

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPT 29, 2025

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, on Monday, September 29, 2025, at 5:00 p.m. The Pledge of Allegiance was recited, followed by the 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.

Lance Farrar addressed the Commission, stating he was encouraged by the work session discussion regarding the contract between the Salem and Crawford Fire Departments. He also expressed concern over the resolution in support of protecting the Simplified Sellers Use Tax (SSUT). Specifically, he questioned the portion that opposed calling the program's constitutionality into question. He stated that by not calling its constitutionality into question, the Commission was violating its oath to uphold and protect the Constitution. He asked the Commission to reconsider its actions on this item.

Judy Lockhart read a letter thanking the EMA and Commissioners Cannon and LaGrand for providing weather radios to their districts. She stated the weather radios provide reliable alerts and warnings of severe weather allowing citizens to be better prepared for weather emergencies. She said that kind of community-focused action makes a real difference to constituents.

Mr. James Hardin, administrator of the Lee County Health Department, thanked the Commission for its continued support as local appropriations allow the Department to continue to offer its various programs. In the last year, the Department has helped more than 2,200 WIC patients and conducted 4,300 family planning visits. He also provided an update on the garbage exemption program and commended County Administrator Holly Leverette's team for the work they have done. He explained that due to new rules about bank statements, the number of exemptions had dropped from 1,100 to fewer than 500 this year. He said the exemption application deadline was Sept. 30, and any applications after that date will have to go through the county for processing.

Milton Colbert thanked those involved for placing "No Thru Truck" signs on Lee Road 250. He stated it had made a small difference and suggested additional signage with the fine amount listed to encourage more to stop.

K. L. Yielding addressed the Commission over two public safety concerns. The first concerned traffic and road safety on Lee Road 270 and 279 in the Beulah community; and the second concerned potential drinking water contamination due to trucks from Synagro spraying material near the waterworks.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPT 29, 2025

Mary Madden with Burrell Chapel Community Center, Inc., thanked the Commission for all it does. She stated they will soon be developing a 24-acre parcel in Beulah and hope to address community needs. She highlighted the organization's recent "She-ro" Program, which raised awareness of homeless women, veterans and children. She also invited the Commission to attend their upcoming Arthritis Repair Day on October 18.

John Sophocleus thanked Commissioner LaGrand for attending a recent revival and said he was grateful to see him in good health. He stated he first wanted to address agenda item 7c and suggested a reasonable request would be to split the cost difference. Regarding item 8a, he reiterated that the county should cease its trash business operations. He recommended that the Commission review the previous contract, which, although not made public, allegedly stipulated that the vendor would be responsible for bulk pickups.

Janice Johnson spoke in support of the Crawford Fire Department continuing service in Lee County. She stated there had been two separate occasions where Crawford responded to their property, including a shop fire. She said the quick response time allowed for other buildings to be saved, and if they had to wait on Salem, it would have been a different outcome. She said the two departments need to consider the community and work out their issues.

Kristin Nelson, a candidate in the upcoming October 21 Special Election for House District 38, introduced herself and stated she looks forward to the opportunity to work with the Commission to make Lee and Chambers County better and stronger.

Tamarcus Milner, executive director of Curtis House, thanked the Commission for its years of support for the organization. He outlined some of its accomplishments, including distributing vegetables to 30 households from its community garden as well as to the Silver Angels senior citizen group; scholarships to seniors at Opelika High School with the hope of expanding that to other area high school seniors; and serving Christmas dinner to more than 100 families through its Christmas at Curtis House event. He invited the Commission and citizens to attend its upcoming fall festival on October 18 from 11 a.m. to 1 p.m., as well as its Legacy Event at Southerly Warehouse from 6:30 to 9 p.m. on November 8.

Judge Colley recognized the elected officials in attendance: Sheriff Jay Jones, Revenue Commissioner Oline Price and Coroner Daniel Sexton.

