

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 18, 2011

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, January 18 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris.

Judge English informed the Commission of the termite damage in the roof of the building. Judge English stated this was to inform the Commission because extensive repairs to the roof structure are going to be necessary. Currently, the Appraisal Department would be relocated during the repairs. He stated two structural engineers, as well as Mr. Hall and Mr. Hardee had surveyed the termite damage. Architect Randy Wilson was in attendance to answer any questions. Judge English stated that structural members had been affected by the termites. Mr. Rendleman stated an adjuster was coming to assess the termite damage, but unfortunately the damage may not be covered under the current termite bond. Additionally, further information would be relayed to the Commission as it becomes available.

County Administrator Roger Rendleman informed the Commission that the unaudited Financial Statements were available on the website for review. Mr. Rendleman advised the Commission that the State Examiners would be auditing those statements in the upcoming months.

Commissioner Harris told the Commission he had attended the Bell Missionary Baptist Church on Monday, January 17 for the Martin Luther King, Jr. Celebration and they gave him a Community Service Award plaque for his dedicated service to the community. The Commissioners congratulated Commission Harris on this recognition.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, the minutes of the December 13 meeting, Bid #1 dry cleaning for the Sheriff's Office and Bid #2 for two roll-off trucks for Environmental Services. Sheriff Jones recommended the Commission award the low bid from Fifth Avenue Cleaners for dry cleaning. Environmental Services Director Jack Marshall asked to remove Bid #2 from the consent agenda and move the item to new business. Commissioner Lawrence made a motion to approve the remaining consent agenda items as presented, seconded by Commissioner Holt and the motion passed on a 4-0-1 vote with Commissioner Long abstaining due to his absence.

Judge English stated that he, Stan Martin and Mr. Rendleman had met with Coroner Bill Harris concerning the coroner's expense allowance. He reported three options brought back for Commission consideration. The first option is to tax the expense allowance which would not require local legislation, but the option would not give a very precise measure of actual costs to run the office. The next two options, which would require local legislation, would be either to provide Mr. Harris with a procurement card and treat the Coroner's Office as any other county office, or to raise the salary to \$54,000 and tax the entire portion and the Coroner would be responsible for all his expenses, but no record keeping would be required and the Commission would no longer be financially responsible. Mr. Rendleman suggested the Commission consider the last two options either to use the procurement card or to set his salary and tax the entire amount. Judge English questioned the procurement card route and accountability. Mr. Rendleman stated that controls are in place and formal training is done before issuance of the card to any department and monitoring is done daily. During the meeting, Commissioner Holt

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made a motion to apply the local bill as is and tax the full amount budgeted to the Coroner's Office for now, and to pursue local legislation this year to amend how the operational and vehicle expenses are paid, seconded by Commissioner Long and unanimously carried.

Three items were discussed for local legislation. They are: 1) Coroner expense allowance 2) fire fee legislation and 3) Opelika Police jurisdiction/sales tax issue. After discussion in the pre-meeting concerning local legislation, Commissioner Lawrence during the meeting, made a motion to set a work session to discuss local legislation on Monday, January 24 at 5:00 p.m. in the Commission chambers. The motion was seconded by Commissioner Holt and unanimously carried.

Ms. Odessa Berry had asked to be placed on the agenda concerning a vehicle registration problem but was not in attendance.

Commissioner Ham asked that Sykes Subdivision on Lee Road 279 be on the agenda, but reported that no action is needed on the item. Mr. Hall is going to contact Mr. Alva Webb concerning this matter.

Judge English reported that the 2011 NACo Legislative Conference will be held in Washington, DC on March 5-9. Commissioner Harris was the only Commissioner who showed interest in attending. Commissioner Long made a motion to approve the travel expenses for Commissioner Harris to attend the Legislative Conference in Washington, DC. The motion was seconded by Commissioner Lawrence and unanimously carried. Commissioner Lawrence requested that Commissioner Harris not make any last minute changes since he had ample time to make advance plane reservations.

Commissioner Ham asked that an item be added to the agenda for his Commissioner training classes. Commissioner Lawrence made a motion to add the agenda item, seconded by Commissioner Long and unanimously carried. Commissioner Ham asked that the Commission approve his travel expenses to attend the new Commissioner training courses to be held at various times during the year. Commissioner Lawrence made a motion to approve the travel expenses for Commissioner Ham to complete the new Commissioner training courses, seconded by Commissioner Long and unanimously carried.

Sheriff Jones requested that the Commission suspend the hiring freeze and authorize the posting of five critical positions in the Sheriff's Office. The current vacant positions are three correction officers, a court security deputy and an evidence technician. After discussion, Commissioner Lawrence made a motion to suspend the hiring freeze for the five vacant positions for the Lee County Sheriff's Office, seconded by Commissioner Holt. Commissioner Holt asked if the suspension could be made broader to include future positions for deputies and corrections officers so the Sheriff would not have to come back each time for those positions. Commissioner Lawrence agreed and the motion carried unanimously.

County Engineer Neal Hall presented a request for a 25 M.P.H. speed limit on Lee Road 338. Mr. Hall explained that the road had been paved and it is a one-lane road and he would recommend the speed limit request. After discussion, Commissioner Long made a motion to set the speed limit of 25 M.P.H. on Lee Road 338, seconded by Commissioner Lawrence and unanimously carried.

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Mr. Hall stated the preliminary plat and proposed construction plans for Milner Subdivision have been reviewed and meet the minimum requirements for the *Lee County Subdivision and Land Development Regulations*. Commissioner Ham made a motion to approve the preliminary plat and proposed construction plans for Milner Subdivision, seconded by Commissioner Holt and unanimously carried.

Mr. Rendleman presented the following for Commission consideration for the Justice Center central plant refinancing. Mr. Rendleman reported that he had received four proposals and that RBC Bank clearly had the lowest cost proposal. Mr. Rendleman discussed each item on the requisite County Government bond Financing Review Form required by Act 2009-757 with the Commissioners, and all questions were answered satisfactorily. Commissioner Holt made a motion to authorize the Chairman to sign the documents as presented for the Justice Center central plant refinancing, seconded by Commissioner Harris and unanimously carried.

GENERAL OBLIGATION WARRANT

\$1,100,000.00

Opelika, Alabama
January 21, 2011

For value received, the undersigned, LEE COUNTY, ALABAMA, a political subdivision of the State of Alabama (the "Borrower"), hereby acknowledges itself indebted to RBC Bank (USA), a North Carolina banking corporation (the "Bank"), and hereby directs the Treasurer of the Borrower to pay to the Bank (but solely from moneys on deposit in the Warrant Fund established in the Loan Agreement herein below referred to) at the principal office of the Bank in Raleigh, North Carolina, or at such other place as the holder of this Warrant may from time to time designate in writing, the principal sum of One Million One Hundred Thousand and No/100 Dollars (\$1,100,000.00) or so much thereof as may have been advanced to the Borrower from time to time during the term hereof and not repaid by the Borrower pursuant to the terms hereof.

The unpaid principal amount outstanding hereunder shall bear interest at the Applicable Rate (as defined in the Loan Agreement hereinafter referred to) of the Bank. The principal of the Warrant plus interest shall be repaid by the Borrower to the Bank in Sixty (60) equal consecutive monthly installments of principal and interest in the amount of \$19,415.58 each, commencing February 21, 2011.

Overdue payments of principal of and interest on this Warrant (including all such payments becoming due as a result of acceleration) shall be subject to a late payment charge equal to five percent (5%) of the delinquent payment. All interest on this Warrant (including, without limitation, interest on overdue installments of principal and interest) shall be computed on the basis of a 360-day year comprised of twelve (12) 30-day months.

This Warrant is referred to in, and is entitled to the benefits of, that certain Loan Agreement dated January 21, 2011, between the Bank and the Borrower, which agreement contains, among other provisions, provisions of default and acceleration of maturity hereof upon the happening of certain specified events.

The indebtedness evidenced by this Warrant is a general obligation of the Borrower, and the full faith and credit of the Borrower are hereby pledged to the payment of the principal hereof and the interest hereon.

It is hereby certified and recited that the indebtedness evidenced and ordered paid by this Warrant is lawfully due without condition, abatement or offset of any kind; that this Warrant has been registered in the manner provided by law; that all conditions, actions and things required by the constitution and laws of the State of Alabama to exist, be performed or happen precedent to and in the issuance of this Warrant exist, have been performed and have happened; and that the indebtedness evidenced and ordered paid by this Warrant, together with all other indebtedness of the Borrower, was at the time the same was created and is now within every debt and other limit prescribed by the constitution and laws of the State of Alabama.

The Borrower may at any time prepay all or any part of the principal amount hereof without premium or penalty. The Bank (or any subsequent holder hereof) shall be entitled to recover all expenses of collecting this Warrant, including without limitation court costs and reasonable attorneys fees.

With respect to the amounts due under this Warrant, the Borrower waives the following: (i) all rights of exemption of property from levy or sale under execution or other process for the collection of debts under the Constitution and laws of the United States of America or any state thereof; (ii) demand, presentment, protest, notice of dishonor, notice of non-payment, suit against any party, diligence in collection and all other requirements necessary to charge or hold the undersigned liable on any obligations hereunder; and (iii) any further receipt for or acknowledgment of any collateral now or hereafter deposited as security for the obligations hereunder.

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The Bank shall not by any act, delay, omission or otherwise be deemed to have waived any of its rights or remedies, and no waiver of any kind shall be valid unless in writing and signed by the Bank. All rights and remedies of the Bank under the terms of this Warrant, the aforesaid Loan Agreement and any applicable statutes or rules of law, shall be cumulative and may be exercised successively or concurrently. The Borrower agrees that there are no defenses, equities or set offs in respect to the obligation set forth herein. The obligations of the Borrower shall be binding upon and enforceable against the Borrower's successors and assigns. This Warrant shall be governed by, and construed in accordance with, the laws of the State of Alabama. Any provision in this Warrant which may be unenforceable or invalid under any law shall be ineffective to the extent of such unenforceability or invalidity without affecting the enforceability or validity of any other provision hereof.

IN WITNESS WHEREOF, the undersigned has caused this Warrant to be executed, has caused its corporate seal to be hereunto affixed and has caused this Warrant to be attested, and by its duly authorized officers, as of the day and year first above written.

Mr. Marshall presented the following Resolution for Commission approval. Mr. Marshall stated that the partnership with the City of Opelika, the City of Auburn and Auburn University has been successful in obtaining grants for recycling projects. Commissioner Lawrence made a motion to adopt the following Resolution, seconded by Commissioner Long and unanimously carried.

RESOLUTION

WHEREAS, the Alabama Department of Environmental Management has authority to award grants under the Alabama Recycling Fund Grant Program to which collective governments are more likely to be funded.

WHEREAS, Lee County will partner with the City of Opelika, the City of Auburn, and Auburn University in securing the grant funds to further recycling efforts so as to divert materials from the landfill and to protect the environment; and

WHEREAS, this grant application will focus on purchasing equipment to further our recycling effort.

BE IT RESOLVED by the Lee County Commission, Alabama, as follows;

1. Authorization for participation in a partnership committee.
2. Authorization is given to submit a Grant Application under said program.
3. Authorization is given to the chairman to sign any and all documents to secure said grants.

Mr. Marshall reported that he had received four bids and one no bid on Bid #2 for two roll-off trucks for the Environmental Services Department. Mr. Marshall requested the Commission reject Bid #2 since the bids received did not meet the bid specifications. Mr. Don Sharpe of Nextran Truck, who was a bidder on the roll-off trucks, asked the Commission to award the bid to his company because they met or exceeded all the specifications on the truck. Mr. Marshall stated that Nextran's bid did not meet the bid specifications on the axle configuration as specified or the tire size. Mr. Sharpe stated that the front axle configuration and the heavier tire makes the truck easier to steer and gives it a better turning radius than what the bid specified. Further Mr. Marshall stated that the truck was longer than the bid specified and some compactor sites are too small to accommodate the longer truck. Therefore, the bid required a specified length to accommodate the dumpster sites. Commissioner Holt stated that he put confidence in Mr. Marshall and he did not want to micro-manage. Commissioner Holt made a motion to reject the bid, and seconded by Commissioner Ham for discussion. Commissioner Harris stated he wanted the best equipment for the county which will serve the public and he was

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concerned for the safety of our employees. Commissioner Harris stated that if the truck met the bid specifications he would request Nextran be awarded the bid. Commissioner Holt called for the question, seconded by Commissioner Ham. Judge English called the vote to end debate. After vote taken, the call for the question passed on a vote of 3-2 with Commissioners Lawrence and Harris voting "No". Judge English then called for the vote on the underlying motion and the motion to reject the bid passed on a vote of 4-1 with Commissioner Harris voting "No".

Before the Executive Session, Commissioner Lawrence questioned the letter in the packets from Charter Communications and the counties relationship with Charter. Mr. Rendleman stated that Charter Communication pays a franchise fee for the use of our rights-of-way, but we have nothing to do with their services.

County Attorney Stan Martin stated that an executive session needed to be held concerning current and threatened litigation. Mr. Martin requested that the following attend: County Administrator Roger Rendleman, County Engineer Neal Hall and Assistant Engineer Justin Hardee. Mr. Martin stated the executive session would last approximately 30 minutes and no action was anticipated afterwards. Commissioner Holt made a motion at approximately 6:40 p. m. to adjourn into executive session, seconded by Commissioner Long and unanimously carried.

Commissioner Lawrence made a motion at approximately 7:35 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

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, JANUARY 31, 2011

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, January 31 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris.

Commissioner Ham reported to the Commission about his attendance at the ACCA training course he attended January 19th & 20th in Prattville on Ethical and Legal Issues. Commissioner Ham stated he heard several speakers and learned useful information concerning fair campaign practices. He stated that there were 64 new Commissioners in attendance from 65 counties. Commissioner Ham stated that his travel expenses totaled \$348 which consisted of \$78 two meals and mileage, \$130 for hotel and \$140 for registration. Commissioner Ham stated this was the third of five classes needed to complete his new Commissioner training.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the January 18 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and the motion passed unanimously.

Governmental Relations Coordinator Wendy Swann placed in the packets information on local legislation as discussed at the last meeting. Additionally, she left copies of the fire fee bill on each desk today. Commissioner Harris during the pre-meeting questioned why there was nothing included on the district system. Judge English questioned if any other Commissioner was in favor of discussing the issue. Commissioner Harris stated he did not feel it was a topic for discussion, but a topic for consideration. After much discussion in the pre-meeting, Commissioner Lawrence made a motion during the meeting to move forward with the local delegation on three items that were agreed to unanimously by the Commission, which included: 1) firearms clarification 2) Opelika Police jurisdiction/sales tax issue and 3) Coroner's expense and vehicle allowances. Commissioner Lawrence made a motion to send those three bills to the delegation as written, seconded by Commissioner Ham and passed unanimously.

After more discussion on the fire fee issue, Commissioner Holt made a motion to pass the fire fee bill to the delegation as written, seconded by Commissioner Lawrence for discussion. After more discussion, Commissioner Holt withdrew his motion, and Commissioner withdrew his second. Judge English suggested that more work on this issue would be beneficial before the Commission forwarded anything to the delegation.

Next, discussion was held concerning the position of constable. Commissioner Lawrence made a motion to ask the delegation to abolish the position, seconded by Commissioner Holt for discussion. Judge English stated that currently Lee County has two constables. One in Beat 6 who ran on a platform in favor of abolishing the position, and one currently serving in Beat 11. He informed them that the Constable in Beat 14 recently resigned. Commissioner Harris stated he was against abolishing the position of constable. Commissioner Holt reminded the Commission that the position held no authority, no job description and no compensation. Additionally, he stated Sheriff Jones indicated that he would not assign any duties to the constables, and that certain constables in the past had caused difficulties for his officers and the community. Judge English reminded the Commission that the last time this subject was brought up both the Lee County Democratic Party and the Lee County Republican Party passed resolutions supporting the abolishment of the constable position. After more discussion, Commissioner Lawrence called for the question, seconded by Commissioner Long. The

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Chairman called for a vote and the call for the question passed on a unanimous vote. Next, Judge English called for the vote and the motion on the table to ask the delegation to abolish the constable position passed on a vote of 4-1 with Commissioner Harris voting "No."

Sidney Murray appeared before the Commission requesting the Commission approve his application for a garbage pickup service in the Smiths Station area. Mr. Murray presented the paperwork and insurance on his vehicle and approval of his vehicle by the Lee County Health Department. Environmental Services Director Jack Marshall recommended approval of the garbage pickup service as requested. Upon this recommendation, Commissioner Long made a motion to approve Mr. Murray for a garbage pickup service for B and K Trash Pickup Service, seconded by Commissioner Holt and unanimously carried.

Mrs. Swann presented a request to use the Johnson Galleries building on behalf of the Youth Development Center. Mrs. Swann requested that the Johnson Galleries building be used as a foster parent training facility to be used on a monthly basis. After discussion, Commissioner Lawrence made a motion to table the request until a policy can be established for the use of the building, since more requests for use of the building are coming in. The motion was seconded by Commissioner Ham and unanimously carried.

Next, Mrs. Swann presented a request from the Lee County Junior League asking permission to use the Johnson Galleries Building for their annual rummage sale to support art and literacy programs for Lee County's children. The sale will be held on Saturday, March 26. Commissioner Holt made a motion to grant the Junior League permission to use the Johnson Galleries building once sufficient liability insurance is presented, seconded by Commissioner Lawrence and unanimously carried.

During the pre-meeting much discussion was held on the Loachapoka Water Authority request to amend their Articles of Incorporation as presented to the Commission. Representatives from Loachapoka Water Authority as well as City of Auburn were in attendance. Judge English questioned if any action should be taken by the Lee County Commission since Loachapoka Water Authority and the City of Auburn were currently involved in a lawsuit. After much discussion during the pre-meeting and further discussion during the break, Loachapoka Attorney Mark Maclin asked the Commission to consider carrying the item forward until further information can be provided to the Commission. Commissioner Lawrence made a motion to carry the item forward, seconded by Commissioner Holt and unanimously carried.

Commissioner Ham proposed a travel policy for Commission consideration. Commissioner Ham stated the purpose of the policy would be to require that all out of county travel by Commissioners be approved by the Commission before any funds are committed or spent. Commissioner Ham stated since he attended the Ethics Class he would like to see the Commission set an example to employees by establishing a travel policy. Upon discussion during the pre-meeting, Commissioner Ham during the meeting made a motion to adopt the travel policy as follows, seconded by Commissioner Lawrence and unanimously carried.

Judge English requested the Commission move the next pre-meeting from 4:00 p.m. to 5:00 p.m. due to it falling on February 14, Valentine's Day. Judge English explained that his staff decorates the Commission chambers for the day which typically is a busy day for marriage ceremonies. He explained this would give them time to remove the decorations before the meeting. Upon this request, Commissioner Holt made a motion, seconded by Commissioner Lawrence to move the pre-meeting time from 4:00 p.m. to 5:00 p.m. on February 14, the motion carried unanimously.

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Commissioner Harris made a motion to approve the following restaurant retail liquor license for **Hwy 80 Barn Restaurant**, seconded by Commissioner Lawrence. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a restaurant retail liquor license for Hwy 80 Barn Restaurant at 25250 US Highway 80, Opelika, Alabama.

Commissioner Ham made a motion to approve the following restaurant retail liquor license for **The Lakehouse**, seconded by Commissioner Holt. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a restaurant retail liquor license for The Lakehouse at 9883 Lee Road 379, Valley, Alabama.

County Engineer Neal Hall presented the FY2010-2011 Highway Reference Guide and Map for approval. Commissioner Lawrence made a motion to approve the FY2010-2011 Highway Reference Guide and map as presented, seconded by Commissioner Long and unanimously carried.

County Attorney Stan Martin stated that two executive sessions needed to be held concerning current litigation and threatened litigation. Mr. Martin requested that the following attend: Attorney Craig Dillard, County Administrator Roger Rendleman, County Engineer Neal Hall and Assistant Engineer Justin Hardee. Mr. Martin stated each executive session would last approximately 20 minutes and no action was anticipated afterwards on either matter. Commissioner Lawrence made a motion at approximately 6:50 p. m. to adjourn into executive session, seconded by Commissioner Long and unanimously carried. The first executive session ended at approximately 7:35 p.m., and Attorney Dillard left.

After the 2nd executive session ended, Commissioner Long made a motion at approximately 8:15 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

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, FEBRUARY 14, 2011

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 14 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris.

Sheriff Jones recognized several employees in the Sheriff's Office. First, he recognized Captain Craig Meadows for being chosen Employee of the Year for 2010. Sheriff Jones commended Captain Meadows on this honor. Next, he recognized Deputy Corrections Clerk Deana Black as Employee of the Month for January 2011. Additionally, Sheriff Jones recognized Major Cary Torbert for his 40 years of dedicated service to Lee County. Sheriff Jones stated Major Torbert has retired but would continue to work on a part-time basis to help with detention center operations.

Commissioner Ham reported on a training course on Open Meetings and Media Relations he attended in Prattville on February 3rd and 4th. Commissioner Ham stated he learned valuable information on the role of the media and especially on being mindful of their deadlines. He stated his expenses were approximately \$350 which included meals and mileage at \$80, lodging of \$130 and registration \$140. Commissioner Ham stated he only had two more courses and he would complete the requirements for new Commissioner training later this week.

Judge English extended condolences to Major Carter on the recent loss of his daughter's infant daughter. Additionally, he thanked him for his dedication to the Sheriff's Office during this difficult time.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, the procurement card transactions and the minutes of the January 31 meeting. Additionally first reading on the following Boards was read: Kenneth Vann to the Smiths Water Authority; Shirlene Parker to the Beauregard Water Authority; and David Taylor and George Ervin on Loachapoka Water Authority. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence and the motion passed unanimously.

Judge English presented a new version of the fire fee bill to the Commission for review. This version included several items that the Volunteer Firefighters Association recommended. Steve Tucker, President of the Association stated that the group had voted unanimously to approve the changes. Additionally, Mr. Tucker asked that the new version include wording to include ability to match federal SAFER grant dollars. Commissioner Harris stated that he would not be able to support the fire fee bill as written. He would request something that is equitable and fair to all citizens. Commissioner Harris stated that apartments and duplexes were taxed as one unit, whereas mobile homes were taxed individually. After more discussion, Commissioner Lawrence made a motion to approve the fire fee bill with amendments as discussed to authorize that emergency medical services and the matching of federal grants be paid out of the fire fee to meet the needs of the Volunteer Fire Departments in our community. The motion was seconded by Commissioner Holt for discussion. Commissioner Long questioned the number of fire districts. Judge English answered seven. Mr. Tucker stated they preferred the vote be taken county-wide, but Judge English stated the vote would have to be per fire district, according to the original legislation. Also, he added that the Commission would need to exclude Beulah in the call for the election. Commissioner Ham thanked Steve Tucker for his service and commitment

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to this organization. Commissioner Harris once again stated he did not see how this legislation would pass. Commissioner Lawrence called for the question, seconded by Commissioner Long. Call for the question passed on a vote of 4-1 with Commissioner Harris voting "No". Next, Judge English called for vote and the motion passed on a vote of 4-1 with Commissioner Harris voting "No".

After discussion in the pre-meeting on the courthouse termite issue, County Administrator Roger Rendleman asked the Commission for guidance on the issue. Architect Randy Wilson's letter presented five options. Mr. Rendleman stated that he and Mr. Wilson had narrowed down the options and presented the top five to the Commission. Mr. Rendleman stated that during the pre-meeting he had gotten the feel of the Commission and he would proceed in that direction. Judge English asked them to start with Option 5 and move to Option 3 as needed and prioritize the options. Commissioner Holt stated he had confidence in Mr. Rendleman and Mr. Wilson that they would come up with the best solution. Commissioner Long agreed with Judge English in recommending looking at Option #5 and Option #3. Commissioner Lawrence questioned the underlying objective. Mr. Wilson stated the immediate need is to repair/replace the two failing trusses. Mr. Wilson stated that Option #5 would be the cheapest since the building would not have to be vacated, which would be costly. After more discussion, Mr. Rendleman stated he and Mr. Wilson would proceed with the direction of the Commission at hand.

Next, discussion was held concerning legislation to abolish the position of constable. Commissioner Holt made motion to ask the local delegation to abolish the position of Constable, seconded by Commissioner Lawrence for discussion. Commissioner Harris stated he did not see a public outcry to abolish this position and he had no problems in his district. He stated the position is a non-paying position and the constables that had served in his district had done a good job in cleaning up the community. Additionally, he stated he had talked to the local delegation concerning the matter. After more discussion, Commissioner Lawrence called for the question, seconded by Commissioner Holt. The Chairman called for a vote and the call for the question passed on a vote of 4-1 with Commissioner Harris voting "No". Next, Judge English called for the vote on the motion to ask the delegation to abolish the constable position and it passed on a vote of 4-1 with Commissioner Harris voting "No."

