

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, NOVEMBER 27, 2023

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, November 27, 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: Senators Randy Price and Jay Hovey, State Representatives Debbie Wood, Jeremy Gray and Ed Oliver, Sheriff Jay Jones, District Attorney Jessica Ventiere, and Revenue Commissioner Oline Price. News media in attendance: Opelika-Auburn News reporter Alex Husting.

EMA Director Rita Smith recognized Mid-South Resource Conservation & Development Council Representative Krystal Ward who was in attendance along with the following officials to present checks to Lee County Emergency Management Agency and to the Opelika Chamber of Commerce as grant recipients for the following:

- 1) 2022 Emergency County-Wide Drone support - EMA
- 2) 2023 Portable Command Coordination Smart Board - EMA
- 3) 2023 Small Business Entrepreneurial Training Program – Chamber of Commerce

Those in attendance for the check presentation included Senators Randy Price and Jay Hovey, State Representatives Debbie Wood, Jeremy Gray and Ed Oliver. Mrs. Smith said she is very thankful to receive these funds for lifesaving equipment for Lee County. Opelika Chamber of Commerce Ali Rauch was in attendance to accept the check on behalf of the Chamber.

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 minutes of the meeting on November 13, 2023. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as presented. The motion carried unanimously.

Once again discussion was held on the collection of sales and use taxes and fees, Avenu Insights Chief Operating Officer Mike Poth appeared before the Commission to ask the Commission to continue a 27-year relationship and allow them to continue to collect sales and use taxes and fees for Lee County. Mr. Poth said they are offering a three-year contract at \$525,000 per year in tax administration and auditing fees to collect the taxes and fees for Lee County. Mr. Poth said they provide these services to businesses over the entire country. Mr. Poth mentioned several advantages of continuing the partnership with Avenu Insights over the State Department of Revenue, including the ability to accept paper returns, which ADOR does not, and the ability to collect all taxes and fees for Lee County, not just sales and use taxes. Further, Mr. Poth said the county's sales and use tax and fee revenue is up \$14 million in the last four years. Mr. Poth said he appreciates the partnership and asked the Commission to consider another three-year contract with them. Commissioner Cannon and Commissioner LaGrand questioned the three-year

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, NOVEMBER 27, 2023

contract and asked whether they would consider a two-year contract. Mr. Poth said either one works for them.

Next, Judge English addressed the collection of sales and use taxes and fees saying Mrs. Leverette's memorandum shows four other fees for which a different arrangement must be made if we use the Department of Revenue, which include beer tax, franchise fees, rental fees, severance tax and lodgings tax. Mrs. Leverette said unfortunately the State is not authorized to collect those fees for the county, only sales and use taxes, but recommended the Commission Office be authorized to collect those four other fees as has been done here over 25 years ago. Judge English gave a recap saying the Commission passed a Resolution in September to go with the Alabama Department of Revenue for collection of sales taxes, then in October the Commission rescinded the Resolution for collection of taxes with ADOR. Judge English said currently there is no arrangement for the collection of sales and use taxes or fees. Commissioner Long questioned if ADOR collects the sales and use taxes then the other fees must still be collected. Mrs. Leverette answered in the affirmative stating she, CFO Anna-Kate Padgett and Assistant Chief Administrative Officer Alice McCall felt the fees could be collected in-house. Commissioner Long said he has been hearing from Mrs. Leverette that she is overloaded, saying he cannot see the possibility of the Commission Office collecting the fees, seeing that it has been super difficult hiring qualified people. Commissioner LaGrand said he feels that a 27-year relationship means something. Additionally, he said with the double billing by the Billing Office he does not have the confidence in the Commission Office collecting additional fees. Commissioner Cannon made a motion to continue the relationship with Avenu Insights and authorize the Chairman to sign a two-year contract with them for collection of sales and use taxes and fees. The motion was seconded by Commissioner LaGrand and carried unanimously.

Second reading of Shane Blakenship to the first opening on the Smiths Station Fire Protection District Board was made. Commissioner Long made a motion, seconded by Commissioner LaGrand to approve the following Resolution appointing Shane Blakenship to the Board to replace Joe Walden, who has resigned. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints Shane Blakenship to the Smiths Station Fire Protection District Board to fill the unexpired term from now until February 28, 2025.

