

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JUNE 12, 2023

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 12, 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 Doug Cannon, Ross Morris, Gary Long, Tony Langley and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: The Observer reporter Hannah L. Goldfinger, Opelika-Auburn news reporter John West and WTVM reporter Amaya Graham.

Commissioner Morris updated the Commission on the 2023 Regular Session of the State Legislature. Commissioner Morris said four key association items on the printout have passed the Legislature and awaiting Governor Ivey's signature. The four items include: 1) bill expanding citizen access to county courthouse public notices; 2) bill helping counties make necessary improvements to public infrastructure; 3) bill addressing lost pistol permit revenue necessary for law enforcement education and training; and 4) bill aiding state-local communication on statewide property tax policies. Commissioner Cannon reminded the Commission of SB 22 which increases the reimbursable amount of the salary of a certified emergency management agency director. Commissioner Morris said the local delegation was very responsive this session.

Commissioner LaGrand recognized the events surrounding the upcoming Juneteenth Holiday. Commissioner LaGrand said Saturday events include honoring John Andrew Harris, George Bandy, and Albert Chambers. Then, mentioned events beginning at 10:00 a.m. on Monday, June 19 at Kiesel Park in Auburn. Commissioner LaGrand said there will be food, games and entertainment and invited all to attend.

Last, Commissioner LaGrand recognized Purple Ribbon Week as World Elder Abuse Awareness Day on June 15, 2023. Commissioner LaGrand said if anyone would like additional information to contact the Lee-Russell Council of Governments Office.

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 30, 2023 minutes. Additionally, first reading of John Wood to the Lee County Planning Commission and Valerie Gray to the East Alabama Health Care Authority was made. Commissioner LaGrand questioned the ratified list on a check written to the Postmaster for rental on Post Office Box 666 stating he wanted to discuss changing the box number. Judge English said the ratified list will be moved under new business for further discussion. Commissioner Cannon made a motion, seconded by Commissioner Long, to approve the consent agenda items and moving the ratified check listing under new business. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JUNE 12, 2023

Under old business, Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the following Resolution appointing Lauren Penton to the East Alabama Mental Health Board. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints Lauren Penton to the East Alabama Mental Health Board to serve a six-year term from June 12, 2023 to April 1, 2029.

Chief Administrative Officer Holly Leverette presented the following Resolution allocating American Rescue Plan Act Funds and approving the Lee County Broadband Expansion Grant Program and Application process for Commission approval. Mrs. Leverette said this is the beginning stage and the Commission should decide if they are ready to proceed with planned broadband expansion projects through a grant program designed to identify and award a grant to qualified provider applicants that can construct broadband fiber optic infrastructure and provide services in the unserved and underserved areas of the county as identified in the applications to be advertised and solicited by Lee County Commission. Mrs. Leverette said Kelley Gillikin and Courtney Lane from the IAC are in attendance if anyone has any questions. The four specific broadband infrastructure project areas applicants can apply for are: Loachapoka (approximately 9.6 miles), South Central Lee County (approx. 6.4 miles), Salem (approx. 8.3 miles), and Waverly (approx. 15.4 miles). Mrs. Leverette reminded the Commission this is just infrastructure, not to the house connections. Commissioner Cannon agreed to at least start with these projects now. Commissioner Morris reiterated that unserved areas are what we want to serve, those with no broadband service. Mrs. Leverette said they anticipate pockets that have been missed, and hope that those will come forward once the process starts. Commissioner LaGrand agreed there are pockets that have been missed. Mrs. Leverette said there may be future projects. Commissioner LaGrand questioned if this is just Phase One. Mrs. Leverette said possibly since it goes to the ISPs for their review. Mrs. Leverette asked the Commission to proceed with the plan to allocate and expend up to \$4,392,071 of ARPA Funds awarded to Lee County by approving both the content and format of the Lee County Broadband Grant Application and the process by which it will identify providers to expand broadband fiber optic infrastructure and service to populated areas of the county which are currently unserved or underserved in the manner and locations set out in the application. In addition, public notice of the grant opportunity shall be advertised in compliance with federal and state requirements and guidelines and that Lee County Chief Administrative Officer Holly Leverette be designated to administer and oversee all aspects of the grant application and award process including, but not limited to, advertisement, submission, and application review, carefully complying with all federal and state requirements and guidance at each step of the process. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the following Resolution and designate Mrs. Leverette as the administrator over the process. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JUNE 12, 2023