After discussion in the pre-meeting, Commissioner Lawrence made a motion during the meeting to schedule a work session with the local delegation on Monday, February 21 at 6:00 p.m. at the Auburn Regional Airport in the board room. The motion was seconded by Commissioner Holt for discussion. Commissioner Harris asked the Commission to accommodate all Commissioners since he would be unable to attend on the 21st due to his brother's terminal illness. Commissioner Lawrence stated that seven or eight legislators had committed to attend the meeting at the airport on this date and he felt this was a good opportunity to have that attendance with the delegation, since the best previous turnout has been six members of the delegation. Commissioner Lawrence stated he would present Commissioner Harris' concerns to the delegation. Commissioner Holt called for the question, seconded by Commissioner Lawrence and the call for the question passed on a vote of 4-1 with Commissioner Harris voting "No." Next, Judge English called for the vote and the motion passed on a vote of 4-1 with Commissioner Harris voting "No".

Judge English presented the annual levy of taxes and fees for 2011. Commissioner Holt made a motion to adopt the following tax levy, seconded by Commissioner Long and unanimously carried.

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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, 2010.

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, 2010.

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 beginning October 1, 2010 for the support of public school purposes (See Commission Volume 8, Pages 83-86 inc.).

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, 2010 for public school purposes.

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, 2010, 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, 2010 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, 2010 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 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, 2010 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.

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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, 2010, in 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, 2010, 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 \$16.00 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 362-363, including mobile homes and residences located on real property. A solid waste disposal fee at the rate of \$48.00 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. Additionally, the Commission passed a Resolution at its meeting of July 13, 2009 which authorized a yearly adjustment, beginning October 2011, based on the Consumer Price Index table for All Urban Consumers (CPI-U), South Urban region, Size B/C (pop. 50,000-1,500,000) as of October 2010. Beginning October 1, 2009 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

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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, 2009 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, 2010 and delinquent if not paid before January 1, 2011 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 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.

Mr. Rendleman requested the Commission approve two budget adjustments on the recent financing of the remodel and expansion of the Justice Center's central plant. One is to recognize the proceeds and increase the construction budget to cover the full cost of the contract. Second, authorize the early retirement of a previous \$600,000 note issued in April 2009 for five years used to complete the remodel of the south end of the Justice Center. Mr. Rendleman requested that the Commission amend the budget for the Justice Center Improvement Fund to recognize the proceeds for the note received on January 21, 2011 and increase the expenditure budget for the construction contract. In addition, the Commission is requested to authorize the early retirement of the April 2008 note along with amending the budget for the Justice Center Improvement Fund to recognize \$202,268 in fund balance and increase the expenditure budget for the retirement of the note. After his presentation, Commissioner Holt made a motion to approve the requests as presented, seconded by Commissioner Lawrence and unanimously carried.

Next, Mr. Rendleman requested the Commission amend some language in the Solid Waste Rules and Regulations. He stated that questions have arisen about public nuisance cases since the Sheriff's Office has taken over the enforcement of the Solid Waste Rules and Regulations. Mr. Rendleman stated his research and a letter received by Attorney Allen Martin on the issue points to a need for clarification. Therefore, he would suggest the Commission take the following action: 1) designate the Lee County Sheriff with the enforcement of Act 1999-411, and 2) amend the Solid Waste Rules and Regulations to replace references to Lee County Solid Waste Officer and Solid Waste Officer with the Lee County Sheriff. Upon this recommendation, Commissioner Holt made a motion to approve the above recommendations, seconded by Commissioner Lawrence and passed unanimously.

County Engineer Neal Hall asked the Commission to accept Timber Creek Estates Subdivision, Lee Road 2190, for maintenance. Mr. Hall stated that the subdivision completed the one year of maintenance by the owner and a final inspection was conducted on February 3, 2011. Upon Mr. Hall's recommendation, Commissioner Ham made a motion to approve the maintenance for Timber Creek Estates, seconded by Commissioner Long and unanimously carried.

Environmental Services Director Jack Marshall requested the Commission consider lifting the hiring freeze so that he may replace a truck driver who will be retiring in May. Mr. Marshall stated he needed to hire and train a new truck driver immediately; otherwise, he would have to pay overtime to cover these duties. Commissioner Lawrence made a motion to lift the hiring freeze and to allow Mr. Marshall to begin advertising for a replacement truck driver, seconded by Commissioner Long and unanimously carried.

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Deputy Administrator Alice Fitzgerald presented a request to use the Johnson Galleries building for a yard sale/bake sale for the "County Crusaders" to raise funds for the Lee County Relay for Life. Mrs. Fitzgerald asked to use the building on April 9 for the fundraiser for cancer research. The other team members participating are: Brenda Kizer, Sandra Page, Pam Flournoy, Viola West, Becky Freeman, Kittye Wingard, Rhonda Davis, Mellissa Watson, Kim Swartz, Amy Pifer, Stephanie Garrett, Bryan Buchanan and Sheral Marshall. Mrs. Fitzgerald further asked the Commission to waive the requirement to provide insurance coverage during the event since the members of the group are courthouse employees and not an organized group. Commissioner Lawrence made a motion to allow the "County Crusaders" to use the Johnson Galleries building on April 9 for a yard sale/bake sale to benefit the Lee County Relay for Life, seconded by Commissioner Ham and unanimously carried. Judge English agreed to open and close the building for the event. Additionally, he agreed to sponsor the team and challenged each Commission member to match that support by donating an equal amount to the cause.

County Attorney Stan Martin stated that two executive sessions needed to be held concerning current litigation and threatened litigation. Mr. Martin requested that the following attend: County Administrator Roger Rendleman, County Engineer Neal Hall and Assistant Engineer Justin Hardee. Mr. Martin stated each executive session would last approximately 20 minutes and no action was anticipated afterwards on either matter. Commissioner Lawrence made a motion at approximately 7:00 p. m. to adjourn into executive session, seconded by Commissioner Long and unanimously carried. The first executive session ended at approximately 7:05 p.m.

After the 2nd executive session ended, Commissioner Lawrence made a motion at approximately 7:25 p.m. to adjourn, seconded by Commissioner Holt and unanimously carried.

Minutes approved:

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 28, 2011

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, February 28 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris.

During the pre-meeting, Representatives from Regions Bank were in attendance to present a rebate check for \$5,077.79 and stated that this was the first of many to come. Regions Bank Representatives Derrick Johnson, Kelly Sedgwick and Rhett Moncrief thanked County Administrator Roger Rendleman for his innovative approach on this project. Commissioner Holt and Commissioner Ham were in agreement and thanked Mr. Rendleman and stated Lee County was fortunate to have him.

Commissioner Ham reported on the last two ALGTI training courses he attended in Prattville. First, he reported on the Roads & Bridges training. He stated that Lee County was used as an example and he was proud of that fact. He further reported that he learned more about all the responsibilities placed on the County Engineer. He thanked Mr. Hall for his service to Lee County. Next, he reported on his last training which was Finance and Administration. He stated he learned what it takes to put a budget together and the information needed. He discussed the Commission's responsibility to monitor the budget. Last, Commissioner Ham stated he learned valuable information on road paving costs and resurfacing finances.

Commissioner Harris thanked the Commission and staff for the beautiful flowers that were sent for his brother's funeral.

Judge English shared the census numbers recently received. He stated that Lee County's population was 140,247 which is a 22% overall growth from 2000. The population breakdown is as follows: Auburn 53,380, Opelika 26,477 and County Area 60,390.

County Engineer Neal Hall presented the subdivision regulations for Commission review. Mr. Hall asked the Commission to review the regulations and forward him any questions or concerns before the next meeting. He asked that the item be presented at the next meeting for approval.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the February 14 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and the motion passed unanimously.

Commissioner Ham presented the following resolution, seconded by Commissioner Long and unanimously carried.

BE IT RESOLVED by the Lee County Commission that Mrs. Shirlene Parker be reappointed to the Beauregard Water Authority Board for a six-year term effective March 1, 2011.

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Commissioner Holt presented the following resolution, seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED by the Lee County Commission that Mr. George Ervin be reappointed to the Loachapoka Water Authority Board for a six-year term effective March 1, 2011.

Commissioner Harris presented the following resolution, seconded by Commissioner Holt and unanimously carried.

BE IT RESOLVED by the Lee County Commission that Mr. David Taylor be reappointed to the Loachapoka Water Authority Board for a six-year term effective March 1, 2011.

Commissioner Long presented the following resolution, seconded by Commissioner Lawrence and unanimously carried.

BE IT RESOLVED by the Lee County Commission that Mr. Kenneth Vann be reappointed to the Smiths Water Authority Board for a six-year term effective March 1, 2011.

Commissioner Holt presented the following Resolution:

WHEREAS, Act 1254 of 1969 and Act 2005-306 established the sales and use tax rate for areas outside corporate limits but within the police jurisdictions of Auburn, Opelika, Smiths Station and Phenix City; and

WHEREAS, the tax rate for the area outside that of Opelika varies from the other municipalities which is set at 3%; and

WHEREAS, a clarification needs to be made to reflect the current practice of charging 3% in all areas and would not be an increase on what is currently being collected and would parallel the state sales and use tax for other municipalities.

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission, that the Lee County Legislative Delegation be asked to amend Act 1254 of 1969 and Act 2005-306 to clarify the sales tax rate outside the corporate limits of Opelika but within its police jurisdiction.

BE IT FURTHER RESOLVED that a copy of this resolution and a copy of the Opelika Police Jurisdiction clarification proposal 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 Long, District 3	AYE
Commissioner Ham, District 4	AYE
Commissioner Harris, District 5	AYE

and the Chairman declared the resolution adopted by unanimous vote.

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Commissioner Holt presented the following Resolution:

WHEREAS, Act 1998-577 authorized the Sheriff of Lee County to sell unclaimed and abandoned firearms; and

WHEREAS, the sale of those firearms is currently limited to licensed dealers in Lee County; and

WHEREAS, additional revenue could be generated by amending Act 98-577 to allow for sales to licensed dealers both within and outside of the state of Alabama.

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission, that the Lee County Legislative Delegation be asked to amend Act 98-577 to allow for abandoned, stolen or unclaimed firearms to be sold to licensed dealers outside of and within the state of Alabama.

BE IT FURTHER RESOLVED that a copy of this resolution and a copy of the Firearms clarification proposal 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 Long, District 3	AYE
Commissioner Ham, District 4	AYE
Commissioner Harris, District 5	AYE

and the Chairman declared the resolution adopted by unanimous vote.

Commissioner Holt presented the following Resolution:

WHEREAS, the current local law regarding an expense allowance for the Coroner lacks the same standard of accountability as other departments; and

WHEREAS, the position of Coroner is currently treated differently than all other offices and departments; and

WHEREAS, an amended law would address the use of a personal vehicle by the Coroner through the abolishment of the current expense allowance and creation of a vehicle expense allowance and treat the office similar to all other offices and departments.

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission, that the Lee County Legislative Delegation be asked to amend Act 01-638 for Lee County to create a vehicle expense allowance and abolish the current expense allowance.

BE IT FURTHER RESOLVED that a copy of this resolution and a copy of the Coroner vehicle expense allowance proposal 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

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Commissioner Long, District 3	AYE
Commissioner Ham, District 4	AYE
Commissioner Harris, District 5	AYE

and the Chairman declared the resolution adopted by unanimous vote.

Commissioner Holt presented the following Resolution:

WHEREAS, the position of Constable currently holds no responsibility and has not for some time; and

WHEREAS, the position could potentially be a liability to the Sheriff and has been abolished by most counties in Alabama.

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 abolishing the office of Constable at the end of the current term of office.

BE IT FURTHER RESOLVED that a copy of this resolution and a copy of the Constable proposal 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 Long, District 3	AYE
Commissioner Ham, District 4	AYE
Commissioner Harris, District 5	NAY

and the Chairman declared the resolution adopted by majority vote.

The proposed fire fee legislation was discussed further and the Commission agreed to move it forward to the next agenda. The Commission instructed Mr. Rendleman and Mrs. Swann to draft something more simplified to present to the legislative delegation.

Mr. Grady Lattimore of Lee Road 955 was not in attendance. Mr. Hall updated the Commission on this situation. Mr. Hall stated that the road had been an agenda item about two years ago and at that time the residents agreed to purchase stone and the highway department placed it on the roadway. The owner of the subdivision, Mr. Jones, is no longer able to maintain the road as he has done in the past. Mr. Hall recommended the county maintain the road since Mr. Jones is willing to donate the necessary 60 feet of right-of-way. Mr. Hall further stated the road was approximately 3/10 of a mile in length. Judge English asked Mr. Hall what the current policy was on accepting dirt roads. Mr. Hall stated currently no policy was in place, but the Commission agreed not to take any more dirt roads, since they are not able to maintain the roads currently. Commissioner Long questioned the cost to maintain the road. Mr. Hall stated it cost approximately \$10,000 to get it up to par for maintenance and after that the costs would be minimal to maintain. Commissioner Ham asked Mr. Hall to hold off until he was able to take a look at the road and bring it back before the Commission at the next meeting for further consideration.

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Mrs. Cora Reames of Lee Road 390 appeared once again to discuss the condition of her road and to complain about the bridge closing on Lee Road 177. Mrs. Reames again questioned when Lee Road 390 would be resurfaced. She stated that the residents on Lee Road 390 continue to encounter broken windshields because the road is in deplorable condition. She stated that the patching truck was not solving the problem. Mrs. Reames asked Mr. Hall to look into the process the patching truck is supposed to be following. She stated that the process Mr. Hall explained at a prior meeting is not what is being followed on the roads when they patch a pothole. Mr. Hall stated he would follow up with that crew. Further, Mrs. Reames stated Lee Road 390 had not been resurfaced in over 30 years and asked Mr. Hall if the road was going to be resurfaced. Mr. Hall answered in the negative and stated that Lee Road 240 would be resurfaced this year. Mrs. Reames questioned why that road and Mr. Hall stated because it graded lower than Lee Road 390. Next, Mrs. Reames questioned who had made the decision to close Lee Road 177 since the Bean's Mill bridge on U. S. Highway 29 was still closed. Mr. Hall stated he made the decision. He said the bridge on US Highway 29 was scheduled to open in January, but delays had caused it to remain closed. Mrs. Reames questioned why the bridge on Lee Road 177 was being replaced since it had had major work done on it less than ten years ago. Mr. Hall stated that the work done on the bridge then was to replace wooden pylons underneath the bridge and concrete work on the abutments to shore the bridge up until it could be replaced. Mr. Hall stated that there was an urgency to replace the bridge before it failed. Mrs. Reames addressed a tipping fee due to the damage caused by the garbage trucks on county roads. Judge English stated that the county did receive a tipping fee years ago, but that was no longer in effect. Last, Mrs. Reames addressed Sheriff Jones and asked that deputies be visible on Lee Road 390 because people use the road as a racetrack.

Commissioner Ham recommended that the Commissioners attend "County Day at the Legislature" on April 27 – 28, 2011 in Montgomery. Commissioner Ham stated that Sonny Brasfield had asked for Commission support in attending the event to help ACCA persuade legislators on issues vital to counties, such as jailer liability.

Next, Commissioner Holt asked the Commission to allow Commissioners Ham and Long to attend the Graduate Training courses for Commissioners hosted by the ACCA. Commissioner Holt made a motion to allow any Commissioner interested to attend the Graduate Training, seconded by Commissioner Lawrence and unanimously carried.

Judge English requested travel approval to attend training on County Government Legal Issues on May 6-7. Commissioner Holt made a motion to approve the travel for Judge English to attend County Government Legal Issues on May 6, seconded by Commissioner Long and unanimously carried.

Judge English presented an email from the State Alcoholic Beverage Control Board asking that the County levy county beer, liquor and wine licenses for the fiscal year 2011-2012. The following Resolution was offered by Commissioner Holt, seconded by Commissioner Harris and carried unanimously;

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, 2011 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

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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

Judge English presented the request from the Alabama National Fair for the Commission to advertise in their program. Judge English said that we had done this for years, but did not purchase the ad last year. He reminded the Commission that he had received complaints that the Commission did not advertise for the local fair. There was no further discussion on the item and no action was taken.

Judge English asked the Commission to lift the hiring freeze so that he could hire a Probate Clerk to replace an upcoming vacancy in a budgeted position in the Deed Room. After discussion, Commissioner Holt made a motion to lift the hiring freeze for a probate clerk, seconded by Commissioner Long and unanimously carried.

Chief Appraiser Bobby Armstrong requested the Commission lift the hiring freeze to hire a Mapper III for the Appraisal Department. Mr. Armstrong explained that due to the retirement of his Mapper III and the loss of his other Mapper III to another county, he would ask the Commission to allow him to hire for the position. After discussion, Commissioner Lawrence made a motion to allow the Appraisal Department to post and hire a Mapper III, seconded by Commissioner Harris and unanimously carried.

Commissioner Lawrence made a motion to add an item to the agenda concerning the hiring of a compactor operator. The motion was seconded by Commissioner Holt and unanimously carried to add an agenda item. Environmental Services Director Jack Marshall explained that late Friday afternoon an employee notified his office that he wanted was going to retire on April 1. Mr. Marshall requested the Commission lift the hiring freeze to allow him to hire a compactor operator. Commissioner Holt made a motion to lift the hiring freeze to allow for the hiring of a compactor operator for Environmental Services, seconded by Commissioner Lawrence and unanimously carried.

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Commissioner Lawrence made a motion at approximately 6:45 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

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, MARCH 14, 2011

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 14 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris.

During the pre-meeting, Commissioner Ham recognized Sheriff Jones for an award the Sheriff received while attending the National Sheriff's Association meeting in Tuscaloosa. The award was presented to Sheriff Jones in recognition of the self-audit procedures he and two other counties, Madison and Calhoun, have implemented in their offices for jail administration. Commissioner Ham thanked Sheriff Jones for being innovative in running his office and thanked him for making Lee County an example for the State.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions and the minutes of the February 28 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Holt and the motion passed unanimously.

Commissioner Ham updated the Commission on the situation on Lee Road 955. Commissioner Ham stated that he and Mr. Hall had visited the road and several residents along the road. The residents asked Commissioner Ham and Mr. Hall to assist them on their situation. As stated at the previous meeting, the owner of the subdivision, Mr. Lamar Jones, is no longer able to maintain the dirt road. Commissioner Ham made a motion during the meeting to take the 3/10 of a mile to the dead-end on Lee Road 955 into county maintenance, seconded by Commissioner Lawrence and unanimously carried.

During the pre-meeting, Mr. Hall reported that after a traffic study was done on Lee Road 57, he would recommend that the speed limit remain 40 m.p.h. as currently posted. Commissioner Ham asked Mr. Hall to convey these facts to Ms. Howard. No other action was taken on the matter by the Commission.

Environmental Services Director Jack Marshall reported the results of Bid #3 for two roll-off trucks. Mr. Marshall stated that of 18 bids sent out, seven bids and four "no bids" were received. Mr. Marshall stated that he received two bids for Freightliner trucks that did not meet the specifications posted. He said that the lowest responsible bidder was Kenworth of Dothan for \$255,440 on two Kenworth roll-off trucks. Mr. Marshall requested that the Commission accept this bid which is budgeted. Commissioner Lawrence made a motion to accept the bid from Kenworth of Dothan on two roll-off trucks for a total of \$255,440, seconded by Commissioner Long and unanimously carried.

Governmental Relations Coordinator Wendy Swann updated the Commission on local legislation. Mrs. Swann reported that three of the five bills were being advertised and could be ready for introduction by the Legislature on March 29. Further, she stated that the bill pertaining to the Opelika Police Jurisdiction is still in Legislative Reference Service and hopefully, would be received by the end of the week to begin advertisement. Mrs. Swann said that the revision of the Fire Fee bill was in the packets. County Administrator Roger Rendleman stated that the preferred way to go with the Fire Fee bill is to amend the current version rather than write new

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legislation. Mr. Rendleman suggested setting a ceiling at the \$125 maximum fire fee, which follows the recommendation of the volunteer fire departments. Commissioner Lawrence asked to add an auditing standard in the legislation. Mr. Rendleman stated current audit standards are in place, but that the Examiners of Public Accounts with current cutbacks would still be unable to audit each fire district. Commissioner Lawrence stated that the accountability factor is needed to assure the passage of the increased fees. Commissioner Holt stated any changes will delay the legislation further and that is not needed at this time. After more discussion, Commissioner Long made a motion to move the fire fee forward, seconded by Commissioner Ham. The following resolution was submitted to a vote:

WHEREAS, Act 89-390 and 2005-91 authorized the implementation of a fire protection fee; and

WHEREAS, the current fee of \$25 per unit of property has not been increased since its inception in 1989; and

WHEREAS, the current fee is no longer adequate for providing expanded services including emergency medical services by the volunteer fire departments and many are in danger of closing due to the financial burden; and

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission, that the Lee County Legislative Delegation be asked to amend Act 89-390 and 2005-91 to allow for an increase in the fire protection fee to \$125 over a designated period of time and to allow for a referendum vote by the citizens on the increase.

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

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 Long, District 3	AYE
Commissioner Ham, District 4	AYE
Commissioner Harris, District 5	AYE

and the Chairman declared the resolution adopted by unanimous vote.

Auburn Kiwanis member Elizabeth Ham informed the Commission of their upcoming 3rd Annual "Parent Fair". Mrs. Ham stated that the fair will be held on Saturday, March 26 from 9:00 a.m. to 12:00 p.m. at the Trinity United Methodist Church in Opelika. Mrs. Ham stated it features the following workshops: household and car seat safety, dental care, bullying, postpartum depression, autism and nutrition and childhood obesity. Additionally, Mrs. Ham stated admission is free to attend and invited the Commission and all the community to attend.

Commissioner Ham asked the Commission to approve travel for any Commissioner wishing to attend the ACCA County Day at the Legislature on April 27 and 28. Upon discussion, Commissioner Ham made a motion approve any travel to Montgomery by members of the Commission who want to support ACCA in the Legislature this year, seconded by Commissioner Lawrence and unanimously carried.

During the pre-meeting, County Engineer Neal Hall asked the Commission to approve the amended Subdivision Regulations as presented at the last Commission meeting. Mr. Hall commented that problems identified with the current subdivision regulations since they were

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 14, 2011

adopted in 2008 have been noted, and that these amendments being presented for adoption reflect adjustments for those findings. Further, Mr. Hall stated he had received no comments since the last meeting, but stated Mr. Patrick Harvill was in attendance if any Commissioner had questions. Commissioners Long and Lawrence questioned two items. Discussion was held on the two items and they were satisfied on the explanation. Commissioner Holt made a motion during the meeting to approve the amended Subdivision Regulations and Access Management Plan as presented, seconded by Commissioner Long and unanimously carried.

Mr. Hall placed a letter in the Commission packets from Mr. Tasso Thomas asking the Commission to consider extending the maintenance of Lee Road 79. Mr. Hall attached a map of the road showing a drawing of the requested extension which is approximately 0.75 miles. After much discussion the Commission asked Mr. Hall to talk with Mr. Thomas about him getting the road up to county standards and then the county will take over maintenance upon completion. The Commission took no action but moved the item forward to the next agenda.

Next, Mr. Hall presented a review draft of an agreement for the accommodation of utility facilities on Lee County roads right-of-way with supplemental information. Mr. Hall stated that after discussion at the last meeting, he wanted to move forward on the request. After this presentation, the Commission agreed to move the item forward for more discussion and possibly schedule a work session on the subject.

County Administrator Roger Rendleman presented a budget adjustment for the Build America Bonds. Mr. Rendleman stated the Commission had received the subsidy in the amount of \$69,473.25 associated with the April 1st interest payment. Mr. Rendleman requested that the Commission amend the 2010-2011 Budget in Fund 117 in order to recognize the \$69,473.25 subsidy as revenue and increasing the resurfacing allocation by the same amount. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Ham to amend the budget by \$69,473.25 accordingly, and unanimously carried.

Last, Judge English presented an application for a retail beer and retail wine license for the Whistle Stop & Shop LLC. Judge English explained that Commissioner Holt was abstaining on this matter since he owned the property where this business is located. Sheriff Jones recommended that the Commission take no action on the application since the City of Auburn had already approved the application because the business is located inside Auburn's police jurisdiction. Sheriff Jones explained that his recommendation stems from the practice in this circumstance of deferring any action to the agency that would be called to a disturbance at the location. Judge English asked the Sheriff if a favorable recommendation from the Commission would cause any difficulties in this situation, and the Sheriff replied that it would not. After discussion, Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Lawrence and the motion passed on a vote of 3-0-2 with Commissioners Holt and Long abstaining:

BE IT HEREBY RESOLVED

Commissioner Lawrence made a motion at approximately 6:22 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

Chairman

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 14, 2011

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2011

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 28 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Gary Long, Robert Ham and John Andrew Harris. Absent: Commissioner Lawrence. Elected official(s) in attendance: Sheriff Jay Jones.

During the pre-meeting, Commissioner Harris recapped his trip to the NACo Conference in Washington, DC. Commissioner Harris stated he met with several committees and shared information concerning energy plants. Further he stated he would like Lee County to be a model county for an energy plant. He met with the Alabama delegation to discuss bills that affect local government.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the March 14 meeting. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and the motion passed unanimously.

