

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR SESSION, NOVEMBER 13, 2024

The Lee County Commission convened an organizational session at the Courthouse in Opelika, Alabama, Wednesday, November 13, 2024 pursuant to *Code of Alabama* §11-3-1. 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. Elected officials in attendance: Opelika Mayor Gary Fuller, City Council President Eddie Smith, Sheriff Jay Jones, Revenue Commissioner Oline Price and Coroner Daniel Sexton. News media in attendance: Opelika-Auburn news reporter Alex Husting.

Judge English had the honor of swearing-in of new Commissioner Jeff Drury and returning Commissioners Doug Cannon and Richard LaGrand. Commissioner Drury was joined by his wife Susan, who held the family Bible, and his children for his swearing-in. Commissioner Cannon was joined by his wife Amanda and their grandchildren who held the family Bible for his swearing-in. Judge English then performed the swearing-in of Commissioner Richard LaGrand who was joined by his wife Katie and a friend holding the Bible for the memorable occasion. Commissioner Drury joined the others on the bench.

Judge English gave an update on the General and Constitutional Election held Tuesday, November 5, 2024. He said it was the lowest turnout for a Presidential election in 24 years at 54.5%. Judge English said he does not do it alone; that it involves many county employees and recognized IT Director Amanda Sides and her staff; Maintenance Director Jerry Lynch and his staff. Judge English said Mrs. Sides and her staff worked for about a month getting the poll books ready for the election. He said the maintenance department handles delivery of the voting machines, tables, chairs and supply boxes with the election materials to all the 25 precincts in the county on the days leading up to the election and recovers them promptly beginning the day afterwards. Judge English said he would be remiss not to recognize all the poll workers who work a 14-hour plus day on Election Day for a mere \$125, saying most do it because they feel a sense of civic duty, not for the money. Judge English said his staff helped by answering the phones on election day, and three worked election night handling the incoming returns. He said all in all the election went well with only a few hitches. Judge English asked for a show of hands from audience members who voted in the morning, with several raising their hands, saying that based on the morning turnout he was concerned but as the day went on the lines evened out. Judge English also recognized the work of the Board of Registrars saying they register and remove voters and said if anyone has any concerns over their voter registration, to contact them. Last, but not least, he thanked Sheriff Jones, saying his deputies were fully deployed, working traffic and security during the day and then assisting poll workers in closing down the poll pads. Once finished, they return closing materials from each of the 25 precincts. Judge English said there were a total of 134,144 registered voters. Judge English said he, Sheriff Jones and Circuit Clerk Mary Roberson finished counting provisional votes yesterday. Commissioner Cannon thanked everyone involved in making the election successful. Commissioner LaGrand thanked

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all of the poll workers saying he would like to find a way to increase the poll worker pay. Judge English recognized the next Probate Judge Jere Colley and new District Judge Samantha Copelan who were in attendance.

Next, EMA Director Rita Smith said a new requirement by the Commission Office is to notify the Commissioners of any grants. Mrs. Smith said they were awarded a Homeland Security grant totaling \$174,672 for new LED light towers. Mrs. Smith said the units are trailer mounted and combined with a diesel generator. The units will provide lighting support during future elections at polling locations, preplanned events, and on emergency scenes. Mrs. Smith said the department plans to purchase 10-12 units with the exact number determined by the cost on the final quote. Mrs. Smith said they will strategically place the lights at volunteer fire departments to help with rapid response saying the units have security and a locking mechanism on them. Mrs. Smith said no action is needed tonight; it is just to inform the Commission.

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 October 28, 2024 minutes. Additionally, an updated listing of claims for ratification was presented prior to the meeting. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as provided. The motion carried on a vote of 4-1 with Commissioner Drury abstaining.

