

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 30, 2025

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Thursday, January 30, 2025, at 5:00 p.m. The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Jere Colley, Chairman, and Commissioners Doug Cannon, Ross Morris, Jeff Drury, Tony Langley, and Richard LaGrand.

Judge Colley recognized the elected officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika-Auburn news reporter Alex Husting.

Emergency Management Director Rita Smith made a check presentation to Sam Price, Chief Financial Officer of East Alabama Health Care Authority. The \$4,733,055.62 million check from FEMA represents the last payment for COVID-19 response and recovery eligible expenses to EAH as a result of federal declaration DR-4503. Ms. Smith thanked the offices of Sen. Tuberville and Sen. Britt for their assistance in securing the funds from four years and two months ago. Mr. Price thanked Ms. Smith for her efforts on EAH's behalf to ensure the funds were ultimately received.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: three listings of claims, and minutes of the January 13 meeting. An additional list of claims awaiting approval for payment was given to the Commissioners prior to the meeting. Commissioner Morris made a motion, seconded by Commissioner Cannon, to approve the consent agenda items as provided. The motion carried unanimously.

Commissioner Drury made a motion, seconded by Commissioner LaGrand to approve the following resolution to appoint Kenneth Harrison (place 3) and reappoint Shane Blankenship (place 4) to the Smiths Station Fire Protection District. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby appoint Kenneth Harrison (Place 3) and reappoints Shane Blankenship (Place 4) to the Smiths Station Fire Protection District to each serve a four-year term from February 28, 2025, until February 28, 2029.

Commissioner Langley made a motion, seconded by Commissioner LaGrand to approve the following resolution to reappoint Wes Goodson to the Beauregard Water Authority. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby reappoint Wes Goodson to the Beauregard Water Authority Board to serve a six-year term beginning March 1, 2025, until

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March 1, 2031.

Commissioner Cannon made a motion, seconded by Commissioner LaGrand to approve the following resolution to reappoint Sheri Todd and Mark Aderholt to the Loachapoka Water Authority. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby reappoint Sheri Todd and Mark Aderholt to the Loachapoka Water Authority Board to each serve a six-year term from March 1, 2025, until March 1, 2031.

Commissioner Drury made a motion, seconded by Commissioner Langley to approve the following resolution to reappoint Mary P. Henry and Joseph Walden to the Smiths Water Authority Board. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby reappoint Mary P. Henry and Joseph Walden to the Smiths Water Authority Board to each serve a six-year term from March 1, 2025, until March 1, 2031.

Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the following resolution to appoint Jere Colley and reappoint Dr. Anne Penney to the Integrea Community Health System Board. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby appoint Jere Colley and reappoints Dr. Anne Penney to the Integrea Community Health System Board to each serve a six-year term from April 1, 2025, until April 1, 2031.

Under New Business, Commissioner Cannon stated he would like to discuss setting a policy stating that any employee driving a county vehicle must obey the speed limit. He stated that other agencies have such a policy and would like the county to as well. Ms. Leverette stated that while the county doesn't specifically have a policy against speeding, in the Group 1 and Group 2 progressive disciplinary policy there are a few things supervisors and department heads can use if employees are caught speeding. She stated it can be difficult to track as unless there is a tracking device on the vehicle there is no decisive proof of speeding. She said the county's current policies when developed several years ago were broad enough to allow the department heads and appointing authorities to utilize and strengthen if needed; some that could be used include improper use and care of county property, careless or negligent use county property, violation of safety practices that may endanger the life or health of an employee (of which speeding could fall into that category), there is also intentional violation of county administrative regulations or lawful orders. Another option that could be cited is violation of any duly accepted county policy or accepted federal or state regulation in the performance of one's duty. So, although there may be no specific policy, there are things that can be cited currently in employee

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discipline. She said it is possible that the current policy needs to be made more specific and not as broad.