Mr. Tasso Webb Thomas was in attendance asking the Commission to consider extending the maintenance of Lee Road 79 by approximately 0.75 mile. Mr. Tasso explained that he had been approved for USDA grant funds to develop approximately 80 acres in trees, 40 acres in specialty trees as well as greenhouses and fish ponds. He stated his projections were for employment of approximately 10 people within one year with a projection of 150 jobs created within five years. Commissioner Holt asked Mr. Thomas for his business plan and stated that that information would affect his decision if that many jobs would be created in Lee County with his development. Mr. Thomas further explained that he had been planning this for the last 12 years, and had waited three years for the USDA Funds. He stated further he would eventually grow organic food and use solar power for the projects. Mr. Rob Young, Terri Lamb and Lucinda Cannon were also in attendance since they own land along that portion of Lee Road 79 that the county does not maintain. Commissioner Holt said he didn't think the county needed to be in the development business. Mr. Rob Young asked the Commission to consider extending the maintenance and make it passable for the property owners even without Mr. Thomas' development. Mrs. Lamb stated she and her family had lived on the property over 20 years ago and the road was maintained at that time. Commissioner Holt stated he grew up in that community and does not remember the county maintaining it during his lifetime. He asked if we could refer this to County Engineer Neal Hall and County Attorney Stan Martin to determine the status of the road and our obligations. During the meeting, Commissioner Holt suggested that the item be moved to the next agenda. He directed Mr. Hall to do further research concerning ADEM requirements on the streams on the road to guide in the decision on extending the maintenance of Lee Road 79.

Mr. Neal Hall requested the Commission set a work session to review the agreement for the accommodation of utility facilities on Lee County roads right-of-way. After this request, Commissioner Long made a motion to set a work session for April 11 immediately following the regularly scheduled Commission meeting. The motion was seconded by Commissioner Ham and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2011

County Administrator Roger Rendleman provided a review of the financing proposals for the two Environmental Services trucks which were recently bid and awarded to Kenworth of Dothan. Mr. Rendleman requested the Commission authorize the issuance of \$255,000 in general obligation warrants as authorized under Code of Alabama, 1975, Title 41, Chapter 16A for the term of three years at a rate of 1.99% to BB&T Bank. Commissioner Holt made a motion to approve the financing as presented, seconded by Commissioner Harris and unanimously carried.

Next, Mr. Rendleman requested the Commission consider several budget adjustments and fund balance designations in the current budget. Mr. Rendleman explained that due to challenges in financing ongoing operations due to declining annual revenues and ongoing costs continuing to rise, he would recommend the following designations for the following funds. Mr. Rendleman stated Lee County currently has \$1.9 Million in fund balance above the current designations and reserved fund balances. When possible, we need to make efforts to address the longer term challenges, especially with regards to employee morale and asset deterioration. Therefore, Mr. Rendleman recommended the following designations and budget adjustments: 1) \$500,000 for furlough/layoff prevention; 2) \$400,000 for Courthouse repair; 3) \$350,000 for Highway Equipment/Facilities; 4) \$350,000 for resurfacing; 5) \$250,000 for longevity program; and 6) \$50,000 for Sheriff vehicles. The longevity payments would be allocated to each full-time employee (persons employed by the County Commission and/or by recognized Appointing Authorities for the County Commission) employed on April 1, 2011 in the base amount of \$100 and an additional \$50 for each year of employment (prorated per day) as of April 1, 2011. Commissioner Holt made a motion to approve the above mentioned budget adjustments and fund balance designations to the FY 2011 Budget, seconded by Commissioner Long and unanimously carried.

Chief Appraiser Bobby Armstrong requested that the Commission consider his request to hire an experienced Appraiser III at a Grade 16, Step I. Mr. Armstrong reported that the potential candidate holds a bachelor's degree in business and is already an Alabama Certified Appraiser. Commissioner Long made a motion to authorize the hiring of an experienced Appraiser III at a Grade 16 Step I, seconded by Commissioner Harris and unanimously carried.

Mr. Marshall presented for Commission consideration an Animal Control Cooperation Agreement for mutual support between Lee County and the Cities of Auburn and Opelika. Mr. Marshall explained that there is currently no agreement in place and he feels that it is necessary for the safety of his Animal Control operations. Mr. Marshall asked the Commission to authorize the Chairman to sign the agreement. Commissioner Harris made a motion to authorize the Chairman to sign the agreement with the Cities of Auburn and Opelika, seconded by Commissioner Ham and unanimously carried.

Commissioner Holt made a motion at approximately 6:10 p.m. to adjourn, seconded by Commissioner Harris and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2011

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 11, 2011

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

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Robert Ham and John Andrew Harris. Absent: Commissioner Gary Long. Elected official(s) in attendance: Sheriff Jay Jones.

Commissioner Ham during the pre-meeting reported on his recent attendance at a class on personnel administration in Prattville, Alabama. Commissioner Ham stated he went through ethics training and recommended that any County employee who uses a procurement card should take the training whether required to or not. Further, he stated he heard presentations on Alabama law regarding political activities of county employees, provisions for employees' reimbursements and an update on Policies and Procedures. He stated his expenses included: \$190 registration fee, \$60 mileage reimbursement, \$133 lodging and \$29 for food expenses.

Commissioner Ham recognized County Engineer Neal Hall for his forward thinking on a situation off Alabama Highway 51 on Timber Avenue. Commissioner Ham thanked Mr. Hall for considering several options to avoid costly road repairs to the roadway and numerous complaints. Mr. Hall was notified that Mead Company was going to remove the timber behind a subdivision off Timber Avenue. After examination of the situation Mr. Hall was able to re-route the operation to Lee Road 694 which a dirt road which could be fixed once the operation is complete. Mr. Hall estimated the cost at \$30,000 to \$60,000 to repair the damage which could possibly be done by the logging trucks on Timber Avenue. Commissioner Harris commended Mr. Hall for his forethought on the situation. Additionally, Commissioner Ham commended Environmental Services Director Jack Marshall for the success of the recycling event which took place Saturday at the Highway Department Building on Orr Avenue.

Probate Office Employee and County Crusaders representative Sandra Page addressed the Commission on the upcoming Relay for Life event. Mrs. Page happily reported that the yard sale held on Saturday raised over \$500, pushing their total to over \$2,000 for cancer research. Mrs. Page reminded the Commissioners that Judge English promised to donate \$100 and challenged each Commission member to do the same. Mrs. Page thanked the Commission for the use of the Johnson Galleries building for the yard sale.

During the pre-meeting Judge English suggested that the Commission set a work session after the next Commission meeting for members to complete the required ICS training. Commissioner Lawrence made a motion during the meeting to set a work session following the regularly scheduled April 25 meeting to complete the EMA training to meet the requirements for continued federal funding, seconded by Commissioner Ham and unanimously carried. Judge English said that a portion of the training could be completed more efficiently at the EMA building.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, the monthly procurement card transactions, and the minutes of the March 28 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Ham and the motion passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 11, 2011

Commissioner Holt asked that the agenda item concerning Lee Road 79 be moved forward since he had been contacted by Mr. Thomas who is sick and unable to attend the meeting tonight. Commissioner Holt stated he had told Mr. Rob Young and Ms. Lucinda Cannon who were in attendance before the pre-meeting and who left once they learned that Mr. Thomas was sick and unable to attend. Commissioner Holt promised them he would not discuss the item until all parties were present. Additionally, Mrs. Fitzgerald stated Mr. Thomas called prior to the meeting and requested that the agenda item concerning Lee Road 79 be postponed due to his absence. Commissioner Holt proposed that the agenda item be moved to the April 25 meeting. Commissioner Holt made a motion, seconded by Commissioner Ham, that the Commission move it forward.

During the pre-meeting, Commissioner Ham presented a truck routing policy adopted by the Commission in 1994 for the trash trucks using the Salem landfill. Commissioner Ham said he had talked to one of the primary haulers and was encouraged by the cooperation he received. No further action was taken by the Commission.

Sheriff Jay Jones asked that the agenda item concerning a vacancy in the Sheriff's Office be postponed at this time.

County Engineer Neal Hall presented the following Resolutions for the High Risk Rural Roads (HRRR) Program. Mr. Hall asked that the Chairman be authorized to sign the Resolutions. Commissioner Holt made a motion to authorize the Chairman to sign the following Resolutions, seconded by Commissioner Lawrence and unanimously carried.

RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama 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:

Improvements include material costs for regulatory signs and warning signs on a segment of Lee Road 040 located between Lee Road 165 and Lee Road 126.

Location map available 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.

RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama 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 three (3) bridge locations in Lee County as depicted by the location map, utilizing High Risk Rural Road (HRRR) funding.

Installation of guardrail end achors and guardrail at two (2) select locations in Lee County as depicted by the location map, utilizing Highway Safety Improvement Program (HSIP) funding.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 11, 2011

Location map available 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.

Deputy Administrator Alice Fitzgerald asked the Commission to approve a budget amendment for the Appraisal Department. Mrs. Fitzgerald stated she had been contacted by the State Department of Revenue stating the items needed Commission approval since no funds were originally budgeted for the two line items involving office equipment and publications. She informed the Commission that there was no net change in the overall budget because the funds for these items were coming from savings realized in the aerial photography program. Upon the recommendation, Commissioner Harris made a motion to approve the amendment as presented. The motion was seconded by Commissioner Lawrence and unanimously carried.

Upon the Sheriff's report that no objections were noted regarding the proposed issuance of the following beer license, Commissioner Ham made a motion to approve the following Resolution for a retail beer license (off premise) for The Store at the Lake, seconded by Commissioner Lawrence and carried unanimously.

BE IT RESOLVED that the Lee County Commission approve the application for a retail beer license (off premise) for **The Store at the Lake** located at 9825 Lee Road 379, Valley, Alabama.

Commissioner Ham made a motion at approximately 6:15 p.m. to adjourn, seconded by Commissioner Harris and unanimously carried.

Minutes approved:

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, APRIL 25, 2011

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

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, an announcement for a vacancy on the East Alabama Health Care Authority Board and the minutes of the April 11 meeting. Commissioner Ham made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and the motion passed on a vote of 4-0-1 with Commissioner Long abstaining.

Commissioner Holt once again addressed the situation on Lee Road 79. Mr. Tasso Webb Thomas, Mr. Rob Young and Ms. Lucinda Cannon were in attendance to discuss the situation. Commissioner Holt stated he still held his view that he is not in favor of spending county funds on this road but he would consider looking at it again in the future. He stated he would be willing to allow the developers to get the road up to county standards and upon approval of Mr. Hall he would accept the road for future county maintenance. He stated he could not base his decision on jobs that may be created. Commissioner Harris once again supported Mr. Thomas' efforts since Mr. Thomas had been approved for a USDA grant to develop the land. Commissioner Harris wanted to help this economic development activity. Commissioner Lawrence stated the Commission needs to be consistent in road issues. He further supported these economic developments in Lee County. Mr. Thomas stated he had given Commissioner Holt the plan at the last meeting he attended. Mr. Thomas stated immediately 15 jobs would be created with plans to employ approximately 125 once the project is complete. After much discussion, the Chairman called for anything further. No action was taken by the Commission.

Commissioner Harris requested that the Commission approve his travel to attend the 2011 NACo Annual Conference on July 15-19 in Portland, Oregon. Commissioner Harris stated he had been asked to make an energy presentation during the conference. After discussion, Commissioner Harris made a motion to approve his travel to attend the NACo Annual Conference, the motion died for the lack of a second.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 25, 2011

County Engineer Neal Hall presented the bid results for a culvert replacement project on Lee Road 174 out of the Bridge Bond funds. Mr. Hall stated that out of 9 contractors who had requested a bid package, 8 bids and one no bid were received for the opening on April 8, 2011. Mr. Hall recommended that the Commission accept the low bid from Southeast Construction, LLC, Clanton, Alabama. Commissioner Holt asked Mr. Hall if he had received any information on this particular company. Mr. Hall stated he had not, but stated the company was on the approved ALDOT vendor listing. Commissioner Holt asked Mr. Hall to research the company before he committed any county funds on the project, and Mr. Hall agreed. After this discussion, Commissioner Holt made a motion to accept the low bid of **Southeast Construction, LLC** for \$154,397.88 after Mr. Hall determines they are a responsible bidder. The motion was seconded by Commissioner Ham and unanimously carried.

Upon the Sheriff's report that no objections were noted regarding the proposed issuance of the following beer license, Commissioner Ham made a motion to approve the following Resolution for a retail beer license (off premise) for Charleys, seconded by Commissioner Lawrence and the motion passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a retail beer license (off premise) for **Charleys** located at 5330 Lee Road 379, Salem, Alabama.

Upon the Sheriff's report that no objections were noted regarding the proposed issuance of the following beer and wine license, Commissioner Ham made a motion to approve the following Resolution for a retail beer license (off premise) and a retail wine license (off premise) for R and D Grocery, seconded by Commissioner Harris and the motion passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a retail beer license (off premise) and retail wine license (off premise) for **R and D Grocery** located at 95 Lee Road 11, Opelika, Alabama.

Upon the Sheriff's report that no objections were noted regarding the proposed issuance of the following beer and wine license, Commissioner Ham made a motion to approve the following Resolution for a retail beer license (off premise) and a retail wine license (off premise) for Dollar General Store 10320, seconded by Commissioner Lawrence and the motion passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a retail beer license (off premise) and retail wine license (off premise) for Dollar General Store 10320 located at 8282 US Hwy 29N, Cusseta, Alabama.

Commissioner Ham reminded the Commission of the upcoming County Day at the Legislature on April 27 and breakfast with the legislators on the morning of April 28. He further stated Senator Whatley was hosting a dinner on the 27th for the Lee County legislative delegation and the members of the Commission and he asked all who could to attend. He also invited the news media who were in attendance.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 25, 2011

Commissioner Harris asked that the discussion be resumed on Lee Road 79 before the meeting be adjourned. Commissioner Harris stated that he had several issues he wanted to discuss concerning the road. Commissioner Harris made a motion to extend maintenance on the road for an additional ¼ mile on the prescriptive right-of-way. There was no second to the motion. After a lengthy discussion, Commissioner Long made a motion at approximately 6:55 p.m. to adjourn, seconded by Commissioner Holt and the motion passed on a vote of 4-1 with Commissioner Lawrence voting “No”. The Commission adjourned into a work session at the EMA Building for the National Incident Command System Mandatory ICS training.

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, MAY 9, 2011

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

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Absent: Commissioner Mathan Holt. Elected Official(s) present: Loachapoka's newly elected Mayor James Grout.

The 197th Infantry Regiment Command Team headed by Colonel Kuhn made a Power-Point presentation on the different units in their command at Ft. Benning. The presentation was followed by a short video spotlighting Ft. Benning. Colonel Kuhn asked the Commission to consider a partnership with Ft. Benning due to base realignment and troops being transferred to the area. Colonel Kuhn stated that Lee County was attractive to young families due to affordable housing and the school system. The Commission thanked Colonel Kuhn and his staff for their presentations and commended them for their service. Colonel Kuhn presented each Commissioner a challenge token at the end of the presentation.

County Engineer Neal Hall recognized Assistant County Engineer Justin Hardee and Patrick Harvill who gave a Power-Point presentation on a new method for pavement preservation that the Highway Department is going to employ. First, Mr. Harvill explained the procedure for filling the early cracks in the surface with hot asphalt and the Power-Point had several pictures of pavement situations and how pavement preservation could extend the life of the road before the need for total resurfacing. Mr. Hardee followed the presentation with statistical information to demonstrate the necessity of the pavement preservation on county roadways. The Commissioners seemed receptive to the pavement preservation process. Mr. Hall informed the Commission that the equipment was currently in Russell County and would be in Lee County in approximately two weeks.

Commissioner Ham asked the Commissioners to consider attending the 39th Annual ACCA Local Government Institute which will be held June 2-3 at the Auburn University Hotel and Conference Center. The topic is "County Growth through Development and Infrastructure".

EMA Director Kathy Raines gave an update on the recent storms and stated that recovery efforts are still underway from the deadly tornados that hit Alabama on April 27, 2011. Mrs. Raines stated that the night of the tornadoes Lee County sent the portable mortuary unit and three ambulances to help with the relief efforts. Additionally, Mrs. Raines stated that three EMA staff members were deployed to help in the disaster areas. She stated that the City of Opelika responded by sending a vehicle that was needed for animal transport. The City of Opelika Light and Power Department sent a crew and truck to assist in restoring power. The Opelika Police Department and the Lee County Sheriff's Office sent personnel to help support Alabama Power. Mrs. Raines was overwhelmed by the response that Lee County residents have given during this disaster.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, an updated listing of claims for payment and the minutes of the April 25 meeting. Commissioner Ham made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and the motion passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 9, 2011

County Administrator Roger Rendleman presented three options for Commission consideration to repair the termite damage at the Courthouse. The estimates for the three options for repairing the termite-damaged roof structure are: Option A: \$410,000 for four steel columns through both floors to the ground on concrete footings to support two wood roof trusses with cross bracing to the other trusses; Option B: \$520,000 to construct light weight steel trusses next to the existing wooden trusses, transfer the weight and dismantle the wooden trusses; Option C: \$810,000 to take the entire roof off the affected area and replace the roof structure with steel (using similar asphalt shingles) or switch to metal roof which would cost \$1M plus. Option C would require that the entire building be evacuated for several months, with all Courthouse functions performed elsewhere, and the cost estimate shown does not include those additional relocation expenses. Mr. Rendleman stated he and Architect Randy Wilson had considered the pros and cons of each option and that after review they would recommend Option B. He stated that this option would not require many Courthouse employees to be moved out of the building and most public business could be handled as usual. Mr. Rendleman stated that he did not know presently what Terminix would do, but he would forward the information to them for their review. Once a response is received he stated he would share it with the Commission. The Commission agreed to allow Mr. Rendleman to proceed with Option B and send it out for bid.

Next, Mr. Rendleman asked the Commission to approve the following Resolution and authorize the Chairman to execute the loan agreement with BB&T for the two Environmental Services vehicles as presented. Commissioner Lawrence made a motion to approve the Resolution as presented and authorize the Chairman to sign the loan agreement, seconded by Commissioner Long and unanimously carried.

RESOLUTION

WHEREAS, Lee County, Alabama, a political subdivision organized and existing under the laws of the State of Alabama (the "County"), from time to time expends its funds for the purpose of acquiring capital equipment for the provision of governmental services in the County;

WHEREAS, at this time the County wishes to finance the costs of acquiring capital equipment for the provision of governmental services in the County; and

WHEREAS, the County Commission of the County has found and determined that it is wise, expedient, necessary and advisable for the County to finance such costs at this time and to obtain funds for such purpose pursuant to a loan from Branch Banking and Trust Company (the "Bank").

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The County is hereby authorized to borrow the sum of \$255,000.00 from the Bank and to expend such moneys in the aforesaid amount, all as contemplated by the preambles to this resolution; and in furtherance of such undertakings, the Chairman of the County Commission is hereby authorized to execute and deliver, for and in the name and behalf of the County, a Loan Agreement with the Bank (the "Loan Agreement"), and a related general obligation warrant (the "Warrant") in evidence of such borrowing and to pledge the County's full faith and credit for the payment of the principal of and the interest on the Warrant. The Loan Agreement and the Warrant to be so executed and delivered are hereby authorized to be in such respective forms, to contain such terms and conditions not inconsistent with the provisions of these preambles and this resolution, and to be executed and delivered at such times as shall, in the judgment of the officer executing the same on behalf of the County, be necessary or convenient to implement the transactions described in these preambles and this resolution, the determination of such officer of the respective terms and conditions of the Loan Agreement and the Warrant to be conclusively established by his or her execution of such instruments. The Clerk of the County Commission is hereby authorized to affix the official seal of the County to the Loan Agreement and to the

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 9, 2011

Warrant and to attest the same.

Section 2. All appropriate officers of the County are hereby authorized to execute, seal, attest and deliver, for and in the name and behalf of the County, such other agreements, instruments and certificates and to do and perform such other acts and things as shall in their respective judgments be necessary or convenient to implement the transactions described in these preambles and this resolution.

Commissioner Lawrence informed the Commission of three upcoming opportunities he would recommend they attend. First, the Alabama City County Managers Association Conference scheduled for June 29 to August 1; the Economic Development Association Conference to be held August 7 – 10; and the 83rd Annual Association of County Commissions of Alabama Conference to be held August 16-18, all in Orange Beach at the Perdido Beach Resort. Commissioner Lawrence stated they would focus on items specific to Alabama. Commissioner Harris stated that he did not get any support on his request to attend the NACo Annual Conference in Portland, Oregon. Commissioner Harris stated he was is on the Board of the National Association of Black County Officials. Additionally, he had invited several people who made presentations to the Commission after his attendance in the past. Commissioner Lawrence once again stated the items he presented were all located in Alabama and would be addressing issues pertaining to Alabama counties. No action was taken by the Commission.

Judge English presented the May, 2008 Tax Sale Excess list for the Commission. Judge English stated that according to Alabama Code §40-10-28 the Commission must enter an order calling for the excess to start the 10 year window before the funds can become the property of the County. Commissioner Lawrence made a motion to claim the Excess funds of \$85,724.40 from the 27 listed parcels for the General fund, seconded by Commissioner Long and unanimously carried. Mr. Rendleman suggested that the funds remain in the Fiduciary account until the expiration of the ten years.

County Engineer Neal Hall requested that the preliminary plat and proposed construction plans for Kourtni's Ridge Subdivision be approved. Mr. Hall reported that the plat has been reviewed by the Lee County Highway Department and the plat meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed development is located adjacent to Lee Road 2163 and no new road construction is proposed. Upon this recommendation, Commissioner Harris made a motion, seconded by Commissioner Lawrence and unanimously carried to approve the preliminary plat and proposed construction plans for Kourtni's Ridge Subdivision

County Engineer Neal Hall requested that the preliminary plat and proposed construction plans for Tommy Lane Subdivision be approved. Mr. Hall reported that the plat has been reviewed by the Lee County Highway Department and the plat meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed development is located adjacent to Lee Road 344 and the proposed mobile home sites will have access to Lee Road 344 via a private drive. Mr. Tommy Lane and Mr. Robert DuPriest were in attendance to answer any questions on the matter. Mr. Lane asked the Commission to approve this request since only two mobile homes will be utilizing the lots. He stated he purchased the land to help two handicapped individuals who otherwise would be displaced, and that he had made a commitment to assist them. After the discussion, Commissioner Ham made a motion, seconded by Commissioner Long and unanimously carried to approve the preliminary plat and proposed construction plans for Tommy Lane Subdivision.

Mr. Rendleman stated he met with Coroner Bill Harris on Thursday morning and had explained the effects of Act 2011-202 concerning the vehicle expense allowance to Mr. Harris, including the procurement process. Mr. Rendleman explained his suggestion of \$400 per month for vehicle expenses included a \$200 average gas bill for the coroner and then \$200 for other

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 9, 2011

vehicle expenses such as insurance and maintenance. Coroner Bill Harris submitted on Friday his estimate of \$1,042 per month, which includes his vehicle payment. Mr. Rendleman stated that he would recommend the Commission consider a \$400 vehicle allowance, since the Commissioners currently receive \$300 for their expense allowance. Commissioner Lawrence questioned the number of calls Mr. Harris reported for the year and if the number reported included hospital calls. Mr. Harris submitted a total of 653 cases for last year. Judge English stated that number would include calls through Hospice also. Commissioner Lawrence stated he would be comfortable with \$400 a month. Commissioner Ham questioned if that would be enough for Mr. Harris to do his job. Judge English reminded them that the Commission could increase the amount if necessary. Commissioner Lawrence made a motion to set the Coroner's undocumented expense allowance at \$400 per month for vehicle expenses, seconded by Commissioner Long and unanimously carried. Mr. Rendleman said it would be treated just like the Commissioners' expense allowances. Mr. Harris had been informed of the agenda item but was not able to attend.

Next, Mr. Rendleman stated that Coroner Bill Harris requested that the Assistant Coroner Gene Manning receive an increase from \$500 to \$550 per month or from \$6,000 to \$6,600 annually. Mr. Rendleman stated that the local law allows the Commission to increase the deputy coroner's salary by Resolution. Further, Mr. Rendleman stated this would cover Mr. Manning's cellular bill which has been paid out of the Coroner's expense allowance in the past. Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Ham and unanimously carried.

RESOLUTION

BE IT RESOLVED, by the Lee County Commission that the Deputy Coroner's salary be increased from \$6,000 to \$6,600 annually to begin the pay period on May 31, 2011.

Judge English reminded the Commission and all in attendance that the next regularly scheduled Commission meeting has been changed from May 30 to May 23 due to Memorial Day holiday.

County Attorney Stan Martin stated that an executive session needed to be held concerning threatened litigation. Mr. Martin requested that the following attend: County Administrator Roger Rendleman, County Engineer Neal Hall and Assistant Engineer Justin Hardee. Mr. Martin stated the executive session would last approximately 10-15 minutes and that official action was anticipated afterwards. Commissioner Ham made a motion at approximately 6:45 p. m. to recess into executive session. The motion was seconded by Commissioner Long and unanimously carried.

At the conclusion of the Executive Session, Commissioner Ham made a motion to authorize the Chairman to negotiate and settle the remaining issues related to our representation in the quarry litigation in District 4, seconded by Commissioner Harris. The motion passed on a vote of 3-1 with Commissioner Lawrence voting "No."

