

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. MEETING, SEPT. 26, 2022

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, September 26, 2022. The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Ross Morris, Gary Long, Robert Ham and Richard LaGrand. Absent: Doug Cannon. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Morris. Elected officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: The Observer reporter Hannah Lester and Opelika-Auburn News reporter John West.

Commissioner LaGrand gave an update on the Loachapoka Park. Commissioner LaGrand was excited to share that six park benches have been placed around the park. Pictures of the benches were displayed on the monitors so attendees could view them. Commissioner LaGrand thanked fellow Commissioners, Mr. Hardee and Parks Director Ryan Norris for getting this done so timely. Commissioner LaGrand said local cancer survivor Belinda Jackson is organizing a Relay for Life cancer walk that will be held from 7 a.m. to noon this Saturday at the Loachapoka Park. Commissioner LaGrand said the benches will be put to good use during that event.

EMA Director Rita Smith introduced Jefferson County EMA Director Jim Coker and Chris Tate who were in attendance to make a presentation to Austin Jones and Steven Holden to thank them for helping Jefferson County EMA during the World Games. The two were presented with a set of medals from the World Games. Mr. Coker said this is in recognition of the agency's mutual aid, which is very important amongst the agencies. Mr. Coker said the event trained over 1,600 responders. Mr. Coker thanked Lee County for allowing them to assist in the event. Commissioner Ham thanked Mr. Jones and Mr. Holden for their participation.

Commissioner Ham asked to add an agenda item be added in celebration of Mrs. Mary Nell's 100th birthday on October 9, 2022. The motion was seconded by Commissioner LaGrand and carried unanimously. Commissioner Ham asked that the Commission recognize Mrs. Mary Nell's achievement with a certificate or something. Judge English said the Lee-Russell Council of Governments has a recognition program honoring these type milestones. Commissioner Ham said since she is a Lee County resident, he would like the Commission to recognize the achievement. Commissioner Ham made a motion to present a certificate to recognize the 100th Birthday of Mrs. Mary Nell, a Lee County resident. The motion was seconded by Commissioner Long and carried unanimously.

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 minutes of the meeting

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on September 12, 2022. Commissioner Ham made a motion, seconded by Commissioner Long, to approve the consent agenda items as presented. The motion carried unanimously.

Chief Administrative Officer Holly Leverette presented the following Resolutions for Commission consideration. Mrs. Leverette said the Resolutions relate to the American Rescue Plan Act. The first Resolution adopts the Policies and Procedures for providing assistance to nonprofits in utilizing the funds. Commissioner Long made a motion, seconded by Commissioner LaGrand authorizing the Chairman to sign the following Resolution. The motion carried unanimously.

**RESOLUTION FOR THE ADOPTION OF IMPLEMENTATION
POLICIES AND PROCEDURES FOR PROVIDING ASSISTANCE TO
NONPROFITS USING AMERICAN RESCUE PLAN ACT FUNDS**

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, under the Final Rule published by the U. S. Department of Treasury dated Jan. 6, 2022, the County may use ARPA funds to provide financial assistance to nonprofit entities to mitigate financial hardship caused by the COVID-19 pandemic; and

WHEREAS, pursuant to 603(c)(3) of the American Rescue Plan Act, PL 117-2, March 11, 2021, 135 Stat 4, the County may transfer ARPA funds to nonprofit entities; and

WHEREAS, consistent with state law, the County may provide funds to non-profit entities if that entity serves a public purpose, i.e., that award to the entity would confer a direct benefit to a significant portion of the community that addresses the negative public health or economic impacts of the COVID-19 pandemic, and that providing this benefit to the public is within the County’s state statutory or constitutional authority.

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

The County shall implement any project to provide assistance to nonprofit entities using ARPA funds in accordance with the implementation policies and procedures set forth in Addendum 1 to this Resolution, the provisions of which are fully adopted and incorporated herein by reference.

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 26th day of September 2022.

