

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, OCTOBER 15, 2024

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 15, 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, District Attorney Jessica Ventiere, Revenue Commissioner Oline Price and Coroner Daniel Sexton. News media in attendance: Opelika-Auburn news reporter Alex Husting.

EMA Assistant Director Austin Jones said the department was awarded a grant for \$12,000 from Mid-South RC&D Council for a new emergency response trailer. Mr. Jones said the trailer will be housed at the LCEMA building and will be the new response trailer #1. The grant includes purchase of the trailer, striping, and outfitting of the trailer and tie down points. Mr. Jones said with this addition they will be able to place trailers in Loachapoka and Smiths Station for quicker response times. Commissioner Morris thanked Mr. Jones for being responsive to him since Mrs. Rita Smith is currently in North Carolina assisting in the aftermath of Hurricane Helene. Mr. Jones said she will be traveling home tomorrow and has been assisting with Public Information and FEMA funding guidance on county reimbursements. Commissioner Cannon questioned if the RC&D offers other grants, especially for the Beulah Volunteer Fire Department. Mr. Jones answered affirmatively, saying they have been helping assist several local first responders in completing the applications for the grant.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listings of claims, procurement card transactions listing and a copy of the September 30, 2024 minutes. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as provided. The motion carried unanimously.

Judge English presented second reading of Cheryl Benford-Piner on the Lee County Recreation Board. Commissioner LaGrand made a motion, seconded by Commissioner Langley to reappoint Cheryl Benford-Piner to the Lee County Recreation Board representing District 5. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Cheryl Benford-Piner to the Lee County Recreation Board representing District 5 to serve a five-year term from October 14, 2024 to October 13, 2029.

Mrs. Leverette discussed the adopted “Lee County Commission Guidelines for Residential Garbage Fees” as presented at the last meeting. Mrs. Leverette said County Attorney Stan Martin recommended that the county adopt those guidelines into the County Policies and Procedures as the “Lee County Commission Rules and Regulations for Residential Garbage Fees”. Mrs. Leverette included a copy in the Commission packets of an updated Resolution for

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Commission consideration, which removed the language about civil action after the Commission recommended that wording be removed. Commissioner LaGrand said even though the wording has been changed, he still does not feel good about it. Mrs. Leverette said as presented at the last meeting the resolution also allows the County to authorize Advanced Disposal Services Alabama, LLC (ADSI) to pick up collection carts and suspend services for delinquent accounts in accordance with Code of Alabama §22-27-5(e) and the Rules and Regulations. The carts will be picked up by ADSI starting October 21, 2024, which will take approximately six weeks. Commissioner Long made a motion to authorize the Chairman to sign the Resolution and to adopt the guidelines into the County Policies and Procedures as the “Lee County Commission Rules and Regulations for Residential Garbage Fees” as presented. The motion was seconded by Commissioner Morris and passed on a vote of 4-1 with Commissioner LaGrand voting “No”.

RESOLUTION

WHEREAS, the Lee County Commission, hereinafter the Commission, provides services for the collection and disposal of solid wastes to the general public pursuant to the “Solid Wastes and Recyclable Materials Act,” hereinafter Act, being section 22-27-1 et seq. Code of Alabama (1975), and

WHEREAS, section 22-27-3(a)(2) of the Act states in part as follows: “Any county commission or municipal governing body providing services to the public under this article shall have the power and authority by resolution or ordinance to adopt rules and regulations providing for mandatory public participation in and subscription to such system of services,” and the Commission has resolved that such system of services is mandatory in Lee County, Alabama, and

WHEREAS, the Commission approved and adopted “Lee County Commission Billing Guidelines for Residential Garbage Fees” at its regular meeting on May 28, 2024, said Guidelines being the rules and regulations authorized by the Act, and

WHEREAS, it is proper pursuant to the Act to refer to said Guidelines as “Lee County Commission Rules and Regulations for Residential Garbage Fees,” and

WHEREAS, said Rules and Regulations contain a section on page 5 entitled “Garbage Disposal Fee Collection of Delinquent Accounts,” which states as follows:

GARBAGE DISPOSAL FEE COLLECTION OF DELINQUENT ACCOUNTS

- A late fee of \$15 will be applied to any account that is not paid in full within 30 days of the due date (**October 1st, January 1st, April 1st, and July 1st**).
- Any resident whose solid waste account is delinquent will receive a letter showing the balance owed and will include a 60-day notice of cart pick up and service suspension.
- Any account not paid for in full within 90 days of the due date will be deemed unserviceable.
- Any unserviceable account will lose curbside bulk collection eligibility and the residential cart will be picked up until the account is brought up to date.
- In the event an account is deemed unserviceable, and the cart is picked up, any unpaid balance including late fees, a \$25 cart delivery fee, \$55.50 for the first quarter of reactivated service and/or any returned check fees must be paid in full before service will be reactivated

