

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, FEBRUARY 26, 2024

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, February 26, 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. News media in attendance: The Observer reporter Hannah Goldfinger and Opelika-Auburn News reporter Alex Husting.

Commissioner Morris was happy to announce the recent birth of his first granddaughter Melody Morris born February 20, 2024. She is the daughter of his oldest son Bailey and his wife Sarah. Judge English said Commissioners and Commission staff received a beautiful picture of her and her proud grandfather earlier and congratulated Commissioner Morris.

Environmental Services Director John McDonald gave an update on the Free Disposal Days. Mr. McDonald said the first free disposal day went very well, saying approximately 51 tons were collected. Mr. McDonald said the Recycling Department pulled out about 5 tons of usable materials for recycling. Commissioner Long questioned the amount of traffic at the US Highway 280E site. Mr. McDonald said approximately half of the tonnage came from that site and said traffic stayed backed up, sometimes across the highway. Mr. McDonald said they have been talking with county school officials to hopefully set up a location at Beauregard School which may alleviate some of the backup at the Hwy 280E location. Commissioner Cannon questioned which site was the least busy. Mr. McDonald said the Bottle location on US Highway 280W. Commissioner Morris thanked Mr. McDonald, saying he was very appreciative of the event. Commissioner LaGrand concurred. Judge English questioned the time it took to shut down the locations after the noon closure questioning how many cars were in line at the cutoff and if there was trash left the next day. Mr. McDonald said it took about three hours to close completely and said no trash was left at the gate the next day. Mr. McDonald said the next free disposal day is scheduled for April 6, 2024 from 8:00 a.m. until 12 noon at the same 5 locations as before.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listings of claims, a procurement card transactions listing, a copy of the minutes of the meeting on January 29, 2024, and first reading of an opening on the Lee County Planning Commission for District 4. That last item was moved forward since no interest forms have been received. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as presented. The motion carried unanimously.

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New Lee County School Superintendent Dr. Mike Howard and Chief School Financial Officer Ken Roberts appeared before the Commission to discuss the continuation of the county-wide sales tax. Dr. Howard requested a Commission resolution showing continued support of the sales taxes currently collected by the county being used for education. Judge English questioned what the proposed bond issue is for, and Dr. Howard said it is for local controls of the HVAC systems, for changing out all lights to LED, along with improvement to windows and doors at all the county schools and other various buildings. Dr. Howard said it includes 14 schools, a learning center, the school bus shop and a few other buildings. Judge English thanked Dr. Howard for the use of the Smiths Station Junior High School for the upcoming election on March 5, 2024. Judge English asked Dr. Howard about the completion date of the renovations on the auditorium and if it would be completed by the November election. Dr. Howard said it would be ready prior to the November election. Commissioner Morris thanked Dr. Howard saying the county schools are the best in the state. Judge English said the reputation of the three school systems are what helps to give Lee County sustained growth. Judge English said he would like to clarify the wording on the Resolution presented since it states Lee County collects and remits the sales tax to the school board but actually Lee County does not pass through that revenue; it is remitted directly to the school board by the collecting agency. Dr. Howard understood and said he agreed to allow Judge English to make the necessary clarifications. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the following Resolution and authorized Judge English to make the necessary corrections as stated. The motion carried unanimously. The following is the amended resolution:

**A RESOLUTION AND ORDER
CONFIRMING AND RATIFYING THE LEVY OF
THE ONE-CENT COUNTYWIDE SALES TAX IN LEE COUNTY**

BE IT RESOLVED AND ORDERED by the Lee County Commission (the "Commission"), the governing body of Lee County, Alabama (the "County"), as follows:

Section 1. Findings. The Commission hereby finds and declares as follows:

(i) that there is levied in the County, pursuant to Section 40-12-4 of the Code of Alabama, 1975, as amended, and pursuant to a resolution of the Commission adopted September 30, 1991 (Minutes Book 7, pp. 298-304), and extended indefinitely pursuant to a resolution of the Commission adopted on March 29, 1993 (Minutes Book 8, pp. 89-95), a special privilege or license tax or excise tax at the basic rate of one percent (1%) for public school purposes (herein together called the "Sales Tax"), a portion of the proceeds of which is presently allocated and apportioned to the Lee County Board of Education (the "Board"), and has been since its inception; and

