

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, JULY 31, 2023

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, July 31, 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. News media in attendance: Opelika-Auburn News reporter John West and “Gator” from Gator Media.

CTV Beam Representatives Mike Holt and Justin Hurst appeared before the Commission to discuss expansion into Lee County. Mr. Holt stated the company has purchased 800 miles of fiber along Lee Road 11 and Lee Road 157 along Society Hill Road and are looking to expand their coverage area. Mr. Hurst said they are expanding and targeting the rural areas. He said they are excited and believe in their service and in giving back to the community. Commissioner Morris questioned Mr. Hurst on the meaning of BEAM. Mr. Hurst said it stands for “Bringing East Alabama More”. Commissioner Morris said they are targeting the unserved first, then looking at the underserved. County Administrative Officer Holly Leverette said that the grant application process for broadband services will open tomorrow and close September 15. Commissioner LaGrand questioned if BEAM is locally owned and how long they have been in business. Mr. Hurst said the business was originally owned by Roy M. Greene who started the business in 1957.

Next, County Engineer Justin Hardee presented information on the FY2023 Rebuild Alabama Act Annual Grant Program. Mr. Hardee said it is a \$10 million annual grant program which was created by the Rebuild Alabama Act passed in 2019 for which city and county governments may apply. ALDOT administers the program and projects are awarded through a competitive project selection process. Mr. Hardee said an application was submitted by Lee County requesting the maximum allotment of \$250,000 to help cover the cost of replacing a bridge that collapsed in February 2022 on Lee Road 245 in District 4. Mr. Hardee said the Highway Department is pleased to announce the county was awarded \$250,000 from the Rebuild Alabama Act Annual Grant Program. Mr. Hardee said the total project cost is \$390,000 with the county’s share of the project estimated at \$140,000. Additionally, Mr. Hardee said he found out this week that the county has been awarded \$150,000 from Stormwater Grant funds to replace undersized cross drains to help with stormwater issues. Commissioner Cannon thanked Mr. Hardee and his department for what they do.

Parks Manager Ryan Norris gave an update on the Loachapoka Park. Mr. Norris said the county has received the final plans and bid documents from the architect. Mr. Norris said he received word today that there were some comments from ALDOT about the Highway 14 entrance, which will need to be included in the bid documents. Mr. Norris said after a three-week advertising requirement the projected bid opening date is August 17.

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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 July 10, 2023 minutes. Announcement of openings on various boards was made including two openings on the Horseshoe Bend Regional Library, three openings on the Lee County Department of Human Resources, one opening on the Lee County Youth Development and one opening on the Industrial Development Authority. First reading of George Dyer, Barbara Patton and Lee Roy Kelley to the Lee County Emergency Communications District Board was made. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as presented. The motion carried on a vote of 4-0-1 with Commissioner Long abstaining because his packet was not delivered in time.

Under old business, Commissioner Cannon discussed Chief Administrative Officer Holly Leverette's review. Commissioner Cannon said the Commission interviewed Mrs. Leverette in December 2021, she started working in January 2022 and in January 2023 the Commission agreed to extend her probation six months due to two new Commissioners coming on board. Commissioner Cannon said he feels it is time to complete her review. Commissioner LaGrand said he would like the Commission to wait until after the budget is done. Commissioner LaGrand said he thinks Mrs. Leverette has done a good job and she is passionate about it, but he feels there were a couple of things that he and Mrs. Leverette could have communicated on which he feels the outcome could have been better. Commissioner Cannon made a motion authorizing Judge English to draft a contract for Mrs. Leverette to present at the next meeting. The motion was seconded by Commissioner Long and carried unanimously. Judge English said he would try to have it by the next meeting.

Beulah Utilities District Board member James Majors asked the commission to consider approving changes to the monthly fees paid to the chairman and board of directors. Mr. Majors said the compensation paid to the board members is behind what other water boards in the area receive. Judge English questioned the additional pay for the chairman. Mr. Majors explained that it was for any additional meeting during the month. The rate for the chairman will increase from \$400 to \$600 per meeting and the board members compensation will increase from \$200 to \$400 per meeting, and no increase for the additional meeting fee which is currently \$25. Commissioner Langley made a motion, seconded by Commissioner Long to approve the increase in compensation for the chairman and the board of directors of the Beulah Utilities District as presented. The motion carried unanimously.

Commissioner Cannon said upon request of Revenue Commissioner Oline Price nominations for three members to the Board of Equalization need to be made. The three nominees are: Goode G. Dorman, III, James A. Conner, Jr., and Kenneth Carter. All are currently serving in that capacity and have done a good job. Commissioner Cannon made a

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motion to nominate the three individuals named and to forward the required paperwork to the Alabama Department of Revenue Property Tax Division. The motion was seconded by Commissioner LaGrand and carried unanimously.