Under Old Business, Mrs. Smith said the contract with First Due was reviewed by County Attorney Stan Martin and the Commission should have a copy of the latest revision. Mrs. Smith said Mr. Martin had concerns over Item #18 saying First Due would not remove it. Mr. Martin said Item #18 references limited liability, saying he has a general objection to it but does not feel that the county will be sued over the contract. Mrs. Smith deferred discussion of the contract to EMA Deputy Director Austin Jones saying Mr. Jones will be able to explain the details better. Mr. Jones said it is management software which will be used by all the volunteer fire departments. Mr. Jones said the departments will be able to monitor hydrant maintenance and share information among participating departments. He added that this will be the first time all agencies will be on the same platform, saying some departments were using outdated software and some were using paper and pen. Commissioner Drury questioned if the \$10,300 is a one-time cost. Mr. Jones said it is for the software system initial integration and includes training. Mr. Jones said each department will receive one-on-one training including the EMA staff. Commissioner Drury questioned if it is cloud based. Mr. Jones concurred. Commissioner Langley said it will be a great tool especially with all the departments utilizing one platform. Mrs. Smith added that the Commission Office issued a purchase order for the software on October 8. Commissioner Cannon made a motion, seconded by Commissioner Langley, to authorize the Chairman to sign the contract with First Due. The motion carried on a vote of 4-1

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with Commissioner LaGrand voting “No”.

Next, Mrs. Smith asked the Commission to table the item to the next agenda concerning a one-time supplement for her deployment. Commissioner Cannon made a motion, seconded by Commissioner Morris to table the item. The motion carried unanimously.

Judge English stated that the Commission’s regular meeting schedule has to be set after the election of any commissioners according to *Code of Alabama* §11-3-8(a). Commissioner Morris made a motion to continue the meeting schedule at 5:00 pm on the second and last Monday of each month, as occasionally adjusted by the holiday schedule. The motion was seconded by Commissioner LaGrand and carried unanimously.

Sheriff Jones presented a retail beer license application from Store 109 located in District 3. Sheriff Jones said no objections have been noted for the transfer of the license. Commissioner Drury made a motion, seconded by Commissioner LaGrand to approve the following Resolution approving the retail beer license application for Store 109 as presented.

BE IT RESOLVED the Lee County Commission hereby approves the retail beer license for Store 109 located at 10780 Lee Road 240, Phenix City, Alabama.

Next, Sheriff Jones presented an educational reimbursement request from Deputy Hayden Greenlee. Sheriff Jones said the three courses: Introduction to Physical Security (HLS 2302), Weapons of Mass Destruction (HLS 3301) and Leadership (LDR 3301) have been reviewed and pertain to his current position. Commissioner Langley made a motion, seconded by Commissioner Morris to approve the educational reimbursement request as presented. The motion carried unanimously.

Lee-Russell Council of Governments Director of Planning and Economic Development David Robison appeared to ask the Commission to appoint a commission representative to the Rural Planning Organization. Mr. Robison said it includes the eastern and western parts of Lee County. Mr. Robison said the center portion is under the Metropolitan Planning Organization and Commissioner Morris is the appointed representative for that area. Commissioner Cannon said he would like to appoint Commissioner Drury to that position. Mr. Robison said District 3 falls under the Columbus-Phenix City MPO, not this RPO’s jurisdiction. Judge English said former Commissioner Harris was appointed to it and questioned if Commissioner LaGrand would be willing to serve. Commissioner LaGrand questioned how many times the board meets. Mr. Robison said at most a few times a year. Commissioner Cannon made a motion, seconded by Commissioner Morris to appoint Commissioner LaGrand to serve as the Commission representative on the Rural Planning Organization. The motion carried unanimously.

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Chief Administrative Officer Holly Leverette presented a contract award for the ventilation project in the Probate Office deed room. Mrs. Leverette said ARPA funds may be used for ventilation projects designed to mitigate and prevent COVID-19 in public buildings. The Lee County Commission has identified, with assistance from an independent consultant, an eligible COVID-19 ventilation project at the Lee County Courthouse specifically in the deed room. An RFP was released in accordance with Treasury guidelines for expending these funds. Aircon Mechanical, LLC was the only contractor that submitted a proposal in response, which has been reviewed by the architect of record and is in compliance with the County's request. The proposal in the amount of \$40,350 plus the costs of testing associated with the construction project in the amount of \$1,250 for a total project cost of \$41,600. Commissioner Cannon made a motion, seconded by Commissioner Morris, to authorize the Chairman to sign the following Resolution to allocate \$41,600 in American Rescue Plan Act Funds for governmental services and to award the contract to Aircon Mechanical, LLC for \$40,350 for the deed room ventilation project as presented. The motion carried unanimously.