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 9, 2011

Then, Commissioner Lawrence made a motion at approximately 7:05 p.m. to adjourn, seconded by Commissioner Ham and the motion passed unanimously.

Minutes approved:

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, MAY 23, 2011

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, May 23 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones, Revenue Commissioner Oline Price and Loachapoka Mayor James Grout.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, and the minutes of the May 9 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and the motion passed unanimously.

Commissioner Ham addressed the complaint from Mr. Paul Spates concerning the noise from Rail Road's Bar. Commissioner Ham met with Mr. Spates who told Commissioner Ham he was not opposed to the establishment but asked for Commission help in this situation. Mr. Spates stated that he was opposed to people who continued to stand in the parking lot and talk after the bar closed and used obscene language on the property. Sheriff Jones stated he had talked to the ABC Board who indicated that the department has made surprise visits to the location and indicated that the manager was cooperative each time a complaint had been made, so there was nothing that could be done at this time, but stated the establishment was under surveillance. Further, Mr. Spates reported he was pleased with the response he received from the Lee County Sheriff's Office each time he had called them to respond. As stated at a previous Commission meeting, the establishment was closed when Mr. Spates purchased his home. Further, Mr. Spates stated the noise was unbearable on Friday and Saturday nights. Commissioner Ham asked about the renewal process for a license. Sheriff Jones stated it could be renewed by mail; it does not have to come before the Commission each time. The Commission discussed the issue but determined there was nothing they could do to address the situation at this time.

Commissioner Long addressed the letter that had been included in the Commissioners packets from the Lee County Board of Education requesting the Commission close a railroad crossing over to Lee Road 243 across from the new high school. Commissioner Long stated he was concerned with the students using the railroad crossing, but he felt the problem was caused by poor planning. Citing numerous railroad crossing issues in the west end of the county, Commissioner Holt suggested that the road be blocked off with barriers in the mornings and afternoons, but not close the crossing entirely. Judge English questioned whether closing the crossing would just move the same problem to other railroad crossings. Commissioner Long stated that he felt it would present the same situation, and that the other two places for people to cross were even more congested. After discussion, County Engineer Neal Hall stated he would contact Norfolk Southern Railroad to discuss the situation and request to have crossing arms placed at the location. Commissioner Long stated he would contact Dr. Nowlin to discuss the issue.

Revenue Commissioner Oline Price asked the Commission to approve her request to contract with Best Copy Products, Inc. for a copier at the Smiths Station satellite office. Mrs. Price stated she currently used Best Copy Products at her other locations and she would look at extending her contract, but stated she would look at it closely since it would be for three years. After discussion, Commissioner Ham made a motion to allow Mrs. Price to enter into contract with Best Copy Products, Inc., seconded by Commissioner Holt and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 23, 2011

County Engineer Neal Hall presented a federal aid bridge project for Lee Road 379. Commissioner Holt made a motion to authorize the Chairman to sign the necessary paperwork for the bridge project on Lee Road 379, seconded by Commissioner Ham and unanimously carried.

RESOLUTION

BE IT RESOLVED, by the County Commission of Lee County, Alabama that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

Construction of a 3@60' span ASSHTO girder bridge and approaches on CR379 @ Wacoochee Creek. BIN 004429. Length – 0.248 miles. Proj#BR-4105(200), LCP 41-101-08. CPSM Ref 3100056159;

which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

BE IT FURTHER RESOLVED, that upon completion of the execution of the agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

County Administrator Roger Rendleman presented a request from the Planning Commission to allocate funds for the current board members to attend training to further develop the Master Plan as adopted by the Commission. Mr. Rendleman stated current Planning Commission Chairman Dr. Bob Juster had requested funding for research and/or training. Mr. Rendleman felt that this request would benefit Lee County in the future. After discussion, Commissioner Holt made a motion, seconded by Commissioner Lawrence that \$4,000 from the Contingency fund be allocated for training for the Planning Commission members. Additionally, discussion was held on filling vacant board positions. Commissioner Long has two vacant seats and Commissioner Harris has two vacant seats on the Planning Commission. Commissioner Ham requested that the announcement be made at the next Commission meeting to replace his seat on the Planning Commission.

Governmental Relations Coordinator Wendy Swann presented the following Resolution for Commission consideration in support of the new drug court program. After discussion, Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Holt and passed on a vote of 4-1 with Commissioner Harris voting “No”.

RESOLUTION

WHEREAS, the Lee County Circuit Court currently does not have an adult drug court program to address defendants with substance abuse issues; and

WHEREAS, many of the defendants appearing before the court have committed non-violent crimes associated with their substance abuse addictions; and

WHEREAS, court officials and community partners including East Alabama Mental Health have recognized a need to address these non-violent offenders; and

WHEREAS, the Lee County Circuit Court has begun the process of establishing a pre-adjudication Drug Court Program and is seeking a grant from the Bureau of Justice Assistance to implement the program.

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission, that it pledges its support and assistance for an Adult Drug Court Program to address the substance abuse addictions in non-violent defendants sentenced through the Lee County Circuit Court.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 23, 2011

Commissioner Lawrence made a motion at approximately 6:10 p.m. to adjourn, seconded by Commissioner Ham and the motion passed unanimously.

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, JUNE 13, 2011

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

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones and Revenue Commissioner Oline Price.

Commissioner Harris announced that he had recently retired from the Auburn City School system. He further stated he had received recognition from the Auburn City Board of Education for his 35 years of dedicated service. He further stated that the staff at Yarbrough Elementary School had surprised him by presenting him with an appreciation plaque for his service. Judge English congratulated Commissioner Harris on his 35 years of employment with the Auburn City School system as did his fellow Commissioners. Judge English questioned what he was going to do since he retired. Commissioner Harris stated that this would be his last term on the county commission because he would be seeking a congressional seat

Judge English reported that the City of Opelika was working on the sidewalk in front of the Courthouse since the concrete had major cracks. Judge English stated that he asked them to close only ½ the sidewalk in front of the Courthouse at a time and not to close the entire walkway entrance to the Courthouse.

County Engineer Neal Hall recognized Mr. Joey Hundley for the department's bridge inspection program. Mr. Hall reported that the State of Alabama Department of Transportation came in May to review the county's program. Mr. Hall reported that the program and procedures in Lee County are in compliance and proper order and appear to comply with ALDOT and FHWA requirements. Mr. Hall said the review officer commented that this was the first time that he was aware that they did not have to make any corrections on a review. Mr. Hall wanted to commend Mr. Hundley on the excellent job he performs for Lee County especially since he is a crew of one.

Next, Mr. Hall shared the report form ADEM's review of the chert pit. Mr. Hall stated that ADEM had done a surprise visit last month and noted that everything was in compliance. Mr. Hall shared that Mr. Hundley was responsible for this project also. Mr. Hall congratulated Mr. Hundley on another job well done. The Commission commended Mr. Hundley as well. Commissioner Harris conveyed his appreciation to the Highway Department and staff.

County Administrator Roger Rendleman referred the Commission to an email he sent to them on May 25 concerning the Justice Center expansion project. As noted in the email concerning current economic conditions, Mr. Rendleman suggested the project be suspended until further notice. Additionally, he indicated that the court fee may be unable to cover the additional operational costs. Mr. Rendleman further stated that the pending State layoff of around 40% to 45% of the staff in October would further support the suspending of the project. The packets included a letter from HDR stating they would put construction plans on hold until further notice.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, and announcement of a vacancy on the Lee County Planning Commission board in District 4 to replace Commissioner Ham and

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 13, 2011

the minutes of the May 23 meeting. In addition, an updated claims list was on the commissioners' benches prior to the meeting. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and the motion passed unanimously.

During the pre-meeting, Bishop Abernathy made a presentation on behalf of Novia CareClinics. The brochure that was sent in the Commission packets claimed that Novia 1) provides an innovative, valuable benefit to employees and their families, 2) gains access to Novia advanced systems platform, 3) increases employee productivity due to convenient health clinic access, less time off for appointments and 4) achieves financial gains over the long-term in reduced health care costs. Bishop Abernathy requested that the Commission allow Judge English to ask the State Employees' Insurance Board for two years claims experience report so that the cost savings benefit could be calculated for Lee County. Bishop Abernathy claimed that savings could be seen when using a care clinic as the one proposed based on experience in other locations. After consideration, Commissioner Harris made a motion to authorize the Chairman to request the last two years claims experience report from the State Employees Insurance Board, seconded by Commissioner Ham and the motion passed on a 4-1 vote with Commissioner Lawrence voting "No".

Revenue Commissioner Oline Price gave her annual Report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2010 and Uncollected Insolvencies and Taxes in Litigation for previous years, as required by Code of Alabama 1975, Sections 40-5-23 & 40-5-29. Commissioner Holt made a motion to adopt the following resolution, seconded by Commissioner Harris, 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 2010 and Uncollected Insolvencies and Taxes in Litigation for previous years, be 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.

Sheriff Jones requested that the Commission consider adopting a new position of Corrections Mental Health Psychotherapist at a pay grade 18. Sheriff Jones stated that due to the education requirements and complexity of the position he would recommend this pay grade level. Sheriff Jones further stated that he felt the position would continue to keep operating costs down and helps with liability concerns. Commissioner Lawrence made a motion to approve the job classification of a Corrections Mental Health Psychotherapist at a pay grade 18, seconded by Commissioner Holt and unanimously carried.

County Administrator Roger Rendleman stated that due to the recent retirement of the Personnel Coordinator in the Sheriff's Office, he would recommend a position reclassification from Personnel Coordinator to Personnel Manager at a pay grade 14. The position would require education and training in the human resource field and increase the duties to include several job functions that are currently being performed by the Commission Office. With the change, it would truly put the Commission Office in a primarily administrative and budgetary role as far as Sheriff's Office personnel is concerned. The position would gain immunity since it is under the Sheriff's control. Additionally, Mr. Rendleman stated this would decrease the Commission budget \$46,000 by shifting current personnel to fill the position. Commissioner Lawrence made a motion to reclassify the position from Personnel Coordinator to Personnel Manager at a pay grade 14, seconded by Commissioner Holt and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 13, 2011

Mr. Hall presented an application forwarded from Alabama PALS for the adoption of a mile of road for clean-up by the Waverly Community Club. Mr. Hall stated this is the first time he had received an application of this type. Commissioner Holt encouraged the news media to advertise this request from this community organization and perhaps the Commission could get more organizations involved. Commissioner Holt made a motion to allow the Chairman to sign the application, seconded by Commissioner Long and unanimously carried.

Mr. Hall presented the preliminary/final plat approval for James & Blythe Ethridge Development. Mr. Hall stated that the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed development is located directly east of the junction of Lee Road 372 and Lee Road 360. The proposed duplexes will have access to Lee Road 372 via a private drive. Commissioner Ham made a motion to approve the preliminary/final plat approval for the Ethridge Development, seconded by Commissioner Harris and unanimously carried. After the motion and vote, Mrs. Elaine Chambers asked if she could speak on the development. Judge English asked the Commission and they agreed to allow Mrs. Chambers to comment on the development. Mrs. Chambers stated that she was in agreement with allowing the development but questioned what it looked like and if there was any future development on the land. Judge English stated that it would consist of two duplexes. Mr. Ethridge responded that only the duplexes were proposed for the property. Next, Mrs. Chambers asked the question on how citizens get zoning where she lives. Commissioner Ham addressed the issue stating that there is no planning and zoning at this time, and he further discussed the Lee County Master Plan for the future.

Environmental Services Director Jack Marshall stated that the local recycling partnership had once again been awarded an ADEM Grant in the amount of \$232,826. Lee County's share is \$68,885. Mr. Marshall stated the Environmental Services Department would purchase a flatbed truck and a baler with the awarded grant funds.

Next, Mr. Marshall stated he had a truck driver that had joined the National Guard and would be gone approximately four months. Consequently, he would request that the Commission approve the temporary hiring of a truck driver. Commissioner Holt made a motion to approve the hiring of a temporary truck driver for the Environmental Services Department, seconded by Commissioner Ham and unanimously carried.

Commissioner Ham approved the following Resolution, seconded by Commissioner Harris and passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED, the Lee County Commission approved the retail beer and retail table wine license (off premises) for Dollar General Store #10352 located at 7943 Alabama Highway 51, Opelika, Alabama.

Commissioner Ham approved the following Resolution, seconded by Commissioner Lawrence and passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED, the Lee County Commission approved the restaurant retail liquor license for The Outfield 7633 Lee Road 240, Phenix City, Alabama.

Commissioner Holt made a motion at approximately 6:35 p.m. to adjourn, seconded by Commissioner Long and the motion passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 13, 2011

Minutes approved:

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, JUNE 27, 2011

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

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones.

Mrs. Lois Redden thanked the Commission for their support in getting asphalt on Lee Road 314. She especially wanted to thank Commissioner Long for his support. Judge English thanked Mrs. Redden for coming before the Commission for the recognition.

Commissioner Lawrence recognized EMA staff for their mutual aid support during the recent tornadoes in north Alabama. Judge English asked EMA Director Kathy Raines to present the certificates to her staff. Mrs. Raines thanked Johnny Langley, Mary Moore, Rita Smith and Chris Tate for their efforts during the event, and they were thanked by the Commission.

Commissioner Ham informed the Commission of his attendance of a graduate training course on the Roles & Responsibilities of Chairman of the County Commission in Prattville on June 22 & 23. Commissioner Ham stated he received the overview of the role of the Chairman and the interaction between the Commission and the Chairman. Second was an update on the ACCA by Director Sonny Brasfield. Commissioner Ham commended Judge English on his presentation on county finances. His expenses included: \$190 for registration, \$190 for hotel, \$30 for meals and \$80 for mileage, for a total of \$433.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, announcement of various board vacancies, first reading of the East Alabama Health Care Authority Board and the minutes of the June 13 meeting. Judge English noted that the East Alabama Health Care Authority Board had sent a letter recommending that the Commission consider appointing Wayne Alderman to fill the unexpired term of Don Large, Jr. who stepped down March 31, 2011 due to a conflict with the Blue Cross/Blue Shield of Alabama board. The other various board vacancies announced include: three positions on the Lee County E-911 board, three positions on the Lee County Department of Human Resources board, one vacancy on the Lee County Youth Development board and one vacancy on the Horseshoe Bend Regional Library board. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and the motion passed unanimously.

Commissioner Ham suggested that the Commission consider setting a limit on Commissioners' travel expenses. He stated he wanted each Commissioner to consider a per diem amount or a reasonable allowance just for meals. Commissioner Ham made a motion to set a limit of \$60/day for meals, applicable to commissioners only, seconded by Commissioner Harris. After more discussion by Commissioners Holt and Lawrence, Commissioner Ham withdrew his motion and Commissioner Harris withdrew his second. Commissioner Ham asked each Commissioner to bring back any options they would like to consider at the next meeting.

Next, Commissioner Ham made a motion to approve travel expenses for any Commissioner who wishes to attend the ACCA Convention to be held August 17-19, 2011 at the Perdido Beach Resort in Orange Beach, Alabama. The motion was seconded by Commissioner Lawrence and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2011

County Administrator Roger Rendleman presented a Resolution on an EECBG Grant for a cool roof. Mr. Rendleman explained that the total grant is for \$300,000. He explained that the total cost to replace the Justice Center roof would be approximately \$600,000 but the remaining \$300,000 would come from the court fees. Commissioner Holt made a motion to approve the Resolution as presented, seconded by Commissioner Harris and unanimously carried.

RESOLUTION

WHEREAS, the Lee County Commission wishes to file a grant application with the Alabama Department of Economic and Community Affairs (hereafter referred to as ADECA) on or before 07/1/11 through the Energy Efficiency and Conservation Block Grant (hereafter referred to as EECBG) Solicitation III; and

WHEREAS, the Lee County Commission wishes to obtain funds from ADECA for the purpose of installing a “cool roof” at the T.K. Davis Justice Center to further reduce its carbon footprint and to better serve the citizens of Lee County, Alabama through a more energy efficient use of assets and through cost savings to tax payers; and

NOW, THEREFORE BE IT RESOLVED, that the Lee County Commission hereby endorses the filing of said application, and pledges its support for the project as it will benefit the citizens of Lee County.

A lounge retail liquor license for Stage Coach Package IV was presented. Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Holt and the motion carried on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED, the Lee County Commission approves the lounge retail liquor license for Stagecoach Package IV located at 8629 Highway 29, Cusseta, Alabama.

Commissioner Holt made a motion to add Lee Road 79 to the agenda. The motion was seconded by Commissioner Lawrence and passed unanimously. Commissioner Holt asked the Commission to consider the request of Mr. Tasso Webb Thomas to maintain the road once improvements are made to the dirt road by Mr. Thomas and other landowners on that road. After discussion, Commissioner Holt made a motion that “the county commission commits that it will accept an additional 0.60 mile of Lee Road 79 for county dirt road maintenance contingent upon the improvement by others of that stretch of road to county dirt road specifications, including a travel roadway not less than 20’ in width with proper ditches and cross-drains and a 60’ right-of-way, all to the satisfaction of the County Engineer and Highway Department.” The motion was seconded by Commissioner Harris and unanimously carried.

Commissioner Harris made a motion to add an item to the agenda concerning a Resolution supporting National HIV Testing Day, proposed by the National Organization of Black County Officials, which was seconded by Commissioner Long. However, the motion failed to achieve unanimous consent by a vote of 4-1, with Commissioner Holt voting “No”, therefore the item was not added to the agenda. Commissioner Holt explained his reason for voting “No” was because he represents all races, not only blacks, and this Resolution only pertained to the black population. He stated he would support a Resolution for all races. Judge English offered to help Commissioner Harris re-write another Resolution applicable to all races in support of this program, but Commissioner Harris declined and stated he wanted the Resolution he presented considered as he had received it from NOBCO. Judge English informed Commissioner Harris that he would place it on the agenda for the next County Commission meeting.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2011

After more discussion, Commissioner Long, made a motion at approximately 6:56 p.m. to adjourn, seconded by Commissioner Ham and the motion passed unanimously.

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, JULY 11, 2011

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

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones.

Auburn Unit Manager Andy Guy of the Alabama Forestry Commission updated the Commission on the current statewide changes in the forestry department. Mr. Guy stated that with all the state budget cutbacks, the Lee County office had been combined with Macon and Russell County, leaving three foresters to cover three counties. He stated that since the office in Lee County was overrun with mold issues and with no funds available to address the situation, he was relocated to the Macon County office for daily operations. On a positive note, he stated that their Lee County equipment is still housed at the Beauregard location. Mr. Guy stated that the dry weather had caused a busy fire season. He stated that so far all the fires were able to be covered, but stated one day that they might not be as fortunate. Mr. Guy stated that his office and the volunteer fire departments were trying to handle each situation in an efficient manner, but at some point they are not going to be able to handle a true emergency. As an example, he stated that Lee County had seven separate fires on the same day, and four additional fires occurred in Macon and Russell County. He stated they were able to handle them all by calling for assistance from Tallapoosa, Chambers, Macon and Russell Counties. He stated that the woodland fires are prioritized by people first, structures second, and land third. He stated that in Lee County, there are often structures near the fires but Macon County usually has wildfires with less chance of structures being involved. Mr. Guy stated the cutbacks in his office not only strain the Forestry Commission, but also put a strain on the local volunteer fire departments when they have to assist in woodland fires, since the volunteer fire departments are usually the first ones on the scene and then they will stay with the fire until the Forestry Commission is able to gather equipment and personnel to contain the fire. Commissioner Lawrence questioned the average size of a woodland fire. Mr. Guy stated that the average is approximately 15 acres with the largest was 881 acres on Highway 51. Mr. Guy stated he would ask that Lee County consider that distance between homes be addressed in the subdivision regulations to help in the event of a wildfire in a subdivision in the county. Commissioner Lawrence questioned equipment needs, and Mr. Guy responded that the state provides two units for each county. Mr. Guy stated the Lee County Commission helped in getting a vehicle for the department in years past. Commissioner Harris stated he may be able to get rural development assistance and asked Mr. Guy to give him his contact information and Commissioner Harris would get someone to contact him. The Commission took no action and thanked Mr. Guy for his report.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, procurement card transactions and minutes of the June 27 meeting. The list of claims already paid were placed on the Commissioners desks prior to the meeting. Commissioner Harris made a motion to approve the consent agenda items as presented, seconded by Commissioner Ham and passed unanimously.

Commissioner Long discussed the railroad crossing located near the new Smiths Station High School. Commissioner Long requested to allow County Engineer Neal Hall be given the discretion on whether to keep the crossing open or closed. Mr. Hall indicated that a traffic study was being done and will continue once school opens to analyze the traffic with and without school in session. Additionally, he stated that once school opened that he and/or his staff would be on-site to visually survey the traffic and their patterns. Commissioner Lawrence questioned if it was possible to coordinate the school schedule with the railroad schedule. Commissioner Long once again stated that he felt the issue evolved from the design of the entry to the school

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 11, 2011

directly in front of the crossing. After discussion, Commissioner Long made a motion to allow County Engineer Neal Hall the discretion after studying the situation to open or close the railroad crossing on Lee Road 927, seconded by Commissioner Lawrence and unanimously carried.

Commissioner Harris again presented the HIV Testing Resolution for the black community. Commissioner Harris stated he did not feel that the resolution was discriminatory. Commissioner Harris made a motion to approve the Resolution from the National Association of Black County Officials. The motion died for lack of a second.

Next, Commissioner Lawrence made a motion to adopt the Resolution in support of National HIV Testing Day that Judge English reworded to be racially neutral and which had been placed in the packets also. The motion died for lack of a second.

Second reading of the appointment of Dr. C. Wayne Alderman to fulfill the unexpired term of Dr. Don Large on the East Alabama Health Care Authority Board was given. Commissioner Holt made a motion to approve the following Resolution, seconded by Commissioner Harris. The motion passed on a vote of 4-0-1 with Commissioner Lawrence abstaining due to his employment with East Alabama Medical Center.

BE IT RESOLVED that the Lee County Commission hereby appoints Dr. C. Wayne Alderman to fulfill the unexpired term of Don Large, Jr. ending September 30, 2016 to the East Alabama Health Care Authority Board.

Judge English requested that the Commission lift the hiring freeze to allow him to advertise and hire an Election Manager/Executive Assistant at a pay grade 19. Judge English stated he needed to fill this position as soon as possible due to the upcoming 2012 Presidential election, including the primary which was recently moved up from June to March by the Legislature. This would relieve many of the election duties currently placed on Information Services Director Tim Parson. Additionally, this person would be required to have a technology background to assist with computer needs in the Probate Office, again freeing up the IT Department. Judge English also commented that this position would be expected to assist him with his Commission responsibilities as well. Commissioner Holt made a motion, seconded by Commissioner Long to lift the hiring freeze and advertise for the position of Election Manager/Executive Assistant. The motion passed unanimously.

County Administrator Roger Rendleman presented a request for the Commission to place an advertisement in the USA Today Auburn University Preview magazine in recognition of the Auburn University National Champions. After discussion, in light of the current economic conditions, the Commission decided to decline the opportunity to advertise in the publication.

Roger Rendleman presented a debt refinancing plan for three current general obligation warrants. Mr. Rendleman stated that he had been looking at ways to reduce costs considering the current economic conditions. Mr. Rendleman stated Lee County is still in good financial position, but the ongoing threat is to sustaining our ongoing operational costs and this refinancing would help with sustainability. First, Mr. Rendleman stated that the plan is to use some of the General Fund's fund balance to payoff two loans in the Environmental Services Fund. The Environmental Services Fund would pay the General Fund over the remainder of the loans at a slightly lower interest rate. The General Fund will earn \$6,679.89 in interest while the Environmental Services Fund will save \$1,081.20. Second, use the Public Building, Road and Bridge Fund's fund balance to pay-off a loan for the Justice Center Improvement Fund. The Public Building, Road and Bridge Fund will earn \$47,993.48 in interest while the Justice Center Improvement Fund will save \$6,820.90, by paying at a slightly lower interest rate. Mr.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 11, 2011

Rendleman requested the Commission authorize paying off the remainder of the 2008 General Obligation Warrant and the 2011-B General Obligation Warrant from the General Fund. Also, he requested that the Commission authorize the accompanying repayment schedules from the Environmental Services Fund to the General Fund and make the necessary budget adjustments to reflect the same. Also, to authorize paying off the remainder of the 2011-AB General Obligation Warrant from the Public Building, Road and Bridge Fund and to authorize the accompanying repayment schedule from the Justice Center Improvement Fund to the Public Building, Road and Bridge Fund and make the necessary budget adjustments to reflect the same. Commissioner Holt made a motion to approve the debt refinancing as presented by Mr. Rendleman, seconded by Commissioner Lawrence and passed unanimously.

Commissioner Holt, made a motion at approximately 6:15 p.m. to adjourn, seconded by Commissioner Long and the motion passed unanimously.

Minutes approved:

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, JULY 25, 2011

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

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones and Smiths Station Mayor LaFaye Dellinger.