Sheriff Jones presented the results of Bid #2023-10 for 10 or more Panasonic Toughbook computers. Sheriff Jones said only one bid was returned from Mobile Communications. Sheriff Jones said the bid met bid specifications and he would recommend award to Mobile Communications for 10 Toughbook computers at \$3,750/each for a total of \$37,500. Commissioner Cannon made a motion, seconded by Commissioner Morris to award Bid #2023-10 to Mobile Communications for \$37,500. The motion carried unanimously.

Sheriff Jones presented an educational reimbursement request from Deputy Hayden Greenlee. Sheriff Jones said the class, Introduction to Court Security (CMJ3302), pertains to his current position. Commissioner Morris made a motion, seconded by Commissioner Langley to approve the educational reimbursement request as presented. The motion carried unanimously.

Mrs. Leverette said the Commission needs to select a representative to serve on the ACCA's Legislative Committee for the upcoming year. The work of the 67-member Legislative Committee is essential to the policy success of all Alabama county governments. ACCA bylaws require that each county submit the name of its representative following majority vote of the Commission. Commissioner Morris said he was honored to serve over the last year and would like to nominate Commissioner Cannon. Commissioner Cannon accepted the nomination. Commissioner Morris made a motion, seconded by Commissioner LaGrand to nominate Commissioner Cannon to serve as the representative for the 2023-2024 ACCA Legislative Committee. The motion carried unanimously.

Mrs. Leverette presented the amended projects for the Lee County Broadband Expansion Grant Program. Mrs. Leverette said that after the Lee County Commission approved four specific priority project areas totaling 39.7 miles to expand broadband fiber optic infrastructure and service to populated areas of the county which are currently unserved in the manner and locations set out in grant applications, it was brought to the county's attention that several roads in the county's priorities are also currently funded by the Rural Digital Opportunity Fund (RDOF) grant projects already in place. With the help of IAC and Sain Associates, additional unserved areas were identified based on the broadband study conducted in the fall of 2022. While some areas had to be removed from the county's projects, the county was able to add an additional 5.1 miles to the overall priority projects totaling 44.8 miles to expand broadband fiber optic infrastructure and service to populated areas of the county which are currently unserved. Mrs. Leverette stated all roads removed from the county's projects will be funded, but not from

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the county's allotment of funds. Mrs. Leverette said the Broadband Expansion Grant Program and project applications will be advertised on the county website beginning Tuesday, August 1, 2023. Questions and clarifications must be received by Friday, September 1, 2023. The submission deadline is Friday, September 15, 2023. Mrs. Leverette presented an overview map of the routes to be removed and questionable routes that have since been confirmed acceptable for county projects. Mrs. Leverette requested the Commission amend the previously approved four specific priority project areas as presented. Additionally, the Commission is respectfully requested to approve the amended grant applications and Notice of Funding Opportunities. All other aspects and processes of the Lee County Broadband Grant Application including 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 will remain the same. Commissioner Morris made a motion, seconded by Commissioner Cannon to amend the previously approved four specific priority project areas, approve the amended grant applications and Notice of Funding Opportunities identified in the Lee County Broadband Expansion Grant Program as presented. The motion carried unanimously.

Next, Mrs. Leverette discussed the transition of solid waste garbage fee billing. Mrs. Leverette said the county is nearing the end of the first year of assuming the responsibility for billing and collection of garbage fees. An analysis of the operation has revealed unexpected challenges that need to be addressed. First, the financial and procedural demands of operating a billing office of approximately 21,000 active accounts was underestimated. Additionally, approximately 6,000 accounts were never paid or are at least one quarter behind on their payment or put another way, almost 40% of accounts are delinquent, which equates to about \$1 million of an overall budget of \$3.6 million. Therefore, Mrs. Leverette said full-time eyes need to be on these accounts to get the revenue in. This all has caused a strain on the Environmental Services Department in all areas. It has become clear the need for oversight by employees with financial and process knowledge and experience to manage the operation. This leads to reclassifying the CFO Position since typically that position does not handle revenue collection which requires a lot of oversight. Commissioner Cannon questioned if this is adding only one position and increasing the salary of the CFO. Mrs. Leverette answered in the affirmative. Commissioner Langley questioned the last position added to Environmental Services for a Billing Clerk and whether the position would fall under the Commission Billing Office. Mrs. Leverette said all current employees will be retained and the employees will work from the Highway Department Building but will fall under direction of CFO Anna Kate Padgett. Commissioner LaGrand questioned if any positions will be consolidated. Mrs. Leverette said no. Commissioner LaGrand questioned if the new position will be hired from within. Mrs. Leverette said applications will be accepted from both internal and external applicants with the requirements of a degree and four years of experience in a billing type environment. Additionally, the need for streamlined collection processes for delinquent accounts must be addressed in order to minimize the burden on the county's general fund. Mrs. Leverette said last

