

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 8, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday January 8, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence. The Chairman next introduced the elected officials in the audience.

During citizens' communication, Mr. Ray Hodson appeared to thank the Commission for fixing the potholes on Lee Road 65. Commissioner Holt congratulated County Engineer Neal Hall for this acknowledgment. Judge English thanked Mr. Hodson for taking his time to appear before the Commission to make this type of recognition.

During the pre-meeting, Revenue Commissioner Oline Price discussed two items with the Commission. First, she discussed an issue from the previous meeting concerning Mr. Jerry Rudd and the garbage situation in his mobile home park. Mrs. Price stated that the City of Smiths Station agreed to adopt an agreement which would exempt this trailer park from the city's mandatory garbage collection system for a period of up to 5 years, and allow the park to continue to use the county garbage system. Next, Mrs. Price informed the Commission of a situation in Huntington Hills Subdivision. Mrs. Price stated that in the past she had been exempting the subdivision from the garbage fee because those residents were paying the City of Phenix City. She stated that the citizens in that area had been notified by the City that they would no longer provided curbside garbage service, and therefore the citizens would have to go back on the county system. Mrs. Price explained that the citizens' garbage fees would be prorated at 75% and added to their property tax bills in October.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the Lee County Commission meeting held December 11, 2006, two listings of claims, retail table wine and retail beer licenses for Anna's Way and for Salem Get-N-Go, and a retail beer license for Riddle's Grocery. Additionally, Bid#4 for water filled barriers, Bid #9 for 16 laptops and a storage cart for the Emergency Management Agency, Bid #6 for vehicles for the Sheriff's investigative division and Bid #7 for dry cleaning for the Sheriff's Department. After discussion during the pre-meeting, Bid #4 for the water filled barriers was moved to "new business". On Bid #9, EMA Director Faith Aguillard recommended that **RWU International Computers** be awarded the low bid for 16 laptops and a storage cart for a total cost of \$24,647. On Bid #6 Sheriff Jones recommended that the low bidder **Mike Patton Motors** be awarded the bid for 3 or more investigative division vehicles at a cost of \$16,996/each. On Bid #7, Sheriff Jones recommended that the low bid of **Fifth Avenue Cleaners** be accepted. The following resolutions for the approval of three retail beer and two retail wine licenses were presented:

**Be it Resolved**, that the Lee County Commission approve the retail beer license for Anna's Way, located at 8690 US Highway 29N, Cusseta, Alabama.

**Be it Resolved**, that the Lee County Commission approve the retail table wine license for Anna's Way, located at 8690 US Highway 29N, Cusseta, Alabama.

**Be it Resolved**, that the Lee County Commission approve the retail beer license for Salem Get-N-Go, LLC, located at 942 Lee Road 240, Salem, Alabama.

**Be it Resolved**, that the Lee County Commission approve the retail table wine license for Salem Get-N-Go, LLC, located at 942 Lee Road 240, Salem, Alabama.

**Be it Resolved**, that the Lee County Commission approve the retail beer license for Riddle's Grocery, located at 2028 Lee Road 166, Opelika, Alabama.

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The Chairman asked if there were any questions about the consent agenda items. Commissioner Smith made a motion, seconded by Commissioner Lawrence and unanimously carried, that the consent agenda items be approved with the one deletion previously mentioned.

Under old business during the meeting, and after much discussion in the pre-meeting, Solid Waste Director Jack Marshall requested that the Commission hold a work session on January 22, 2007 at 3:30 p.m. in the Commission chambers to discuss the garbage fee increase. Commissioner Lawrence asked that Mr. Marshall provide all documentation from the commission minutes from the inception of the garbage fee to present and particularly of any changes in the garbage fees or policies. Judge English stated that any information collected would be sent to the Commissioners on the Thursday prior to the Monday work session. Commissioner Smith asked if a public hearing was necessary before such a fee increase. After discussion, Commissioner Ennis made a motion to hold a work session on Monday, January 22, 2007 at 3:30 p.m. to discuss the garbage fee increase, seconded by Commissioner Holt and unanimously carried.

Upon second reading, Commissioner Harris made a motion to approve the following resolution, seconded by Commissioner Ennis and unanimously carried.

**Be it Resolved**, that the Lee County Commission appoint Mr. William "Bubba" Dupree to represent District 5 to the Lee County Recreation Board for a 5-year term beginning October 15, 2006.

During the pre-meeting discussion was held on the purchase of property for recreation purposes in Beauregard. County Attorney Stan Martin first asked if the county wanted to purchase the property. Mr. Martin stated that the title for the land was in the Story family name and not in the Cash/Sumner name as per the contract. County Administrator Roger Rendleman stated that the money was budgeted for the land purchase, but at this time there was no contract, only a verbal agreement. Mr. Martin recommended that the Commission authorize the Chairman to sign the contract for the purchase of the property from Cash/Sumner. Judge English asked the Commission if they wanted to consider having this land tested to see if it would "perc" before the contract was signed to avoid a problem similar to what occurred at the Smiths Station recreation park. After discussion, Commissioner Smith made a motion to authorize the Chairman to sign the contract to purchase the identified parcel of approximately 40 acres in the Beauregard for recreation purposes. The motion was seconded by Commissioner Holt. After discussion, Commissioner Smith amended her original motion to state that ½ of the \$240,000 purchase amount should be paid out of the General fund and the other ½ should be paid out of Recreation Board funds. Commissioner Holt agreed to amend his second and after vote was taken on the amended motion, it carried unanimously.

The agenda item concerning legislation for an increase in court costs was discussed at length in the pre-meeting. During the pre-meeting, several elected officials appeared before the Commission seeking this increase. During the meeting, County Administrator Roger Rendleman suggested that the agenda item be tabled until a meeting with the Legislative Delegation could be scheduled. No action was taken by the Commission.

The next agenda item concerning the ban of pit bull dogs was taken off due to the fact that Ms. Johnson did not appear.

Judge English stated he had received a letter asking that the Commission support the Smiths Water Authority request for federal funding. After discussion, Commissioner Ennis made a motion to authorize the Chairman to write letters in support of the Smiths Water Authority request for federal funding, seconded by Commissioner Lawrence and unanimously carried.

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After discussion in the pre-meeting and during the meeting, the following are items that the Commission wants to consider for local legislation: property protection, court fees as discussed earlier in the meeting, and the "Pay as you Go" resurfacing plan. Commissioner Harris asked that the Chair of the Commission be put back on the list. After discussion, Judge English stated that he would contact the Legislative Delegation to set up a meeting to discuss the legislative issues as presented. Judge English stated he would report back to the Commission on the available dates.

Commissioner Lawrence made a motion for travel approval for Commissioners Holt, Lawrence, Ennis and Harris to attend the NACo Legislative Conference in Washington, DC on March 3-7, 2007, and approval for registration fees to attend the ACCMA Conference in Opelika on January 17-19, 2007 for Commissioners Lawrence and Smith. The motion was seconded by Commissioner Smith and unanimously carried.

County Administrator Roger Rendleman proposed an amendment to the Classification Plan to include a Governmental Relations Coordinator position at a Pay Grade 12. Mr. Rendleman stated that the proposed position would involve legislative and public relations duties as well as research projects, coordination of projects with other governmental entities, coordination of grant and appropriation efforts, and coordination of special events. After discussion, Commissioner Holt made a motion to amend the Classification Plan to include a Governmental Relations Coordinator at a Pay Grade 12, seconded by Commissioner Smith and unanimously carried.

Human Resource/Safety Manager Kim Oas proposed the approval of a Detention Center Cook position. After discussion, Commissioner Holt made a motion to approve the Detention Center Cook position for the Jail, seconded by Commissioner Harris and unanimously carried.

The last item under New Business was Bid #4 for water filled barriers. During the break between meetings, County Administrator Roger Rendleman and EMA Director Faith Aguillard met to discuss the results of Bid #4. During the pre-meeting, Ms. Aguillard recommended that the Commission accept the higher of the two bids. During the meeting, Mr. Rendleman stated that of the two bids received, neither vendor submitted the proper specification of a .22" wall thickness on the barrier, and due to that fact both vendors failed on the same specification, and therefore, a recommendation would be made on the quality of the new barrier technology being submitted, lack of market competition and closeness in price. Mr. Rendleman referred to a letter from the City of Auburn police chief who stated that the product from Trident Security Devices for a Road Guard 2 would be more durable and offer greater impact resistance would be a better value and offer more benefit to the citizens. Therefore, Mr. Rendleman would agree with the recommendation to accept the higher bid, which is less than 1% higher, to Trident Security Devices (aka: Traffic Safety Devices, Inc.) due to the higher quality product. Commissioner Ennis made a motion to accept the recommendation of Trident Security Devices at a total of \$9,998, seconded by Commissioner Smith and unanimously carried.

Before adjourning into executive session, under discussion items, Judge English stated that a packet of legislative requests will be gathered on the following items: land use regulation, court fee increases, pay as you go resurfacing plan, and chair of the Commission. Judge English questioned Commissioner Harris on what information he requested for the Chair of the Commission issue. Commissioner Harris stated that the information gathered by Preston Long would be sufficient to present to the delegation.

Upon advice of County Attorney Stan Martin, Commissioner Lawrence at approximately 6:30 p.m. made a motion to recess into executive session concerning current litigation, seconded by Commissioner Holt and unanimously carried. Mr. Martin announced that the following needed to attend the executive session: County Engineer Neal Hall and County Administrator

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Roger Rendleman. Judge English stated that the executive session would last approximately 21 minutes and no formal action would be expected after the executive session.

Upon reconvening after the executive session, with no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 7:20 p.m., seconded by Commissioner Holt, that the meeting be recessed until January 29, 2007.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 29, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday January 29, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence. The Chairman next introduced the elected officials in the audience.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, a package store license, Bid #8 for a truck for building maintenance, Bid #10 for animal control software, and Bid #12 for a Livescan fingerprint system for the Sheriff's Department. Maintenance Director Jerry Lynch stated that out of 10 requests for bids only 3 vendors responded. Mr. Lynch recommended the low bid of **Mike Patton Ford** for a 2008 F250 Truck for \$25,955 be awarded. On Bid # 10 for animal control software, Solid Waste Director Jack Marshall recommended that the low bid of **Visibility Corporation** for \$8,440 be awarded. On Bid #12, Sheriff Jones recommended the low bid of **Southern Detention Technologies** of \$25,070 be awarded. Judge English asked that approval of the minutes of the January 8, 2007 meeting be moved to the next agenda due to the fact that he had been occupied with litigation and did not have them prepared yet. The following resolution for the approval of a package store license was presented:

**Be it Resolved**, that the Lee County Commission approve the transfer for a package store license for County Line Package Store, located at 14001 Lee Road 379, Valley, Alabama.

The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved with the one deletion previously mentioned.

Solid Waste Director Jack Marshall requested that the Commission table the agenda item concerning the garbage fee increase until further notice. No action was taken by the Commission.

Judge English presented a letter from Waste Away concerning their request to raise the current garbage disposal fee from \$18.30/ton to \$18.45/ton. This rate would remain firm until the end of the agreement. After discussion, Commissioner Ennis made a motion to increase the garbage disposal fee from \$18.30/ton to \$18.45/ton, seconded by Commissioner Smith and carried on a 4-1 vote with Commissioner Lawrence voting "No".

Judge English stated that he had been contacted concerning the garbage issue in Huntington Hills Subdivision. Judge English stated that the issue would need to be looked at further and he would contact one or two solid waste attorneys who could come before the Commission to entertain any questions the Commission might have. Mrs. Price stated that the Solid Waste Enforcement officers will be given a list of all residents in this subdivision that will be eligible to utilize the county dumpster system. Mrs. Price stated that the garbage fee will be prorated at 75% on the next property tax bill beginning in October.

County Engineer Neal Hall presented four subdivisions for acceptance for permanent maintenance by the county. Mr. Hall recommended that since each subdivision had met the requirements he would request that these subdivisions be approved. The following are the subdivisions and roads:

Hillendale Drive Extension-Lee Road 418  
Shady Pines Subdivision-Lee Road 2150  
Weather Stone Subdivision – Lee Road 2111 & 2112  
Boulder Creek Subdivision – Lee Roads 2134, 2135 & 2136

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After discussion, Commissioner Smith made a motion to accept these subdivisions for county maintenance. The motion was seconded by Commissioner Ennis and unanimously carried.

Mr. Darryl Meyer of KPS Group distributed copies of his proposals for the Commission to review. Mr. Meyer stated that he brought two proposals, one for \$96,708 which addressed everything discussed at his previous meeting with the Commission, and another one requested by Commissioner Ennis solely for preparation of subdivision regulations at a cost of \$8,500. After discussion, Commissioner Ennis made a motion to ask County Administrator Roger Rendleman to find \$8,500 and to engage KPS Group to draft subdivision regulations for Lee County. Commissioner Smith commended County Engineer Neal Hall for the previous work he had done on subdivision regulations. Commissioner Lawrence asked why those previous regulations had not already been adopted. Neal Hall reported that they were being amended to reflect recent legislative changes made to the ACCA model regulations. After more discussion on the matter, vote was taken and the motion to engage KPS Group failed on a 2-3 vote with Commissioners Holt and Ennis voting "Yes" and Commissioners Lawrence, Smith and Harris voting "No".

Upon advice of County Attorney Stan Martin, Commissioner Smith made a motion at approximately 6:20 p.m. to recess into executive session concerning current litigation, seconded by Commissioner Lawrence and unanimously carried. Mr. Martin announced that the following needed to attend the executive session: County Engineer Neal Hall, County Administrator Roger Rendleman, Attorneys Chip Vercelli and Jimmy Sprayberry. Judge English stated that the executive session would last approximately one to two hours and possible official action may be taken after the executive session.

Upon reconvening after the executive session, Mr. William White and Mr. Justin Hardee returned, and the Chairman announced that there was no further business to come before the Commission. Commissioner Lawrence made a motion at approximately 8:45 p.m., seconded by Commissioner Smith, that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 12, 2007

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 12, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence. The Chairman next introduced the elected officials in the audience.

During citizens' communication, Troy Adams of Lee Road 132 appeared to thank the Commission for addressing the water situation on Lee Roads 129, 130 and 132. Mr. Adams stated that the project was approximately 60% complete and in his opinion was moving along very well. Commissioner Smith thanked Mr. Adams for making the effort to say thank you. Judge English also thanked Mr. Adams for coming before the Commission to make this type recognition.

Thomas "Bo" Smith questioned the Commission on the subject presented during the pre-meeting concerning house-to-house garbage pickup service. Mr. Smith stated that the first survey that was sent did not include a cost estimate and he felt that the Commission should send out another survey with a cost estimate included for house-to-house pickup.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the Lee County Commission meeting held January 8 and January 29, 2007, two listings of claims, lounge retail liquor license for Anna's Way, Bid#3 for inmate telephone systems, Bid #11 for four open top containers, Bid #13 for light bars and Bid #14 for mobile radios. The Commissioners agreed to move the item concerning the lounge retail liquor license and Bid#3 to New Business. Additionally, the initial announcements were made for a reappointment to the Beauregard Water Authority and a reappointment to the Loachapoka Water Board Authority. Upon discussion, the liquor license and Bid #3 were moved to new business. On Bid #11 Solid Waste Director Jack Marshall stated that since no bids were received he would request that the Bid #11 be rejected and re-bid. On Bid #13 Captain Meadows recommended the low bid of **Fleet Safety Equipment, Inc.** for \$1,249/each for 8 or more light bars be awarded. On Bid #14, Captain Meadows recommended that the low bid of **Radio Wholesale** for \$9,746.80 be accepted.

The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved with the two deletions previously mentioned.

Under old business during the pre-meeting, Lisa Ditchkoff presented an update on the Billy Hitchcock Miracle Field project. Ms. Ditchkoff thanked the Commission for their commitment to the project with the appropriation made to the project. Ms. Ditchkoff wanted to inform the Commission of several upcoming fundraisers, and that she would like to encourage all citizens to participate and to get involved in this community project.

Under old business, during the meeting, Commissioner Lawrence made a motion to set a work session with the legislative delegation for Monday, February 19, 2007 at 4:00 p.m. in the Commission chambers to discuss legislative issues. The motion was seconded by Commissioner Smith and unanimously carried. As discussed during the pre-meeting the Commission agreed to present the following issues: 1) Pay as you Go Plan 2) Increase the local court fee 3) equalize the sales tax 4) authority of Commission to set salary for Sheriff and Probate Judge 5) Land use regulation and 6) selection of the Commission Chair. In addition, Judge English stated that he had been presented a press release concerning support for the school board tax increase to send to the delegation.

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Commissioner Ennis stated that the issue in Huntington Hills subdivision needed to be addressed by the Commission. Several residents were in attendance and the floor was opened to their comments. Mr. Steve Edmunds stated that the residents had held a meeting at his home concerning the garbage situation in the subdivision. Mr. Edmunds stated that the residents of Huntington Hills Subdivision would like to keep door-to-door garbage service. Mr. Peter Nowlan addressed the Commission and stated that he felt it was unfair for the county to charge the garbage fee and to for citizens to have to pay an additional fee for door-to-door pickup service also. Ms. Jessica Fullerton questioned if the residents could pay the county garbage fee and pay Sunflower Waste to pick-up door-to-door. Judge English stated that Phenix City did not obtain permission in the first place from the Lee County Commission to provide door-to-door garbage pickup in Lee County, but it had happened and the Commission never questioned the issue until now that the service was being discontinued to the residents of Huntington Hills. Judge English stated that the residents would have to question the City of Phenix City about that decision. Ms. Fullerton stated that the residents had been told that they could annex their home into the city and continue to receive garbage service. Secondly, Judge English stated that the Solid Waste Plan provided provision for garbage pick-up and disposal under the current method. Further, he stated that a solid waste attorney would need to address the situation of allowing a franchise for garbage curbside service in Lee County. Ms. Fullerton questioned whether the garbage fee would be prorated. Judge English stated that Revenue Commissioner Oline Price was aware of the situation and the garbage fee would be prorated from February until September and added to the property tax bill. Another resident questioned the timeframe for the Commission to decide if curbside garbage service could be provided to the residents. Judge English stated that this would entail working with ADEM and that no timeframe could be given. Commissioner Lawrence stated that at this time the county dumpster system was available to the residents of Huntington Hills Subdivision and that if they chose, they could use one of the two approved vendors that would provide garbage pick-up service for an additional fee. Commissioner Lawrence stated that he would like to see the problem solved, but that it will take time to work out the issues that have come about on this matter. No action was taken by the Commission.

Judge English stated that he had tried to contact the attorney concerning the solid waste issues and had been informed that he had retired, but he had been referred to another attorney. Judge English asked the Commissioners to give suggestions on times and dates that would be convenient, and he would try to set up a meeting at the earliest available time and date.

County Administrator Roger Rendleman presented the Annual Tax Levy. Commissioner Smith made a motion to approve the following resolution, seconded by Commissioner Harris and unanimously carried.

**WHEREAS**, under provisions of Section 40-7-42 Code of Alabama, as Amended, it is the duty of the Lee County Commission to levy the amount of general taxes required for the expenses of the County for the current year, and at the same time to levy the amount of special taxes required for the County for other purposes, now therefore,

**BE IT RESOLVED** and ordered as follows:

1. That a tax, at the rate of 6 ½ mills on each \$1.00 or sixty-five cents on each one hundred dollars worth of taxable property in the County, be and the same is hereby levied for the general use of Lee County for the tax year beginning October 1, 2006.
2. That a tax, at the rate of 3 mills on each \$1.00, or thirty cents on each one hundred dollars worth of taxable property in the County, be and the same is hereby levied for the construction and maintenance of public buildings, roads and bridges in Lee County for the tax year beginning October 1, 2006.
3. That, pursuant to the provisions of Section 269 of the Constitution of Alabama 1901, and approval of the electors of Lee County, Alabama at an election held March 17, 1992, a County-wide tax at the rate of 1 mill on each \$1.00, or ten cents on each one hundred dollars worth of taxable property in the County, be and the same is hereby levied for the tax year



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beginning October 1, 2006 for the support of public school purposes (See Commission Volume 8, Pages 83-86 inc.) continuing each year thereafter until and including the levy for the tax year which will begin on October 1, 2021 (for which last tax year the tax will become due and payable on October 1, 2020).

4. That, pursuant to the provisions of Amendment 3 and Amendment 373 to the Constitution of Alabama 1901, and approval of the electors of Lee County, Alabama, at an election held March 17, 1992 (See Commission Minutes Volume 8, Pages 83-86 inc.), a special County-wide tax of 4 mills on each \$1.00 or forty cents on each one hundred dollars worth of taxable property in the County is hereby levied for the tax year beginning October 1, 2006 for public school purposes continuing each year thereafter until and including the levy for the tax year which will begin on October 1, 2021 (for which last tax year the tax will become due and payable on October 1, 2020).

5. That, pursuant to the provisions of Amendment 3 to the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama at a special tax election held October 13, 1992 (See Commission Minutes Volume 8, Pages 12-17 inc.), there is hereby levied for the tax year beginning October 1, 2006, continuing each year thereafter until and including the levy for the tax year which will begin on October 1, 2021 (for which last tax year the tax will become due and payable on October 1, 2022), in addition to all other taxes authorized by law, a special District tax at the rate of 3 mills on each \$1.00 or thirty cents on each one hundred dollars worth of taxable property in the Lee County School District and Auburn and Opelika for public school purposes.

6. That, pursuant to the provisions of Amendment 147 to the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama, at a special Lee County School District school property tax election held in said District on October 13, 1992 (See Commission Minutes Volume 8, pages 10-12 inc.) there is hereby levied for the tax year beginning October 1, 2006, continuing each year thereafter until and including the levy for the tax year which will begin on October 1, 2021 (for which last tax year the tax will become due and payable on October 1, 2020), in addition to all other taxes authorized by law, a special school property tax at the rate of 5 mills on each \$1.00 or fifty cents on each one hundred dollars worth of value of the taxable property in the territory of the Lee County Board of Education.

7. That, pursuant to the provisions of Amendment 309 of the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama at a special Lee County School District school property tax election held in said District on March 9, 1993 (See Commission Minutes Volume 8, page 83, et seq.) there is hereby levied for the tax year beginning October 1, 2006 and continuing each year thereafter until and including the levy for the tax year which will begin on October 1, 2021 (for which last tax year the tax will become due and payable on October 1, 2022), in addition to all other taxes authorized by law, a special school property tax at the rate of fifty (50) cents on each one hundred dollars worth of taxable property in the school tax District of Lee County, Alabama being all of the territory in Lee County, Alabama outside the corporate limits of the cities of Opelika and Auburn as established by the Lee County Board of Education.

8. That, pursuant to the provisions of Amendment 3 and Amendment 373 of the Constitution of Alabama 1901, and authority conferred on the governing body of Lee County, Alabama at a special Lee County School District property tax election held in said District on February 26, 2002 (See Commission Minutes Volume 10, Pages 359-360), there is hereby levied for the tax year beginning October 1, 2006, continuing each year thereafter until and including the levy for the tax year which will begin on October 1, 2021 (for which last tax year the tax will become due and payable on October 1, 2022), in addition to all other taxes authorized by law, a special school property tax at the rate of 3 mills on each \$1.00 or thirty (30) cents on each one hundred dollars worth of taxable property in the territory of the Lee County Board of Education.

9. That, pursuant to authority conferred on the governing body of Lee County at a special tax election held in said County on December 13, 1949 and ordered increased on July 31, 1979 by authority of Amendment 373 to the Constitution of Alabama 1901 (See Commission Minutes Volume 2, Page 184) there is hereby levied for the tax year beginning October 1, 2006, in

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addition to all other taxes authorized by law, a special county tax of 2 ½ mills on each \$1.00 or twenty-five cents on each one hundred dollars worth of taxable property in Lee County, to be used solely for acquiring by purchase, lease or otherwise, constructing, operating, equipping or maintaining County hospitals, non-profit hospitals and public health facilities (See Commission Minutes Volume I, Pages 508-510, inc., and Page 546).

10. That, pursuant to authority conferred on the governing body of Lee County, Alabama, at an election held on October 14, 1991, (See Commission Minutes Volume 7, Page 319) there is hereby levied for the tax year beginning October 1, 2006, in addition to all other taxes authorized by law, a special County ad valorem tax at the rate of 1 ½ mills on each \$1.00 or fifteen cents on each one hundred dollars worth of taxable property in Lee County as assessed for state taxation, the proceeds of which shall be used for the purpose of improving the enforcement in Lee County, Alabama, of laws relative to neglected, delinquent and dependent children and enlarging and improving and providing new services to and facilities for handling neglected, delinquent and dependent children.

11. That, pursuant to Act 754, 1973 Special Session of the Legislature of Alabama, in addition to any and all other licenses, excises and taxes, every person, firm, corporation or association that purchases wine, whiskey or other distilled alcoholic spirits from the State Alcoholic Beverage Control Board for the purpose of resale within a place of business located in Lee County outside the police jurisdiction of any incorporated municipality, shall pay into the general fund of the treasury of said County an amount equal to twenty percent (20%) of the cost of such beverages purchased from the Alcoholic Beverage Control Board. Such amount shall be payable to the County Treasurer on or before the tenth of each month and if not paid as herein above set forth, a penalty of twenty percent (20%) shall be added to the amount then due.

