

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

The Chairman declared a quorum and officially opened a special called meeting at 4:00 p.m. with the following members recorded as being present: Judge Bill English, Chairman and Commissioners Doug Cannon, Ross Morris, Jeff Drury, Tony Langley, and Richard LaGrand. Attorney Richard Davis advised that the Commission needed to go into executive session regarding a matter of current litigation. He said it would take about an hour, and that no formal action would need to be taken at the conclusion, but possibly could in the regular meeting afterward. County Attorney Stan Martin, Planning Commission Attorney Tutt Barrett, County Engineer Justin Hardee and County Administrator Holly Leverette attended. Commissioner Cannon made a motion, seconded by Commissioner Morris, to go into an Executive Session on a matter of current litigation. The motion carried unanimously.

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 9, 2024 at 5:00 p.m. 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, Jeff Drury, Tony Langley, and Richard LaGrand.

Judge English recognized the elected officials in attendance: Sheriff Jay Jones, Revenue Commissioner Oline Price and Coroner Daniel Sexton. News media in attendance: Opelika-Auburn news reporter Alex Husting and The Observer reporter Hannah Goldfinger.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listings of claims, procurement card transactions and a copy of the November 25, 2024 minutes. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as presented. The motion carried unanimously.

Under Old Business, Judge English spoke on the quarry litigation update and said Attorney Richard Davis had to go across the street to make a presentation to the members of the Lee County Planning Commission. Judge English said that Mr. Davis presented details about a proposed quarry settlement during the Executive Session, and questioned if the Commission wanted to take any action on the matter. Commissioner Cannon made a motion answering the questions as discussed during the Executive Session affirmatively, moved to adopt the following Resolution, and authorize the Chairman to sign and act on behalf on the Commission. The motion was seconded by Commissioner Morris, and the vote was taken. Commissioners Cannon and Morris voted "Yes", Commissioners Langley and LaGrand voted "No", and Commissioner Drury abstained, being this is only his second meeting as a member of the Commission. Upon a vote evenly divided 2:2:1, Chairman English voted "Yes" to break the tie, as prescribed in Code of Alabama §11-3-20(a). The motion carried by a vote of 3 to 2 in favor, plus one abstention.

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

RESOLUTION

BE IT RESOLVED, the Lee County Commission desires to settle the Lawsuits (as defined above), finally and on the terms and conditions set forth in the Consent Decree and the Settlement Agreement and Mutual Release of Specified Claims, for the purposes of avoiding the burden, expense, and uncertainty of further litigation and to obtain the benefits for the County and the additional protections of Halawakee Creek presented by the settlement, with the goal of putting to rest the controversies set forth in the Lawsuits, and, therefore, authorizes its Chairman to sign the documents and take the actions required to effectuate the settlement as the act of the County Commission.

Under New Business, Lee County Health Department Assistant District Administrator James Hardin discussed upcoming planned improvements to the Lee County Health Department building. Mr. Hardin said he is here to get Commission authority since the Commission owns the building. Mr. Hardin said the estimated cost of improvements total \$366,800, to be paid by the APHCA for planned improvements, which includes replacing carpet, interior and exterior painting, pressure washing concrete surfaces, general landscaping and other minor improvements. The Robins & Morton Group will be the Program Management Contractor for the improvements. Mr. Hardin thanked Lee County Maintenance Director Jerry Lynch for his prompt response when issues arise at the building. Commissioner Morris made a motion, seconded by Commissioner Cannon to authorize the Chairman to sign the following Memorandum of Understanding for planned improvements to the Lee County Health Department building as discussed. The motion carried unanimously.

**MEMORANDUM OF UNDERSTANDING
AMONG THE ALABAMA DEPARTMENT OF PUBLIC HEALTH,
THE ALABAMA PUBLIC HEALTH CARE AUTHORITY, AND
THE LEE COUNTY COMMISSION
FOR IMPROVEMENTS TO THE LEE COUNTY PUBLIC HEALTH FACILITY**

This Memorandum of Understanding (MOU) entered into and among the Alabama Department of Public Health, hereinafter “Department,” the Alabama Public Health Care Authority, hereinafter, “APHCA”, and the Lee County Commission, Lee County, Alabama, hereinafter the “County”, is effective January 1, 2024, and terminates June 30, 2026.

