

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MAY 28, 2024

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, May 28, 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, Tony Langley and Richard LaGrand. Absent: Commissioner Gary Long. Elected Officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. No news media were in attendance.

Pamela Hughes was not in attendance to discuss the Mid-South RC&D Council's grant program.

Next, Chief Administrative Officer Holly Leverette gave a brief update on the Loachapoka Broadband Project. Mrs. Leverette said a draft agreement for the Loachapoka project was presented to a representative of Point Broadband on April 4, 2024. Mrs. Leverette said she has sent follow-up emails and has gotten no response. She said she received a verbal report that Point cannot complete the awarded project. Mrs. Leverette said she reached out to another source, not within Point Broadband, who said that representative is no longer employed with Point Broadband. Mrs. Leverette said the county needs to move forward with the project in the Loachapoka area and the Commission needs to decide how they wish to proceed. Mrs. Leverette said she talked with an IAC Consultant who has advised that the Commission should rescind their action, rescope the project and send out new applications. Judge English questioned when the project was awarded. Mrs. Leverette said it was awarded in February. Judge English said to send them a letter asking for a response by June 10. Commissioner Cannon said the project needs to move forward as soon as possible. Mrs. Leverette reminded the Commission there are only seven months left to possibly get an agreement for that area. Mrs. Leverette said Point Broadband was the only company that submitted an application the first round. Judge English said they all are aware that Point Broadband is not going to do the project. Judge English said he has heard some counties actually build-out the system for cable businesses to then take them over. Mrs. Leverette said Charter is the only other ISP with a footprint in the area.

EMA Director Rita Smith provided the Commission with an overview of the numerous grants received by her agency. Mrs. Smith said she is only presenting a snapshot but is happy to meet individually with each Commissioner to give a deeper understanding of them. First, Mrs. Smith said the major grant they receive is the Hazard Mitigation Grant which must be approved by FEMA every five years for Lee County to receive Federal funding. Next, another important one is the Emergency Management Performance Grant from Federal funds via Alabama EMA for \$61,000. Mrs. Smith explained that monthly reports must be submitted which must adhere to guidelines set by the State. Another \$11,000 is received from Alabama EMA as a supplement for counties who have Certified Emergency Management Directors as she does. Mrs. Smith noted this supplement will be increased from \$11,000 to \$17,000 this year.

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Mrs. Smith said they currently receive two grants from the Alabama Department of Public Health, they are: 1) RDS Grant – Regional Distribution Site grant, managed by EMA for Lee and 8 surrounding counties for mass distribution in the event of an emergency or pandemic; 2) SMORT Grant – used for the SMORT Team 2, which maintains the SMORT Unit and equipment. They receive a “pass thru” SRO grant for school resource officers which is provided by the Alabama Board of Education and goes to the Lee County Sheriff’s Office. Further, Mrs. Smith said they apply for and have received numerous grants through the Alabama Law Enforcement Agency (ALEA) for EMA needs, fire departments, police departments and the Sheriff’s Office. Mrs. Smith said they were awarded \$40,000 from Mid-South RC&D for a drone. They have applied for a Foundation Grant with Alabama Power Company which is pending for weather radios to assist underprivileged areas in the county. Mrs. Smith said they have applied for a Congressional Grant through Senator Tuberville’s office for a FEMA Certified Community Shelter for the Beauregard Community. Also, they have applied for a Firehouse Subs Grant for extraction tools to assist the volunteer fire departments. Judge English asked Mrs. Smith to email the summary to the entire Commission for their review.

Judge English added an item to update the Commission on the Memorandum of Understanding with the Lee County Health Department for building improvements. Judge English said they would like to add the replacement of the roof for an additional \$100,000 building improvement. Judge English said they are funding the project and there is no cost to the county, which improves the county’s building. The Commission had no objection.

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 13, 2024. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as presented for approval. The motion carried unanimously.

Revenue Commissioner Oline Price presented the annual report on errors, litigations, and insolvencies. The amount represents what has been assessed and collected and remitted less the insolvencies and exemptions/credits every year. The credits were errors in assessments, insolvencies, bankruptcies, litigations, etc. The insolvencies are personal property that still have not been collected or that have liens on them and some of them may be from prior years. Commissioner Cannon made a motion to adopt the following Resolution, seconded by Commissioner Morris, and carried unanimously.