12. That, pursuant to authority conferred on the Lee County Commission by Act No. 81-737, 1981 Regular Session of the Alabama Legislature, to levy and provide for the collection of a solid waste disposal fee on residents of Lee County, a solid waste disposal fee at the rate of \$12.00 per month is levied on each residential unit not exempt as set out in Paragraphs 4, 5, 6 and 7 in Resolution passed by the Lee County Commission on January 9, 1984, and recorded in Commission Minutes Volume 4, Pages 362-362, including mobile homes and residences located on real property. A solid waste disposal fee at the rate of \$24.00 per month is hereby levied upon any user of solid waste disposal services who is not included in the levy on residential units; provided that the levies herein made affect only those areas in Lee County, Alabama outside the municipal limits of the cities of Opelika, Auburn and Smiths Station and shall not affect any user who has a contract for private garbage disposal service. Beginning October 1, 1983 and each October 1 thereafter, the fee shall become a fixed charge against the property for the succeeding 12 months and shall be collected between October 1 and December 31 of each succeeding year by the Revenue Commissioner of Lee County, Alabama at the same time that ad valorem taxes are collected.

13. That, pursuant to the provisions of Act No. 89-390 enacted at the Regular Session of the Legislature of Alabama and election held on May 30, 1989 in Fire Districts Nos. 1, 2, 4, 7 and 8 in Lee County, and an election held on May 22, 2001 in Fire District No. 5 in Lee County, as established and the boundaries fixed by the Lee County Commission, there is hereby levied: in Fire District No. 1 served by the Friendship Volunteer Fire Department, in Fire District No. 2 served by the Beauregard Volunteer Fire Department, in Fire District No. 4 served by the Plainview Volunteer Fire Department, in Fire District No. 5 served by the Salem Volunteer Fire Department, in Fire District No.7 served by the Southwest Lee County Fire Protection Authority and in Fire District No. 8 served by the Farmville Volunteer Fire Department for the fiscal year of the County that began on October 1, 2005 a financial charge of \$25.00 with respect to each Unit of Property (as defined in Act No. 89-390) in such District, unless such Unit of Property is exempted from such financial charge as provided in Act No. 89-390. The financial charge hereby levied shall become due and payable on October 1, 2006 and delinquent if not paid before January 1, 2007 and shall be collected by the Revenue Commissioner at the same time as ad valorem taxes are collected.

14. That the Revenue Commissioner of Lee County, Alabama be and she is hereby directed to calculate the taxes and fees levied in Paragraphs 1 through 13 inclusive, and to enter them in

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the Abstract and Assessments of said County, and collect said taxes and fees at the same time and in the same manner as State ad valorem taxes are collected, and make proper remittance therefore.

County Administrator Roger Rendleman presented a letter from the State Alcoholic Beverage Control Board asking that the County levy county beer, liquor and wine licenses for the fiscal year 2007-2008. After discussion, the following Resolution was offered by Commissioner Lawrence, seconded by Commissioner Harris and unanimously carried;

**BE IT RESOLVED** by the Lee County Commission that the County license levies for the sale of liquor, beer and wine for the fiscal year beginning October 1, 2006 to be set in the following amounts:

010 Lounge Retail Liquor – Class I	150.00
011 Lounge Retail Liquor – Class II (Package)	150.00
020 Restaurant Retail Liquor	150.00
031 Club Liquor – Class I	150.00
032 Club Liquor – Class II	375.00
040 Retail Beer – (On or Off Premises)	75.00
050 Retail Beer - (Off Premises Only)	50.00
060 Retail Table Wine – (On or Off Premises)	75.00
070 Retail Table Wine – (Off Premises Only)	75.00
080 Liquor Wholesale	500.00
090 Wholesale Beer Only	275.00
100 Wholesale Table Wine Only – 14.9% or Less	275.00
110 Wholesale Table Wine & Beer Combined	375.00
120 Warehouse License	100.00
130 Additional Warehouse – Wine, Beer or Both	100.00
140 Special Events Retail	75.00
150 Special Retail License – 30 Days or Less	100.00
160 Special Retail – More than 30 Days	250.00
170 Retail Common Carrier	150.00
200 Manufacturer	500.00
210 Importer	250.00
220 Brewpub	500.00
230 International Motor Speedway	3,000.00

County Administrator Roger Rendleman presented an Educational Reimbursement request from Sheriff's Investigator Denise Ingram. Mr. Rendleman stated that all requirements had been met and made a recommendation that the Commission grant this request. After discussion, Commissioner Smith made a motion to approve the educational reimbursement for Investigator Ingram, seconded by Commissioner Lawrence and unanimously carried.

The agenda item moved from the Consent Agenda for the lounge retail liquor license was presented. The report presented by Sheriff Jones stated that of 14 residents polled 10 residents objected and 4 had no objection. Commissioner Smith made a motion not to approve the retail liquor license for Anna's Way. The motion was seconded by Commissioner Lawrence. After discussion, Commissioner Lawrence requested a friendly amendment to reflect that the rejection was due to the objections from the community license. Commissioner Smith accepted the amendment and the motion as amended carried unanimously.

On Bid #3 for the inmate telephone system Major Torbert requested that it be moved to the next meeting.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 12, 2007**

With no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 7:00 p.m., seconded by Commissioner Smith, that the meeting be recessed until January 29, 2007.

Minutes approved:

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Chairman

\_\_\_\_\_  
Commissioner, District 1

\_\_\_\_\_  
Commissioner, District 2

\_\_\_\_\_  
Commissioner, District 3

\_\_\_\_\_  
Commissioner, District 4

\_\_\_\_\_  
Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 26, 2007**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday February 26, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt. The Chairman next introduced the elected officials in the audience.

During citizens' communication, David "Buddy" Goolsby stated that he would agree that the Commission should vote to appoint a Commission Chair among the five Commissioners, as discussed during the pre-meeting. In addition, he agreed that the Commission should try changing the Commission Chair for one-year and then if that does not work the Commission should elect a Chairman at-large.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the Lee County Commission meetings held February 6 and February 12, 2007, two listings of claims, a retail beer license for Hearn's Grocery, and Bid#3 for inmate telephone system. On Bid #3 Sheriff Jones recommended that the Commission accept the bid from **Talton Communications** which stated that the county would receive 60% of total gross revenue on the inmate phone system. The following resolution for the approval of a retail beer license was presented:

**Be it Resolved**, that the Lee County Commission approve the retail beer license (off premise only) for Hearn's Grocery, located at 1520 Lee Road 379, Smiths Station, Alabama.

The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved.

Under old business during the pre-meeting, Lisa Ditchkoff presented an update on the Billy Hitchcock Miracle Field project. Ms. Ditchkoff thanked the Commission for their commitment to the project with the appropriation made to the project. Ms. Ditchkoff wanted to inform the Commission of several upcoming fundraisers, and that she would like to encourage all citizens to participate and to get involved in this community project.

Under old business, during the meeting, Judge English explained that November 12, which was designated a holiday, was a scheduled Commission meeting date and had not been changed when the Commission passed the holiday schedule at its meeting of November 27. Commissioner Ennis made a motion to change the Commission meeting date from Monday, November 12 to Tuesday, November 13, seconded by Commissioner Holt and unanimously carried.

During the pre-meeting, Bill Evans made a presentation on a new Opelika Sportsplex and Aquatic Center project on Andrews Road. Mr. Evans asked the Commission to support the project by committing \$250,000 over a 5-year period. During the meeting, Mayor Fuller, Councilman Bill Lazenby and Mr. Yetta Samford each asked for the Commission's support of this project which they stated would not only help the City of Opelika but all of Lee County. After discussion, Commissioner Lawrence made a motion to commit \$50,000 out of the Recreation budget of \$215,000, seconded by Commissioner Smith for discussion. Commissioner Harris requested that the Commission not mess with the recreation money. Commissioner Harris stated that he believed in the project but did not feel that the Commission should take away anything from the current recreation funds. After this discussion, Commissioner Lawrence withdrew his motion and Commissioner Smith withdrew her second. The Chairman stated that a commitment could be made, but suggested not to specify the source of funding until budget time.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 26, 2007**

After more discussion, Commissioner Lawrence made a motion to commit \$250,000 over a five-year period to the City of Opelika for the purpose of a Sportsplex and Aquatic Center. The motion was seconded by Commissioner Smith and unanimously carried. In addition, Commissioner Smith thanked Mr. Yetta Samford for his contribution of the land for the project.

County Administrator Roger Rendleman requested that the Commission approve Change Order #5 to increase the Contingency Allowance in the amount of \$70,000 on the Jail Expansion Project. Mr. Rendleman stated that the funds will be reallocated within the existing budget, so no budget amendment will be required. Commissioner Lawrence made a motion to approve Change Order #5 as recommended, seconded by Commissioner Smith and unanimously carried.

Commissioner Holt made a motion to adopt the following Resolution:

**WHEREAS**, Lee County's population has grown by more than 51% since the opening of the Justice Center in 1984 and the County is projected to continue as one of the faster growing counties in Alabama; and

**WHEREAS**, the caseloads and associated services provided at the Justice Center have experienced substantial increase associated with this growth; and

**WHEREAS**, the current Justice Center facility is significantly inadequate in size, in functionality and in non-compliance with the American with Disabilities Act; and

**WHEREAS**, the Circuit Judges, District Judges, District Attorney, Circuit Clerk and County Commission respectfully request a \$50.00 local court cost to be assessed in each jurisdiction with the exception of Small Claims for the purpose of immediate and future expansion and renovation needs, and for the purpose operation and maintenance of the facility.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act for Lee County to authorize the Lee County Commission to assess a fee not to exceed fifty dollars (\$50.00) as court costs on each civil and criminal case, including traffic cases but excluding small claims, filed in the circuit court and district court in Lee County. The funds generated will be deposited into a County special revenue fund for the purpose of expansion, renovation and operation of the Lee County Judicial Center; and

**BE IT FURTHER RESOLVED** that a copy of this resolution and a copy of the information provided by the Officials operating in the Judicial Center be transmitted to each of the nine members of the Lee County Legislative Delegation.

The motion was seconded by Commissioner Lawrence, and upon a roll call vote being taken by the Chairman, the following votes were cast:

Commissioner Holt, District 1	AYE
Commissioner Lawrence, District 2	AYE
Commissioner Ennis, District 3	AYE
Commissioner Smith, District 4	AYE
Commissioner Harris, District 5	AYE

And the Chairman declared the resolution adopted by unanimous vote.

Commissioner Holt made a motion to approve the following Resolution:

**WHEREAS**, the Lee County Commission wishes to establish a funding source for the promotion of parks and recreation and to establish a funding source to expand the current School Resource Officers program in the County school system; and

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 26, 2007**

**WHEREAS**, the sales tax within the corporate limits of Auburn, Opelika and Phenix City within Lee County are eight percent (8%) and the sales tax in the remainder of Lee County is seven percent (7%); and

**WHEREAS**, an additional levy of a 1% sales and use tax paralleling the state sales and use taxes outside the corporate limits of Auburn, Opelika and Phenix City will equalize the sales and use tax across Lee County to the same level of eight percent (8%); and

**WHEREAS**, the Lee County Commission wishes to dedicate 75% of the proceeds to provide funding for a parks and recreation program out in the County; and

**WHEREAS**, the Lee County Commission wishes to dedicate 25% of the proceeds for funding of School Resource Officers in the County School System, therefore, allowing the Sheriff to cover the schools more effectively and bring an additional benefit of more deputies on patrol when County schools are not in session.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act for Lee County allowing the citizens of Lee County to vote on authorizing the County to levy a 1% sales and use tax paralleling the state sales and use taxes outside the corporate limits of Auburn, Opelika and Phenix City. With 75% of the proceeds dedicated to provide funding for a parks and recreation program out in the County. This will include but not be limited to the purchase of land for parks, to the construction of recreation facilities, to provide support staff and maintenance equipment, and to improve access in and to areas of recreation. The remaining 25% of the proceeds dedicated to provide funds for the School Resource Officers Program in the County School System; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to each of the nine members of the Lee County Legislative Delegation.

The motion was seconded by Commissioner Smith, and upon a roll call vote being taken by the Chairman, the following votes were cast:

Commissioner Holt, District 1	AYE
Commissioner Lawrence, District 2	AYE
Commissioner Ennis, District 3	AYE
Commissioner Smith, District 4	AYE
Commissioner Harris, District 5	AYE

and the Chairman declared the resolution adopted by unanimous vote.

Commissioner Holt made a motion to approve the following Resolution:

**WHEREAS**, the Lee County Commission is on record in support of land use legislation; and

**WHEREAS**, the Lee County Commission seeks to create a Lee County Planning Commission, which shall consist of eleven members, two from each Commission District, and one appointed by the Chairman of the County Commission; and

**WHEREAS**, to grant the Commission powers to regulate certain areas within the county, to prohibit land use regulation from being retroactive; to provide remedies for the enforcement of the provisions of this act; and

**WHEREAS**, to provide for a referendum in each voting beat within Lee County to determine if the citizens of that beat wishes to grant the Commission authority for land use regulation in that beat; and

**WHEREAS**, a local bill was passed in both the House and Senate during the 2005

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 26, 2007**

Special Session; however, failed to achieve final passage due to a substitution requiring a conference committee which did not have time to meet before the end of the session; and

**WHEREAS**, the Lee County Commission does not object to the substitution made during the 2005 Special Session and wishes to resubmit the same bill with the substitution.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act for Lee County allowing the citizens of Lee County to vote on the issue of land use regulation; and

**BE IT FURTHER RESOLVED** that a copy of this resolution and a copy of the substituted bill be transmitted to each of the nine members of the Lee County Legislative Delegation.

The motion was seconded by Commissioner Harris, and upon a roll call vote being taken by the Chairman, the following votes were cast:

Commissioner Holt, District 1	AYE
Commissioner Lawrence, District 2	AYE
Commissioner Ennis, District 3	AYE
Commissioner Smith, District 4	AYE
Commissioner Harris, District 5	AYE

and the Chairman declared the resolution adopted by unanimous vote

Last, discussion to consider changing the Chair of the Commission began. County Administrator Roger Rendleman presented two versions of the change: 1) a Chair elected county-wide by the public or 2) the Commission to elect a chair themselves among the Commission members. During the pre-meeting Commission Harris presented a third version. After discussion, Commissioner Lawrence made a motion to leave the chair position as it currently stands. The motion died for the lack of a second. Next, Commissioner Harris made a motion to accept version #3 which is as follows:

**WHEREAS**, Lee County was the fourth fastest growing (32%), eighth most populous County (115,092) in the State of Alabama according to the last federal census, and has experienced double digit growth in every federal census since 1940; and

**WHEREAS**, only sixteen out of sixty-seven Counties in Alabama still utilize the Probate Judge as Chairman of the County Commission which was established in the late 1800's;

**WHEREAS**, the Lee County continues to experience rapid commercial and residential growth; and

**WHEREAS**, the Lee County commission wishes to alter the composition and responsibilities of the County commission and Probate Judge to more effectively address the issues of a rapidly growing Lee County in the twenty-first century.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act for Lee County allowing the Lee County Commission to elect a Chairman of the Lee County from its own members. The election of a Chairman of the Commission would take place immediately and would serve a term until the next general election cycle. The Lee County Commission would then elect a new Chairman after each general election cycle. Upon the election of a Chairman of the Lee County Commission all responsibilities and authority of the Chairman of the Lee County Commission shall be separated from the Probate Judge. The Probate Judge shall have equity jurisdiction in all matters of Probate Court in Lee County and be required to meet all qualification requirements to have such jurisdiction.

**BE IT FURTHER RESOLVED** that a copy of this resolution and a copy of the chairmanship proposal be transmitted to each of the nine members of the Lee County Legislative



**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 26, 2007**

Delegation.

The motion was seconded by Commissioner Ennis, and upon a roll call vote being taken by the Chairman, the following votes were cast:

Commissioner Holt, District 1	NAY
Commissioner Lawrence, District 2	NAY
Commissioner Ennis, District 3	AYE
Commissioner Smith, District 4	NAY
Commissioner Harris, District 5	AYE

and the motion failed on a 2-3 vote.

After more discussion, Commissioner Holt made a motion to carry this issue over to the next meeting, seconded by Commissioner Lawrence and carried unanimously.

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Ennis, that the meeting be adjourned at approximately 7:00 P.M.

Minutes approved:

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Chairman

\_\_\_\_\_  
Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

\_\_\_\_\_  
Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 12, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday March 12, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English. The Chairman next introduced the elected officials in the audience.

During citizens' communication, David "Buddy" Goolsby covered two issues. He stated that on the subject of an ad valorem tax increase he stated that he would like the Commission to remember that property owned by individuals is assessed at 10%, but that rental and commercial property is assessed at 20%. Secondly, Mr. Goolsby stated that he had talked to several people about the Commission make-up and made an analogy between the Lee County Commission/Probate Judge and the Legislative Delegation/Governor. Last, he said that sending things to a Committee is really just a pigeon-hole.

Opelika-Auburn News reporter William White invited everyone to attend the open house of their new building on Thursday, March 15 at 5:30 p.m. which is located on Society Hill Road.

County Administrator Roger Rendleman introduced the new Government Relations Coordinator Wendy Swann and announced that she will begin work on Monday, March 19.

Judge English recognized Paige Moeller, Assistant Director of the Miss Auburn/Opelika Area Pageant, who recognized the new Miss Auburn/Opelika Area Rachel Evans and Teen Miss Auburn/Opelika Area Hannah Prickett. Ms. Prickett stated that her platform is "Empowering Teens to make Positive Choices", and Ms. Evans stated that her platform is the "Prevention of Teen Smoking". Judge English thanked them for their attendance at the meeting and thanked Mr. John Painter for the use of Smiths Station High School Auditorium for the pageant. Mrs. Moeller thanked Judge English for his role in the pageant.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and a copy of Bid #16 for an integrated voice and data network. The minutes of the meeting of February 26 were given to the Commission prior to the pre-meeting and Commissioner Lawrence asked that they be moved to the next agenda. On Bid #16 County Administrator Roger Rendleman asked that it be moved to new business.

The Chairman asked if there were any questions about the only remaining consent agenda item to ratify and approve claims. Commissioner Lawrence made a motion, seconded by Commissioner Holt and unanimously carried, that the consent agenda item be approved.

Under old business, Commissioner Holt included in each Commissioners' packet a recommendation that the Commission appoint a 9 member Lee County Citizens' Council on County Government to make a recommendation to the Commission regarding the structure of the Lee County Commission. He presented a proposed procedure for formation of that Council which was then discussed. The following is the version that a majority of the Commissioners agreed to after discussion:

"The Council will make recommendations on the method for nominating, qualifying, electing, etc. the members of the Lee County Commission and the chairman of the Lee County Commission. Should the council recommend any changes from the current structure, they will also recommend a plan for implementing the changes, the compensation to be paid to the members, clearly defining salaries and expense reimbursement for in county expenses and out of county expenses.

The staff of the Lee County Commission shall provide assistance to the council, as to whatever information the council deems it requires with specific regard to current legislative acts and statues that apply.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 12, 2007**

The staff of the Lee County Commission shall also facilitate and coordinate consultation with the Association of County Commissions of Alabama, the Auburn University Center for Governmental Services and any other group or agency that could assist and contribute information to the council in forming recommendations.

The council shall hold public meetings and comply with the state of Alabama open meetings requirements.

The first meeting of the council shall be called by the Lee County Commission, which at that time the council will elect a "chairman of the council". Subsequent meetings shall be called by the chairman of the council."

**"Appointment of the Members of the Council"**

Six persons---Each member of the Lee County Commission shall appoint one person.

Three persons---One resident from the City of Auburn, one resident from the City of Opelika and one resident from the City of Smiths shall be made by action of the Lee County Commission

Elected officials shall not be eligible for service on the council.

Once appointed, the members may not be removed by the appointing authority. However, should a member of the council resign before the council makes its report, the vacancy shall be filled in the same manner as the original appointment.

The council shall cease to exist after making its report to the Lee County Commission.

This will be a voluntary appointment, however, any expenses incurred by the council or any individual member of the council must be authorized by the County Administrator and reimbursed by the Lee County Commission not to exceed a total of \$2,500.00 for the entire council.

**"Time Table for Council"**

March 12, 2007	Meeting of the Lee County Commission, vote to establish the "Lee County Citizen's Council on County Government".
March 26, 2007	Meeting of Lee County Commission 1 <sup>st</sup> reading of appointments to council
April 9, 2007	Meeting of Lee County Commission 2 <sup>nd</sup> reading* of appointments to council * Call a public meeting for 1 <sup>st</sup> meeting of the council to be held April 16, 2007 at 6:30 p.m. CT in the Commission chambers. At this time the council would elect a chairman and call its subsequent meetings as they deem necessary.
August 13, 2007	Meeting of Lee County Commission and the council make recommendations to Lee County Commission for consideration.

Commissioner Holt made a motion to accept this proposal with the agreed changes, seconded by Commissioner Lawrence for discussion. Commissioner Harris stated that he would be against the proposal if elected officials were excluded from eligibility for appointment. After more discussion, vote was taken and the motion passed on a vote of 4-1, with Commissioner Harris voting "No".

Lee County School Superintendent John Painter presented a Power-Point presentation during the pre-meeting on the school board's proposal to add a 7 mill ad valorem tax for county school purposes.

After a brief review during the regular meeting, Commissioner Lawrence made a motion to authorize the Chairman to sign the following Resolution:

**INSERT RESOLUTION FROM SCHOOL BOARD HERE**

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 12, 2007**

The motion was seconded by Commissioner Holt, and upon a roll call vote being taken by the Chairman, the following votes were cast:

Commissioner Holt, District 1	AYE
Commissioner Lawrence, District 2	AYE
Commissioner Ennis, District 3	AYE
Commissioner Smith, District 4	AYE
Commissioner Harris, District 5	AYE

and the Chairman declared the resolution adopted by unanimous vote.

Ms. Mattie Hinkle appeared before the Commission to discuss an issue concerning the clean-up of her property resulting from a nuisance conviction. Ms. Hinkle stated that some of her personal property had been destroyed by the clean-up crew. County Administrator Roger Rendleman advised Ms. Hinkle that if she felt that property was taken other than as directed by the court order, then she should make an itemized listing of the lost property and an estimate of the loss and submit the claim to the county so that the county can make an investigation. Solid Waste Director Jack Marshall asked for guidance on whether he should continue clean-up efforts of the shingles on Ms. Hinkle's property, and four of the Commissioners generally showed agreement, except Commissioner Harris. The Chairman asked if there was any action to be taken by the Commission, with no responses.

County Administrator Roger Rendleman requested that the Commission authorize the Chairman to sign an agreement with Condrey & Associates for a classification and compensation study in the amount of \$47,500, once the County Attorney and County Administrator approve the terms within the agreement. Mr. Rendleman stated that this is a budgeted item and the pay classification and compensation plan had not been updated since 1997. Upon this recommendation, Commissioner Lawrence made a motion that the Chairman be authorized to sign the agreement for a classification and compensation study, seconded by Commissioner Smith. Upon discussion, Commissioner Harris commented that even though the money was budgeted, the study did not have to be done at this time. He stated that if there was a need for a study, then he or the Commission staff could do a comparison among other counties to get comparison data. Commissioner Lawrence stated that most entities do a compensation study every five years. Mr. Rendleman stated that this company has a proven track record and that the county needs to stay competitive in the wages comparison so that Lee County can keep quality people. After more discussion, Commissioner Lawrence called for the question, seconded by Commissioner Smith, upon vote the call for the question passed on a 4-1 vote with Commissioner Harris voting "No". Upon vote taken, the motion passed with a 4-1 vote with Commissioner Harris voting "No".

County Administrator Roger Rendleman made a recommendation that the Commission amend the FY2006-2007 Environmental Fund Budget for a \$31,720 increase in revenues to cover the purchase of a service vehicle. Commissioner Smith made a motion to approve the budget amendment for the purchase of a service truck for the Solid Waste Department, seconded by Commissioner Holt and unanimously carried.

County Administrator Roger Rendleman reported upon the annual review of the Policies and Procedures Manual and recommended that the Commission approve seven changes in the manual. The proposed policy changes are as follows:

1. Allow for the reuse of recently obtained applicant pools for positions of exact or similar qualifications; in order to increase efficiency especially if the pool has a good number of quality applicants.
2. Simplify defining when sick leave is appropriate for taking care of a dependent.
3. Simplify the use of Bereavement Leave around what is a very difficult time. The change will allow flexibility of the use of the three days allowed for between the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 12, 2007**

dates of passing to a couple of days after the funeral, since everyone needs vary.

The proposed clarifications are as follows:

1. Add a reference that the filling of classified vacancies by temporary assignment transfer or promotion is addressed in a different section than the section for new hires.
2. Add the EMA Director as an Appointing Authority.
3. Change shall to a may which was overlooked in the Substance Abuse Policy.
4. Remove actual work from 6.3.2 A. (2) since it based on accounted for hours under the 171 hour rule.

Upon the recommendation, Commissioner Smith made a motion to adopt the above changes and clarifications, seconded by Commissioner Holt and unanimously carried.

Mr. Rendleman made a recommendation that the Commission amend the Classification Plan to eliminate the classification of a Computer Programmer and create a Public Services and Elections Assistant at a Grade 11 for the Probate Office. Mr. Rendleman stated that this was an existing vacancy and that the position was budgeted for in this year's budget. Upon this recommendation, Commissioner Smith made a motion to amend the job classification as presented, seconded by Commissioner Lawrence and unanimously carried.

Last, Mr. Rendleman made a recommendation to reject Bid #16 for an integrated voice and data network so that negotiations can be made for a lower price. Commissioner Lawrence made a motion to reject Bid #16 and negotiate, seconded by Commissioner Smith and unanimously carried.

Judge English recognized Ms. Leila Andrews of Lee Road 665 who arrived late but asked to be recognized for citizens' communications. Ms. Andrews requested that Lee Road 665 be paved because her doctor had recommended that the dirt road was bad for her due to her health condition. Ms. Andrews stated that Commissioner Harris had promised her that the road would be paved. Commissioner Harris stated that he had turned in his paving list to County Engineer Neal Hall, but that Lee Road 665 was not on the list. Judge English explained to Ms. Andrews that each Commissioner submits their proposed roads for paving each year, but that the Commission as a whole votes on the entire list for the County. He stated that each Commissioner decides which roads to include on the paving priority list they propose for their District. He informed Ms. Andrews that the current year's list has not been adopted by the Commission yet, but that some Commissioners had already provided their recommendations.