Judge English discussed changes in certain polling places and presented maps of previous and current locations drawn by GIS Coordinator Ken Busby. Judge English said he has spoken with the owner of the Waverly Local and says he has agreed to use of the building for 2024 elections. Judge English said the following are the updated locations.

Ward 1 – Boykin Community Center

Ward 2 – Frank Brown Recreation Center

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, NOVEMBER 27, 2023

Ward 3 – Embrace Church
Ward 4 – Church of the Highlands
Ward 5 – Dean Road Recreation Center
Ward 6 – Parkway Baptist Church
Ward 7 – Auburn Community Church
Ward 8 – Auburn Soccer Complex

Judge English said all 8 are smaller than the smallest current precinct in the City of Auburn. Commissioner Long questioned one of the maps which shows a new precinct in Smiths Station. Judge English said there is not a new one, it is all Beat 14. Judge English said they may divide by last names with last names A-L go to the Auditorium and last names M-Z go to the Gym at Smiths Station Junior High School. Commissioner Long said that has been done before and makes it much quicker. Judge English said each voter that is moved will receive a postcard of the changes and there will be pre-election advertising and signs will be placed outside each location prior to election day. Commissioner Langley questioned the required 90-day notice. Judge English said Section 17-6-4 of the Code applies, and that is why the change needs to be made tonight. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to approve the voting precincts as presented. The motion carried unanimously.

Commissioner LaGrand said he would like to discuss funding for the Lee County Youth Development Center from ARPA Funds. Commissioner LaGrand said Executive Director Laura Cooper was in attendance for questions. Commissioner LaGrand said he would like \$100,000 from ARPA Funds to be allocated to the Youth Development Center since he feels they meet the criteria saying the Youth Development Center provides a great service to Lee County. Commissioner LaGrand made a motion, seconded by Commissioner Long to appropriate \$100,000 from ARPA Funds to the Lee County Youth Development Center. The motion carried unanimously. Commissioner LaGrand said children are our most precious resource and are our future.

Sheriff Jones discussed a previously approved lounge retail liquor license granted to Thirstys located in D3. Sheriff Jones said the license is for a retail store or “package store” with no on-site consumption. Sheriff Jones said when looking at the application according to Title 28 there are three elements considered, they are: 1) adjacent properties (these are primarily residential); 2) adjacent to church (one is near this location, but not adjacent); and 3) adjacent to a school (there is an adjacent daycare, and this one qualifies as a school, it is a private Christian school with certified teachers). Sheriff Jones said he spoke to the ABC Board, who said the State law which specifically applies to the distance from a school or church only applies to State ABC stores, not private businesses. Sheriff Jones said after speaking to the ABC Board they said it does not apply at this location. Commissioner Long asked if the ABC Board did not have an issue with the location adjacent to a school. Sheriff Jones said it would be an issue if it was an actual lounge for on-premises consumption instead of a package store for off-site consumption.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, NOVEMBER 27, 2023

Commissioner Long said he recalls that if the Commission does not approve the license, the ABC Board can grant it anyway. Sheriff Jones said the ABC Board has the ultimate authority. Commissioner Langley said he received a complaint from Cindy Barber who is in the audience and a lady from the adjacent daycare. Sheriff Jones said the only recourse is to file an objection with the ABC Board. Commissioner LaGrand recognized the daycare owner Shandra Lawrence of Miracles Child Enrichment Center who wished to speak. Ms. Lawrence said she is concerned since the establishment is next door to the daycare's playground. Ms. Lawrence said she did not receive notice and said she is opposed to being next door to a liquor store whether it is consumption on or off premise. Commissioner Long said he could not in good conscience let this stay, saying he hated it has gone this far. Commissioner Long questioned if the motion can be rescinded, then made a motion, seconded by Commissioner LaGrand, to approve the following Resolution to rescind the vote on the motion approving the issuance of the license for Thirstys. The motion carried unanimously.

BE IT RESOLVED the Lee County Commission hereby rescinds the motion to approve the lounge liquor license for Thirstys located at 9720 Lee Road 240, Phenix City, Alabama.

Lakiesha Young-Hicks appeared before the Commission to thank the Commission for recent findings in Loachapoka. After speaking with Commissioner LaGrand and Mrs. Leverette, she understands that Spectrum already has been approved in the Loachapoka area. Further, Ms. Hicks said that Spectrum stops at Lee Road 3, saying that other areas in Lee County need internet access, including Lee Road 188 and Lee Road 1. Ms. Hicks asked the Commission to ask SAIN Associates to look at Lee Road 393 since those people want access to internet service. Ms. Hicks said she would appreciate being notified of the phases that are coming, which areas are to be covered and an estimated timeframe of completion. Ms. Hicks said she is trying to help all of Loachapoka.

