

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, JUNE 10, 2024

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 10, 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.

Becky Saunders of Liberty Learning Foundation was not in attendance.

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 May 28, 2024. First reading of Dr. John Abrams and Dr. Michael B. Williams and to the East Alabama Health Care Authority Board and first reading of Mary Henry and Opelika Police Chief Shane Healey to the Lee County Emergency Communications (E911) Board was made. Commissioner LaGrand questioned if the Commission Office is still receiving mail at post office box 666. Judge English confirmed saying he personally went to the post office to set open the new box 2412. Commissioner Cannon made a motion, seconded by Commissioner LaGrand, to approve the consent agenda items as presented for approval. The motion carried on a vote of 3-1-1 with Commissioner LaGrand voting "No" and Commissioner Long abstaining.

Commissioner Cannon discussed earmarking funds for dirt road paving. Commissioner Cannon said he would like to resume paving in all 5 districts. Commissioner Cannon said he would like to look at the revenue generated from SSUT from this past September to next September. Judge English asked if other Commissioners were interested in paving dirt roads. Commissioners Langley and LaGrand answered in the affirmative also. Judge English questioned how they wanted to earmark the funds. Commissioner Cannon said he would like to allocate 10–15% of SSUT. Judge English questioned how much was budgeted for SSUT revenue. Chief Administrative Officer Leverette said \$4.5 million in the current budget. Mrs. Leverette said SSUT has grown since projected last year, and expects to budget \$5.5 million for FY2025, and that could change by budget time. Mrs. Leverette said the funds are deposited into the General Fund and a portion goes into Highway Department and Solid Waste to shore up those funds. Judge English questioned the amount of the funds received for the last six months. Mrs. Leverette said the numbers go up in the summer and she would like to look at the numbers over the next few months. Judge English reminded the Commission earmarking for paving of dirt roads with funds already earmarked for the Highway Dept. would take those funds away from the paved roads. Commissioner Morris said he agreed with earmarking the funds but did not want to take one cent from paved roads. Commissioner Cannon reminded those that ACCA recommends earmarking SSUT revenues to avoid attacks on that funding. He said he wanted to set money aside for paving dirt roads, and not necessarily start paving this year, but in one to two years. Judge English questioned how the SSUT funds are currently allocated. Mrs. Leverette said it goes to the General Fund, and then to the Highway Department, Solid Waste, the Sheriff's

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Department and to personnel countywide. Judge English said he would like to see what we are doing with the funds currently. Commissioner Long said he agreed with Commissioner Morris, saying he does not want to hurt the current resurfacing program but would like to possibly earmark funds for road maintenance. Judge English asked County Engineer Justin Hardee on the growth of road maintenance. Mr. Hardee said currently the county has 625 miles paved, 175 dirt for a total of 800 miles. Judge English said that equates to 21.5% are dirt, 78.5% paved. Commissioner Cannon stated that some roads, like logging roads, will never be paved. Mrs. Leverette said the Commission needs to allocate all the SSUT funds. Commissioner Cannon said the Commission can set a work session to discuss allocation of SSUT. Judge English questioned what percentage of the General Fund is from SSUT funds. Judge English asked for the figures for the first six months of the current budget year, or all of last year, where SSUT funds are being spent. Mrs. Leverette said she could provide both. Mrs. Leverette said she does not have a way to know, just that it all went into General Fund. Commissioner Morris asked what percentages of the General Fund go to each of the departments, and maybe we can earmark by those percentages. Mrs. Leverette said they could give the breakdown of the General Fund by department, and personnel costs. Judge English asked what percentage of the General Fund revenue budget comes from SSUT income. Mrs. Leverette said she could provide that.

Commissioner Cannon said to add earmarking of SSUT funds to the next work session on June 24, 2024. Mrs. Leverette said discussion was later on the agenda to schedule a work session to discuss the solid waste contracts with ADSI and GFL. Mrs. Leverette questioned if the work session will be held after the meeting. Judge English asked whether the preference was to hold a work session before or immediately after the meeting. Commissioner Long said he could not make it at 4:00 p.m. and LaGrand concurred saying he would like to wait until after the meeting. Commissioner Morris asked if we could combine both issues in the work session in one motion, and Judge English replied affirmatively. Commissioners Cannon made a motion, seconded by Commissioner Langley to hold a work session following the regularly scheduled meeting on June 24 on allocation of SSUT and discussion of the solid waste contracts with ADSI and GFL. The motion carried unanimously. Judge English questioned the deadline on the solid waste contracts. Mr. Hardee said deadline to either renew or not is in September for a March renewal. Judge English said if the decision is to rebid, there needs to be time for whatever the Commission decides.

