

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, AUGUST 28, 2023**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, August 28, 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: District Judge Steven Speakman, Sheriff Jay Jones, and Revenue Commissioner Oline Price. News media in attendance: The Observer reporter Hannah Goldfinger, and Opelika-Auburn News reporter John West.

Alabama Forestry Commission Supervisor Matt McCollough and Forestry Management Specialist Greg Brewer appeared before the Commission to give an update on their department. Mr. McCollough thanked the Commission for their continued support of the Forestry Commission by providing annual funding for items like first aid kits, gloves, hearing protection, flashlights, and other necessary items. Mr. McCollough said his territory entails the counties of Lee, Macon, Russell, and Bullock. Mr. McCollough said the department handled 45 wildfires of over 553 acres this year, not including brush fires, which are usually handled by local volunteer fire fighters, with a total of 352 wildfires in those four counties over the last five years. Additionally, Mr. McCollough said 58 wildfires were handled over the entire State in FY2023, Mr. McCollough said they are coming up on wildfire season which begins at the end of September through October.

Next, Sheriff Jay Jones recognized the upcoming retirement of Captain Chris Wallace and Civil Process Server Duane Blackwell. Sheriff Jones said ½ a century of experience is walking out the door with the retirement of these two. Sheriff Jones said a cornerstone of the judicial process is the duty of the process server, saying Mr. Blackwell has been one of the team delivering notices for the last 26 years. Captain Wallace has been over the Patrol Division and managed the division during its darkest hour in March 2019 when the devastating tornadoes came through. Additionally, Sheriff Jones complimented Captain Wallace on his Master Plan in handling of the Alpha Psi Rodeo at Sistrunk Farms. Sheriff Jones said each will be spending time with their families and having more personal time. Judge English congratulated both on their upcoming retirement. Captain Wallace said Lee County has been a good place to work.

Judge English recognized Commissioners Morris and Langley for receiving their certificate for completing the ALGTI Commissioner training. Judge English said the certification is a 50-hour mandatory program of classes which must be completed within two years of the Commissioner's initial election. The program educates the newly elected Commissioner on the requirements and responsibilities of their role.

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Next, County Engineer Justin Hardee recognized Keywonnia Atkins on receiving a certificate in county administration. Mr. Hardee said Ms. Atkins has been employed with the Highway Department since 2018. Commissioner LaGrand thanked Ms. Atkins for a job well done.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listings of claims, a procurement card transactions listing, a copy of the August 14, 2023, minutes. Judge English noted a correction under the "Consent Agenda" of the August 14 minutes changing the name of the board appointments from the Recreation Board to the Planning Commission. First reading of appointments to the following boards were made including: Horseshoe Bend Regional Library-Roberta Greene and Debra Beil, who is filling the unexpired term of Susan Anderson; Lee County Department of Human Resources-Richard B. Curry, Jr., Angie Burque, and Cecil Yarbrough; and Lee County Youth Development Center-George Ervin. Commissioner Cannon made a motion, seconded by Commissioner Long, to approve the consent agenda items as presented. The motion carried unanimously.

Under old business, Commissioner Cannon asked that the Loachapoka Water Authority project discussion be tabled.

Next, Mr. Hardee again presented final plat approval for Zachry Howard Subdivision. Mr. Hardee said citizens at the last meeting requested clarification on a few items, so Mr. Hardee invited the developer and the surveyor to attend tonight's meeting to address any questions. As stated at the last meeting 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 creates four lots with no new infrastructure and is located adjacent to the intersection of Lee Road 743 and Lee Road 339. Adjacent property owners were notified by letters sent out on August 3, 2023. Judge English questioned if anyone was in attendance to address this subdivision, and no one answered. Commissioner Langley made a motion, seconded by Commissioner Morris to approve the final plat for Zachry Howard Subdivision as presented. The motion carried unanimously.

Second reading First reading of Harold Whatley, District 2 Representative, and Richard Newton, District 4 Representative, to the Lee County Planning Commission was made. Commissioner Langley made a motion to approve the following Resolution appointing the two representatives to the Lee County Planning Commission. The motion was seconded by Commissioner Morris and carried unanimously.

**BE IT RESOLVED**, the Lee County Commission does hereby appoint Harold Whatley, District 2 Representative and Richard Newton, District 4 Representative, on the Lee County Planning Commission to fill unexpired terms due to resignations.

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Under new business, Commissioner Morris addressed communication methods of the Commission. Commissioner Morris questioned whether the Commissioners could obtain a county email address instead of utilizing their personal emails. Commissioner Morris suggested using a generic email address like commissionerdistrict2@leeco.us so that in the future it can be utilized without individual names being associated with it. Judge English said a resolution is not necessary to act on the matter, since it is standard throughout the organization. Next, Commissioner Morris questioned whether a landline can be utilized by each Commissioner so they can be forwarded to their personal phones, but not give out their cell number. Judge English said that it would not be hard to do at all, and that we could probably have both a generic and a personalized email address.

