

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, NOVEMBER 13, 2023

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, November 13, 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, District Attorney Jessica Ventiere, and Sheriff Jay Jones. News media in attendance: The Observer reporter Hannah Goldfinger, Opelika-Auburn News reporter Alex Husting and WTVM reporter Rico Mitchell.

John Findley representing “Beulah Friends of the Community” appeared to personally thank Environmental Services Director John McDonald for the department’s help during their clean-up day in the Beulah community on November 4. Mr. Findley said he called Mr. McDonald to see if the department could pick up the collected trash after the event. Mr. Findley said Mr. McDonald went above and beyond by personally attending the event, which also included his staff who had volunteered their time on a Saturday. Mr. Findley recognized Auburn Boy Scout Troup 11, Alpha Psi Omega Fraternity and three crews from Environmental Services. Mr. Findley publicly thanked Mr. McDonald. Judge English said he was not surprised to hear this about Mr. McDonald and his crew, but it is nice when a member of the community recognizes it.

Judge English said a few Commissioners previously questioned the Rules and Procedures of the Commission meetings, so he placed a copy in the packets for Commission review. Judge English said no action is necessary.

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 30, 2023, minutes, and a copy of the minutes from the Special Called Meeting on November 6, 2023. The first reading of an opening on the Smiths Station Fire Protection District Board was presented. Judge English said since five people submitted a Citizen Interest form for one vacancy the item needs to be moved under “Old Business” for consideration. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the other consent agenda items as presented. The motion carried unanimously.

Under Old Business, as mentioned previously, five applications were received for one vacancy on the Smiths Station Fire Protection District Board. Commissioner LaGrand made a motion to appoint Shane Blakenship. The motion was seconded by Commissioner Long and the motion carried unanimously. Judge English said the item will be on the next agenda for second reading.

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The second reading of James Majors to the Beulah Utilities Board was made. Commissioner Langley made a motion, seconded by Commissioner Cannon, to approve the following Resolution to reappoint James Majors to the Beulah Utilities Board.

BE IT RESOLVED, the Lee County Commission hereby reappoints James Majors to the Beulah Utilities Board to serve a four-year term from Dec. 1, 2023 to Dec. 1, 2027.

Judge English asked Chief Administrative Officer Holly Leverette about discussion of collection and administration of taxes. Mrs. Leverette said the Commission needs to decide on whether the collection of sales taxes stays with Avenu Insights or to authorize the State of Alabama Department of Revenue to collect them for Lee County. Mrs. Leverette said Alabama Department of Revenue Representative Donna Mathis was in attendance, so Mrs. Leverette asked her to give her presentation. Ms. Mathis said according to her data Lee County will see substantial savings if the State is allowed to collect the sales tax. Mrs. Mathis said after examining records from the last 46 months it appears Avenu Insights has charged over \$600,000 in audit fees. Judge English questioned why the information given to the Commission was different than what was just sent out in the packets. Judge English asked Mrs. Leverette why the information was not provided in advance. Mrs. Leverette said the information has been updated by Ms. Mathis since the information in the packets was from several weeks ago. Ms. Mathis said she brought updated information today to present the most current information. Ms. Mathis said she would prefer to see the State collect the county's sales tax, instead of the going through a third party. Again, Ms. Mathis said upon reviewing the account, Lee County would see substantial savings in collections. Mrs. Leverette said the Commission needs to decide whether they want to stay with Avenu Insights or allow the State to collect, but reminded the Commission there are four fees the State does not collect, so Avenu Insights would still be collecting those. Further, Mrs. Leverette said Avenu Insights also collects the lodging tax as well, so something needs to be done since the contract with Avenu Insights expired November 1. Mrs. Leverette said she talked with A-O Tourism Executive Director Robyn Bridges who indicated there would be no love lost if the county moved to the State since she is unhappy with the collections and enforcement by Avenu Insights. Mrs. Bridges recently realized a hotel in Auburn has not paid the lodgings tax in over a year. Judge English said his conversation with Mrs. Bridges did not bear the same opinion and he would prefer to invite Mrs. Bridges to speak on her behalf. Commissioner Cannon made a motion to postpone the matter to the next meeting. The motion was seconded by Commissioner LaGrand and carried unanimously.

Next, Mrs. Leverette presented the following breakdown of the FY2024 Outside Appropriations for Commission consideration. Mrs. Leverette said the total allocation for Outside Agencies equals \$1,500,000. Commissioner Morris made a motion, seconded by Commissioner Langley to approve the following FY2024 Outside Agency Appropriations and authorize the County Administrative Officer to enter into agreements with the approved agencies.