**RESOLUTION ALLOCATING FUNDS AND APPROVING THE LEE COUNTY
BROADBAND EXPANSION GRANT PROGRAM AND APPLICATION**

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, the County may make necessary investments in broadband infrastructure using ARPA funds; and

WHEREAS, the County has engaged in a broadband feasibility study to identify unserved and underserved areas of the county where expansion of broadband fiber optic infrastructure could be constructed; and

WHEREAS, following completion and thorough review of the broadband feasibility study, the County is ready to proceed with its planned broadband expansion project through a grant program designed to identify and award a grant to qualified provider applicants that can construct broadband fiber optic infrastructure and provide services in the unserved and underserved areas of the county as identified in the applications to be advertised and solicited by the Lee County Commission;

THEREFORE, BE IT RESOLVED BY THE LEE COUNTY COMMISSION THAT:

1. The County hereby allocates up to \$4,392,071.00 of its ARPA funds to be awarded, as appropriate and authorized under state and federal law, to qualifying third-party providers to assist with the funding of eligible broadband infrastructure projects.
2. To this end, the County hereby approves the content and format of the Lee County Broadband Grant Applications as set before them.
3. The Lee County Broadband Grant Applications are hereby approved for advertisement and solicitation in compliance with federal and state requirements and guidelines, with said advertisement to begin as soon as is practicable or on a date to be determined by the Commission.
4. Lee County Administrator Holly Leverette is hereby designated to administer and oversee all aspects of the application process, including but not limited to,
 - (a) publishing and disseminating announcement of the grant opportunities as widely as possible and in compliance with federal and state requirements and guidance,
 - (b) monitoring the application process and addressing questions from potential applicants,
 - (c) providing for careful review of all properly submitted applications received by the deadline for submission to allow for the grant award to be made to the most qualified applicants, and
 - (d) performing any other tasks as necessary and/or requested by members of the Lee County Commission.
5. That following the submission and review of applications, the Lee County Commission will by a vote of the county commission award grants to the best qualified applicants and thereafter enter into agreements for the projects to be completed no later than December

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JUNE 12, 2023

31, 2026, with such agreements including all terms and conditions required by federal and state requirements and guidance.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the May 30, 2023 meeting of the Lee County Commission.

Under New Business, Commissioner LaGrand asked the Commission to consider changing Post Office Box number 666 assigned to the Commission Office. Commissioner LaGrand said he would like the Commission Office to get a new box number. Commissioner Morris said he did not like it either stating he did not include the box number on his business cards. Mrs. Leverette stated the box rent has already been paid for the year, since it was on the ratified listing. Judge English suggested waiting until next year before the due date. Commissioner Langley said he would gladly pay the \$236 to change it now. After more discussion, Commissioner LaGrand made a motion, seconded by Commissioner Long, to change the Post Office Box number for the Commission Office. The motion carried unanimously.

Commissioner LaGrand discussed the request for ARPA funds from the Lee County Youth Development Center. Commissioner LaGrand said the organization is a non-profit organization supporting local youth and meets the criteria for funding. Commissioner LaGrand recognized Executive Director Laura Cooper, serving over 20 years, who was in attendance. Commissioner LaGrand said he would like to add the Youth Development Center on the next agenda for funding consideration. Commissioner Cannon questioned the remaining ARPA funds suggesting the Commission set a work session to discuss it. Judge English said there are several more agencies waiting on funding as well. Mrs. Leverette said remaining funds total \$1.3 million, and a summary of those requests are in the white binder provided at the April 24 work session, including those that IAC recommended. Judge English questioned Ms. Cooper how much ad valorem tax the Center receives. Ms. Cooper said approximately \$3.8 million from ad valorem tax, State Department of Human Resources, \$40,000 from the City of Opelika, and United Way provides \$30,000. After more discussion, Commissioner Cannon made a motion to set a work session at 4:00 p.m. Monday, June 26 before the regularly scheduled Commission meeting. The motion was seconded by Commissioner LaGrand and carried unanimously.