Commissioner Smith requested that the Dirt Road Paving Priority List be added to the next agenda.

Commissioner Holt stated that he would like to give the Commission a report of the NACo Legislative Conference at the next meeting, but that he wanted to go ahead and relay one piece of information at this time. Commissioner Holt shared that Congressman Rogers and Senators Shelby and Sessions requested that the Commission look into the alternative fuel program and promote the use of such programs within the county.

Commissioner Lawrence informed the Commission that the Red Cross raised over \$40,000 by hosting the Red Cross Fly-In over the weekend at the Auburn-Opelika Airport.

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Holt, at approximately 7:35 p.m. that the meeting be recessed until March 26, 2007.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 12, 2007**

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 26, 2007**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday March 26, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt. The Chairman next introduced the elected officials in the audience.

During citizens' communication, Ms. Paula Brickner appeared before the Commission and stated that she and several citizens in the Lake Harding area had met and wanted to establish a "Keep Lake Harding Beautiful" committee. In addition, she announced a clean-up day for Lee Roads 148 and 379 on April 14 from 8 a.m. to 10 a.m. She asked to be placed on the agenda for the meeting of April 9, 2007 to discuss the trash and litter issues. Judge English thanked Ms. Brickner for the advance notice on these issues, and for taking positive steps to resolve the problem.

During staff reports, Government Relations Coordinator Wendy Swann presented an information sheet to the Commission on the formation of a planning committee to address the potential impact of Base Realignment and Closure (BRAC) on Ft. Benning with a 10-year Lee and Russell County Comprehensive Plan. The Lee-Russell Council of Governments has a \$160,000 ADECA grant to form a planning committee in April that will have representatives from Lee and Russell counties, Auburn, Opelika, Smiths Station, Loachapoka, Phenix City and Hurtsboro. Ms. Swann requested that the Commission come up with specific needs in relation to transportation; capital improvement (roads & bridges); economic development; open spaces, parks & recreation, and historic preservation; education; housing; land use and rural; and the environment. Additionally, she stated that the Commission should consider who they want as the county's representative on the Committee.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, the transfer of a restaurant retail liquor license for Kokomos, the transfer of a retail beer and retail table wine license for The Landing, the announcement of a board term ending on the Smiths Water Authority and first readings of Dr. Richard Baker to the Loachapoka Water Authority Board and Mr. Larry Patterson to the Beauregard Water Authority Board. The following resolutions were presented:

**Be it Resolved**, that the Lee County Commission approve the transfer of a restaurant retail liquor license for Kokomos, located at 9883 Lee Road 379, Valley, Alabama.

**Be it Resolved**, that the Lee County Commission approve the transfer of a retail beer license (off premise only) and a retail table wine license (off premise only) for The Landing, located at 9883 Lee Road 379, Valley, Alabama.

The Chairman asked if there were any questions about the consent agenda items as received. Commissioner Lawrence made a motion, seconded by Commissioner Holt and unanimously carried, that the consent agenda items be approved.

Under old business, County Administrator Roger Rendleman requested that the Commission consider adding Bid #16 to the agenda. Commissioner Lawrence made a motion to add Bid #16 to the agenda, seconded by Commissioner Ennis and unanimously carried that the item be added. Mr. Rendleman stated that negotiations had taken place on the integrated voice & data network system. Mr. Rendleman stated that after negotiations, the County had received quotes of \$156,384.30 from Solarcom and \$170,224.30 from TekLinks. Mr. Rendleman requested that the Commission grant the bid to Solarcom and authorize the Chairman to sign the agreement. After discussion, Commissioner Holt made a motion accept the negotiated amount of \$156,384.30 from Solarcom and authorize the Chairman to sign the agreement, seconded by Commissioner Harris and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 26, 2007**

During the pre-meeting, much discussion took place on nominees for first reading of the Lee County Citizens' Council. After more discussion in the meeting, Commissioner Holt appointed Gerald Johnson as his appointee and recommended Larry Lee as the Opelika appointee. Commissioner Lawrence appointed Warren McCord and recommended that the Auburn appointee be David Housel. Commissioner Ennis appointed John "Billy" Belk and recommended that the Smiths Station appointee be Bill Hogencamp. Commissioner Smith appointed Hugh Dicks, Commissioner Harris appointed Connie Louise Taylor and Judge English appointed Dr. Keith Ward. After more discussion, Commissioner Holt made a motion to nominate Larry Lee as the Opelika appointment, seconded by Commissioner Smith. Commissioner Harris made a motion to nominate Ben Hand as the Opelika appointment, seconded by Commissioner Ennis for vote. After vote, Larry Lee was elected as the Opelika appointee on a vote of 4-1 with Commissioner Harris voting for Mr. Hand. Commissioner Holt made a motion to nominate David Housel for the Auburn appointment, seconded by Commissioner Lawrence and unanimously approved. Commissioner Ennis made a motion to nominate Bill Hogencamp as the Smiths Station appointee, seconded by Commissioner Lawrence and unanimously approved.

After much discussion during the pre-meeting concerning lower speed limits and the erection of "No Parking" signs on Lee Road 251, Commissioner Ennis stated during the meeting that he would like to discuss the issue further. Judge English asked if the road could be turned into a one-way road. Mr. Hall stated that he sees no benefit in erecting the No Parking signs since his sign crew would have to repeatedly replace the signs, because he had had the same problem in other areas with signs being removed repeatedly. Commissioner Lawrence suggested that the one-lane option be studied by the Highway Department as a possible solution. After more discussion, Commissioner Ennis stated that he would address the situation by talking to the landowners. Commissioner Lawrence agreed and asked that Commissioner Ennis address the situation personally. No action was taken by the Commission at this time.

After discussion in the pre-meeting, County Engineer Neal Hall stated during the meeting that he would present a formal list at the next meeting for approval if he received all the Commissioners paving list priorities. Judge English asked Mr. Hall about the use of tar and gravel on less traveled roads, and Commissioner Ennis stated that he was trying that as an experiment on some roads in his district this year. Commissioner Lawrence encouraged each Commissioner to consider the use of tar & gravel on dirt roads for an opportunity to have more surfaced roads in the county. Ms. Hodge was asked to place this on the next agenda.

Commissioner Harris presented a summary of his trip to the NACo Legislative Conference in Washington, D.C. and said that he would recommend that the Commission look into a "wellness program" for county employees. He stated that this is a win-win for both sides, for the county as well as the employees.

Commissioner Holt reported that Congressman Rogers would like the Commission to continue to look at ways to use an alternative fuel program which he supported. Commissioner Holt stated that he had been informed that the Sheriff's Office had already purchased two vehicles with the flex fuel option.

Commissioner Harris made a motion to authorize his expenses for the NACo Annual Conference to be held in Richmond, Virginia on July 13-17, 2007, seconded by Commissioner Holt and unanimously carried.

Judge English presented a request for \$125 for advertisement in the annual Alabama State Fair program, and stated that the Commission usually did this every year. Commissioner Lawrence made a motion to approve this \$125 out of the Contingent fund. The motion was seconded by Commissioner Holt and unanimously carried.



**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 26, 2007**

County Engineer Neal Hall requested that the Commission accept Meadowlake Estates into the county road maintenance program since the one-year maintenance inspection had been completed satisfactorily. Commissioner Ennis made a motion to accept this recommendation, seconded by Commissioner Lawrence and unanimously carried.

County Administrator Roger Rendleman presented for pre-approval an educational reimbursement request from Revenue Commissioner employee Cheryl Whitlock. Mr. Rendleman stated that all requirements had been met and made a recommendation that the Commission grant this request. After discussion, Commissioner Lawrence made a motion to pre-approve the educational reimbursement for Mrs. Whitlock, seconded by Commissioner Holt and unanimously carried.

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Holt, at approximately 6:45 p.m. that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 9, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday April 9, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence. The Chairman next introduced the elected officials in the audience.

During citizens' communication, Thomas "Bo" Smith appeared before the Commission to request that they deny the lounge liquor license for "Waverly @ 72". Mr. Smith stated that due to the high density of traffic on the roadway, which is not policed, he would ask the Commission not to approve the request if it added to the agenda tonight.

Mrs. Leila Andrews again appeared before the Commission to request that Lee Road 665 be paved due to her health condition. Mrs. Andrews gave the Commission a letter from her doctor citing her health issues. Judge English passed the letter to Commissioner Harris.

Additionally, Mrs. Mary Patrick appeared before the Commission and stated that she did not see Lee Road 665 on the list to be paved. She stated that she felt the road should be paved due to the dust and the wear and tear on the cars that travel the road. She stated that in the past other residents, including Ms. Andrews, had requested that the road be paved and had been told that it would. Judge English referred Mrs. Patrick to Commissioner Harris. Commissioner Harris confirmed that Lee Road 665 was not on the current paving list or the list proposed for the coming year.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Annell Smith, and John Andrew Harris. Commissioner Harry Ennis was absent due to illness.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the March 26, 2007 meeting, two listings of claims, and Bid #19 for two computer servers for the Sheriff's Office. Information Services Director Tim Parson presented the results of Bid #19. He stated that out of 20 bids sent, only four vendors responded. Mr. Parson recommended that the low bid of \$9,799.02 from **Integrated Systems** be approved.

The Chairman asked if there were any questions about the consent agenda items as received. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved.

Under old business, upon second reading, Commissioner Holt made a motion on the following reappointment, seconded by Commissioner Lawrence and unanimously carried.

**Be it Resolved**, that the Lee County Commission reappoint Dr. Richard Baker to the Loachapoka Water Authority Board for a six-year term beginning February 28, 2007 until February 28, 2013.

Upon second reading, Commissioner Harris made a motion on the following reappointment, seconded by Commissioner Smith and unanimously carried.

**Be it Resolved**, that the Lee County Commission reappoint Mr. Larry Patterson to the Beauregard Water Authority Board for a six-year term beginning February 28, 2007 until February 28, 2013.

During the pre-meeting, Commissioner Harris questioned Commissioner Holt on his nominations for the citizens' council, stating that the nominations were changed improperly somehow between their first mention in the pre-meeting and their actual nomination during the regular meeting. Commissioner Holt responded by saying that he felt the nominations for the council were done fairly and as agreed to among the Commission. During the meeting, Commissioner Lawrence made a motion for the second reading of the Citizens' Council

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 9, 2007**

members which includes: Commissioner Holt appointed Gerald Johnson; Commissioner Lawrence appointed Warren McCord; Commissioner Ennis appointed John “Billy” Belk; Commissioner Smith appointed Hugh Dicks; Commissioner Harris appointed Connie Louise Taylor; Judge English appointed Dr. Keith Ward; Larry Lee was nominated for the Opelika appointment; Dr. David Housel was nominated for the Auburn appointment; and Bill Hogencamp was nominated for the Smiths Station appointment. The motion was seconded by Commissioner Holt and unanimously carried. Several of these nominations were in attendance at the regular meeting, including Warren McCord, Hugh Dicks, Keith Ward, Larry Lee, and Bill Hogencamp. Commissioner Holt stated that he would like to invite all members of the audience to attend the reception for the new members and that “Fat Daddy’s” restaurant was catering a meal which would be served at the end of the Commission meeting.

After discussion in the pre-meeting, County Engineer Neal Hall presented the FY06/07 Dirt Road Paving priority list as follows:

		<u>Length(mi)</u>	<u>Distributed Mileage</u>
Dist. #1	Lee Road 650	.20	
	Lee Road 066	<u>1.00</u>	
	Sub-total	<u>1.20</u>	<u>1.77</u>
Dist. #2	Lee Road 690	<u>.26</u>	
	Sub-total	<u>.26</u>	<u>.26</u>
Dist. #3	Lee Road 576	.16	
	Lee Road 580	.35	
	Lee Road 588	<u>.41</u>	
	Sub-total	<u>.92</u>	<u>.92</u>
Dist. #4	Lee Road 114	.58	
	Lee Road 121	1.13	
	Lee Road 257	.60	
	Lee Road 259	1.00	
	Lee Road 381	.50	
	Lee Road 382	.78	
	Lee Road 740	.40	
	Lee Road 841	<u>.19</u>	
Sub-total	<u>5.18</u>	<u>5.22</u>	
Dist. #5	Lee Road 008	.88	
	Lee Road 123	.78	
	Lee Road 124	.90	
	Lee Road 862	<u>.03</u>	
Sub-total	<u>2.59</u>	<u>1.83</u>	
<b>TOTAL</b>		<b><u>10.15</u></b>	

Upon discussion, Judge English noticed that Commissioner Harris was over his allocation by 0.76 mile and questioned whether he was utilizing some of his FY07/08 distribution. County Engineer Neal Hall stated that it would have to be from his FY07/08 distribution, unless another commissioner was willing to donate the additional mileage. Commissioner Harris acknowledged this. In addition, Judge English questioned Commissioner Holt being under by 0.45 mile and Commissioner Smith being under by 0.04 mile. Each answered in the affirmative that they would were aware that they were under their allocation. Commissioner Holt said he would consider donating his portion to Commissioner Harris, but he would not commit to that tonight. Upon this clarification, Commissioner Smith made a motion to approve the FY06/07 Paving Priority List, seconded by Commissioner Holt and unanimously carried.

After discussion in the pre-meeting, Solid Waste Director Jack Marshall asked permission during the meeting to continue the clean-up of the Hinkle property. Commissioner

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 9, 2007**

Smith asked if a motion was needed due to the court order. Judge English offered that Mr. Marshall was doing so to protect the County. County Administrator Roger Rendleman stated that no motion was needed to enforce the court order, but Mr. Marshall wanted reassurance from the Commission on the clean-up of the rest of the debris. Commissioner Harris stated that Mr. Marshall should be able to do his job, but he felt that the clean-up had gone beyond the limits of the court order. Mr. Marshall read from the Order that “any items declared by this Court” were to be removed. Commissioner Smith stated that this was in her district and was an ongoing problem for over two years, and that the property owner had knowledge of the situation. Commissioner Harris once again questioned why Mr. Marshall had not contacted him on the situation. Commissioner Lawrence stated that the court order involved cleaning up the debris and if Mrs. Hinkle had any other claim then she had been instructed to submit it to the Commission Office. Mr. Marshall stated that at this point over 213 tons of debris had been removed which included: parts of an old mobile home, scrap metal, rotting building materials, inoperable cars and roofing materials. Mr. Marshall estimated that the total clean-up would cost over \$10,000. Commissioner Harris agreed to let Mr. Marshall go ahead and complete the cleanup, but thought that the County should reimburse Ms. Hinkle later.

Ms. Paula Brickner, Tina Jones and Tommy Lumpkin appeared before the Commission and Ms. Brickner stated that 29 individuals had committed to cleaning up along Lee Roads 158 & 379 on April 14 from 8 a.m. to 10 a.m. Additionally, she asked if the Commission had any plans to clean up around the dumpster site at Lee Roads 379 and 158. She questioned what the Commission was doing towards cleaning up the county and if any education in the community was being done. Mr. Marshall addressed several of her issues stating that the enforcement officer must see the person commit the littering before a littering violation citation can be given. Additionally, he said that an education program was being started at Loachapoka and Smiths Station for 1<sup>st</sup> thru 6<sup>th</sup> graders. Ms. Brickner questioned if the dumpster site at Lee Road 158 would be improved. Mr. Marshall stated that since the site was owned by the power company that any improvements would be minimal. Mr. Marshall stated that the site is picked up three times a day to minimize the buildup of trash. Ms. Brickner stated that she would ask that the county support their efforts in cleaning up this area of the county. Mr. Marshall offered orange vests for the citizens’ to use on the cleanup day. Judge English commended Ms. Brickner and her group on their efforts and leadership on this project.

The next agenda item concerning Lee Road 352, Mrs. Christ was not in attendance so the item was removed from the agenda. Commissioner Smith stated that she believed Mrs. Christ wanted to request that the road be paved.

During the pre-meeting, Lee-Russell Council of Governments Representative Lisa Sandt explained to the Commission several options for citizens on help for rural housing rehabilitation. Mrs. Sandt stated that two options were available to homeowners, including: 1) USDA Section 504 Rural Development grants and/or low rate loans for housing repair and rehabilitation and 2) HUD Title 1 Home Improvement loans. Additionally, there are two grants available for application by the county: 1) USDA Housing Preservation grants and 2) CDBG grants for the low to medium income population with a 10% match requirement. Mrs. Sandt reminded the Commission that these CDBG funds were not available at this time due to the water project that is still ongoing and is still an open grant. During the meeting, Commissioner Harris recognized Mrs. Audrey Buchanan who stated that she needs repairs to her home due to leaks in her roof. Ms. Sandt suggested that any individual should apply for the USDA low rate loans for those homeowners in need of minor home repairs.

Commissioner Lawrence made a motion to authorize his expenses for the Economic Development Association of Alabama 2007 Summer Conference to be held in Point Clear, Alabama on July 8-11, 2007 and the expenses for he and Commissioner Smith for the Alabama City/County Management Association Summer Conference to be held in Orange Beach, Alabama on July 11-13, 2007, seconded by Commissioner Smith and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 9, 2007**

County Administrator Roger Rendleman presented a lease agreement with the City of Auburn for property on Mall Boulevard for the location of a satellite office. He stated that the lease agreement is for 10 years with two five-year extensions. Mr. Rendleman asked the Commission to authorize the Chairman to sign the agreement. Commissioner Holt made a motion to authorize the Chairman to sign the lease agreement with the City of Auburn as presented, and to engage Architect Randy Wilson for building design. The motion was seconded by Commissioner Smith and unanimously carried.

County Engineer Neal Hall reported on Bid #17 for a batwing rotary cutter for the Highway Department. Mr. Hall stated that out of 23 bids sent only 2 vendors responded. Of the two bids received, neither vendor met specifications. Mr. Hall recommended that the Commission reject Bid #17 and rebid. Upon this recommendation, Commissioner Lawrence made a motion to reject Bid #17 and rebid the item, seconded by Commissioner Holt and unanimously carried.

Commissioner Holt made a motion to add a lounge retail liquor license for Waverly @ 72 to the agenda, seconded by Commissioner Lawrence and unanimously carried, and the item was added to the agenda. The Commissioners' packets included a letter from Sheriff Jones recommending denial due to objections noted in his investigation. Commissioner Harris questioned the reason for the Sheriff's recommendation, asking what the legal ground was. Commissioner Holt stated that he had received 4 other calls requesting denial. Upon discussion, Commissioner Holt made a motion to deny the application due to the recommendation by the Sheriff, seconded by Commissioner Lawrence and unanimously carried.

Commissioner Lawrence thanked everyone for their attendance at the meeting and their interest in Lee County. He further thanked Commissioner Holt for providing the dinner to be served following the meeting.

With no further business to come before the Commission, Commissioner Smith made a motion, and seconded by Commissioner Lawrence, at approximately 7:00 p.m. that the meeting be recessed until April 30, 2007.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 30, 2007

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday April 30, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, led by 2<sup>nd</sup> Class Scout Jonathan Kittle of Troup 356, followed by an invocation by Judge English. The Chairman next introduced the elected officials in the audience.

During citizens' comments, Mr. Hoyt Walker of Lee Road 132 questioned why his road had been passed over for the last 15 years. Mr. Walker stated that he had been promised by his Commissioner that the road would be paved, but it has yet to be paved. Commissioner Harris stated that Mr. Walker had approached him three years ago about a water situation and the paving of Lee Road 132. Commissioner Harris stated that the water issue had been resolved, but that other citizens in his district had requested that their roads be paved before Mr. Walker made his request. Judge English explained the road paving priority procedure to Mr. Walker.

Next, Jimmy Dowdell requested that the Commission pave Lee Road 64 and erect street lights. Mr. Dowdell stated that Commissioner Holt had said that he could not pave the road which only has one house. Mr. Dowdell stated that he only wants the road paved to his driveway, not the entire road. Judge English stated that only about 10 miles of dirt road are paved each year, and the discretion is left with the Commissioner of each district on which roads are proposed to be paved and then the Commission votes on the entire list as a body.

Sheriff Jay Jones recognized four deputies who had graduated from the academy with better than a 90 average: Rebecca Tate, Michelle Jones, Steven Mills and James Anderson. Deputies Anderson and Tate have been Lee Co. reserve deputies, Deputy Mills came to the Sheriff's Dept. from the Columbus Police Dept., and Deputy Jones came from the Marine Corps. Deputy Jones was Class President and was awarded the Directors Award. Deputy Tate was awarded the Staff Award and the Outstanding Achievement Award and was also elected Secretary/Treasurer of the class. Sheriff Jones commended all four on this achievement and stated that he was glad to have them back on duty.

Bill Meadows presented Boy Scout Troup 356 to the Commission. Each of the 11 scouts rose and stated their name and scout rank. The Troup attended the meeting to obtain a Merit Badge for Communications. Three other adult scout leaders were also in attendance.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the April 9, 2007 meeting, two listings of claims, Bid #18 for a hydraulic tool, and Bid #20 for a rotary cutter, and first reading of the reappointment of Mary Henry to the Smiths Water Authority Board. Additionally, an updated listing of claims for payment was given to the Commissioners prior to the meeting. On Bid #18, Emergency Management Agency Planner David Cagle recommended that the Commission accept the low bid of **Nafeco** for \$6,962 for a hydraulic combination tool and hydraulic power unit for distribution to the Oak Bowery/Plainview Vol. Fire Dept. On Bid #20 County Engineer Neal Hall recommended that the Commission accept the bid from Sun South, LLC the lowest bidder that met all bid specifications. Mr. Hall stated that out of 28 bids sent, he only received 8 responses, with 5 of those being a "no bid". He received 1 bid that was not responsive, and two bids that met all bid specifications. Mr. Hall recommended that the low bid of \$11,498 from **Sun South, LLC** be accepted.

The Chairman asked if there were any questions about the consent agenda items as received. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 30, 2007**

During the pre-meeting Mr. David James of Eastwood Christian School made a presentation to the Commission concerning an alternative energy research project that he and a company he had partnered with named PetroSun were developing. The project would entail turning pond algae into diesel fuel. He asked that the Commission support this project by giving 4 acres owned by the county on Salem Hill to be used for a conference center and by paving the road to Salem Hill. County Administrator Roger Rendleman stated that our main communications towers are on top of Salem Hill. Mr. James stated that some of the towers could be relocated to the roof of the proposed conference center, but that the biggest tower could stay. Mr. James explained that the project was a venture that would require immediate attention, since they wanted to begin research by the end of the year. Mr. James felt that the project would be on the forefront of development in alternative fuel. Mr. James' plan included a convention center on top of Salem Hill, because of the sight distance of approximately 15 miles. Commissioner Holt requested that Mr. James meet with Mr. Rendleman, County Attorney Stan Martin and County Engineer Neal Hall, and asked that he start with Mr. Rendleman. Commissioner Holt questioned Mr. Rendleman's availability, and Mr. Rendleman stated that he could work Mr. James into his schedule this week. No action was taken by the Commission.

During the pre-meeting extensive discussion was held on the Smiths Water & Sewer Authority's request to amend its Articles of Incorporation. Attorney Josh Jackson, representing Smiths Water & Sewer Authority, requested that the Commission approve the amendment which would remove the vacant position that had previously been held by a representative from Russell County, and reduce the Authority Board of Directors to 3 board members. Mr. Jackson explained that at one time the Authority served a portion of Russell County, which entitled them to representation on the Authority. That portion of the service area in Russell County was traded away in 2005 in exchange for additional service area in Lee County, and there was no longer a need for a Russell County representative. On behalf of the Board, Mr. Jackson requested that the Commission approve their request. After discussion, including Mayor Dellinger, the Commission requested that the Water Authority set a meeting with the City of Smiths Station to determine if having only 3 representatives would accommodate for future growth in the Smiths Station area. Mayor Dellinger indicated that she had met with the board previously, but no discussion was held on this issue.

During the pre-meeting Mr. David McCain made a presentation to the Commission on behalf of the Lee County Board of Education concerning a request for the Lee County Highway Department to assist with clearing approximately 3 acres and grading approximately 12.5 acres at Loachapoka School for baseball/softball fields on school grounds. The Chairman asked if the Board of Education was willing to commit to allow community recreation programs to continue to use the school property. Mr. McCain stated that he would present this information to the Board for consideration. During the official meeting, Mr. McCain recapped and asked that the Commission consider this request. Commissioner Holt made a motion to assist the Lee County Board of Education with this project and ask Mr. Hall to use his discretion on when and how to proceed with the project. The motion was seconded by Commissioner Lawrence for discussion. Commissioner Harris stated that before this project is considered, he would request that Mr. Hall finish the dirt road paving list for this year. Commissioner Harris stated that he was getting numerous calls from citizens in his district on when they would get their roads paved. Commissioner Harris stated that when he talked to Mr. Larry Patterson about this project, he understood that the county school board was able to provide all the funding for this project. Commissioner Harris stated that he was in support of helping the school, but he felt that the safety of the citizens was his main concern. After discussion, the motion failed on a 1-4 vote with Commissioners Lawrence, Ennis, Smith and Harris voting "No". Commissioner Harris asked for additional information from the school board to be presented on this project and that he would like to look at the project at a later date.

Commissioner Lawrence made a motion to authorize the expenses for commissioners to attend the 79<sup>th</sup> Annual ACCA Convention to be held in Orange Beach, Alabama on August 21-23, 2007, seconded by Commissioner Smith and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 30, 2007**

County Engineer Neal Hall informed the Commission that the owner of Long Bridge Estates-Phase III had completed the required one year maintenance and the road had satisfactorily met inspection. Mr. Hall recommended that the Commission accept the roads in this subdivision, Lee Road 2092 extension and Lee Road 2156, for permanent maintenance by the Highway Department. Upon this recommendation, Commissioner Smith made a motion to accept the Lee Road 2092 extension and Lee Road 2156 for permanent maintenance, seconded by Commissioner Harris and unanimously carried.

