

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

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, December 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, Revenue Commissioner Oline Price and Coroner Daniel Sexton. News media in attendance: Observer news reporter Hannah Goldfinger and Opelika-Auburn News reporter Alex Husting.

EMA Director Rita Smith gave an update on the storms that came through south Lee County early Sunday morning. Mrs. Smith thanked the Beauregard Volunteer Fire Department, Lee County Sheriff's Office, the Lee County Highway Department and Alabama Power Company for their quick response. Mrs. Smith said after assessments it has been determined it was an EF0 tornado with wind speeds around 70 mph. Mrs. Smith said it was a pop-up tornado that took the same path as the 2019 tornadoes. Mrs. Smith said several buildings were damaged and there were downed trees and debris. Mrs. Smith said fortunately the roads were cleared quickly by the Lee County Highway Department and the Beauregard Volunteer Fire Department. Commissioners LaGrand and Langley thanked Mrs. Smith for the update.

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 27, 2023. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as presented. The motion carried unanimously.

County Engineer Justin Hardee discussed non-county maintained roads saying the Highway Department put together additional information after the last meeting regarding the condition of the paved roads around the county that are non-county maintained and have adequate right-of-way and have made a couple of amendments to the road list. Mr. Hardee said residents of Lee Road 593, a gated community, are not interested in being on the list. Further, Mr. Hardee made a correction saying Lee Road 942 is in District 3, not District 4. Mr. Hardee said the districts affected are Districts 1, 3, 4 and 5. Mr. Hardee presented a list of 30 paved non-county maintained roads along with a ranking for resurfacing and a location map identifying the roads in each district. The following is a breakdown by commission district:

Commission District	Roads	Miles	Lots
1	5	2.558	63
2	0	0.000	0
3	22	4.985	431

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4	2	0.498	31
5	1	0.250	13
TOTAL	30	8.295	538

No action was taken by the Commission.

Next, Chief Administrative Officer Holly Leverette presented a Resolution to allocate up to \$100,000 of ARPA Funds to the Lee County Youth Development Center Inc., to provide mental health services in the community and to delegate the authority to the Chairman to enter into the ARPA subrecipient agreement with the Lee County Youth Development Center, Inc. Commissioner LaGrand made a motion, seconded by Commissioner Long, to authorize the Chairman to sign the Resolution granting the funds as mentioned. The motion carried unanimously.

RESOLUTION FOR ALLOCATION OF FUNDS, INCLUDING AMERICAN RESCUE PLAN ACT FUNDS, TO SUPPORT MENTAL HEALTH SERVICES IN THE COMMUNITY – LEE COUNTY YOUTH DEVELOPMENT CENTER

WHEREAS, the Lee County Commission (“Commission”) recognizes the need in the community to foster and provide mental health services to its citizens; and

WHEREAS, Lee County, Alabama (“the County”) has received American Rescue Plan Act state and local fiscal recovery funds (“ARPA”) and is charged with ensuring that such funds are expended in accordance with state and federal law; 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 eligible entities to carry out eligible ARPA funded projects; and

WHEREAS, the County may expend ARPA funds to provide support for mental health services; and

WHEREAS, consistent with Alabama Constitution §88, and Code of Alabama (1975) §§22-21-291 and 38-2-9, the County may provide behavioral and mental health services to the poor and needy in the community and at-risk children that are suffering from abusive situations; and

WHEREAS, the Lee County Youth Development Center, Inc., a nonprofit entity organized under 501(c)(3) of the Internal Revenue Code, provides behavioral health services to at-risk children, teens, and young adults in the community; and

WHEREAS, the Commission has determined providing funding to the Lee County Youth Development Center, Inc., to provide mental health services in the community is a necessary, eligible, and reasonable use of these funds.

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

1) The County hereby conditionally allocates up to \$100,000.00 of ARPA funds to the Lee County Youth Development Center, Inc., to provide mental health services in the community.

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2) The County hereby directs the ARPA Program Manager to perform a risk assessment of Lee County Youth Development Center, Inc., and develop a monitoring plan for this project.

3) Conditioned upon the completion of a satisfactory risk assessment and development of a monitoring plan, the County may negotiate the terms and conditions of a subrecipient agreement with Lee County Youth Development Center, Inc., consistent with this Resolution, state and federal laws, and the terms and conditions of the County's ARPA award.