BE IT RESOLVED by the Lee County Commission that the reports filed by Oline W. Price, Lee County Revenue Commissioner, of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2023 and Uncollected Insolvencies and Taxes in Litigation for previous years are hereby approved, and that the Chairman is hereby authorized to sign same; and that said Revenue

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Commissioner be and she is hereby allowed credit for taxes listed in these reports.

County Engineer Justin Hardee presented bid results for the FY2024 Local Striping Bid LCP 41-SRPM-24. Mr. Hardee said the bids were opened on May 15, 2024 for traffic stripe and pavement markers on various public roads in Lee County for approximately 82 miles. Mr. Hardee said two bids were returned, they are: 1) JLD Enterprises, LLC of Auburn, Alabama - \$189,220.00 and 2) Ozark Striping Co., LLC of Ozark, Alabama - \$194,570.00. Mr. Hardee recommended the Commission award the bid to JLD Enterprises, LLC since it was within the estimated budget for the project. Upon this recommendation, Commissioner LaGrand made a motion, seconded by Commissioner Cannon to award the bid to JLD Enterprises for \$189,220 for the FY2024 Local Striping Bid LCP 41-SRPM-24 as presented. The motion carried unanimously.

Mrs. Leverette presented updated Commission billing guidelines for residential fees and an updated application for county garbage service for Commission consideration. First, Mrs. Leverette pointed out that the two following agenda items are included in these billing guidelines. Mrs. Leverette said since September 2024 when the day-to-day oversight of the Solid Waste Billing Office was transferred to the Commission office, there have been many new processes implemented and procedures updated to improve the functionality and efficiency of the entire Solid Waste billing program. Mrs. Leverette said many of these were developed out of concern from the citizens, unexpected issues that arose due to tenant/landlord relationships and the experience the billing office staff gained over the past eight months. Mrs. Leverette said the staff created a comprehensive Billing Guidelines document to encompass all the policies and processes that are related to billing of residential garbage fees. The document covers the following: the general law including Lee County's mandatory participation; information of exemptions and certificates for exception including the process for applying for both, what services are included in the fee as well as the commission approved guidelines relating to those services; the process for billing for the fees, payment options, delinquent accounts; and, what to do in order to discontinue service. Mrs. Leverette said the document will be the reference Commission Billing Office employees will reference in making daily decisions in relation to garbage billing.

Mrs. Leverette said one major change from the original guidelines is the handling of delinquent accounts. Mrs. Leverette said previous guidelines deemed an account unserviceable if not paid within 60 days of the statement date. The proposed guidelines state that at 30 days delinquent, accounts will receive a letter showing the balance owed and will include a 60-day notice of cart pickup and service interruption. This would deem an account unserviceable if not paid within 90 days of the statement date. Additionally, the following statement was added in the "*Curbside Collection – Carts*" section – "after each scheduled garbage collection, containers should be removed from the curbside or county right-of-way by the owner or occupant of the premises". Additionally, an updated Application for County Garbage Service is included in the packet for review and approval. Mrs. Leverette said the updated application now includes a rental verification form which will be required for property owners to sign acknowledging they are

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aware their tenant is applying for county garbage service. After discussion, Commissioner Morris made a motion, seconded by Commissioner Cannon, to approve the updated Billing Guidelines for Residential fees and an updated application for county garbage service. The motion passed on a vote of 3-1 with Commissioner LaGrand voting “No”.

Next, Mrs. Leverette discussed the updated exceptions for solid waste disposal. Mrs. Leverette said pursuant to Code of Alabama §22-27-3(g) a person, household, business, industry, or any property owner may store, haul, and dispose of his or her own solid waste on his or her land or otherwise, provided such storage, haulage, or disposal is accomplished pursuant to a certificate of exception. Property owners and residents can choose from two options to apply for the Certificate of Exemption, these are:

Option #1: Transportation and Storage Exception

- Store personal solid waste containing garbage in a flyproof container in a manner approved by the health department as to not create a public health hazard.
- Transport personal solid waste at least weekly, and only during set hours when the transfer stations, sanitary landfill or other approved sites are open.
- Furnish to the local county health department Lee County Health Department receipts secured from the disposal facility operator as evidence of proper disposal when requested. A current, executed service contract with a commercial disposal company will also be accepted.