(ii) that the Board has notified the Commission that the Board proposes (a) to issue its Special Tax School Warrants, Series 2024, in the approximate aggregate principal amount of \$22,000,000 (the "Warrants"), for the purpose of financing various capital improvements to the public schools in the County under the jurisdiction and control of the Board, and (b) to pledge, for the payment of the principal of and interest on the Warrants, that portion of the proceeds of the

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Sales Tax presently being allocated, apportioned and paid to the Board, subject to a prior pledge thereof.

Section 2. Continuation of Sales Tax. The County hereby agrees, for the benefit of the Board and the registered owners of the Warrants, that it shall continue to levy, at rates not less than those at which the Sales Tax is presently levied, the Sales Tax and to provide for the collection of the Sales Tax.

Section 3. Collection of Sales Tax.

(i) The County hereby directs that the entity that collects the Sales Tax for County, whether Avenu Insights and Analytics, or the Alabama Department of Revenue, or otherwise, to collect, pursuant to Sections 40-12-4 through 40-12-7 of the Code of Alabama, 1975, as amended, the Sales Tax as levied, and the amount certified as having been collected for the use of the County, less collection charges deducted, shall be paid to the Chief School Financial Officer of the Board until the final retirement of the Warrants, now expected to occur on or before February 1, 2044; and

(ii) The Commission hereby directs that a certified copy of this Order and Resolution be forwarded to the entity that collects these taxes for County, and to the Board.

ADOPTED this 26th day of February, 2024.

Judge English presented the Annual Levy of Alcoholic Beverages for FY2024-2025 and stated there are no changes in the county fees. Ms. McCall pointed out that there are two new classifications on this year's list. Commissioner Long made a motion to approve the following Resolution to set the Annual Levy of Alcoholic Beverages for FY2024-2025. The motion was seconded by Commissioner Morris and carried unanimously.

BE IT RESOLVED by the Lee County Commission that the County license levies for the sale of liquor, beer and wine for the fiscal year beginning October 1, 2024, to be set in the following amounts:

010 Lounge Retail Liquor – Class I	\$150.00
011 Lounge Retail Liquor – Class II (Package)	\$150.00
020 Restaurant Retail Liquor	\$150.00
031 Club Liquor – Class I	\$150.00
032 Club Liquor – Class II	\$375.00
040 Retail Beer (On or Off Premises)	\$75.00
050 Retail Beer (Off Premises Only)	\$75.00
060 Retail Table Wine (On or Off Premises)	\$75.00
070 Retail Table Wine (Off Premises Only)	\$75.00
080 Liquor Wholesale	\$500.00
090 Wholesale Beer Only	\$275.00
100 Wholesale Table Wine Only – 16.5% or less	\$275.00
110 Wholesale Table Wine & Beer Combined	\$375.00

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120 Warehouse License	\$100.00
130 Additional Warehouse – Wine, Beer or Both	\$100.00
140 Special Events Retail	\$75.00
150 Special Retail License – 30 days or less	\$100.00
160 Special Retail License – More than 30 days	\$250.00
170 Retail Common Carrier	\$150.00
200 Manufacturer	\$500.00
210 Importer	\$250.00
220 Brewpub	\$500.00
230 International Motor Speedway	\$3,000.00
250 Wine Festival License	\$50.00
260 Wine Festival Participant License	\$15.00
300 Hospitality Management Program License	\$0.00
310 Food or Beverage Truck License	\$0.00
500 Direct Wine Shipper	\$200.00
510 Wine Fulfillment Center	\$500.00
520 Additional Wine Fulfillment Center	\$100.00
530 Delivery Service License	\$250.00
800 In-State Winery Off-Site Testing Permit	\$0.00

Sheriff Jones presented an ABC license transfer for 169 Bar and Grill. Sheriff Jones said the results of a canvas of 12 residents in proximity of the establishment resulted in: 3 residents had objections, 3 residents had no objections; and 6 residents had no opinion. Additionally, Sheriff Jones said the State Fire Marshal completed an inspection of the building. Commissioner Langley made a motion, seconded by Commissioner Cannon, to approve the following Resolution to transfer the license as presented. The motion carried on a vote of 4-1 with Commissioner LaGrand voting “No”.