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The second Resolution presented authorizes the allocation of ARPA Funds for grants to eligible nonprofit entities. Commissioner LaGrand made a motion, seconded by Commissioner Ham authorizing the Chairman to sign the following Resolution. The motion carried unanimously.

RESOLUTION TO AUTHORIZE THE ALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS FOR GRANTS TO ELIGIBLE NONPROFIT ENTITIES

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, under the Final Rule published by the United States Department of Treasury dated Jan. 6, 2022, the County may use ARPA funds to provide direct financial assistance to nonprofit entities to mitigate financial hardship caused by the COVID-19 pandemic; and

WHEREAS, pursuant to 603(c)(3) of the American Rescue Plan Act, PL 117-2, March 11, 2021, 135 Stat 4, the County may transfer ARPA funds to nonprofit entities; and

WHEREAS, the Lee County Commission (“the Commission”) has determined that appropriating ARPA funds to provide grants to eligible nonprofit entities is a necessary, eligible, reasonable, and lawful use of these funds to the extent this use would serve a public purpose by conferring a direct benefit to a significant portion of the community that addresses the negative public health or economic impacts of the COVID-19 pandemic and that providing this benefit to the public is within the County’s state statutory or constitutional authority; and

WHEREAS, the County previously made an ARPA funding application available to interested organizations on October 1, 2021; and

WHEREAS, in response to the application, the County received 23 applications; and

WHEREAS, additional information is needed from each of these organizations to determine eligibility under ARPA terms and conditions and state constitutional law.

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

- 1) The County shall take all necessary steps to determine the eligibility of nonprofit entities in accordance with the applicable implementation policies and procedures adopted by this Commission by resolution on September 26, 2022, (“Implementation Policies and Procedures”), the provisions of which are fully adopted and incorporated herein by reference.

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- 2) The Administrator Holly Leverette is hereby directed to provide a second notice of funding opportunity ("Second Notice of Funding Opportunity") as provided in Exhibit A to this Resolution to the entities that previously submitted an application.
- 3) Nonprofit entities seeking funding assistance must submit an application, included as Exhibit B to this Resolution, on or before November 30, 2022, to be further considered for assistance.
- 4) In implementing this grant program, the designated ARPA Program Director is responsible for ensuring compliance with the Implementation Policies and Procedures and the requirements set forth in the Notice of Funding Opportunity.
- 5) ARPA Funds will not be obligated or expended for any grant to a nonprofit prior to the Commission's adoption of a resolution authorizing the expenditure of ARPA funds for grants to successful applicants and the acceptance by successful applicants of the terms and conditions of the funding.

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 26th day of September 2022.

Next, Mrs. Leverette presented EMA building change orders for Commission consideration. Mrs. Leverette said discussions during the August 8 meeting and during the budget work sessions on September 14, 2022 indicated the Commission wanted to move forward with the additional change orders requested for the EMA building project. Mrs. Leverette said upon review of the current budget and as the budget year closes it is feasible to move forward with the change orders. Mrs. Leverette said the items have been verified with Architect Randy Wilson. Mrs. Leverette said the contractor is at a point where he is waiting on a few items to be completed beyond his control which will allow him time to go ahead and begin work on the change order items. Mrs. Leverette noted that the furnishing needs of the building totaling \$37,380.19 will be included in the FY2023 capital improvement fund per Commission approval. Commissioner Ham made a motion, seconded by Commissioner Morris, to approve the change order as presented for the EMA Project from the FY2023 budget. The motion carried unanimously.