These Rules and Regulations shall be followed, and

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WHEREAS, the Commission entered into a Contract with Arrow Disposal Service, Incorporated, hereinafter ADSI, on November 19, 2021, which Contract was extended on August 26, 2024, and the Commission has determined that it is time for ADSI to begin the process of picking up the Collection Carts for delinquent accounts pursuant to the Rules and Regulations, and

WHEREAS, section 22-27-5(e) of the Act provides for the suspension of services, and the Commission has determined that suspension of services is appropriate for the delinquent accounts pursuant to the Act and the Rules and Regulations, and

WHEREAS, it is also appropriate to rescind any previous rules, regulations, or guidelines which conflict with the current Rules and Regulations or are no longer applicable in light of the Commission's transition to a curbside system of services.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission that the "Lee County Commission Billing Guidelines for Residential Garbage Fees" are amended to change the title to "Lee County Commission Rules and Regulations for Residential Garbage Fees," and

BE IT FURTHER RESOLVED by the Lee County Commission that ADSI shall pick up the Collection Carts and suspend services for delinquent accounts, all in accordance with the Act and the Rules and Regulations, and

BE IT FURTHER RESOLVED by the Lee County Commission that any previous rules, regulations, or guidelines which conflict with the current Rules and Regulations or are no longer applicable because of the Commission's transition to a curbside system of services are hereby rescinded. All other previous Rules and Regulations remain in effect.

County Engineer Justin Hardee presented the final plat for Porter's Place Subdivision carried over from the last meeting. Mr. Hardee said the item was carried forward because several citizens expressed concerns about the survey and property pins. Mr. Hardee said the Highway Department reviewed the plat and it meets the county's regulations. Mr. Hardee said the Highway Department communicated with the surveyor and tried to address the issues raised. Commissioner Long said he spoke with the surveyor as well. Commissioner Long said from his first day in office, his understanding is that if the plat meets the county's regulations, then the county is required to sign it. Commissioner Long said he has to trust a professional surveyor. Upon this discussion, Mr. Hardee recommended the Commission approve the final plat for Porter's Place Subdivision. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the final plat for Porter's Place Subdivision as presented. The motion carried unanimously.

Commissioner Long said he wanted the Commission to discuss the renewal of Mr. Hardee's contract. Commissioner Long said he has had the opportunity to work with Mr. Hardee since coming on the Commission sixteen years ago. Commissioner Long said Mr. Hardee was the Assistant Engineer under Neal Hall, but once Mr. Hall retired Mr. Hardee replaced him as County Engineer. Commissioner Long said Mr. Hardee is a man of integrity and all his

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employees have that same attitude. Commissioner Long said Lee County is extremely fortunate to have Mr. Hardee in this role. Commissioner Long made a motion to authorize the Chairman to sign the renewal of Mr. Hardee's contract to take effect at the end of his current contract. The motion was seconded by Commissioner Morris and carried unanimously.

Sheriff Jones presented a Special Events Retail license application for Premium Pours Bartending for a Wine Festival which will be a one-day event held on October 19, 2024 at Stone and Ivy. Sheriff Jones said Premium Pours Bartending has been approved for the same type of license previously. Commissioner Long questioned if the establishment is in the city limits of Opelika. Sheriff Jones said it is in Opelika's Police jurisdiction. Commissioner LaGrand made a motion, seconded by Commissioner Langley to approve the following Resolution approving the Special Events Retail license for Premium Pours Bartending as presented.

BE IT RESOLVED, the Lee County Commission hereby approves the Special Events Retail license for Premium Pours Bartending for an event at Stone and Ivy located at 2611 Columbus Parkway, Opelika, Alabama 36801.

Next, Revenue Commissioner Oline Price presented two job descriptions for reclassification. They are 1) an Office Manager at a Pay Grade 113 and 2) a Taxpayer Services Representative/Training Coordinator at a Pay Grade 110. Mrs. Price said both positions are going up by one Pay Grade. Mrs. Price said the two positions are budgeted in the FY2025 Budget. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the reclassifications of the two positions; one an Office Manager at a Pay Grade 113 and the other position a Taxpayer Services Representative/Training Coordinator at a Pay Grade 110. The motion carried unanimously.

