

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JANUARY 8, 2024

The Lee County Commission convened at 4:00 PM at the Courthouse in Opelika, Alabama, Monday, January 8, 2024. The Chairman declared a quorum and officially opened the session 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. Attorney Jamie Frawley advised the need for the Executive Sessions and said Attorney Stan Martin was the only necessary attendee. Judge English said the session may last the entire hour and no formal action is anticipated at the conclusion. Commissioner Morris made a motion to adjourn into Executive Session, seconded by Commissioner Long and the motion carried unanimously. At the conclusion of the Executive Session, Commissioner Long made motion to adjourn the 4:00 PM meeting, seconded by Commissioner Morris, and unanimously carried.

The regular meeting of the County Commission convened at 5:00 PM following the Executive Session. Elected Officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: Observer news reporter Hannah Goldfinger and Opelika-Auburn News reporter Alex Husting.

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 December 11, 2023. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as presented. The motion carried on a vote of 4-0-1 with Commissioner Long abstaining since his packet did not arrive until today.

Judge English said second reading of Aric Andrade to the Smiths Station Fire Protection District is necessary. Commissioner Long made a motion to approve the following Resolution to appoint Aric Andrade to the Smiths Station Fire Protection District replacing Felton Atkinson who died in October 2023. The motion was seconded by Commissioner LaGrand and carried unanimously.

BE IT RESOLVED the Lee County Commission hereby appoints Aric Andrade to the Smiths Station Fire Protection District until February 28, 2024 to fulfill the unexpired term of Felton Atkinson.

Tara Brumfield and Mary Kilgore appeared before the Commission to discuss rumors of a quarry settlement. Mrs. Brumfield said she has heard through the grapevine that the county is in settlement discussions. Mrs. Brumfield rehashed the details of how the residents of Beat 13 were led to believe that if planning and zoning was passed in their beat they would be protected against a quarry or other nuisances. Mrs. Brumfield said there have only been two situations where zoning has been enforced. One was of her own request to add additional storage buildings to her property that already has established storage buildings. Mrs. Brumfield said it took her three days

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JANUARY 8, 2024

running around to get the necessary information submitted to the Planning Commission for approval. Mrs. Brumfield said officials with the quarry have not had to go through the same process. Mrs. Brumfield had several questions of the Commission, she asked: 1) why the quarry has not had to go through the planning and zoning process; 2) whether or not the county is currently in settlement discussions and 3) if the quarry is approved if zoning in Beat 13 could be reversed. Judge English deferred the question to County Attorney Stan Martin. Mr. Martin said the participants agreed to mediation and in the terms of the mediation the matter cannot be discussed. Mr. Martin said due to that fact he cannot answer questions that have been presented. Mrs. Brumfield left a packet of information for the Commission. Commissioner LaGrand thanked Mrs. Brumfield and Mrs. Kilgore for attending; stating he is still against the quarry.

Judge English recognized Board of Registrar member Cindy Thrash to discuss the issue of mailing Voter Information Cards. Mrs. Thrash said after talking to the State Director of Elections, Jeff Elrod, she emailed Judge English of the requirement of the Board of Registrars to send Voter Information Cards pursuant to Alabama Code §17-3-51 “when voting precincts boundaries and voting locations are changed, new certificates of registration shall be issued before the date of the election on which the changes are to take effect” which is a result of the Commission changes to polling locations on November 27, 2023. Mrs. Thrash said the mailout is very important to the Registrars’ Office especially for the returned “undeliverable” cards so the registrars can flag those voter records for the addresses to be updated by the voter on election day. Mrs. Thrash said they need to mail the cards as soon as possible to maintain active voter rolls, saying the last day for a voter to update their information is February 14, 2024. Mrs. Thrash said the approximate cost to mail the cards is \$30,600, if mailed by the 20th before the postage increase takes effect. Mrs. Thrash asked if the mailout could be submitted to the state as an election expense for reimbursement. Judge English said under §17-3-57 it states, “cost of publication of notices required to be given by the Registrars shall be paid by the state”. Mrs. Thrash said her office is under a short timeframe and said public service announcements and a media campaign would be helpful as well. Mrs. Thrash said they increased their postage budget for the year, so they do have the money to cover the additional postage, but that there would be a shortfall later. Additionally, Mrs. Thrash said the cards have been printed and are ready for mailing. Judge English pointed out that some of the cards have already been mailed out. Judge English asked about the voter purge every four years questioning if that will be done in February 2024. Mrs. Thrash said the new voter purge takes effect in 2025 which will allow their office to use information from the U. S. Postal Service. Judge English said he would continue to look into the matter.

Revenue Commissioner Oline Price presented for Commission consideration a contract with Government Services Alabama, LLC for business personal property audit services. Mrs. Price said the cost is \$45,000 which is budgeted. Judge English noted there is a 30-day termination clause and the contract renews yearly. Commissioner Cannon made a motion to

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JANUARY 8, 2024

authorize the Chairman to enter into contract with Government Services Alabama, LLC as presented. The motion was seconded by Commissioner Morris and carried unanimously.

Sheriff Jones presented a transfer of a retail beer and retail table wine application from The Corner Store located in District 4. Sheriff Jones said since it was a transfer no objections were noted. Commissioner Langley made a motion, seconded by Commissioner Cannon to approve the following Resolution to approve the transfer of the license for The Corner Store.

BE IT RESOLVED the Lee County Commission hereby approves the transfer of the license application for The Corner Store located at 2028 Lee Road 166, Opelika, Alabama.