Under new business, Sheriff Jones presented the results of Bid#2024-07 for one or more interview room system(s). Sheriff Jones said out of 12 bids mailed only three were returned. Sheriff Jones said the bid documentation has been reviewed saying the language in the bid contained errors in listing the specifications required, as a result, he would recommend the bids be rejected and rebid. Commissioner Long made a motion, seconded by Commissioner Cannon, to reject Bid #2024-07 for one or more interview room systems. The motion carried unanimously.

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County Engineer Justin Hardee presented an Auburn-Opelika Metropolitan Planning Organization Project Resolution for Commission consideration. Mr. Hardee said the project is to widen, install turn lanes, level, resurface and traffic stripe Lee Road 10 from Lee Road 137 (Wire Road) to Cox Road for approximately 3.250 miles. Mr. Hardee said it is an 80/20 match with 80% of the funding coming from the Auburn-Opelika MPO grant and the 20% match shared by Lee County and Auburn. Commissioner Morris made a motion, seconded by Commissioner Lagrand to approve the Auburn-Opelika MPO Resolution as presented. 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:

Widen, turn lane installation, level, resurface, and traffic stripe CR-10 from CR-137 (Wire Road) to Cox Road (approximately 3.250 miles)

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.

Next, Mrs. Leverette asked the Commission to rescind the ARPA Broadband Subrecipient Grant Award to Point Broadband and direct reissuance of the Loachapoka Project application. Mrs. Leverette said a notice was sent to Point Broadband notifying them of the Commission's decision to rescind the award if the signed agreement was not returned by today. Mrs. Leverette said she received a letter today from Point Broadband stating they wish to pull their application, that they had made an internal decision not to proceed. The following Resolution allows for the reissuing and advertising an application for the Loachapoka project in a substantially similar format as previously approved by the Commission provided, however, that the priority area shall only identify those areas that remain unserved and underserved in the Loachapoka Region consistent with ARPA requirements. Commissioner Cannon made a motion to rescind the ARPA Broadband Subrecipient Grant award to Point Broadband and approve the reissuance of the Loachapoka Project application as presented. The motion was seconded by Commissioner Long for discussion. Commissioner LaGrand said this is totally unacceptable and questioned if they were listening to the citizens. Judge English said the Commission cannot make them do the work. Commissioner LaGrand said he only found out about it on Friday. Commissioner Long questioned what will be gained to wait, the Commission is under a time crunch. Commissioner LaGrand said he has negative feelings and he wanted to express them. Commissioner Cannon said that Point Broadband did not follow through and that Mrs. Leverette notified the Commission at the last meeting. After more discussion, Judge English called for a vote on the motion and the

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motion carried unanimously.

RESOLUTION RESCINDING AWARD OF LEE COUNTY AMERICAN RESCUE PLAN ACT (ARPA) FUNDED BROADBAND EXPANSION GRANT

WHEREAS, Lee County, Alabama 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, following completion of a broadband feasibility study performed to identify priority unserved and underserved areas where the County should expand broadband fiber optic infrastructure, the Lee County Commission voted unanimously to allocate up to \$4,392,071.00 of ARPA funds for the expansion of broadband fiber optic infrastructure in unserved and underserved portions of Lee County, and subsequently approved the advertisement and solicitation of applications for four broadband expansion grants to be funded with ARPA funds; and

WHEREAS, the Commission specifically identified the Loachapoka Region as a priority area for the County; and

WHEREAS, following receipt of a grant application for the Loachapoka Region, the Commission awarded a broadband expansion grant in the amount of \$345,129.08 to Point Broadband; and

WHEREAS, following the above-referenced award of grants, the Lee County Commission and Point Broadband discovered that portions of the proposed project area in the Loachapoka Region grant application already contained adequate broadband fiber optic infrastructure and that slight adjustments to the project plan were warranted to best serve the community and ensure the proposed construction and expansion of broadband infrastructure within the project area to be performed pursuant to the awarded grant would take place in currently unserved portions of the Loachapoka Region; and

WHEREAS, representatives from Lee County and Point Broadband met to refine the locations within the Loachapoka Region where Point Broadband should perform its services as outlined in the grant application, and following said meeting, Point Broadband submitted a revised project plan with the revised proposed locations for construction and expansion within the Loachapoka Region project area previously approved by the Lee County Commission; and