Commissioner Cannon stated that some county vehicles are already equipped with tracking devices and stated that they may need to be on all county vehicles as it sends alerts when they go over certain speeds. Ms. Leverette stated the broad county policies have allowed other appointing authorities to expand them to build departmental internal policies. She said she would like to look at the various internal policies and create one comprehensive, consistent policy. Mr. Hardee stated the inter-department policy is utilized by all of his employees that operate county vehicles and is signed, witnessed and placed in their personnel file so if any violations do occur the employee is already aware of the disciplinary actions that could be taken. He said he would be happy to forward that policy to the Commission to review to assist in the development of a county-wide policy.

Commissioner Morris said he would like to see a policy not only include speeding, but also the care of the vehicle itself. Judge Colley asked if an audit of an employee's driving history is ever conducted. Ms. Leverette said a driver's license verification audit will be held annually for employees identified as safety-sensitive, which is approximately 323. Per county policy, 20% of employees (which is roughly 65 people) designated as safety-sensitive will have their licenses randomly selected for review and they will also have to provide an updated copy (front and back) of their license as potential violations that require the license to be relinquished may not show up on records until after a court date.

Ms. Smith also stated that EMA has an internal policy regarding vehicle usage as well and would be more than happy to send that to Commissioners for review as well. No action was taken at this time.

Commissioner Cannon introduced for discussion holding work sessions prior to regular meetings to discuss agenda items. Commissioner Langley agreed, saying there are many topics the Commission doesn't get to discuss as a group that needs more than a few minutes on. Ms. Leverette said the work sessions do not have to be limited to agenda items but any Commission topic or project that needs further discussion provided the topics are duly publicized. Commissioner LaGrand said there are many important topics coming up and he would make a motion to hold work sessions prior to regular meetings at 4 p.m. beginning with the next Commission meeting. Commissioner LaGrand's motion was seconded by Commissioner Cannon and passed unanimously.

The next item discussed concerned the streaming of public comments. Commissioner Drury stated that one of the items he ran for office on was transparency and to live up to that commitment he would like to see the public comments live streamed and become part of the minutes. He also read from county policy what public comments are to be:

Citizens and other elected officials who wish to be heard by the Commission shall be

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afforded such opportunity during the portion of the meeting so designated. The comment shall conform to the requirements of decorum and order that apply to the members of the commission and the Chair shall take whatever steps are necessary (including the removal of any citizen or other elected official) to preserve such decorum and order. Comments shall be addressed to the County Commission and shall not include any personal or other comments addressed at any member of the County Commission or commission employee. There shall be no debate and no action by the County Commission during this portion of the agenda.

Judge Colley stated he would like a Commissioner to read the decorum statement before public comments at each meeting so that it sets the parameters of what can and can't be said. Commissioner Cannon agreed and said that if it is not followed, the Commission could always go back and vote to remove them again. Commissioner Drury made a motion to stream public comments with the decorum statement read prior to which was seconded by Commissioner Langley. The motion passed unanimously.

Sheriff Jones presented an educational reimbursement request from Deputy Hayden Greenlee for three classes, they are: 1) Introduction to Forensic Investigation, 2) Management and Supervision in Criminal Justice and 3) Criminal Justice Organization and Administration. Sheriff Jones stated the three classes align with his currently assigned duties. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the educational reimbursement request as presented. The motion carried unanimously.

Sheriff Jones presented a request for the creation of a Firearms Training Range for the Sheriff's Office. Sheriff Jones stated in previous years that the Sheriff's Office has been able to utilize facilities generously offered by Auburn and Opelika Police Departments for training and particularly firearms qualification training which is required yearly. He stated those facilities are being utilized more and they are finding it difficult to accommodate the use by additional agencies. He said through discussions with County Engineer Mr. Hardee, himself and his training staff, a parcel of county-owned land had been located in the Beulah community. He stated he would like to request approval from the Commission to utilize a portion of the approximately 43-acre parcel located off of Lee Road 275.