Charisse Allen informed the Commission during citizens' communication that Lee County did not have a Section 504 Coordinator. She wanted the Commission to support her efforts for Lee County to be the first in the State to obtain a Section 504 Coordinator. Ms. Allen stated that she was an advocate for the elderly, disabled and poor citizens in the community.

Judge English and Commissioners went to the EMA Building for the recognition of volunteers who were deployed to help with tornado recovery in April in North Alabama. EMA Director Kathy Raines presented certificates to the approximately 50 VOAD volunteers present.

Judge English recognized the coaches of the 2011 Dixie Boys State Baseball teams and congratulated them on becoming the Alabama State Champions. Those in attendance included: 13 year-old Opelika All Stars Manager Adrian Yountz; 14 year-old Opelika All Stars Manger Jody Hillyer; Opelika Parks and Recreation Director Sam Bailey and President of Opelika Dixie Boys baseball D. Mark Mitchell. The players on the 13 year-old team includes: Chris Manley, Tanner Blatt, Heath Senn, Jackson Grigsby, Kent Bugg, Hunter Swindall, Blake Yountz, Trevor May, Gage Young, Brandon Knowles, Oliver Nell, Jessie Baker and Brian Norrell. The 14 year-old team includes: Cody Puckett, Bennett Whitman, Hunter Hillyer, Hank Scott, Brandon Waido, Austin Mitchell, BJ White, Chase Hegwood, Dylan Smith, Walker Meadows, Berry Dudley, Matt Christian and Doss Arnold. Mark Mitchell thanked the Commission for the recognition and gave his thanks to the coaches and their support of the two teams and stated that they were representing Opelika and the State of Alabama. Judge English and the Commission congratulated them on their success and sent wishes of good luck on their future participation in the World Series in South Carolina.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims and minutes of the July 11 meeting and first reading of Will Neighbors to the Lee County Planning Commission to replace Commissioner Robert Ham was given. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed unanimously.

Bradfield Evans was in attendance asking the Commission to approve a variance on the subdivision regulations in Mallard Creek Subdivision. Mr. Evans stated that a house had been built approximately five feet over the right-of-way and it needed to be corrected. Mr. Evans stated County Engineer Neal Hall informed him that he needed to petition the Commission and ask for a vacation of right-of-way. Mr. Evans stated the City of Phenix City had already granted a variance and the advertisement of the variance was currently being done. Mr. Evans asked the Commission to approve the vacation of right-of-way and advertise it so that a public hearing could be scheduled within 30 days so that the process could be completed. Mr. Hall stated that Commission needed to approve the variance on subdivision regulations from 60 feet, and advertise the vacation. Commissioner Long made a motion to approve the petition for vacation of right-of-way, seconded by Commissioner Harris and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 25, 2011

Lee-Russell Council of Governments Representative Lisa Sandt discussed a purchasing co-op that her office has coordinated. Mrs. Sandt stated that they currently had seven participants and would like for Lee County to join. Mrs. Sandt stated that the cooperative had negotiated better pricing on commonly used office supplies. Commissioner Lawrence made a motion, seconded by Commissioner Holt to allow Lee County to join the cooperative. County Administrator Roger Rendleman stated he was not against the cooperative, but he asked the Commission to hold off on the motion until he and Mrs. Sandt could look at the wording of the agreement. After discussion, Commissioner Holt rescinded his motion and Commissioner Lawrence withdrew his second. Mr. Rendleman stated he would report on his findings once he and Mrs. Sandt were able to work out the questionable items.

GEMS Empowered Inc. President Jaquetta Ward presented the Commission with her business proposal for GEMS Empowered Inc. Mrs. Ward stated she wanted to form a county wide consortium dedicated to improving the lives of low income families and individuals in Lee County. Mrs. Ward asked the Commission to consider a Commission appointment to serve on her company's Board of Directors. After discussion, Commissioner Holt made a motion to appoint Commissioner Harris as a board member of GEMS Empowered Inc., seconded by Commissioner Lawrence and unanimously carried.

Commissioner Ham discussed a disaster debris recovery agreement between the City of Opelika and D&J Enterprises and suggested a similar agreement be put in place for Lee County in the event of a county-wide emergency. Commissioner Ham stated that Lee County needs to have an agreement in place before a disaster hits so that the issue of FEMA reimbursement would not be a problem. Mr. Rendleman presented the model disaster debris recovery agreement put out by ACCA for the Commissioners to consider. The Commission asked County Attorney Stan Martin to look at the agreements presented and merge them into one viable agreement. Commissioner Ham made a motion to authorize Mr. Martin to include the best parts of both agreements and bring the result back to the Commission. The motion was seconded by Commissioner Lawrence and unanimously carried.

Commissioner Ham proposed a swap agreement with the Lee County Board of Education. Commissioner Ham explained that the county had paved an entrance driveway in front of Wacoochee School in exchange for which the Superintendent had agreed to donate five portable classrooms to Lee County, which were no longer in use. Judge English requested the use of two buildings for polling places and the Sheriff's department wanted two buildings. The Highway Dept. also can use the portable buildings. Commissioner Ham made a motion to authorize the Chairman to enter into such a swap agreement with the Lee County Board of Education, seconded by Commissioner Harris and unanimously carried.

County Engineer Neal Hall presented information concerning TIGER III Funding that he had received from Commissioner Harris. In the discussion, Mr. Hall stated the information was forwarded from the Ferguson Group and he would follow-up with them to discuss what an innovative project consists of as pertaining to the TIGER III funds. No action was taken by the Commission, but Mr. Hall stated he would report back his findings.

County Administrator Roger Rendleman presented renewal agreements with RDS for the tax collection services they provide for Lee County. Those services include the collection of: sales tax, quarry tax, alcohol and wine tax, cable franchise fees and video rental fees. Mr. Rendleman asked the Commission to authorize Judge English to sign the agreements as presented. After discussion, Commissioner Holt made a motion to authorize Judge English to sign the agreements, seconded by Commissioner Lawrence and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 25, 2011

Mr. Rendleman presented an agreement with Alabama Department of Revenue for a digital cooperative agreement for aerial photography which Lee County had recently contracted for in the amount of approximately \$395,000. Mr. Rendleman informed the Commission that this would be an additional savings of \$39,000 on the project if the Commission authorizes the agreement. After discussion, Commissioner Holt made a motion to approve the following Resolution and authorize the Chairman to sign the agreement as presented, seconded by Commissioner Lawrence and unanimously carried.

RESOLUTION

BE IT RESOLVED, by the County Commission of Lee County, Alabama that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

A Digital Information Cooperative Agreement regarding the acquisition and establishment of the 2011 computerized mapping project, which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

Mr. Rendleman asked the Commission to give him direction on the preliminary budget since the proposed expenditures are currently \$400,000 over projected revenues. Additionally, Mr. Rendleman asked the Commission to consider setting a work session on the Appraisal and Environmental Services Budget on August 8 immediately following the regularly scheduled meeting. Commissioner Lawrence suggested that the outside agencies' appropriations be reduced by the average of the reductions that the various county departments are facing. After discussion, the Commission directed Mr. Rendleman to do what was necessary to balance the budget and agreed to set a work session on August 8. Commissioner Ham made a motion to set a work session on August 8 immediately following the regularly scheduled meeting to discuss the Appraisal and Environmental Services budget requests, seconded by Commissioner Harris and unanimously carried.

Commissioner Ham made a motion to approve the following Resolution to approve a restaurant retail liquor license for the Beauregard Country Kitchen, seconded by Commissioner Harris and passed on a vote of 4-0-1 with Commission Long abstaining.

BE IT RESOLVED the Lee County Commission approves the restaurant retail liquor license for Beauregard Country Kitchen located at 7931 Alabama Highway 51, Opelika, Alabama.

Commissioner Lawrence, made a motion at approximately 6:35 p.m. to adjourn, seconded by Commissioner Ham and the motion passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 25, 2011

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 8, 2011

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 8 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Absent: Commissioner Holt. Elected Official(s) present: Sheriff Jay Jones and Smiths Station Mayor LaFaye Dellinger.

Judge English recognized the coaches of the Smiths Station 11 & 12 year-old All-Star Dixie Youth Baseball team and recognized them as being the Alabama State Champions for the second year in a row. This is the first time since 1953 that the same district has carried back to back state titles. Those in attendance included: Coaches Joey Conner, Rex Barr and Brock Cadenhead and Dixie Youth President Gary Warren. The players include: Todd Conner, Matthew Wilson, Garrett Bottoms, Jacob Danford, John Lenhart, Tyler Cadenhead, Jonah Herring, Tanner Belcher, Anthony Ward, Garrett Barr, Austin Taylor and Tyler Williams. Judge English congratulated them on their success and wished them good luck on their future participation in the Dixie Youth World Series on August 12 in Moore County, North Carolina. Judge English pointed out that three of the five Alabama State Champions in junior boys baseball teams all came from Lee County this year.

Judge English mentioned a letter that was in the packets from Mrs. Cora Reames concerning Lee Road 390. Judge English stated that Mrs. Reames thanked County Engineer Neal Hall and his staff for their work on the road.

Mr. Hall updated the Commission on the status of Lee Road 148. Mr. Hall stated that the repair work was complete and he was ready to open the road for traffic. Commissioner Ham stated the sooner the better, since the residents had been inconvenienced too long. After discussion, Mr. Hall stated he would open the road the following morning. Commissioner Lawrence thanked Mr. Martin, Mr. Hall, Mr. Hardee and all the staff for their patience and hard work on this project. Mr. Hall stated that Mr. Hardee deserved the thanks since he had been so involved in the project since he was hired almost ten years ago.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims and minutes of the July 25 meeting and first reading of the following board appointments were given: George Dyer, Anne Grady and Lee Roy Kelley to the Lee County Emergency Communications Board; Cecil Yarbrough, Angie Colvin-Burque and Rev. Clifford Jones to the Lee County Department of Human Resources Board; George Ervin to the Lee County Youth Development Board and Roberta Green to the Horseshoe Bend Regional Library Board. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed unanimously.

Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

BE IT RESOLVED that the Lee County Commission hereby appoints Will Neighbors to the Lee County Planning Commission to serve a six-year term ending October 1, 2016.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 8, 2011

Commissioner Ham held discussion on non-compliant subdivisions during the pre-meeting. During the meeting, the Commission agreed to have further discussion at the next Commission meeting. This will give each Commissioner a chance to consider different scenarios and to come back with possible recommendations for a solution. Additionally, Mr. Hall stated he would provide information concerning these subdivisions to each Commissioner before the next meeting.

Sheriff Jones presented a Resolution for an alternative fuel source for the patrol division vehicles and asked for Commission support. Commissioner Lawrence made a motion to support the following Resolution, seconded by Commissioner Harris and unanimously carried.

WHEREAS, the Lee County Sheriff's Office wishes to file a grant application with the Virginia Clean Cities (hereinafter referred to as VCC) on or before August 12, 2011 through the Southeast Propane Autogas Development Program (hereinafter referred to as SPADP); and

WHEREAS, the Lee County Sheriff's Office wishes to obtain funds from VCC for the purpose of installing a fueling station and storage tanks at the Lee County Justice Center Complex along with conversion packages on vehicles within the Sheriff's Office patrol fleet for dual fuel capacity (gasoline and propane) to reduce overall fuel and maintenance costs thus providing savings to the taxpayers/citizens of Lee County; and

NOW, THEREFORE BE IT RESOLVED, that the Lee County Commission hereby endorses the filing of said application and pledges its support for the project as it will benefit the citizens of Lee County.

Commissioner Lawrence, made a motion at approximately 6:35 p.m. to adjourn, seconded by Commissioner Long and the motion passed unanimously. The Commission went into a budget work session to discuss Environmental Services and Appraisal budgets.

Minutes approved:

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, AUGUST 29, 2011

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

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones.

Administrator Roger Rendleman recognized Chief Accountant Barbara Howard and Administrative Assistant Gwinetta Ligon of the Commission Office on their completion and award of their basic level certificate in County Administration. Mr. Rendleman presented Mrs. Howard with her certificate. Mrs. Howard thanked the Commission for the opportunity to attend the courses. The courses included: overview of County government; ethics of county officials and employees; personnel administration and finance and revenue. Judge English and the entire Commission thanked Mrs. Howard for her accomplishment and asked Mr. Rendleman to relay their appreciation to Mrs. Ligon who was unable to attend due an illness.

County Engineer Neal Hall recognized Justin Hardee and Patrick Harvill for completion of the ACCA Certificate in County Engineering. Judge English and the Commission thanked Mr. Hardee for his dedication and accomplishment. Mr. Harvill was unable to attend due to his current work on a bridge project.

Mr. Rendleman updated the Commission on the termite repairs. Mr. Rendleman stated that construction would begin soon since the contract had been settled between the pest control company and the contractor. He stated that Whatley Construction would be performing the repairs and once a certificate of insurance was obtained he would authorize them to begin work. Mr. Rendleman stated the repairs would take approximately four to six months to complete. Judge English questioned if there was a contract end date. Mr. Rendleman stated there was no guarantee on a completion date.

Commissioners Lawrence, Ham, Harris and Judge English reported on their recent attendance at the ACCA 83rd Annual Conference held August 16 – 19, 2011. Commissioner Lawrence reported that he received information on several key issues on economic forecasting and ALDOT. Further, he wanted to inform the Commission on the expansion of the continuing education program for veteran Commissioners. He stated topics on economic development and the tax system will be two items of interest that will be included. Judge English informed the Commission that Commissioner Lawrence had been elected Chairman of the Board of Directors of the Alabama Local Government Training Institute at the conference. Next, Commissioner Ham added that the Director of ALDOT, Jim Cooper stated they would be sending more money to counties for resurfacing. Commissioner Ham also stated the session on leadership impressed him. Additionally, he stated Lee County was fortunate to have several good leaders. Commissioner Harris stated he learned valuable information at the conference. Additionally, Commissioner Harris was awarded a certification for his 16 years of service as a County Commissioner. Judge English stated that there would be improvements in the election costs reimbursement process, and also gave update on managing medical costs of inmates, and the new immigration law. Judge English stated that if the new immigration law goes into effect he wanted to inform the Commission that the car tag and business license lines would increase due to the fact that citizens would have to show proof of their citizenship. Judge English reported that the date for had been moved to September 29 for a decision by the federal judge.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2011

Commissioner Long updated the Commission on the Friendship Volunteer Fire Department. Commissioner Long wanted the Commission to know that efforts were being made to alleviate the negative publicity on the department. He stated that Angie Curran had resigned from the Board and from her duties as Assistant Chief. Additionally, the Board had voted to remove her father Roy Trobaugh from his position as Fire Chief. He stated the interim Fire Chief is Joe Davis. Further, he stated that there were two vacant positions on the Board and he had been asked to fill one of the open positions. Commissioner Long further stated the department was currently working on a campaign to promote the upcoming vote on the fire fee increase.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, an updated listing presented prior to the meeting, minutes of the August 8 meeting and the announcement of vacancies on the LRCOG Metro. Planning Organization Citizens Advisory Committee. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed on a vote of 4-0-1 with Commissioner Holt abstaining due to his absence.

Judge English presented the following Resolution for second reading on various board appointments. Commissioner Lawrence made a motion to approve the following Resolution to reappoint two members to the Lee County E911 Board. The motion was seconded by Commissioner Harris and unanimously carried.

Be it Resolved, the Lee County Commission reappoints Chief Lee Roy Kelley and Anne Grady to the Lee County Communications District (E911) Board to serve a four-year term ending July 24, 2015.

Commissioner Lawrence made a motion to approve the following Resolution to appoint a member to the Lee County E911 Board to replace Miles Thomas who no longer wishes to serve. The motion was seconded by Commissioner Harris and unanimously carried.

Be it Resolved, the Lee County Commission appoints George Dyar to replace Miles Thomas on the Lee County Communications District (E911) Board for a four-year term ending July 24, 2015.

Commissioner Lawrence made a motion to approve the following Resolution to reappoint two members to the Department of Human Resources Board. The motion was seconded by Commissioner Harris and unanimously carried.

Be it Resolved, the Lee County Commission reappoints Cecil Yarbrough and Angie C. Burke to the Lee County Department of Human Resources Board to serve six-year terms from September 1, 2011 until September 1, 2017.

Commissioner Lawrence made a motion to approve the following Resolution to appoint a new member to the Department of Human Resources board to replace one who has moved out of Lee County. The motion was seconded by Commissioner Harris and unanimously carried.

Be it Resolved, that the Lee County Commission hereby appoints Rev. Clifford Jones to replace Carlan Tucker-Simmons to the Lee County Department of Human Resources Board for a six-year term from September 1, 2011 until September 1, 2017.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2011

Commissioner Lawrence made a motion to approve the following Resolution to reappoint a board member to the Lee County Youth Development. The motion was seconded by Commissioner Harris and unanimously carried.

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 10/1/2011 until 10/1/2015.

Commissioner Lawrence made a motion to approve the following Resolution to reappoint a board member to the Horseshoe Bend Regional Library. The motion was seconded by Commissioner Harris and unanimously carried.

Be it Resolved, that the Lee County Commission reappoints Roberta Green to the Horseshoe Bend Regional Library Board for a four-year term beginning 10/1/2011 until 10/1/2015.

Commissioner Ham held discussion on non-compliant subdivisions during the pre-meeting. During the meeting, the Commission agreed to further consider additional options on a solution to the situation. County Attorney Stan Martin agreed to do further research on the situation including looking into whether the county would take responsibility if they were to do repair work on the delinquent subdivisions. County Engineer Neal Hall indicated that his department would prepare some cost estimates on what it would take to bring the non-compliant roads up to county standards.

After much discussion in the pre-meeting, Commissioner Harris during the meeting made a motion to hire the Ferguson Group for \$3,500 to perform an audit on the TIGER I grant to determine why it had been denied, seconded by Commissioner Long and passed on a vote of 4-1 with Commissioner Holt voting "No". Further, Commissioner Harris asked the Commission to consider allowing the Ferguson Group to apply for the TIGER III Grant funds for an additional cost of \$10,000 once the audit of Tiger I is complete.

Mr. Rendleman stated he and Lisa Sandt had worked out the issues involving the Lee-Russell Cooperative Purchasing Association Agreement. Mr. Rendleman recommended that the Commission join the purchasing association to utilize the joint discount for the purchase of office supplies. Commissioner Lawrence made a motion to approve and authorize the Chairman to sign the Lee-Russell Cooperative Purchasing Association Agreement. The motion was seconded by Commissioner Ham and unanimously carried.

After discussion during the pre-meeting, Commissioner Lawrence made a motion, during the meeting, to schedule budget work sessions on Monday, September 12 after the regularly scheduled Commission meeting; Tuesday, September 13 at 5:00 p.m. CT; and Thursday, September 15 at 5:00 p.m. CT, if necessary. The motion was seconded by Commissioner Long and unanimously carried.

Judge English provided copies and explained to the Commission that a review of the 2010 Census data by commission district showed that the current districts do meet federal requirements under the "one man/one vote" law and redistricting is not required unless the Commission chooses to do so. Commissioner Harris questioned why this was just being brought to their attention. Judge English responded by stating the Commissioners were aware of the census and that he had not heard from any Commissioner on the subject of redistricting. He stated that he was bringing it up now because of the impending deadline for Commission action

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2011

if they wished to make changes. Commissioner Long made a motion for purpose of discussion to redistrict the commission, seconded by Commissioner Ham. Commissioner Harris stated he wanted time to look at the numbers for himself. He stated he had requested a digital map from Mr. Tim Parson, but he still had not received it. Judge English questioned whether Commissioner Harris was going to use the map himself or provide it to the staff at Alabama State Univ. for their use. Commissioner Harris said that Alabama State had a redistricting expert, and also that he would like to use former Commissioner Sam Pierce to review the districts. After more discussion, Commissioner Long withdrew his motion and Commission Ham withdrew his second. After more discussion ensued, Commissioner Holt questioned why discussion was still being held if no other motion had been made and no other Commissioner wanted to redistrict at this time.

Judge English explained that the Alabama Department of Revenue had requested the Commission submit name(s) for consideration to the Board of Equalization. Judge English reminded the Commission that this board nomination does not fall under the Commissions board appointment policy because the Commission only makes recommendation and the appointment is made by the State. Commissioner Holt made a motion to nominate Goode G. Dorman III for reappointment to the Board of Equalization, seconded by Commissioner Long and unanimously carried.

Mr. Rendleman discussed the Commission Office move with the Commission. Mr. Rendleman explained that he wanted the move to disrupt the least amount of people and to take into consideration the space and equipment needs of the Appraisal Dept. He initially considered moving himself and the Deputy Administrator, but after more consideration, Mr. Rendleman thought he and the personnel staff would move to the Tyner Building. Mr. Rendleman stated that the personnel involved in day-to-day operations with the public, primarily the mappers and personal property division, should be housed in the Courthouse.

Commissioner Long stated he had been contacted by the Lee County School Board who requested that the Commission create a school zone at the new Smiths Station High School on Lee Road 430. Commissioner Long made a motion to set the speed zone at 25 m.p.h. on Lee Road 430 placed at 900 foot on each side of the entrance and an additional 300 foot have signs that say "Entering School Zone". The motion was seconded by Commissioner Ham and unanimously carried. Commissioner Long further stated the board requested that the signs have flashing lights on the signs if possible. Mr. Hall stated none of the other school zone signs in the county had them but that his department would look into it and get a cost estimate.

Commissioner Lawrence informed the Commission of Crenshaw County's "Project Yellow Bridge" and asked the Commission to consider a similar program in Lee County. Commissioner Lawrence stated this created a visual awareness of weight limits on bridges. Commissioner Harris suggested asking the Highway Department to look and determine if this would be a cost effective project. Commissioner Ham questioned how big the problem was with overweight vehicles traveling over bridges and causing damage. Mr. Hall stated it was not as great a problem in Lee County as it probably was in Crenshaw County. Additionally, Mr. Hall stated that Lee County only has a few bridges that would fit into this category compared to Crenshaw County. After discussion, Commissioner Lawrence suggested that a yellow sign be attached to the weight limit signs when loggers or other construction was being done in a particular area to remind them of the weight restrictions; once completed, the yellow signs could be removed. No action was taken by the Commission.

Mr. Rendleman presented a proposed budget amendment to the Capital Improvement fund budget. Mr. Rendleman stated that there is a need to replace the x-ray machine at the main

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2011

entrance of the Justice Center at a cost of \$30,000. Additionally, some costs will be incurred with the repair of the Courthouse. Mr. Rendleman asked the Commission to approve a \$77,000 increase in the Capital Improvement fund for these expenses in relation to safety and security. Commissioner Long made a motion, seconded by Commissioner Ham to approve the budget amendment as presented. The motion passed unanimously.

Mr. Rendleman informed the Commission that the insurance agent that was selected last year to administer the voluntary payroll deduction insurance benefits program had been unable to fulfill those duties satisfactorily due to personal issues. Therefore, Mr. Rendleman stated the Supplemental Insurance Committee reconvened on August 19th to discuss options for these services. Mr. Rendleman presented a recommendation from the Committee that Southern Insurance Consultants be authorized to administer the voluntary payroll deduction insurance benefits program for Lee County. Upon the recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Ham to authorize Southern Insurance Consultants to administer the voluntary payroll deduction insurance benefits program for Lee County. The motion passed unanimously.

Deputy Administrator Alice Fitzgerald presented the results of an RFP for bottled water services. Mrs. Fitzgerald stated five companies had submitted proposals and she would recommend the Commission accept the proposal from Blue Ridge Mountain Water for water service. Commissioner Harris made a motion to accept the proposal from Blue Ridge Water, seconded by Commissioner Ham and unanimously carried. Judge English inquired about the use of other companies, and Mrs. Fitzgerald explained that the intent of the RFP was that any bottled water service to be paid from county funds would have to utilize Blue Ridge, but employees could use others if they paid for it themselves.

Due to the recent re-opening of Lee Road 148 in the Spring Villa area, the Highway Department recommended the Commission consider changes to the speed and weight restrictions on three roads in the area. Assistant County Engineer Justin Hardee suggested the following changes:

<u>Road:</u>	<u>Speed:</u>	<u>Weight:</u>
Lee Road 147	increase from 20 m.p.h. to 35 m.p.h.	keep at 13-tons
Lee Road 148	increase from 20 m.p.h. to 45 m.p.h.	remove wt. restriction
Lee Road 166	increase from 20 m.p.h. to 45 m.p.h.	keep at 13-tons

He recommended that the weight restriction on Lee Road 148 be eliminated since the roadway and base under that road had been completely rebuilt, but since neither 147 nor 166 had been rebuilt, those weight limits should remain in place. Upon these recommendations, Commissioner Ham made a motion to approve the speed limit and weight restrictions as presented, seconded by Commissioner Harris and unanimously carried. They further reported that there had been no new sinkhole activity in the county roadways or rights-of-way, but that there had been some reported on private property.

Environmental Services Director Jack Marshall asked the Commission to allow him to fill a budgeted truck driver position that was currently open. Commissioner Lawrence made a motion to lift the hiring freeze to allow Environmental Services to open and advertise an open truck driver position, seconded by Commissioner Ham and unanimously carried.