Sheriff Jones presented the results of Bid #2023-11 for dive team equipment for the Sheriff's Office. Sheriff Jones said that other dive teams that were called when a situation arose have now disbanded so he feels there is a need for the Sheriff's Office to form a dive team. Sheriff Jones said of the 616 sq. miles in Lee County, 8.3 sq. miles contains water, including Halawakee Creek, Lake Harding and Goat Rock. Sheriff Jones said three bids were returned and he recommended the lowest responsive bid from Dive Rescue International for \$37,545.75. Judge English questioned the total number of outfits. Sheriff Jones responded six full sets. Commissioner Morris made a motion, seconded by Commissioner Long, to award Bid #2023-11

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JUNE 12, 2023

to Dive Rescue International for \$37,545.75 for six outfits. The motion carried unanimously.

Next, Sheriff Jones presented an ABC Application for the Package Store located in District 3. Sheriff Jones said there were no objections to the application as presented and he would recommend approval. Commissioner Long made a motion, seconded by Commissioner LaGrand, to approve the following Resolution granting the license. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the lounge retail liquor Class II (Package) license application for the Package Store located at 1522 Lee Road 379, Smiths Station, Alabama.

Last, Sheriff Jones presented an ABC Application for 1st Choice Quick Stop located in District 3. Sheriff Jones said there were no objections to the application as presented and he would recommend approval. Commissioner Long made a motion, seconded by Commissioner LaGrand, to approve the following Resolution granting the license. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the retail beer and retail table wine (off premises only) license application for 1st Choice Quick Stop located at 1520 Lee Road 379, Smiths Station, Alabama.

County Engineer Justin Hardee presented a request to authorize the Chairman to sign a letter of intent to apply for the Local Roads Safety Incentive Program funding. Mr. Hardee said it is a 90/10 match with the proposed project totaling \$360,532.41 with 10% or \$36,053.24 to be paid by the county. Mr. Hardee said the Highway Department would like to apply for funding to widen Lee Road 188 from 18 feet to 22 feet from Alabama Highway 14 to Lee Road 393; and to widen Lee Road 188 from 18 feet to 20 feet from Lee Road 393 to the Macon County line. Mr. Hardee said the deadline for the application submission is June 23, 2023. Mr. Hardee said he would hope to hear from the State on award by the end of September 2023, letting of the bid in May 2024 with projected start date in late summer/early fall of 2024. Mr. Hardee said it would be for widening only with timing dependent on the contractor. Then Lee County would come back with the overlay surfacing and striping. Judge English questioned if each lane would increase a foot. Mr. Hardee said the current 9 ft. lanes will widen to 11 ft. south of AL Hwy 14 down to the intersection of Lee Road 393, and to 10 ft. from that intersection south to the county line. Commissioner LaGrand made a motion, seconded by Commissioner Cannon, to authorize the Chairman to sign a letter of intent to apply for the Local Roads Safety Incentive Program funds. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JUNE 12, 2023