Commissioner Holt made a motion to add a dirt road paving item to the agenda. The motion to add the item to the agenda was seconded by Commissioner Smith and unanimously carried. Next, Commissioner Holt made a motion to transfer the remaining money allocated for dirt road paving in his district to the resurfacing program in his district. The motion was seconded by Commissioner Ennis and unanimously carried.

County Attorney Stan Martin had requested an executive session, but Mr. Martin informed the Commission that Mr. Craig Dillard of Webb & Eley was unable to attend tonight's meeting and requested that the Commission move the executive session to the next agenda.

With no further business to come before the Commission, Commissioner Smith made a motion, and seconded by Commissioner Lawrence, at approximately 6:40 p.m. that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5



MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 14, 2007

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday May 14, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt. The Chairman next introduced the elected officials in the audience.

During citizens' comments, Ms. Leila Andrews of Lee Road 665 asked about the material that had been placed on this road. She stated that she talked to Commissioner Harris who said that the road would be getting tar and that the Highway Department was not finished and Commissioner Harris referred Ms. Andrews to the county engineer. So Ms. Andrews called County Engineer Neal Hall who stated that the recycled asphalt was the material he had talked to Commissioner Harris about and that would be all that would be done to the road. Commissioner Harris responded by saying that he had told Ms. Andrews the material was recycled asphalt, not tar. Additionally, Commissioner Harris stated that this solution was all that could be done until the road came up to be paved on the paving priority list.

Mr. Hoyt Walker appeared before the Commission again and stated that he wanted Lee Road 132 to be paved. Mr. Walker complained that Lee Road 956 had been put on the paving priority list instead of his road. Mr. Walker asked that Lee Road 956 be taken off the paving list and his road be put in place of that road. He further stated that he had lived on Lee Road 132 for 49 years, he had been paying taxes for 40 ½ years and that he needs his road paved.

Ms. Angler Wilson appeared before the Commission concerning an item from the last meeting concerning the Loachapoka school softball/baseball field request. Ms. Wilson stated that she does not understand why the Commission would do this project and take away from the road paving projects. Ms. Wilson stated that as a concerned parent she would request that the Commission continue with the paving priority list and not help the Lee County Board of Education with this project. Ms. Wilson stated that she knew that the Board of Education had funds set aside for this project.

Ms. Jeanette Reese reiterated the words of Ms. Wilson and stated that she would ask that the paving priority list be placed ahead of helping the Board of Education with the project at Loachapoka School. Ms. Reese stated that she paid taxes in Lee County.

Lee County Red Cross Development Officer Beth Whitten presented the Commission a Community Partner plaque. Judge English thanked Ms. Whitten for presenting the Commission with the good news.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the April 30, 2007 meeting, two listings of claims, and Bid #21 for a track type excavator. On Bid #21, County Engineer Neal Hall stated that all 5 vendors returned bids with one "no bid". Mr. Hall recommended that the bid from **Thompson Tractor** of \$255,875, the low bidder that met bid specifications, be accepted.

The Chairman asked if there were any questions about the consent agenda items as received. Commissioner Holt asked that one line "street lights" be added under the citizens' comments concerning Lee Road 64 in the minutes of the April 30 meeting. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved with the one addition to the minutes.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 14, 2007**

Under old business, upon second reading, Commissioner Ennis made a motion on the following reappointment, seconded by Commissioner Holt and unanimously carried.

**Be it Resolved**, that the Lee County Commission reappoint Mary Henry to the Smiths Water and Sewer Authority Board for a six-year term beginning March 1, 2007 until February 28, 2013.

Commissioner Holt discussed the Loachapoka School baseball/softball complex issue. He stated that he had received several phone calls asking him to reconsider the Board of Education request. After extensive discussion during the pre-meeting, Commissioner Holt made a motion during the meeting to approve the request to help the Lee County Board of Education to assist with clearing approximately 3 acres and grading approximately 12.5 acres at Loachapoka School for baseball/softball fields on school grounds, seconded by Commissioner Ennis for discussion. Commissioner Harris stated that County Engineer Neal Hall had stated that this project would take approximately two months to complete, and Commissioner Harris felt like the county is too far behind on the paving list to take time out for this project. Commissioner Harris stated that the two parents that spoke at the beginning of the meeting had expressed concern to keep on track with the road paving list. Commissioner Harris stated that he had not had anyone from the school board come before the Commission to request assistance. Commissioner Holt stated that Mr. McCain was representing the Board of Education and that if there was not a need on their part then they would not have asked for Commission assistance. Commissioner Holt stated that since the Commission had distributed money for recreation in Smiths Station, Beauregard and the City of Opelika he felt that he had to go to bat for the Loachapoka area. He stated that he too would like to see the roads paved as quickly as possible, but that slowdowns always occur and he felt that this project was no different from any other project. Commissioner Holt asked that each Commissioner reconsider. Again, Commissioner Harris stated that the Board of Education has the funds, but he did understand that if the county helped with the project that the work would be appreciated. Upon vote, the motion failed on a vote of 2-3 with Commissioners Lawrence, Smith and Harris voting "No".

During the pre-meeting, Wendy Seesock, Bill Deutsch and Eric Reutebuch presented materials to the Commission on the Saugahatchee Water Shed Management Plan, or "SWaMP". The brochure explains that a SWaMP plan is a watershed management plan created by stakeholders, which involves the cooperative efforts of local government, business and community groups to clean up Saugahatchee Creek and educate others of its value. A watershed is comprised of the total land area drained by a river or a stream. Mrs. Seesock asked that the Commission take an interest in this group as a stakeholder and she extended an invitation for the Commission to appoint a representative or two to serve on the SWaMP Committee. After discussion, Commissioner Lawrence made a motion to appoint two members to the SWaMP Committee, one being himself and the other Commissioner Holt. The motion was seconded by Commissioner Smith and unanimously carried.

The next agenda item concerning "No Truck" signs on Lee Road 122 was presented by Commissioner Harris. Ms. Judy Myers was not present, but had called and asked that this item be continued. Commissioner Harris indicated that he had spoken with her and he wished to proceed. County Engineer Neal Hall stated that he had talked to Ms. Myers about trucks that were using Lee Road 122 as a cut thru road. Mr. Hall recommended that "No Truck" signs be erected. Commissioner Harris made a motion to erect "No Trucks" signs on Lee Road 122 and limit it to trucks over 3 axles. The motion was seconded by Commissioner Lawrence and unanimously carried.

Mr. Hall stated that he had received a letter from City Engineer Walter Dorsey about changing the Gateway Drive/Society Hill Road intersection traffic control from a two-way stop to a four-way stop. Upon discussion, Commissioner Lawrence questioned if there is a necessity for a caution light at this intersection. Mr. Dorsey was in attendance and stated that a caution light would be nice, but that it would not be necessary. Mr. Dorsey stated that he could see the need for a traffic light in the future with traffic volume, but at this time the city was only

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 14, 2007**

requesting the four-way stop. Commissioner Lawrence asked about the use of rumble strips. Mr. Dorsey stated that anything would be helpful. Mr. Hall stated that this intersection would probably be annexed into the City soon. Upon the recommendation, Commissioner Lawrence made a motion to erect a four-way stop at the intersection of Gateway Drive and Society Hill Road along with rumble strips, seconded by Commissioner Harris and unanimously carried.

Commissioner Holt requested that an agenda item be added to the agenda. Commissioner Holt made a motion to add "No Truck" signs be erected on Lee Road 86, seconded by Commissioner Lawrence and unanimously carried to add the item to the agenda. Commissioner Holt made a motion to erect "No Truck" signs on Lee Road 86, not over 3 axles, seconded by Commissioner Lawrence and unanimously carried.

County Administrator Roger Rendleman requested that the Commission appropriate up to \$3,000 out of the contingency fund for the Lockdown Lee County event, which goes to the benefit of two community organizations that assists Lee County Sheriff's Office in their daily operations. After discussion, Commissioner Lawrence made a motion to appropriate \$3,000 out of the contingency fund for the Lockdown Lee County event, seconded by Commissioner Smith and unanimously carried.

The Chairman informed the Commissioners that the proposed resolution honoring current and former members of the Armed Services included their packets was being requested from every County Commission in Alabama. Commissioner Smith made a motion to accept the following resolution honoring all Alabamians who have served or are serving in the Armed Forces, seconded by Commissioner Lawrence and unanimously carried.

**RESOLUTION**

**Whereas**, the Alabama Sports Festival takes great pride in recognizing all Alabamians who have served or currently serve in the United States Military, Alabama National Guard, and all Reservists; and

**Whereas**, holding its first Olympic-style games as a nonprofit corporation in 1983, The Alabama Sports Festival celebrates its 25<sup>th</sup> Anniversary in 2007, designating "Let Freedom Ring" as its theme; and

**Whereas**, The Alabama Sports Festival has awarded some \$200,000 in academic scholarships while discouraging the use of drugs, instilling national and state pride, and stressing the intrinsic value of patriotism for Alabama's young people; and

**Whereas**, The Alabama Sports Festival has cooperated with the Governor's Commission on Physical Fitness in conjunction with the Alabama Legislature to institute the placement of a bronze Liberty Bell within the Alabama Capitol Complex to honor all Alabamians who are or have been part of the Armed Forces; and

**Whereas**, honoring especially those entering the War on Terror since September 11, 2001, or who participated in Enduring Freedom, Iraqi Freedom and/or Noble Eagle, a special Liberty Bell medal will be given to those who are present at the Festival Opening Ceremonies on Friday, June 29, 2007; and

**Whereas**, families of service members killed or disabled in action during any of these three major conflicts are invited to attend the Opening Ceremonies during which Alabama soldiers in Iraq and Afghanistan may speak directly through a live video feed; an invitation to address the audience is also extended to the Prime Minister of Iraq and the President of Afghanistan; and

**Whereas**, The Alabama Sports Festival and the Governor's Commission on Physical Fitness in conjunction with the Alabama Legislature also salutes Alabama employers who have

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 14, 2007**

lost key personnel due to the conflicts of Enduring Freedom, Iraqi Freedom and/or Noble Eagle; and

**Whereas**, Bert Bank of Tuscaloosa and Secretary of State Condoleezza Rice, two prominent Alabamians, will be recipients of the Alabama Sports Festival “Healing Hands Award”; now therefore,

**Be It Resolved by the Lee County Commission**, that on behalf of all citizens of Lee County, we join the Alabama Legislature, the Alabama Sports Festival and the Governor’s Commission on Physical Fitness in recognizing and honoring all Alabamians who have served or who continue to serve in all branches of our Armed Forces, the Alabama National Guard, and all Reservists for their bravery and commitment to freedom around the world.

Commissioner Lawrence made a motion to add an item to the agenda to set up two work sessions for the upcoming budget cycle, seconded by Commissioner Smith, and unanimously agreed to add the item to the agenda. Commissioner Lawrence then made a motion to set the dates of June 6 and June 13 at 3:00 p.m. in the Commission chambers as work sessions for the Commission to set priorities for the upcoming budget cycle preparations, seconded by Commissioner Smith and unanimously carried.

Upon advice of County Attorney Stan Martin, Commissioner Lawrence at approximately 6:40 p.m. made a motion to recess into executive session concerning current litigation, seconded by Commissioner Ennis and unanimously carried. The Chairman asked Mr. Martin to identify those that needed to attend the executive session: Mr. Craig Dillard of Webb & Eley, County Engineer Neal Hall and County Administrator Roger Rendleman. Judge English stated that the executive session would last approximately 30 minutes and no formal action would be expected after the executive session.

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Ennis, at approximately 7:15 p.m. that the meeting be recessed until May 29, 2007.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 29, 2007**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Tuesday May 29, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence. The Chairman next introduced the elected officials in the audience.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the May 14, 2007 meeting, two listings of claims, and Bid #22 for an animal transport unit for Animal Control. On Bid #22, Solid Waste Director Jack Marshall stated that out of 8 bids sent, only four responses were received. Mr. Marshall stated that the low bidder of \$12,980.00 did not meet specifications and the next lowest bidder failed to submit a bid bond, therefore, he recommended that the bid from **Jackson Creek Manufacturing** of \$13,397.50 be accepted.

The Chairman asked if there were any questions about the consent agenda items as received. Commissioner Lawrence made a motion, seconded by Commissioner Holt and unanimously carried, that the consent agenda items be approved.

During the pre-meeting, County Engineer Neal Hall presented information regarding a conversation with Ken Cush with the Alabama Department of Transportation 4<sup>th</sup> Division Traffic Div. concerning the installation of a traffic light at the intersection of US 280/431 and Lee Road 379. Mr. Hall presented an e-mail that questioned whether Lee County would maintain and operate a traffic light at this location if the State paid for and installed the light. Mr. Hall said he would convey the information to the Commission. Additionally, Mr. Hall stated that in his correspondence he was not aware of any traffic study done on this intersection, but that Mr. Cush stated only that the State agreed to install the light at the intersection. Mr. Hall indicated that normally a traffic study would be performed and evaluated to indicate a need for a traffic light. Mr. Hall suggested that he could engage Skipper Consulting to perform a traffic study of this intersection to limit the liability of the County if the installation is to be done. Mr. Hall stated that State Representative Lesley Vance originally initiated the traffic light installation at this intersection with ALDOT. Mr. Hall indicated that if the State installed the traffic light and then the county was responsible for maintaining the light, then he would contract for services as reasonable and economical as possible. Commissioner Lawrence questioned the type bulbs the traffic light would have. Mr. Hall stated that he would request that the letter state, "the latest technology" be used to minimize the maintenance costs to the county. County Administrator Roger Rendleman reminded the Commission of the main concern when the original request came before the Commission, and that is the liability. Mr. Rendleman stated that County Attorney Stan Martin preferred that the State handle any maintenance of the traffic light. He stated that the State is legally structured to handle the liability issue, where the county is not. During the meeting, Commissioner Ennis made a motion to authorize the Chairman to proceed with responding to the State with a letter of support by the Commission for the installation of a traffic light at the intersection of US 280/431 and Lee Road 379. The motion was seconded by Commissioner Smith and unanimously carried.

Revenue Commissioner Oline Price gave her annual report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2006 and Uncollected Insolvencies and Taxes in Litigation for previous years, as required by Code of Alabama 1975, Section 40-5-23 & Section 40-5-29. Commissioner Lawrence made a motion to adopt the following resolution, seconded by Commissioner Holt, and unanimously carried:

**BE IT RESOLVED** by the Lee County Commission that the reports filed by Oline W. Price, Lee County Revenue Commissioner, of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2006 and Uncollected Insolvencies and Taxes in Litigation for previous years, be

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 29, 2007**

and the same are hereby approved, and that the Chairman is hereby authorized to sign same; and that said Revenue Commissioner be and she is hereby allowed credit for taxes listed in these reports.

Commissioner Ennis made a motion to add an item to the agenda on a retail beer and retail wine license for The Store, seconded by Commissioner Smith, and unanimously agreed to add the items to the agenda. Commissioner Ennis then made a motion to approve the following Resolutions, seconded by Commissioner Smith and unanimously carried.

**Be it Resolved**, that the Lee County Commission approve a retail beer license (off premise only) for The Store, located at 11940 AL 169, Salem, Alabama.

**Be it Resolved**, that the Lee County Commission approve a retail table wine license (off premise only) for The Store, located at 11940 AL 169, Salem, Alabama.

Additionally, during the pre-meeting, Mrs. Price stated that she would request that the Commission consider increasing the tag mail fee from \$1.50 to \$2.00 beginning October 1, 2007. Also, she stated that she had negotiated a contract for on-line payment processing for tags and property taxes with the convenience fees being charged to the customer.

During the pre-meeting, Former Opelika Mayor Barbara Patton asked that the Chairman write a letter to show support for a grant to Stewart County Commission thru the Chattahoochee Historical Commission. The Chairman indicated that no action was necessary by the Commission, he just wanted them informed before he sent such a letter.

Wendy Swann updated the Commission on the last three days of the Legislative Session.

With no further business to come before the Commission, Commissioner Smith made a motion, and seconded by Commissioner Lawrence, at approximately 6:07 p.m. that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 11, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday June 11, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Sheriff Jay Jones presented checks to two deserving agencies from the "Lockdown Lee County" fundraiser event which highlighted the opening of the new detention facility on May 18, 2007. Sheriff Jones thanked the Lee County Commission and especially Ms. Wendy Swann for her coordination of this event. Sheriff Jones announced that \$17,624 had been raised on the night of this event and would be divided equally among the two organizations. Accepting the checks for \$8,812 each were Emilyn Gibson, Director of the Child Advocacy Center and Lisa Stephens, Director of the Domestic Violence Intervention Center.

Commissioner Lawrence extended thanks to the Sheriff and his staff for their cooperation and for providing tours of the facility after the grand opening.

County Engineer Neal Hall recognized his newest employee, Dustin Stewart, who is an EIT (engineer intern/trainee).

Judge English recognized County Administrator Roger Rendleman upon his election as 2<sup>nd</sup> Vice President of the Association of County Administrators of Alabama.

Wendy Swann presented the Commission with a comparison she prepared on the public nuisance regulations of Lee County, Auburn and Opelika. Roger Rendleman also discussed the review previously prepared for the Commission by Attorney Allen Martin on the 2005 Limited Self-Governance Act. During this discussion, a review of the solid waste citation procedures prompted a clarification that the Commissioners would like for Mr. Marshall to send copies to each Commissioner of the solid waste citations written within their respective Commission districts.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the May 29, 2007 meeting and two listings of claims.

The Chairman asked if there were any questions about the consent agenda items as received. Commissioner Holt made a motion, seconded by Commissioner Lawrence and unanimously carried, that the consent agenda items be approved.

Under Old Business, Judge English first presented the following Resolution by the City of Smiths Station.

**RESOLUTION 2007-123**

**Be It Resolved and Ordered** by the City Council of Smiths Station, Alabama as follows:

**Whereas**, there has been substantial growth in the community and the Smiths Water and Sewer Authorities district since its inception, and

**Whereas**, with the passage of the Open Meetings Act, 2005-40, it would give the Smiths Water and Sewer Board of Directors the flexibility to discuss business and provide for broader representation from the community.

**Now Therefore, Be It Resolved**, that the City Council of the City of Smiths Station, Alabama recommends to the Lee County Commission that the Smiths Water and Sewer Authority Board of Directors be increased from three (3) to five (5) members.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 11, 2007**

Mayor LaFaye Dellinger spoke on behalf of the City's resolution during the pre-meeting.

On the same subject, Judge English then introduced Attorney Josh Jackson representing the Smiths Water and Sewer Authority, who presented the Commission with a proposed amendment to the Certificate of Incorporation of Smiths Water and Sewer Authority. The proposed amendment would allow the Authority to decrease the number of board members from four (4) to three (3) members. Mr. Jackson made this request at the April 30 meeting, and explained that at one time the Authority included one board member from Russell County and a representative from Russell County. The Authority no longer had any service area or jurisdiction in Russell County and therefore, did not need a board member from Russell County any longer. Commissioner Ennis made a motion, seconded by Commissioner Holt, to Amend the Certificate of Incorporation from four to three members. Commissioner Lawrence questioned County Attorney Stan Martin about the Commission's authority on this matter. After further discussion, Commissioner Ennis made a motion, seconded by Commissioner Holt, to call for the question. The vote was 4:1 to end discussion, with Commissioner Lawrence voting "No". The Chairman immediately called the vote on the matter on the table, and it was unanimously carried that the following Resolution be adopted.

**RESOLUTION**

**BE IT RESOLVED BY THE LEE COUNTY COMMISSION**, the governing body of Lee County, Alabama, as follows:

1. An application in writing dated April 23, 2007 was filed with this Commission to amend the Certificate of Incorporation of Smiths Water and Sewer Authority, under the provisions of *Ala. Code* § 11-88-5 (1975).

2. The said application has been reviewed by this Commission and it has found and determined as a matter of fact that the statements contained in said application are true.

Mr. Dave Jacob of Lee Road 270 came before the Commission during the pre-meeting to voice concerns about cable service and requested that the franchise agreement between Lee County and Charter Communications be terminated immediately. Mr. Jacob explained that the quality of the service he was receiving from Charter Communications had been going down over the last four to six years. Mr. Jacob asked what, if anything could be done to improve the service in his area since Lee County has franchise authority over the cable company. Mr. Jacob explained that his complaints against the cable company were that phone calls not being returned, that rates had increased over 10% with no increase in service, that the weather alerts were not being broadcast on his station as required, that the cable was out on a regular basis, and the company was overcharging on the franchise fee at 3.456% and not 3%. Additionally, he stated that no improvements had been made to the system in the Valley/Lanett area.

Charter Communications Governmental Relations Coordinator Skip James stated that he had checked on the claims made by Mr. Jacob and reported that Charter Communications had been working with Mr. Jacob on numerous occasions. Mr. James reported that the service repairman had even given his personal cell phone to Mr. Jacob to call if needed on a cable issue. Mr. James stated that the franchise fees were based on gross receipts (advertisement, franchise revenue, home shopping sales, etc.) and explained that that is the reason for the percentage appearing to be above the 3% rate on the customers' bills. Administrator Roger Rendleman explained that AlaTax currently collects the franchise fee for Lee County and that he has asked AlaTax for an audit on the franchise fees. Mr. Rendleman stated that the franchise only authorizes the cable company to use the County's right-of-way. Mr. Rendleman stated that he had sent the information to County Attorney Stan Martin, but thought Mr. Martin needed time to look into the matter. Additionally, Mr. Rendleman stated that he is not sure what the county can and can't do about the franchise. Commissioner Lawrence questioned Mr. James about the growth in Lee County and questioned what Charter Communications had done in way of keeping up with the growth. Mr. James explained that currently the company had been overlaying fiber and adding a fiber node, which is an extra strand of fiber to the old fiber. Commissioner



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 11, 2007**

Lawrence questioned the franchise authority allowing access to the right-of-way, and asked if there were any performance criteria attached. Mr. Martin stated that Section 7 of the contract sets out what they are to do, and Section 10 states that service available to citizens. Mr. James stated that the company has stricter guidelines given by the FCC. Commissioner Smith stated that she recalled that she attended a meeting with Mr. James in October and remembered several problems that were to be addressed. Mr. James stated that all the problems had been resolved. No action was taken by the Commission.

Solid Waste Director Jack Marshall made a request to change the name of the Solid Waste Department to Environmental Services. Mr. Marshall explained that his department is in charge of more than solid waste. The department includes animal control, recycling and mechanics. Commissioner Smith asked what costs were involved in such a name change. Mr. Marshall explained that letterhead and uniforms (change patch) were the main costs, which would be minimal. Commissioner Lawrence made a motion to change the name from the Lee County Solid Waste Department to the Environmental Services Division of the Lee County Highway Department, seconded by Commissioner Smith, and the motion passed on a vote of 3:1:1, with Commissioner Ennis voting "No" and Commissioner Holt abstaining. Upon reconsideration, Commissioner Holt changed his abstention to an "Aye" vote.

Commissioner Harris made a motion to add an agenda item to officially thank the local delegation for supporting our local legislation. The motion was seconded by Commissioner Smith and unanimously carried to add the item to the agenda. Upon adding the item, Commissioner Harris made a motion to authorize Governmental Relations Coordinator Wendy Swann to put together a resolution to the local delegation for supporting our local bills, seconded by Commissioner Lawrence, who asked to amend the motion to include authorizing the Chairman to sign the resolution on the Commission's behalf, and Commissioner Harris agreed to amend his motion to include such authorization, and the motion passed unanimously.

Commissioner Lawrence reminded the Commission of the budget work session on Wednesday, June 13, 2007 at 3:00 p.m. and asked that each Commissioner bring their top 5 list of priorities to the work session.

With no further business to come before the Commission, Commissioner Smith made a motion, and seconded by Commissioner Lawrence, at approximately 6:50 p.m. that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 25, 2007**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday June 25, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

Chairman English recognized Maintenance Director Jerry Lynch for his last minute work to make the recent Open House at the Lee County Department of Human Resources a success. Apparently some child went up and down the hallways marking on the walls the day before the opening, and Mr. Lynch and his staff stayed late to repair and paint the damage. Judge English stated that he made this same recognition at the Open House.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

During the pre-meeting, County Administrator Roger Rendleman recommended that the Commission submit two projects for the "Excellence in County Government" award program for the fundraiser for the jail grand opening and the CD bidding program that has been established. Mr. Rendleman stated that no action was needed by the Commission, but that each would be submitted upon the request of the Commission. The Commission agreed that both projects should be submitted for consideration.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the June 11, 2007 meeting, two listings of claims and results of Bids #23 and #24 for laptop computers. EMA Director Faith Aguillard recommended that on Bid #23 for 2 laptop computers that the Commission award low bidder CDW-Government, Inc. for \$13,026 and on Bid #24 for 4 laptop computers that the bid be awarded to low bidder CDW Government, Inc. for \$18,328. During the pre-meeting, Bids #25 & #26 on containers for the Environmental Services Division were removed from the agenda since no bids were received.

The Chairman asked if there were any questions about the consent agenda items as received. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved.

After discussion in the pre-meeting concerning a budget work session, Commissioner Lawrence made a motion during the meeting to set a work session for Wednesday, July 18, 2007 at 5:00 p.m. in the Commission chambers on Highway Department priorities with County Engineer Neal Hall. The motion was seconded by Commissioner Holt and unanimously carried. Mr. Hall questioned if the work session was on roads or on the budget. Commissioner Lawrence stated that he would request that Mr. Hall present a 5-10 year plan on the road program. Commissioner Ennis questioned if the work session would also cover next year's budget. After a brief discussion, the motion passed unanimously.

