

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, JANUARY 29, 2024

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, January 29, 2024. 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 and Coroner Daniel Sexton. News media in attendance: Opelika-Auburn News reporter Alex Husting and WTVM reporter Rico Mitchell.

Judge English gave the Commission a handout on the deadline for changes to the Broadband plan. Judge English said Kate Jessup from the IAC will be attending the February 12 meeting to give an update. Chief Administrator Holly Leverette will give an update tonight on Broadband. Judge English said he is trying to keep the Commission in the loop.

Mrs. Leverette said discussion was held at the last meeting in December about roads in Loachapoka that were listed on Lee County's broadband plan, but which were already being served. Mrs. Leverette said a meeting was held with Point Broadband on January 18 and all parties agreed to a revised application. Mrs. Leverette said the revised application and resolution will be ready for presentation at the next meeting. Mrs. Leverette said the three projects awarded total \$984,426 between the areas of the county including: South Central, Salem and Loachapoka. Mrs. Leverette said the total for Loachapoka has decreased by approximately \$65,000, but it is still over \$980,000 toward broadband from ARPA funds. Commissioner Cannon questioned what other projects were being considered. Mrs. Leverette said people had emailed about their unserved areas, which is about 20-30 roads. Mrs. Leverette said she appreciates the citizens being the "boots on the ground". Mrs. Leverette said the ISPs were looking at roads they would be able to help with, with the ultimate goal being able to serve every resident in the rural areas. Commissioner Cannon questioned if this would be complete by the end of the year. Mrs. Leverette concurred saying all projects must be allocated, not completed, by December 2024, which is the deadline. Mrs. Leverette said currently they are looking at Phase II projects and continuing to work with the ISPs. Commissioner LaGrand asked Mrs. Leverette to give him a printed copy of the map shared during the meeting.

Next, Chief Financial Officer Anna Kate Padgett and Billing Office Manager Kristen Ellis gave a presentation on the progress of the Billing Office. Ms. Padgett stated an informational guide was included in the recent billing statements. Ms. Padgett said the information has been included on the county's website as well. Ms. Padgett was happy to report that the Billing Office is fully staffed with Ms. Ellis as the Billing Office Manager and three clerks.

Next, Ms. Ellis introduced herself to the Commission and updated the current status. Ms. Ellis said the office has collected approximately 47.5% of revenue. Ms. Ellis said they have a dedicated voice mail specific for the Billing Office. Ms. Ellis said the office hours are from 7 a.m. to 4 p.m. CT. Ms. Ellis said she is continuously working to improve efficiency and in

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developing processes for the office. Ms. Ellis said the office is collaborating with the Alabama Department of Health in identifying individuals qualified for exemptions and working with the Lee County Appraisal Department and GIS verifying property addresses. Commissioner Cannon thanked Ms. Padgett and Ms. Ellis. Commissioner Langley also thanked them for the volume of calls he was getting on questions about paying their bill.

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 January 8, 2024. Announcement of a vacancy on the Lee County Planning Commission for a District 4 representative was made. 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 again did not arrive prior to the meeting. Judge English said they would deliver his packet from now on because the mail service is just not reliable enough.

Judge English introduced EMS Manager Austin Bayles to discuss the East Alabama Health Care Authority's ambulance contract. Mr. Bayles said their request was presented to the Commission first on June 27, 2022 and on August 29, 2022. Judge English pointed out that he had included a copy of our minutes from June 27, 2022 where the proposed increases were first requested, but that they had not been included in this year's budget discussions. Mr. Bayles said the proposal presented included an increase of 10% operational and 4% capital each year for the next three years. The increase would be from the original \$345,476 in 2022 to \$376,517.20 in 2023; increase to \$410,522.26 in 2024; and increase to \$447,781.97 in 2025. After the presentation, Judge English said the difference in the amount budgeted this year and the requested increase is \$34,000 and questioned if the Commission needs to make a budget amendment. Mrs. Leverette confirmed stating the increase would be taken out of unbudgeted reserves. Commissioner Morris made a motion to approve the budget amendment for \$34,000 from unbudgeted reserves. The motion was seconded by Commissioner Cannon and passed on a vote of 4-1 with Commissioner Long voting "No".

County Engineer Justin Hardee presented a petition to vacate an existing right-of-way on Lee Road 394. Mr. Hardee said the Highway Department was approached by Davidson, Davidson, Umbach & Forbus, LLC, the attorney for Broadview Family Properties Limited Partnership regarding abandonment of the right of way of the portion of Lee Road 394 between Lee Road 10 and Lee Road 673 (approximately 200 ft. in length). 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. 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 Commission

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vacate the right-of-way along the portion of Lee Road 394 between Lee Road 10 and Lee Road 673. Mr. Hardee asked the Commission to hold a public hearing on the request. At approximately 5:25 p.m. Judge English opened the Public Hearing to vacate right-of-way on Lee Road 394 between Lee Road 10 and Lee Road 673 (approximately 200 ft. in length). There was no one in attendance to speak on this issue and the public hearing closed at 5:25 p.m. Commissioner Morris made a motion to vacate right-of-way on Lee Road 394 as presented. The motion was seconded by Commissioner Long and carried unanimously.

RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama, has received a petition to vacate certain right-of-way described in the attached Petition to Vacate a portion of Lee Road 394 between Lee Road 10 and Old Beehive Road (Lee Road 673) located in Lee County, Alabama; and,

WHEREAS, the petition is filed in accordance with the provisions of Section 23-4-20 of the Code of Alabama 1975 which provides that any street or alley may be vacated, in whole or in part, by the owner or owners of the land abutting the street or alley or abutting that portion of the street or alley desired to be vacated; and,

WHEREAS, all owners of land abutting the portion of right-of-way proposed to be vacated have joined in the petition to vacate said right-of-way; and,

WHEREAS, the Petition to Vacate a portion of Lee Road 394 between Lee Road 10 and Old Beehive Road (Lee Road 673) states that no property owner will be deprived of any right they may have to convenient and reasonable means of ingress and egress to and from their property because of the requested vacation; and,

WHEREAS, a public hearing was conducted by the County Commission of Lee County, Alabama, on January 29, 2024, at which time all persons were given an opportunity to be heard in favor of or in opposition to the proposed right-of-way vacation; and,

WHEREAS, public notice of the public hearing was provided in accordance with Section 23-4-20 of the *Code of Alabama 1975*; and,

WHEREAS, the County Commission of Lee County, Alabama has determined that it is in the best interest of Lee County, Alabama, to vacate the right-of-way described in the attached Petition to Vacate a portion of Lee Road 394 between Lee Road 10 and Old Beehive Road (Lee Road 673) and that the right-of-way should be returned to the abutting landowners.

NOW THEREFORE, BE IT RESOLVED that the County Commission of Lee County, Alabama, does hereby assent to the right-of-way vacation as described in the attached Petition To

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vacate a portion of Lee Road 394 between Lee Road 10 and Old Beehive Road (Lee Road 673) and further described as:

A tract or parcel of land located in Section 15, Township 18 North, Range 25 East, Lee County, Alabama, and being more particularly described as follows: Commence at the southwest corner of said Section 15; thence N30°38'50"E 1287.70 feet to the intersection of the south right-of-way limit of Lee Road 10 with the north right-of-way limit of Old Beehive Road; thence northeasterly along the south right-of-way limit of said Lee Road 10 along a curve to the left having a radius of 3518.00 feet, an arc length of 255.48 feet, and a chord bearing and distance of N81°12'26"E 255.42 feet to the point of beginning; thence continue northeasterly along said right-of-way limit along a curve to the left having a radius of 3518.00 feet, an arc length of 61.13 feet, and a chord bearing and distance of N78°37'44"E 61.13 feet; thence leaving said right-of-way limit S00°20'47"E 148.70 feet to the north right-of-way limit of Old Beehive Road; thence northwesterly along the north right-of-way limit of said Old Beehive Road along a curve to the right having a radius of 2211.83 feet, an arc length of 61.89 feet, and a chord bearing and distance of N76°08'45"W 61.89 feet; thence leaving said right-of-way limit N00°20'47"W 121.83 feet to the point of beginning.

BE IT FURTHER RESOLVED that the County Commission of Lee County, Alabama, does hereby remise, release, quitclaim and convey to Broadview Family Properties Limited Partnership whatever right, title and interest Lee County, Alabama, may have acquired in the property by virtue of the dedication or the vacation of said property, or otherwise, and that Bill English, Chairman of the County Commission of Lee County, Alabama, is authorized to execute and deliver a Quitclaim Deed to Broadview Family Properties Limited Partnership or persons carrying out the intention of this paragraph and Bill English the Commission Chairman be and is hereby authorized and directed on behalf of the County Commission of Lee County, Alabama to execute said quitclaim deed.

BE IT FURTHER RESOLVED that Broadview Family Properties Limited Partnership shall cause a copy of this resolution to be filed in the Probate Court of Lee County, Alabama, and shall further cause a copy of this resolution to be published once in a newspaper in Lee County, Alabama, no later than 14 days after its adoption.

