

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, SEPTEMBER 11, 2023

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 11, 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, and Coroner Daniel Sexton. News media in attendance: The Observer reporter Hannah Goldfinger.

Sheriff Jay Jones recognized the upcoming retirement of three Sheriff's Office employees, they are: Captain Craig Meadows serving 41 years; Administrative Assistant Marlene Powell serving 30+ years; and School Resource Officer Heather Norred serving 18 years. Sheriff Jones said Captain Meadows started as a jailer and worked his way up the ranks leaving at the level of Captain. Sheriff Jones said Captain Meadows was in charge of the "get it done" department. Mrs. Powell leaves with a vast knowledge of information. Mrs. Norred has an exemplary performance record protecting the schools. Sheriff Jones thanked each for their service and invited them to return to visit anytime. Judge English and the Commission congratulated each on their upcoming retirement.

Next, Chief Administrative Officer Holly Leverette recognized two employees in her department for receiving certifications. First, Mrs. Leverette recognized HR Benefits Coordinator Martecia Rogers for achieving the Alabama Certified Human Resource Specialist certificate through the Alabama Association of Public Personnel Administrators (AAPPA). Next, Mrs. Leverette recognized Payroll Accountant Lindsay Eidson for achieving the Alabama Certified Payroll Specialist through the AAPPA as well. Mrs. Leverette congratulated them both on their achievement. Commissioner LaGrand congratulated both as well.

Sheriff Jones again recognized another individual retiring from the Sheriff's Office, Mitzi James. Sheriff Jones said Mrs. James has worked with the Sheriff's Office for nine years, with a total of 16 years in the Alabama Retirement Systems. Sheriff Jones thanked Mrs. James for her service in the Communications Division and recognized her family in attendance.

Alabama Department of Revenue Representatives Donna Mathis and Cameron Clark gave a presentation on the collection of taxes for Commission consideration. Ms. Mathis said Mrs. Leverette reached out to their department for an audit review of taxes collected and administrated by Avenu Insights, the current vendor for Lee County. Ms. Mathis said she is here tonight to discuss those findings. Ms. Mathis said the records reviewed were from March, July and December 2022. Upon the final report, they found substantial savings each month and approximately \$96,000 in savings yearly. Ms. Mathis said they act as the administrator for sales and use taxes and perform auditing and collections as well as legal representation if needed if a

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, SEPTEMBER 11, 2023

client decides to contest their audit. Ms. Mathis said all reports will be available to our financial department. Ms. Mathis said the fee is 2% of gross collections which includes audit and collection services, saying our current vendor charges \$6.54 per account. Mrs. Leverette said the biggest advantage for going with the Department of Revenue is the potential to find additional revenue since the State has access to all the records.

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 28, 2023, minutes, and announcement of an opening on the Beulah Utilities District Board. 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 reappointing Roberta H. Greene and appointing Debra Beil to the Horseshoe Bend Regional Library Board. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Roberta H. Greene and appoints Debra Beil to the Horseshoe Bend Regional Library Board. Ms. Greene will serve a four-year term from October 1, 2023, until September 30, 2027. Ms. Beil will serve until September 30, 2024, to fulfill the unexpired term of Susan Anderson.

Commissioner LaGrand made a motion, seconded by Commissioner Cannon to approve the following Resolution appointing Richard B. Curry, Jr., Cecil M. Yarbrough, and Angie Burque to the Lee County Department of Human Resources Board. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints Richard B. Curry, Jr. and reappoints Cecil M. Yarbrough and Angie Burque to the Lee County Department of Human Resources Board to each serve a six-year term from September 1, 2023, until September 1, 2029.

Commissioner Morris made a motion, seconded by Commissioner Langley to approve the following Resolution reappointing George Ervin to the Lee County Youth Development Center Board. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints George Ervin to the Lee County Youth Development Center Board to serve a four-year term from September 30, 2023, until September 30, 2027.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, SEPTEMBER 11, 2023

Mrs. Leverette presented the following Resolution amending the original resolution presented at the May 30, 2023, Commission meeting for the Loachapoka Water Authority ARPA projects. Mrs. Leverette said at that meeting the Commission conditionally allocated up to \$2,899,590.98 to Loachapoka Water Authority to carry out three eligible water projects on Lee Roads 57, 76 and 156. Mrs. Leverette said in preparing and planning bid documents and obtaining updated cost estimates, the water authority discovered that current market conditions have greatly increased the expected cost of the projects. The Loachapoka Water Authority has requested to remove the Lee Road 76 project to keep within the previous allocation from the county. Commissioner Cannon made a motion, seconded by Commissioner Long to amend its previous resolution and rescind its allocation of ARPA funds toward the Lee Road 76 project reducing the awarded ARPA funds allocation for Loachapoka Water Authority to \$2,561,070, and authorize Judge English to sign the Resolution.