During the pre-meeting, Mr. Lewis Ingram, a prospective buyer of some rental property on Lee Road 2070, questioned what process was necessary for the Commission to consider taking over the maintenance of this road not currently maintained by Lee County. Mr. Ingram stated that he wanted to know the Commission's response before he committed to purchasing the property. County Engineer Neal Hall stated that he had looked at this road, and stated it was a private road and that it ended at a private residence. He stated that this road did not come under his decision-making authority to accept or reject since the county has never maintained this road, but that the Commission has accepted roads in similar situations in the past. Commissioner Lawrence questioned if a 60 ft. right-of-way could be obtained. Mr. Hall stated that he did look at the road, but he did not take any measurements on the right-of-way, but that he thought 60 ft. right-of-way might be obtained. Commissioner Holt requested that Mr. Hall look at the location of the water and sewer lines in relation to the roadway, especially if the road is to be considered for maintenance by the county. County Attorney Stan Martin questioned that if Mr. Ingram was only in negotiations at this point, that he did not feel that the Commission should be involved in

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 25, 2007**

a hypothetical situation. Mr. Ingram was not in attendance at the official meeting. No action was taken by the Commission.

After discussion in the pre-meeting, Commissioner Ennis made a motion during the meeting to place stop signs, children at play signs, and speed limit signs in the subdivision on Lee Road 2136, and recommended a 25 m.p.h. speed limit, seconded by Commissioner Holt and unanimously carried.

Upon request of the Lee County Board of Education, Commissioner Holt made a motion to approve the following resolution for a Sales Tax Holiday, seconded by Commissioner Harris and unanimously carried. County Administrator Roger Rendleman questioned if the Commission wanted to grant the request for one year or on a continuing basis. Commissioner Holt stated that he would like to grant it on a continuing basis or until the Board of Education asked to discontinue the sales tax holiday.

**RESOLUTION**

**WHEREAS**, The Alabama State Legislature passed during the 2006 Regular Session Act 2006-574 which provided for a State Sales Tax Holiday to be held the first weekend in August of each year; and

**WHEREAS**, the Sales Tax Holiday exempts certain items designated for back-to-school purposes from the State Sales Tax, the Lee County Commission authorizes the exemption of those same items from the county sales and use tax during that same period beginning at 12:01 a.m. on the first Friday in August each year and ending at twelve midnight the following Sunday; and

**WHEREAS**, this Resolution shall be subject to all terms, conditions, definitions, time periods and rules as provided by Act 2006-574; and

**WHEREAS**, a certified copy of this Resolution will be forwarded by the Lee County Commission to the Alabama Department of Revenue to be recorded and posted on the Department web site;

**THEREFORE BE IT RESOLVED BY THE LEE COUNTY COMMISSION**, that participation in the State Sales Tax Holiday as provided by Act 2006-574 shall be in effect the first weekend in August for all years hereafter unless otherwise requested by the Lee County Board of Education.

Next, Superintendent John Painter asked the Commission to consider holding a Special School Tax Election for the Lee County Board of Education pursuant to Act 2007-394. Commissioner Lawrence made a motion to approve the following resolution for a special school tax election on August 28, 2007, seconded by Commissioner Holt and unanimously carried.

**PROCEEDINGS PERTAINING TO REQUEST FOR  
AND CALL OF A SPECIAL ELECTION ON THE  
CONTINUANCE AND RENEWAL (AT AN INCREASED  
RATE) OF A DISTRICT AD VALOREM SCHOOL  
TAX IN THE LEE COUNTY SCHOOL TAX DISTRICT**

**BE IT RESOLVED, ORDERED AND DECREED** by the Lee County Commission (herein called "the Commission") as follows:

Section 1. Findings. (a) The Commission hereby finds, determines and declares that there has been filed with the Commission the following written request from the Lee County Board of Education:

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 25, 2007**

TO THE COUNTY COMMISSION OF LEE COUNTY, ALABAMA:

We hereby transmit to and file with you the attached copy of a resolution which was duly adopted by the Lee County Board of Education at a meeting thereof duly convened and held on June 12, 2007. You are hereby requested to cause and call to be held on August 28, 2007 in the Lee County School Tax District in Lee County, Alabama, a special election as set forth in the said resolution. The boundaries of the Lee County School Tax District encompass all the area of the County except that lying within the corporate limits of the Cities of Auburn, Opelika and Phenix City.

There was attached to the said request a certified copy of the following resolution:

***BE IT RESOLVED*** by the Lee County Board of Education (herein called "the Board"), in the State of Alabama, as follows:

*Section 1. Findings. Preliminary to the adoption of this resolution, the Board has caused an investigation to be made of the facts set out in the following statements and, on the basis thereof, the Board has found and does hereby declare as follows:*

*(a) Lee County (herein call "the County") is currently levying a special district tax for public school purposes at the rate of fifty cents on each one hundred dollars of the assessed value of taxable property in the school tax district in the County that encompasses all area of the County except that lying within the corporate limits of the Cities of Auburn, Opelika and Phenix City (which district is known as "the District"). The said special district tax has been authorized to be levied annually until and including the levy for the tax year that will begin on October 1, 2021, for which tax year the tax will become due and payable on October 1, 2022, being the tax that was originally authorized and provided for in Amendment No. 309 of the Constitution of Alabama of 1901, pursuant an election held in the District on March 9, 1993.*

*(b) All the area lying within the District is subject to the jurisdiction and control of the Board.*

*(c) It is necessary and desirable that the levy rate of the said special tax be increased from five (5) mills to twelve (12) mills.*

*(d) The Board has caused a map to be prepared pursuant to and in the form and containing the information provided in and required by Section 16-13-191 of the Code of 1975, and showing the boundaries of the District.*

*Section 2. Petition to County Commission. The Board does hereby respectfully petition and request the Lee County Commission to call an election to be held on August 28, 2007, in the District to determine whether or not the special district tax now being levied at the rate of fifty cents on each one hundred dollars (5 mills on each dollar) of the assessed value of the property subject to taxation in the District shall be increased by 7 mills, for a total rate of \$1.20 on each one hundred dollars (or 12 mills on each dollar) of assessed value, and levied annually for public school purposes within the District for a period of fifteen (15) consecutive years commencing with the tax year that will begin on October 1, 2007 (for which first tax year the tax will become due and payable on October 1, 2008); the said levy, if authorized, to be in renewal and continuation, at an increased rate, of the 5 mill district school tax now being levied in the District pursuant to Amendment No. 309 and an election held in the District on March 9, 1993.*

*Section 3. Delivery of Request. The Secretary of the Board shall be and hereby is directed and instructed to prepare and deliver a certified copy of this resolution to the Lee County Commission, accompanied by a written request that the said County Commission call the aforesaid election pursuant to the provisions of this resolution. The Secretary of the Board is further directed to transmit to the said County Commission, with the said copy of this resolution, a full and correct description of the District, together with a map of the said special school district, made by the County Surveyor or other competent person, showing thereon the boundaries of the District and indicating thereon the sections and ranges in the said special school district and the location of public utilities, such as power plants, railroad and telegraph*

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 25, 2007**

*lines, if any, in the said special school district and the railroad mileage for each and every corporation having property therein. The Secretary of the Board is further directed to record in the minutes of the Board a full and correct description of the boundaries of the said special school district, together with a copy of the said map, and to furnish the said description and a copy of the said map to (a) the Judge of Probate of the County (who is hereby requested to record the same in a book kept by him for that purpose), (b) the State Department of Education, and (c) the State Department of Revenue (which shall also be furnished with as many additional copies of the said map as there are public utilities located in the said special school district).*

EMA Director Faith Aguiard presented a proposed agreement with Lee Helms Associates for \$28,229 for a Homeland Security exercise to be held August 9, 2007. Commissioner Holt made a motion to approve and authorize the Chairman to sign the agreement as presented, seconded by Commissioner Smith and unanimously carried.

**AGREEMENT**

**WHEREAS**, the Consultant has an extensive background in emergency operations planning, response, recovery, training, and exercising, Homeland Security Planning and Risk Assessments, Hazardous Materials Emergency Planning, E-911 development, planning and implementation and based on this background, is capable of providing professional consulting services for conducting a training/exercise for the Lee County Commission, and

**WHEREAS**, the Lee County Commission requires such consulting services, and

**WHEREAS**, the Lee County Commission is in need of the services provided by the Consultant, and

**WHEREAS**, the County and the Consultant desire to enter into this Agreement under which the Consultant shall provide such services for the Lee County Commission as are set forth herein.

**NOW THEREFORE**, the parties hereby agree as follows:

- 1.) **Description of Services.** The Consultant will conduct an exercise for Hazardous Materials Emergency Planning-DOT/Hazmat to include the following tasks:
  - a.) Organize and meet with an exercise development committee consisting of local responders and city/county officials
  - b.) Plan exercise
  - c.) Conduct, evaluate, and critique exercise
  - d.) Complete after-action report
- 2.) **Payment and Expenses.** The County will pay a minimum fixed fee of \$28,229. This amount will be billed as follows: \$9,409.67 upon completion of the initial exercise concept meeting; \$9,409.68 upon completion of mid-planning conference; and \$9,409.66 upon completion of all deliverable/services as listed above.
- 3.) **Term/Termination.** This agreement shall terminate automatically upon completion by the Consultant of the services required by this Agreement. The County may terminate the Consultant's services at any time by giving the Consultant written notice of termination by letter, fax, or email. Likewise, the Consultant may terminate this Agreement by giving written notice to the County. All charges incurred until time of termination will be paid to the Consultant.
- 4.) **Relationship of Parties.** It is understood by the parties that the Consultant is an independent contractor with respect to the County, and not an employee of the county. The County will not provide fringe benefits, including health insurance benefits, paid vacation, or any other employee benefit, for the benefit of the Consultant.
- 5.) **Use of Agents or Assistants.** To the extent reasonably necessary to enable the Consultant to perform the duties under this Agreement, the Consultant is authorized to engage the services of any agents or assistants that the Consultant may deem proper and further to employ, engage, or retain the services of such other persons, businesses, or corporations to aid or assist the Consultant in the proper performance of the duties. Such

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 25, 2007

agents and assistants, if any, who perform services for the Lee County Commission and funded by the Consultant under this Agreement shall also be bound by the provisions of this Agreement.

- 6.) **Entire Agreement.** This Agreement contains the entire Agreement of the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties.
- 7.) **Amendment.** This Agreement may be modified or amended if the amendment is made in writing and is signed by both parties.
- 8.) **Severability.** If any provision of this agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of the agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
- 9.) **Waiver of Contractual Right.** The failure of either party to enforce any provision of the Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.
- 10.) **Effective Date.** This Agreement shall become effective upon its execution.
- 11.) **Applicable Law.** The laws of the State of Alabama shall govern this Agreement.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the 25<sup>th</sup> day of June 2007.

Commissioner Lawrence recognized the Ham Radio Operators "Field Day" that was held over the weekend and commended the EMA staff and the Ham Radio Club. EMA Deputy Director Deedie Matthews thanked Commissioner Lawrence for his attendance at the event. Ms. Matthews extended an invitation to all the Commissioners to the event next year. Judge English stated that the Field Day is recognized each year with a Proclamation recognizing Ham Radio Operators Field Day.

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Smith, at approximately 6:15 p.m. that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 9, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday July 9, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Paula Brickner gave an update of her clean-up efforts in the Lake Harding area. Mrs. Brickner stated that several citizens had started a group called the Citizens Against Roadside Pollution, or "CARPS". Mrs. Brickner stated that she and approximately 80 volunteers were devoting the 2<sup>nd</sup> Saturday of each month to clean-up their community. She stated she had contacted Assistant County Engineer Justin Hardee about getting "Don't Be Litter Bugs" signs for their area. Additionally, she stated that Solid Waste Director Jack Marshall had helped by providing trash bags for the group's use at the clean-up events. Judge English asked if she would be available to speak to other organizations that were interested in cleaning-up debris and trash in other areas of the county. Mrs. Brickner agreed to help in any way that she could.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Harry Ennis, Annell Smith, and John Andrew Harris. Commissioner Lawrence was absent due to attendance at the EDA Conference.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the June 25, 2007 meeting, two listings of claims and an updated listing of claims awaiting approval.

The Chairman asked if there were any questions about the consent agenda items as received. Commissioner Ennis made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved.

Under old business, County Administrator Roger Rendleman and Architect Randy Wilson gave an overview during the pre-meeting of the proposed space requirements for the Auburn Satellite office. The proposed building is currently calculated at 6,364 square feet at a cost of \$165/square foot for a total projected cost of \$1.1 million. Mr. Rendleman stated that \$810,000 had been set aside in last year's budget. Therefore, another \$290,000 allocation needs to be set aside for the project. Mr. Rendleman recommended that the Commission accept the proposed program of spaces and move forward with the schematic design as presented. Commissioner Holt made a motion to accept the recommendation, seconded by Commissioner Harris and unanimously carried.

Under new business, Mr. Donald Bengtson presented a plat and an application for a family cemetery on his property at 326 Lee Road 649, Waverly, Alabama. Mr. Bengtson also had approval from the Lee County Health Department. Judge English mentioned to the Commissioners the letter placed on their desks from the Lee County Cemetery Preservation Commission about this application. Upon the Bengtson request, Commissioner Holt made a motion to grant the application for a family cemetery, seconded by Commissioner Ennis and unanimously carried.

Revenue Commissioner Oline Price requested that the Commission allow her to raise the tag mail fees from \$1.50 to \$2.00 effective October 1, 2007 due to increased postage rates and increased volume of tag mail. After discussion, Commissioner Smith made a motion to approve this request for an increase in the tag mail fees to \$2.00, seconded by Commissioner Holt and unanimously carried.

Additionally, Mrs. Price requested that the Commission approve an agreement for internet collections of motor vehicle, mobile homes and property taxes with Sturgis Web Services. County Administrator suggested that the agreement be a three-party agreement to include signatures of the Chairman and the Revenue Commissioner as well as the Company. Commissioner Holt made a motion to authorize the agreement, seconded by Commissioner

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 9, 2007**

Harris and unanimously carried. Mrs. Price stated that she currently only had a proposal, not an agreement. Mr. Rendleman also suggested that County Attorney Stan Martin review the proposed agreement when it is received.

County Engineer Neal Hall recommended that the Commission approve the Resolution for a Federal Aid Bridge project on Lee Road 037. Commissioner Harris made a motion to approve the Resolution, seconded by Commissioner Smith and unanimously carried.

**RESOLUTION**

**Whereas**, the Lee County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows:

Replacement of an 80.0 foot bridge and approaches over a tributary of the Watula Creek on Lee Road 037 located 0.6 miles Northeast of the intersection of State Highway 051 and Lee Road 037. Structure No. 00000-000-41-099Z, Bin No. 004260 Sufficiency Rating = 19.6, Status 1.

Location map located at the Lee County Highway Department

**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 agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

Commissioner Ennis made a motion to add an agenda item concerning a change order on the Jail project, seconded by Commissioner Holt, and unanimously agreed to add the item to the agenda. County Administrator Roger Rendleman presented the 6<sup>th</sup> and final change order on the Jail project to decrease the contingency allowance in the amount of \$32,777.00. Mr. Rendleman stated that this would close-out the project, and authorize the final payment to Rabren Construction. Upon this recommendation, Commissioner Smith made a motion to approve this change order, seconded by Commissioner Harris and unanimously carried.

Commissioner Ennis made a motion to add another agenda item concerning advertising in the Alabama Business Magazine, seconded by Commissioner Smith and unanimously agreed to add the item to the agenda. Judge English explained that he had received information concerning an upcoming edition that would feature Lee County in the magazine. Judge English stated that the Commission purchased a full-page color ad in the magazine last time Lee County was featured. After discussion, Commissioner Harris made a motion to purchase a ½ page color ad at a cost of \$1,500, to be paid out of the Contingent Fund, seconded by Commissioner Holt and unanimously carried.

Judge English reminded the Commission of the Public Forum which will be held on Monday July 16 at 6:30 p.m. at Southern Union and of the upcoming Highway Department work session on Wednesday, July 18 at 5:00 p.m. in the Commission chambers.



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 9, 2007**

With no further business to come before the Commission, Commissioner Smith made a motion, and seconded by Commissioner Ennis, at approximately 6:20 p.m., that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 30, 2007**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday July 30, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

During public comments, Roxanne Riddle and Roosevelt Henderson addressed Lee Road 121, which was also discussed earlier in the pre-meeting. Ms. Riddle stated that as long as she can remember the road had been in the same shape. Ms. Riddle stated that she believed Mr. Foster does not want the road paved. Judge English questioned why he would not want the road paved. Ms. Riddle stated that she believes he does not want it paved for a fear of an increase in property taxes and taking more of his land. Judge English stated that property taxes are not increased simply by paving the road. Mr. Henderson stated that his grandfather had purchased property on Lee Road 121 in the 1940's and the road is about the same, and not much wider. He stated that he feels if the road is paved that it should be straightened for safety issues. He stated that he drives an 18-wheeler and if he meets a vehicle in a curve on the road then the other vehicle has to stop until he passes. Mr. Henderson stated that he wants the road paved. Commissioner Smith stated that this road is currently on the paving list and she has no intention of removing it from the paving list.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Commissioner Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the July 9, 2007 meeting, two listings of claims and the announcement of a reappointment and two vacancies on the Lee County Recreation Board.

The Chairman asked if there were any questions about the consent agenda items as received. Commissioner Ennis made a motion, seconded by Commissioner Holt and unanimously carried, that the consent agenda items be approved. Commissioner Lawrence abstained from the vote since he was absent from that meeting.

Under new business, during the pre-meeting, Mrs. Kathy Ledbetter presented on behalf of her father, Mr. Harold Foster, their concerns about Lee Road 121. Mrs. Ledbetter stated that the road is scheduled to be paved, and that they are concerned that the paving will result in a taking of more of their property, and that traffic would increase on the road as a result. Mrs. Ledbetter requested that the county engineer look at the prescriptive right-of-way and go back to that or reopen the southern portion of Lee Road 121 through to Lee Road 240 to alleviate traffic concerns. County Engineer Neal Hall stated that the County has never maintained the southern portion of Lee Road 121, at least not in the last 50 years and that it is private property. Mrs. Ledbetter also asked that the Commission consider paying her father for the property that has been taken from him over the years due to the widening that has resulted from the county grading and maintaining Lee Road 121. She also said that the county scrapers have taken down some of his fences over the years.

Next, Mr. Foye Yeager also addressed the Commission during the pre-meeting concerning Lee Road 121. Mr. Yeager stated that if the County is considering opening up the long-abandoned southern portion of Lee Road 121, they should consider that his nephew built a home on his property on the site of the old roadbed. Additionally, Mr. Yeager stated that the road had been the same width and location since he purchased the property in 1983. No action was taken by the Commission on the subject of Lee Road 121.

During the pre-meeting, Bob Schafer addressed the Commission for funding needs of the Volunteer Fire Departments. Mr. Schafer stated that since the fire fee increase did not pass, the rising cost of services will force the Volunteer fire stations to close if the Commission does not help them financially. Mike Gardner of Farmville Volunteer Fire Department stated that the

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 30, 2007**

rising cost of insurance is the biggest issue for them at this time. John Rice, a former legislator who got the fire fee bill passed originally, stated that he would like for the state to perform an audit on each Volunteer Fire Department to determine if the organizations were spending the funds according to the law and the intent of the original fire fee bill. Mr. Rice stated that it was alarming to hear that these organizations are in this great financial need. Robert Ham also addressed the Commission on this subject. President of the Lee County Firefighters Association John Hoar stated that there had been no increase in the fire fee since 1989, but that the costs of services continue to increase year after year. Mr. Hoar stated that he would welcome a state audit. Mr. Rendleman stated that he would check with the Examiners of Public Accounts about audits of the volunteer departments. During the meeting, Commissioner Lawrence made a motion to appoint a committee made up of Commissioners Holt and Lawrence, John Rice, the EMA Director, and the President of the Firefighters Association or his designee, to address the short-term needs of the volunteer departments and take an in-depth look at the funding and services provided. His motion included a first meeting of the group on August 7 at 6:00 p.m. in the Commission chambers to set the direction for the group. The motion was seconded by Commissioner Holt and unanimously carried.

During the pre-meeting, Jerry Southwell and Linda Hilyer presented a proposal for the Commission to purchase approximately 40 acres for recreation purposes in the Beulah community at a cost of \$360,000. During the meeting, County Administrator Roger Rendleman stated that he would put the request in the budget for Commission consideration. Commissioner Smith pointed out that they were willing to use the Beulah portion of the Lee County Recreation Board allocation this year and next year. Commissioner Holt stated that there were other pressing issues on the table at this time. No action was taken at this time.

Judge English asked for authorization to sign an acceptance of a sub-grant award from ADECA for another ball field at the Lee County Park at Smiths Station. The Commission approved this project last summer with the understanding that the Lee County Recreation Board will provide a \$50,000 cash match and the City of Smiths Station will provide \$82,600 in cash and be responsible for any cost overruns. After discussion, Commissioner Smith made a motion to authorize the Chairman to sign the sub-grant award and approve the following Resolution, seconded by Commissioner Holt and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Lee County Commission passed a resolution on July 31, 2006 to make application for grant assistance to the Alabama Department of Economic and Community Affairs, Land and Water Conservation Fund, for the purpose of developing one baseball field at Lee County Park at Smiths Station; and

**WHEREAS**, the Lee County Commission received notice on July 27, 2007 that the grant had been selected to participate in the FY2006 Land and Water Conservation Fund Program,

Described as follows: Project Number: 07-LW-905

Project Name: Lee County Park at Smiths Station-Phase II

Grant Amount: \$50,000

Project Scope: Construct one fenced, lighted, and irrigated baseball field and support facilities at Lee County Park in Smiths Station, AL (32° 31'22.3"N--85° 07'00"W)

**WHEREAS**, the Lee County Commission at the meeting of July 31, 2007 authorized the Chairman to sign the Acceptance of Sub-grant Award agreement; and

**WHEREAS**, said programs are limited to funding a maximum of \$50,000 of the proposed project costs estimated at \$182,600, which will be used to develop one 300' radius baseball field for recreational use by the entire community; and

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 30, 2007**

**WHEREAS**, the City of Smiths Station has committed to provide \$82,600 in cash match, and the Lee County Commission's Recreation Board has committed to provide \$50,000 in cash match for the project. In addition, the City of Smiths Station has agreed to pay for any cost overruns on this project; and

**WHEREAS**, the Lee County Commission has authorized the Lee-Russell Council of Governments to administer the grant and to be the official representative for Lee County in connection with the project.

**NOW, THEREFORE BE IT RESOLVED**, that the Lee County Commission understands that in the event the City and the Recreation Board do not provide their share of the match, the County will be ultimately responsible for providing \$132,600 for the purpose of matching the Land and Water Conservation Fund assistance.

**BE IT FURTHER RESOLVED**, that Lee County Commission understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

Commissioner Lawrence reported on his attendance at the Economic Development and the City/County Managers Association Conferences. Commissioner Lawrence discussed the economic development opportunities for all Alabama counties due to the steel plant coming to northern Mobile and Washington County. Additionally, he stated that the EDAA conference addressed the labor needs and the need for workforce development across the state.

Commissioner Harris presented handouts and videos to the Commissioners that he had picked up at the NACo Annual Conference. He stated the areas of focus were disaster and terrorism in communities, watershed and wetlands, and economic development. Additionally, he stated that he had talked to a company about credit card acceptance. He shared the information with Mrs. Price, since the company he had talked with did not charge a maintenance fee. He stated that Mrs. Price informed him that the company did not have experience in Alabama. Commissioner Harris further stated that the conference was beneficial and informative.

County Administrator Roger Rendleman presented a request to consider two budget amendments. First is an amendment for additional money for resurfacing for the current fiscal year. The addition is for \$550,000 to be added to the Resurfacing Program line item in fund 117. This is a combination of recognizing the City of Auburn's share of the Shelton Mill Road resurfacing and widening joint project of approximately \$165,000 and the better than expected success in interest returns for the year of approximately \$385,000. Upon this recommendation, Commissioner Smith made a motion to amend the budget for an additional \$550,000 to the Resurfacing Program, seconded by Commissioner Lawrence and unanimously carried.

Second is an amendment to recognize a security improvement grant from the Administrative Office of Courts. Mr. Rendleman stated that the grant was handled directly by the local court administrator but was needed to be processed through the County's payment system. The security improvements to the Justice Center totaled \$54,261.10. Commissioner Lawrence made a motion to amend the budget for \$54,300 to the General Fund Justice Center building supplies account, seconded by Commissioner Holt and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 30, 2007**

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Ennis, at approximately 6:35 p.m., that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 13, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday August 13, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

EMA Director Faith Aguillard introduced EMA's newest Emergency Planner, Mrs. Mary Moore.

Next, Ms. Aguillard made a presentation during the pre-meeting concerning the full-scale exercise involving a mock chemical spill held on August 9, 2007. Ms. Aguillard presented a slide show of pictures taken during the exercise. Ms. Aguillard identified all the participants in the event, and stated that the newest participant was the Civil Air Patrol. Captain Chris Tate of the Civil Air Patrol was in attendance and explained their abilities and participation in the exercise, with one being the ability to transmit the digital images directly from their aircraft to EMA headquarters. Mr. Tate additionally explained further capabilities that the Civil Air Patrol is able to provide in local emergencies.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the July 30, 2007 meeting and two listings of claims.

The Chairman noted that due to an ADECA requirement, a Resolution concerning the Lee County Park had been inserted into the minutes since they were mailed in the Commissioners' packets. The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Harris and unanimously carried, that the consent agenda items be approved with the additional Resolution.

