

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, OCTOBER 30, 2023

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, October 30, 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: Circuit Judge Jeff Tickal, District Attorney Jessica Ventiere, Sheriff Jay Jones, and Coroner Daniel Sexton. News media in attendance: The Observer reporter Hannah Goldfinger, Opelika-Auburn News reporter Alex Husting and WTVM reporter Rico Mitchell.

EMA Director Rita Smith asked that the agenda item concerning the Mid-South RC&D check presentation be moved to the November 27 agenda.

Next, Mrs. Smith discussed their recent exercise with ADPH saying Lee County EMA received an Excellent Rating which is the highest score obtainable. Mrs. Smith said her department worked along with the Sheriff's Office and the Environmental Services Department. Mrs. Smith wanted to personally give "atta-boys" to Environmental Services Director John McDonald and Recycling Facility Manager Harold Whatley saying they went above and beyond. Mrs. Smith also thanked the Sheriff's Office.

County Engineer Justin Hardee and Assistant Engineer Patrick Harvill gave a PowerPoint presentation on the Dirt Road Paving Program. Mr. Hardee said the dirt road paving program ran from 1993 until it was suspended in 2010. At that time approximately 10 miles of dirt road per year were being paved, with the Highway Department clearing the right-of-way, ditching, replacing/relocating driveways and roadway culverts, and hauling and placing the chert and gravel to build up the roadbed, then a contractor would place the asphalt. Mr. Harvill picked up discussion on the dirt road paving program saying the reason the Commission suspended the program was because it did not make sense to spend money every year adding more paved road miles to the county inventory when we were not adequately maintaining our existing paved roads. Mr. Harvill said the money that had been going toward dirt road paving was redirected to maintaining the dirt and paved road system, as it still is today. Mr. Harvill said the largest increase in the resurfacing budget came from the passage of the Rebuild Alabama Act, which increased the budget by about \$2 million dollars. However, the cost of stone and asphalt has increased significantly over this period. Mr. Harvill said it has increased so much that the Highway Department's purchasing power has only increased by 40%. Mr. Harvill said paved roads only last about 20 years, depending upon use, before they will be in substandard condition. Lee County should be resurfacing about 31 miles per year, instead of the 19.5 miles per year we are currently doing, to be on a 20-year resurfacing cycle. Mr. Harvill said if the paved road mileage is increased by paving more dirt roads, without increasing the resurfacing budget, then the resurfacing cycle years will trend in the wrong direction again. Based on the condition of

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, OCTOBER 30, 2023

the current paved road system there are 170 miles of paved roads in “poor” condition which equates to \$42,500,000. We have a current FY2024 Resurfacing Budget of \$4,030,000. This is due to the fact that the resurfacing program is underfunded; we currently have a 32-year resurfacing cycle opposed to an ideal 20-year resurfacing cycle; more roads are going into a poor condition state each year than can be resurfaced. The county road system is not getting better, it is getting worse. The paved road resurfacing program should be funded with at least \$2.5 million annually to be on a 20-year resurfacing cycle. Further, the county has 107 bridges that are 20 ft. or longer that are part of the National Bridge Inventory. Mr. Harvill said in 2010 with the combination of an \$8 million bond issuance and the ATRIP Program, 24 bridges have been replaced in the last 12 years. However, the funds in the county’s bond issuance have been exhausted and the state’s ATRIP program has come to an end. Recently, the Highway Department was successful in getting a \$250,000 grant to replace a bridge on Lee Road 245 and continues to pursue any and all funds available for bridges. Further, today there is no dedicated funding source for bridges in the county. Mr. Harvill said if they are unable to find additional outside funding sources, bridge replacement projects must come out of the resurfacing budget as well. The Highway Department received \$1,034,603 in grants in the past year to go toward infrastructure and have secured over \$2 million in federal funds through the Auburn-Opelika and Columbus-Phenix City MPOs. Also, currently the department is working with ADECA on applications for additional federal grant money for six bridge projects. Mr. Harvill said to build a road to last 20 years and hold the county to the same standard we hold developers to, today’s cost is \$330,000 per mile just for the material with the majority of the work done by the Highway Department. Mr. Harvill said building these roads would involve hauling several hundred loads of material to the project site and to construct one mile of road it would take over 400 dump truck loads of material. In 2010, the Highway Department had 15 tri-axle dump trucks, today the department only has 10 dump trucks. The Highway Department would need to purchase at least 5 additional dump trucks at a cost of \$215,000 each, or contract out the hauling, just to prevent shutting down maintenance crews while paving the dirt roads. Also, new CDL driver positions would be needed to operate the dump trucks if the Commission decides to go that route, at a cost of \$60,000 per CDL driver for salary and fringe benefits. CDL drivers are currently difficult to recruit and retain across the industry.