Option #2: Shared Service

- Combine solid waste containing garbage with an adjacent property owner’s solid waste using an approved container after the following conditions have been met:
 - a. Provide the Lee County Health Department with a signed document containing the name, address, and solid waste collector account number of the adjacent property owner from which the service will be shared.
 - b. Documentation that the collector is aware that the service will be shared, is willing to accept a single price for both properties and will continue collection of combined services.
 - c. All persons under these agreements are in the same governing body’s collection jurisdiction.

Mrs. Leverette said upon Commission approval, the Solid Waste Certificate of Exception is proposed to be accepted at the beginning of the next billing year October 2024-September 2025. Commissioner Morris asked if there is an option if you do not want the service. Mrs. Leverette said no, saying the best option would be to use the shared service option with a neighbor whereby the person would pay a \$10 application fee to the Lee County Health Department for shared service if agreed upon by an adjacent property owner. Commissioner Morris made a motion, seconded by Commissioner Cannon, to approve the Solid Waste Certificate of Exception to begin in the October 2024 billing year. The motion carried unanimously.

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Last, Environmental Services Director John McDonald presented for Commission consideration amended Bulk Waste Collection Rules and Regulations. Mr. McDonald said several items needed to be amended for clarification. Mr. McDonald said some are for wording clarification and adding items that are not accepted for pickup. Commissioner Cannon made a motion, seconded by Commissioner Morris, to amend the Bulk Waste Collection Rules and Regulations as presented. The motion carried unanimously. The following are the amended Bulk Waste Collection Rules and Regulations.

Environmental Services Bulk Waste Collection Rules and Regulations

- The owner or occupant of each residential unit shall receive two (2) scheduled pickups per month to be limited to a combined volume of bulk waste of five (5) cubic yards (example—6 feetx6 feetx4 feet) per scheduled pickup. Pickups can be scheduled by calling Environmental Services Solid Waste Department at (334) 737-7013.
- No collection of bulk waste shall be made from any residential unit that does not subscribe to the County's collection system.
- All bulk waste should be placed in one pile within 8 feet of the curb (or edge of roadway) and no less than 5 feet away from any structure or objects that could prevent pickup or become damaged during pickup. Items should be placed and ready for pickup no later than 6:00 a.m. on the day of scheduled pick up.
- All unobstructed nails or screws that could injure collection personnel should be removed before items are placed out for collection.
- Building and service contractors must collect, transport, and dispose of all refuse generated from work. Commercial construction, demolition, land clearing, tree service/removal, or commercial landscaping debris is not eligible for pick up under the County's collection system.
- Household garbage, animal waste, roofing shingles, railroad ties, dirt, rocks, gravel, sawdust, tires, large tree stumps, propane cylinders, boats, asbestos, acid, explosive material, flammable liquids, ashes, motor oil, antifreeze, herbicides, or any other dangerous or highly corrosive materials are prohibited from being placed for collection.
- Limbs, brush, shrubbery, and other items not capable of being bagged shall be cut in lengths NOT exceeding five (5) feet and widths NO greater than six (6) inches in diameter. Limbs, brush, shrubbery, and other wood items shall be placed on curbside or road edge in front of the premises. All yard waste such as, leaves, grass clippings etc. should be placed in tied bags before being placed in front of each residential unit. This will help prevent wind scatter which could prevent collection of your material.
- Appliances containing refrigerant may be collected curbside provided that each refrigerant containing appliance has a sticker attached. Appliance stickers may be purchased at the Lee County Environmental Services Department located at 100 Orr Avenue, Opelika, AL 36803. The fee for a sticker to be attached to a refrigerator, freezer, air-conditioner, or other refrigerant containing item is \$10.00. Appliances

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may be delivered by the owner for no charge by scheduling an appointment for drop-off with the Lee County Recycling Department at 334-737-7013.00

At approximately 5:45 p.m. Commissioner Cannon made a motion, seconded by Commissioner Langley to adjourn. The motion carried unanimously.