WHEREAS, the parties have been unable to locate an agreement for a lease of the public health facility located at 1801 Corporate Drive, Opelika, Alabama, in Lee County (the “Premises”), which is owned by the County and occupied by the Department, with the County and the Department having historically operated as lessor and lessee, for the Department’s continued use of the Premises; and

WHEREAS, it is the understanding of the County and the Department that the Premises is intended to include all improvements to the public health facility and related parking facilities,

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

and all furnishings, fixtures, and equipment installed therein, and no alterations, additions or improvements to the Premises are to be made by the Department without first obtaining the express written consent of the County; and

WHEREAS, APHCA is a public corporation duly incorporated and authorized by resolution of the County Commission of Monroe County, Alabama, on November 21, 1995, under the provisions of The Health Care Authorities Act of 1982 codified at Alabama Code Sections 22-21-310 through 22-21-359, which authorizes APHCA to acquire, construct, install, equip, renovate and/or refurbish public health care facilities in order to promote public health throughout the State of Alabama; and

WHEREAS, the Department contributed funds to APHCA to allow APHCA to make certain repairs and maintenance in public health facilities, including, but not limited to, the Premises;

NOW, THEREFORE, inconsideration of the mutual covenants herein below specified and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties herein agree to the following:

The County and the Department are mutually desirous of APHCA making the following improvements at the Premises:

1. Repaint light poles with rust inhibitive paint.
2. Paint exterior metal doors with rust inhibitive paint.
3. Repaint metal windows.
4. Replace original carpet in Nurses Offices.
5. Replace original carpet throughout building.
6. Refinish interior metal doors and frames.
7. Replace water heater.
8. Pressure wash all concrete surfaces.
9. Remove dead trees and general landscaping.
10. Remove/Replace, add chair rails.
11. Paint interior walls.
12. Remove vinyl wall covering and paint walls.
13. Make minor changes to these improvements as required.

The estimated cost for such improvements is \$366,800.00 to be paid by APHCA using the funds contributed to APHCA by the Department. Should the cost of materials, labor or other related costs for the proposed improvements increase above the estimated cost due to factors beyond APHCA's control, the County and the Department agree and understand that the proposed improvements may be subject to reduction or modification. Additional improvements to those listed hereinabove may be undertaken by APHCA pursuant to a written amendment to this MOU, subject to the County's approval.

The parties agree to the use of the services of The Robins & Morton Group as the Program Management Contractor for the facility improvements. APHCA shall provide, at its own cost and expense, any and all appurtenances, devices, or accessories required for said Program Management Services.

The Department and the County agree and understand that the above-described facility

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

improvements remain with the Premises as fixtures and are not subject to removal by the Department upon termination of their relationship as lessor and lessee or this MOU.

The Department agrees further to pay any increased costs for casualty insurance, utilities, and taxes resulting from the facility improvements for which it may be responsible, in accordance with the terms and conditions of the parties' agreement.

This MOU will be incorporated as an addendum to the parties' agreement. All other provision thereof shall remain in full force and effect.

This MOU may be canceled at any time by either party providing a thirty (30) day written notice to the other party.

Commissioner Drury said after talking with County Engineer Justin Hardee he would recommend that the Environmental Services Department change the schedule of opening the disposal sites from half a day once a quarter to a full day once a month until the bulk schedules are worked out. Commissioner Cannon said he would like to see them open on the same Saturday each month, for consistency, like every first Saturday so citizens can rely on it. Commissioner Drury asked when the next disposal day is scheduled. County Engineer Justin Hardee said tentatively it is scheduled for January 4, which is the first Saturday in January. Commissioner Drury said that is a good time since it is right after Christmas, saying the first Saturday of each month works for him. Mr. Hardee said before finalizing the date, since Mr. McDonald would need to discuss the matter with the Board of Education because a few locations are on school property. Commissioner Langley questioned how long before the bulk schedule routes would be finalized. Environmental Services Director John McDonald said hopefully the first quarter of the year in January or February. Judge English questioned if employees would be required to work overtime on the free disposal days. Mrs. Leverette asked that overtime for the Highway Department employees who work those days be charged to Environmental Services instead of their regular department, since the overtime should be shown as a cost of running the disposal sites in the Environmental Services Department budget. Commissioner Drury questioned how the word would get out to the citizens. Mrs. Leverette said Mr. McDonald can place it on their Facebook page, the Commission Facebook page, and the county's website. Commissioner LaGrand suggested doing a radio ad as well. Commissioner Drury made a motion to open the disposal sites all day the first Saturday of each month beginning January 4, 2025. The motion was seconded by Commissioner LaGrand and carried unanimously.