Mr. Hardee picked up again saying there are many other issues that would need to be addressed if the dirt road paving program were to be reimplemented. Mr. Hardee said other considerations would need to be addressed such as selecting a method of choosing which roads are to be paved; establishing a right-of-way acquisition policy for proper road width, drainage, and sight distance; addressing existing water lines located within the roadway for repairs and other similar items of consideration. Mr. Hardee said the following five items should be considered if the Commission chooses to start paving dirt roads, they are:

- 1) Identify a funding source dedicated to the paving of dirt roads.
A funding source that doesn’t pull money away from the resurfacing program or road maintenance, or this is just eliminating one problem to take on another.
- 2) Increase funding for resurfacing.
If more paved roads are created without increased funding for the resurfacing budget,

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, OCTOBER 30, 2023

it will just add to the problem.

- a.) Another \$2.5 million annually is needed to reach a 20-year resurfacing cycle today, and this doesn't do anything to address bridge funding, intersection improvements, or paving dirt roads.
- 3) The Highway Department would need to budget for additional staff in the field and the office, as well as additional equipment, to prevent the maintenance operations from falling further behind.
- 4) Do not agree to pave a dirt road without acquiring the proper right-of-way, or unsafe roads will be created that the Highway Department will not be able to properly maintain.
- 5) Hold ourselves to the same standard as developers to build roads correctly. This will be more costly than how they were constructed in the past, but the roads will last longer.

Mr. Hardee ended the presentation and asked if the Commission had any questions. Commissioner Cannon questioned if possibly there is any state funding for paving dirt roads. Mr. Hardee said not for dirt roads, he said there is no federal answer to this either.

Environmental Services Director John McDonald gave a presentation on proposed plans for Free Disposal Days to set up and open disposal sites in various locations in the county, potentially one Saturday each quarter for rural Lee County residents. Mr. McDonald said this will be in addition to the two free roadside pickups each month already provided. Mr. McDonald said previously Commissioner Cannon and Commissioner LaGrand approached him concerning additional disposal days for residents. Mr. McDonald said he hopes to hold the first event in January shortly after the Christmas holidays, since that is a high-volume disposal time. Mr. McDonald said currently the disposal drop-off sites being considered are: 1) old 29 North disposal site; 2) old Motts disposal site off US280E; 3) old 29 South disposal site; 4) old Bottle disposal site off US Hwy 280W; and 5) Loachapoka School on Lee Road 61. Mr. McDonald said he would come back with an update once dates and locations are finalized. Further, Mr. McDonald said this would not be for household trash or hazardous materials. A list of unacceptable items will be available and advertised before the first event. Commissioner Long questioned the US Hwy 280E/Motts location since he is concerned that the traffic will back-up off US Hwy 280E and increase the possibility of cars being hit if they don't get completely off the road. Mr. McDonald said they are planning to have one-way in and one-way out at that location to prevent it. Commissioner Cannon questioned the Auburn location at the Bottle off US Hwy 28W. Mr. McDonald said it would be the same with one-way in and one-way out. Commissioner Langley questioned if there will be a way for county residents to be identified to deter non-residents from dumping. Mr. McDonald said they are looking into ways of getting a system in place. Mr. McDonald said details are still being worked out and more planning is to be done, but just wanted to update the Commission on the status of the project. Commissioner LaGrand thanked Mr. McDonald for the update.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, OCTOBER 30, 2023

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 October 10, 2023, minutes. An additional ratification list was presented for approval. The first reading of James Majors to the Beulah Utilities Board was made. Announcement of another opening on the Smiths Station Fire Protection District Board was made. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as presented. The motion carried unanimously.

Commissioner Cannon said he wanted to revisit the discussion of funding for the EAMC Mental Health facility from the last meeting after some Commissioners wanted more time to consider it. Commissioner Cannon again said he would like to proceed in allocating a total of \$4 million for the facility. Judge English said the Commission has allocated funding over a number of years for several agencies including the Chamber of Commerce and the airport project. Commissioner Cannon said he proposes to allocate a total of \$4 million, with \$2 million given in October 2024, \$1 million in October 2025, \$1 million in October 2026. Judge English said more beds would definitely help with the County's mental health needs. Commissioner Langley said he supports the \$4 million commitment as well. Commissioner Long said he questioned the commitment concerning how to allocate the funds. Commissioner Morris said he is definitely in support of the \$4 million allocation as proposed. Commissioner LaGrand said he feels it is a good investment in the community. Mrs. Leverette said no resolution has been drawn up since she was not sure of the Commission's stance. Commissioner Cannon made a motion to move forward with the \$4 million allocation, seconded by Commissioner LaGrand, and carried unanimously.