Commissioner Drury recognized two students from Smiths Station High School for their recent accomplishments at the 2025 Alabama State Special Olympics. Collin Crane competed in several Track and Field events, winning a Gold Medal in the 100m and Silver Medals in the Javelin and 4x40 Relay. Bennet Davis won the Gold Medal in Bowling. Congratulations to these two outstanding athletes.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPT 29, 2025

Marilyn Bopp, Director of Development for Mercy Medical Ministry, made a presentation to the Commission and provided information on the organization which has provided health care to the uninsured for 25 years. She said from 2023 to 2024, there was a 42% increase in the number of patients seen by Mercy Medical and \$2.6 million in prescription assistance dispensed. She stated they are in the process of building a 10,000 sq foot clinic on 4-acres donated by East Alabama Health with completion expected by the end of the year. Although many donations have been provided, including from the cities of Auburn and Opelika, an estimated \$2 million in funding is still needed. She stated Mercy Medical connects patients with social services, health classes, finance classes, Bible studies. She stated they work well with EAMC, which refers patients to them for assistance upon discharge. She provided Commissioners details on patient numbers by district as well as remaining funding needs.

Sheriff Jay Jones recognized three employees who received awards at the Opelika Chamber of Commerce Public Safety Valor Awards. Destiny Bass received the Communications Officer of the Year Award for her dedication and teamwork; Richard Knox, the Corrections Officer of the Year, for his standard of professionalism and commitment to excellence; and Deputy Johnathan Kennedy, the LCSO Enforcement Officer of the Year, for his sound judgment and strong leadership.

EMA Director Rita Smith recognized Nicholas Glover for receiving the Opelika Chamber of Commerce Valor Public Safety Award for Emergency Management Professional of the Year. Ms. Smith said it was an honor to recognize him and that he chose Lee County for his second career.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listings of claims to be approved and ratified, procurement card transactions listing, and a copy of the minutes from September 8, 2025. Also included were supplemental listings to the approval and ratification listing. Commissioner Cannon made a motion to approve the Consent Agenda, which Commissioner Morris seconded. The motion passed unanimously.

In Old Business, Commissioner Morris made a motion, seconded by Commissioner Drury, to approve the reappointments of Vickie Hudson, Bill White, and Gina Ivey to the DHR Board. The motion passed unanimously.

BE IT RESOLVED, the Lee County Commission does hereby reappoint Vickie Hudson, Bill White, and Gina Ivey to the DHR Board to serve a six-year term from September 2, 2025, until September 2, 2031.

Revenue Commissioner Oline Price presented the contract for the Revenue ATM kiosk

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPT 29, 2025

installation. She stated that the kiosks, purchased 10 months ago, are now ready for installation at the Courthouse and Auburn Satellite Office, pending contract approval. Commissioner Drury made a motion to approve the contract, which Commissioner Langley seconded. The motion passed unanimously.

County Engineer Justin Hardee discussed an issue with Bid 2025-09 for Class Reinforced Concrete Pipe. Mr. Hardee stated he was notified by the vendor of a clerical error which left off a \$100 per load fuel surcharge from the bid. He said the company, Foley Products Company, LLC, could not honor the price submitted if the fuel surcharge was not included. He stated only one bid was received and was less than what is currently being paid to the same vendor; the previous year's bid did include the fuel surcharge. In consulting with ACCA counsel, options included bringing the bid back before the Commission for consideration to move forward or allowing the vendor to fall into breach and rebidding. Mr. Hardee stated the Highway Department ordered nine loads last year so the amount in question was roughly \$900. Commissioner Cannon made a motion to approve the bid with the added surcharge which was seconded by Commissioner Langley. The motion passed unanimously.

Under new business, Commissioner Drury requested to table the Elderly and Disabled Bulk Debris Pickup Program until Environmental Services Director John McDonald could be in attendance. The item was tabled to the next meeting.

Commissioner Langley introduced the next item, the Crawford and Salem Fire Department issue, which was discussed in the work session. Commissioner Langley asked if anyone else wished to speak on the matter, with Mr. Emmett Vaughn requesting to speak. Mr. Vaughn stated he lived in Salem and voiced support for the Crawford Fire Department. He said he wished for the two departments to sit down, talk, and fix the problem instead of creating a problem. As the Commission has little to no input on this issue, no action was taken.