Judge English said traditionally the Commission cancels the second December meeting, and the last time the Commission met for a second meeting was December 2012. Judge English said if the Commission decides to cancel the second December meeting, then the next meeting will be held January 13, 2025. After discussion, Commissioner Cannon made a motion, seconded by Commissioner LaGrand, to cancel the last December meeting. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

Sheriff Jones presented an educational reimbursement request for Sergeant Jeff Snyder. Sheriff Jones said the courses have been reviewed and pertain to his current position. The classes include: 1) Criminal Law-BCJ2331; 2) Criminology-BCJ-3301; and 3) Research Methods-BCJ4307. Commissioner Langley made a motion, seconded by Commissioner Morris to approve the educational reimbursement request for Sergeant Jeff Snyder as presented. The motion carried unanimously.

Next, Sheriff Jones presented the results of Bid #2025-03 for 19 or more Chevrolet Tahoes. Sheriff Jones said out of eight bids sent out only two were returned. They were: 1) Donohoo Chevrolet of Ft. Payne, Alabama for \$50,950.50 per unit; and 2) Hardy Automotive Group of Dallas, Georgia at \$50,789.00 per unit. Sheriff Jones said the Alabama State Contract is with Stivers Ford of Prattville, Alabama and they offer Ford Interceptors for \$47,300.00 per unit. Judge English questioned the type of vehicles that are in the Sheriff's fleet. Sheriff Jones said they currently have Ford Interceptors and Chevrolet Tahoes. Commissioner LaGrand questioned if no local vendors were able to supply the vehicles. Sheriff Jones said there were none. Commissioner Cannon made a motion to reject Bid#2025-03 and purchase these vehicles off the State contract. The motion was seconded by Commissioner Morris and carried unanimously.

Last, Sheriff Jones presented a request for approval of the contract, due to the current pricing on the Motorola P-25 being valid through December 15, 2024, for the expansion of the existing Alabama Interoperable Radio System (AIRS). Sheriff Jones said County Attorney Stan Martin has reviewed the contract and has a few items he would like to see addressed before approval. Sheriff Jones asked the Commission to conditionally approve the contract so minor details can be clarified by Mr. Martin. Sheriff Jones said he is asking approval since there are significant deductions if the contract is signed prior to December 15, otherwise there will be a significant price increase, over \$725,000, after that date. Commissioner Morris questioned if this equipment has the ability to communicate with Auburn, Opelika and Russell County systems. Sheriff Jones answered in the affirmative. Sheriff Jones said it is a P25 compliant system saying he does not see any issues or changes on the horizon. Commissioner Morris made a motion, seconded by Commissioner Cannon to approve the expansion of the existing Alabama Interoperable Radio System upon the contract being reviewed by Mr. Martin by December 15, 2024. Commissioner Drury questioned the steep price increase after that date and asked Chief Administrative Officer Holly Leverette if the information on the grant has been worked out. Mrs. Leverette said she has been in contact with Senator Tuberville on the status of the grant saying it appears the grant funds, along with the funds appropriated by the Commission, should be covered. Commissioner Langley questioned if ongoing maintenance costs have been budgeted. Mrs. Leverette said the first year is included and a service agreement that can be purchased later which would occur in a future budget year. Commissioner Drury questioned if the county takes ownership of the equipment at the end of the lease. Sheriff Jones answered in the affirmative. After discussion, Judge English called for a vote on the motion, and it carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

Next, Revenue Commissioner Oline Price presented an Ad Valorem Tax Abatement application from Clear Spring Properties, LLC. Mrs. Price said the company is planning to open a distribution center on Distribution Drive located off Highway 29 South in Auburn, in District 2, with an investment of \$7,000,000 which will initially employ 9 people with an estimated placed-in-service date of August 1, 2025. Mrs. Price said the Commission was provided with copies of the Abatement Application, Resolution and Agreement. Mrs. Price said Jacob Whaley is in attendance if anyone has questions. Judge English asked if this is affiliated with Porter Properties. Mrs. Price answered in the affirmative. Commissioner Morris made a motion, seconded by Commissioner Drury to authorize the Chairman to sign the Ad Valorem Tax Abatement Application, Resolution and Agreement from Clear Spring Properties, LLC as presented. The motion carried unanimously.