The portion to be utilized consists of 11 acres for a training facility which would include a firing range and in the future a structure to conduct additional training. Sheriff Jones said he would request the Highway Department to assist in preparing the land and would defer to the County Engineer on the timing and any necessary permitting. Commissioner Cannon asked Mr. Hardee how long clearing the 11 acres might take with Mr. Hardee stating the first step would be to secure any necessary permitting such as ADEM stormwater and following that would begin the process of clearing and burning any debris which weather permitting could take a little more than a week. Sheriff Jones stated they had received no objection from neighboring

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property owners. Commissioner Langley made a motion to approve the request which was seconded by Commissioner Morris. The motion passed unanimously.

Ms. Leverette presented an additional exemption from the solid waste disposal fees for the Commission to consider. She said the Code of Alabama 22-27-3a lists exemptions that can be utilized, one of which the Commission is already using which is SSI. She stated the Billing Office continues to work with the citizens on understanding that using the SSI exemption is an annual process and must be submitted yearly.

In addition to the SSI, there is also an exemption that can be made by households whose total income does not exceed 75% of the federal poverty level. This exemption must be authorized by local law and would apply to Lee County only; she said there are currently four counties that have this exemption, two of which are Baldwin and Jackson counties. She stated she has been in touch with Sen. Price, and he is willing to support this and take it to the Legislature. She said the first step would be the Commission approving and signing a resolution requesting the exemption. Similar to SSI, citizens would need to qualify every year as the threshold amount changes each year. To assist the citizens, she also said she would recommend that this and SSI be done at the same time each year. She stated moving forward with this exemption does not mean additional possibilities can't be explored, this particular exemption is just the easiest one to examine first.

Commissioner Cannon asked about incorporating an age exemption into the local bill. Ms. Leverette stated Sen. Price was continuing to look into that possibility, but it would take more time as that would have statewide ramifications and would require a Constitutional Amendment. Commissioner Langley said he wants to continue to look into the possibility of an age exemption to benefit the citizens but understands from Sen. Price that it will take time to work through the process that would entail. Ms. Leverette said when the time comes to look at an age exemption, census data would need to be looked at to determine how many citizens would fall into that category and how that would affect the solid waste budget. Commissioner Morris made a motion to pass the proposed resolution which was seconded by Commissioner Langley. The motion passed unanimously.

Solid Waste Disposal Fee Income Level Exemption Resolution

WHEREAS, Lee County has a number of households whose total income does not exceed 75% of the federal poverty level; and

WHEREAS, paying mandatory solid waste disposal program fees due to their income level places an undue burden on them; and

WHEREAS, the Code of Alabama Section 22-27-3(a) allows for the State Legislature by local law to authorize county commissions to grant an additional exemption to mandatory solid waste disposal program fees to households whose total income level does not exceed 75% of the federal poverty level.

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission, that the Lee

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County Legislative Delegation be asked to pass a local act authorizing county commissions to grant an additional exemption to mandatory solid waste disposal program fees to households whose total income level that does not exceed 75% of the federal poverty level.

BE IT FURTHER RESOLVED that a copy of this resolution and a copy of the Solid Waste Disposal Program Fee Exemption proposal be transmitted to each member of the Lee County Legislative Delegation.

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 30th day of January 2025.

Ms. Leverette presented the next item, the Justice Center Courtroom Audio/Visual project. Ms. Leverette stated there was a need to install new audio/visual technology in the four courtrooms currently under renovation at the T. K. Davis Justice Center. She stated the A/V project was a stand-alone project and therefore the cost was not included in the actual cost of the renovation project. She said the estimated cost of the project would be paid for using funds from the warrant, issued for the Justice Center Court Room Renovation project, approved by the Commission during the first quarter of FY25. A quote was included in the packets from Diversified, for installation of technology and equipment compatible with the A/V Technology currently utilized in courtroom 6 which will allow for continuity between all five courtrooms. Ms. Leverette stated the cost would be \$496,959.80 in total for the four courtrooms, which will include an additional server rack, training, and a three-year support contract.