BE IT RESOLVED, Lee County Commission hereby approves the license transfer for 169 Bar and Grill located at 2102 Alabama Highway 169, Opelika, Alabama.

Next, Sheriff Jones presented an ABC license transfer for Express Foodmart. Sheriff Jones said no objections were received on the issuance of the license. Commissioner Langley made a motion, seconded by Commissioner LaGrand to approve the following Resolution approving the license transfer. The motion carried unanimously.

BE IT RESOLVED, Lee County Commission hereby approves the license transfer of Express Foodmart located at 10 Lee Road 189, Opelika, Alabama.

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Next, Sheriff Jones asked the Commission to add an item to the agenda due to time sensitivity. Sheriff Jones said he has been working with Senator Tuberville to obtain an appropriation for an upgraded 800 MHz system at an approximate cost of \$5 million dollars. Commissioner Cannon made a motion, seconded by Commissioner Long, to add the item to the agenda. The motion carried unanimously. Sheriff Jones said the upgrade will not only benefit the Sheriff's Office but would also be beneficial to the area volunteer fire departments. Sheriff Jones said the total cost of nearly \$5 million dollars would need a commitment from the Commission to provide a 20% match, or about one million dollars. Sheriff Jones said the system would be phased-in over a 3-to-4-year period so the funds could be allocated over that time frame. Commissioner Cannon said he is in favor since talks have been going ongoing for about three years or more. Judge English questioned where the funds would come from since it is not currently budgeted. County Administrative Officer Holly Leverette said it is currently in the capital plan since discussions have taken place during budget work sessions, since it has been discussed for some time. Commissioner Cannon asked if it could be paid over an extended timeframe. Sheriff Jones said his department would work with the vendor on that portion. Judge English questioned if action was necessary tonight. Sheriff Jones answered in the affirmative since the application deadline is February 29, 2024. Commissioner Cannon made a motion, seconded by Commissioner Morris, to authorize the application so Sheriff Jones can present a copy to Senator Tuberville. The motion carried unanimously.

County Engineer Justin Hardee presented the results of the annual bid for crack sealing on various county roads. Mr. Hardee said only one bid was returned and he recommends the Commission reject the bid and allow for him to negotiate downward as authorized under Alabama Bid Law. Commissioner Long made a motion, seconded by Commissioner Langley, to reject the bid and allow Mr. Hardee to negotiate downward. The motion carried unanimously.

Next, Mr. Hardee presented final plat approval for Hunter's Point Subdivision for Commission consideration. Mr. Hardee said the final plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed subdivision is located adjacent to Lee Road 334. Adjacent property owners were notified of the development by letters sent out February 15, 2024, so they may attend and voice their support, opposition, or to obtain more information. Judge English questioned if anyone was in attendance on the subdivision, but no one spoke on the matter. Afterward, Commissioner Langley made a motion, seconded by Commissioner Long, for final plat approval for Hunter's Point Subdivision as presented. The motion carried unanimously.

Judge English said under advice of Attorney Robbie Hyde the Commission needs to adjourn into Executive Session concerning a personnel matter. Mrs. Hyde said County Attorney Stan Martin and Chief Administrative Officer Holly Leverette needed to attend. The session may

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last approximately 45 minutes, and official action is anticipated at the conclusion. At approximately 5:30 p.m. Commissioner Long made a motion to adjourn into executive session. The motion was seconded by Commissioner Morris and carried unanimously.

Upon reconvening after the Executive Session, Commissioner Long made a motion to uphold the action taken by Chief Administrative Officer Holly Leverette on the personnel matter. The motion was seconded by Commissioner Morris and carried on a vote of 4-1 with Commissioner LaGrand voting "No".

At approximately 6:48 p.m. Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Cannon and carried unanimously.