Environmental Services Director John McDonald gave a solid waste update. Mr. McDonald said the department continues to phase out the dumpster sites with an additional four locations being closed in this phase. Mr. McDonald said last month 850 tons were collected at dumpster sites and from August 16 through last Friday (September 23) 9.75 tons have been collected in the same area through the bulk pickup process. Mr. McDonald said the next closure includes the sites at Highway 51, Lee Roads 39, 166 and 175. Additionally, he said the last remaining sites will be closing the week of November 7, that is the two sites in Smiths Station on

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Lee Road 240 and Highway 280 at Lee Road 249, which are the two largest sites. Judge English reiterated that by December there will be no longer be any dumpster sites, only curbside carts and bulk pickup collection. Mr. McDonald affirmed. Commissioner Ham questioned if citizens are being notified of the closures. Mr. McDonald stated advertising begins at the dumpster sites at least two weeks ahead of closure and is placed on the county's website. Commissioner Ham thanked Mr. McDonald for all he does for the county.

Heath Corbett appeared before the Commission to discuss his experience in reporting a public nuisance complaint. Mr. Corbett stated it began on June 30, 2021 when he contacted Commissioner LaGrand and presented pictures and the address of the nuisance. Mr. Corbett said on August 14, 2021 Commissioner LaGrand told him there was nothing the county could do, but that he would need to get a lawyer and sue the property owner. Mr. Corbett said on May 6, 2022 he contacted Commissioner Long to see if he could assist with his nuisance complaint. Mr. Corbett said Commissioner Long said he would send the address of the nuisance to John McDonald and Captain Chris Wallace, since it was a function of the Sheriff's Office. Mr. Corbett said the area of the county he lives in is in need of help with public nuisance and keeping the area clean. Mr. Corbett said he is embarrassed to have company at his house because they always question what is happening at the house down the street. Mr. Corbett said the issue has been ignored for over a year and multiple neighbors have complained about kids going back and forth between the two houses. Mr. Corbett again said the residents in his area would like to see it as nice as Opelika and Beauregard. Commissioner LaGrand said he would like to accept responsibility and would like to figure out what to do before he leaves office in November. Mr. Corbett said if he continues to have the same issues, he will reach out again, but understands it will take some time to address it. He had further discussion with representatives of the Sheriff's Office after the public comments.

Sheriff Jay Jones presented two education reimbursement requests. Sheriff Jones stated the paperwork presented by Deputy Shawn McDevitt and Deputy Ben Causland applies to their current positions in the Sheriff's Office. Sheriff Jones recommended approval of the educational reimbursement request for the two deputies. Commissioner Morris made a motion, seconded by Commissioner Ham to approve the two educational reimbursement requests as presented by Sheriff Jones. The motion carried unanimously.

Revenue Commissioner Oline Price stated the 2021 Legislative Session passed an amendment to the Code of Alabama Title 40 to recover from personal property insolvents. Mrs. Price said they are the most difficult to recover, but now there is a mechanism which will allow her to send all the business licensing agents in the county and in the cities notices that until the insolvents are paid, they are not eligible to sell them a business license. Commissioner Ham agreed that it is hard to appraise the value. Mrs. Price agreed especially with big companies.

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Commissioner Ham questioned if the business will be notified once by mail. Mrs. Price said they will receive several notices and that there is no right of redemption on personal property, stating if she picks up a piece of equipment and sells it, there is no right of redemption. Commissioner Ham made a motion, seconded by Commissioner LaGrand to authorize Revenue Commissioner Oline Price to send the list of insolvents to business licensing agents according to Act 2021-452. The motion carried unanimously.

County Engineer Justin Hardee presented the following results on Bids #2022-11 to #2022-17 for the Highway Department's Annual Maintenance bids and extensions for Commission consideration. Commissioner Ham made a motion, seconded by Commissioner Morris, to award Bids #2022-11 to #2022-17 as follows. The motion carried unanimously.