**RESOLUTION TO AWARD CONTRACT
FOR DEED ROOM VENTILATION PROJECT AND FOR THE ALLOCATION AND
EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS**

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, ARPA funds may be used for ventilation projects designed to mitigate and prevent COVID-19 in public buildings ("eligible COVID-19 ventilation projects"); and

WHEREAS, the Lee County Commission (the "Commission") has identified, with assistance from an independent consultant, an eligible COVID-19 ventilation project at the Lee County Courthouse ("the project"); and

WHEREAS, the County engaged an architect to provide design services in furtherance of the Project; and

WHEREAS, as part of the design of the Project, the County engaged Aircon Mechanical, LLC, to do a preliminary testing of the system, incurring a cost of \$1,250.00; and

WHEREAS, consistent with Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, codified as 2 U.S.C. Part 200, ("Uniform Guidance") for goods or services under the simplified threshold and the Alabama Public Works Law, codified in Title 39 of the Code of Alabama (1975), the County solicited quotes for construction services to make improvements to the ventilation system in the deed room located in the Lee County Courthouse consistent with CDC guidelines (the Project); and

WHEREAS, Aircon Mechanical, LLC was the only contractor that submitted a quote in response, which has been reviewed by the architect of record for compliance with the County's request; and

WHEREAS, the Commission has determined that using ARPA funds to cover the

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reasonable costs of the Project is a necessary, eligible, and reasonable use of these funds; and

WHEREAS, the County Commission is satisfied that the process and bid received was in substantial compliance with the Public Works Law.

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

1) The Commission hereby allocates up to \$41,600 of the County's ARPA funds to cover costs associated with the construction of the Project, including \$1,250 for testing and \$40,350 for construction.

2) The Commission hereby accepts the quote of \$40,350 provided by Aircon Mechanical, LLC, and hereby awards Aircon Mechanical, LLC the contract to facilitate the construction of the eligible COVID-19 ventilation project defined herein.

3) The Commission further resolves to enter into a contract with Aircon Mechanical, LLC, in substantially the same format as provided in Addendum 1 hereto.

4) Upon the execution of the contract, the County Administrator is hereby authorized to expend ARPA funds consistent with the contract and this resolution in support of the Project.

5) Expenditure of the funds allocated herein shall be contingent on ongoing compliance with applicable state and federal procurement requirements, as well as the continued appropriation and availability of ARPA funds for this purpose. In no event shall funds allocated herein be used for any costs associated with the project that are not obligated on or before December 31, 2024 and expended on or before December 31, 2026.

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 13th day of November, 2024.

Next, Mrs. Leverette presented a Customer Service Agreement for the Employee Assistance Program with AllOne Health. Mrs. Leverette said the Commission approved the employee assistance program as a new benefit for the 2025 benefits year. Mrs. Leverette said an employee assistance program (EAP) is a work-based intervention program designed to identify and assist employees in resolving personal problems (e.g. marital, financial or emotional problems; family issues; substance/alcohol abuse) that may be adversely affecting the employee's performance. Mrs. Leverette said the total cost is \$10,591.556 annually or \$1.89 per member per month with each employee receiving six free visits per year. Mrs. Leverette said the service includes everyone in a household whether the person is employed with the county or not. Mrs. Leverette said she and HR Director Lisa Ruffin reviewed several proposals from EAP providers and determined that AllOne Health can provide the services needed at this time. Additionally, Mrs. Leverette said Mr. Martin has reviewed the agreement and has the same concerns about mutual liability as he had with Mrs. Smith's contract. Mrs. Leverette recommended the Commission enter into the three-year agreement with AllOne Health as presented. Commissioner LaGrand said it would benefit all county employees. Commissioner LaGrand made a motion, seconded by Commissioner Morris, to authorize the Chairman to enter into a three-year Customer Service Agreement with AllOne Health as presented. The motion carried unanimously.