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year a transfer of \$1.6 million was made to the Environmental Service Fund from the General Fund. Finally, the outlook of the operation has evolved from being a short-term in-house operation to the need for a more permanent solution. The ability to keep the billing operation in-house will minimize overall costs allowing for less of an increase in garbage fees when the time comes which will help minimize the public burden.

For these reasons, Mrs. Leverette proposed the following steps be taken to address some of the challenges.

- The solid waste billing should be moved under the Commission Office and a new department of Commission Billing Office be created with oversight by the Chief Financial Officer.
- A Billing Office Manager is needed to manage the operation of the Commission Billing Office including developing and implementing effective billing procedures, policies, controls, workflows, and collections processes.
- Put out an RFP for printing services to manage overall printing costs.
- Streamline income verification for exemptions in accordance with Alabama state law.
- Establish a process for management of delinquent accounts to include identification and collection.
- Defining and developing enforcement protocols to be used as needed for delinquent accounts.

Mrs. Leverette respectfully asked the Commission to approve the following four items:

- Approve moving the Solid Waste Billing Office under the oversight of the Commission Office specifically the Chief Financial Officer effective September 1, 2023.
- Approve the unbudgeted position of Commission Billing Office Manager at a Pay Grade 120 with a starting salary of \$63,430.54.
- Approve updating job descriptions for the Chief Billing Clerk and the Billing Clerks.
- Approve updating the Chief Financial Officer job description and reclassify the position from a Pay Grade 203 with a starting salary of \$84,426.05 to Pay Grade 204 with a starting salary of \$92,868.65.

Upon conclusion of the presentation, Commissioner Long made a motion, seconded by Commissioner Cannon to approve the four items presented previously to make the transition from Solid Waste Billing under a new department the Commission Billing Office. The motion carried on a vote of 4-1 with Commissioner LaGrand voting “No”.

Commissioner Cannon mentioned he would like to discuss the possibility of the Parks Department and Building and Grounds Department be moved under the Highway Department. Mrs. Leverette said she believes the Code says it falls under the Commission Office. Judge English said he does not read the Code Section in that manner.

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Mrs. Leverette presented a request to amend the Solid Waste Billing guidelines. Mrs. Leverette said the annual application period to apply for exemptions for the solid waste fee needs to be amended in the Solid Waste Billing guidelines approved by the Commission at the meeting held October 11, 2022. Currently applications are only taken in July and August, the amendment extends the period to September 30 each year. The amended portion is as follows: Under “Exemptions”, the deadline for accepting applications for exemptions will be September 30 unless necessary to set up a new account. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the amendment to the Solid Waste Guidelines to extend the period for accepting applications for an exemption of Solid Waste fees through September 30 each year. The motion carried on a vote of 4-1 with Commissioner LaGrand voting “No”.

Mrs. Leverette presented for Commission consideration to reclassify a position within the Commission Office. Mrs. Leverette said the county has grown through the years, and the Commission Office has prided itself in keeping employee counts to a minimum to accomplish the work. 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 she has noticed there are many administrative tasks being completed that could be accomplished by a person in an Administrative Technician position allowing for a more efficient use of time by other employees in the office. In continuing the effort to be a good steward of taxpayer dollars while satisfying a tremendous need in the Commission Office, Mrs. Leverette said she is proposing to reclassify a budgeted position of Grants Specialist at a Pay Grade 114 to an Administrative Technician position at a Pay Grade 109. The position would be responsible for providing clerical support to the Commission Office and associated departments. After the presentation, Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the reclassification of a budgeted position to an Administrative Technician position at a Pay Grade 109. The motion carried unanimously.

Last, Mrs. Leverette said the Commission needs to schedule upcoming budget work sessions. Mrs. Leverette previously sent suggested dates to each Commissioner for their consideration. The proposed dates are following:

Monday, August 14 after the regularly scheduled Commission meeting

Monday, August 28 after the regularly scheduled Commission meeting

Tuesday, August 29 at 5:00 p.m. in the Commission chambers

Monday, September 11 after the regularly scheduled Commission meeting

Tuesday, September 12 at 5:00 p.m. in the Commission chambers (if needed)

Commissioner Morris made a motion to approve the work sessions as presented. The motion was seconded by Commissioner Cannon and carried unanimously.