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The motion carried unanimously.

Agency:	
EAMC Emergency Transport Services	\$376,517
Lee-Russell Council of Governments	\$162,637
Lee County District Attorney	\$50,000
Dept. Human Resources (Local)	\$4,725
Lee County Health Department	\$120,000
East Alabama Mental Health	\$64,050
Airport Terminal Project	\$100,000
Airport Runway Safety Zone Extension	\$100,000 - Continuing through 2032
Auburn University Airport FAA projects	\$30,000
Lee County Alternative Sentencing Board	\$100,000
Judicial Volunteer Program	\$12,000
Alabama Cooperative Extension	\$106,321
Soil & Water Conservation	\$6,000
Lee County Firefighters Association	\$20,000
Valley Haven School	\$8,000
Horseshoe Bend Library	\$20,000
East Ala. Services for the Elderly (EASE)	\$10,000
Domestic Violence Intervention Center	\$6,000
Child Advocacy Center of East Alabama	\$17,500
Community Market	\$2,650
Auburn Daycare Association	\$6,000
Museum of East Alabama	\$6,000
Lee County Historical Society	\$11,000
Family Enrichment Center of Loachapoka	\$27,600
Alabama Kidney Foundation	\$5,000
One Voice Shelter Coalition	\$14,000
Girls S.T.E.P.S.	\$9,500
The Curtis House	\$9,500
Dream Day Foundation	\$8,500
Forward Opelika (Chamber of Commerce)	\$25,000 - Continuing through 2027
Rape Counselors	\$9,000
Lee County CASA	\$2,500
TOTAL OUTSIDE APPROPRIATIONS	<u>\$1,450,000</u>

Next, Mrs. Leverette presented a replacement FY2023-2024 Budget to include budgeted carryover items, capital items and a Capital Projects fund transfer. Mrs. Leverette said there is a need to carryover certain funds budgeted FY2023 into the FY2024 Budget. Most of the items are for purchases that have been delayed as a direct result of adverse global supply chain issues.

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Also, capital items included are based on budget work sessions held in September and October, 2023. Last is to move \$2.5 million from the General Fund reserve to the Capital Projects Fund specifically for the Highway Complex. Commissioner Morris made a motion to approve the items as presented. The motion was seconded by Commissioner Cannon and passed on a 4-1 vote with Commissioner LaGrand voting “No”.

**REPLACEMENT FY 2023 - 2024
BUDGET**

<u>Commission Funds</u>	<u>Carryover**</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Operating Transfers In / (Out)</u>	<u>Increase/ (Decrease)</u>
General Fund	3,944,566	45,208,868	41,745,128	(7,408,306)	0
SRO	687,264	1,646,314	2,333,578		0
Recreation	1,009,761	1,317,500	2,060,144	(267,116)	0
General Fund - Total	5,641,591	48,172,682	46,138,850	(7,675,423)	0
Gasoline Tax Fund	2,896,647	2,357,000	7,091,538	1,837,891	0
RRR Gasoline Tax Fund	242,304	3,078,000	3,320,304		0
Rebuild Alabama Act Fund	1,250,000	1,800,000	3,050,000		0
Federal Aid Exchange Fund	250,000	400,000	650,000		0
Highway - Total	4,638,951	7,635,000	14,111,842	1,837,891	0
Reappraisal Fund	1,148,364	1,555,692	2,704,055		0
Refuse Disposal Fund	1,024,807	3,658,300	6,411,954	1,728,848	0
Capital Improvement Fund	304,892	735,000	1,039,892		0
Judicial Facilities Fund	225,206	480,000	90,500	(614,706)	0
Capital Projects Fund			2,500,000	2,500,000	0
Operational	12,983,810	62,236,674	72,997,093	(2,223,390)	0
Debt Service					
2004/12 Debt Service-Jail Expansion		715,751	1,294,250	578,499	0
2010/19 Debt Service-Bridge Program			543,875	543,875	0
2013/21 Debt Service-Justice Center Expansion			617,456	617,456	0
2018 Debt Service-Recreation & Facilities			483,560	483,560	0
Total County Commission Funds:	12,983,810	62,952,424	75,936,234	0	0

** = Funds available above restricted, reserved, and designated fund balances for one-time expenditures like capital equipment or projects

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Additionally, the requested adjustments are as follows:

GENERAL FUND

Commission Office	\$10,000	
Building Maintenance	\$127,000	
Information Services	\$85,000	
Sheriff's Office	\$255,579	
Fund Balance Carryover (Recognize as Revenue)		\$477,579

SRO FUND

Motor Vehicles & Equipment	\$121,300	
Fund Balance Carryover (Recognize as Revenue)		\$121,300

REAPPRAISAL FUND

Aerial Photography	\$100,000	
Fund Balance Carryover (Recognize as Revenue)		\$100,000

GAS TAX FUND 111

Equipment & Road Bldg. Materials	\$154,230	
Fund Balance Carryover (Recognize as Revenue)		\$154,230

REFUSE DISPOSAL FUND

Furniture Cost	\$10,000	
Fund Balance Carryover (Recognize as Revenue)		\$10,000

Next, Mrs. Leverette presented a FY2024 Gas Tax Fund budget adjustment. Mrs. Leverette said the Highway Department has an asphalt emulsion tank on order that will be located at the new Highway Department Complex. The item was not included in the ongoing project budget with Gamble Winter because those funds were not coming from reserves but were to be recognized as revenue from \$600,000+ received from equipment sold by the Highway Department. There will need to be \$77,091.30 recognized as revenue from unbudgeted Gas Tax Funds for the asphalt emulsion tank. Commissioner Cannon made a motion to approve the FY2024 Gas Tax Fund budget adjustment as presented. The motion was seconded by Commissioner Morris and carried unanimously.

Judge English said according to Code of Alabama §17-6-3 requires that the Commission consider any proposed changes to polling places at the first meeting in March in even-numbered years. However, the 2024 Primary Elections are scheduled before the first County Commission in March of next year, and this action needs to be taken well in advance of the Primary for notification/publication purposes. The Code requires that no changes be made within three months of an election absent an emergency, so this will have to be completed by the second

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November meeting. Judge English asked the Commission to consider moving two current voting locations for future election cycles. The last two facilities used in Beat 4 in Waverly are no longer available. Judge English said he spoke with the owner of the Waverly Local restaurant who has agreed to use of that location since they are closed on Mondays and Tuesdays. There are about 550 voters in that precinct. The other location is to move the Beat 10 polling place in Marvyn about ½ mile up the road on Alabama Highway 51. The portable classroom that was located on the Church property has been moved to the new Beauregard Volunteer Fire station and offers better parking and accessibility. There are permanent connections for power and water and will no longer have to use a generator or a wastewater holding tank. There are about 685 voters in that precinct. Judge English asked the Commission to consider adding four more new additional places in Beat 6 in Auburn, so that there will be one in each of their eight municipal wards. Mayor Anders and his staff have been instrumental in helping acquire additional locations. Another one of the benefits to be gained is reducing the number of voters that must vote in one location for municipal elections, and a different location for county/state/federal elections. Additionally, parking and the length of lines should be improved across the board. This should not require a significant increase in the number of necessary poll workers, because they would each work at the location where they vote. The only additional expense will be more voting machines and poll pads. Currently there are four polling places for about 47,000 voters in Auburn and surrounding areas. By comparison there are five polling places in Opelika for about 28,000 voters.

Current:		<u># of city and county voters</u>
Beat 6, Box 1, Boykin Community Center	keeping	11,267 voters
Beat 6, Box 2, Frank Brown Recreation Center	keeping	11,203 voters
Beat 6, Box 3, Dean Road Recreation Center	keeping	7,359 voters
Beat 6, Box 4, Clarion Inn	changing	<u>17,213</u> voters
		47,042

Proposal:		<u># of city voters</u>
Beat 6, Box 1, Boykin Community Center	(Ward 1)	4,193 voters
Beat 6, Box 2, Frank Brown Recreation Center	(Ward 2)	6,094 voters
Beat 6, Box 3, Farmville Volunteer Fire Department	(Ward 3)	7,622 voters
Beat 6, Box 4, Church of the Highlands	(Ward 4)	6,019 voters
Beat 6, Box 5, Dean Road Recreation Center	(Ward 5)	4,989 voters
Beat 6, Box 6, Parkway Baptist Church	(Ward 6)	5,976 voters
Beat 6, Box 7, Auburn Community Church	(Ward 7)	8,178 voters
Beat 6, Box 8, City of Auburn Soccer Complex	(Ward 8)	<u>6,908</u> voters
		49,979

Judge English said he is still trying to find an additional location to divide the 15,000 voters currently voting in Beat 14 Smiths Station Junior High and will bring that back before the Commission at the next meeting. One church has already declined in Smiths Station. An