Judge English informed the Commission that the 911 Board had provided each Commissioner a draft map book and request that any changes or additions be reported to them and the draft book be returned in 30 days.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2011

Commissioner Harris informed the Commission that he would like to place an energy plant in Lee County that he would fund himself. Commissioner Harris stated that a considerable amount of money could be received by the County if the project is placed in Lee County. Commissioner Lawrence suggested that Commissioner Harris provide a written proposal to the Commission for further consideration.

Commissioner Lawrence, made a motion at approximately 7:00 p.m. to adjourn, seconded by Commissioner Holt and the motion passed unanimously.

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 12, 2011

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 12 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones.

Assistant County Engineer Justin Hardee and EMA Director Kathy Raines discussed the debris removal contract. Mr. Hardee informed the Commission that he, Ms. Raines and County Attorney Stan Martin had studied and evolved several contracts to produce a draft contract for consideration. He said they were also looking at a separate monitoring contract to go along with the debris removal contract. Mr. Hardee stated he wanted the Commission to be aware that work was in progress and once complete, copies would be distributed for Commission review and possible approval. Mrs. Raines added that the county will be able to be reimbursed for expenses incurred during an event more efficiently with a contract of this type in place. Mrs. Raines reminded the Commission that if labor is contracted out, FEMA will reimburse at a higher rate than if the county does the work themselves, upon a qualifying event.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, procurement card transactions and minutes of the August 29 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed unanimously.

At approximately 6:04 p.m., Judge English opened the floor for a Public Hearing for the vacation of right-of-way on Lee Road 451/Teal Drive in Mallard Creek Subdivision. Judge English then closed the floor since no one was in attendance to address the issue. Commissioner Lawrence questioned if all the adjoining property owners had been notified of the right-of-way vacation. The developer Mr. Bradfield Evans was in attendance and stated in the affirmative that letters had been mailed and 4 of the 5 surrounding property owners had responded and had no objections to the right-of-way vacation on the road. Further, he stated all of the surrounding property owners had been notified and the advertisement had been placed in the newspaper.

After the Public Hearing and discussion, Commissioner Long made a motion to approve the following Resolution on the vacation of right-of-way on Lee Road 451 in Mallard Creek Subdivision, seconded by Commissioner Ham and unanimously carried.

RESOLUTION

WHEREAS, Equity Resource Partners IV, LLC has filed a Petition and Declaration with Lee County, pursuant to Section 23-4-20, Code of Alabama 1975, as amended, seeking thereby the vacation of a portion of right-of-way known as Teal Drive (Lee Road 451) lying in Section 7, Township 17 North, Range 30 East, Lee County, Alabama; and

WHEREAS, the Lee County Commission of Lee County, Alabama has determined that said Petition and Declaration are in conformity with and meet the requirements of the provisions of Section 23-4-20 Code of Alabama 1975, as amended; and

WHEREAS, the vacation shall not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property. Owner or owners of property of any abutting lots or parcels of land will not be cut off from access to Teal Drive.

WHEREAS, the Lee County Commission of Lee County, Alabama has determined that

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 12, 2011

it is in the public's best interest that said right-of-way described below be vacated, and that said right-of-way is not shown for future transportation plans; and

WHEREAS, the Lee County Commission of Lee County, Alabama is of the opinion that said Petition should be granted.

NOW, THEREFORE, BE IT RESOLVED, By the Lee County Commission of Lee County, Alabama, as follows:

The portion of right-of-way located on Teal Drive (Lee Road 451) lying in Section 7, Township 17 North, Range 30 East, Lee County, Alabama, being more particularly described as follows:

A portion of a street known as Teal Drive (Lee Road 451) from the Southwest corner of Lot 80 to the Northwest corner of Lot 80 as shown on a survey dated July 11, 2011 prepared by Barrett-Simpson, Inc., and said survey is attached hereto as Exhibit "A".

Be and the same hereby is granted and that the above described portion of said street be and hereby is vacated, and that such vacation be and hereby is ratified, confirmed and approved.

This resolution shall be filed in the Probate Court of Lee County, Alabama and that the filing of this resolution shall operate as a declaration of the Lee County Commission's vacation and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the public street, alley, or highway vacated.

BE IT FURTHER RESOLVED by the Lee County Commission of Lee County, Alabama, that the vacating of public right-of-ways are subject to reversion rights and that the Chairman is hereby authorized and directed to execute on behalf of Lee County the necessary documents to convey the above described right-of-ways to the adjacent property owners.

County Engineer Neal Hall presented an agreement to authorize the Chairman to sign for an High Risk Rural Road (HRRR) Project. Mr. Hall stated that this agreement was for a sign upgrade project only. The information received in the packets also referred to projects for guardrails, but he informed the Commission that those agreements would come at a later date. Commissioner Harris made a motion to authorize the Chairman to sign the agreement and approve the following Resolution. The motion was seconded by Commissioner Ham and unanimously carried.

RESOLUTION

BE IT RESOLVED, by the County Commission of Lee County, Alabama, that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

Sign upgrades on various county roads as indicated on the final plans. Length – n/a. Proj# HRRR-4100(214),LCP 41-112-10. CPMS Ref#100057216; which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

AGREEMENT

This agreement is made and entered into by and between the State of Alabama, (acting by and through the Alabama Department of Transportation), hereinafter referred to as the STATE and LEE COUNTY (FEIN 63-6001601), hereinafter referred to as the COUNTY; in cooperation

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with the United States Department of Transportation, the Federal Highway Administration, hereinafter referred to as the FHWA:

WITNESSETH

Whereas, the STATE and the COUNTY desire to cooperate in sign upgrades on various county roads as indicated on the final plans. Length – n/a. Proj#HRRR-4100(214), LCP 41-112-10. CPMS Ref#100057216.

NOW THEREFORE, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

- (1) The STATE and COUNTY have identified this location(s) for a HRRR Project (hereinafter the “PROJECT”) as established by the Federal Highway Legislation “The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” (SAFETEA-LU)
- (2) The COUNTY or its representative, if applicable to the PROJECT, agree to adjust and/or relocate all utilities on the PROJECT without cost to the STATE or this PROJECT.
- (3) The COUNTY or its representative, will provide the required surveys, complete the plans and perform all other preliminary engineering duties for the PROJECT at no cost to the STATE or this PROJECT.
- (4) The COUNTY will acquire any additional right-of-way, if needed, for the PROJECT at no cost to the STATE or this PROJECT.
- (5) In necessary, the COUNTY will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Notice of Registration (NOR) (Code Chapter 335-6-12) for the PROJECT. The COUNTY and the contractor will be responsible for compliance with this permit.
- (6) The Construction for this PROJECT will be performed by the COUNTY at actual costs for labor, materials, equipment, etc.
- (7) The COUNTY will furnish all construction engineering for the PROJECT with COUNTY forces. The cost of construction engineering and inspection shall be included as part of the construction cost for the PROJECT and will be paid from funds provided herein.
- (8) The STATE will furnish the necessary inspection and testing of materials with STATE forces when needed as part of the PROJECT cost. The cost of inspection and testing of materials shall be included as part of the construction cost for the PROJECT and will be paid from funds provided herein.
- (9) The COUNTY will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction (latest edition) on the PROJECT and will ensure that alignment and grades on this PROJECT meet the standards of the Alabama Department of Transportation and the PROJECT will be constructed in accordance with the approved plans.
- (10) This agreement is made and expressly executed in the names of the parties hereto by their respective officers, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.
- (11) Funding for this agreement is subject to the availability of Federal Aid funds at the time of authorization. The STATE will not be liable for Federal HRRR Funds in any amount. Any deficiency in Federal HRRR funds, or overrun in construction costs will be borne by the COUNTY from COUNTY funds. In the event of an under-run in construction costs, the amount of Federal HRRR Funds will be the amount stated below, or 100% of eligible costs, whichever is less.
- (12) The PROJECT will be financed, when eligible for Federal participation, on the basis of 90 percent Federal HRRR funds, and 10 percent COUNTY funds.
- (13) The estimated cost of construction of this PROJECT will be provided from the funds outlined as follows:

Federal HRRR Funds	\$1,857.33
County Funds	<u>\$ 206.37</u>
Total (Including E & I and Indirect Cost)	\$2,063.70

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 12, 2011

- (14) For Negotiated Contracts, the COUNTY will complete the entire PROJECT within 60 working days (see Section 108 of the Standard Specifications for Highway Construction), and will begin the construction work on the PROJECT within fifteen (15) days of the issuance of the Notice to Proceed (Work Authorization) by the STATE.
- (15) The PROJECT plans will be approved by the STATE prior to the issuance of a Work Authorization and the PROJECT shall be constructed in accordance with the approved plans and the terms of this Agreement.
- (16) A final audit will be made of all PROJECT records after completion of the PROJECT and a copy will be furnished to the Alabama Department of Examiners of Public Accounts, in accordance with Act 1991, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this agreement.
- (17) The COUNTY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period will not be eligible for payment.
- (18) Upon completion and acceptance of the work by the STATE, the COUNTY will assume full responsibility for maintenance of that part of the improvements which are not a part of the Alabama Highway Maintenance System. Upon completion and acceptance of the work by the STATE, the COUNTY will maintain the PROJECT in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.
- (19) The performance of the work covered by this Agreement will be in accordance with the current requirement of the STATE and the FHWA.
- (20) Each party will provide, without cost to the other, information available from its records that will facilitate the performance of the work.
- (21) Nothing will be construed under the terms of this agreement by the STATE or the COUNTY that will cause any conflict with Section 23-1-63, Code of Ala. (7/24th law)
- (22) It is agreed that the terms and commitments contained in this agreement shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in this agreement shall be deemed null and void.
- (23) To the fullest extent permitted by law, the COUNTY shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees and/or facilities from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused in whole or in part by alleged or proven negligent acts or omissions of the COUNTY, anyone directly or indirectly employed by the COUNTY or anyone whose acts the COUNTY may be liable, regardless of whether such claim, damage, loss or expense is caused in part, or alleged but not legally established to have been caused in whole by a party indemnified hereunder.
The term "hold harmless" includes the obligation of the COUNTY to pay damages on behalf of the State of Alabama, the Alabama Department of Transportation, and its agents, servants, and/or employees.
- (24) The COUNTY will be obligated for the payment of damages occasioned to private property, public utilities or the general public, caused by the legal liability (in accordance with Alabama and/or Federal law) of the COUNTY, its agents, servants, employees or facilities.
- (25) Exhibits M and N are attached and hereby made a part of this agreement.
- (26) The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (27) This agreement may be terminated by either party upon the delivery of a thirty (30) day notice of termination.

EXHIBIT M

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U.S. Code, and the person signing same for and on behalf of the prospective participating/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contracts, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certificate is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty or not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT:

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this Agreement shall contravene any statute or Constitutional provision of amendment, either now or which may, during the course of this Agreement, be enacted, then the conflicting provision in the Agreement shall be deemed null and void.

TERMINATION DUE TO INSUFFICIENT FUNDS:

If the Agreement term is to exceed more than one fiscal year, then said Agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the Agreement in subsequent fiscal years.

In the event of proration of the fund from which payment under this Agreement is to be made, Agreement will be subject to termination.

ADR CLAUSE:

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendation of the Governor and Attorney General, when considering the settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General Office of Administrative Hearings or where appropriate, private mediators.

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County Administrator Roger Rendleman asked for pre-approval of an educational reimbursement request from Deputy Pam Revels. The paperwork has been approved by the proper officials within the Sheriff's Department. Commissioner Lawrence made a motion, seconded by Commissioner Long to pre-approve the educational reimbursements request for Deputy Revels. The motion carried unanimously.

Commissioner Long made a motion at approximately 6:10 p.m. to adjourn into a budget work session with the Lee County Humane Society and Coroner Bill Harris. The motion was seconded by Commissioner Ham and the motion passed unanimously.

Minutes approved:

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, SEPTEMBER 26, 2011

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

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims and minutes of the September 12 meeting. Chairman English moved first reading of the Citizens Advisory Committee to new business, since there were four interested citizens and only three vacancies. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed unanimously.

Commissioner Harris and Assistant County Engineer Justin Hardee addressed the conference call with the Federal Department of Transportation on the TIGER I grant. Mr. Hardee during the pre-meeting discussed the debriefing on the TIGER I grant. Mr. Hardee stated the Federal DOT said Lee County was in the top 50% and was given indications that the project was viable for the TIGER grant funds. Mr. Hardee stated that out of 1,400 TIGER I applicants, only 51 projects were funded. The suggestion by the Federal DOT was to narrow our scope of the project, which will be adjusted to only include Lee Road 240. The three criteria of the TIGER III grant are geared toward safety, economic competitiveness and economic repair. Mr. Hardee stated that on the TIGER III grant, Lee County would be classified as a rural project. According to the Federal DOT this would give Lee County a better chance of success with the TIGER III grant, where on the TIGER I grant Lee County had multiple objectives. Additionally, a recommendation was made to include letters of support from Speaker Mike Hubbard and Congressman Mike Rogers. Additionally, they said the greater the match, the greater the probability of receiving grant funds. The TIGER III grant request will be \$4.5 million with a minimum \$900,000 match. Judge English questioned where these funds would come from. Mr. Hall stated he would utilize the resurfacing funds, which would mean the matching funds would constitute over 50% of the next year's resurfacing budget. Commissioner Lawrence stated this would knock out 12 miles of resurfacing for the upcoming year. Mr. Hall indicated that a smaller portion of Lee Road 240 would be resurfaced anyway in the upcoming year. Mr. Hardee suggested due to the upcoming deadline of October 3 for the pre-application, he would recommend that the Ferguson Group be utilized to proceed with the grant if the Commission wanted to seek that funding. Further, he stated that October 31 is the deadline for submitting the TIGER III grant. After further discussion, Commissioner Harris made a motion to add the TIGER III grant to the agenda, seconded by Commissioner Long and unanimously carried to add to agenda item. Next, Commissioner Harris made a motion to allow the Ferguson Group to proceed with the pre-application on the TIGER III grant for \$3,500, once Mr. Hall, County Attorney Stan Martin and Administrator Roger Rendleman agree on the contract terms and authorize the Chairman to sign the agreement. The motion was seconded by Commissioner Long, and passed on a 4-1 vote with Commissioner Holt voting "No."

Mr. Milton Colbert was in attendance concerning Lee Road 250. Mr. Colbert stated he had previously talked to Mr. Neal Hall about the issue of trees located on the county right-of-way in front of his property. Mr. Colbert further stated he had a tree removed from the right-of-way on September 10 and was asking the county for reimbursement in the amount of \$425. Mr. Colbert stated when he purchased his home he received a plat which indicated there was a 40 ft. right-of-way. Mr. Hall stated his records show a 35 ft. right-of-way. Mr. Hall stated he previously visited the property and measured a 35 foot right-of-way and only one tree is within the 35 feet right-of-way. Mr. Hall stated Mr. Colbert wants the trees cut due to limited sight

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 26, 2011

distance from his driveway. Mr. Hall further indicated that the trees were not obstructing the right-of-way and were not a danger to the traveling public, so therefore, Lee County would not be able to remove the trees. Judge English questioned which document was on record and Mr. Hall stated the one dated 1968 by Avalon Inc. Mr. Colbert's records from surveyor Jack Shay indicate a 40 ft. right-of-way. During the break, Judge English located the 1968 deed to Lee County from Avalon Corp. which shows a 35 ft. right-of-way. After more discussion, the Commission took no action. Commissioner Ham stated he would contact Mr. Colbert with the Commission's position.

Dinah Motley of the Opelika Chamber of Commerce requested the Commission make a donation to a Chamber sponsored workshop called "School to Career Transition" for high school juniors to attend in November. Judge English asked the amount she was wishing to obtain from the Commission. Ms. Motley stated the total cost of the workshop is \$1,200 for material and meals. Ms. Motley stated she would ask each Commissioner for a \$100 donation for a total of \$500. Judge English explained that the Commissioners do not have a discretionary fund like the members of the City Council, but only a contingent fund which the Commission may use at their discretion. Ms. Motley stated that a total of 50 students participate with approximately 35 from the County and 15 students from the Opelika system. Judge English suggested Ms. Motley seek a donation from the Lee County Board of Education. Commissioner Ham indicated that the board would be meeting on Tuesday, September 27. No action was taken by the Commission.

Sheriff Jay Jones presented an agreement from the City of Auburn for inmate services. Sheriff Jones stated that Opelika was working under the current agreement, but Auburn wanted an updated agreement. Therefore, he would ask the Commission to authorize Judge English to sign the agreement. Commissioner Holt made a motion to allow Judge English and Sheriff Jones to sign the agreement with the City of Auburn for inmate services, seconded by Commissioner Lawrence and unanimously carried.

Mr. Rendleman presented the following Resolution on the Alternative Sentencing Board. Mr. Rendleman explained that the Court Referral Office would continue with its current employees but would fall under direction of the new board, with the office reporting directly to the district court judges. Mr. Rendleman further stated our financial commitment of \$184,000 would stay the same as before. Upon this discussion, Commissioner Holt made a motion to approve the following Resolution on the Alternative Sentencing Board. The motion was seconded by Commissioner Lawrence and unanimously carried.

RESOLUTION

WHEREAS, local and various state officials in Lee County see the need for Alternative Sentencing programs within Lee County particularly aimed at those individuals who because of substance abuse issues made initial poor decisions and ended up in the criminal justice system; and

WHEREAS, with some supervision and influential programs, these individuals can be diverted from their current path and making additional bad choices in their lives and instead become productive members of society; and

WHEREAS, the Lee County Legislative Delegation supported and enacted Act 2009-330 creating the Lee County Alternative Sentencing Board to oversee and operate all programs, services and administrative functions of such programs; and

WHEREAS, the Lee County Commission supports the alternative sentencing programs and the Lee County Alternative Sentencing Board's efforts to reduce the needlessly incarcerated in Lee County whose release would not be contrary to the public interest or a danger to the

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public at large; and

WHEREAS, the Lee County Commission and Lee County Alternative Sentencing Board have a shared interest of minimizing administrative overhead costs for more efficient and effective programs.

NOW THEREFORE, BE IT RESOLVED, the Lee County Commission will provide administrative support for the financial operations of the board's programs including accounting, claims payment and treasury functions.

BE IT FURTHER RESOLVED, the Lee County Commission will provide administrative support for the personnel operations of the board's programs including access to the Retirement Systems of Alabama, health insurance, worker's compensation coverage.

NOW THEREFORE, BE IT RESOLVED, the Lee County Alternative Sentencing Board adopts the following personnel policies and procedures of the Lee County Commission: Pay Days /Pay Period Reporting Procedures, Lost Paychecks / Direct Deposit, Employee Insurance Program, Workers Compensation, Voluntary Payroll Deductions, Attendance Records, Annual Leave, Sick Leave, Military Leave, Bereavement Leave, Civil / Legal Leave, Hazardous Weather Leave, Family and Medical Leave of Absences, Substance Abuse Policy, Electronic Communications Policy, Holidays (if to follow County instead of State), and Code of Ethics.

BE IT FURTHER RESOLVED, the employment and continued employment decisions of personnel under the direction of the Lee County Alternative Sentencing Board will remain with the Board or its designee.

Mr. Rendleman presented a new fund balance reporting policy Resolution for adoption. Mr. Rendleman explained the necessity due to the recently adopted Statement 54 by the Government Accounting Standards Board (GASB) which deals with fund balance classifications and definition of funds. Commissioner Holt made a motion to approve the following Resolution on Fund Balance Reporting Policy, seconded by Commissioner Long and unanimously carried.

Fund Balance Reporting Policy

WHEREAS, the Lee County Commission is the elected representative of the citizens of Lee County, responsible for maintaining the financial records of the County in accordance with Governmental Accounting Standards; and

WHEREAS, the Governmental Accounting Standards Board ("GASB") has adopted Statement 54 ("GASB 54"), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years beginning after June 15, 2010, and

WHEREAS, the Lee County Commission elects to implement GASB 54 requirements, and to apply such requirements to its financial statements beginning with the 2011FY ending September 30, 2011; and

NOW THEREFORE BE IT RESOLVED that the Lee County Commission does hereby adopt the following Fund Balance Policy:

FUND BALANCE POLICY

Fund balance measures the net financial resources available to finance expenditures of future

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periods. Under GASB Statement 54, fund balance is composed of the following:

Nonspendable (inventories, prepaid items, etc.)

Restricted (Gas Taxes, Grant Revenues, etc.)

Committed (Jail Construction, Major Road Projects, Landfill Tipping Fees, etc.)

Assigned (Law Enforcement, Minor Road Projects, etc.)

Unassigned

Certain Fund Balance amounts are **Restricted** in accordance with State and Federal laws and are generally held in Special Revenue Funds.

Fund Balance of the County may be **Committed** for a specific purpose by formal action of the Lee County Commission. Amendments or modifications of the committed fund balance must also be approved by formal action of the Lee County Commission.

Fund Balance may also be **Assigned**. When it is appropriate for fund balance to be assigned, the Commission delegates its authority to the County Administrator.

Governmental Fund Types include the General Fund, Special Revenue Funds, Capital Projects Funds, and Debt Service Funds. For financial reporting purposes, GASB has clarified the definition of these funds as follows and the Lee County Commission hereby adopts the following Fund Balance Policies for each Fund Type:

GENERAL FUND BALANCE POLICY

The General Fund should be used to account for and report all financial resources not accounted for and reported in another fund. The County **General Fund** will maintain sufficient working capital and a margin of safety to address local and regional emergencies without borrowing.

The **Unassigned** General Fund Balance may only be appropriated by resolution of the County Commission. It shall be the general policy of the Lee County Commission to maintain a minimum fifteen percent (15%) unassigned fund balance equivalent to the current year expenditure budget (less capital outlay).

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, assigned fund balance, and lastly, unassigned fund balance.

SPECIAL REVENUE FUND BALANCE POLICY

Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects. The restricted or committed proceeds of special revenue sources should be expected to continue to comprise a substantial portion of the inflows reported in the fund. Other resources also may be reported in the fund if those resources are restricted, committed, or assigned to the specified purpose of the fund. Governments should discontinue reporting a special revenue fund, and instead report the fund's remaining resources in the General Fund, if the government no longer expects that a substantial portion of the inflows will derive from restricted or committed revenue sources.

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The Lee County Commission establishes the 40% rule averaged out over a period of 3 years to determine whether a Fund is considered to be a Special Revenue Fund for reporting purposes. Any "Special Revenue" Fund with Restricted and Committed revenues less than 40% of total inflows shall for reporting purposes be considered a part of the County General Fund, or appropriate Special Revenue Fund. Any fund which ceases to exist as a Special Revenue due to the 40% rule, may be combined with the General Fund or another Special Revenue Fund, if appropriate.

The Lee County Commission authorizes the County Administrator to maintain separate funds for various revenues and/or expenditure/department codes for the purposes of providing budgetary and accountability to elected officials and/or departments.

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, and lastly assigned fund balance.

CAPITAL PROJECTS FUND BALANCE POLICY

Capital Projects Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets. Capital Projects Funds exclude those types of capital-related outflows financed by proprietary funds or for assets that will be held in trust for individuals, private organizations, or other governments.

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, and lastly assigned fund balance.

DEBT SERVICE FUND BALANCE POLICY

Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest, even if it is being accumulated for future years' payments. Debt Service Funds should be used to report resources if legally mandated.

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, and lastly assigned fund balance.

Next, Mr. Rendleman requested the Commission to adopt a policy concerning a wellness screening and an increase in health insurance coverage for individual employees. A requirement by the State Employees Insurance Board (SEIB) to maintain preferred status is at least 30% participation in the Wellness Screening. Last year, we only had participation in the twenty percent range and had to rush to hold another screening opportunity to meet the minimum requirement. In addition, for the FY2013, the SEIB will offer a \$10 per employee per month premium discount for participation rate of 80% or more based on participation through May 31, 2012. Therefore, we need an incentive for participation in annual wellness screenings not only for financial reasons but for the employees' own health. Therefore, the Commission is respectfully requested to adopt the following policy for employee health insurance premiums:

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 26, 2011

Effective June 1, 2012, all county employees will be required to contribute \$50 a month towards the single coverage portion of their health insurance; however, that amount will be discounted to \$0 if they participate in the annual wellness screening or receive a wellness screening from a doctor that is submitted to the State Employees Insurance Board between June 1 and May 31 and for each year thereafter. Upon this recommendation, Commissioner Lawrence made a motion to approve the policy as presented, seconded by Commissioner Ham and unanimously carried.

Neal Hall presented the following recommendations on the FY 2012 Maintenance bids for the Lee County Highway Department. Upon the recommendations, Commissioner Lawrence made a motion to approve as presented, seconded by Commissioner Harris and unanimously carried.