**SECOND AMENDED 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 May 30, 2023, the Lee County Commission conditionally allocated up to \$2,899,590.98 to Loachapoka Water Authority to carry out three eligible water projects on Lee Roads 57, 76 and 156; and

WHEREAS, in preparing and planning bid documents and obtaining updated cost estimates, the Loachapoka Water Authority discovered that current market conditions have greatly increased the expected cost of the projects; and

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, SEPTEMBER 11, 2023

WHEREAS, Loachapoka Water Authority has requested to remove the Lee Road 76 project to keep within the previous allocation of the County; and

WHEREAS, the Commission has considered the request and agrees to remove the obligation to complete the Lee Road 76 project from the approved, eligible projects to be funded with ARPA funds.

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

- 1) The County hereby amends its previous resolution and rescinds its allocation of ARPA towards the Lee Road 76 project.
- 2) The previous allocation is hereby reduced to \$2,561,070 of its ARPA funds to Loachapoka Water Authority will be distributed to cover part or all of the costs associated with the following water 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.
- 3) The county is hereby directed to negotiate with Loachapoka Water Authority to establish subrecipient agreement for covering the projects listed in Paragraph 2 consistent with this resolution and the terms and conditions of the County's ARPA Award.
- 4) The Chairman is hereby delegated 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.
- 5) Upon execution of the subrecipient agreement, 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.
- 6) 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 11th day of 2023.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, SEPTEMBER 11, 2023

Judge English said the Commission moved the item concerning the noise ordinance violation to the next meeting on September 25, 2023.

Next, Judge English said each Commissioner returned their evaluation sheets for County Engineer Justin Hardee's annual evaluation. Judge English said a summary copy was given to Mr. Hardee, but the individual reports were not. Judge English said the Commission will need to determine a merit increase of either 2%, 3% or 4%. Commissioner Cannon made a motion to give Mr. Hardee a 4% merit increase based on his evaluation. The motion was seconded by Commissioner Long and carried unanimously. Commissioner Cannon said Lee County is fortunate to have Mr. Hardee.

Judge English said each Commissioner returned an evaluation sheet for EMA Director Rita Smiths' annual evaluation. Judge English said a summary copy will be given to Mrs. Smith but not the individual reports were not. Judge English said the Commission will need to determine the merit increase for Mrs. Smith. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve a 4% merit increase for Mrs. Smith based on her evaluation results. The motion carried unanimously.

Sheriff Jones presented an ABC application for a lounge retail liquor license for Thirstys located in District 3 off Auburn Road and Lee Road 212. Sheriff Jones said there were no objections to the issuance of the license. Commissioner Long made a motion, seconded by Commissioner Langley to approve the following Resolution. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the lounge retail liquor-Class II license for Thirstys located at 9720 Lee Road 240, Phenix City, Alabama.

Sheriff Jones asked the Commission to consider adding an ABC application to the agenda for B and B Management for an upcoming event on October 6 which was delivered on Friday, September 8, 2023, for consideration. The motion to add carried unanimously. Commissioner LaGrand made a motion, seconded by Commissioner Long to add the item to the agenda. The motion carried unanimously. Sheriff Jones presented the ABC application for a special events retail license from B and B Beverage Management located in District 5. Sheriff Jones said this is a one-day event on Friday, October 6 held at Twenty-One Acres on Wire Road. Sheriff Jones recommended granting the license for the event. Commissioner LaGrand made a motion, seconded by Commissioner Langley to approve the following Resolution granting the license. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the special event

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, SEPTEMBER 11, 2023

retail license for B and B Management for a one-day event to be held on October 6, 2023, at Twenty-One Acres located at 5505 Lee Road 137, Auburn, Alabama.

Next, Sheriff Jones presented an educational reimbursement request for Deputy Jeff Snyder for College Mathematics (MH1300) and Physical Science II (PHY1305). Sheriff Jones said the classes pertain to his current position. Commissioner Langley made a motion, seconded by Commissioner Morris to approve the educational reimbursement request as presented. The motion carried unanimously.

Mr. Hardee presented the following Resolution to initiate a project through the Columbus-Phenix City Metropolitan Planning Organization (MPO) for the resurfacing of Lee Road 235, from Lee Road 240 to Lee Road 246. Mr. Hardee said the resurfacing project is approximately 2.330 miles at an estimated cost of \$850,000. Mr. Hardee said the project will be funded on an 80/20 split, with 80% of the funding coming from the Columbus-Phenix City MPO and 20% match by Lee County. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the following Resolution for the resurfacing of Lee Road 235. The motion carried unanimously.

RESOLUTION PROJECT NO. LCP 41-235-24

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows:

Resurfacing on CR-235 from CR-240 to CR-246 (approximately 2.330 miles)

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County intends to apply for Federal Aid funds for the construction of the above referenced project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of this project.