Mr. Hardee said from time-to-time citizens approach Commissioners and Highway Department personnel about what the requirements are for the county to begin maintaining a private dirt road. Mr. Hardee said citizens in District 5 have asked and most recently citizens in District 4 have asked for those requirements. The Highway Department has reached out to some other counties and developed a draft policy for Commission consideration so that we can provide the citizens with a clear and consistent answer. Mr. Hardee said the procedure includes 15 requirements that must be met prior to consideration of accepting a private dirt road for maintenance by the Commission. Commissioner Morris asked if the roads in District 4 and District 5 met all 15 requirements. Mr. Hardee said no. Commissioner Morris said he does not want the requirements to be so strict that they can't be met. Mr. Hardee said he went by a template from other counties. Commissioner Cannon questioned which requirements were not met. Mr. Hardee said property concerns where people rent the land and are not actual owners, and for use of property along a cul-de-sac for delivery trucks and school buses to turn around.

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Commissioner LaGrand thanked Mr. Hardee for the work he has done for this issue. Commissioner Langley said he appreciates it too but feels the county must have consistency for each dirt road. Commissioner Long said over the years he has seen this and most times it appears to be a driveway, and his concern is the cost to the county. Mr. Hardee said no action is necessary tonight, but he would like the Commission to review it, and possibly he would bring it back for Commission consideration at the October 28 meeting.

Mr. Hardee presented the final plat approval for Pine Ridge Subdivision for Commission consideration. Mr. Hardee said Pine Ridge Subdivision has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee said the proposed subdivision is located in District 4 and is adjacent to Lee Road 158. Mr. Hardee said the development consists of six lots, the smallest lot being 6.03 acres, with no new infrastructure. Mr. Hardee said adjacent property owners were notified of the development by letters mailed on September 25, 2024, so they may attend and voice their support, opposition, or obtain more information. Since no one was in attendance, Commissioner Langley made a motion, seconded by Commissioner Long to approve the final plat for Pine Ridge Subdivision located in District 4. The motion carried unanimously.

Next, Mr. Hardee presented final plat approval for Pine Meadow Subdivision for Commission consideration. Mr. Hardee said Pine Meadow Subdivision has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee said the proposed subdivision is located in District 5 and is adjacent to Lee Road 129 and Lee Road 175. Mr. Hardee said the development consists of 20 lots, the smallest lot being 1.50 acres, with no new infrastructure. Mr. Hardee said adjacent property owners were notified of the development by letters mailed on September 25, 2024, so they may attend and voice their support, opposition, or obtain more information. Mr. Harrison Bryce appeared asking when the development will begin and questioned what type of homes will be built on the lots. Judge English said the developer cannot sell lots until the plat is approved by the county, but once that is done, the Commission has no control over the developer's timetable. Judge English said the Commission is approving a design, the Commission cannot restrict the size of structures, only a requirement for lot sizes. Mr. Hardee said the smallest lot is one and a half acres, which meets the county's minimum requirement. Commissioner Cannon questioned reaching out to the developer to see if they have covenants on the subdivision. Mr. Hardee said the surveyor Mr. McBride is in attendance and he may know. Mr. McBride said they will be stick-built homes with a minimum of 2,300 sq. ft., approximately \$400,000 plus, but he is unsure if there are any covenants. Myron Nelson appeared asking if he could table the matter as a citizen. Judge English said he cannot, only the Commissioners can. Mr. Nelson said his property has covenants for five more years. Mr. Nelson said he has seen red-headed woodpeckers on the property, and that needs to be researched. Commissioner LaGrand said he would like to table the item. Commissioner LaGrand made a motion, seconded by Commissioner Langley to table the

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discussion. The motion carried unanimously.

Chief Administrative Officer Holly Leverette presented for Commission consideration the reclassification of two positions, they are: 1) Senior Accountant; and 2) Assistant Chief Financial Officer. Mrs. Leverette said the workload in the Finance Department of the Commission Office has significantly increased as the County Budgets including procurement and payables have grown over the last five years. There is also an increased need for review and additional oversight of the purchases being submitted by departments and the payments being issued to vendors. Mrs. Leverette said currently the tasks of purchasing, payables and payroll duties are being supervised by the Chief Financial Officer as well as other duties including overseeing the Commission Billing Office. There is a need for more of a middle management structure in the Finance Department so that all of the supervisory and procedural responsibilities do not continue to fall on one employee. Restructuring the Finance Department will also create advancement opportunities within the department and allow for succession planning for the future. The first reclassification is the Senior Accountant which is being updated to include supervision of two Procurement and Payables Specialists. The pay grade is increasing from Pay Grade 116 to 118. The Assistant Chief Financial Officer duties are being updated to include responsibilities for overseeing Payroll and supervision of the Payroll Accountant. The pay grade is increasing from Pay Grade 117 to 118. Both positions will be exempt positions. Both employees occupying these positions are currently in the Pay Grade 118, so according to policy they will both receive a 5% increase. Judge English interjected saying he echoes Mrs. Smith's email saying they have been told to wait until the next pay study. Mrs. Leverette said these two positions would be excluded from the pay study. Judge English asked to be on the next agenda to reclassify some positions in the Probate Office. Mrs. Leverette said these positions were included in the budget saying she knew they needed to be included in the budget. Mrs. Leverette said both reclassified positions were budgeted for in the FY2025 Operational Budget approved on September 30, 2024. Commissioner Langley made a motion, seconded by Commissioner Cannon to approve the reclassifications for the Staff Accountant and the Assistant Chief Financial Officer as presented. The motion carried on a vote of 4-1 with Commissioner LaGrand voting "No".