Mrs. Leverette said once the maps were placed on the internet she reached out to Taylor Vice with Spectrum. Dan Mallot with SAIN Associates needs to verify with Spectrum how far down the lines are being run. Mrs. Leverette said currently they are looking at Phase II areas where there are only 3-4 houses of unserved homes. Ms. Hicks said she will personally ride these routes to see who has service and will provide the information to Mrs. Leverette. Mrs. Leverette reminded the Commission that the funds must be allocated by December 2024, which is quickly approaching.

The next item discussed moving the Parks Department under the Highway Department. Commissioner Long said it makes sense to him but asked Mr. Hardee his opinion. Mr. Hardee said it is up to the pleasure of the Commission, saying he has previously worked with Parks Director Ryan Norris and Mrs. Leverette on the Loachapoka Park project. Commissioner Cannon made a motion, seconded by Commissioner Langley to approve moving the Parks Department under the Highway Department effective January 1, 2024. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, NOVEMBER 27, 2023

Sheriff Jones presented proposed legislation to provide revenue to the Lee County Sheriff's Office and the Lee County District Attorney's Office. Sheriff Jones said since the passage of Act 2022-133 which removed the requirement for a permit to carry a concealed handgun, concealed carry permit revenue has dropped to approximately 35% of funds received prior to the law taking effect on January 1, 2023. The Lee County District Attorney's Office is struggling with limitations on staff attorneys to address the growing number of criminal cases as a result of the increasing population of Lee County. The additional revenues generated with the passage of the proposed legislation would be limited for law enforcement purposes and prosecution of criminal cases. Sheriff Jones said the proposed legislation would add an additional \$4.00 on each new registration, transfer, or renewal on all license tags. Sheriff Jones said he is not requesting any action tonight; just making the Commission aware of it. Commissioner Cannon questioned how much revenue it would generate. Sheriff Jones said approximately \$208,000 per year. Commissioner Langley questioned the number of personalized tags issued by the Revenue Commissioner's Office, saying it may be a good idea to add the cost to personalized tags only. Mrs. Price said her office processes 184,000 tags per year. Judge English questioned the amount, saying if they process 184,000 tags it equates to approximately \$736,000 per year, not \$208,000 per year as stated earlier. Mrs. Price said she will get a more definite number and share it with Sheriff Jones. Additionally, she said other counties do this, not only adding the fee to motor vehicles, but also on boats. District Attorney Jessica Ventiere said she feels it is a good starting place. Sheriff Jones said a rough draft of the proposed legislation was included in the Commission packets. Commissioner LaGrand said \$4 is not much to some, but to others on a fixed income it may affect them, so he suggested only increase the fee by \$2 instead of \$4 per tag. No action was taken on the matter.

Sheriff Jones presented educational reimbursement requests for Deputy Hayden Greenlee and Investigator Ben Causland. Deputy Greenlee presented reimbursement of two classes, which are: 1) Contemporary Ethics and 2) Criminal Investigation and Investigator Causland presented reimbursement of three classes, they are: 1) Research Methods; 2) Criminology; and 3) Criminal Law. Sheriff Jones said the courses pertain to their current positions and would recommend approval. Commissioner Morris made a motion, seconded by Commissioner Langley to approve the educational reimbursement requests as presented. The motion carried unanimously.

Mr. Hardee presented final plat approval for The Cottages at Southern Ridge Estates. Mr. Hardee said the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee said the parcel is being divided into 5 lots and there is no new public infrastructure. The proposed subdivision is located adjacent to Lee Road 852 in District 4. Mr. Hardee said adjacent property owners were notified of the development by letters sent out November 13, 2023, so they may attend and voice their support, opposition, or to obtain more information. Mr. Hardee asked Judge English to see if anyone was in attendance on this matter. Tony Armstrong was in attendance on the matter, saying he is