4) The Chairman is hereby delegated the authority to enter into the subrecipient agreement if the agreement is consistent with this Resolution, state and federal law, the terms, and conditions of the County's ARPA award and if, in his discretion, the terms and conditions are in the best interest of the County.

5) Upon the execution of a subrecipient agreement, the ARPA Program Manager is hereby authorized to expend ARPA funds for costs of the project in accordance with the terms of this Resolution and the subaward agreement.

6) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation availability of ARPA funds for this purpose and in no event shall be used for any costs associated with the project 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 the 11th day of December 2023.

Next, Mrs. Leverette said the Commission voted at the October 30, 2023 commission meeting to support funding to the East Alabama Healthcare Authority for the construction of a Mental Health Facility in Lee County. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve and authorize the Chairman to sign the following Resolution conditionally allocating up to \$4,000,000.00 of available funds towards the construction of a new mental health facility by and through a subaward to the East Alabama Healthcare Authority. The motion carried unanimously. The following Resolution approves the allocation of the funds as follows:

- \$2,000,000.00 of the County's ARPA funds; and
- Additionally, the allocation of up to an additional \$2,000,000.00 in ARPA funds, at the Commission's discretion, if more funds are legally available to the County that have not been obligated prior to the ARPA obligation deadline of December 31, 2024; and
- Additionally, the Commission delegates the authority to the Chairman to enter into the ARPA subrecipient agreement with the East Alabama Healthcare Authority.

**RESOLUTION FOR ALLOCATION OF FUNDS, INCLUDING
AMERICAN RESCUE PLAN ACT FUNDS AND OTHER FUNDS TO BE IDENTIFIED,
TO SUPPORT MENTAL HEALTH SERVICES IN THE COMMUNITY –
EAST ALABAMA HEALTHCARE AUTHORITY MENTAL HEALTH FACILITY**

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WHEREAS, the Lee County Commission (“Commission”) recognizes the need in the community to foster and provide mental health services to its citizens; and

WHEREAS, Lee County, Alabama (“the County”) has received American Rescue Plan Act state and local fiscal recovery funds (“ARPA funds”) and is charged with ensuring that such funds are expended in accordance with state and federal law; 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 eligible entities to carry out eligible ARPA funded projects; and

WHEREAS, the County may expend ARPA funds to provide support for mental health services; and

WHEREAS, consistent with Code of Alabama (1975) § 22-21-181, the County may provide funding to healthcare authorities funds relating to the ownership or operation of a hospital, including a mental health center, for the purposes of providing services to the community; and

WHEREAS, the East Alabama Healthcare Authority, a local healthcare authority organized under Code of Alabama (1975) Title 22, Subtitle 1, Chapter 21, Article 6, is constructing a new approximately 54,000 square foot mental health facility in the community; and

WHEREAS, the Commission has determined providing funding to the East Alabama Healthcare Authority to go towards the construction of the mental health facility out of which mental health services will be provided to the community is a necessary, eligible, and reasonable use of these funds.

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

1) The County hereby conditionally allocates up to \$4,000,000.00 of available funds towards the construction of a new mental health facility by and through a subaward to the East Alabama Healthcare Authority. Specifically, the funds provided will be as follows:

- a. \$2,000,000.00 of the County’s ARPA funds; and
- b. \$2,000,000.00 of funds legally available to the County, including, in the Commission’s discretion, the allocation of additional ARPA funds to be obligated prior to the ARPA obligation deadline of December 31, 2024.

2) The County hereby directs the ARPA Program Manager to perform a risk assessment of East Alabama Healthcare Authority and develop a monitoring plan for this project.

3) Conditioned upon the completion of a satisfactory risk assessment and development of a monitoring plan, the County may negotiate the terms and conditions of a subrecipient agreement with East Alabama Healthcare Authority consistent with this Resolution, state and federal law, and the terms and conditions of the County’s ARPA award.

4) The Chairman is hereby delegated the authority to enter into the subrecipient agreement if the agreement is consistent with this Resolution, state and federal law, the terms, and

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conditions of the County's ARPA award, and if, in his discretion, the terms and conditions are in the best interest of the County.

5) Upon the execution of a subrecipient agreement, the ARPA Program Manager is hereby authorized to expend ARPA funds and other funds to be identified for costs of the project in accordance with the terms of this Resolution and the subaward agreement.

6) Expenditure of ARPA 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 project 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 and on its behalf by its Chairman on the 11th day of December 2023.