Sheriff Jay Jones presented a tower lease agreement with Crown Castle. He stated the ongoing radio project requires access to the property and tower owned by Crown Castle. The lease agreement would allow for the installation of equipment and the use of the tower structure. He stated they were able to negotiate a lower rent than initially proposed. He said if approved, the agreement would begin in November and would represent an ongoing monthly cost, which was included in the budget request for the upcoming fiscal year. Commissioner Cannon made a motion to approve the contract with Crown Castle, which Commissioner Morris seconded. The motion passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPT 29, 2025

Next, Sheriff Jones presented an ABC license request for the Latin Table located at the intersection of Webster Road and Highway 14. Sheriff Jones said no objections were received on the transfer of the license for Restaurant Retail Liquor. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the following Resolution for the license transfer. The motion passed unanimously.

BE IT RESOLVED, Lee County Commission hereby approves the license transfer for 020 Restaurant Retail Liquor to Latin Table at 2450 Martin Luther King Drive, Auburn, Alabama, 36830.

Kendall Andrews presented amendments to the Subdivision Regulations for Commission consideration. He stated there were four proposed amendments which were included in the packets and a fifth provided before the meeting. The first amendment includes adding a specific condominium section to address the recording of condominium plats to circumvent regulations. He stated the section clarifies what is already required by state law but had not been included in the original adopted regulations. The second amendment updates terminology to align with updated certificates from the Health Department. The third amendment also deals with the Condominium section which would now require the County Engineer's signature to ensure what is recorded meets regulations. The fourth clarifies a word interpretation, while the fifth incorporates the Flood Damage Prevention Resolution into the regulations to make developers more aware of those requirements.

Commissioner Drury asked if any particular incident occurred which caused the amendments to be made, as he didn't want to add new regulations if not needed. Mr. Andrews stated the condominium section is already state law; the amendment simply seeks to improve awareness of the requirements. He stated the only new addition is the county engineer's signature on the condominium plats and that is simply to ensure the department is aware of what is being built and recorded. Mr. Hardee stated all other plats are signed; there had been instances in the past where a plat was recorded for a subdivided property using the condo form of a subdivision and the Department was not aware of it. In those situations, he said, the burden of the requirements then falls onto the citizens instead of the developer who created the situation. He reiterated the remainder of the amendments restate state law and simply places it in a more visible location in the requirements. No action was taken on this item at this time.

County Administrator Holly Leverette presented an ACCA (Association of County Commissions of Alabama) resolution in support of the Simplified Sellers Use Tax. She stated that SSUT has provided a stable, sound framework for collecting taxes from online sellers without a physical presence in the State. Currently, eight cents is collected, with allocations to the State's budget funds and to counties and cities based on a formula that reflects their percentages of the total population. Mrs. Leverette said in Fiscal Year 2016, when SSUT began, the county collected \$31,385; in Fiscal Year 2025, the county has collected \$6,612,571.

In the 10 years of the program's existence, Lee County has collected approximately \$30

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPT 29, 2025

million. Recently, mayors of the largest cities in the State have pushed for changes to the program, which could disrupt its operations and call its constitutionality into question. The resolution asks the State Legislature to oppose any legislative changes that could negatively impact the program. Commissioner Drury stated that the resolution showed support for SSUT, with Commissioner Morris agreeing. Commissioner Morris added that the SSUT was a significant source of revenue for counties, and changes to the program could be detrimental. Commissioner Cannon added that municipalities are now seeking more funding, having seen the substantial revenue the program has generated since its creation. Commissioner Cannon made the motion to support the resolution, which Commissioner Morris seconded. The motion carried on a vote of 4-0-1 with Commissioner LaGrand abstaining.