FY2022-2023 Highway Maintenance Bids:

Bid#2022-11 - Bales of Grass Hay -----Reject and Negotiate
Bid#2022-12 - Gasoline & Diesel Fuel-----Petroleum Traders Corp.
R.K. Allen Oil Co., Inc.
Bid#2022-13 - Geotextiles-(SE Regional)-----Reject and Negotiate
Bid#2022-14 - Grader Cutting Edges-----Tractor & Equipment Co.
Valk Manufacturing Company
Bid#2022-15 - Maintenance Stone -----Wadley Crushed Stone Company, LLC
Bid#2022-16 - Plant Cold Mix-----Reject and Negotiate
Bid#2022-17 - Ready Mix Concrete----- No Bids Received

Commissioner Ham made a motion, seconded by Commissioner Morris to award the following bid extensions as presented. The motion carried unanimously.

The following vendor was awarded a one (1) year extension period on the bid as stated in the bid under Section 2.1:

First Extension (FY 2021-2022)

Bid #12 - Emulsified Asphalt-----Ergon Asphalt and Emulsions, Inc.
Bid #15 - Maintenance Stone-----Vulcan Materials Company
Wadley Crushed Stone Company, LLC
Bid #16 - Picked up at the Plant Bituminous Treatment—East Alabama Paving Co., Inc.
Bid #18 - Tied Concrete Block Erosion Control Materials-----Southern Pipe & Supply

Second Extension (FY 2020-2021)

Bid #09 - Emulsified Asphalt-----Ergon Asphalt and Emulsions, Inc.

Next, Mr. McDonald discussed garbage fee billing guidelines and payment options. Mr. McDonald said no action is necessary tonight but wanted to give the Commission an opportunity

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to review and discuss it. Commissioner Ham asked if there was an option to pay with PayPal. Mr. McDonald said he would check with the company to see if they offer that option. Mr. McDonald said it is probably limited to the type of software they utilized. Commissioner Morris questioned that there was not an option to pay monthly. Mr. McDonald concurred stating right now they only offer annual or quarterly payments. Judge English explained if a customer does not pay quarterly, then the cart will be picked up and the customer will then pay a redelivery fee for the cart. Mr. McDonald concurred. Commissioner Ham questioned exemptions of people on Social Security. Judge English said the exemptions are specified by Code of Alabama.

Mr. McDonald presented the results of the RFP for Animal Control Services. Mr. McDonald stated out of 22 requests for proposals mailed, only one was returned for animal impoundment and related services. Mr. McDonald said the agreement includes a price of \$185.70, an increase of \$19.90/per animal. Mr. McDonald said a price increase was anticipated in preparations for the upcoming budget and the requested budget covers the increase. Mr. McDonald asked the Commission to approve the Agreement from October 1, 2022 until September 30, 2023 with Animal Health Center/Opelika Animal Hospital. Commissioner Long made a motion, seconded by Commissioner LaGrand to authorize the Chairman to sign the agreement as presented. The motion carried unanimously.

Governmental Relations/Safety Manager Wendy Swann presented the ACCA's Safety Incentive Discount Program verification form for Commission approval. Mrs. Swann stated all necessary requirements to qualify for SIDP discounts have been met for the current year. Mrs. Swann requested the Commission authorize the Chairman to sign the verification form as presented. Commissioner Ham made a motion, seconded by Commissioner Morris to authorize the Chairman to sign the necessary paperwork for the ACCA's Safety Incentive verification form for the current year. The motion carried unanimously. Judge English thanked Mrs. Swann.

Mrs. Leverette asked the Commission to consider setting work session dates to discuss FY 2022-2023 outside appropriations. Mrs. Leverette proposed the dates of October 11 immediately following the regularly scheduled Commission meeting and at 5:00 p.m. on October 12. Commissioner Ham made a motion, seconded by Commissioner Morris, to set the work sessions as mentioned. The motion passed unanimously.

Last, Chief Administrative Officer Holly Leverette presented the FY2022-2023 Budget for Commission consideration. Mrs. Leverette said she and former County Administrator Roger Rendleman had worked together on the budget preparations. The total proposed budgeted revenues total \$58,338,567 compared to last year's \$53,348,362. The overall projected revenue increase is 9.35% more than last year. The total proposed budgeted expenditures are

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\$66,838,457 compared to last year's \$59,888,120. The overall projected expenditure increase is 11.61% more than last year.