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, NOVEMBER 27, 2023

adjacent to the proposed road. Mr. Hardee said the road he referred to is a driveway to access the rear lot. Mr. Hardee said the surveyor Jim Miller is in attendance to address any questions. Mr. Miller said they did an extensive study and found the location to be safest place and noted that State regulations require what was done. Mr. Armstrong questioned if the county has something to do with the driveway. Mr. Hardee said no, saying Mr. Miller and Assistant County Engineer Kendall Andrews worked together on it. Mr. Armstrong questioned if the culvert under Lee Road 852 was big enough to hold the water that comes off the hill. Mr. Hardee said seven acres was divided into 5 lots and that not much should change with the water runoff. Mr. Armstrong questioned who is responsible for the upkeep of the driveway, Mr. Miller said the residents are responsible. Mr. Armstrong questioned other issues with the driveway, but Mr. Hardee said the Lee County Subdivision Regulations does not address driveways. After more discussion, Commissioner Langley made a motion, seconded by Commissioner Cannon to approve the plat for The Cottages at Southern Ridge Estates as presented. The motion carried unanimously.

Mrs. Leverette asked the Commission to approve the following Resolution changing the status of two current deputy coroners from contract workers to salaried employees to be compensated up to a maximum of \$25,000 annually on a monthly basis. Mrs. Leverette said based on Code of Alabama §45-41-60(d), the Lee County Commission may adjust the salaries, benefits, and other compensation of the coroner and any deputy coroners by resolution. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the following Resolution pertaining to the status of two of the deputy coroners, as previously approved in the budget. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves changing the status of two deputy coroners from contract workers to salaried employees, to be compensated up to a maximum of \$25,000 annually.

Parks Director Ryan Norris presented the results of the re-bid for the Loachapoka Community Park project. Mr. Norris said bids were opened on Thursday, November 9, 2023, with three bids returned from the following companies: 1) Beasley Construction Services, Inc.; 2) Hosey Lancour Construction and 3) Hudmon Construction Company, Inc. Upon review of the bids, the lowest responsive bid of \$435,000 was received from Beasley Construction Services, Inc.. Mr. Hardee said the Highway Department will begin site work next Monday, weather permitting, saying the park will be closed for months. Commissioner LaGrand made a motion, seconded by Commissioner Cannon to award the bid on the Loachapoka Community Park project for \$435,000 to Beasley Construction Services, Inc. The motion carried unanimously.

Next, Governmental Relations/Safety Coordinator Wendy Swann presented the following proposed 2024 Holiday Schedule for Commission consideration. Mrs. Swann said the schedule includes 13 paid holidays with three holidays falling on regularly scheduled Commission meeting

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, NOVEMBER 27, 2023

dates and the proposed changes for them as well. Commissioner Langley made a motion, seconded by Commissioner Morris to approve the proposed 2024 Holiday Schedule as presented. The motion carried unanimously. Judge English thanked the Commission on behalf of the employees.

New Year's Day	Monday, January 1, 2024
Martin Luther King, Jr. Day	Monday, January 15, 2024
Presidents' Day	Monday, February 19, 2024
Memorial Day	*Monday, May 27, 2024
Juneteenth Day	Wednesday, June 19, 2024
Independence Day	Thursday, July 4, 2024
Labor Day	Monday, September 2, 2024
Columbus Day	*Monday, October 14, 2024
Veterans' Day	*Monday, November 11, 2024
Thanksgiving	Thursday, November 28, 2024
	Friday, November 29, 2024
Christmas	Tuesday, December 24, 2024
	Wednesday, December 25, 2024

***Normal Commission Meeting Days**

Note: Monday, May 27 meeting moved to Tuesday, May 28, 2024

Monday, October 14 meeting moved to Tuesday, Oct. 15, 2024

Monday, November 11 meeting moved to Tuesday, Nov. 12, 2024

Judge English said typically if nothing important arises, the second December meeting is often cancelled. Judge English reminded each department the deadline for the December 11 meeting is December 6. Commissioner Long made a motion, seconded by Commissioner Cannon to cancel the last December meeting. The motion carried unanimously.

Judge English said Attorney Robbie Hyde said an Executive Session is necessary and Attorney Stan Martin and Mrs. Leverette need to attend. The executive session is expected to last approximately 45 minutes and action is anticipated at the conclusion. At approximately 6:45, Commissioner Cannon made a motion, seconded by Commissioner Morris to adjourn into executive session. The motion carried unanimously.

Upon reconvening the Executive Session, Commissioner Cannon made a motion to authorize the Chief Administrative Officer to continue with the external auditing services up to a previously discussed limit. The motion was seconded by Commissioner Long and carried unanimously.

At approximately 7:45 p.m. Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Cannon and carried unanimously.