ENCOURAGING THE ALABAMA LEGISLATURE TO OPPOSE ANY LEGISLATIVE CHANGES THAT WOULD DISRUPT THE SSUT PROGRAM'S OPERATIONS OR CALL THE PROGRAM'S CONSTITUTIONALITY INTO QUESTION

WHEREAS, the Alabama Simplified Seller Use Tax (SSUT) Remittance Act, codified at Section 40-23-191 et seq., Code of Alabama 1975, was enacted in 2015, establishing a process by which the State of Alabama collects use taxes from eligible sellers on behalf of Alabama consumers; and

WHEREAS, in *South Dakota v. Wayfair*, 585 U.S. 162 (2018), the United States Supreme Court held that the State may collect taxes from sellers that have a "substantial nexus" in the State, even where there is no physical presence, provided that the tax does not impose an undue burden on interstate commerce; and

WHEREAS, the SSUT program is designed to fall within the United States Supreme Court's guidelines and has been a model for other states across the country; and

WHEREAS, the SSUT program is now under attack by a small group of mayors who have been publicly criticizing the same program that, since its enactment, has provided more than \$4.2 billion in essential revenue to the Alabama General Fund, the Alabama Education Trust Fund, Alabama's 67 county governments, and Alabama's municipal governments; and

WHEREAS, individual counties and municipalities have no constitutionally valid authority to compel online retailers to collect use taxes from Alabama consumers; and

WHEREAS, challenges to and attacks upon the SSUT program place essential revenue at risk for all levels of government and, therefore, are a threat to our State's continued growth.

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY COMMISSION that the County Commission fully supports the current SSUT program as an efficient, constitutional, and operationally effective process for collecting use taxes due on behalf of Alabama consumers who utilize eligible sellers for delivery of taxable products into Alabama.

BE IT FURTHER RESOLVED BY THE LEE COUNTY COMMISSION that the revenue generated by the SSUT program will continue to support essential governmental services in the county.

BE IT FURTHER RESOLVED BY THE LEE COUNTY COMMISSION that the County Commission fully supports the use of population data to allocate the county portion of the revenue among our State's 67 county governments as is currently provided by law.

BE IT FURTHER RESOLVED BY THE LEE COUNTY COMMISSION that the County Commission strongly opposes any legislative efforts to alter the SSUT program in a way that would disrupt its operations or call into question its constitutionality.

IN WITNESS WHEREOF, the County Commission has caused this resolution to be executed in its name and on its behalf by its Chair, on this 29th day of September, 2025.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPT 29, 2025

Next, Ms. Leverette presented the FY2026 County Retirement Incentive Plan proposal. She stated that of the 438 employees in the RSA system, 48 will be eligible for retirement based on either age or service by the end of Fiscal Year 2026. Of those 48, 22 are age-only, 26 are service-only, and 11 are both age and service. The proposal would provide those eligible a one-time incentive bonus of \$10,000. She stated similar plans have been offered in the past to county employees, albeit on a shorter timeframe. She estimated that if half of those eligible retire, that would represent a net savings of approximately \$333,000; in addition, anyone who is currently eligible would have to retire by January 1, 2026. Commissioner Cannon asked what would happen if all those eligible took it, with Ms. Leverette stating the estimated savings would then be \$705,000. Commissioner LaGrand stated that while he supported rewarding retiring employees, he didn't feel the incentive was high enough, and employees deserved more. Commissioner Drury made a motion to approve the incentive plan, with Commissioner Langley seconding. The motion carried on a vote of 4-1, with Commissioner LaGrand voting against.

For the final item, Mrs. Leverette presented the following facts and figures of the FY2025-2026 Operational Budget. She states the total proposed budget revenues are \$70,099,286 compared to last year's amended budget of \$65,374,784. The overall increase is 7.2% more than last year. Mrs. Leverette said the total proposed operational budget expenditures are \$84,256,968 compared to the previous year's budget of \$81,427,703. The overall increase in operations is 3.4% more than last year.