Judge English presented second reading of Josh Datnoff to the Lee County Planning Commission. Commissioner Cannon made a motion, seconded by Commissioner Langley, to appoint Josh Datnoff as a District 1 representative to the Lee County Planning Commission. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints Josh Datnoff as the District 1 representative to the Lee County Planning Commission to fulfill and unexpired term ending March 3, 2027.

Avenu Insights representative Yolanda Watkins-Bailey appeared before the Commission to discuss the administration and collection contract with Lee County. Ms. Watkins-Bailey said the partnership should continue, saying over the last five years they have increased the number of deposits to three deposits per week, so the county has access to their funds quicker. Ms. Watkins-Bailey said the Alabama Department of Revenue will make deposits once per week. Further, Ms. Watkins-Bailey said Avenu Insights has proposed \$525,000 for both tax

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, OCTOBER 30, 2023

administration and auditing providing a \$153,550 in annual savings compared to Avenu's FY2023 rates. Ms. Watkins-Bailey said they have experience with 47 counties and 230 cities including Opelika and Smiths Station and they offer administration for all local tax types including: beer/wine tax, franchise fees, quarry/severance tax and rental tax. The company has been in a dedicated partnership with Lee County fees have not increased since 2012. Ms. Watkins-Bailey closed saying she is accessible to her constituents as needed.

Commissioner Cannon questioned Ms. Watkins-Bailey why they have not negotiated with Lee County before. Ms. Watkins-Bailey said this is the first time she had come before the County Commission and has not been asked before saying they help local governments any way they can. Mrs. Leverette questioned what tools Avenu uses to collect taxes that are not in their system. Ms. Watkins-Bailey said Avenu can audit an account at any time they want to look at a company's invoices for accuracy and use procedures we have in place. Ms. Watkins-Bailey said they also use an agreement with the State called info sharing. Mrs. Leverette asked the Commission to allow Donna Mathis with the Alabama Department of Revenue to present. Mrs. Leverette said Mrs. Mathis came to us and provided data showing a minimum savings of over \$100,000. Judge English asked why there was not any discussion with the current vendor Avenu before moving forward with a new vendor. Mrs. Leverette said the contract was ending and the State approached her to give a presentation and after reviewing with CFO Anna Kate Padgett and the savings potential of over \$100,000 she felt it was in the best interest of the county. Mrs. Leverette said the biggest incentive in going with the State is their ability to look at income tax information to look at records to find additional revenue for the county school systems.

Ms. Donna Mathis said she would like to clarify a few things concerning the service the state provides for sales tax collection and administration. Ms. Mathis said in March 2022 they consolidated payers in multi-jurisdictions into one jurisdiction. Further, Ms. Mathis said they are a government entity and are backed by the taxpayers and the citizens. Judge English asked how many counties they collect taxes for. Ms. Mathis said approximately 25. Ms. Mathis said in FY2022 the state collected the Sellers Simplified Use tax of \$4.2 million and in FY2023 collected over \$5 million for Lee County. Further, Ms. Mathis said they have 7 auditors that work in Lee County and have an office in Auburn. Ms. Mathis said they have several tools available to them that Avenu does not, like wholesale/resale accountability and availability of income tax records. Commissioner Cannon questioned why a representative from the State has not come before to offer services. Ms. Mathis said they have come over the years. Commissioner Cannon asked if they could come down to \$5.25. Ms. Mathis said she can't negotiate since they are a government entity and said Avenue has basically come down to our fee.

Mrs. Leverette said that the Commission voted unanimously on September 11, 2023, to go with the State for administration and collection of all cable franchise, video rental, sales and use, severance, and alcohol taxes; that taxpayers have been notified that the state will begin collecting taxes and asked how the Commission wishes to proceed. The Resolution in the packet just amends the original resolution to include only sales and use, rental (no rental fees) and seller use taxes. Avenu will continue to collect the other taxes and fees, just not sales taxes.

Commissioner Long asked if the original Resolution sent to the State included all taxes

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, OCTOBER 30, 2023

and fees. Mrs. Leverette affirmed. Commissioner Long asked Mrs. Leverette when she realized the Resolution was incorrect. Commissioner Cannon asked if two companies would be collecting for Lee County. Mrs. Leverette affirmed it. Commissioner Morris asked if the Resolution was presented at the last meeting. Commissioner Langley asked if the Resolution is being reworded. Mrs. Leverette agreed. Judge English said the amended version is being presented tonight because the version approved included incorrect information, and he was troubled because there had been no talking to the current vendor beforehand. Mrs. Leverette said she talked with a representative named Ashley from Avenu who sent her the proposal since the end of the three-year agreement was approaching. After more discussion, Commissioner Long made a motion to rescind the original Resolution passed by the Commission on September 11, 2023. The motion was seconded by Commissioner Cannon and carried unanimously.

