

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2025

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 10, 2025, at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Drury.

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.

John Sophocles addressed the Commission thanking them for bringing back the streaming of the public comments. He stated he would like the work sessions now held before the meetings to be available on the county website. He also requested the creation of an email list to notify interested parties of any changes made to the website or to meeting dates.

Lance Farrar thanked the Commission for holding the work sessions and streaming them over Facebook. He also stated the work session was not available on leeco.us and would like it to be available there. He questioned the cancelations of the Lee County Planning Commission and it not being noted on the county calendar but it being listed on the Planning Commission website.

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

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 January 30, 2025, minutes. Also announced were the first readings of Richard Key, II to the Smiths Station Water & Sewer Authority and Jasmine Stoneback to the Cemetery Preservation Commission. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the consent agenda items as provided. The motion carried unanimously.

Judge Colley stated John Marsh had requested that his item concerning the Magazine Avenue Building be removed from the agenda.

Mr. Hardee then brought up the submission of the final plat for the Division of Lot 1& 2, Avalon Acres, which was carried over to this meeting at the request of Commission Langley. Mr. Hardee stated the surveyor for the developer was in attendance to answer any questions and also recognize any citizens in attendance that would also like to address the Commission. Mr. Melton Colbert spoke again, addressing his concerns regarding the natural drainage that could be affected by the development and its impact on his lot which is located on Lee Road 250. He stated that when the development begins, that water must go somewhere, and he is concerned about the issues that might create.

Mr. Nathan McBride, the surveyor of the development, stated the developer would have to follow and maintain mitigation practices and the Building Inspections Department would monitor these practices.

Mr. Hardee agreed, saying the Building Inspection Department does conduct inspections to ensure individual home sites are not sending polluted or contaminated water from the construction aspects of it to neighboring lots or adjacent property owners. Those inspections

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2025

follow regulations coming from ADEM which is the state arm of the EPA and if there were to be any negative aspects not addressed through those inspections the citizens could report any concerns or violations directly to ADEM. Commissioner Drury asked if that included silt fencing, etc. Mr. Hardee said yes, the Building Inspectors are looking for a construction entrance and how the property is accessed so not tracking mud and dirt to county roadways and must also have perimeter silt fencing. He stated he could certainly send an inspector out to examine the site and address any concerns.

Kathy Colbert questioned why the builder was cutting down trees and then following receipt of the letter sent by the Highway Department all equipment was gone. She also stated a neighbor was unable to access her mailbox because of the mud around it. Mr. McBride stated he was not aware of any work that had been done.

Commissioner Langley said he didn't have an answer as to what the builder was doing on the property, but the Commission can't tell a property owner what he can and cannot do on his property as long as the builder is in the guidelines set forth in the regulations of the County. Should anything occur from that point such as damage or changes to adjacent property then citizens can ADEM is available as a recourse.

Commissioner Langley made a motion seconded by Commissioner Cannon to approve the final plat. The motion passed unanimously.

The first item of new business concerned the Lee County Health Department's proposed Environmental Fee Changes. Ms. Leverette stated the item was presented during the work session and, per discussion held, the Commission agreed to table this item to allow time for a public hearing to be held at the Feb. 24 meeting. Following that hearing, the Commission would then vote to approve the proposed fee changes or not. Commissioner LaGrand made a motion to table the item which was seconded by Commissioner Langley. The motion to table passed unanimously.

Commissioner Cannon presented the Bulk Route, Amnesty Days and the Total Cost of Solid Waste. He stated that during the work session it was discussed compiling the numbers for the tipping fees associated with Bulk pickup and Amnesty days to find out the true cost. He said Ms. Leverette, Mr. Hardee and Mr. McDonald were going to provide those numbers at the next meeting on Feb. 24 to have a more accurate picture of the cost. Ms. Leverette stated the item would also be placed on the agenda for discussion during the work session. Commissioner Drury agreed, saying he feels additional work sessions are needed on the topic before action is taken.

Judge Colley and Commissioners Drury and Langley commended the Environmental Services Department for the success of the Amnesty Days. Commissioner Morris stated the recent day in January was slower due to the amount of bulk pickups conducted by the Department and wanted to remind the Commission how much busier the monthly days would be without those routes.

Mr. Hardee stated that on average in 2024, there were almost 1,000 bulk pickups a month, so the Amnesty Days have the potential to be much larger and asked the Commission to consider that as it looks at which system to go to.