At the June 13, 2022 Commission meeting, the Commission designated up to \$700,000 from the revenue replacement funds for the new access road to Beauregard Park. Mrs. Leverette said the majority of the work on the road is complete with the exception of turn lanes on Lee Road 400 that will need to be completed at the closure of the school year next summer and to put the final layer of asphalt on about half of the recreation park road. The anticipated remaining expenses have been estimated to be less than \$125,000. Mrs. Leverette requested the Commission approve the following Resolution allocating up to \$206,383.81 from the ARPA Revenue Replacement funds for the construction of a new road, roundabout, and safety fencing at the Beauregard Recreational Park. Commissioner Langley made a motion, seconded by Commissioner Long, to approve the following Resolution allocating up to \$206,383.81 from ARPA Revenue Replacement funds for the construction of the road at the Beauregard Recreational Park. The motion carried unanimously.

RESOLUTION FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS FOR GOVERNMENT SERVICES – BEAUREGARD PARK ROAD

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, in accordance with the provisions of final rule published by the United States Department of Treasury dated January 6, 2022, the County has duly elected to designate a standard allowance of up to \$10,000,000 of its ARPA funds as revenue replacement ("ARPA revenue replacement funds"); and

WHEREAS, the County may use ARPA revenue replacement funds to fund government services; and

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WHEREAS, the County has determined that there is a need to for safe transportation and roads in the County on and around its community parks; and

WHEREAS, the County has determined that the construction of a new road, roundabout, and safety fencing at the Beauregard Recreational Park (the “Project”) is a necessary, reasonable, and proportionate measure to facilitate the provision of these government services; and

WHEREAS, the County certifies that it has procured these goods and services in a manner consistent with the Public Works law and federal guidelines, including compliance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), as applicable to ARPA revenue replacement funds.

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

7) The County shall use up to \$206,383.81 of ARPA funds, which are hereby designated as ARPA revenue replacement funds, to facilitate the provision of the government services described herein.

8) The County Administrator or Chief Financial Officer are hereby authorized to expend these funds to purchase goods or services necessary to facilitate the Project as described herein from appropriately procured vendors to facilitate the provision of these services.

9) The ARPA Program Director is charged with ensuring that ARPA revenue replacement funds allocated and expended to provide these government services will not be used in such a way as to frustrate COVID-19 mitigation guidance issued by the Centers for Disease Control, or for any other use prohibited by the Final Rule or any applicable state or federal law.

10) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA revenue replacement funds for this purpose and in no event shall be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

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 the 11th day of December 2023.

Next, Mrs. Leverette said it has been confirmed that Spectrum has very recently completed a broadband project in the same area as the approved Loachapoka broadband project. She said this puts several routes of the Lee County Loachapoka Project in an “underserved” area instead of an “unserved” area, as had previously been prioritized for the first three broadband grant projects. Mrs. Leverette said in an effort to keep the project moving forward work will need to be done with the awarded grant recipient, Point Broadband, to come up with an amended project including cost and shared cost with the grantee. Maps showing these changes were presented. Mrs. Leverette said once an agreed upon project and cost estimate can be established, the updated project routes and costs would be presented to the Commission for approval in order for the Loachapoka Broadband ARPA Grant Project to continue. Mrs. Leverette asked the Commission to authorize Commissioner Cannon and herself to work with Point Broadband

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officials to develop an agreed upon updated project for the Loachapoka region to include cost to the county and cost sharing from Point Broadband. Commissioner LaGrand asked Mrs. Leverette to keep him in the loop on upcoming developments on the project. Commissioner LaGrand made a motion, seconded by Commissioner Cannon, authorizing Commissioner Cannon, Commissioner LaGrand and Mrs. Leverette to work with Point Broadband on reworking the Loachapoka Broadband Grant Project. The motion carried unanimously.

Environmental Services Director John McDonald said his department has been diligently working on plans for the “Free Disposal Days” for the 2024 calendar year. Mr. McDonald said the schedule includes the opening of drop off sites on one Saturday morning per quarter. He said it would be for citizens to drop off items for disposal that are not typically disposed of in their curbside collection cart. Mr. McDonald said the first proposed date is January 6, 2024 from 8:00 a.m. until 12:00 p.m. CST. Depending upon the success of the first Free Disposal Day, other dates when the sites will tentatively be open are: April 6, July 6, and October 5. Mr. McDonald said the following are the drop off sites that will be available on January 6 are:

- Old 29 North Disposal site at 4337 US Hwy 29 N, Opelika, AL
- Old Motts Disposal site at 14791 US Hwy 280E, Salem, AL
- Old 29 South Disposal site at 4428 US Hwy 29S, Auburn, AL
- Old Bottle Disposal site at 6432 US Hwy 280W, Opelika, AL
- Loachapoka Elementary School at 685 Lee Road 61, Loachapoka, AL

Mr. McDonald said the sites will be for use by rural Lee County residents only and will not be available for contractors or commercial businesses. Commissioner Long questioned where the disposal dates will be posted. Mr. McDonald said his department will advertise the dates and time of the event in the newspaper and on the county’s website. Then, Commissioner Long asked if the Sheriff’s Office would be at each location. Mr. McDonald said he discussed it with Major Pitts, and they are trying to work something out. Commissioner Long made a motion, seconded by Commissioner LaGrand, to approve the Lee County Environmental Services Department to hold quarterly “Free Disposal Days” at the identified five locations beginning January 6, 2024. The motion carried unanimously.

Commissioner Long asked the Commission to hold a work session to discuss dirt road paving since several citizens have appeared before the Commission asking about it. Commissioner Long said he would propose holding a work session at the last meeting in January. Commissioner Long made a motion, seconded by Commissioner Cannon, to hold a work session on dirt road paving at 4:00 p.m. prior to the January 29, 2024 Commission meeting, and resume the work session after the regular meeting if necessary. The work session will be held in the Commission chambers. The motion carried unanimously.

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Judge English said four citizen interest forms were received for the second opening on the Smiths Station Fire Protection District Board vacated by the death of Felton Little. Commissioner Long said Mr. Little did a great job on the board, saying his passing was difficult. Upon first reading on the vacancy, Commissioner Long made a motion, seconded by Commissioner Cannon, to appoint Aric Andrade to the Board. The motion carried unanimously. Judge English noted that second reading will take place at the meeting on January 8, 2024.

Sheriff Jones presented an ABC license transfer application for a retail beer and retail table wine from the Country Market located in D4. Sheriff Jones said he received no objections to the license transfer. Commissioner Langley made a motion, seconded by Commissioner Long, to approve the following Resolution for the license transfer. The motion carried unanimously.

BE IT RESOLVED the Lee County Commission hereby approves the retail beer and retail table wine license transfer for Country Market 368 at 8124 Lee Road 379, Salem, Alabama.

Mr. Hardee presented a petition from an attorney with Davidson, Davidson, Umbach, & Forbus, LLC on behalf of Broadview Family Properties Limited Partnership requesting vacation of right-of-way on Lee Road 394. Mr. Hardee said the Highway Department currently maintains this portion of Lee Road 394, and Broadview Family Properties Limited Partnership is listed as the owner of the property on both sides of this portion of Lee Road 394. Mr. Hardee said as required by Code of Alabama §23-4-20, the adjacent property owners (Broadview Family Properties Limited Partnership) have submitted a written petition requesting the vacation of the right-of-way along the portion of Lee Road 394 between Lee Road 10 and Lee Road 673. Mr. Hardee requested the Commission set a public hearing for the January 29, 2024 Commission meeting to vacate the right-of-way on Lee Road 394. Commissioner Morris made a motion, seconded by Commissioner Cannon, to set the public hearing for January 29, 2024. The motion carried unanimously.

Last, Mrs. Leverette said a request has been made by the Lee County Board of Registrars to participate in county benefits, specifically the health and dental benefits offered through the Local Government Health Insurance Board. In order to remain consistent with Lee County's policies for this type of appointed classification of employee, the Commission would need to consider including all county insurance benefits, including contributing to RSA retirement. This change would take effect immediately upon Commission approval for employees with a qualifying life event and be open to all appointed Board of Registrar employees at the next open enrollment period in November 2024. Currently there are three appointed Registrars for Lee County. Mrs. Leverette recommended the Commission extend county benefits to appointed Lee County Registrars effective immediately. Benefits to be extended include health and dental insurance through Local Government Health Insurance Board, life insurance through MetLife,

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supplemental insurance offered through Alliance Insurance Group and retirement benefits offered through the Retirement Systems of Alabama. Commissioner Long made a motion, seconded by Commissioner LaGrand, to authorize members of the Lee County Board of Registrars to participate in county benefits effective immediately. The motion carried unanimously.

At approximately 5:41 p.m. Commissioner Cannon made a motion to adjourn. The motion was seconded by Commissioner Morris and carried unanimously.