

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, JUNE 26, 2023

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, June 26, 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: Revenue Commissioner Oline Price and District Attorney Jessica Ventiere. News media in attendance: The Observer reporter Hannah L. Goldfinger and Opelika-Auburn news reporter John West.

District Attorney Jessica Ventiere gave a Power-Point Presentation requesting a one-time funding amount of \$180,797 and annual appropriations of \$129,396 for additional staff and for technology enhancement and electronic file migration for the DA's Office. Ms. Ventiere said the growth of the county and the continued underfunding by the state year after year has prompted the request. The annual funding would provide for hiring another Assistant DA at \$69,000/annually, hiring another legal assistant at \$35,568/annually, and to upgrade the IT platform at \$24,828/yearly totaling \$129,396. Additionally, the Lee County DA's Office would solicit the state for the additional funds to cover the benefits cost of new hires. The request from the state would be 45% or approximately \$47,000 of the total cost of the two new hires. The one-time commitment would provide electronic criminal file migration at \$86,485 and a market competitiveness and retention adjustment of \$94,312 totaling \$180,797. Judge English questioned if the state funding is tied to the county's population. Ms. Ventiere said the formula was done many, many years ago and she has not been given a clear answer on how it was determined. Judge English said the Commission would review the request during upcoming budget work sessions.

Judge English informed the Commission that the new post office box of the Commission Office has been changed from PO Box 666 to PO Box 2412. The Commission voted unanimously at the last meeting to change the box number.

Last, Chief Administrative Officer Holly Leverette introduced the new Human Resources Director Lisa Ruffin who will begin her employment with Lee County on July 24, 2023. Mrs. Leverette said Ms. Ruffin brings over 20 years of experience in Human Resources, comparative analysis, and workforce development with EAMC. Further, Mrs. Ruffin has a Master's degree in Business Administration and a Bachelor's degree in Health Care Administration. Mrs. Leverette said she is happy to finally fill the position after nine months without a HR Director. Judge English congratulated Ms. Ruffin and also thanked the two other committee members with significant HR experience who assisted with the interview and hiring process, Lynne Hammond, and Steve Reeves.

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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 June 12, 2023 minutes. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as presented. The motion carried unanimously.

Under old business, Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the following Resolution appointing John Wood to the Lee County Planning Commission. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints John Wood to the Lee County Planning Commission for Commission District One to fulfill the unexpired term of Robin Raiford expiring March 8, 2027.

Commissioner Cannon made a motion, seconded by Commissioner Long to approve the following Resolution appointing Valerie Gray to the East Alabama Health Care Authority Board. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints Valerie Gray to the East Alabama Health Care Authority to fulfill the unexpired term expiring September 30, 2025, to replace William H. (Bill) Scott upon his retirement on September 30, 2023.

County Engineer Justin Hardee presented Goat Rock Ridge Phase 1 Subdivision for final plat approval. Mr. Hardee said the item was carried over from the last meeting due to the concerns of a citizen, Curtis Wilkerson. Mr. Hardee said he contacted the gentleman but has not heard back from him and he is not in attendance tonight. Mr. Hardee said the development is located in District 3 which includes 10 lots with no new infrastructure. Commissioner Long made a motion, seconded by Commissioner LaGrand to approve the plat as presented for Goat Rock Ridge Phase 1 Subdivision. The motion carried unanimously.

Revenue Commissioner Oline Price presented a tax abatement application from CSP Technologies, Inc. Mrs. Price said the company is planning to open a distribution center on Lee Road 2231 in Auburn with an investment of \$1.7 million which will initially employ 25 people. It has an estimated placed-in-service date of December 31, 2023. The following includes: 1) Abatement application; 2) Resolution and 3) Agreement. Commissioner Long questioned the number of years on the abatement. Mrs. Price said it is a 10-year abatement.

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RESOLUTION 0626-2023

This Resolution is made this 26th day of June, 2023 by the Lee County Commission (the Granting Authority), to grant a tax abatement to CSP Technologies, Inc. (the Company).