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On a side note, Commissioner Long said he would like to take the opportunity to recognize Environmental Services Director John McDonald for the incredible job he has done in this process without complaining. Commissioner Long said Mr. McDonald has a “get it done” attitude. Commissioner Long thanked Mr. McDonald for what he’s accomplished and for also helping him along the way during the process. Commissioner Long thanked Mr. McDonald for the role he took on when the billing went sideways. Judge English agreed saying but it is not over yet. Commissioner Morris agreed.

Mr. Hardee presented a request for Commission consideration to lease a new construction material storage area or “lay down yard” for stock piling materials. Mr. Hardee explained that the “new” owners of the Lee Road 151 chert pit that Lee County has leased over 50 years have invoked the 60-day termination clause. Mr. Hardee said he and Judge English have tried to negotiate with the new owners to no avail. Mr. Hardee said he has found a suitable 25-acre piece of property in close proximity to the existing leased property. Mr. Hardee said it is centrally located, reasonably remote, and buffered from public roads with trees. Mr. Hardee said it is easily accessed via Alabama Highway 169, a state route, therefore an added benefit will be that our concentrated heavy truck traffic will not be on a county road. Mr. Hardee said ideally, he would prefer to purchase a new location for the storage yard, but this lease will buy time to identify and purchase something to meet the Highway Department’s needs indefinitely. Mr. Hardee explained that time is of the essence in closing the deal and he would ask the Commission to authorize the county engineer to finalize the lease and to authorize the Chairman to execute it since he feels the next meeting may be too late. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to authorize Mr. Hardee to finalize the lease and authorize Judge English to sign necessary documents. The motion carried unanimously.

Mr. Hardee presented a request for assistance from the National Center for Asphalt Technology (NCAT). Mr. Hardee said there are only two test tracks like this in the nation and the other is in Minnesota. Mr. Hardee said NCAT is requesting assistance for material for their next test track. They requested the Highway Department assist them by hauling loads of chert material from our pit on Lee Road 151 less than a mile away and across the road to their facility. They are willing to reimburse the county for the cost of the material. The Highway Department has assisted them in the past and it could be worked into our schedule at the end of a few weekdays or in a day’s time. Mr. Hardee said Lee County has partnered with NCAT for the pavement preservation study they continue to perform on Lee Road 159, and their work on the track is helping state DOT’s and local governments determine more cost-effective ways to maintain our deteriorating paved road systems. Commissioner Morris made a motion, seconded by Commissioner Langley to authorize the Highway Department to assist NCAT for material for their next test track. The motion carried unanimously.

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Next, Mr. Hardee presented final plat approval for Goat Rock Ridge Subdivision, Phase II. Mr. Hardee said the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee clarified that the number of lots is only 9, not 11 as stated on the memorandum. The proposed subdivision is located adjacent to the intersection of Lee Road 318 and Lee Road 298 in District 3. Adjacent property owners were notified via letters sent out on July 20, 2023. Mr. Hardee questioned the audience to see if anyone was in attendance to voice their concerns. None being heard, Commissioner Long made a motion, seconded by Commissioner Langley to approve the final plat for Goat Rock Ridge Subdivision, phase II as presented. The motion carried unanimously.

Next, Mr. Hardee presented final plat approval for Halawakee Creek Landing Subdivision, Phase 3. Mr. Hardee said the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee stated there are 4 lots proposed. The proposed subdivision is located adjacent to Lee Road 279 and Lee Road 357 in District 4. Adjacent property owners were notified via letters sent out on July 20, 2023. Mr. Hardee questioned the audience to see if anyone was in attendance to voice their concerns. None being heard, Commissioner Langley made a motion, seconded by Commissioner Long to approve the final plat for Halawakee Creek Subdivision, Phase 3 as presented. The motion carried unanimously.

Last, Mr. Hardee presented an Adopt-a-Mile application from the Narrow Road organization for adoption of one mile on Lee Road 265 in District 4. Commissioner Langley made a motion, seconded by Commissioner Long to approve the Adopt-a-Mile application, and authorize the Chairman to sign the necessary documents. The motion carried unanimously.

Judge English said he has an announcement. A hearing must be set for the next Commission meeting on August 14 on two noise ordinance violations.

Commissioner Cannon introduced one of his two favorite grandsons, Kell, who was in attendance, noting today is his A-Day (Adoption Day) and Commissioner Cannon is taking him out to eat dinner after the meeting.

Commissioner Long made a motion, at approximately 6:20 p.m., seconded by Commissioner Cannon to adjourn. The motion carried unanimously.