Mrs. Leverette presented several job changes for the Information Services Department. Mrs. Leverette said the demands in the department have grown significantly as the technologies the county departments are using are evolving by the number of systems and the type of system. Those systems add to the increased demand of the Information Services Department awareness and monitoring of the security of the systems as well. The Help Desk has seen an influx of calls because of the higher demand. Mrs. Leverette said the department is requesting a new position, Software Support Specialist, to work with the departments, helping them manage and troubleshoot their various software products. The position will aid in the customization of software and work closely with end-users to train them on using different third-party software solutions. The position will be a Pay Grade 115 with a salary range of \$53,228.15 - \$61,212.37.

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Next, Mrs. Leverette said upon reviewing all the positions and workload in the department it was determined the Systems Administrator, and the Network and Access Control Analyst job descriptions needed to be reclassified to reflect the tasks and responsibilities those employees were actually handling on a day-to-day basis. The System Administrator position is increasing from a Pay Grade 118 to a Pay Grade 120. The title of the Network and Access Control Analyst is changing to Network Security Administrator and the pay grade is increasing from a Grade 115 to a Grade 118. Both employees occupying these positions are currently in the pay range of the positions being classified to, therefore, they both will see a 5% increase, by policy. Mrs. Leverette said the new position of Software Support Specialist and the two positions reclassified were budgeted for in the FY2025 Operational Budget approved on September 30, 2024. Upon the presentation, Commissioner Long made a motion, seconded by Commissioner Cannon to approve the new position Software Support Specialist at a Pay Grade 118 and to reclassify the System Administrator at a Pay Grade 120 and to reclassify the Software Support Specialist at a Pay Grade 118. The motion carried unanimously.

Mrs. Leverette presented a FY2024 budget amendment for the payment of \$371,022.67 to Gamble Winter Construction for their pay application for the Justice Center Project. Mrs. Leverette said unallocated revenues from the Capital Projects fund from FY2024 need to be recognized for same amount of \$371,022.67 to pay the September 2024 pay application #19 from Gamble Winter Construction. Judge English questioned the amounts on the chart. Mrs. Leverette said that is retainage and architect fees, which are not included. Commissioner Morris made a motion, seconded by Commissioner Cannon to approve the budget amendment of \$371,022.67 from unallocated revenue from the FY2024 Capital Projects Fund as presented. The motion carried unanimously.

Parks Director Ryan Norris presented the results of Bid #2024-16 for landscaping services for the Loachapoka Community Park. Mr. Norris said bids were opened October 8, 2024 and only received one bid which was higher than the estimated bid bracket. Commissioner Long questioned how many vendors were sent the bid. Mr. Norris said eight. Mr. Norris recommended the Commission reject the bid so he could negotiate at a lower price than the one received on the bid. Mr. Norris said the negotiation process is allowed by the Code of Alabama §39-2-6(b). Commissioner Cannon made a motion, seconded by Commissioner LaGrand to reject the bid and allow for negotiations lower than the bid price. The motion carried unanimously. Commissioner LaGrand asked when Loachapoka Syrup Sopping would be this year. Ms. Lockhart, a Loachapoka resident, responded October 26. Commissioner LaGrand added he would be there.

Last, Environmental Services Director John McDonald presented the Scrap Tire Right-of-Way Contract with the Alabama Department of Environmental Management for Commission consideration. Mr. McDonald said the program has been a great benefit for Lee County by

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helping offset the cost of keeping scrap tires cleaned up and taken to an appropriate facility for disposal. Mr. McDonald recommended the Commission grant approval for the Chairman to sign the agreement to continue participation in the program. Commissioner Long questioned if citizens can bring tires on the free disposal day. Mr. McDonald said no. Commissioner LaGrand made a motion, seconded by Commissioner Morris to authorize the Chairman to sign the agreement with the Alabama Department of Environmental Management for scrap tires. The motion carried unanimously.

At approximately 6:00 p.m. Commissioner Cannon made a motion, seconded by Commissioner Langley to adjourn into a work session on Capital and Appropriations. The motion carried unanimously.