Under old business, County Engineer Neal Hall presented an agreement with ALDOT for the traffic light at the intersection of Lee Road 379 and US Highway 280/431. Mr. Hall stated that the State agreed to pay for installation of the traffic light and the County would be responsible for the maintenance of the traffic light, as was discussed in a previous meeting. After discussion, Commissioner Ennis made a motion to authorize the Chairman to sign the traffic light agreement, seconded by Commissioner Smith and unanimously carried.

After much discussion about the public versus private status of Lee Road 531 in the pre-meeting, during the meeting, Commissioner Ennis asked that the item be removed from the agenda.

Citizens Council Chairman Hugh Dicks updated the Commission on their status. Mr. Dicks stated that the Council had heard from several different departments and a variety of individuals for input into their decision-making process. Mr. Dicks stated that the Council has received sufficient input to formulate their recommendation, but requested an extension from the original deadline of August 13, 2007. He stated that the Council feels that additional time is needed to complete the assignment. Upon discussion during the pre-meeting, Commissioner Holt during the meeting made a motion to extend the deadline to December 10, seconded by Commissioner Lawrence and unanimously carried.

County Administrator Roger Rendleman presented for pre-approval an educational reimbursement request from Correction Officer Charolette Moore. Mr. Rendleman stated that all requirements had been met and made a recommendation that the Commission grant this request. After discussion, Commissioner Lawrence made a motion to pre-approve the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 13, 2007**

educational reimbursement for Ms. Moore, seconded by Commissioner Holt and unanimously carried.

Second, Mr. Rendleman requested that the Commission take a look at setting budget work sessions, since the budget must be passed by the September 24 meeting. Mr. Rendleman presented several dates during the pre-meeting. During the meeting, Commissioner Lawrence made a motion to set the dates of August 27 after the end of the regular Commission meeting, August 28 and 30, and September 4, 5 and 6 at 2:30 p.m. and September 10 again after the Commission meeting, to discuss the budget in the Commission chambers. Additionally, the dates of September 4 and 5 would be set aside to hear from outside agencies that either are new agencies or asking for increased funding. The motion was seconded by Commissioner Smith and unanimously carried.

With no further business to come before the Commission, Commissioner Ennis made a motion, and seconded by Commissioner Lawrence, at approximately 6:07 p.m., that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 27, 2007**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday August 27, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During citizens' communication, Mrs. Mary Ryan stated that she was trying to get on disability for four years and had been unsuccessful. Judge English stated that the Commission had no responsibility for disability claims. Commissioner Harris stated that he may be able to help Mrs. Ryan if she would contact him.

Mr. Hoyt Walker stated that he had read the article in the Opelika-Auburn News on August 16 concerning the citizens' council recommendations. Mr. Walker said the article mentioned that the County Engineer would report and be accountable to the County Manager, and questioned the functionality of the current unit system. Additionally, Mr. Walker stated that he had lived and paid taxes in Lee County for almost 50 years and he would again ask that Lee Road 132 be paved.

Mrs. Barbara Priester, a resident of the Stonewall community for over 50 years, stated that she appreciated the citizens' council and felt that they did a professional job on the task that they were assigned. She stated that the citizens' survey shows that Lee County residents don't really know what county government does. She cited a recent League of Women Voters' study that the current structure works, but that the County Commission needs more authority and better cooperation for the common good. Mrs. Priester stated she felt that County Administrator Roger Rendleman and Probate Judge Bill English were doing a great job. She stated that she does not think that one individual such as a county manager should have that much power, as in Mobile County.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

After the Chairman opened the meeting, County Attorney Stan Martin stated that the Commission needed to adjourn into a brief executive session concerning current litigation. Mr. Martin requested that Mr. Rendleman and Mr. Hall attend and Judge English stated that the executive session would last approximately five minutes and that no formal action by the Commission was expected after the executive session. Commissioner Lawrence made a motion to add the executive session to the agenda, seconded by Commissioner Holt and unanimously carried. Commissioner Lawrence then made a motion to adjourn into executive session based on Mr. Martin's recommendations, seconded by Commissioner Holt and unanimously carried.

At the conclusion of the executive session, the Commission took no action on the matter and resumed the regular meeting.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the August 13 meeting and two listings of claims.

The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Ennis and unanimously carried, that the consent agenda items be approved.

Under old business, Chairman Hugh Dicks of the Citizens Council, during the pre-meeting, presented a hard copy of the Council recommendations to the Commission. Mr. Dicks stated that the Council, which was appointed by the Commission, met 13 times over a five month period. Mr. Dicks stated that several different individuals had met with the Council to give their input on the structure of the Commission. Mr. Dicks presented the following report from the Council:



**LEE COUNTY CITIZENS COUNCIL ON COUNTY GOVERNMENT  
August 20, 2007**

**Introduction**

*The Lee County Citizens Council was created by the Lee County Commission to make recommendations to it regarding the structure of the Lee County Commission.*

*There appears to be a general understanding that the appointment of the Lee County Citizens Council was motivated by a number of factors including: conflict and controversy within the Commission, specifically with respect to expense reimbursement policies and related issues; concerns about the lack of leadership within County government; concerns about the capability of County Government in general, and the Commission specifically, to address current and future economic development challenges and opportunities; concerns about the ability, currently and in the future, of one person to handle both the Probate Judge and the Chair of the Commission positions; and, concerns about the lack of a clearly defined policy role for the Commission.*

*While specific positions on the range of issues involved vary substantially, there is a consensus, emanating from almost all of the parties involved and from most of the individuals who addressed the Council, that change is needed in the structure of the Commission to strengthen the governance, administration, management, planning and development and service delivery of the Lee County Commission and Lee County government.*

*To the extent that change is needed, the need for change does not rest solely with the current personnel or organizational structure. In fact, current personnel appear to have worked with dedication and as hard as possible to make the current structure work as well as possible. Whatever structure is in place, and no matter the personnel involved, an additional relevant context for needed change includes the lack of sufficient county revenue to provide adequate staff and facilities and the need to reorganize service delivery in more efficient and productive ways.*

**Recommendations:**

- 1. Hire a full time County Manager. We believe this can be done without a special local act of the legislature under HB 139, County Modernization Act. If not, a local act should be requested as soon as possible so that it can be enacted in the 2008 session of the legislature. The Manager should be hired under a contract that is specific, including annual performance evaluations conducted by the County Commission Chair, on how the Manager is hired, how s/he can be fired, his/her compensation package, to whom s/he is to report, and responsibilities. (see the attached addendum) All county department heads should report to the County Manager, including the County Engineer, and s/he should be responsible for the day to day management of all County Government functions that are constitutionally allowed.*
- 2. The County commission, as the legislative body for the county, should assume a policy making role only. The County Manager should be empowered to operate the County Government under the policies they set. The local act, if required, to establish the County Manager structure of government should include statutory definition of the policy / non-administrative and management role of the Commission. On a related matter, the Commission should, under the guidance of the County Engineer, working with the County Manager, implement a true unit road building and maintenance system that is based on traffic and transportation needs and sound transportation and civil engineering principles.*
- 3. The position of County Commission Chairman should be split from that of Probate Judge. This person should be a voting member of the Commission elected on a non-partisan ballot county-wide and should be part time. This, of course, will require local legislation. If timing the split to be effective with the next Probate Judge's election makes this more politically acceptable, then we support that. However, we would prefer it to become effective as soon as possible.*

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4. *The County should request home rule as it relates to taxation and land use authority and other authority it may need to deal with growth and development. In our opinion, even with a strong County Manager and a visionary County Commission chairman, the County will not be able to reach its full potential, or even respond to future needs and demands, unless the county has more authority and governing tools available to it.*
5. *Each Commissioner should have a travel budget that is approved each year along with the County budget. Travel reimbursement procedures should follow those used by State Government or as required by the Examiner of Public Accounts. Each trip for which a claim for reimbursement is submitted should have beginning and ending odometer readings, a statement of where the trip was taken and for what public purpose it was made. Records should be kept for audit and should be retained as required by state policy.*
6. *The County Commission should establish a competitive compensation program for the County Commissioners, Chairman and County Manager. This can be determined through a study of comparable counties.*

*The Citizens Council on County Government has worked diligently and without bias to bring the foregoing recommendations to the County Commission. We believe our recommendations allow for the continued growth and development of Lee County and provide for orderly and efficient administration of the Commission's responsibilities.*

*Respectfully submitted this 20<sup>th</sup> day of August, 2007*

*/s/ Hugh Dicks*

*For The Citizens Council*

***Addendum:***

*Elected department heads are funded by the Commission and the County Manager should have the authority to address problems of effectiveness as well as efficiency within the budget preparation and execution. Each of the elected part-time Commissioners should remain in a policy role with regard to employees as well as department heads. It is not the role of the part-time Commissioners to deal with individuals or departments. It is the role of the part-time County Commissioners to report to the County Manager incidents that are brought to their attention, causing corrective action to be taken by whoever is assigned the incident report by the County Manager. For example, the County Manager should be expected to address the continuing problem of long lines in the halls of the courthouse.*

*One method to deal with continued interference by individual part-time Commissioners would be to adopt from the City Manager Act the following language:*

*“The council shall appoint the city manager for an indefinite term, but the council may remove him at any time by a majority vote of the whole qualified membership of the council, subject to any agreements contained in a contract between the council and the city manager. Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager, or in any manner take part in the appointment or removal of officers and employees in the administrative service to the city. Except for the purpose of inquiry, the mayor and the members of the council shall deal with the administrative service only through the city manager and neither the mayor nor any member of the council shall give orders to any subordinates of the city manager, either publicly or privately. The mayor or any member of the council violating the provisions of this section or voting for a resolution or ordinance in violation of this section shall be guilty of a Class C misdemeanor. Upon conviction of a second violation of this section, the person so convicted shall forfeit his office.*

*(Res. No. 83-23, § 1, 4-19-83)*

*State Law References: Similar provisions, Code of Ala., § 11-43A-18  
Secs. 2-26—2-31. Reserved.*

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Mr. Dicks thanked the Commission for their consideration of these changes. Commissioner Holt thanked Mr. Dicks and the entire Council on their efforts and stated that the Commission would look closer at the recommendations after passing the upcoming budget. Commissioner Holt suggested that work sessions be held to discuss these recommendations. Commissioner Lawrence suggested that the Council be invited to attend the initial work session once a date is set. Commissioners Lawrence, Ennis, Smith and Harris each thanked the Council for their success on the task. During the meeting, Commissioner Lawrence stated that he would like to schedule a work session to discuss the recommendations as soon as possible due to the fact that budget considerations may need to be included in this year's budget. Judge English stated that he would put the item on the next agenda. Commissioner Holt stated that he was not sure that anything could be included in this budget. Commissioner Harris stated that he felt that time would be needed to assimilate the information as presented by the council. Commissioner Lawrence stated that it was an issue of expenses that needed to be presented in this budget cycle. Commissioner Holt disagreed and stated that no considerations from this year's budget should be decided at this time.

The agenda item concerning the condition of Lee Road 464 was removed from the agenda due to non-attendance by Mrs. Belinda Bryant. Ms. Bryant called prior to the meeting and stated that she was still getting neighbors to sign a letter on this subject.

Paula Brickner appeared before the Commission to request approval for developing a Lee County "PALS" (People Against a Littered State) Chapter. Mrs. Brickner stated that since she had been involved with the clean-up efforts in the backwater area, she would like to see the clean-up effort spread throughout the county. Mr. Eddie Hamby contacted Commissioner Harris about the litter problem in Loachapoka, and was referred to contact Ms. Brickner about this subject. Since that introduction Mrs. Brickner and Mr. Hamby have decided to band together to re-form the PALS chapter and to try to clean up the entire county. Mrs. Brickner asked for Commission support of the chapter and for each Commissioners commitment and attendance at a public forum tentatively scheduled for Tuesday, October 2, 2007 at 6:30 p.m. Additionally, Mrs. Brickner asked Judge English to help the group obtain a meeting room at Southern Union. Judge English asked Mrs. Swann to help in those arrangements. Additionally, Judge English and Mr. Marshall suggested that Mrs. Brickner contact Bob Mount concerning starting the "PALS" Chapter, since he had been involved in the previous PALS effort in Lee County. Smiths Station Mayor Dellinger questioned how the litter issues would be enforced. Mrs. Brickner stated she would like to see fines enforced for people that litter in Lee County. Mrs. Brickner stated that according to the Executive Vice President of Alabama PALS Spencer Ryan, if five pieces of garbage are found with the same residents' name and address thereon, then an individual does not have to actually be observed throwing the trash out. Mr. Marshall stated that the five items had to be specific, such as a bank statement or other personal item. Mr. Marshall stated that the group should only be formed as an educational and clean-up program, and not an enforcement group. After discussion, Commissioner Ennis made a motion to support the formation of a Lee County "PALS" Chapter, seconded by Commissioner Lawrence. Upon this motion, Commissioner Lawrence asked Commissioner Ennis to accept a friendly amendment to include support from the Environmental Services Department. Commissioner Ennis agreed to the amendment. County Engineer Neal Hall stated that the litter problem is county-wide and asked that the Environmental Services Department not be asked to focus on a few groups. Commissioner Lawrence stated that he was confident that Mr. Marshall would not do that. After discussion the motion carried unanimously.

Lee-Russell Council of Governments Representative Lisa Sandt presented an administrative contract between Lee-Russell Council of Governments and Lee County Commission for the recent grant that was awarded for a ball field at the Lee County Park at Smiths Station. After discussion, Commissioner Lawrence made a motion to authorize the Chairman to sign the contract and approve the following resolution, seconded by Commissioner Smith and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 27, 2007**

**LOCAL GOVERNMENT ADMINISTRATIVE CONTRACT  
BETWEEN  
THE LEE COUNTY COMMISSION  
AND THE  
LEE-RUSSELL COUNCIL OF GOVERNMENTS**

THIS AGREEMENT, entered into as of this, August 27, 2007, by and between LEE-RUSSELL COUNCIL OF GOVERNMENTS (CONTRACTOR) and the Lee County Commission, Alabama (LOCAL GOVERNMENT). Agreement concerns the grant administration of the construction of a ball field for the Lee County Park at Smiths Station, Land & Water Conservation Fund (LWCF) Project No. 07-LW-905 (PROJECT).

**WITNESSETH THAT:**

WHEREAS, the LOCAL GOVERNMENT desires to engage the CONTRACTOR to render technical and professional services described in connection with the PROJECT as requested by the LOCAL GOVERNMENT officials.

NOW, THEREFORE, the LOCAL GOVERNMENT and the CONTRACTOR do mutually agree as follows:

**ARTICLE I – EMPLOYMENT OF CONTRACTOR**

The LOCAL GOVERNMENT agrees to engage the CONTRACTOR and the CONTRACTOR hereby agrees to perform the services set forth in connection with the administrative and program management of the PROJECT, in a professional and proper manner, as prescribed in accordance with accepted LWCF practices.

**ARTICLE II – SCOPE OF SERVICES FOR ADMINISTRATIVE ASSISTANCE**

The CONTRACTOR shall provide professional and technical assistance to the LOCAL GOVERNMENT to include, but not necessarily be limited to, the activities described in Attachment A.

**ARTICLE III – TIME OF PERFORMANCE**

Services to be provided shall commence on July 31, 2007 and will continue for a reasonable period of time until all specifications of the proposed PROJECT have been completed. This contract shall terminate upon final closeout approval of the PROJECT by the Alabama Department of Economic and Community Affairs (ADECA).

**ARTICLE IV - GENERAL PROVISIONS**

a. Personnel - The CONTRACTOR warrants that it has the professional personnel capable of performing the services, as called for herein, in a satisfactory and proper manner, or will secure the services of such personnel as may be required to perform such services.

b. Office Space - The CONTRACTOR agrees to provide and maintain the office space and facilities required to perform all services as called for under this Agreement, at no expense to the LOCAL GOVERNMENT.

c. Subcontractors - None of the work or services covered by this Contract shall be subcontracted without the prior approval of the LOCAL GOVERNMENT. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.

d. Access to Materials - The LOCAL GOVERNMENT agrees to make available to the CONTRACTOR any maps, documents, and planning materials, or any other information in its possession or otherwise readily available, which have a direct bearing on the Program of the LOCAL GOVERNMENT, at no expense to the CONTRACTOR.

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e. Source of funding – This grant is federally assisted and that compliance with all applicable Federal, State, and local laws, rules, and regulations is required.

**ARTICLE V - COMPENSATION AND METHOD OF PAYMENT**

For services rendered under this Agreement, the LOCAL GOVERNMENT agrees to pay the CONTRACTOR for all costs, direct and indirect, attributable to the services rendered (as described in ARTICLE II of this Agreement). Such payment shall be due upon presentation of written statements certifying such amounts as are due and payable. The total amount to be paid under this section for services called for in ARTICLE II shall be \$5,800 in a “cost reimbursable/not to exceed” manner for costing and will be paid from local funds.

**ARTICLE VI - TERMS AND CONDITIONS**

a. Termination of Contract for Cause/Breach of Contract - If through any cause, the CONTRACTOR shall fail to fulfill in a timely and proper manner his obligations under this Contract, or if the CONTRACTOR shall violate any of the covenants, agreements or stipulations of this Contract, the LOCAL GOVERNMENT shall thereupon have the right to terminate this Contract by giving written notice to the CONTRACTOR of such termination and specifying the effective date to such termination. In such event, all finished and unfinished documents, data, studies, drawings, maps, models, photographs, and reports or other materials prepared by the CONTRACTOR under this Contract shall, at the option of the LOCAL GOVERNMENT become its property and the CONTRACTOR shall be entitled to receive just and equitable compensation for any work satisfactorily completed on such documents or materials.

Notwithstanding the above, the CONTRACTOR shall not be relieved of liability to the LOCAL GOVERNMENT for damages sustained by the LOCAL GOVERNMENT by virtue of any breach of the Contract by the CONTRACTOR, and the LOCAL GOVERNMENT may withhold any payments to the CONTRACTOR for the purpose of setoff until such time as the exact amount of damages due the LOCAL GOVERNMENT from the CONTRACTOR is determined.

b. Termination for Convenience of the LOCAL GOVERNMENT - The LOCAL GOVERNMENT may terminate this Contract at any time by giving written notice to the CONTRACTOR of such termination and specifying the effective date thereof, at least thirty (30) days prior to the effective date of said termination. In such event, all finished or unfinished documents and other materials as described in the above clause, shall, at the option of the LOCAL GOVERNMENT, become its property.

If the Contract is terminated by the LOCAL GOVERNMENT as provided herein, the CONTRACTOR shall be entitled to receive just and equitable compensation for any work satisfactorily completed on such documents and materials. The CONTRACTOR shall also be reimbursed (in addition to the above payment) for that portion of the actual out-of-pocket expenses (not otherwise reimbursed under this Contract) incurred by the CONTRACTOR during the Contract period, which are directly attributable to the uncompleted portion of the services covered by this Contract. If this Contract is terminated due to the fault of the CONTRACTOR, the above clause relative to termination shall apply (Article VI, section a).

c. Changes - The LOCAL GOVERNMENT may from time to time request changes of the CONTRACTOR in the Scope of Services to be performed hereunder. Such changes, or renegotiation, including any increase or decrease in the amount of the CONTRACTOR'S compensation, which is mutually agreed upon by and between the LOCAL GOVERNMENT and the CONTRACTOR, shall be incorporated in written Amendments to this Contract. The Contract may be extended under mutually agreed provisions, through a written Amendment to this document.

d. Assignability - The CONTRACTOR shall not assign any interest on this Contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the LOCAL GOVERNMENT: provided, however, that claims for money by the CONTRACTOR from the LOCAL GOVERNMENT under this Contract may be assigned to

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a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be promptly furnished to the LOCAL GOVERNMENT.

e. Reports and Information - The CONTRACTOR, at such times, and in such forms as the LOCAL GOVERNMENT may require shall furnish to the LOCAL GOVERNMENT such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract.

f. Findings Confidential - All of the reports, information, data, etc., given to, or prepared or assembled by the CONTRACTOR under this Contract are confidential and the CONTRACTOR agrees that they shall not be made available to any individual or organization without the prior written approval of the LOCAL GOVERNMENT.

g. Publication, Reproduction and Use of Material - No material produced in whole or in part under this Contract shall be subject to copyright by or on behalf of the CONTRACTOR in the United States or in any other country. The LOCAL GOVERNMENT shall have unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data or other materials prepared under this Contract.

h. Compliance with Local Laws - The CONTRACTOR shall comply with all applicable laws, ordinances and codes of the U. S. Government, the State of Alabama, and the LOCAL GOVERNMENT(S).

I. Audits and Inspections/Access to Records/Record Retention - At any time during normal business hours and as often as the LOCAL GOVERNMENT, Alabama Department of Economic and Community Affairs, Alabama Attorney General, and the Comptroller General of the United States or any duly authorized representative may deem necessary the CONTRACTOR shall make available to the LOCAL GOVERNMENT for examination all of the records with respect to matters covered by this Contract and will permit the LOCAL GOVERNMENT to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment, and other data relating to all matters covered by this Contract.

The CONTRACTOR shall retain all books, documents, papers, and records which are directly pertinent to this Contract for a period of three (3) years following completion of the contracted work and expiration of the Contract, unless written permission to destroy them is granted by the LOCAL GOVERNMENT.

j. Title VI Civil Rights Act of 1964 - Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

k. Section 109 of the Housing and Community Development Act of 1974 - No persons in the United States shall on the grounds of race, color, national origin, or sex shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

l. Interest of Members of the LOCAL GOVERNMENT and Other Local Public Officials - No officer, member or employee of the LOCAL GOVERNMENT, and no member of its governing body, and no other public official of the governing body of the locality or localities in which the Project is situated or being carried out, who exercises any functions or responsibilities in the review or approval of the undertaking or the carrying out of this Project, shall participate in any decision relating to this Contract which affects his/her personal interest or the interest of any corporation, partnership, or association in which he/she is directly or indirectly interested or has any personal or pecuniary interest, direct or indirect, in the Contract or the proceeds thereof. The CONTRACTOR shall take appropriate steps to assure compliance.

m. Interest of the CONTRACTOR - The CONTRACTOR covenants that he/she presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any

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manner or degree with the performance of services required to be performed under this Contract. The CONTRACTOR further covenants that in the performance of this Contract, no person having any such interest shall be employed.

n. Officials Not to Benefit- No members of or delegate to the Congress of the United States of America, and no Resident Commissioner, shall be admitted to any share or part hereof or to any benefit to arise here from.

o. Rehabilitation Act of 1973, Section 504 Handicapped - Affirmative Action for Handicapped Workers (Applicable to Contracts of \$2,500 or greater):

1. The CONTRACTOR will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The CONTRACTOR agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

2. The CONTRACTOR agrees to comply with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

3. In the event of the CONTRACTOR'S non-compliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

4. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the CONTRACTOR'S obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights and applicants and employees.

5. The CONTRACTOR will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the CONTRACTOR is bound by the terms of Section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

6. The CONTRACTOR will include the provisions of this clause in every subcontract or purchase order of \$2500 or more unless exempted by rules, regulations or orders of the Secretary issued pursuant to Section 503 of the Act, so that such provisions will be binding upon each subcontractor or vendor. The CONTRACTOR will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions including actions for noncompliance.

p. Age Discrimination Act of 1975 (Applicable to Contracts of \$2000 or greater) - No persons in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**ARTICLE VII - ADDITIONAL SERVICES OF CONTRACTOR**

If authorized in writing by the LOCAL GOVERNMENT the CONTRACTOR shall furnish additional services which are not considered as an integral part of the Scope of Services herein. Under this Agreement, all costs for additional services will be negotiated as to activities and

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 27, 2007**

compensation. Upon mutual agreement between the LOCAL GOVERNMENT and the CONTRACTOR, and written authorization from the LOCAL GOVERNMENT to proceed, the CONTRACTOR will provide the additional service. Examples of items considered as additional services shall include by not be limited to:

1. Formal and Informal Program Amendments
2. Environmental Impact Statements
3. Hazardous Site Negotiations
4. Legal or Expert Witness Testimony
5. Extended Contract Period caused by factors other than those under control of the CONTRACTOR. (Normal contract period for LWCF projects is 23 months)

**ATTACHMENT A - SCOPE OF SERVICES**

- a. Meetings- Attend and represent the LOCAL GOVERNMENT at meetings applicable to project.
- b. Files - Design a records management system that can be easily used by responsible personnel within the LOCAL GOVERNMENT. Provide assistance in setting up and maintaining the program files to adequately demonstrate compliance with all pertinent requirements.
- c. Environmental Review - In accordance with State regulations, receive environmental concurrence from appropriate agencies before proceeding with project.
- d. Contract for Architect Services - Develop appropriate contract documentation for architect services and prepare the necessary justification statement for utilization of the firm chosen by the Local Government. Said justification statement shall specifically include reasonableness and cost justification based upon the review of the proposals and selection of the firm by the Local Government. Fee negotiation will also be the responsibility of the CONTRACTOR.
- e. Accounting Systems - Design, implement, and maintain the Local Government's LWCF accounting system to include all appropriate ledgers and journals.
- f. Labor Standards - Coordinate with State offices to obtain wage rate decisions concerning the Local Government's LWCF construction activities. Conduct the required preconstruction conference(s) and ensure that construction activities comply with Labor Standards regulations, if needed.
- g. Project Budgets and Schedules - Work with architect and construction firms engaged in project to ensure that project stays within the budgeted grant amount and meets deadlines related to the project.
- h. Contractor Status Coordinate with the State to obtain information with respect to debarment status on selected engineering and construction firms to be engaged in LWCF funded public involvement contracts.
- i. Contractor Approval Review and approve construction contracts for compliance with state regulations and requirements.
- j. Financial Management -Assists in approving LWCF related purchase requests with respect to programmatic and regulatory compliance. Prepare Requests for Payment as work is completed and provide appropriate documentation to the state. Monitor LWCF financial transactions and records to ensure they comply with state requirements.
- k. Equal Opportunity - Assist the Local Government in its implementation of equal opportunity provisions.