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appropriate place to split the precinct has been identified but finding a suitable location south of Lee Road 240 is the problem. Another option at Smiths Station Junior High is to designate the Auditorium as one polling place and the Gymnasium next door as an additional polling place. Judge English said all affected voters will be notified by: 1) advertising the move well in advance of election day; 2) sending personal notices to each affected voter; and 3) having signage in place at both the old and new locations on election day. Judge English said a map will incorporate the city wards and the county beats once polling places are approved by the Commission. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize the Chairman to implement the new polling places as presented. The motion carried unanimously. The Chairman indicated that this would also be presented at the next meeting to make a couple of more changes and present a proposed precinct map.

Judge English said the item concerning the Kronos timekeeping system has been resolved.

Mr. Hardee said Lee County was awarded \$387,994.50 through the State's Local Roads Safety Initiative (LRSI) Program for widening Lee Road 188 from 18 feet to 22 feet from Alabama Highway 14 to Lee Road 393 (2.4 miles), and from 18 feet to 20 feet from Lee Road 393 to the Macon County line (1.4 miles). Upon completion and acceptance of this project by ALDOT, Lee County will place surface treatment and install a new centerline, edge line, and pavement markers. Mr. Hardee said the program requires a 10% local match with a total estimate of \$431,105.00 with a federal amount of \$387,994.50 has been awarded for safety improvements, the county will be responsible for 10% or \$43,110.50. Mr. Hardee said he will be requesting the Commission authorize Judge English to execute the funding agreement between the State and Lee County. Commissioner LaGrand made a motion, seconded by Commissioner Langley to authorize the Chairman to execute the funding agreement as presented. The motion carried unanimously.

Additionally, Mr. Hardee said Lee County has been awarded a \$150,000 grant from the Alabama Department of Environmental Management (ADEM) to replace deteriorated culverts at 15 sites on roads across the county. The grant requires a 35% match, however in-kind labor and equipment provided by county forces is eligible and will be utilized for meeting this requirement. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the following Resolution, and authorize the Chairman to execute the funding agreement for the ARP Stormwater Grant as presented. The motion carried unanimously.

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

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management solutions on sections of roads included in the Lee County Road System and described as follows:

Exhibit A – ~~Attached~~ (located at the 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.

Mr. Hardee and Assistant County Engineer Patrick Harvill gave a 29-page presentation before the Commission on non-county-maintained roads. Mr. Hardee said his department has identified 31 of the 97 remaining paved roads that the county does not currently maintain as having right-of-way and therefore candidates for acceptance by the Commission. These 31 roads total 8.476 miles in length and, if accepted, would leave the County with approximately 13 miles of paved roads that are non-county maintained. Mr. Hardee said all these roads were created prior to the effective date of the 2008 Lee County Subdivision Regulations, which now prevent the creation of more. Mr. Hardee said he is not requesting action tonight but will come back at a future meeting to determine if there is any action to be taken by the Commission. Judge English asked him to have the grades of the roads available when it comes back.

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Mrs. Leverette said in June the Commission approved the allocation of \$4,392,071 from American Rescue Plan act monies to fund Broadband expansion efforts in the county. Mrs. Leverette said with the assistance of the IAC, advertisements and grant solicitations were created for four proposed unserved and underserved areas, they are Loachapoka Region, Waverly Region, Salem Region and South Central Region. At the July 31, 2023 meeting the Commission approved these grant solicitations with a grant application deadline of September 15, 2023. Following that deadline, three applications were received with one application each for Loachapoka, Salme and South Central regions. The fourth area, Waverly, did not receive any applications as an ISP provider, Point Broadband, presented information and evidence of a recently completed expansion project. Each applicant was reviewed by a team of county officials and employees. Following the review, it was unanimously agreed upon to award broadband expansion grants of \$345,129.08 to Point Broadband to Loachapoka Region; \$169,532.74 to R.M. Greene, Inc. dba: BEAM, for Salem Region; and \$469,769.45 to R.M. Greene, Inc. dba: BEAM, for South Central Region. In addition, there was a recommendation by the review group that no award be granted for the Waverly Region. The Commission is requested to award Broadband Expansion Grants as presented. Commissioner Cannon made a motion, seconded by Commissioner Langley, to award the Broadband Expansion Grants as presented. The motion carried unanimously.