Bid No. 4 Picked up at Plant Bituminous Treatment

Recommendation: Reject and negotiate since only 1 bid received

Bid No. 5 Emulsified Asphalt

Recommendation: Accept low bid of Gulf Coast Asphalt Company, Mobile, AL

Bid No. 6 Motor Grader Blades

Recommendation: Accept bid of Thompson Tractor Company, Opelika, AL (local preference)

Bid No. 7 Virgin Fill Material for Pneumatic Tires

Recommendation: Accept low bid of McGriff Tire, Montgomery, AL

Bid No. 8 Sign Materials & Sign Posts

Recommendation: Accept low bid of Vulcan Signs for reflective sheeting

Recommendation: Accept low bid of Signotech for numerals and posts

Bid No. 9 Silt Fence

Recommendation: Accept low bid of Construction Materials, Birmingham, AL

Mr. Rendleman presented a proposed a \$32.2 Million Budget for FY 2011-2012 budget for Commission consideration. Mr. Rendleman stated that the budget includes no funds for COLA's or merit raises. Commissioner Holt made a motion to approve the budget as presented, seconded by Commissioner Harris and unanimously carried.

Fiscal Year 2011-2012 Budget	Commission Funds	Carryover*	Revenues	Expenditures	Operating	Increase/
					Transfers	(Decrease)
					In / (Out)	
General Fund		0	16,857,082	17,018,496	161,414	0
Gasoline Tax Fund		0	1,904,650	4,266,394	388,900	(1,972,844)
Public Building Road and Bridge Fund			4,408,500		(606,068)	3,802,432
Public Highway and Traffic Fund		0	388,900		(388,900)	0
RRR Gasoline Tax Fund		0	2,145,170	3,018,619	(706,140)	(1,579,589)
Environmental Services Fund		63,732	3,128,600	3,044,139	(148,193)	0
Emergency Management Agency (EMA) Funds		0	171,542	408,321	236,779	0
Reappraisal Fund		303,233	808,691	1,111,924		0
Capital Improvement Fund		250,000	100,000	350,000	0	0
Judicial Facilities Fund		250,000	700,000	950,000		0
2004 Debt Service - Jail Expansion			754,960	1,361,028	606,068	0
2010 Debt Service - Bridge Program			0	706,140	706,140	0
Total County Commission Funds:		866,965	31,368,095	32,235,059	250,000	250,000

* = Funds carried over from prior year. These are attributed to Officials and department heads operating consistently within their budgets and/or budgeted projects which were not completed in the 2011 Fiscal Year. Carryover is utilized for one time projects or capital purchases; since, these funds are not ongoing revenues. Although the budget is \$32.2 million, Lee County's financial capability of funding ongoing annual operations is \$31.4 million for Fiscal Year 2012.

##= Funds designated for a Capital/Infrastructure Program. (Contingent on actual revenues for 2012 Fiscal Year.)

&& = For Expansion and Maintenance of the Justice Center Complex

^^ = For Reinvestment into Capital (like Heavy Equipment and Site Improvements)

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 26, 2011

Next, Mr. Rendleman requested that the Commission authorize the Chairman to execute funding agreements with the outside agencies listed for appropriations amounts as shown below:

Service Contracts and Appropriations List for Fiscal Year 2012

Agency	Budget
GS Lee-Russell Council Of Governments	\$108,400
GS Lee County Health Department	\$118,168
GS Alabama Cooperative Extension	\$71,542
GS Lee Co. Depart. Of Human Resources	\$4,725
GS East Alabama Mental Health	\$64,050
C Emergency Transport System (EAMC)	\$289,476
C Lee County Humane Society Contract	\$121,281
R City of Opelika-Sportsplex & Aquatic Ctr.	\$50,000
R Airport FAA Projects	\$50,000
R Auburn University Airport/Terminal Proj.	\$100,000
AC Horseshoe Bend Library	\$26,592
AC Child Advocacy Center East Alabama	\$13,230
AC East AL Services For The Elderly	\$9,526
AC Judicial Volunteer Program	\$15,523
AC Valley Haven School	\$7,144
AC Soil & Water Conservation	\$3,572
AC Domestic Violence Intervention Center	\$4,410
AC Auburn Daycare Association	\$5,557
AC Museum of East Alabama	\$2,381
AC American Red Cross - Lee	\$12,973
AC Community Market	\$2,646
AC County Firefighters Association	\$4,000
AC Jean Dean RIF/Kiwanis	\$1,588
AC Lee County Historical Society	\$4,410
	<u>\$1,091,194</u>

GS = Governmental Service C = Contract for Services
R = By Resolution of Commission AC = Appropriation Contract

Commissioner Lawrence made a motion to approve the Appropriation List with the amounts as presented and authorize Judge English to sign the agreements once presented. The motion was seconded by Commissioner Harris and carried unanimously.

Next, Mr. Rendleman requested that the Commission consider authorizing the granting of additional annual leave hours for FY2011-2012 based upon the employee annual evaluations in the same manner that merit raises are authorized. The basis will be as follows: the employee must obtain at minimum a “Meets Standards” for one annual day; the employee must obtain at minimum “Exceeds Standards” for two annual days; and the employee must obtain at minimum “Consistently Exceeds Standards” for three annual days. The application of awarding of the days (as with merits) is within the discretion of the appointing authority as long as the method and reasoning is consistently applied across the departments under their authority. Commissioner Holt made a motion, seconded by Commissioner Harris to approve the additional leave hours based on the scale presented. The motion passed unanimously.

Last, Mr. Rendleman requested that the Commission rescind the conditional hiring freeze as approved on February 10, 2009 and allow departments to fill fully funded vacant positions in accordance to the adopted personnel policies and procedures. Commissioner Holt made a motion to rescind the hiring freeze and allow departments to fill fully funded vacant positions, seconded by Commissioner Harris and passed on a vote of 4-1 with Commissioner Lawrence voting “No”.

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Commissioner Ham thanked Mr. Rendleman for his hard work on the FY2012 Budget.

Judge English presented the following four names that had been presented for consideration for the three vacancies on the Citizens Advisory Committee. They are: Butch Brock, Howard Porter, Ray Thomas and Garry Havron. Judge English allowed each Commissioner to voice his vote on each candidate. After survey was taken, Judge English read the following three names for first reading: Butch Brock, Howard Porter and Ray Thomas. Commissioner Lawrence made a motion for first reading of the mentioned individuals, seconded by Commissioner Long and unanimously carried.

Commissioner Harris wanted to ask each Commissioner to review the information presented in the packets on the SMART Rail system. He stated he had shared the information with the Cities of Auburn and Opelika and Lee-Russell Council of Governments for consideration by the Metropolitan Planning Committee. Commissioner Harris stated that the representatives from California were willing to come present it to the Commission if requested.

Commissioner Lawrence thanked all the County employees for their hard work and dedication. Additionally, he thanked Mr. Rendleman for his diligence on the budget and making it all come together.

Commissioner Lawrence made a motion at approximately 6:40 p.m. to adjourn, seconded by Commissioner Long and passed unanimously.

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, OCTOBER 11, 2011

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 11 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an Invocation by Commissioner Long.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris.

During citizens' comments, Ms. Irene Dowdell and 8 other members of Ebenezer CME Church asked the Commission to help their Church obtain access to their property on Park Street in Loachapoka. Ms. Dowdell asked the Commission to require Mr. Terry Woodall to take down a fence and a sign saying "Private Drive". Judge English questioned County Engineer Neal Hall how far Lee County maintains the road in proximity to the Church's property. Mr. Hall indicated that Lee County maintains the road to the sharp curve. After further review, Mr. Hall stated he would take a look into the situation and determine if Lee County maintains the portion or not. If Lee County maintains the portion of concern then he will address the situation with Mr. Woodall and ask him to remove the fence and the sign. Mrs. Dowdell thanked the Commission for their help.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: a listing of claims, minutes of the September 26 meeting and an updated listing of claims was placed on the desks prior to the meeting. Commissioner Lawrence made a motion to approve the consent agenda items along with the updated listing, seconded by Commissioner Holt and passed unanimously.

Second reading of the Metropolitan Planning Organization Citizens Advisory Committee was read. Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Harris and the motion carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby appoint Butch Brock, Howard Porter and Ray Thomas to serve on the MPO Citizens Advisory Committee.

County Engineer Neal Hall gave an update on the TIGER III proposal. Mr. Hall stated the Commission needed to decide if they wanted to pursue the TIGER III grant funds or not, but that there would be additional costs. Mr. Hall further stated that the Ferguson Group could not prepare the Benefit-Cost Analysis (BCA) that has to accompany the application for the grant funds for Lee County but recommended another company that would be able to process the paperwork. Mr. Hall stressed that there are no guarantees on the grant funds, and it would be the Commission decision on whether to expend what now appears to be over \$20,000 total or not. Mr. Hall further advised the Commission that additional costs may be incurred that are not included in the agreement. Commissioner Long stated he originally supported going after the grant funds, but now is hesitant after hearing Mr. Hall's update, and reported that the Federal DOT people on the conference call had specifically said not to go hire a high priced engineer to prepare the BCA. Commissioner Lawrence stated he did not want to be nickel and dimed for each expense. Commissioner Holt stated he was against all of it. Commissioner Ham suggested that we consider budgeting funds for grants to be pursued in the future. After additional discussion, no action was taken by the Commission, and there would be no application by Lee County for the TIGER III grant funds.

Mr. Hall updated the Commission on Bid #4 that was rejected at the previous meeting. Mr. Hall reported that he had tried to negotiate downward without success. Therefore, he would request the Commission accept the Bid from D & J Enterprises at \$72/ton for bituminous

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treatment to be picked up at the plant. Commissioner Holt made a motion to accept the bid from D & J Enterprises at \$72/ton, seconded by Commissioner Lawrence and the motion passed on a vote of 3-1-1 with Commissioner Long voting “No” and Commissioner Ham abstaining.

Alabama Power Representative Bill Norris submitted paperwork for Commission consideration to grant an underground easement at the Lee County Park at Smiths Station, on a parcel described in Deed Book 2203, page 358. Upon examination of the submitted paperwork, Commissioner Long made a motion to grant the easement as requested by Alabama Power Company, seconded by Commissioner Holt and passed unanimously.

Commissioner Ham requested the Commission move the meeting of November 14 to November 15 so the Commissioners may attend the Lee County Farm City Banquet which is being held on that Monday night at Providence Baptist Church. Commissioner Ham stated he felt each Commissioner should attend and since it fell on a regularly scheduled meeting date, he would recommend the meeting be moved to Tuesday night, if there were no objections. After discussion, Commissioner Ham made a motion to move the regularly scheduled meeting from Monday, November 14 to Tuesday, November 15. The motion was seconded by Commissioner Harris and unanimously carried.

Commissioner Lawrence informed the Commission of the upcoming ACCA Legislative Conference to be held on November 30 and December 1 at the Hotel at Auburn University. Commissioner Lawrence asked all Commissioners to attend to support the ACCA. Commissioner Lawrence made a motion to authorize registration fees for any Commissioner who wishes to attend, seconded by Commissioner Long and unanimously carried.

Mr. Hall gave a brief presentation on the proposed 2012 NCAT Pavement Preservation Study on Lee Road 159. Mr. Hall stated he had been asked to consider allowing them to pave and perform tests on a portion of Lee Road 159 from Lee Road 10 north to the Auburn city limits in District 5. The portion would only include the southbound lane of Lee Road 159 with regular testing taking place on the section. The agreement would require no funds from Lee County. NCAT would be responsible once complete to maintain any portion of the test site for rehabilitation. Mr. Hall felt the study would be beneficial to Lee County. Further he requested that the agreement have an indemnity clause and that the Commission approve it conditional upon review by County Attorney Stan Martin. Commissioner Lawrence made a motion to authorize the NCAT Pavement Preservation Agreement after County Attorney Stan Martin has made the necessary changes. The motion was seconded by Commissioner Holt and unanimously carried.

Mr. Hall presented the FY 2012 Bid Extensions. Commissioner Lawrence made a motion to accept the following list of FY2012 bid extensions, seconded by Commissioner Holt. The motion passed on a vote of 4-0-1 with Commissioner Ham abstaining.

The following are awarded a one (1) year extension period on bids from the prior year:

1st Extension – FY 2010/2011

- Bid No. 15 Ready Mix Concrete
 -Sherman Industries, Inc.
- Bid No. 16 Maintenance Stone
 -APAC Midsouth
 -Martin Marietta Materials
- Bid No. 17 Class 3 Reinforced T&G Concrete Pipe
 -Harvey Culvert Co., Inc.
 -Hanson Pipe & Precast, Inc.

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- Bid No. 18 Bituminous Coated Corrugated Metal Pipe & Bands
-Cherokee Culvert Company
- Bid No.19 Corrugated Metal Pipes & Bands
-Cherokee Culvert Company
- Bid No. 20 Delivered Bituminous Treatment & Temporary Traffic Stripe
-East Alabama Paving Co., Inc.
- Bid No. 21 Bulk Cement
-Lehigh Cement Company

2nd Extension – FY 2009/2010

- Bid No. 4 High Density Corrugated Polyethylene Pipe and Smooth Flow Line
-Harvey Culvert Co., Inc.
- Bid No. 16 Regular Unleaded Gasoline & Low Sulfur #2 Diesel Fuel
-Wilson Oil Company
- Bid No. 17 Permanent Traffic Stripe
-Hornsby Striping Company, Inc.
- Bid No. 21 Herbicide Treatment
-Alligare, LLC
- Bid No. 27 Guardrail
-Alabama Guardrail, Inc.
- Bid No. 28 Seeding & Mulching and Bales of Green Hay
-Parker Grassing, Inc.

David Veal presented a Flood Damage Prevention Resolution for Commission approval. Mr. Veal stated the Commission adopted a similar resolution on October 25, 2004 and stated an updated Resolution is necessary due to changes in the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRMs) that have taken place since that time. Commissioner Holt made a motion to approve the following Resolution as presented, seconded by Commissioner Lawrence and unanimously carried.

FLOOD DAMAGE PREVENTION RESOLUTION

Non-Coastal/Riverine Communities

ARTICLE 1

Statutory Authorization, Findings of Fact, Purpose And Objectives

SECTION A **STATUTORY AUTHORIZATION**

The Legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 45, Sections 1-11, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Lee County Commission, of Lee County, Alabama, does ordain as follows:

SECTION B **FINDINGS OF FACT**

- (1) The flood hazard areas of Lee County, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

SECTION C **STATEMENT OF PURPOSE**

It is the purpose of this resolution to promote the public health, safety and general welfare and to

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minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion
- (3) control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (4) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

SECTION D OBJECTIVES

The objectives of this Resolution are:

- (1) to protect human life and health;
- (2) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) to minimize expenditure of public money for costly flood control projects;
- (5) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) to minimize prolonged business interruptions, and;
- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2
GENERAL PROVISIONS

SECTION A LANDS TO WHICH THIS RESOLUTION APPLIES

This resolution shall apply to all Areas of Special Flood Hazard within the jurisdiction of Lee County, Alabama.

SECTION B BASIS FOR AREA OF SPECIAL FLOOD HAZARD

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its **Flood Insurance Study (FIS), dated September 16, 1981**, with accompanying maps and other supporting data **and any revision thereto**, are adopted by reference and declared a part of this resolution. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

SECTION C: ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provisions of this resolution PRIOR to the commencement of any Development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or altered without **full compliance** with the terms of this resolution and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This resolution is not intended to repeal, abrogate, or impair any existing resolution, easements, covenants, or deed restrictions. However, where this resolution and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this resolution all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This resolution shall not create liability on the part

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of Lee County or by any officer or employee thereof for any flood damages that result from reliance on this resolution or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION

Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than **\$500.00** or imprisoned for not more than **30** days, or both, and in addition, shall pay all costs and expenses involved in the case: Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Lee County from taking such other lawful actions as is necessary to prevent or remedy any violation.

SECTION I. SAVINGS CLAUSE

If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this resolution.

ARTICLE 3
ADMINISTRATION

SECTION A DESIGNATION OF RESOLUTION ADMINISTRATOR

The Lee County Building Inspections Department is hereby appointed to administer and implement the provisions of this resolution.

SECTION B PERMIT PROCEDURES

Application for a Development Permit shall be made to the Building Official/Local Administrator on forms furnished by the community **PRIOR** to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(1) Application Stage -

- (a) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
- (c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B(2) and E(2);
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction Stage -

For all new construction and substantial improvements, the permit holder shall provide to the Building Official/Local Administrator an as-built certification of the regulatory floor elevation or flood-proofing level **using appropriate FEMA elevation or flood-proofing certificate** immediately after the lowest floor or flood proofing is completed. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Building Official/Local Administrator shall review the above referenced certification data submitted. **Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.**

SECTION C DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

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Duties of the Building Official/Local Administrator shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this resolution have been satisfied; and, assure that sites are reasonably safe from flooding.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2 Section B, then the Building Official/Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Article 3 Section B(2) .
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Sections B (2) and E (2).
- (6) When flood proofing is utilized for a structure, the Building Official/Local Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3(B)(1)(c) and Article 4(B)(2) or (E)(2).
- (7) Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Department of Economic and Community Affairs/Office of Water Resources/NFIP State Coordinator's Office.
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA and State to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official/Local Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
- (10) All records pertaining to the provisions of this resolution shall be maintained in the office of the Building Official/Local Administrator and shall be open for public inspection.

ARTICLE 4

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A **GENERAL STANDARDS**

In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be

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- constructed with materials and utility equipment resistant to flood damage;
- (3) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) **Elevated Buildings** - All New construction and substantial improvements of existing structures that include **ANY fully enclosed area** located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- (i) Provide a **minimum of two openings** having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) The bottom of all openings shall be no higher than one foot above grade; and,
- (iii) Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.
- (b) So as not to violate the "Lowest Floor" criteria of this resolution, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

SECTION B **SPECIFIC STANDARDS**

In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required:

- (1) **New construction and substantial improvements** - Where base flood elevation data are available, new construction and substantial improvement of any structure or manufactured home **shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation.** Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4), "Elevated Buildings."

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- (2) Non-Residential Construction - New construction and substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C (6).
- (3) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:
- (a) All manufactured homes placed and substantially improved on: (i) individual lots or parcels, (ii) in new or substantially improved manufactured home parks or subdivisions, (iii) in expansions to existing manufactured home parks or subdivisions, or (iv) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.
- (b) Manufactured homes placed and substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
- (i) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
- (ii) Where no Base Flood Elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and is elevated to a maximum of 60 inches (five feet) above grade.
- (c) All Manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Refer: Article 4, Section A)
- (d) All recreational vehicles placed on sites must either:
- (i) Be on the site for fewer than 180 consecutive days, fully licensed and ready for highway use if it is licensed, on it's wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or

Article I. (ii) The recreational vehicle must meet all the requirements for "New

Construction," including the anchoring and elevation requirements of Article 4 Section B (3)(a)(c), above.

- (4) **STANDARDS FOR SUBDIVISIONS**
- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (d) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.

SECTION C FLOODWAYS

- (1) **Floodway:** Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the

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discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (a) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
- (b) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment **shall not result in any increase** in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
- (c) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Administrator.
- (d) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than **one foot** at any point within the community.
- (e) **ONLY** if Article 4 (C)(1)(b), (c) or (d), above are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

SECTION D

BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS (APPROXIMATE A-ZONES)

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (Approximate A-Zones), the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article 2(B), then the Building Official/Local Administrator shall obtain, review, and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 4. **ONLY** if data are not available from these sources, then the following provisions (2&4) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) All development in Zone A must meet the requirements of Article 4, Section A and Section B (1) through (4).
- (4) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Also, in the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of Article 4, Section B, Paragraph (3)(b)(ii) in that the structure must be elevated to a maximum of 60 inches (5 feet). Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in

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accordance with standards of Article 4, Section A (4) "Elevated Buildings".

The Building Official/Local Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

SECTION E **STANDARDS FOR AREAS OF SHALLOW FLOODING**
(AO ZONES)

Areas of Special Flood Hazard established in Article 2, Section B, may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM) above the highest adjacent grade. **If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least Two (2) feet above the highest adjacent grade.** Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A(4), "Elevated Buildings".

The Building Official/Local Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction and the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. **The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level or two (2) feet (if no map elevation is listed), above highest adjacent grade,** with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 3(B)(1)(c) and (3)(B)(2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

ARTICLE 5 **VARIANCE PROCEDURES**

- (A) The Lee County Commission, or Appointed Board as established by the Lee County Commission, shall hear and decide requests for appeals or variance from the requirements of this resolution.
- (B) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Building Official/Local Administrator in the enforcement or administration of this resolution.
- (C) Any person aggrieved by the decision of the Lee County Commission or Appointed Board may appeal such decision to the Lee County Circuit Court, as provided in Code of Alabama, 1975.
- (D) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (E) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the Lee County Commission or Appointed Board shall consider all technical evaluations, relevant factors, and all standards specified in

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this and other sections of this resolution.

(H) **Conditions for Variances:**

(1) **A variance shall be issued ONLY when there is:**

(i) a finding of good and sufficient cause,

(ii) a determination that failure to grant the variance would result in exceptional hardship; and,

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(2) The provisions of this Resolution are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(3) **Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.**

(4) The Building Official/Local Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.

(I) Upon consideration of the factors listed above and the purposes of this resolution, the Lee County Commission or Appointed Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this resolution.

ARTICLE 6 DEFINITIONS (Note: * Indicates data must be inserted)

Unless specifically defined below, words or phrases used in this resolution shall be interpreted so as to give them the meaning they have in common usage and to give this resolution its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

"Appeal" means a request for a review of the Building Official's/ Local Administrator's interpretation of any provision of this resolution.

"Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor sub grade (below ground level) on all sides.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including,

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but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or materials.

"Elevated building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, pilings, posts, columns, piers, or shear walls.

"Existing Construction" Any structure for which the "start of construction" commenced before December 29, 2005. [i.e., the effective date of the FIRST floodplain management code or resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)].

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before December 29, 2005. [i.e., the effective date of the FIRST floodplain management regulations adopted by a community].

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters; or
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard and/or risk premium zones applicable to the community.

"Flood Insurance Study" / "Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodway" (Regulatory Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facility that are necessary for the loading and unloading of cargo or passengers, and shipbuilding, and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic Structure" means any structure that is;

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or

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2. Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

"Manufactured home" means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or other datum.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" means ANY structure (see definition) for which the "start of construction" commenced after December 29, 2005 and includes any subsequent improvements to the structure. [* i.e., the effective date of the FIRST floodplain management resolution adopted by the community as a basis for community participation in the (NFIP)] and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 29, 2005. [i.e., the effective date of the first floodplain management regulations adopted by a community].

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Recreational vehicle" means a vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy a violation" means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Section 1316: No new flood insurance shall be provided for any property which the Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body, to be in violation of State or local laws, regulations or ordinances

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which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

"Start of construction" means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. [Substantial damage also means flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Code of Federal Regulations (CFR) §44, Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) and corresponding parts of this resolution is presumed to be in violation until such time as that documentation is provided.

ARTICLE 7: SEVERABILITY

If any section, clause, sentence, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Resolution.

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County Administrator Roger Rendleman presented the results of the bid for the Justice Center fueling station. Mr. Rendleman stated the bid came in under budget and therefore, he would recommend the Commission accept the low bid of J. A. Lett Construction for \$199,775. Upon this recommendation, Commissioner Holt made a motion to accept the bid of J. A. Lett Construction for \$199,775 for a new fueling station at the Justice Center. The motion was seconded by Commissioner Lawrence. The motion passed on a vote of 4-0-1 with Commissioner Ham abstaining.

Judge English reminded the Commissioners about their invitation from Col. Mike Rauhut of the 197th Infantry Brigade to attend the football game between the Fort Benning Doughboys and Columbus State Cougars on October 27th at Doughboy Stadium at Fort Benning.

Commissioner Long made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Ham and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

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The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, October 31 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an Invocation by Commissioner Ham.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Officials: Sheriff Jay Jones, Loachapoka Mayor Jim Grout, and Auburn City Council member Sheila Eckman

During citizens' comments, Ms. Irene Dowdell and other members of Ebenezer CME Church again appeared before the Commission to discuss the gate and sign on Park Street in Loachapoka. Once again, Ms. Dowdell asked the Commission to require Mr. Terry Woodall to take down a gate and a sign saying "Private Drive". Judge English questioned County Engineer Neal Hall if the sign was on private property or on the right-of-way. Mr. Hall stated the sign was on Mr. Holmes' private property. Judge English informed Ms. Dowdell that Lee County cannot go onto Mr. Holmes' property to remove the sign. Judge English questioned where the property the Church owned in relation to Mr. Woodall's property and where he was placing the gate. Ms. Dowdell stated that other Church members would not go down the road, because of the "private drive" sign. Judge English relayed to Ms. Dowdell and the other Church members that Lee County is not responsible for the sign and therefore is unable to remove it from Mr. Holmes' property. Commissioner Harris said he would meet with Mr. Hall and Ms. Dowdell to provide a solution to the situation. Judge English agreed that a meeting between them may help to work out the details.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: a listing of claims and minutes of the October 11 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Holt and passed unanimously.

Commissioner Ham presented a Resolution for consideration for accepting maintenance of roads in delinquent subdivisions that are not maintained by the county. Commissioner Ham stated it was prepared to protect citizens who purchase property in the delinquent subdivisions and to protect citizens those who buy property in the future. County Engineer Neal Hall said that this type situation should not occur in the future because the county now requires a bond from subdivision developers. Commissioner Lawrence stated the main reason to consider this was for roadway safety purposes. Commissioner Ham agreed and stated repairs would be made at the discretion of Neal Hall to make each subdivision road safe for the residents. After discussion, Commissioner Ham made a motion to approve the Resolution as presented, seconded by Commissioner Lawrence and passed unanimously.