Director of Information Services Amanda Sides stated they worked with the vendor, Diversified, and the Judges to determine needs; it's the same type of system and the components are similar enough to ensure continuity of services between the courtrooms. Ms. Leverette also stated the equipment would ensure ADA compliance and that this is the ideal time to do the project before the renovations are complete. Commissioner Drury made a motion seconded by Commissioner Langley to accept the T.K. Davis Justice Center Audio/Visual Project in coordination with the ongoing renovation as presented and authorize the county administrator to enter into an agreement with Diversified. The motion passed unanimously.

Mr. Hardee presented a final plat for approval for the Division of Lot 1 and 2, Avalon Acres Subdivision located in District 4. Mr. Hardee said it is creating six lots utilizing existing road frontage. He stated the subdivision has been reviewed and meets the minimum requirements of the Lee County Subdivision and Land Development Regulations. Mr. Hardee said the subdivision is located adjacent to Lee Road 250 and Lee Road 281. Mr. Hardee said adjacent property owner(s) were notified of the development via letters sent out January 15, 2025, so they may attend and voice their support, opposition, or to obtain more information. Judge Colley questioned the audience, and Mr. Melton Colbert requested to speak.

Mr. Colbert stated he was against it as it would change the entire area, and the natural flow of water would be affected. He claims the developer is destroying the neighborhood. He

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stated the property owner had already begun clearing the land, then stopped. Mr. Hardee stated the Highway Department has subdivision regulations that have been adopted and are enforced throughout the county. Those regulations go into how property can be subdivided, type of road frontage required, access to public roads, etc. There are no regulations or jurisdiction if a neighbor does or does not want something subdivided.

Mr. Colbert also mentioned he was concerned about the speed limit of Lee Road 250 and the amount of large truck traffic. Commissioner Langley stated he would ask the Sheriff's Office for additional patrols of the roadway. Mr. Colbert expressed his concern regarding the natural drain on the property which begins on Lee Road 250 and extends down and crosses Lee Road 281. Commissioner Cannon stated that regulations stipulate that water cannot be placed on another person's property. Mr. Hardee agreed, saying the stormwater regulations state that someone developing a property cannot add additional water to what the property is already getting. If that were to happen, the recourse available is to contact ADEM who enforces those regulations, he said.

Commissioner Langley requested the item to be tabled and moved to the next meeting to allow for discussion with the developer. The motion was seconded by Commissioner LaGrand and passed unanimously.

Mr. Hardee presented a resolution to utilize funds from the Columbus-Phenix City Metropolitan Planning Organization for the resurfacing of Lee Road 427, also known as Pierce Road, in Commission District 3. He said the road extends from US-280 to Lee Road 248 for approximately 1.7 miles. The project comes through federal funding in the area the department is allowed to utilize in the Columbus-Phenix City MPO and will be an 80/20 split. The 80 percent portion will come from the MPO, which receives monies passed from the federal government to the state, then onto the members of the MPO and a 20 percent local match. He stated a location map showing the project as well as the resolution that would need to be passed was included in the packets.

The Highway Department is looking to contract through a competitive bid process and through ALDOT for the resurfacing project which will also include guard rail improvements along that stretch of roadway. He said that while this is just the initiating paperwork to pursue the funds, the current estimate of the total project cost is \$993,600, although the hope would be that it would come under that amount once hard numbers are known and the design work completed. Commissioner Drury asked if the Commission would only pay the 20 percent portion.

Mr. Hardee stated the Commission is only responsible for 20 percent of the amount of the contract and those funds are budgeted. Both he and Commissioner Drury stated it was one of the most heavily traveled roads in the county, with Mr. Hardee saying the last traffic count for that road was 8,500 ADT. Commissioner Drury made a motion to approve the resolution which was seconded by Commissioner Langley. The motion passed unanimously.

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or

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improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows: Resurfacing on CR-427 from SR-38 (US-280) to CR-248 (approximately 1.777 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.

Done at the regular session of the County Commission of Lee County, this day of January 30, 2025.

Commissioner LaGrand thanked all of the first responders, EMA, Sheriff's Office, Highway Department, Commissioners and the media who assisted during the snowstorm. At approximately 6:22 p.m., Commissioner Drury made a motion which was seconded by Commissioner LaGrand to adjourn. The motion passed unanimously.