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- l. Acquisition In the event that construction activities call for the acquisition of easements or other parcels, provide guidance to the Local Government to ensure compliance with the Real Property Acquisition regulations.
- m. Project Management - Monitor the contract performance of the architect firm and construction contractors with respects to project costs, schedules and performance.
- n. Grant Closeout - Assist the LOCAL GOVERNMENT with arrangements to conduct the required grant audit and prepare the necessary Grantee Performance Report.
- o. General Administrative - The above activities notwithstanding, provide general assistance, as appropriate, and when needed to assure that the grant program is performed and completed in a timely and competent manner. Responsibilities in this area shall include, but are not limited to, preparation of miscellaneous reports, correspondence and file documentation, meetings with various persons and agencies, and coordination specifically in response to requirements and requests of the ADECA.

Commissioner Ennis made a motion to abide by the Sheriff's recommendation to deny the request for issuance of a Lounge Retail Liquor License-Class I to the "Break Time" located at 10100 Lee Road 240, seconded by Commissioner Smith and unanimously carried. The following resolution was therefore not adopted by the Lee County Commission:

**Be it Resolved**, that the Lee County Commission deny the Lounge Retail Liquor License-Class I for Break Time located at 10100 Lee Road 240, Phenix City, Alabama.

The next agenda item concerning a retail beer and table wine license for TREX was moved to the next agenda as requested by Commissioner Holt with no objections.

County Engineer Neal Hall presented a Resolution concerning High Risk Rural Roads (HRRR) Safety Projects. Mr. Hall stated that the State had allocated \$4 million in funds in October 2006, and that Lee County had received \$60,000 for five projects. The grant funds are a 90/10 match and he stated that the matching funds have been budgeted. Mr. Hall asked the Commission to authorize the Chairman to sign the contract. Upon this recommendation, Commissioner Lawrence made a motion to approve the following Resolution and authorize the Chairman to sign the contract, seconded by Commissioner Smith and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Lee County Commission is desirous of constructing or improving, by force account, by contract or both, sections of road included in the Lee County Road System and described as follows:

Installation of guardrail end anchors and barrier rails at five (5) selected locations in Lee County as depicted by the location map. Also, the signage and striping of the intersection of Society Hill Road (Lee Road 054) and Gateway Drive.

Location Map located at the Lee County Highway Department.

**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 agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 27, 2007**

Next, Mr. Hall requested that a 30 M.P.H. speed limit be posted on a portion of Lee Road 380 in River Bend Heights Subdivision. Upon this recommendation, Commissioner Smith made a motion to set a 30 M.P.H. speed limit on a portion of Lee Road 380 in River Bend Heights Subdivision, seconded by Commissioner Harris and unanimously carried.

County Administrator Roger Rendleman requested that a new classification be added to the Classification Plan for the position of a Network Analyst for the Information Technology Department as previously budgeted. After discussion, Commissioner Holt made a motion to amend the Classification Plan to include a Network Analyst at Pay Grade 12, seconded by Commissioner Lawrence and unanimously carried.

Judge English reminded the Commissioners and all in attendance at the meeting of the Special School Tax Election to be held tomorrow August 28 and stated that the polls would be open from 7:00 a.m. to 7:00 p.m. Central time.

With no further business to come before the Commission, Commissioner Smith made a motion, and seconded by Commissioner Lawrence, at approximately 6:40 p.m., that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Commissioner, District 1

\_\_\_\_\_  
Commissioner, District 2

\_\_\_\_\_  
Commissioner, District 3

\_\_\_\_\_  
Commissioner, District 4

\_\_\_\_\_  
Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 10, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday September 10, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

EMA Director Faith Aguiard gave a presentation on the "Ready Lee County" campaign. Additionally, she presented a certificate of appreciation to the Commission from the "Ready Lee County" initiative.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Johnny Lawrence, Harry Ennis, Annel Smith, and John Andrew Harris. Absent: Commissioner Mathan Holt.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the August 27 meeting, two listings of claims, an additional listing of claims to be paid and first readings of the Lee County Recreation Board on the reappointment of Linda Hilyer and the appointment of Tracy Simpson.

The Chairman asked if there were any questions about the consent agenda items. Commissioner Ennis made a motion, seconded by Commissioner Lawrence and unanimously carried, that the consent agenda items be approved.

Under old business, Commissioner Holt previously requested that the beer and table wine license for TREX be moved to the next agenda due to his absence at this meeting. There were no objections by the Commission to his request.

County Administrator Roger Rendleman requested that the Commission set one or two more work sessions before the deadline for passing the budget at the September 24 meeting. Commissioner Lawrence made a motion to set Tuesday, September 18 and Thursday, September 20 at 2:30 p.m. for budget work sessions. The motion was seconded by Commissioner Smith and unanimously carried.

After much discussion during the pre-meeting, Commissioner Lawrence made a motion during the meeting to accept the following recommendations of the Volunteer Fire Department Study Committee which will be funded out of the FY 2007-2008 Budget, seconded by Commissioner Ennis and unanimously carried.

Farmville: funding to total \$23,000 with \$13,000 used to assist with matching grant funds and \$10,000 to help with insurance.  
Salem: funding to total \$7,600 to help with insurance.  
Plainview: funding to total of \$15,000 to assist with matching grant funds.  
Southwest: funding to total \$28,000 to be used to assist with matching grant funds and insurance.

Additionally, it was determined that Friendship and Beauregard could remain operational without emergency funding assistance based on current revenue. Lee-Chambers VFD receives funding through Lee-Chambers Water Board and is not impacted by the Fire Fee.

Commissioner Lawrence thanked all the members of the committee who committed their time and efforts to this study. Also, he thanked Deedie Matthews for her help in preparing the documents.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 10, 2007**

County Engineer Neal Hall requested that the Commission accept Bleeker Woods/Phase II consisting of Lee Roads 2145 and 2146 into the county road maintenance program since the one-year maintenance inspection had been completed satisfactorily. Commissioner Ennis made a motion to accept this recommendation, seconded by Commissioner Smith and unanimously carried.

Mr. Hall made a recommendation to set the speed zones and traffic controls on various county roads that had been paved since October 31, 2005 and that are less than 18 feet in width. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried that the following speed zone be set at 25 m.p.h. for the following dead end roads:

- District 1: Lee Road 650 (14') – From Lee Road 084 to dead end
- District 3: Lee Road 579 (10') –From Lee Road 293 to dead end  
Lee Road 861 (14'/16'/20') -Right fork to dead end, Left fork to dead end  
Lee Rod 772 (16') – From Lee Road 430 to dead end
- District 4: Lee Road 121 (10'/12') – From Lee Road 165 to dead end  
Lee Road 115 (12'/14'/20') – From fork on the right to dead end, and  
last 0.10 mile to the end of the left fork  
Lee Road 776 (16') – From Lee Road 889 to dead end  
Lee Road 792 (16') – From Lee Road 341 to dead end
- District 5: Lee Road 862 (16') – From Lee Road 110 to dead end

Next, upon Mr. Hall's recommendation, Commissioner Harris made a motion to set a 25 m.p.h. speed zone and a one-way designation on the following roads:

- District 3: Lee Road 292 (16') -One-way=From Lee Road 575 North to Lee Road 246  
-25 m.p.h.=From Lee Road 246 to dead end
- District 5: Lee Road 124 (14') -One-way=From Lee Road 165 East for 0.90 miles  
-25 m.p.h.=From Lee Road 165 East for 0.90 miles  
Vinson Street (16') -One-way=From 0.2 miles south of Lee Road 56 to end  
-25 m.p.h.=Entire Road

The motion was seconded by Commissioner Lawrence and passed on a 3-0-1 vote, with Commissioner Ennis abstaining.

Judge English reminded all in attendance of the budget work session scheduled immediately following the meeting.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 10, 2007**

With no further business to come before the Commission, Commissioner Smith made a motion, and seconded by Commissioner Lawrence, at approximately 6:20 p.m., that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 24, 2007**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday September 24, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Johnny Lawrence, Mathan Holt, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the September 10 meeting, two listings of claims, an additional listing of claims to be paid, Bid #27 for 45 mobile data computers for the Sheriff's Office, Bids #28 thru #36 for the Highway Department, the announcement of several upcoming expiring or expired board appointments, first readings of the Lee County Recreation Board on the reappointment of Linda Hilyer and the first-time appointment of Tracy Simpson, and a retail beer and retail table wine license for Crossroads BP, LLC located in District 3. Sheriff Jones reported on Bid #27 and recommended that the Commission accept the only bid received from Interceptor Public Safety Products for 45 mobile data computers at \$5,654/per unit for a total of \$254,430 which will be paid with grant funds. Mr. Hall requested that the Commission reject and re-bid Bids #37 & 38. Commissioner Holt made a motion to add five bid extensions to the consent agenda, seconded by Commissioner Lawrence and unanimously carried to add the bid extensions. Following are the FY2007-2008 Highway Maintenance Bids and Bid Extensions and a Resolution for Crossroads BP:

Bid No. 28 – Grader Blades

Recommendation: Accept low bid of Valk Manufacturing, New Kingston, PA

Bid No. 29 – Herbicide Treatment

Recommendation: Accept low bid of Helena Chemical, Selma, AL

Bid No. 30 – Sign Material

Recommendation: Accept low bid of Vulcan Signs, Foley, AL

Bid No. 31 – Silt Fence

Recommendation: Accept sole bid of Construction Materials, Montgomery, AL

Bid No. 32 – Guardrail

Recommendation: Accept low bid of H & L Construction, Troy, AL

Bid No. 33 – Regular Unleaded Gasoline & Low Sulfur #2 Diesel Fuel

Recommendation: Accept sole bid of R. K. Allen Oil Company, Opelika, AL

Bid No. 34 – Maintenance Stone

Recommendation: Accept sole bid of Martin Marietta, Birmingham, AL

Bid No. 35 – Virgin Tire Filler

Recommendation: Accept sole bid of McGriff Tire Company, Montgomery, AL

Bid No. 36 – Delivered Bituminous Treatment & Temporary Traffic Stripe

Recommendation: Accept low bid of East Alabama Paving, Opelika, AL

Bid No. 37 – Ready Mix Concrete

Recommendation: Reject and Re-bid

Bid No. 38 – Corrugated Metal Pipe & Bands

Recommendation: Reject and Re-bid

Bid Extensions from FY 2006-2007:

Bid #29-Concrete Pipe – Hanson Pipe, Montgomery, AL

Recommendation: Extend 1-year

Bid #34-Metal Pipe – Harvey Culvert, Cleveland, AL

Recommendation: Extend 1-year

Bid #38-Seeding & Mulching – Parker Grassing, Opelika, AL

Recommendation: Extend 1-year

Bid #39-CRS Liquid Asphalt – Vulcan Refining Co., Cordova, AL

Recommendation: Extend 1-year

Bid #42-Traffic Stripe – Peek Pavement Marking, Columbus, GA

Recommendation: Extend 1-year

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 24, 2007**

**Be it Resolved**, that the Lee County Commission approve a retail table wine license (off premises only) for Crossroads BP, LLC, located at 6504 Lee Road 240, Phenix City, Alabama.

**Be it Resolved**, that the Lee County Commission approve a retail beer license (off premises only) for Crossroads BP, LLC, located at 6504 Lee Road 240, Phenix City, Alabama.

The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Holt and unanimously carried, that the consent agenda items be approved.

Under old business, second reading for the reappointment of Linda Hilyer and the appointment of Tracy Simpson to the Lee County Recreation Board was approved. Commissioner Smith made a motion, seconded by Commissioner Harris and unanimously carried that the following Resolutions be adopted.

**Be it Resolved**, that Linda Hilyer be reappointed to the Lee County Recreation Board for a 5-year term from October 14, 2007 to October 14, 2012

**Be it Resolved** that Tracy Simpson be appointed to the Lee County Recreation Board to fill the unexpired term of James Floyd beginning September 24, 2007 until October 14, 2009.

Commissioner Holt again requested that the beer and table wine license for TREX be moved to the next agenda. There were no objections from the Commission to this request.

During the pre-meeting, Mrs. Belinda Bryant asked the Commission to consider paving Lee Road 464. Judge English explained the process of the dirt road paving program and explained that each Commissioner has the discretion of which roads are chosen for paving in their respective districts. Mrs. Bryant stated that she had previously talked to Commissioner Ennis concerning this request. No action was taken by the Commission.

During the pre-meeting, Mayor Fuller presented a Power-Point presentation concerning "Project KT" a high-tech manufacturing facility which is expected to bring over 500 jobs to the area. He presented that the facility will be a \$173.5 million capital investment. Others in attendance for the presentation were City Councilman Eddie Smith, Ronnie Wilson of the City's Industrial Development Authority, Industrial Development Director Al Cook and Project Manager Lori Huguley. Mayor Fuller asked for the assistance of the county to clear and grub the 150 acre site as an additional incentive to the company in choosing this site location. The Mayor stated that a final proposal had to be submitted by October 5. After further discussion, during the meeting Mayor Fuller stated that the City of Opelika would be willing to provide a bulldozer and an operator to help with this project. Mr. Hall stated that with the additional bulldozer/operator and by the crews working more and longer days, he thought they could decrease the project time from eight months to four months. Additionally, he felt that the remaining eight months would be sufficient time to accomplish the expected 10 miles of annual paving, because that work can be accomplished in less time than before due to the suspension of the county's right-of-way policy. After more discussion, Commissioner Harris made a motion to accept Mr. Hall's proposed solution, contingent upon the assistance from the City, seconded by Commissioner Ennis and unanimously carried. Commissioner Harris questioned Mayor Fuller about the amount that the City is contributing as enticements for this facility. Mayor Fuller stated that the City is injecting approximately \$4.225 million.

Judge English reported that Emergency Management Agency Director Ms. Faith Aguiard resigned her position effective September 28, 2007 because she has accepted a position with the Louisiana State Department of Homeland Security. Ms. Aguiard thanked the Commission for her opportunity to work and serve the citizens of Lee County. She recommended that the Commission consider Ms. Deedie Matthews as the interim EMA Director

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 24, 2007**

until a replacement can be obtained. Commissioner Lawrence questioned Mr. Rendleman if Ms. Matthews accepted the interim position would she be entitled to a salary adjustment. County Administrator Roger Rendleman stated that she would be so entitled under our personnel policy. Commissioner Lawrence made a motion to name Ms. Deedie Mathews interim EMA Director effective September 29, 2007, seconded by Commissioner Holt and unanimously carried. Commissioner Lawrence thanked Ms. Aguillard for her leadership in moving Lee County forward during her time with the County. Commissioner Ennis wished Ms. Aguillard good luck in her future.

County Administrator Roger Rendleman presented the following resolution for Commission consideration to grant a cost-of-living increase to retirees who retired on or before September 30, 2005. Commissioner Holt made a motion to approve the following resolution, seconded by Commissioner Lawrence and unanimously carried.

**BE IT RESOLVED**, that the Lee County Commission elects to come under the provisions of Section 2 of Act 510 of the regular session of the 2006 Legislature.

The Lee County Commission agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the increase as provided for by said Act for those eligible employees retired from Lee County Commission with the aforementioned increase being effective with the October 2007 benefit payments.

Mr. Rendleman provided the following resolution to the Commission for consideration to grant a cost-of-living increase to the two current supernumeraries. Commissioner Lawrence made a motion to approve the following resolution, seconded by Commissioner Ennis and unanimously carried.

**WHEREAS**, Act 2006-108 granted to county commissions the authority to provide cost of living adjustments to supernumerary officials of the county; and

**WHEREAS**, such increases are to be the same as those granted to the retirees of the county by the county commission; and

**WHEREAS**, the Lee County Commission has adopted to grant a seven percent (7%) cost-of-living increase to the county's retirees as authorized by Act 2006-510.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the supernumerary tax officials of Lee County be hereby granted a seven percent (7%) cost of living adjustment in accordance with the provisions of Act 2006-108.



**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 24, 2007**

County Administrator Roger Rendleman presented a proposed \$34.4 Million budget for FY 2007-2008 for Commission consideration. There are no cost-of-living increases included because the Commission also agreed to implement a new pay plan instead and the anticipated funds necessary to implement that plan are included in the proposed budget. Commissioner Lawrence made a motion to approve the budget as presented, seconded by Commissioner Holt and unanimously carried.

**FISCAL YEAR 2007-2008 BUDGET:**

Commission Funds	Carryover*	Revenues	Expenditures	Operating Transfers In / (Out)	Increase/ (Decrease)
General Fund	800,000	17,371,100	17,684,519	(486,581)	0
Gasoline Tax Fund	1,392,000	2,040,000	6,934,002	3,502,002	0
Public Building Road and Bridge Fund	110,000	4,088,000		(4,198,000)	0
Public Highway and Traffic Fund	0	344,750		(344,750)	0
RRR Gasoline Tax Fund	650,000	2,259,000	3,423,112	514,112	0
Environmental Services Fund	445,312	2,345,447	2,790,759		0
Emergency Management Agency (EMA) Funds	40,000	359,558	591,564	192,006	0
Reappraisal Fund	175,000	878,295	1,053,295		0
Capital Improvement Fund		330,000		(165,000)	165,000 ##
1998 Debt Service			382,348	382,348	0
2004 Debt Service		756,760	1,360,623	603,863	0
<b>Total County Commission Funds:</b>	<b>3,612,312</b>	<b>30,772,910</b>	<b>34,220,222</b>	<b>0</b>	<b>165,000</b>
<b>Expendable Trust Funds (Non-Commission):</b>					
Worthless Check		297,882	297,882		
Motor Vehicle Special Training		3,000	3,000		
Manufacturing Home Trust		14,900	14,900		
Revenue Commissioner Expendable Trust		3,000	3,000		

\*=Funds carried over from prior year. These are attributed to Officials and department heads operating consistently within their budget and/or budgeted projects which were not completed in the 2007 Fiscal Year. Carryover is utilized for one-time projects or capital purchases; since, these funds are not ongoing revenues. Although the budget is \$34.2 million, Lee County's financial capability of funding ongoing annual operations is \$30.8 million for Fiscal Year 2008.

##=Funds designated for a Capita/Infrastructure Program. (Contingent on actual revenue for FY 2008.)

Commissioner Holt requested that the Commission consider setting work session dates to discuss the citizens' council recommendations that were presented to the Commission at its August 27 meeting. Commissioner Holt requested that this be placed on the next agenda for discussion.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 24, 2007**

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Holt, at approximately 6:30 p.m., that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 9, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 9, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Two citizens appeared before the Commission. First, Mr. John Wilder thanked the Commission for paving Lee Road 166 in the Beauregard community. He stated that the paving of the roads would enhance the area. Judge English thanked Mr. Wilder for the recognition and thanked him for taking the time to appear before the Commission.

Next, Ms. Teresa Ferrell requested that the Commission consider paving Lee Roads 154 and 156 due to the bad condition of the roads. No action was taken by the Commission.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Johnny Lawrence, Mathan Holt, Harry Ennis, Annell Smith, and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the September 24 meeting, two listings of claims, Bid #39 for audio/visual equipment for the EMA Office, and the announcement of a vacancy on the Cemetery Preservation Committee. EMA Interim Director Deedie Matthews reported on Bid #39 and recommended that the Commission accept the sole bid received, out of 5 bids sent out, from Southern Electronics for audio/visual equipment for \$39,873.95 which will be paid with Homeland Security grant funds. Judge English requested to remove the first reading of the Lee County Recreation Board appointment until further notification by Commissioner Holt. Commissioner Holt stated that he was still seeking a replacement for the opening.

The Chairman asked if there were any questions about the consent agenda items. Commissioner Holt made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved.

Under old business, concerning the beer and table wine licenses for TREX, Commissioner Holt stated that after extensive research on this request, he would recommend denial of the issuance of the license due to the location of the establishment which is at the end of a one-way road coming off US Highway 280. Additionally, he stated that the impact the location would have on the neighborhood was another factor in recommending denial of the license. Commissioner Holt made a motion to adopt the following two resolutions to deny the retail beer and retail table wine licenses for TREX, seconded by Commissioner Lawrence and unanimously carried.

**Be It Resolved**, the retail beer (on or off premises) license for TREX located at 99 Lee Road 453, Waverly, Alabama be denied.

**Be It Resolved**, the retail table wine (on or off premises) license for TREX located at 99 Lee Road 453, Waverly, Alabama be denied.

After discussion during the pre-meeting, Commissioner Holt during the meeting made a motion to set work session dates of November 5, 2007 at 5:30 p.m. and November 13 at 6:30 p.m. or at the conclusion of the Commission meeting to discuss the citizens' council recommendations, seconded by Commissioner Lawrence and unanimously carried. After discussion, the Commissioners requested that the first meeting consist of just the Commission members, and Commissioner Holt suggested that Chairman Hugh Dicks and the members of the Council be invited to attend the meeting on November 13.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 9, 2007**

Judge English presented the Emergency Response, Rescue and Ambulance Service Agreement to the Commission from EAMC and asked for authorization to renew the agreement for the coming year with no changes. Commissioner Lawrence made a motion to authorize Judge English to sign the Emergency Response, Rescue and Ambulance Service Agreement, seconded by Commissioner Holt, and unanimously carried. Commissioner Lawrence questioned specifics in the contract during the pre-meeting and during the meeting asked that the Commission consider making changes in next year's contract to include performance requirements.

Judge English presented the following resolution proposed by Coroner Bill Harris. Act 2001-638, authorizes the Commission to adjust the Coroner's salary by Resolution. As approved in the budget, the Commission granted a 10% salary increase to the Coroner which calculates to \$2,167.36, which will be treated as an expense, and will covert to salary effective the next term of office as set by the Act. Commissioner Lawrence made a motion to approve the following resolution, seconded by Commissioner Holt and unanimously carried.

**Be it Resolved, pursuant to Alabama law,** that the Lee County Commission approve the salary increase as budgeted for fiscal year 2007-2008, for the Lee County Coroner effective October 1, 2007.

County Administrator Roger Rendleman introduced Dr. Steve Condrey of Condrey and Associates, Inc. the company that compiled and prepared the proposed Job Classification and Compensation Plan for Lee County. Dr. Condrey made a presentation to the Commission during the pre-meeting which explained the process of the study. He explained that the process included: reviewing and revising the current classification system and pay plan for county employees; collecting wage survey data; producing a recommended pay plan based on job analysis, job evaluation, and wage survey data; and developing new job descriptions. The wage survey data was compiled from 10 Alabama counties, 3 Alabama cities and 1 Georgia county. Dr. Condrey further stated that the system used to classify the jobs in Lee County is an adapted version of the federal Factor Evaluation System (FES). FES is a point-factor-comparison evaluation system that uses nine factors for the evaluation of jobs: knowledge required by the position, supervisory controls, guidelines, complexity, scope and effect, personal contacts, purpose of contacts, physical demands, and work environment. Additionally, Condrey and Associates added a tenth factor covering supervisory responsibility. The Compensation Plan developed for the county is based on an internal value system reflected in the classification plan and on a salary survey of comparable organizations to help assure an externally equitable and competitive pay system. The Plan consists of twenty-eight grades. The salary range for each grade is approximately fifty percent. The range is deliberately broad so that problems associated with employees reaching the top of their pay range will be minimized. Dr. Condrey stated that there would be an initial cost to implement the classification changes necessitated by the Plan of 2.32% of current payroll cost, and a one-time equity adjustment of approximately 4.00% of adjusted payroll cost. Mr. Rendleman stated that these costs were already included in the 2007-2008 budget as adopted. Mr. Rendleman asked the Commission to consider adopting the Proposed Salary Scale on Page 6 and the Position Grades on Pages 9 thru 12 and to adopt it effective with the next pay cycle beginning October 13. Upon this recommendation, Commissioner Smith made a motion to accept the Compensation Plan, seconded by Commissioner Holt and unanimously carried. Upon the acceptance of the Compensation Plan, Commissioner Lawrence asked Commissioner Smith to accept a friendly amendment to have the County Administrator and the EMA Director employed under contract same as the County Engineer rather than under the Compensation Plan. Commissioner Smith responded that further discussions should take place on that request before Commission action. Commissioner Lawrence questioned Mr. Rendleman of his opinion of being placed under contract, and Mr. Rendleman stated that it would be the decision of the Commission. Mr. Rendleman requested that he would like to have a proposed contract to review before any change is made. Upon discussion, Commissioner Lawrence withdrew his amendment.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 9, 2007**

Judge English requested that the Commission authorize him to enter into an agreement for bookkeeping services in the Probate Office. Judge English stated that instead of hiring a full-time employee with county benefits, he thought it would be more economical to enter into an agreement with a contract bookkeeper. After consideration, Commissioner Holt made a motion to authorize the Chairman to negotiate and enter into an agreement for a bookkeeper within the current office budget, seconded by Commissioner Smith and unanimously carried.

County Administrator Roger Rendleman presented for pre-approval an educational reimbursement request from Correction Officer Charolette Moore. Mr. Rendleman stated that all requirements had been met and made a recommendation that the Commission grant this request. After discussion, Commissioner Lawrence made a motion to pre-approve the educational reimbursement for Ms. Moore, seconded by Commissioner Smith and unanimously carried.