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County Engineer Justin Hardee presented final plat approval for Pecan Grove Subdivision. Mr. Hardee said the subdivision is located adjacent to Lee Road 246 in District 4. Mr. Hardee said the subdivision consists of eight lots with the smallest being 3.01 acres with no new infrastructure. Mr. Hardee said the subdivision meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee said adjacent property owners were notified of the development by letters sent out October 31, 2024, so they may attend and voice their support, opposition, or obtain more information. Mr. Hardee asked if anyone was in attendance on the matter. After no one answered, Commissioner Langley made a motion, seconded by Commissioner Drury, for final plat approval for Pecan Grove Subdivision. The motion carried unanimously.

Next, Mr. Hardee presented the replat of Parcels 5 and 6 in Deep South Subdivision for final plat approval. Mr. Hardee said the subdivision is located adjacent to Lee Road 278, a dirt road, in District 4. Mr. Hardee said the replat is for three lots with the smallest lot being 3.33 acres. Mr. Hardee said the subdivision meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee said adjacent property owners were notified of the development by letters sent out October 31, 2024, so they may attend and voice their support, opposition, or obtain more information. Mr. Hardee asked if anyone was in attendance and there was no response. Commissioner Langley questioned if a parent lot is being split into three lots. Mr. Hardee said two lots are being split into three. Commissioner Langley made a motion, seconded by Commissioner LaGrand, to approve the replat of Parcels 5 and 6 in Deep South Subdivision as presented. The motion carried unanimously.

Last, Mr. Hardee presented a subdivision variance request for Lot 63 of Mallard Creek Subdivision. Mr. Hardee said Michael Bowden, owner of the lot, requested the variance to the *Lee County Subdivision and Land Management Regulations*. Mr. Hardee said Mr. Bowden is requesting a variance to section 5-3-6 of the regulations. Specifically, they request a variance to the road frontage requirement, which requires lots to have frontage on and access from an existing state, county, or city road. As required in Section 8-1 of the *Lee County Subdivision and Land Development Regulations*, the County Engineer shall review the variance application and the circumstances and make a recommendation in writing to the Commission at a regularly scheduled meeting. Mr. Hardee said the situation involves a home that was built across property lines which Mr. Bowden has been trying to resolve for three years and documentation was provided to Mr. Hardee and was verified. Mr. Hardee said it is a unique situation and feels the variance request should be granted. Commissioner Drury said he met with the developer, who explained the situation to him. Commissioner Cannon questioned the year the house was built. Mr. Eubanks of Barrett-Simpson spoke saying the house was built around 2005-2006. Mr. Eubanks said they have had similar issues with about six homes built over property lines in this subdivision. Commissioner Drury made a motion, seconded by Commissioner Cannon, to grant the variance

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request for Lot 63 of Mallard Creek Subdivision as presented. The motion carried unanimously.

Information Technology Director Amanda Sides presented an Information Services Acceptance Use Policy for Commission review and consideration. Mrs. Sides said the Information Systems Acceptance Use Policy has been designed to ensure compliance with national standards and meet the Criminal Justice Information Services (CJIS) requirements for the Lee County Sheriff's Office. This policy applies to all employees who utilize Electronic Technology Resources, as defined within the policy. It will be distributed through the ThreatAdvice system for Lee County Commission employees and the PowerDMS system for Lee County Sheriff's Office employees. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the Information Services Acceptance Use Policy as presented. The motion carried unanimously.

At approximately 6:00 p.m., Commissioner Cannon made a motion, seconded by Commissioner Langley to adjourn. The motion carried unanimously.