Next, Mr. Hardee presented information to the Commission on non-county maintained paved roads. Mr. Hardee said the listing contains information on roads constructed prior to 2008 when the county subdivision regulations were developed. Mr. Hardee presented a listing of 30 roads totaling 8.291 miles containing 538 lots in Districts 1, 3, 4 and 5. Mr. Hardee said they do have the public right-of-way necessary in some instances but in others either the property owner(s) and/or the Homeowners' Association(s) would have to deed the right-of-way to the county if the Commission wishes to proceed. Mr. Hardee suggested setting a period of time after acceptance before the roads would be eligible for resurfacing, but that necessary maintenance

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would be done in the interim. Commissioner Long suggested waiting five years after acceptance for resurfacing. Commissioner Cannon made a motion that the Commission would accept the roads for routine maintenance then after five years put them into the standard grading system used to prioritize resurfacing. Mr. Hardee said the roads would receive routine maintenance, like repairing potholes, but it would be five years or more before the roads would be added to the priority listing for resurfacing. Commissioner Long seconded the motion. Mr. Hardee said the Saugahatchee Crossing platted roadways may not match what is on the ground exactly, and the Homeowners' Association cannot give right-of-way that they don't own, so they must provide an acceptable survey, and our acceptance would be contingent on that paperwork ensuring enough right-of-way. Commissioner Cannon said the subdivision would need to have the survey done and then get back with the Commission. That requirement was included in the motion, which passed unanimously.

Sheriff Jones presented a Media Agreement with Millennium Satellite and Video for the jail operations. Sheriff Jones said the current provider, Point Broadband, provided a notice they would no longer provide service, so they had to look elsewhere. Sheriff Jay Jones said it is a 70% increase from what they were previously paying, from \$500+ to \$927 for inmates. Sheriff Jones said it will come from discretionary funds out of the Canteen funds, not out of the General Fund. Commissioner Long made a motion, seconded by Commissioner LaGrand, to authorize Sheriff Jones to sign the media agreement with Millennium Satellite and Video. The motion carried unanimously.

Sheriff Jones presented an ABC license transfer application for a retail beer license from The Short Stop located in D3. Sheriff Jones said he received no objections to the license transfer. Commissioner Long made a motion, seconded by Commissioner Cannon, 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 license transfer for The Short Stop at 5005 Summerville Rd, Phenix City, Alabama.

Next, Sheriff Jones presented an educational reimbursement request from Deputy Ben Causland for three courses. They include: 1) Criminal Behavior Analysis-BCJ4306; 2) Corrections in America-BCJ3310; and 3) Terrorism-BCJ3308. Sheriff Jones said the courses pertain to his current job assignments. Commissioner Langley made a motion, seconded by Commissioner Morris, to approve the educational reimbursement request as presented. The motion carried unanimously.

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Mr. Hardee presented the following Resolution for the resurfacing of Lee Road 212, from Lee Road 240 to the Russell County line, approximately 1.510 miles. Once approved, the Highway Department will initiate the project through the Columbus-Phenix City Metropolitan Planning Organization (MPO). Mr. Hardee said if the project is approved it would be funded on an 80/20 split, with 80% of the funding coming from the Columbus-Phenix City MPO and a 20% match by Lee County. Mr. Hardee said this is the 3rd project through the Columbus-Phenix City MPO. Commissioner Long made a motion, seconded by Commissioner Langley to approve the following Resolution for resurfacing Lee Road 212. The motion carried unanimously.

RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows: resurfacing on CR-212 from CR-240 to the Russell County Line (approximately 1.510 miles); and

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project; and

WHEREAS, the County intends to apply for Federal Aid funds for the construction of the above referenced project; and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

Done at the regular adjourned session of the County Commission of Lee County, this day of January 29, 2024.

Next, Mr. Hardee presented a final plat approval for Stillwaters Subdivision, Redivision of Lot 4. Mr. Hardee said the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed subdivision contains four lots with no new roadway and is adjacent to Lee Road 126. Adjacent property owners were notified of the development by letters sent out January 9, 2024 so they may attend and voice their support, opposition or to obtain more information. Judge English recognized two citizens on the subject. Stanley Vaughn said he talked to Brandon Cobb about granting access across his property but said the property is currently in Probate Court. Judge English questioned if it was heir property and Mr. Vaughn affirmed it. Judge English noted the property is in District 5 and deferred to Commissioner LaGrand. Commissioner LaGrand asked the Commission to table the item since he is not sure about Mr. Vaughn's request. Commissioner Cannon questioned if it is

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an easement issue. Mr. Vaughn said it was an easement issue from Lot 4. Mr. Hardee recognized Surveyor Mike Maher who said the easement has no bearing on accessibility, saying it does not affect what has been presented tonight. Commissioner LaGrand made a motion to table the item, seconded by Commissioner Cannon, and carried unanimously.

Judge English said the executive session is not necessary.

At approximately 5:50 p.m. Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Cannon and carried unanimously.