Commissioner LaGrand stated he went to both Loachapoka and Beauregard sites and appreciated the hard work of the employees at the event. Commissioner Drury said many times the citizens don't get to see the employees and what they do for them, so the amnesty days are an opportunity for them to see that and a great reflection on the county that we are providing that service.

No action was taken on this item.

Sheriff Jones presented a Special Events Retail license application for Premium Pours, LLC for a one-day event to be held at Twenty-One Acres on Thursday, Feb. 27. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to approve the following Resolution approving the Special Events Retail license application as presented. The motion passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2025

BE IT RESOLVED the Lee County Commission hereby approves the special events retail license for Premium Pours LLC for a one-day event on Feb. 27 at Twenty-Once Acres, located at 5535 Wire Road, Auburn, Alabama.

Sheriff Jones presented an educational reimbursement request from Deputy Tray McMeekin for three classes. After review, only one class met the criteria for reimbursement. Sheriff Jones said he is requesting reimbursement for one class - Introduction to Sociology - which aligns with Deputy McMeekin's currently assigned duties. Commissioner Morris made a motion, seconded by Commissioner Langley, to approve the educational reimbursement request as presented. The motion carried unanimously.

Patrick Harville presented the 2025 Rebuild Alabama Act Annual Grant Program Application. He stated Rebuild Alabama was first passed in 2019 and the state created an annual grant program for no less than \$10 million and in 2024 that grant program awarded \$15 million in funds for approximately 50 projects. Mr. Harville stated the county has applied for this program for five years and was awarded a grant in 2023 for a bridge project. For this year's grant cycle, he said they decided to focus on another bridge project, with this one located on Lee Road 318. He stated the proposed bridge is one that over-tops annually during heavy rain events and has gotten to the point where the county places barricades near the bridge in anticipation of closure prior to heavy rain. He said the application will be for a \$350,000 grant toward completion of the project; if awarded the grant, then in next year's budget would allocate an additional \$275,000 to complete the project for a total cost of construction estimate of \$625,000. He stated that the constant over-topping and debris catching under the bridge represents a hazard to the traveling public and can impede the necessary maintenance inspections. Mr. Harville said the bridge was built in 1950; the road averages 750 vehicles per day with a 30-ton gross load posting and is 50 feet long. He said if awarded the project, the bridge would be extended and also raised several feet.

Commissioner Drury made the motion to authorize the Chairman to sign the grant application which was seconded by Commissioner LaGrand. The motion passed unanimously.

Mr. Hardee presented a request to reduce the speed limit on Lee Road 76. He stated at a previous meeting a citizen discussed concerns regarding a subdivision and the speed and traffic associated with it on Lee Road 76. Following discussion with the citizen and Commissioner Cannon as it is located in District one, the Highway Department recommends the speed limit be reduced from 35 mph to 25 mph given the narrowness of the roadway and the residential aspect of the area. Commissioner Cannon made a motion which was seconded by Commissioner Morris to reduce the speed limit from 35 mph to 25 mph on Lee Road 76. The motion passed unanimously.

The next item presented was the rest for assistance for the Kreher Preserve and Nature Center. Mr. Hardee stated as mentioned in the work session, Commissioner Morris received a request for assistance with the parking lot, transition and driveway area for the Nature Preserve. He said this is similar to work performed periodically in the past and is public property as it is owned by Auburn University. He said should the Commission approve the request, he would meet with Mr. Buckman who oversees the Preserve to discuss what is needed and where to ensure a crew is available and that it wouldn't negatively impact county operations. Commissioner Cannon made the motion which was seconded by Commissioner Morris. The motion passed unanimously.

Mr. Hardee then presented a request for the re-acceptance of Lee Road 259, 260 and 277; these roads were formally vacated in 2017 by the Commission at the owner's request. Commissioner Langley stated Richard Newton has purchased 1100 acres on Lee Road 259 with plans for future development. He stated Mr. Newton understands the roads must be brought up to

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2025

county specifications before the County can take them in.

Mr. Hardee stated the resolution in the packets speaks to what Commissioner Langley discussed of the consideration by the county to re-accept 2.4 miles of dirt roads. He said Mr. Newton expressed that he is looking to pave the remaining portion of Lee Road 259, with Lee Roads 260 and 277 remaining dirt. He said the improvements the county is requesting which are included in the resolution states "improvement by others to include a travel roadway not less than 26-feet and this would leave a 20-foot wide roadway with three-foot shoulders on each side, a 6-foot thick crusher-run base, with proper ditches and cross-drains, and a 60-foot right-of-way cleared, grubbed, & stabilized, all to the satisfaction of the Lee County Commission".