County Engineer Neal Hall made a recommendation to set the speed zones and traffic controls on various county roads that had been paved since October 31, 2005 and that are less than 18 feet in width. Upon this recommendation, Commissioner Smith made a motion, seconded by Commissioner Lawrence and unanimously carried, that a 25 M.P.H. speed zone be set for the following dead end roads:

District 3: Lee Road 576 (14') – From Lee Road 246 to dead end

District 4: Lee Road 381 (10'/12'/16') – From Lee Road 382 to dead end  
Lee Road 382 (10'/16') – From Lee Road 380 to dead end  
Lee Road 841 (12') – From Lee Road 366 to dead end

Next, Mr. Hall made a recommendation to set a 25 M.P.H. speed zone and a one-lane designation on the following road:

District 4: Lee Road 259 (16') -One-lane and 25 M.P.H.=From Lee Road 158, North for 1.30 miles to the intersection with Lee Road 277

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Ennis, at approximately 6:20 p.m., that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 29, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, October 29, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Johnny Lawrence, Annell Smith, and John Andrew Harris. Absent: Commissioners Mathan Holt and Harry Ennis.

Mayor Fuller presented the Bill of Sale and title to a 1999 GMC bucket truck to the Commission. Mayor Fuller stated that Jerry Posey of the Light and Power Division heard of the need by the county and the City Council made the decision to donate the truck to the county in appreciation of the services provided by the Lee County Highway Department to Opelika's industrial recruitment efforts. The bucket truck will be utilized by the Highway Department and Maintenance Shop for maintenance, and the Emergency Management Agency for the maintenance of sirens.

Under reports from Staff, Ms. Alice Hodge presented an update on the board appointments which were included in each Commissioners packet. Ms. Hodge stated that out of the 12 boards notified, she had received responses from 8 of the boards about the members' interest in continuing to serve another term. Commissioner Lawrence questioned if all the boards had been notified, and Ms. Hodge stated in the affirmative.

County Engineer Neal Hall presented the Commission an updated version of the Lee County Highway Reference Guide. Mr. Hall asked each Commissioner to review the changes, and to approve the updates at the next meeting on November 13. Commissioner Lawrence asked the Highway Department if they could frame the map and display it in the Commission chambers once the changes are approved.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the October 9 meeting, two listings of claims, and an updated listing of claims awaiting approval for payment. The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Harris and unanimously carried, that the consent agenda items be approved.

Ms. Johnnie Mae Coleman and several residents of Lee Road 246 appeared before the Commission and requested that the road be paved. Ms. Coleman stated that Lee Road 246 is the oldest dirt road and that it was on the paving list when Commissioner Key was in office. Commissioner Smith stated that she hoped to put the road on her paving list by FY 2009 or FY 2010. Commissioner Smith stated that each time Ms. Coleman called, she would notify the Highway Department and they would grade the road. Mr. Hall stated that he had talked to Ms. Coleman during the break and stated he would meet with Ms. Coleman and help with the situation. Other residents questioned how the Commission determines which roads are paved. Judge English explained the process to those in attendance and explained that Commissioner Smith had approximately 98.7 miles of dirt roads in her district and that Lee County currently has 192 miles of dirt roads. He told those in attendance that each Commissioner is allocated a certain portion of the dirt road funding based upon their share of the County roads, and that each Commissioner makes a recommended list of the roads within their own district that should be paved next, but that the entire Commission had to vote to actually adopt which roads would receive paving priority in the coming fiscal year. No action was taken by the Commission.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 29, 2007**

During the pre-meeting Auburn Mayor Bill Ham, Auburn City Manager Charlie Duggan, and Economic Development Director Phillip Dunlap made a presentation for a joint project to widen Lee Road 10 to a three-lane road, to include replacing an existing bridge. Mr. Duggan thanked the Commission for their consideration and asked that the county consider partnering in this joint project designed to complement the development of the Auburn Technology Park West. He said that the City of Auburn would provide \$645,687.57 in cash and proposed that Lee County participate with an in-kind match of time and manpower at an estimate of \$366,400.68. Commissioner Harris questioned the timeframe of the project. Mr. Duggan stated that the project would begin in January or February, and expected that the State would let the project for the interstate interchange in March 2008. County Engineer Neal Hall stated that the current project with the City of Opelika will be complete within a week, and then the Highway Department could begin on this project and it was his estimation that the project would take approximately four months to complete without working overtime. Mr. Hall estimated that the bridge replacement would be the longest part of the project but would only take approximately three months to complete since the county would be letting the project themselves rather than the State. Commissioner Lawrence made a motion to authorize the Lee County Highway Department to participate in the widening of Lee Road 10 with the City of Auburn with an in-kind match of time and manpower, seconded by Commissioner Smith and unanimously carried.

Department of Public Safety Major Hugh McCall appeared at the pre-meeting and stated that he had attended a recent meeting with Mayor Fuller, Commissioner Harris, Representative Bandy, Senator Ted Little and Becky Freeman concerning complaints about the local Drivers License Examining office. Commissioner Harris stated that he invited Major McCall to the Commission meeting today as a result of that meeting at City Hall and he felt that the Commission needed to help in some manner. Major McCall asked the county to participate in equipping them with 2 additional work stations at a cost of \$20,000/each and 4 kiosks for testing at \$2,300/each. Major McCall stated that the State would provide two additional employees to the local office in 3-4 months but that they did not have the equipment to support them. Major McCall stated he would need the two work stations once the employees were put in place, but he did not want to accept the two additional employees without the proper work stations. Commissioner Lawrence questioned the total amount. Major McCall gave a figure of \$56,000 and stated that the State would provide the maintenance. Judge English stated that the cities of Auburn and Opelika might participate as well, but that if the two cities and the county participated financially, he felt that there should be a special lane for residents of Lee County, not just the current express lane. Mayor Ham was in the audience and stated that he heard complaints from Auburn residents and that the City of Auburn would be willing to participate. Commissioner Lawrence questioned the timeframe of receiving the equipment. Major McCall stated it would take approximately two weeks to receive the equipment if ordered today. Commissioner Holt stated in the pre-meeting that he would like to ask the City of Opelika, City of Auburn and City of Smiths Station and see if they would be willing to help in this matter. Judge English thanked Major McCall for attending the meeting.

Commissioner Lawrence asked each Commissioner to begin thinking about what items they have for consideration for the upcoming legislative session. During the pre-meeting Commissioner Lawrence asked that each Commissioner have their ideas ready for discussion by November 26. Mr. Rendleman asked that each Commissioner submit their ideas to Wendy Swann for her to research before the November 26 date.

County Engineer Neal Hall asked that the Commission consider giving a quit claim deed or right-of-way deed to Chambers County on the right-of-way on County Road 1025, since Chambers County has received a CDBG grant to pave the road along the county line. Commissioner Smith made a motion to authorize Stan Martin to look at the documents and determine which type or whether to execute a deed to Chambers County and thereafter to authorize the Chairman to execute the appropriate documents as recommended by Mr. Martin, seconded by Commissioner Lawrence and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 29, 2007**

County Administrator Roger Rendleman asked the Commission to authorize the agreement with Architect John Randall Wilson for the Auburn Satellite office. Commissioner Smith made a motion to authorize the agreement, seconded by Commissioner Lawrence and unanimously carried.

Mr. Rendleman requested that the Revenue Administration Agreement with RDS/AlaTax be moved to the next agenda since it was a five-year commitment. There were no objections by the Commission.

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Smith, at approximately 6:35 p.m., that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 13, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, November 13, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During citizens' comments, Mr. Gerald Lindsey stated he would like to comment on the advisory board. Mr. Lindsey stated that he would like to be a barrier between the people and their government, and he would like to be appointed to the SW Lee County Fire Protection Authority Board or the Loachapoka Water Authority or both. In addition, he had filled out a citizen interest form to each board.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Interim Emergency Management Director Deedie Matthews presented EMA's newest Emergency Planner, Christopher Tate.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the October 29 meeting, two listings of claims, results on Bids #1 & #2 on the Sheriff's Office, Bids #4 & #5 for Environmental Services Department, and first readings on eight different boards. Sheriff Jay Jones stated that on Bid #1 for 8 or more patrol vehicles, he would recommend that the Commission accept the sole bid of Ken Boggs Ford for \$21,492 per vehicle for 2008 Ford Crown Victorias. On Bid #2, Sheriff Jones recommended that the Commission accept the sole bid from Ken Boggs Ford for three or more investigative/civil vehicles at \$17,732 for 2008 Dodge Chargers. On Bid#4 and #5, County Engineer Neal Hall recommended that the Commission accept the bid of Marathon Equipment for closed-top roll-off containers at \$7,212/each and compactors at \$13,351.55/each, since Marathon was the only vendor that met bid specifications completely and the equipment met compatibility requirements with the current equipment. The following board appointments/reappointments had first reading:

- 1) Lee County Communications District (E911) –  
Chief Lee Roy Kelley, Anne Grady and Miles Thomas
- 2) Lee-Chambers Water Authority –Michael Andress
- 3) Loachapoka Water Authority–Sheri Todd
- 4) Horseshoe Bend Regional Library –Roberta Green
- 5) Lee County Youth Development Center - George Ervin
- 6) Lee County Department of Human Resources–Anne Grady, Bill White  
and Gina Ivey
- 7) Cemetery Preservation Committee– Ann B. Pearson
- 8) Lee County Recreation Board – Michael Miller

The Chairman asked if there were any questions about the consent agenda items. Commissioner Smith made a motion, seconded by Commissioner Holt and unanimously carried, that the consent agenda items be approved.

County Administrator Roger Rendleman asked the Commission to authorize the Revenue Administration Agreement with RDS/AlaTax for three years. Mr. Rendleman stated that he would be reviewing the status after the three years, and may consider self-collection of these services if improvements are not visible. Commissioner Lawrence made a motion to authorize the three-year agreement, seconded by Commissioner Holt and unanimously carried.

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Paula Brickner approached the Commission and asked that they pay the \$100 registration fee for the Lee County chapter to become a member of the Alabama PALS organization. Commissioner Lawrence questioned Mr. Rendleman if the Commission could pay this fee. Mr. Rendleman stated that since it was a non-profit organization and a benefit to the general public, then the Commission could pay the fee, but should do so from the contingency fund. Commissioner Ennis made a motion to pay the \$100 registration fee, seconded by Commissioner Smith. After the motion, Commissioner Holt stated that he would like the opportunity to pay the fee personally. Upon this request, Commissioner Ennis withdrew his motion and Commissioner Smith withdrew her second. Mrs. Brickner graciously accepted the \$100 from Commissioner Holt (*and the money was passed thru O-A News Reporter William White.*)

County Engineer Neal Hall presented the FY 2007-2008 Highway Reference Guide and Maintenance Map to the Commission for approval. Commissioner Lawrence made a motion to accept the Highway Reference Guide and Maintenance Map for FY 2007-2008, seconded by Commissioner Smith for discussion. Commissioner Ennis asked that the words "working document" be added. After discussion, Commissioner Lawrence and Commissioner Smith agreed to accept the additional language in their motion and second. The motion carried unanimously.

County Administrator Roger Rendleman presented for pre-approval an educational reimbursement request from Correction Officer Charolette Moore. Mr. Rendleman stated that all requirements had been met and made a recommendation that the Commission grant this request. After discussion, Commissioner Smith made a motion to approve the educational reimbursement for Ms. Moore, seconded by Commissioner Lawrence and unanimously carried.

Judge English stated that the new Open Meetings Law allows an executive session for the potential purchase of real estate. At approximately 6:20 p.m., Commissioner Lawrence made a motion to recess into executive session concerning the potential purchase of real estate, seconded by Commissioner Smith and unanimously carried. The Chairman identified County Administrator Roger Rendleman and Chief Appraiser Bobby Armstrong as needing to attend the executive session. Judge English stated that the executive session would last approximately 20 minutes and that formal action may be taken afterward.

Upon reconvening, Roger Rendleman stated that the Commission was in a position to purchase property across the street from the Courthouse and he would request that the Commission authorize him to execute a purchase agreement for \$650,000 on the Johnson Galleries building. Upon his request, Commissioner Lawrence made a motion to authorize Roger Rendleman to negotiate for the purchase of the Johnson Galleries building for the county up to \$650,000. The motion was seconded by Commissioner Smith and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 13, 2007**

With no further business to come before the Commission, Commissioner Smith made a motion, and seconded by Commissioner Lawrence, at approximately 6:40 p.m., that the meeting be adjourned. The Commission then went into a worksession with members of the Citizens Council.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 26, 2007**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, November 26, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Solid Waste Director Jack Marshall recognized Environmental Services Officer Heather Norred as one of three people across the state that have been recognized by Alabama PALS for litter education. Ms. Norred was recognized for an educational program she designed, wrote and is sharing with elementary students at Beauregard, Smiths Station and Loachapoka. Judge English thanked Ms. Norred and Mr. Marshall for the good job they are doing in the schools and the community.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the November 13 meeting and two listings of claims.

The Chairman asked if there were any questions about the consent agenda items. Commissioner Ennis made a motion, seconded by Commissioner Lawrence and unanimously carried, that the consent agenda items be approved.

Under old business, second reading was made on the following board appointments/reappointments. Commissioner Smith moved to adopt the following Resolutions, seconded by Commissioner Lawrence and unanimously carried.

**Be it Resolved**, that the Lee County Commission reappoints Chief Lee Roy Kelley, Anne Grady and Miles Thomas to the Lee County Communications District (E911) for four-year terms beginning 7/24/2007 until 7/24/2011.

**Be it Resolved**, that the Lee County Commission reappoints Michael Andress to the Lee-Chambers Water Authority for a four-year term beginning 12/1/2007 until 12/1/2011.

**Be it Resolved**, that the Lee County Commission reappoints Sheri Todd to the Loachapoka Water Authority for a six-year term beginning 3/1/2007 until 3/1/2013.

**Be it Resolved**, that the Lee County Commission reappoints Roberta Green to the Horseshoe Bend Regional Library Board for a four-year term beginning 10/1/2007 until 10/1/2011.

**Be it Resolved**, that the Lee County Commission reappoints George Ervin to the Lee County Youth Development Center Board for a four-year term beginning 10/1/2007 until 10/1/2011.

**Be it Resolved**, that the Lee County Commission reappoints Anne Grady, Bill White and Gina Ivey to the Lee County Department of Human Resources Board for a six-year term beginning 9/1/2007 until 10/1/2013.

**Be it Resolved**, that the Lee County Commission appoints Michael Miller to the Lee County Recreation Board for a five-year term beginning 10/14/2007 until 10/14/2012 as the District 1 appointment to replace James Davis.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 26, 2007**

At its November 13 meeting, the Commission made a first reading to appoint Ann Pearson to a vacancy on the Lee County Cemetery Preservation Commission. Commissioner Harris made a motion at this meeting, seconded by Commissioner Ennis that first reading be made to appoint Arthur Lee Jones to the same vacancy. After vote, the motion failed on a 2-3 vote with Commissioners Holt, Lawrence and Smith voting "No". After this motion failed, Commissioner Lawrence made a motion, seconded by Commissioner Smith to table any appointment to the Cemetery Preservation Commission until the next meeting, and the motion passed on a 4-1 vote with Commissioner Harris voting "No"

Judge English reported that the State Emergency Management Agency had asked about our progress on the filling of the position of Lee County EMA Director and that he had placed this item on the agenda for Commission discussion. He noted that Ms. Deedie Matthews is the Deputy Director and has been serving as the Interim Director since Ms. Aguillard's departure. Judge English pointed out that Ms. Matthews is serving as interim director for a second time, and recommended that the Commission remove Interim from the title and appoint Ms. Matthews to the position, given her experience and qualifications. Alternatively, he asked the Commissioners their thoughts on creating a search committee to find another suitable replacement. Upon discussion, Commissioner Holt made a motion to promote Ms. Deedie Matthews to EMA Director, seconded by Commissioner Smith and unanimously carried. Each of the Commissioners complimented Ms. Matthews on her performance and commitment.

After discussion in the pre-meeting, Commissioner Holt made a motion during the meeting to set a work session for Monday, December 10 at 6:30 p.m. or at the conclusion of the regularly scheduled meeting on the issue of the citizens' council responses. The motion was seconded by Commissioner Lawrence and unanimously carried.

Commissioner Lawrence made a motion to set an additional work session on legislative issues for Monday, December 17 at 5:00 p.m. in the Commission chambers, should such be necessary after the worksession tonight. The motion was seconded by Commissioner Holt and unanimously carried.

After discussion, Commissioner Smith made a motion to move the Beat 13 voting location from the Lee-Chambers Volunteer Fire Station on US 29 North to the Pine Grove Methodist Church fellowship hall because the fire station has no heat/air conditioning or restroom facilities. Judge English asked her to include in her motion that this change be submitted to the Justice Department for pre-clearance before the February 2008 election. The motion was seconded by Commissioner Lawrence and unanimously carried. The Commission also agreed to allow Judge English to look for an alternative location for Beat 11, which is also located in a Volunteer Fire Station with no heat/air conditioning or restroom facilities.

County Administrator Roger Rendleman asked the Commission to authorize a budget amendment request for \$300,000 to the resurfacing program. Upon this request, Commissioner Lawrence made a motion to authorize the \$300,000 budget amendment request from the RRR fund balance to the RRR Resurfacing program, seconded by Commissioner Smith and unanimously carried. County Engineer Neal Hall thanked Mr. Rendleman and the Commission for supporting the resurfacing program. Additionally, Mr. Hall stated that this is the first time the Commission and the Administrator have given resurfacing this much priority.

Next, Mr. Rendleman stated that the capital improvement fund currently has \$860,000 available for allocation. Mr. Rendleman proposed two items to be paid from this amount. First, the authorization for the purchase of the Johnson Galleries building at \$650,000 and second the cooling tower at the Justice Center at \$120,000. Mr. Rendleman stated that the current tower is over twenty-three years old and can no longer maintain proper water levels for operation without a continuous inflow of water. After discussion, Commissioner Holt made a motion to approve

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 26, 2007**

allocation for the capital improvement funds as recommended above, seconded by Commissioner Smith and unanimously carried.

Last, Mr. Rendleman presented a proposed FY2008 holiday schedule for Commission consideration. After discussion, Commissioner Smith made a motion, seconded by Commissioner Lawrence and unanimously carried to approve the holiday schedule for FY2008 as follows:

New Year's Day	*Monday, December 31, 2007 Tuesday, January 1, 2008
Martin Luther King, Jr. Day	Monday, January 21, 2008
Presidents' Day	Monday, February 18, 2008
Memorial Day	*Monday, May 26, 2008
Independence Day	Friday, July 4, 2008
Labor Day	Monday, September 1, 2008
Columbus Day	*Monday, October 13, 2008
Veterans' Day	Tuesday, November 11, 2008
Thanksgiving	Thursday, November 27, 2008 Friday, November 28, 2008
Christmas	Thursday, December 25, 2008 Friday, December 26, 2008

Note: \* is Normal Commission Meeting Day  
Monday, December 31 meeting cancelled  
Monday, May 26 meeting moved to Tuesday, May 27, 2008  
Monday October 13 meeting moved to Tuesday, Oct. 14, 2008

With no further business to come before the Commission, Commissioner Lawrence made a motion, and seconded by Commissioner Smith Lawrence, at approximately 6:20 p.m., that the meeting be adjourned. The Commission then went into a worksession on legislative issues.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 10, 2007**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 10, 2007 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis, Annell Smith, and John Andrew Harris.

Judge English asked that citizens' comments be held until after the award presentation by Mr. Langley. EMA Planner Mr. Johnny Langley recognized eight students that participated in the CERT "Be Ready Camp" in Huntsville, Alabama in September. The following are the students that participated and were presented a "Certificate of Achievement" at the meeting, those are: Zachary Bridges, Daniel Davidson, Bryan Hise, Taylor Holland, Ryan Johnson, Garrett Mingus, Adrien Parker, and Erin Rogers. The Commission thanked each for their attendance. Mr. Langley thanked each student for his/her participation and congratulated them on their excellent behavior during the trip.

During citizen's comments, Mr. Paul Hartwick appealed to the Commission to consider resurfacing Lee Road 621. Mr. Hartwick stated that he had talked to the Assistant County Engineer who had agreed that the road was in bad shape. Mr. Hartwick stated that the road had not been resurfaced in over 25 years. Additionally, he stated the Highway Department had worked the ditches for water run-off. Judge English stated that the resurfacing needs were based on the needs of the entire county, not just one county road. Mr. Hartwick stated that he had looked around the county and he felt that this was the worst road in the county. Additionally, he stated that this was the main road into the subdivision. No action was taken by the Commission.

During the pre-meeting, County Engineer Neal Hall updated the Commission on the road and bridge tour that was held on Thursday, November 29 attended by Representative Pebblin Warren and Friday, November 30, attended by Representative DuWayne Bridges, Representative Lesley Vance and Joy Johnston from Senator Ted Little's office. Mr. Hall stated that the Association of County Commissions had requested that each county have a tour of roads and bridges for the local Legislative Delegation because the ACCA is going to lobby for another bond issue for local roads and bridges in the upcoming session. Mr. Hall stated that this program would mirror the 2000 bond program which allocated \$270 million to the counties for bridge replacements. Governmental Relations Coordinator Wendy Swann stated that all nine Legislators were receptive, but only three were able to attend the tour. Mrs. Swann additionally stated that Representatives Graham and Hubbard and Senator Benefield would like to attend at a later date. Mr. Justin Hardee presented each Commissioner a packet of the tour path that was taken on each date. Mr. Hardee stated that 120 miles of county roads and 3 truss bridges were covered during the tours. Commissioner Ennis questioned if any of the participants made a commitment of support. Mr. Hall stated that indeed they made a commitment to the program itself, but not the funding. At the conclusion, Mr. Hardee presented each Commissioner an official copy of the FY2007-2008 Highway Reference Guide.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the November 26 meeting, two listings of claims, an updated listing of claims for payment, and Bid #6 for roll-off trucks. Bid #7 for uniform cleaning was removed from the consent agenda and moved under new business. Environmental Services Director Jack Marshall stated that on Bid #6 ten bids were sent out and 3 vendors responded. Mr. Marshall recommended that the Commission approve the bid from Gulf Coast Truck and Equipment for two roll-off trucks for \$244,462.50, which is a budgeted item and will be financed over four years. Mr. Marshall stated that the low bidder did not meet bid specifications.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 10, 2007**

The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Harris and unanimously carried, that the consent agenda items be approved.

Under old business, Commissioner Holt stated he would like to withdraw the first reading of Mrs. Pearson to the Cemetery Preservation Commission due to the fact that she had asked to have her name withdrawn. Upon this statement, Commissioner Holt made a motion for first reading on Mr. Arthur Lee Jones to the Cemetery Preservation Commission, seconded by Commissioner Lawrence and unanimously carried.

Mr. Charles Roberts, Mr. Joseph Cruise and Ms. Judy Kelley and other residents appeared before the Commission asking for consideration to resurface Lee Roads 698, 699 and 700 in Brentwood Mobile Home Subdivision. Mr. Roberts stated that the roads had not been resurfaced in over 30 years. County Engineer Neal Hall stated that this subdivision is not unique, since Lee County has over 125 subdivisions. Mr. Hall stated that in the past resurfacing money was only used on State routes, due to state funding requirements and standards. Mr. Hall personally thanked Mr. Rendleman for allocating \$2.7 million this year for resurfacing. Mr. Hall stated that due to this funding it will be the first year that the Highway Department will be able to resurface other roads and subdivisions in the county. No action was taken by the Commission on their request.

After much discussion in the pre-meeting concerning dirt road paving in general, a true unit system, possible changes in the allocation of paving funds, the lack of a right-of-way policy and subdivision regulations, Mr. Hall reported that he would make a presentation on right-of-way policies and subdivision regulations in January. Commissioner Holt, during the meeting, made a motion to conditionally adopt the paving list for Districts 4 and 5 as presented tonight, and leave pending the paving lists of Districts 1, 2, and 3, however, all of this is contingent upon the County Commission adopting a right-of-way policy as recommended by Mr. Hall. The motion was seconded by Commissioner Harris and unanimously carried.

County Administrator Roger Rendleman recommended that the Commission declare an emergency situation on the boilers at the Justice Center. Mr. Rendleman stated that the boilers had failed and were creating a dangerous safety issue that needed to be addressed immediately. Mr. Rendleman stated that Bid #8 had been sent out, with only one vendor responding. Associated Mechanical Contractors bid was \$119,765 for two boilers and installation. Upon this recommendation, Commissioner Lawrence made a motion to declare an emergency due to safety issues and accept Bid #8 for two boilers and installation for \$119,765, seconded by Commissioner Holt and unanimously carried.

Next, Mr. Rendleman asked the Commission to consider making a budget amendment for the funding of the boilers. Mr. Rendleman asked them to consider using the remaining \$90,000 in the Capital Improvement Fund, and he requested that the remaining \$30,000 be re-allocated from the remodel of the old Sheriff's Office, since this project has not been started. Mr. Rendleman asked that the budget be amended accordingly to accommodate this need. Upon this recommendation, Commissioner Harris made a motion to authorize Mr. Rendleman to amend the budget accordingly. The motion was seconded by Commissioner Lawrence and unanimously carried.

Sheriff Jones requested that Bid #7 for uniform cleaning be rejected and open for negotiations, since only vendor submitted a bid. Commissioner Lawrence made a motion, seconded by Commissioner Harris to reject Bid #7 for uniform cleaning. The motion carried unanimously.



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 10, 2007**

Commissioner Lawrence made a motion to add an item to the agenda for the approval of travel expenses to the Alabama City/County Management Association 2008 Winter Conference in Mobile on January 29-February 1. The motion was seconded by Commissioner Holt and unanimously carried that the item be added to the agenda. Commissioner Lawrence then made a motion, seconded by Commissioner Harris that travel expenses be approved for the upcoming ACCMA meeting, and the motion carried unanimously.

With no further business to come before the Commission, Commissioner Holt made a motion, seconded by Commissioner Lawrence, at approximately 5:30 p.m., that the meeting be adjourned. The Commission then went into a worksession on the citizens' council responses.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5