Done at the Regular Session of the County Commission of Lee County, this day of September 11, 2023.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, SEPTEMBER 11, 2023

Next, Mr. Hardee presented final plat for Goat Rock Ridge Subdivision, Phase III for Commission consideration. Mr. Hardee said the proposed 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 398 with no new infrastructure. The parcel will be divided into 14 lots with the smallest approximately .92 acres. Mr. Hardee said adjacent landowners were notified by letters sent out on August 31, 2023, so they may attend and voice their support, opposition, or to obtain more information. After hearing no comments, Commissioner Long made a motion, seconded by Commissioner Langley for final plat approval for Goat Rock Ridge Sudivision, Phase III. The motion carried unanimously.

Next, Mr. Hardee presented final plat for Goat Rock Ridge Subdivision, Phase IV for Commission consideration. Mr. Hardee said the proposed 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, Lee Road 298 and Lee Road 320 with no new infrastructure. The parcel will be divided into 8 lots with the smallest lot approximately .93 acres. Mr. Hardee said adjacent landowners were notified by letters sent out on August 31, 2023, so they may attend and voice their support, opposition, or to obtain more information. After hearing no comments, Commissioner Long made a motion, seconded by Commissioner Langley for final plat approval for Goat Rock Ridge Sudivision, Phase IV. The motion carried unanimously.

Last, Mr. Hardee presented final plat for LeFranc Parcel B-3A Property Division for Commission consideration. Mr. Hardee said the proposed 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 239 with no new infrastructure. The parcel will be divided into 3 lots with the smallest lot approximately two acres. Mr. Hardee said adjacent landowners were notified by letters sent out on August 31, 2023, so they may attend and voice their support, opposition, or to obtain more information. Allen Wilson of Lee Road 239 said the development was across the road from his lot. Mr. Wilson questioned the minimum cost per home on the development. Judge English said minimum home cost is not an issue question that can be addressed by the County. Mr. Wilson said he was concerned about additional traffic on Lee Road 239 from Lee Road 240 due to the number of potholes on the road and for future road damage from the construction of additional homes. Mr. Hardee said his department could out to look at the road and repair any open potholes or base failures now. Commissioner Long said the development meets county requirements. Commissioner Long made a motion, seconded by Commissioner Langley for final plat approval for LeFranc Parcel B-3A Property Division as presented. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, SEPTEMBER 11, 2023

Judge English returned to an agenda item that had been overlooked for Sheriff Jones. Sheriff Jones presented a request to fill an HR Technician position above the entry level salary range. Sheriff Jones said the request is in excess of 20% of the base salary at \$52,120 for a qualified candidate who has experience and previously worked for Lee County in a similar position. Further, the applicant is a certified payroll specialist and is certified in county administration. Judge English echoed the Sheriffs recommendation. Sheriff Jones feels the candidate more than merits above entry range, but said it is still within the pay range. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the request to fill the position above the base salary of an HR Technician in the Sheriff's Office. The motion carried unanimously.

Mrs. Leverette presented for Commission consideration the following Resolution to authorize the Alabama Department of Revenue to administer and collect taxes levied by Lee County, including cable franchise, video rental, sales and use, severance, and alcohol taxes. Mrs. Leverette said the Department of Revenue conducted a cost analysis for the months of December 2022, March 2023 and July 2023 of the current administration and collection of taxes which shows an estimated minimum cost savings of \$96,399.08 annually. Commissioner Morris made a motion, seconded by Commissioner Cannon to approve the following Resolution and authorize the Chairman to sign the agreement. The motion carried unanimously.

RESOLUTION

WHEREAS, Section 11-51-207 of the Code of Alabama 1975, allows for the Alabama Department of Revenue to administer and collects taxes; and

WHEREAS, the Lee County Commission hereby directs that the Department of Revenue of the State of Alabama shall administer and collect all Lee County cable franchise, video rental, sales & use, severance, and alcohol taxes levied and assessed under the provisions of this Resolution to the fullest extent allowed by Alabama law beginning November 1, 2023.

THEREFORE, BE IT RESOLVED by the Lee County Commission that a certified copy of this Resolution shall be provided to the Alabama Department of Revenue as well as any other necessary information or other steps as may be required by said Department of Revenue to enable it to administer and collect taxes levied and assessed under the provisions of this Resolution.

Last, an agenda item concerning reclassification of a position at the Building Inspection Department was inadvertently left off the agenda. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to add the item to the agenda. The motion carried unanimously. Human Resource Director Lisa Ruffin presented a reclassification of an

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, SEPTEMBER 11, 2023

Administrator, Building Inspection/Stormwater Management Program position which included a title change to Administrator, Building Inspection, and the separation of duties from the former classification. After a job factor analysis was performed the position was reclassified from a Pay Grade 117 to a Pay Grade 116 for the Administrator position within the Building Inspection Department. Ms. Ruffin indicated the Stormwater Management duties are being moved to the Highway Department. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to approve the reclassification of the Administrator, Building Inspection/Storm Water Management Program, Pay Grade 117 to a Pay Grade 116 as Administrator, Building Inspection. The motion carried unanimously.

At approximately 5:56 p.m. Commissioner Cannon made a motion, seconded by Commissioner Morris to adjourn into a budget work session. The motion carried unanimously.