**RESOLUTION AWARDING LEE COUNTY AMERICAN RESCUE PLAN ACT (ARPA)
FUNDED BROADBAND EXPANSION GRANTS**

WHEREAS, Lee County, Alabama 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, following completion of a broadband feasibility study performed to identify priority unserved and underserved areas where the county should expand broadband fiber optic infrastructure, the Lee County Commission voted unanimously at its regular meeting on June 12, 2023, to allocate up to \$4,392,071.00 of ARPA funds for the expansion of broadband fiber optic infrastructure in unserved and underserved portions of Lee County; and

WHEREAS, at its regular meeting on July 31, 2023, the Lee County Commission unanimously approved an amended advertisement and solicitation of four broadband expansion grants to be funded with ARPA funds, with one grant proposed for each of the following unserved or underserved areas: (1) the Loachapoka Region; (2) the Waverly Region; (3) the Salem Region; and (4) the South Central Region, and

WHEREAS, following the Commission’s approval, the broadband expansion grant applications were advertised and solicited with an application deadline submission date of September 15, 2023; and

WHEREAS, three grant applications were received by the submission deadline of September 15, 2023, with one application each for the Loachapoka Region, the Salem Region, and the South Central; and

WHEREAS, rather than submitting an application for the Waverly Region, Point Broadband submitted information and documentation evidencing that it had already constructed

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and completed a broadband infrastructure expansion project in the unserved areas of the Waverly Region areas which were included in Lee County's proposed grant application; and

WHEREAS, following receipt of the above-referenced grant applications, a team of county officials and employees carefully reviewed and scored each regional application received based upon the objective criteria in the application, and following said review unanimously determined that the following companies are qualified to perform and complete the work and services required under each specified project and has recommended that the Lee County Commission award the solicited broadband expansion grants as follows:

- (1) A broadband expansion grant in the amount of \$345,129.08 to Point Broadband for the Loachapoka Region as set out and proposed by the Lee County Commission in its grant application.
- (2) A broadband expansion grant in the amount of \$169,532.74 to R.M. Greene, Inc., dba BEAM, for the Salem Region as set out and proposed by the Lee County Commission in its grant application.
- (3) A broadband expansion grant in the amount of \$469,769.45 to R.M. Greene, Inc., dba BEAM, for the South Central Region broadband expansion project as set out and proposed by the Lee County Commission in its grant application; and

WHEREAS, in light of the information and documentation received from Point Broadband regarding its broadband coverage and availability in the Waverly Region, the team of county officials and employees reviewing the grant applications recommended that no grant award be made for a broadband expansion project in the Waverly Region.

THEREFORE, BE IT RESOLVED BY THE LEE COUNTY COMMISSION THAT:

1. Based upon the recommendations of the review team as set out above, the following grant applications are approved:
 - a. A broadband expansion grant in the amount of \$345,129.08 to Point Broadband for the Loachapoka Region as set out and proposed by the Lee County Commission in its grant application. 11.27 miles of new wireline will be constructed passing 394 addresses. Point Broadband will provide matching funds of \$230,086.86. The total project cost is \$575,215.14.
 - b. A broadband expansion grant in the amount of \$169,532.74 to R.M. Greene, Inc., dba BEAM for the Salem Region as set out and proposed by the Lee County Commission in its grant application. 8.5 miles of new wireline will be constructed passing 110 addresses. R.M. Greene, Inc., dba BEAM will provide matching funds of \$113,021.83. The total project cost is \$282,554.57.
 - c. A broadband expansion grant in the amount of \$469,769.45 to R.M. Greene, Inc., dba BEAM for the South Central Region broadband expansion project as set out and proposed by the Lee County Commission in its grant application. 11.1 miles of new wireline will be constructed passing 187 addresses. R.M. Greene, Inc., dba BEAM will provide matching funds of \$313,179.64. The total project cost is \$782,949.09.

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d. There will be no grant award for a broadband expansion project in the Waverly Region.

2. Upon confirmation and agreement on all terms and conditions, the Lee County Commission shall enter into written agreements with Point Broadband and R.M. Greene, Inc., dba BEAM, memorializing the terms and conditions of the respective grant projects including, but not limited to, agreement to comply with the projects as set out in the grant applications and all federal rules and regulations for project execution and reporting.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the November 13, 2023, meeting of the Lee County Commission.

IN WITNESS WHEREOF, the Lee County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on this the 13th day of November, 2023.

Judge English said an Executive Session is not necessary at this time, so he called for a motion to adjourn. At approximately 6:10 p.m. Commissioner Cannon made a motion, seconded by Commissioner Morris to adjourn. The motion carried unanimously.