Mrs. Leverette asked if the Commission wished to have the State administer and collect the sales taxes or stay with Avenu Insights. Judge English said he would like for the State and Avenu to get a proposal to the Commission by next Monday for review and have Ms. Mathis and Ms. Watkins-Bailey give another presentation.

After discussion, Chief Administrative Officer Holly Leverette asked the Commission to move the next two agenda items forward concerning the agreements with Avenu Insights and the Alabama Department of Revenue.

After discussion was held on the outside appropriations and the Replacement FY2024 Budget, the Commission decided to schedule another work session. Judge English said the Commission needed to hold a special called meeting for an Executive Session on next Monday, and a budget work session could be included. Commissioner LaGrand made a motion to hold an Executive Session on Monday, November 6, 2023, at 5:00 p.m. in the Commission chambers and hold a budget work session following on the outside appropriations and the replacement budget. The motion was seconded by Commissioner Morris and carried unanimously.

Ms. Lakiesha Hicks appeared before the Commission discuss a few items. First, Ms. Hicks thanked Mr. Hardee and Mr. Harvill for looking into concerns on Lee Road 393 and placing a drainpipe to address the issue, she thanked them for listening to her and her mother Ms. Geri Young. Next, Ms. Hicks asked the Commission to listen to the citizens. Ms. Hicks said she has been before the Commission on the broadband issue several times. Ms. Hicks said there should be more than enough to get broadband services in the Loachapoka area and to all of Lee County. Ms. Hicks asked the Commission to utilize the funds for what they should be used for, she wants what is best for District 5 and Lee County.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, OCTOBER 30, 2023

Sheriff Jones presented the bid results of Bid#2023-19 for one Ford Expedition. Sheriff Jones said since no bids were returned, he would negotiate with a vendor for the vehicle. Commissioner Morris made a motion to authorize the Sheriff to negotiate for the vehicle. The motion was seconded by Commissioner Langley and carried unanimously.

Next, Sheriff Jones presented the bid results of Bid#2024-01 for 100 or more Glock handguns. Sheriff Jones said out of three bids mailed only two were returned. Sheriff Jones recommended awarding the bid to the lowest responsive bidder GT Distributors for 100 Glock handguns for a total bid of \$88,682.64. Sheriff Jones said it is a budgeted item. Commissioner Morris made a motion, seconded by Commissioner Cannon, to award Bid#2024-01 for 100 or more Glock handguns to GT Distributors for \$88,682.64. The motion carried unanimously.

Next, Sheriff Jones presented educational reimbursement requests for Deputy Jared Corbett for one course Police and Community Relations (CMJ4301) and Deputy Shawn McDevitt for the following four courses: American Constitutional Government (PS2308); Family Conflict and Violence (COU2309-52); Developmental Psychology (PY2301); and Life-Roles and Career Development (COU3320). Sheriff Jones said after reviewing the syllabus for each course the classes pertain to their current positions. Commissioner Long made a motion, seconded by Commissioner Langley, to approve the educational reimbursement requests as presented. The motion carried unanimously.

Mr. Hardee said the Farmville Volunteer Fire Department is requesting assistance with a new station located off Lee Road 188 in District 1. They are requesting assistance with clearing about ½ an acre and then dirt work to include a building pad. He indicated that the fire department would remove the large tree trunks themselves. Also, a new driveway will need to be installed to access Lee Road 188. The volunteer fire department is also requesting that the Commission waive the building inspection fees only, not the actual inspections, for their new station when it comes in and is ready to be erected. The Highway Department has done similar work for other volunteer fire departments, but since the work is outside of Lee County's rights-of-way, the Commission will need to authorize the Highway Department to do the work. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to authorize the Highway Department to perform the work as discussed for the Farmville Volunteer Fire Department, and to waive the building inspection fees. The motion carried unanimously.

Mrs. Leverette presented a master services agreement with AUBix for Commission consideration. Mrs. Leverette said the agreement is for offsite data storage and replication. This service was presented in the budget work sessions and approved as part of the FY2024 Operational Budget. Mrs. Leverette said having county data secured at an offsite storage facility

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, OCTOBER 30, 2023

will add an additional level of security from system attacks and malfunctions such as power outages, storm damage, water damage, or any other event that might affect county technology. Additionally, there is added redundancy as data is immediately copied and sent to the storage facility. This data backup infrastructure allows for rapid recovery following a disaster and will allow the county to stay operational through it all. Commissioner Morris made a motion, seconded by Commissioner Cannon to authorize Judge English to sign the three-year master services agreement with AUBix as presented. The motion carried unanimously.

The last agenda item concerning a Gas Tax Fund budget adjustment for the Highway Department will be carried forward along with the other budget items.

Judge English said an Executive Session is not necessary at this time, so he called for a motion to adjourn. At approximately 6:56 p.m. Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Morris and carried unanimously.