Mrs. Leverette noted the following items: 1) single coverage portion of employees health insurance will remain at 100% of county cost; 2) family coverage portion of employees health insurance will continue to be funded at 50% of county cost; 3) cost of living adjustment of 2.00% to the Pay Classification Plan; 4) Merit raises with the possibility of 1%, 2% or 3% based on annual job performance are budgeted; 5) Grounds maintenance operations, including its employees and budget are now under the direction of the Parks and Recreation Director; 6) Recycling division, including its employees and budget have combined with the Environmental Services department; 7) appropriations to governmental and community agencies totaling \$2,051,394 are included in this budget with a remainder of \$346,275 yet to be allocated through FY26. Additionally, although no capital will be done this year, there are several items considered capital that the Commission expressed interest in funding including: 1) Replacement of EMA Cisco Switch at \$35,000; 2) P25 Radio Tower Project Set Aside at \$330,215; 3) Dirt Road Paving Set Aside at \$2,323,124 and 4) Resurfacing Program - Gas Tax Fund Set Aside at \$1,500,000. After the budget presentation, Commissioner Cannon made a motion, seconded by Commissioner Morris, to adopt the Fiscal Year 2026 Budget as presented. The motion passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPT 29, 2025

**Fiscal Year 2025 - 2026
County Commission Budget**

<u>Commission Funds</u>	<u>Carryover**</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Operating Transfers In / (Out)</u>	<u>Increase/ (Decrease)</u>
General Fund	3,813,058	50,625,486	43,155,854	(11,282,690)	0
SRO	178,737	1,845,000	2,023,737		0
Recreation	1,017,800	1,765,000	2,374,585	(408,216)	0
General Fund - Total	5,009,595	54,235,486	47,554,176	(11,690,906)	0
Gasoline Tax Fund	106,146	2,347,500	9,103,058	6,649,412	0
RRR Gasoline Tax Fund	2,684,687	3,188,000	5,872,687		0
Rebuild Alabama Act Fund	4,138,745	2,300,000	6,438,745		0
Federal Aid Exchange Fund	53,050	400,000	453,050		0
Highway - Total	6,982,628	8,235,500	21,867,540	6,649,412	0
Reappraisal Fund	152,429	2,390,000	2,542,429		0
Refuse Disposal Fund	1,926,421	3,985,800	5,912,221		0
Capital Improvement Fund	86,608	760,000	846,608		0
Judicial Facilities Fund		492,500	90,500	(402,000)	0
Capital Projects Fund			2,688,339	2,688,339	0
Operational	14,157,681	70,099,286	81,501,813	(2,755,155)	0
Debt Service					
2018 Debt Service - Recreation & Facilities			737,638	737,638	0
2010/19 Debt Service - Bridge Program			533,300	533,300	0
2013/21 Debt Service - Justice Center Expansion			614,217	614,217	0
2024 Debt Service - Courtroom Renovations			870,000	870,000	0
Total County Commission Funds:	14,157,681	70,099,286	84,256,968	0	0

** = Funds available above restricted, reserved and designated fund balances for one-time expenditures like capital equipment or projects

Next, Commissioner Morris, seconded by Commissioner Langley, made a motion to amend the County's Pay Plan by 2% Cost of Living Adjustment (COLA) effective October 4, 2025. The motion passed unanimously.

Next, Commissioner LaGrand, seconded by Commissioner Morris, made a motion authorizing the granting of merit increases for FY2025-2026 based upon the employee's annual evaluations. Such increases will be as follows:

- The employee must obtain at a minimum a "Meets Expectations" for up to a 1.0% increase.
- The employee must obtain at a minimum an "Exceeds Expectations" for up to a 2% increase.
- The employee must obtain at a minimum a "Consistently Exceeds Expectations" for up to a 3.0% increase.

The motion passed unanimously.

Lastly, Commissioner Drury, seconded by Commissioner Cannon, made a motion to designate funds

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPT 29, 2025

for Capital Projects totaling \$4,188,339 as presented. The motion passed unanimously.

There being no further business, the meeting adjourned at 6:20 p.m.