WHEREAS, the Company has announced plans for a new project (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act) the Company has requested from the Granting Authority an Abatement of all state and local noneducational property taxes, excluding hospital and dependent children taxes; and

WHEREAS, the Company has requested that the abatement of state and local noneducational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request: and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$1,700,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out the provisions of the Tax Abatement Agreement.

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1: Approval is hereby given to the application of the Company and abatement is hereby granted of all state and local noneducational property taxes, excluding Hospital and Dependent Children taxes as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(a)(12) of the Act.

Section 2: The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3: A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Dept. of Revenue in accordance with the Act.

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Section 4: The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish this purpose of the foregoing of this resolution.

Mr. Hardee stated the Infrastructure Investment and Jobs Act appropriated \$2.487 billion in federal funds to be awarded by the US Department of Transportation for the FY2023 Bridge Grant Program. Mr. Hardee said the Highway Department would like to enter into a joint application with 32 other counties across the state for a Planning Grant to ensure we are submitting feasible projects and then if awarded, pursue a larger bridge construction grant. The local match for the Planning Grant is \$1,212.00 per county. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize Judge English to execute the following Resolution to commit the local match of \$1,212.00 for the Planning Grant as presented. The motion carried unanimously.

RESOLUTION

WHEREAS, the Lee County Commission (County) is committed to improving bridge conditions and the safety, efficiency, reliability of the movement of people and freight over bridges; and

WHEREAS, the County desires to improve the condition of bridges that it maintains by means of replacement, rehabilitation, preservation or protection using potential funds from a Planning Grant as part of the Federal Bridge Investment Program; and

WHEREAS, Section 11118 of the Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021; also referred to as the “Bipartisan Infrastructure Law” or “BIL”) authorized and appropriated \$2.487 Billion in federal funds to be awarded by the US Department of Transportation (DOT) for FY 2023 for the Bridge Investment Program; and

WHEREAS, the purpose of seeking a Planning Grant is to get technical assistance from an engineering consultant, AECOM of Birmingham, to prepare a joint application to seek funds to make a more complete application for a Bridge Grant; and

WHEREAS, the County desires to join and participate in a joint application with Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Cleburne, Coffee, Cullman, Elmore, Etowah, Greene, Hale, Henry, Jackson, Lamar, Lauderdale, Lawrence, Lee, Macon, Madison, Marion, Marshall, Mobile, Perry, Pike, Shelby, St. Clair, Sumter, Tuscaloosa, and Winston Counties (Partnership) to develop, through the help of an engineering consultant AECOM of Birmingham, a Planning Grant for the Bridge Investment Program; and that the County understands and agrees to the following:

- 1) The expected cost to participate in the joint Planning Grant application is \$1,212.00 per county; and
- 2) That the total amount for the Planning Grant application to be paid to AECOM is \$40,000; and
- 3) That the Partnership must identify a “lead applicant”, which will be Lauderdale County, as the primary point of contact for the grant application to serve as the administrator of the grant application and resulting grant funds; and
- 4) That, the County agrees to provide the local cost of \$1,212.00 to the lead applicant

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prior to July 31, 2023; and

5) That the County understands that the \$1,212.00 cost does not guarantee we will be awarded a Planning Grant; and

6) That, if the Planning Grant application is successful, it is understood that upon the consultant's recommendation it may be determined that some projects may not be included in the future Bridge Grant application; and

7) That this resolution, once adopted by the County, shall serve as its agreement with all other counties participating in the joint application.

BE IT RESOLVED BY THE LEE COUNTY COMMISSION that it agrees to all terms and conditions of the partnership with Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Cleburne, Coffee, Cullman, Elmore, Etowah, Greene, Hale, Henry, Jackson, Lamar, Lauderdale, Lawrence, Lee, Macon, Madison, Marion, Marshall, Mobile, Perry, Pike, Shelby, St. Clair, Sumter, Tuscaloosa, and Winston Counties set out above, and desires to participate in the joint application for a Bridge Investment Program Planning Grant.

