Authority, discovered that current market conditions, including long delays for shipping and supply chain issues, have greatly increased the cost for generator projects and extended the timeline in which the project could be completed to over a year. With assistance from IAC, the County and Loachapoka Water Authority have identified two additional water main improvements that are eligible for use with ARPA funds. If this amendment is adopted, the county will be allocating up to the approved \$2,899,590.98 of its ARPA funds to Loachapoka Water Authority to be distributed as follows to cover part or all of the costs associated with the following water

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 30, 2023

infrastructure projects, they include: 1) upgrade of a deteriorated and undersized water main on Lee Road 137 to improve capacity, pressure, and reliability for residents; 2) upgrade of a deteriorated and undersized water main on Lee Road 57 to improve capacity, pressure, and reliability of water for residents; and 3) extend the water main on Lee Road 76 to connect another water line, creating a loop system, to eliminate the need for the frequent flushing of the existing dead ended water line. Mrs. Leverette said it would be more efficient, economical and in the best interest of the County to replace the generator projects with the two additional water main improvement projects. Further, Mrs. Leverette said if the amendment is approved tonight, all the water project agreements that the Commission has approved will be signed. Commissioner LaGrand made a motion, seconded by Commissioner Langley to amend the Loachapoka ARPA Water Infrastructure Projects Allocation, and authorize the Chairman to sign the following Resolution. The motion carried unanimously.

**RESOLUTION TO AUTHORIZE THE ALLOCATION OF
AMERICAN RESCUE PLAN ACT FUNDS FOR ELIGIBLE WATER INFRASTRUCTURE
PROJECTS**

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, ARPA funds may be used for necessary investments in water and sewer infrastructure ("eligible water and sewer ARPA infrastructure projects"); and

WHEREAS, pursuant to 603(c)(3) of the ARPA, PL 117-2, March 11, 2021, 135 Stat 4, the County may transfer ARPA funds to municipalities, water and sewer authorities, and other public third-party providers ("third-party providers") in order to make these necessary investments; and

WHEREAS, consistent with Code of Alabama (1975) § 11-88-13, the County may provide funds to a water authority to provide for the planning, development, undertaking, construction, extension, improvement, operation, or protection of water systems; and

WHEREAS, by way of Resolution dated April 10, 2023, the Lee County Commission conditionally allocated up to \$1,791,500 of the approved \$2,899,590.98 allotment to Loachapoka Water Authority to carry out three eligible water projects, including up to \$294,620 towards two generator projects and one project for a water main improvement on Lee Road 137; and

WHEREAS, in preparing and planning bid documents for the two generator projects, the Loachapoka Water Authority discovered that current market conditions, including long delays for shipping and supply chain issues, have greatly increased the cost for generator projects and extended the timeline in which the project could be completed to over a year; and

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 30, 2023

WHEREAS, with assistance from a third-party consultant, the County has identified two additional water main improvements that are eligible uses of ARPA funds; and

WHEREAS, the Commission has considered the change to the current market conditions, and finds that it would be more efficient, economical, and in the best interest of the County, to substitute these generator projects for two additional water main improvement projects; and

WHEREAS, the County desires to enter into subrecipient agreements with the Loachapoka Water Authority, a public utility, to carry out the ARPA infrastructure projects for a public purpose; and

WHEREAS, the County has determined that the projects are a necessary, eligible, and reasonable use of these funds; and

WHEREAS, the County will conduct a satisfactory risk assessment of Loachapoka Water Authority and develop a monitoring plan for the ARPA infrastructure project.

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

- 1) The County hereby amends its previous resolution and rescinds its allocation of \$294,620 towards the Reynolds Well Generator and Lee Road 137 Booster Station Generator projects.
- 2) The County hereby conditionally allocates up to \$2,899,590.98 of its ARPA funds to Loachapoka Water Authority to be distributed as follows to cover part or all of the costs associated with the following infrastructure projects:
 - a. Upgrade of a deteriorated and undersized water main on Lee Road 137 to improve capacity, pressure, and reliability of water for residents; and
 - b. Upgrade of a deteriorated and undersized water main on Lee Road 57 to improve capacity, pressure, and reliability of water for residents; and
 - c. Extend the water main on Lee Road 76 to connect to another water line, creating a loop system, to eliminate the need for the frequent flushing of the existing dead ended water line.
- 3) This allocation is conditioned upon meeting federal requirements as set forth in paragraph 3 and further review of cost estimates of the project.
- 4) Following the successful completion of a risk assessment and development of a monitoring plan, the County is hereby directed to negotiate with the Loachapoka Water

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 30, 2023

Authority to establish subrecipient agreements for each of the above-referenced projects consistent with this resolution and the terms and conditions of the County's ARPA Award.

5) The Chairman is hereby authorized to enter into the subrecipient agreements if the agreement is consistent with this resolution and if, in his discretion, the terms and conditions are in the best interest of the County.

6) Upon execution of the subrecipient agreements, the Chairman is hereby authorized to expend ARPA funds for costs of the projects in accordance with the terms of this Resolution and the subrecipient agreements.

7) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for any costs associated with the projects that are not obligated on or before December 31, 2024, and expended on or before December 31, 2026.

IN WITNESS WHEREOF, the Lee County Commission has caused this Resolution to be executed in its name on its behalf by its Chairman on this the 30th day of May 2023.

At approximately 6:49 p.m., Commissioner Long made a motion to adjourn, seconded by Commissioner Morris and carried unanimously.