Mr. Hardee stated that is what the Commission will be considering with the approval of the resolution, so while it will not have the paving of the roads, it will have the widening and improving with the necessary right-of-way necessary to be accepted back in as dirt roads. Judge Colley asked if all that was being done tonight was agreeing to bring the roads back into the system once Mr. Newton meets the county's standards outlined in the resolution. Mr. Hardee stated yes, with Commissioner Langley adding the roads were county-maintained before 2017 and for the most part remain in good condition.

Commissioner Langley made a motion to accept the roads back into the county maintenance system upon being brought up to county standards. The motion was seconded by Commissioner Drury and passed unanimously.

**RESOLUTION OF THE LEE COUNTY COMMISSION TO ACCEPT LEE
ROADS 259, 260 AND 277**

WHEREAS, Lee Road 259, Lee Road 260, and Lee Road 277 were previously County maintained; and,

WHEREAS, these roads were vacated by the Lee County Commission at their regular meeting on September 25, 2017; and,

WHEREAS, the Lee County Commission has been approached about re-accepting these roads for County maintenance; and,

WHEREAS, the Lee County Commission recognizes that certain improvements should be made to these roads prior to re-accepting maintenance responsibility,

NOW, THEREFORE, BE IT RESOLVED that the Lee County Commission commits that it will re-accept approximately 2.4 miles of dirt roads, excluding all bridges, consisting of portions of Lee Road 259, Lee Road 260, & Lee Road 277 for County maintenance contingent upon the improvement by others to include a travel roadway not less than 26' in width including shoulders, a 6" thick crusher-run base, with proper ditches and cross-drains, and a 60' right-of-way cleared, grubbed, & stabilized, all to the satisfaction of the Lee County Commission.

DATED THIS THE 10th DAY OF FEBRUARY, 2025

The final item presented was the Final Plat Approval for Quail Rise Subdivision. Mr. Hardee stated included in your packet was information regarding the Quail Rise Subdivision and as mentioned in the work session, this proposed subdivision is located at the intersection of Lee Road 158 and 252. He said there are 25 lots being proposed and included in your packets was a copy of the proposed plat and layout of the lots. The subdivision would use existing road frontage with no new roads or infrastructure being considered; the smallest lot of the 25 will be 3 acres. Letters were sent out to adjacent property owners on Jan. 30th and at this time like to have anyone with concerns to address the Commission.

Mr. Steven Thomas stated he owned property across Lee Road 158 from the proposed subdivision and wanted to know first what type of housing and if there would be a minimum square footage or type of value that is planned to be there as it might affect his property values and second, understand the property was originally owned by Mead as was his property and his came with a requirement that it could only be subdivided in lots no smaller than 5 acres and the proposed is smaller so wondered if that restriction was limited to only his property. Mr. Hardee said he did not know what restrictions are attached to the property; the county only looks at what is brought by the developer as the county does not have a mechanism to look at or force restrictions someone may put on their property that is to run with the land. The surveyor, Mr. McBride, stated there were no restrictions on the property that turned up and the developer

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2025

typically builds 4-bedroom and 2600-2800 square foot homes.

Ms. Tammy Bergman stated she had just received the letter; her husband is currently out-of-state with the Air Force for another week and would have loved to have been at the meeting to address their concerns. She said they own acreage adjacent to the property with the creek separating and when it rains their property gets backed up and flooded. She stated with proposed lots 1, 2,3,4 there are marshes and wetlands there and her concern is with flooding as it will get worse once construction starts. In addition, she said her driveway runs along the proposed lot 1 and when it floods it is underwater. Commissioner Drury asked Mr. McBride about the wetlands, with Mr. McBride stating it was marsh but all of the home sites would be located closer to the road. He stated all of the perc tests have been completed and were approved.

Commissioner Langley made a motion to table the item until the next meeting to clarify any restrictions and address other concerns. The motion was seconded by Commissioner LaGrand and passed unanimously.

Commissioner LaGrand invited the Commission and the public to the ribbon cutting for the reopening of Loachapoka Community Park at 2 p.m. on Feb. 24. There being no other business, Commissioner Cannon made a motion seconded by Commissioner Langley to adjourn. The meeting adjourned at 5:49 p.m.