BE IT FURTHER RESOLVED that a copy of this resolution be immediately forwarded to the Lead Applicant by July 31, 2023.

IN WITNESS THEREOF, the Lee County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on this the 26th day of June, 2023.

Next, Mr. Hardee presented an Adopt-A-Mile program request from the Beulah Friends of the Community, Inc. The group is wishing to adopt one (1) mile of Lee Road 270 centered on the improvements they made at the intersection of Lee Road 270 and Lee Road 279, known as Yarbrough's Crossroads, which is in District 4. Commissioner Langley made a motion, seconded by Commissioner Long to approve the Adopt-A-Mile program request as presented. The motion carried unanimously.

Assistant County Engineer Patrick Harvill presented an ARPA Storm Water Grant application for Commission approval. Mr. Harvill said the recent ARPA-2 legislation, Act 2023-1, makes storm water projects eligible for grant funding, and the state has set \$10 million aside to fund projects submitted by counties with the funding available to each county capped at \$150,000. Mr. Harvill said ADEM will be administering this program for the state and the types of projects that are eligible include culvert replacement to address flooding. Therefore, the county will apply to replace corrugated metal pipes that are undersized and in poor condition at 15 different sites across the county. Mr. Harvill said the grant requires a 35% match, however in-kind labor and equipment that is necessary to install the culverts is acceptable for meeting this requirement. The deadline to submit the application is June 30, 2023. Commissioner Long made a motion, seconded by Commissioner Langley authorizing Judge English to sign the resolution to apply for the ARPA Storm Water Grant. The motion carried unanimously.

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RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama (the “Commission”) is desirous of constructing or improving, by force account, by contract or both, stormwater management solutions on sections of roads included in the Lee County Road System and described as follows:

Exhibit A – Located at the Lee County Highway Department

WHEREAS, Ala. Acts, Act No. 2023-1, allocated a portion of the State’s American Rescue Plan Coronavirus State and Local Fiscal Recovery Funds to be provided as state-wide matching grants for investments in water and sewer projects eligible under 31 CFR 35.6.(e)(1)(i), (ii), (iii), and (v), to include stormwater projects; and

WHEREAS, the Alabama Department of Environmental Management (“ADEM”) is charged with the administration of the award of these funds to counties and other eligible entities; and

WHEREAS, ADEM has announced the availability of these funds for matching grants of up to \$150,000.00 per Alabama county to implement eligible stormwater projects; and

WHEREAS, the County intends to apply to ADEM for matching grant funding in the amount of \$150,000.00 for the construction of the above-referenced stormwater project; and

WHEREAS, the County wishes to commit sufficient funds and/or other resources to satisfy the thirty-five percent required local match for this grant funding.

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

1. The Commission hereby authorizes the submission of the grant application described herein and agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project and the award of grant funds by ADEM for the project.
2. The Commission further allocates and authorizes the use of matching funds up to \$100,000 including labor and equipment to be used for the construction of the project.

IN WITNESS WHEREOF, the Lee County Commission has caused this Resolution to be executed in its name and on its behalf by its Chair on the 26th day of June, 2023.

Judge English said County Attorney Stan Martin advised the Commission needs to add an item under executive session to discuss threatened litigation. Commissioner Cannon made a motion, seconded by Commissioner Morris to add the item under Executive Session. The motion carried unanimously. Judge English said that Mrs. Leverette and Mr. Hardee need to attend. Judge English announced the session will last approximately 30 minutes with no formal action anticipated afterward. Commissioner Cannon made a motion at approximately 5:45 p.m. to adjourn into an executive session. The motion was seconded by Commissioner Morris and carried unanimously.

After the conclusion, at approximately 6:25 p.m., Commissioner Long made a motion to adjourn, seconded by Commissioner Langley and the motion carried unanimously.