WHEREAS, upon review and agreement that the revised project plan submitted by Point Broadband complied with the requirements of the original grant proposal for the Loachapoka Region, the Lee County Commission agreed to the amended project plan for broadband expansion in the Loachapoka Region and reduced the award amount to Point Broadband to \$278,983.80 to reflect the decreased scope; and

WHEREAS, consistent with the Resolution dated February 12, 2024, the County negotiated a subrecipient agreement with Point Broadband to provide a broadband infrastructure project in the Loachapoka Region, the latest draft of which was provided to Point Broadband on or about April 4, 2024, and has yet to be executed; and

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WHEREAS, consistent with guidance from the Commission, County staff provided written notice to Point Broadband, requesting that the subrecipient agreement be signed and returned by no later than close of business on June 10, 2024; and

WHEREAS, Point Broadband has failed to execute and return the subrecipient agreement; and

WHEREAS, the Commission finds it in the best interest of County, and in particular, for the citizens of the Loachapoka Region, to rescind the award to Point Broadband and reissue an application for the Loachapoka Region with the intent to secure a subrecipient to perform the project.

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

1. The County hereby rescinds the approval of the broadband expansion grant to Point Broadband for the Loachapoka Region.
2. The County is hereby directed to reissue and advertise an application in a substantially similar format as previously approved by the Commission, provided, however, that the priority area shall only identify those areas that remain unserved and underserved in the Loachapoka Region consistent with ARPA requirements.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the June 10, 2024, meeting of the Lee County Commission.

Mrs. Leverette presented the following Building and Grounds Maintenance position changes. Mrs. Leverette said in the light of a succession plan she would propose separating the Buildings & Grounds Maintenance Director position into two Directors; a Building and Grounds Director position and a Maintenance Director position, both at pay grade 202. Mrs. Leverette said the Building & Grounds Director would oversee and supervise the operations of the county's buildings and grounds to include new construction and renovation projects as well as the grounds staff. The Maintenance Director would oversee and supervise the operations of the county's technical and mechanical maintenance and repair of various facility systems and supervise the maintenance mechanics. This transition would help aid in the efficiency and the effectiveness of the Buildings and Grounds Maintenance Department. Mrs. Leverette said after running the two positions through the matrix, she recommends promoting the current Maintenance Supervisor to the new Maintenance Director position, and that he be promoted to a starting salary this is 25% over the starting salary for the new Maintenance Director position. Mrs. Leverette said the current Maintenance Supervisor has EPA certification, is qualified to service the sirens, installs in-car camera systems, operates the bucket truck and further is an asset to the county due to his experience and expertise. Further, Mrs. Leverette said the majority of the duties are in the Detention Facility and Sheriff Jones has agreed to give up a budgeted position to help fund the increase. Commissioner Long questioned if it was a one-time supplement. Mrs. Leverette said no, it would be year after year starting with the upcoming pay period on June 15. Commissioner Langley made a motion to approve the two positions: Building and Grounds Director and a Maintenance Director; and to set the salary of the Maintenance Director at 25% above the starting salary for the position beginning June 15, 2024. The motion was seconded by Commissioner

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Morris and carried on a vote of 4-1 with Commissioner LaGrand voting “No”.

Judge English said the work session for the solid waste contracts has been set by the Commission during the discussion of earmarking funds for paving dirt roads at the beginning of the meeting.

Next, Building Maintenance Director Jerry Lynch presented the results of Bid #2024-08 for a 2024 2500 HD Chevrolet crew cab truck with a work utility body. Mr. Lynch said two bids were returned, one from Donohoo Chevrolet for \$60,114.50 with a cheaper CM service body, and one from Larry Puckett Chevrolet for \$60,245.50 including a specified Knapheide 696 service body. Mr. Lynch recommended award of the bid to Larry Puckett Chevrolet which met the bid specifications since he has had experience with the cheaper service body which does not hold up over time with prolonged use. Commissioner Cannon made a motion to award Bid#2024-08 for a 2025 2500 HD Chevrolet truck to Larry Puckett Chevrolet for \$60,245.50. The motion was seconded by Commissioner Long and carried unanimously.

Last, Mr. Lynch presented bid results on Bid #2024-09 for a 2024 Chevrolet truck with an 8’ bed. Mr. Lynch said two bids were returned and he would recommend rejecting the bids. Mr. Lynch said the vendor has no trucks on the lot and there is a four-month wait list stating he would rebid at a later date. Commissioner Cannon made a motion, seconded by Commissioner Langley, to reject Bid #2024-09 for a 2024 Chevrolet truck. The motion carried unanimously.

At approximately 5:55 p.m. Commissioner Long made a motion, seconded by Commissioner Cannon to adjourn. The motion carried unanimously.