RESOLUTION NUMBER 1209-2024

This Resolution is made this 9th day of December 2024 by the Lee County Commission (the Granting Authority), to grant a tax abatement to Clear Spring Properties, LLC (the Company).

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., *Code of Alabama 1975*) (the Act) the Company has requested from the Granting Authority an Abatement of:

- All state and local noneducational property taxes, excluding Hospital and Dependent Children taxes
- All construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education.

WHEREAS, the Company has requested that the abatement of state and local noneducational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy available) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$6,400,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under the constitution and laws of the State of Alabama (including particularly the provision

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

of the Act) to carry out the provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of:

- All state and local noneducational property taxes, excluding Hospital and Dependent Children taxes
- All construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education.

As the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(a)(12) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

Coroner Daniel Sexton said the discussion for support of Local Legislation for the Coroner's Office has been requested to be carried forward to the January 13, 2025 meeting.

Next, Mr. Sexton requested use of space at the old Highway Department building on Orr Avenue. Mr. Sexton said he and Commissioner Cannon had discussed the space needed by the Coroner's Office and the area as shown on the map presented. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the space as documented on the map provided for the Coroner's Office at the building on Orr Avenue. The motion carried unanimously.

Last, Mr. Sexton asked the Commission to extend the Inmate Toxicology Agreement with the Alabama Department of Corrections from its original end date of December 31, 2024 to March 31, 2025. Mr. Sexton said Mr. Martin has reviewed the agreement and has been in communication with the attorney for the Department of Corrections. Mr. Sexton said the final revised agreement was provided to each Commissioner prior to the meeting. Commissioner Cannon made a motion, seconded by Commissioner Morris to extend the Inmate Toxicology Agreement for an additional three months as presented. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

**FIRST RENEWAL OF THE AGREEMENT BETWEEN
THE ALABAMA DEPARTMENT OF CORRECTIONS,
THE LEE COUNTY CORONER DANIEL SEXTON
AND THE LEE COUNTY COMMISSION**

This First Renewal of the Agreement (Renewal) is made and entered into by and between the Alabama Department of Corrections (ADOC) and Lee County Coroner Daniel Sexton and the Lee County Commission (Coroner), collectively referred to herein as the “Parties”.

WHEREAS, the Parties entered into an Agreement on or about June 7, 2024 wherein the Lee County Coroner would assist ADOC in acquiring toxicology testing for inmates who die while in ADOC custody; and,

WHEREAS, this term of this Agreement ends on December 31, 2024; and,

WHEREAS, the Parties wish to renew this Agreement for a three-month period; and,

NOW, THEREFORE, the Parties agree to renew this Agreement for a three (3) month term, beginning on January 1, 2025, and ending on March 31, 2025.

All other terms and provisions of the Agreement are to remain the same.

County Engineer Justin Hardee presented the final plat of Broken Rock Subdivision, Phase IV for Commission consideration. Mr. Hardee said it 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 462 in District 4 and includes nine lots utilizing existing roadway frontage with the smallest lot being 1.12 acres. Mr. Hardee said adjacent property owners were notified of the development by letters sent out November 21, 2024, so that they may attend and voice their support, opposition, or to obtain more information. Mr. Hardee asked if anyone was in attendance on this matter. There was no response. Commissioner Langley made a motion, seconded by Commissioner Drury to approve the final plat for Broken Rock Subdivision, Phase IV as presented. The motion carried unanimously.