Next, Revenue Commissioner Oline Price presented a request of a tax abatement from Kraem USA, Inc. Mrs. Price said the company is planning to expand its operations from Tallapoosa County to a location on Lee Road 2231 in Auburn with an investment of \$13,235,995, which will initially employ 30 people. Mrs. Price said it entails the purchase of a building and manufacturing equipment along with additions and modifications. It has an estimated placed-in-service date of June 30, 2024. After discussion, Judge English carried the item further down the agenda so copies of the correct application can be made.

Sheriff Jones presented an educational reimbursement request from Deputy Shawn McDevitt for three classes: 1) Special Issues in Criminal Justice BCJ4305; 2) Firstline Supervision BCJ3309; and 3) Court and Courtroom Procedures BCJ4302. Sheriff Jones said all three classes pertain to the deputy's current position. Commissioner Morris made a motion, seconded by Commissioner Langley to approve the educational reimbursement request as presented. The motion carried unanimously.

Mr. Hardee presented for Commission approval Lee County's 2024 County Transportation Plan (CTP). This plan is part of the transparency and accountability requirements of the Rebuild Alabama Act passed in 2019. Mr. Hardee said the plan outlines the projects Lee County plans to construct utilizing the additional revenue from the Rebuild Alabama Act 10 cent gasoline and diesel fuel tax increase, as well as the Federal Aid Exchange program funds. The format of this plan has been developed by the Association of County Engineers of Alabama (ACEA) and approved by the State auditors to comply with the law. Once passed, this plan will be posted in the Lee County Courthouse, the Commission Office, the Highway Department and on Lee County's website for citizens to access. Mr. Hardee said the Highway Department used the same prioritization process used for the local funds in selecting roads for resurfacing while also following the requirements of the Rebuild Alabama Act for expenditure of the Federal Aid Exchange Funds. The nine projects, 8 resurfacing projects and a bridge replacement, total 8.201 miles with total estimated cost of \$2,373,810.00. Commissioner Cannon made a motion,

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seconded by Commissioner Morris to approve the 2024 County Transportation Plan (CTP) as presented. The motion carried unanimously.

Judge English went back to the tax abatement discussion by Mrs. Price. Upon examination of the paperwork, Commissioner Cannon made a motion, seconded by Commissioner Long to approve the tax abatement for Kraem USA, Inc. as presented. The motion carried unanimously.

**RESOLUTION 0828-2023**

This Resolution is made this 28<sup>th</sup> day of August, 2023 by the Lee County Commission (the Granting Authority), to grant a tax abatement to Kraem USA, LLC (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 all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education.

**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 \$13,235,995; 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

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hereby granted of all state and local noneducational property taxes, excluding Hospital and Dependent Children taxes and all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education 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.

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.

Next, Mr. Hardee updated the Commission on the potential property purchase presented at the last meeting. Mr. Hardee said the county's bid of \$350,000 for 17.137 acres off Lee Road 148 was accepted by APAC Mid-South Inc. Mr. Hardee said the property contains over 15,000 estimated tons of aggregate stock-piled on the property, which was taken into account in the bid amount. Mr. Hardee said this solved the Highway Department's lay-down yard issue as well as having to haul rock from our current low bidder in Wadley, AL. Mr. Hardee thanked the Commission for their cooperation. Judge English asked Mrs. Price if the artificial price due to the aggregate value of the rock included in the purchase would artificially inflate the property values along that road. Mrs. Price said the appraisers will have to look at it but could adjust for that. She said the Commission will have to pay property tax on the parcel this year but will be exempt next year. Judge English also mentioned that the parcel is in the area where sink holes were located.

Last, Park Director Ryan Norris presented the bid results of the Loachapoka Park project. Mr. Norris said the two bids were returned and opened on August 24. Hudmon Construction was the low bidder at \$618,308. Mr. Norris said the bid was over budget by about \$118,000 but after discussing the overage with the Lee County Recreation Board they are willing to donate the additional funds to the Loachapoka Project. Commissioner LaGrand commended the Recreation Board for stepping up and thanked Elder Griggs and Judy Lockhart. Commissioner LaGrand made a motion, seconded by Commissioner Cannon to approve the bid of \$618,308 from Hudmon Construction for the Loachapoka Park project with the additional funds of \$118,308 be covered by funds provided from recreation funds. The motion carried unanimously.

At approximately 5:50 p.m. Commissioner Cannon made a motion, seconded by Commissioner Long to adjourn into a budget work session. The motion carried unanimously.