**Fiscal Year 2022 – 2023
County Commission Proposed 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	855,484	41,040,032	34,710,450	(7,185,066)	0
SRO	416,246	1,339,354	1,755,600		0
Recreation	836,778	1,319,500	1,888,139	(268,139)	0
General Fund - Total	2,108,508	43,698,886	38,354,189	(7,453,205)	0
Gasoline Tax Fund	706,000	2,293,000	7,067,597	4,068,597	0
RRR Gasoline Tax Fund	313,445	3,036,000	3,349,445		0
Rebuild Alabama Act Fund	2,554,157	2,006,000	4,560,157		0
Federal Aid Exchange Fund	395,843	400,600	796,443		0
Highway - Total	3,969,445	7,735,600	15,773,642	4,068,597	0
Reappraisal Fund	921,043	1,338,567	2,259,610		0
Refuse Disposal Fund	1,109,802	3,662,800	6,378,086	1,605,484	0
Capital Improvement Fund	311,392	728,500	1,039,892		0
Judicial Facilities Fund	79,700	460,800	90,500	(450,000)	0
Capital Projects Fund					0
Operational	8,499,890	57,625,153	63,895,919	(2,229,124)	0
Debt Service					
2004/12 Debt Service - Jail Expansion		713,414	1,294,125	580,711	0
2010/19 Debt Service - Bridge Program			541,800	541,800	0
2013 Debt Service - Justice Center Expansion			621,263	621,263	0
2018 Debt Service - Recreation & Facilities			485,350	485,350	0
Total County Commission Funds:	8,499,890	58,338,567	66,838,457	0	0

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

Commissioner Ham made a motion, seconded by Commissioner Morris to approve the FY2022-2023 Budget as presented by Chief Administrative Officer Holly Leverette. The motion carried unanimously.

Commissioner Ham made a motion, seconded by Commissioner LaGrand to amend the County's Pay Plan by a 5.75% Cost of Living Adjustment effective October 8, 2022 for all eligible county employees. The motion carried unanimously.

Commissioner Ham made a motion, seconded by Commissioner Long to adjust the Lee County Coroner's pay to \$36,000 annually and the Chief Deputy Coroner's pay to \$18,000 annually effective October 1, 2022. The motion carried unanimously.

BE IT RESOLVED the Lee County Commission hereby grants a pay adjustment to the annual salary of the Lee County Coroner and the Lee County Chief Deputy Coroner. The Lee County Coroner's salary will increase from \$27,568.00 to \$36,000.00 annually. Beginning October 1, 2022, the Chief Deputy Coroner's salary will increase from \$9,600.00 to \$18,000 annually.

Commissioner Ham made a motion, seconded by Commissioner Morris, to budget a total of \$1.45 million for outside appropriations for Fiscal Year 2023, including the airport runway safety zone expansion. Specific amounts for each entity will be determined in the near future, with a total not to exceed \$1.45 million.

Commissioner Ham made a motion, seconded by Commissioner LaGrand to authorize the Chairman to execute funding agreements to support the Auburn University Airport safety zone expansion project in the total amount of \$500,000, to be paid over a five-year period through annual payments in the amount of \$50,000 to the City of Opelika and \$50,000 to the City of Auburn. The motion carried unanimously.

Commissioner Ham made a motion, seconded by Commissioner Long to authorize granting merit raises for Fiscal Year 2022-2023 based upon the employee annual evaluations, as follows:

- The employee must obtain a minimum a "Meets Expectations" for up to a 2.0% increase
- The employee must obtain at minimum a "Exceeds Expectations" for up to a 3.0% increase
- The employee must obtain at minimum a "Consistently Exceeds Expectations" for up to 4.0% increase

The motion carried unanimously.

At approximately 6:20 p.m., Commissioner Ham made a motion, seconded by Commissioner Long to adjourn into a budget work session. The motion carried unanimously.