County Engineer Justin Hardee gave an update on the Rebuild Alabama Fund in accordance with Code of Alabama §23-1-433(f) which states the county engineer, at the first meeting in January of each year, shall present to the county commission a written report detailing the expenditures made from the fund the previous fiscal year; and, the report shall be entered into the minutes of the county commission meeting and shall be made available to the public for inspection, including posting on the county's website. Mr. Hardee presented a spreadsheet of the 12 resurfacing projects and an accompanying project location map. Mr. Hardee said the projects total approximately 10.3 miles of road resurfaced at a cost of \$2,466,020.08 which includes Federal Aid Exchange Funds. Mr. Hardee said two roads Lee Roads 422 and 718 were resurfaced with RRR Funds due to construction cost increases. Mr. Hardee said no action is needed but said the information will be posted on the county's website. Judge English thanked Mr. Hardee for the update and indicated that there would be a copy in the Commission Office available for public inspection.

Mr. Hardee said the next item for the Resolution on the FEMA update for Flood Damage Prevention is for information purposes tonight, but he will be asking for approval at the January 29, 2024 meeting. Mr. Hardee said the information is updated about every three years. Judge English asked if it is replacing old verbiage with new verbiage. Mr. Hardee concurred and requested the Commission approve the updates to the Flood Damage Prevention Resolution at the January 29 meeting. No action was taken.

Next, Mr. Hardee said upon the retirement of the former Highway Department Superintendent Derrick Tolliver, who had over 26 years with Lee County, the department needs to appoint a new person to the position. Mr. Hardee said he is looking to promote an internal candidate who has more than seventeen years of experience with Lee County. Mr. Hardee said the person knows the staff, the policies, the roads and rights-of-way, best construction practices and how to deal with the public and contractors. Mr. Hardee said he feels the candidate is more

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JANUARY 8, 2024

than qualified and will represent Lee County well as he and the staff of this department continue to serve the 3rd fastest growing county in the State. Mr. Hardee said the position is a Pay Grade 118 and he would ask approval to give 20% into that pay range. Mr. Hardee said the rate will not be a 20% increase to the employee but will match the employee's current annual earnings, including overtime. Mr. Hardee said it is within budgeted funds and will not require a funding increase. Commissioner LaGrand said he feels longevity and promotion within is important. Judge English questioned if there is a pay grade change. Mr. Hardee said no. Commissioner Cannon made a motion, seconded by Commissioner Long, to approve the 20% into the base salary of a Pay Grade 118 for the new Highway Department Superintendent. The motion carried unanimously.

Next, Mr. Hardee said with the retirement of Chief Building Official Joel Hubbard at the end of 2023, a new Chief Building Official hiring or promotion will need to be considered. Mr. Hardee requested the Commission allow him to offer the position to the Assistant Chief Building Official who has more than nineteen years of experience with the Lee County Building Inspections Department. Mr. Hardee said he knows the staff, the county policies, the building codes, and manages the floodplains in accordance with the National Flood Insurance Program. Mr. Hardee said upon review of his personnel file it reflects he is an exemplary employee with high ratings and no disciplinary actions. Mr. Hardee said because of his years of local and institutional knowledge he would like to offer the position at a Pay Grade 203 and 5% into that pay range. Mr. Hardee said it falls within budgeted funds and will not require a funding increase. Commissioner Cannon questioned the number of inspections performed per year. Mr. Hardee said he does not know the exact number but can get that information back to the Commission. Commissioner Long made a motion, seconded by Commissioner Langley, to approve the request to promote at a Pay Grade 203 with 5% into the pay range. The motion carried unanimously.

County Administrative Officer Holly Leverette said the Resolution approved by the Commission at the last meeting to extend county benefits to the Board of Registrar members must be rescinded. Mrs. Leverette said she was informed that according to Code of Alabama §17-3-5 because the county participates in a health insurance plan administered by the State of Alabama, the Local Government Health and Insurance Plan, specifically states the chair and any members of the county board of registrars are excluded from participating in county health insurance plans. The only allowance is for a chair of the registrars who has served 16 years or more is allowed to participate in a state plan. Mrs. Leverette said other counties allow their Board of Registrar members to participate in their insurance programs, but they are self-insured. Commissioner Cannon made a motion, seconded by Commissioner Long, to rescind the action taken at the December 11, 2023, meeting to approve extending county benefits to appointed Board of Registrar members. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JANUARY 8, 2024

Last, Mrs. Leverette presented another housekeeping item, concerning the administering and collection of taxes levied by Lee County. Mrs. Leverette said the Commission voted unanimously to enter into a two-year agreement with Avenu Insights and Analytics, LLC at the November 27, 2023 meeting. Mrs. Leverette said for the State Department of Revenue to change the collection and administration of taxes levied by Lee County back to Avenu Insights and Analytics, LLC, an updated resolution needs to be approved by the Commission. Commissioner Langley made a motion, seconded by Commissioner Cannon to authorize Judge English to sign the following Resolution authorizing Avenu Insights and Analytics, LLC to administer and collect taxes levied by Lee County. The motion carried unanimously.

RESOLUTION

WHEREAS, Section 11-51-207 of the Code of Alabama 1975, allows for Avenu Insights and Analytics, LLC to administer and collect taxes; and

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

THEREFORE, BE IT RESOLVED BY THE LEE COUNTY COMMISSION that a certified copy of this Resolution shall be provided to Avenu Insights and Analytics, LLC as well as any other necessary information or other steps as may be required by Avenu Insights and Analytics, LLC to enable it to administer and collect taxes levied and assessed under the provisions of this Resolution.

IN WITNESS WHEREOF, the Lee County Commission has caused this Resolution to be executed in its name and on its behalf by the Chairman on this the 8th day of January 2024.

At approximately 5:48 p.m. Commissioner LaGrand made a motion to adjourn. The motion was seconded by Commissioner Cannon and carried unanimously.