Next, Mr. Hardee presented a plat of Lot 6 Division of East Stream Subdivision for final approval. 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 344 and Lee Road 348 in District 4 and includes three lots, the smallest lot being one acre, with no new infrastructure. Mr. Hardee said adjacent property owners were notified of the development by letters sent out November 21, 2024, so that they may attend and voice their support, opposition, or to obtain more information. Judge English asked if anyone was in attendance on this matter. Mr. Bo Jones appeared questioning if there will be spec homes or mobile homes. Judge English said the county has no authority over what type homes can be built on the lots. Mr. Hardee said Mr. McBride the surveyor was in attendance. Mr. McBride stated they are stick built homes. Mr. Jones thanked him for the response. Commissioner Langley made a motion, seconded by Commissioner LaGrand to approve the final plat for Lot 6 Division of East Stream Subdivision as presented. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

Next, Mr. Hardee asked the Commission to allow the Highway Department to demolish the old building on Magazine Avenue. Mr. Hardee said the building has become a hazard, with holes in the roof that cannot be repaired since it is not safe to get up there to repair. Mr. Hardee said the structure needs to be demolished to free up needed space at the site for other departments, as well as remove liability from the county. Mr. Hardee said the work can be done with county forces after all utilities have been cut off from the structure. The wood and metal will be disposed of by the Environmental Services Department and the brick and rubble will be hauled off by the Highway Department to be reused where needed along our roadways. Judge English asked when the demolition is scheduled to begin. Mr. Hardee said once it has been vacated and power and gas are disconnected. Mr. Hardee said once the removal is complete, a fence will be erected along the approximately 150 feet that fronts Magazine Avenue to secure the site from trespassers. Then the Highway Department will level off the area after demolition so it will be ready for any future plans the county may have for the site. Commissioner Cannon made a motion, seconded by Commissioner Langley to authorize the Highway Department to demolish the old building on Magazine Avenue. The motion carried unanimously.

Last, Emergency Management Agency Director Rita Smith requested use of a few structures on Magazine Avenue. Mrs. Smith said her agency would like to utilize: 1) the one metal structure with a roll-up door on the north fence line; 2) area along the north fence; 3) area along the east fence near the tower and 4) areas along the west fence line for parking equipment. Mrs. Smith said areas along the west fence line are for equipment parking day-to-day and areas along the north and east fence lines are during times of heightened resource times when mutual aid equipment is being used for preplanned events or large-scale emergencies. Mrs. Smith said the use of the building would house hazardous materials response resources for the county and the county-wide hazmat response truck. The areas along the west fence line will be used for day-to-day EMA equipment to provide secure storage of LED message boards, light towers, and other trailer mounted equipment. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize the use of the requested structures and space on Magazine Avenue by the Emergency Management Agency. The motion carried unanimously.

Prior to adjourning, Judge English said Mrs. Leverette has an item to discuss. Mrs. Leverette said the Agreement with Loachapoka Water Authority needs to be extended. Mrs. Leverette said the Loachapoka water project was the first project awarded utilizing ARPA funds. Mrs. Leverette said project is not complete, so the contract needs to be extended until the end of 2025. Mrs. Leverette said the project is anticipated to be completed in the next few months since only about \$192,000 of grant funds remain. Mrs. Leverette said the Commission previously authorized the Chairman to sign the agreement, so no action is necessary.

Next, Judge English wanted to make the Commission aware of the following Agency Agreement with the Alabama Secretary of State's Office for business reply mail for voter

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL & REG. SESSION, DEC. 9, 2024

notifications. Judge English said Board of Registrar member Cindy Thrash presented the agreement for his signature and he wanted the Commission to review it before signing. Judge English said a copy was provided to each Commissioner prior to the meeting, saying no action is necessary.

AGENCY AGREEMENT

The Lee County Commission hereby authorizes the Alabama Secretary of State to act as its agent for the purposes of paying postage necessary and performing the mailing of certain notices pursuant to the National Voting Rights Act of 1993 to voters as required by Act 2021-534 and collecting reimbursements from the State Election Fund. The Lee County Commission understands that the Secretary of State will be paying postage on the voter notifications required by §17-4-30(a), Code of Alabama (1975), from monies the County is entitled to for such costs from the State Elections Fund pursuant to §17-4-31, Code of Alabama (1975). The County Commission also agrees that the business reply mail account fee and business reply postage charges will remain its responsibility for which it may be reimbursed by the State of Alabama under the normal operations of the Act.

Last, Judge English recognized Assistant Chief Administrative Officer Alice McCall on her upcoming retirement on December 31, 2024 after serving 40½ years in the Lee County Commission Office. Judge English and the entire Commission thanked Ms. McCall for her exemplary service and the audience applauded her with a standing ovation.

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