Next, Mr. Hardee presented final plat approval for Goat Rock Ridge, Phase I Subdivision. Mr. Hardee said the subdivision has been reviewed and meets the minimum requirements of the Lee County Subdivision and Land Development Regulations. The proposed subdivision is located adjacent to Lee Road 318 and Lee Road 298. Adjacent property owners were notified of the development via letters mailed on June 1, 2023. Mr. Hardee addressed the audience to see if anyone was in attendance on the subdivision. Mr. Curtis Wilkerson said he was in attendance due to the notice he received since the development abuts his property stating he is not for or against it. Mr. Wilkerson only questioned the type/size of homes being constructed and asked if the item could be postponed until he could review it. Mr. Hardee explained that the Highway Department only reviews the plat and does not control size of lots or homes in this area of the county, only whether it complies with the subdivision regulations. Mr. Hardee said that 10 lots are being created with the smallest lot under one acre. Commissioner Long questioned Note 5 on the plat where it indicates a shared driveway on Lots 9 and 10 questioning if those are in a future phase. Mr. Hardee said Lot 9 is in this phase and Lot 10 is in a future phase and explained that it is a shared driveway where it comes on the dirt portion of Lee Road 298. Commissioner Long said he was concerned with the driveway on Lee Road 318 and would like someone to inform a future buyer of it since he does not want anyone to be misled by the developer or a real estate agent, which has been done previously. Commissioner Long questioned if Mr. Wilkerson would like the Commission to postpone any action for two weeks so he could contact the developer about his concerns. Mr. Wilkerson said he would appreciate it. Commissioner Long made a motion, seconded by Commissioner Langley to move the item to the next agenda. The motion carried unanimously.

Next, Mr. Hardee presented a proposed reclassification of a budgeted position within the County Shop. Mr. Hardee said the Highway Department has an unfilled position of Administrative Technician (Pay Grade 109) and would like to reclassify the position to Fleet Manager (Pay Grade 116). Mr. Hardee said the Fleet Manager would work out of the Shop and primarily be responsible for specifying and procuring parts and supplies, maintaining maintenance records and a parts room, and scheduling fleet maintenance for the Highway Department, Environmental Services, Animal Control, and Building Inspection. This position would handle the ordering and verification of gasoline and diesel fuel deliveries for these departments as well. Mr. Hardee mentioned that attempts had been made to fill the position in the past without success. The reclassification of the position would increase the starting salary to \$52,184.46 and represents an increase of approximately \$15,000. Mr. Hardee said the revised job description and title will better describe the needs of the department and the additional funds can be covered within the Highway Department's current budget. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the Fleet Manager position at a Pay Grade 116 as presented. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JUNE 12, 2023

Environmental Services Director John McDonald presented a request to participate in an Unauthorized Dump Right-of-Way Grant Program through the Alabama Department of Environmental Management (ADEM). Mr. McDonald said the new grant would offset some of the cost for cleaning unauthorized dumps off the county right-of-way by means of reimbursement through this new program. Commissioner Long made a motion, seconded by Commissioner Langley, to approve participation in the program and authorize the Chairman to sign the agreement with the Alabama Department of Environmental Services for this program. The motion carried unanimously.

Next, Mr. McDonald presented the renewal agreement with Animal Health Center and Opelika Animal Hospital for animal control services on the same terms. Mr. McDonald said it is a one-year extension for the current agreement. Drs. Buddy Bruce and Gary Hunt were in attendance. Commissioner LaGrand made a motion, seconded by Commissioner Long to authorize the Chairman to sign the one-year extension with Animal Health Center and Opelika Animal Hospital for animal control services. The extension would be effective from October 1, 2023 through September 30, 2024. The motion carried unanimously.

Last, Mr. McDonald presented a request to revise the job descriptions for the Environmental Service Worker from Pay Grade 107 to Pay Grade 108 and the Boom Truck Operator from Pay Grade 112 to Pay Grade 113. Mr. McDonald said the job descriptions have been revised to reflect the daily operations of the new curbside collection system and have been assigned new pay grades after being run through the matrix by the Commission Office. The two positions have major roles in the curbside bulk collection, clean up of unauthorized dumps, and litter clean-up on the county right-of-way. Commissioner Long made a motion, seconded by Commissioner Langley to approve the job descriptions revisions as presented. The motion carried unanimously.

At approximately 6:05 p.m., Commissioner Cannon made a motion to adjourn, seconded by Commissioner Morris and the motion carried unanimously.