RESOLUTION

The Lee County Commission (herein called the "Commission") of Lee County, Alabama (herein called the "County") has determined and hereby finds and declares that the following facts are true and correct:

WHEREAS, pursuant to Alabama law, the County has the authority to control, manage, supervise, regulate, repair, maintain & improve public roads & rights-of-way in the County; and

WHEREAS, there are public roads and rights-of-way that are not maintained by the County because developers constructed public roads and rights-of-way that did not conform to the 1990 County Road and Street Regulations in certain subdivisions; and

WHEREAS, the County Engineer has corresponded with the developers of those

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delinquent subdivisions to correct deficiencies with public roads and rights-of-way so they will be in conformance with the Road and Street Regulations and yet the developers have not corrected the deficiencies identified by the County Engineer; and

WHEREAS, the County Engineer has not recommended acceptance of the public roads and rights-of-way in these delinquent subdivisions to the Commission, and the public roads and rights-of-way have not been accepted for maintenance by the Commission; and

WHEREAS, the public roads and rights-of-way in delinquent subdivisions not maintained by the County were constructed prior to the Commission adopting the Lee County Subdivision and Land Development Regulations dated April 14, 2008, as amended from time to time; and

WHEREAS, no future subdivisions should become delinquent in a similar manner since the current Lee County Subdivision and Land Development Regulations now require a bond from developers to ensure conformance with the Regulations; and

WHEREAS, the County Engineer has identified public roads and rights-of-way in delinquent subdivisions not maintained by the County and listed them at the bottom of this Resolution; and

WHEREAS, citizens who live in those delinquent subdivisions not maintained by the County are concerned about the state of disrepair of the public roads and rights-of-way and the potential hazards they pose to the safety of the traveling public, and have requested that the Commission accept them for County maintenance; and

WHEREAS, the Commission has considered the citizens' requests and hereby determines it is necessary, advisable and in the best interest of the County and the public citizens that the Commission accept for maintenance the public roads and rights-of-way in the delinquent subdivisions listed below.

THEREFORE, BE IT RESOLVED, by the Lee County Commission that the County accepts the following public roads and rights-of-way in delinquent subdivisions for County maintenance:

DELINQUENT SUBDIVISIONS

Lee County Highway Dept.

October 31, 2011

	Subdivision	Lee Road(s)	District	Estimated Road Mileage
1	Beauregard Estates, Phase II & III	2101, 2104	5	0.45
2	Beulah Creek & Beulah Creek 1st Add.	2045	4	0.30
3	Chambliss Place, Phase III	2105, 2108	3	0.43
4	Corbett Creek Falls Subdivision	2153, 2154	4	0.76
5	Crosscreek	21	3	0.33
6	Doe Run II	2051, 2052, 2053	3	0.36
7	East Ridge Subdivision	2113, 2114	4	0.33
8	Fieldstone Subdivision	2165, 2166	3	0.62
9	Flat Stone Estates	2161, 483(portion of)	4	1.36
10	Foxcove	2102, 2103	3	0.17

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11	Foxridge, Phase I, II, III, & V	2040, 2041, 2066, 2067, 2068	3	1.38
12	Fox Run ₁ off of Lee Road 212; recorded in Plat Book 15, Page 148	987, 988	3	0.17
13	Fox Run ₂ off of Lee Road 201; recorded in Plat Book 21, Page 22	2056, 2057, 2058	3	0.52
14	Greyhawk	2076, 2077, 2078, 2079, 2080, 2081	3	0.80
15	Haley Woods, Phase III & IV	2086, 2087, 2191	5	0.80
16	Hallwood Villas, Phase I & II	2123, 2169	3	0.14
17	Hidden Estates	2070	3	0.19
18	Huntington Hills, Phase II & III	554, 2019, 2020, 2021, 2022	3	1.21
19	Kennington, Phase III	2006	3	0.46
20	Madison Heights Subdivision	2148	3	0.25
21	McBride-Thomas Estates, Phase I	2157	3	0.26
22	Moffitt's Landing	2185, 2186	3	0.30
23	Orchard View Phase I & II	2085	4	0.35
24	Pine Lake Subdivision	2049	5	0.46
25	River Bend Heights	2128, 2129, 2130, 2131, 2132, 2133	4	0.80
26	Running Bear & Running Bear 1st Add.	2000	3	0.40
27	Sandy Springs	2122	4	0.44
28	Smiths Crossing	2084	3	0.25
29	Spring Lake Estates	2065	4	0.20
30	Stone Brooke	2158	3	0.19
31	Summer Terrace, Phase I & II	2090, 2091	3	0.98
32	The Village at Halawaka, Phase II & IV	2098, 2151, 2168, 2167	4	0.70
33	Waters Edge Subdivision	2116, 2117	4	0.28
34	Woodlands at Lake Harding	2121	4	0.40
Total:				17.04

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Mr. David Ponder approached the Commission with concerns about the Sheriff's Office. Mr. Ponder asked the Commission to consider providing the Sheriff's Office with funds necessary to increase patrols in all areas of the county. Mr. Ponder stated his home had been broken into twice in eleven days recently. Further, he stated he and his wife had recently talked to Sheriff Jones and stated he clearly understands how funds are allocated to departments since he is an employee of the City of Auburn. He asked the Commission to consider other ways to raise revenue to provide adequate funding for the Sheriff's Office, further he asked the Commission to help the Sheriff's Office apply for grants. Next, former Auburn Police Officer Ricky Holder asked the Commission to help with crimes in the area. He suggested the Sheriff's Office look into obtaining a fingerprint system which would benefit their efforts in trying to apprehend suspects in robbery cases. Mr. Holder stated that grants are available through the U. S. Department of Defense. Additionally, Mr. Holder asked the Commission to look into the City of Auburn's police jurisdictional lines. Judge English asked Sheriff Jones if he would like to address the citizens' comments. Sheriff Jones stated the Lee County Sheriff's Office currently has two fingerprinting systems as described by Mr. Holder. Sheriff Jones further stated that the Sheriff's Office utilizes all funds as efficiently as they can to operate the patrol division as well as all the divisions of the Sheriff's Office. Unfortunately, during the current economic conditions the Sheriff's Office sees a rise in crimes during these conditions. Mr. Ponder again addressed Sheriff Jones and asked what he could do to help with a solution, especially with the holidays quickly approaching. Sheriff Jones stated that he talked to Sheriffs in other counties and they all have seen an increase in property crimes in their area which is unfortunately a sign of the times and economic conditions. Commissioner Lawrence stated he understood since his home was burglarized and he lives inside the City limits of Auburn. Commissioner Lawrence stated he would like to further this discussion by appointing a committee to meet to discuss ideas. Commissioner Ham addressed the two attendees and asked that if a committee were formed to look at the situation, would they consider being on it, and both responded in the affirmative. The Commission thanked Mr. Ponder and Mr. Holder for their attendance.

Lee County Humane Society Director Jessica Batson during the pre-meeting asked the Commission to consider authorizing the agreement that had previously been presented. Mr. Rendleman stated that there were a few issues with Mr. Marshall and his animal control staff. Mr. Marshall stated his department was willing to work out any differences with the Humane Society. After discussion, Commissioner Lawrence made a motion to authorize the Chairman to sign the agreement, seconded by Commissioner Holt and unanimously carried. Next, Commissioner Lawrence suggested that the Commission consider an advisory board to keep the Commission informed of what is going on between the Humane Society and Lee County Animal Control Officers on current and future issues.

Sheriff Jones presented a tobacco license for ITSEES, LLC. Judge English questioned why the license had been presented and stated this was the first he had received since he had been in office. Butch Brock, after researching the code, reported that the tobacco license took effect January 1, 1998 and further reported that no action is required by the Commission. Mr. Brock stated according to Code §28-11-7 it is an enforcement code whereby the ABC Board can fine businesses for selling tobacco products without a license. Commissioner Lawrence suggested that the license be returned to the ABC Board since there is no license fee and stated he would like further clarification before a vote is taken on the matter. Commissioner Ham made a motion to table the item until the next meeting, seconded by Commissioner Lawrence and unanimously carried.

County Administrator Roger Rendleman made a presentation during the pre-meeting to establish the Section 125 Cafeteria plans. Mr. Rendleman explained that a Section 125 Cafeteria plan is a flexible spending plan that offers a deduction with a pre-tax benefit, which reduces the employees' federal and state income tax liability resulting in higher take home pay and also provides a cost savings to the County on the Social Security and Medicare match. Further, Mr.

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Rendleman stated that Alliance Insurance Group, in a partnership with Southern Insurance, will provide for the administration for IRS compliance. For five dollars per month (with a \$150 minimum or 30 employees), Alliance Insurance Group will handle all components of the health flexible spending accounts and dependent care flexible spending accounts. This includes providing a flex spending debit card, internet account access and a customer service line for the enrolled employees. Mr. Rendleman explained that even though there is a cost associated with these services, the county will see a net savings. Mr. Rendleman further explained that the Commission needs to take the following action to establish these programs: 1) for the pre-tax group health insurance premiums only plan: a) resolve to establish a pre-tax group health insurance premiums only plan in accordance to IRS Regulations; and b) establish effective January 1, 2012, employees providing a portion of their health insurance premiums are automatically enrolled in the pretax premium only plan; however, they may have the option of not participating if such election is provided for in writing from any employee by January 1, 2012. Each employee may still opt in or out of the pretax premium only plan during the open enrollment for health insurance during each succeeding year which becomes effective each January 1st. 2) for the flexible spending account: a) resolve to establish a health flexible spending account plan and a dependent care flexible spending account plan in accordance to IRS Regulations; b) engage Alliance Insurance Group to administer the health flexible spending accounts and dependent care flexible spending accounts; c) set up a flexible spending bank account with a \$5,000 allocation from the Contingency Fund to provide a start-up fund for the programs, which should be able to be refunded as contributions accumulate; and d) set a maximum annual health flexible spending amount of \$1,000.00 per employee. After consideration, Commissioner Holt made a motion to establish the Section 125 Cafeteria Plans as outlined above, seconded by Commissioner Long and unanimously carried.

Next, Mr. Rendleman reported that preliminary numbers for year-end were encouraging and FY2011 finished under budget. Mr. Rendleman further stated that while he continues to be concerned over the projected revenue numbers for annual recurring costs over the next couple of fiscal years, the positive finish to the FY2011 solidifies the overall financial position. In addition, he stated we are in a position to address some capital needs and one time type projects or programs. Mr. Rendleman proposed to assign fund balances for capital and/or one-time projects in the various funds as follows: 1) assign \$400,000 in General Fund 2) assign \$200,000 in the Gasoline Tax Fund and 3) assign \$300,000 in the RRR Fund. Additionally, Mr. Rendleman recommended that the Commission commit \$500,000 in the General Fund for furlough/layoff prevention. Commissioner Lawrence asked if any other members of the Commission had any interest in allocating any of these funds to the resurfacing fund. After discussion, Commissioner Holt made a motion to approve the recommendations as presented by Mr. Rendleman, seconded by Commissioner Ham and unanimously carried.

Next, Mr. Rendleman addressed the resurfacing funds. Mr. Rendleman explained that the FY2011 ended with a significant amount of money allocated for a resurfacing project that is still incomplete. Mr. Rendleman stated that the funds for the projects are now a part of the RRR Fund balance with the close of the 2011 fiscal year. Therefore, in order to recognize these funds and maintain the current year resurfacing programs for other projects, Mr. Rendleman requested the Commission to recognize \$500,000 in RRR fund balance as available resources and amend the resurfacing budget accordingly. Commissioner Long made a motion to approve the request as presented by Mr. Rendleman and make the necessary budget adjustments, seconded by Commissioner Ham and unanimously carried.

Next, Mr. Rendleman presented for consideration an accounting and payroll conversion. Mr. Rendleman stated in October 2002 a switch was made to the Fundware accounting system and in January 2003 the payroll system was converted. Mr. Rendleman stated now Fundware has been bought by Blackbaud. He explained that Fundware will no longer be upgraded and he would ask the Commission to consider allowing the conversion to the new system at a maximum

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cost of approximately \$35,545 which includes set-up, consulting services, training and data conversion. Mr. Rendleman further explained that Blackbaud is providing numerous incentives to convert to the new system and he feels that it would be a good time to make the conversion. The incentives include: 1) Financial Edge software modules equivalent to Fundware are free. In addition, two additional software modules at \$0 software cost for those customers who move to the new system through October; 2) reduced training costs which is an additional savings of \$2,500 for The Learn More Annual Training subscription which is being offered at \$2,400; and 3) reduced implementation costs since the consulting and conversion rates are being offered at a 15% discount. Mr. Rendleman further stated that the consulting services estimated at \$25,000 is an estimate of hours by Blackbaud, but he feels that those costs will be far less since personnel is currently experienced with the Fundware system. Mr. Rendleman further requested the Commission to authorize the conversion of the accounting and payroll systems from Fundware to Blackbaud's Financial Edge in an amount not to exceed \$35,545 and amend the 2012 fiscal year General Fund budget accordingly. After discussion, Commissioner Lawrence made a motion to approve the request as presented by Mr. Rendleman, seconded by Commissioner Holt and unanimously carried.

Last, Mr. Rendleman presented an educational reimbursement request for EMA Public Relations employee Rita Smith. Mr. Rendleman stated all necessary paperwork had been completed and approved by the Appointing Authority, and he would ask the Commission to approve the request. Commissioner Holt made a motion to approve the educational reimbursement for Ms. Rita Smith, seconded by Commissioner Harris and passed unanimously.

Assistant County Engineer Justin Hardee presented the following Resolution for the HRRR Federal Aid Agreement. Mr. Hardee informed the Commission this Federal Aid Agreement is for safety improvements to be made at the following locations in the County:

Bridge Approach Guardrails

- Lee Road 390-Bridge over Halawakee Creek
- Lee Road 137-Bridge over Choctafaula Creek
- Lee Road 137-Bridge over Choctafaula Branch

Roadway Guardrails

- Lee Road 379 between Lee Road 249 & Lee Road 330
- Lee Road 246 between Lee Road 295 & Lee Road 576

Commissioner Long made a motion to approve the Resolution as presented for the HRRR Federal Aid Agreement, seconded by Commissioner Ham and unanimously carried.

RESOLUTION

BE IT RESOLVED, by the County Commission of Lee County, Alabama that the County enters into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

Installation of guardrail and anchors at three bridge sites and roadway guardrail at two sites as indicated by the final plans. Length – 0.246 miles. Proj#HRRR-HSIP-CN12(206), LCP 41-110-10. CPMS ref#100057207;

which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

AGREEMENT

This agreement is made and entered into by and between the State of Alabama, (acting by and through the Alabama Department of Transportation), hereinafter referred to as the STATE and LEE COUNTY (FEIN 63-6001601), hereinafter referred to as the COUNTY; in cooperation with the United States Department of Transportation, the Federal Highway Administration, hereinafter referred to as the FHWA:

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WITNESSETH

Whereas, the STATE and the COUNTY desire to cooperate in the installation of guardrail and anchors at three bridge sites and roadway guardrail at two sites as indicated by the final plans. Length – 0.246 miles. Proj#HRRR-HSIP-CN12(206), LCP 41-110-10. CPMS Ref#100057207. **NOW THEREFORE**, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

- (1) The STATE and COUNTY have identified this location(s) for a HRRR Project (hereinafter the “PROJECT”) as established by the Federal Highway Legislation “The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” (SAFETEA-LU)
- (2) The COUNTY or its representative, if applicable to the PROJECT, agree to adjust and/or relocate all utilities on the PROJECT without cost to the STATE or this PROJECT.
- (3) The COUNTY or its representative, will provide the required surveys, complete the plans and perform all other preliminary engineering duties for the PROJECT at no cost to the STATE or this PROJECT.
- (4) The COUNTY will acquire any additional right-of-way, if needed, for the PROJECT at no cost to the STATE or this PROJECT.
- (5) In necessary, the COUNTY will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Notice of Registration (NOR) (Code Chapter 335-6-12) for the PROJECT. The COUNTY and the contractor will be responsible for compliance with this permit.
- (6) The Construction for this PROJECT will be performed by the COUNTY at actual costs for labor, materials, equipment, etc.
- (7) The COUNTY will furnish all construction engineering for the PROJECT with COUNTY forces. The cost of construction engineering and inspection shall be included as part of the construction cost for the PROJECT and will be paid from funds provided herein.
- (8) The STATE will furnish the necessary inspection and testing of materials with STATE forces when needed as part of the PROJECT cost. The cost of inspection and testing of materials shall be included as part of the construction cost for the PROJECT and will be paid from funds provided herein.
- (9) The COUNTY will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, Latest Edition, on the PROJECT and will ensure that alignment and grades on this PROJECT meet the standards of the Alabama Department of Transportation and the PROJECT will be constructed in accordance with the approved plans.
- (10) This agreement is made and expressly executed in the names of the parties hereto by their respective officers, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.
- (11) Funding for this agreement is subject to the availability of Federal Aid funds at the time of authorization. The STATE will not be liable for Federal HRRR Funds in any amount. Any deficiency in Federal HRRR funds, or overrun in construction costs will be borne by the COUNTY from COUNTY funds. In the event of an under-run in construction costs, the amount of Federal HRRR Funds will be the amount stated below, or 100% of eligible costs, whichever is less.
- (12) The PROJECT will be financed, when eligible for Federal participation, on the basis of 90 percent Federal HRRR funds, and 10 percent COUNTY funds.
- (13) The estimated cost of construction of this PROJECT will be provided from the funds outlined as follows:

Federal HRRR Funds	\$116,946
County Funds	<u>\$ 12,994</u>
Total (Including E & I and Indirect Cost)	\$129,940
- (14) The STATE will be responsible for advertisement and receipt of bids, and the award of the contract. Following the receipt of bids and prior to the award of the contract, the STATE will invoice the COUNTY for its prorate share of the estimated cost, and the COUNTY will pay this amount to the STATE no later than 30 days after the date bids are opened. Payment must be received prior to award of the contract.

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- (15) A final audit will be made of all PROJECT records after completion of the PROJECT and a copy will be furnished to the Alabama Department of Examiners of Public Accounts, in accordance with Act 1991, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this agreement.
- (16) The COUNTY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period will not be eligible for payment.
- (17) Upon completion and acceptance of the work by the STATE, the COUNTY will assume full responsibility for maintenance of that part of the improvements which are not a part of the Alabama Highway Maintenance System. Upon completion and acceptance of the work by the STATE, the COUNTY will maintain the PROJECT in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.
- (18) The performance of the work covered by this Agreement will be in accordance with the current requirement of the STATE and the FHWA.
- (19) Each party will provide, without cost to the other, information available from its records that will facilitate the performance of the work.
- (20) Nothing will be construed under the terms of this agreement by the STATE or the COUNTY that will cause any conflict with Section 23-1-63, Code of Ala. (7/24th law)
- (21) It is agreed that the terms and commitments contained in this agreement shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in this agreement shall be deemed null and void.
- (22) To the fullest extent permitted by law, the COUNTY shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees and/or facilities from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused in whole or in part by alleged or proven negligent acts or omissions of the COUNTY, anyone directly or indirectly employed by the COUNTY or anyone whose acts the COUNTY may be liable, regardless of whether such claim, damage, loss or expense is caused in part, or alleged but not legally established to have been caused in whole by a party indemnified hereunder.
The term "hold harmless" includes the obligation of the COUNTY to pay damages on behalf of the State of Alabama, the Alabama Department of Transportation, and its agents, servants, and/or employees.
- (23) The COUNTY will be obligated for the payment of damages occasioned to private property, public utilities or the general public, caused by the legal liability (in accordance with Alabama and/or Federal law) of the COUNTY, its agents, servants, employees or facilities.
- (24) Exhibits M and N are attached and hereby made a part of this agreement.
- (25) The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (26) This agreement may be terminated by either party upon the delivery or a thirty (30) day notice of termination.

EXHIBIT M

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U.S. Code, and the person signing same for and on behalf of the prospective participating/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

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- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contracts, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certificate is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT:

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this Agreement shall contravene any statute or Constitutional provision of amendment, either now or which may, during the course of this Agreement, be enacted, then the conflicting provision in the Agreement shall be deemed null and void.

TERMINATION DUE TO INSUFFICIENT FUNDS:

If the Agreement term is to exceed more than one fiscal year, then said Agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the Agreement in subsequent fiscal years.

In the event of proration of the fund from which payment under this Agreement is to be made, Agreement will be subject to termination.

ADR CLAUSE:

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendation of the Governor and Attorney General, when considering the settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General Office of Administrative Hearings or where appropriate, private mediators.

Governmental Relations Coordinator Wendy Swann presented for Commission consideration a second ACCA drug card program request from Coast2Coast Rx card, which is administered by Financial Marketing Concepts in conjunction with WellDyne. Currently, Lee County has an agreement with Caremark for the NACo Drug Card program. Mrs. Swann stated the ACCA is endorsing the new company. Mr. Ron Howard, a representative of Coast2Coast Rx card was in attendance to answer any questions by the Commission. Mrs. Swann stated that this new drug card would provide a royalty to Lee County of \$1.00 per prescription filled by the citizen and once a participation level reaches 1% of the population, the county would receive a

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royalty of \$1.25 for each prescription filled. The current drug card with NACo does not provide any royalty for use. Additionally, Mr. Rendleman stated that the current contact with NACo is non-exclusive and therefore would not prevent the county from considering this second program. The Commission agreed to move the item forward to the next agenda to allow County Attorney Stan Martin time to review the contract to be sure it does not conflict with the current contract with NACo. Commissioner Ham thanked Mr. Howard for his attendance.

Environmental Services Director Jack Marshall presented the results on bids #1 and #2. Mr. Marshall reminded the Commission that these items will be paid by ADEM grant funds. Mr. Marshall stated that on bid #1 for a recycling truck out of 25 bids sent only two bids and two no bids were received. Mr. Marshall recommended the Commission accept the lowest responsible bid for \$44,942 with additional options of \$858, from Ben Atkinson Motors. Commissioner Lawrence made a motion to accept the low bid of Ben Atkinson Motors for \$44,942 with an additional \$858 for options for a total cost of \$45,800, seconded by Commissioner Long and unanimously carried.

Next, on bid #2 for a heavy duty baler, Mr. Marshall reported that out of 10 bids sent five bids were received. Mr. Marshall recommended the lowest responsible bid from Mount Scrap Material of Montgomery, Alabama be awarded the bid for \$9,999.00. Commissioner Lawrence made a motion to accept the low bid of \$9,999 from Mount Scrap Material, seconded by Commissioner Long and unanimously carried.

Commissioner Holt made a motion at approximately 7:05 p.m. to adjourn, seconded by Commissioner Lawrence and passed unanimously.

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, NOVEMBER 15, 2011

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, November 15, 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: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Officials: Sheriff Jay Jones, and Loachapoka Mayor Jim Grout.

During the pre-meeting, County Highway Department Special Projects Coordinator Joey Hundley presented an update on the Bond Bridge Program. Mr. Hundley reported that the 15 bridge, \$8 million project is progressing. Three bridges were replaced in 2010. The projects totaled \$2.2 million and came in \$352,000 under the original estimates. All the bridges were designed to meet ALDOT specifications. The next projects proposed are the Sand Hill Road bridge and the Lee Road 10 bridge between the rock quarry and US Highway 29. Commissioner Holt suggested that notification signs be posted on the bridges ahead of time to let motorists know the timeframe of the bridges' closings for replacement. Highway Department staff agreed the suggestion would be implemented. Commissioner Long inquired when the Lee Road 379 bridge would reopen. Assistant County Engineer Justin Hardee responded that there are about 100 working days remaining on the project. After more discussion on the Bond Bridge Project, the Commission thanked Mr. Hundley for his good work and thorough report.

Also during the pre-meeting, County Highway Department Engineer Intern Patrick Harvill presented an update on the Full Depth Reclamation (FDR) of Lee Roads 240, 252, and 390. Mr. Harvill estimated that the County saved approximately \$250,000 by using FDR versus conventional methods of road repair. Mr. Harvill stated that during the projects there were "lessons learned" which will improve their efficiency in future projects. Mr. Harvill was asked what other highway departments were using FDR to rehabilitate roadways and how long this method has been used. He stated that FDR has been in use for approximately 10 years and it is showing good results as an economical and durable method. After some additional discussion, the Commission thanked Mr. Harvill for his leadership on this new process, and for his detailed report.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: a listing of claims and minutes of the October 31 meeting. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and the motion passed unanimously.

Mr. Joshua Datnoff, representing several of the volunteer fire departments of Lee County, made a presentation during the pre-meeting to update the Commission on their activities regarding the pending request for an election to increase fire fees in support of volunteer fire departments. He stated that their organizations believe the election should be scheduled for late spring of 2012. The volunteer fire department group recommended the increased fee be set at fifty dollars. Commissioner Lawrence questioned why the recommendation is now fifty dollars when the amount discussed previously was seventy-five dollars. Chief Datnoff responded that the fifty dollar amount was a consensus among the volunteer fire departments seeking an increase that represented enough revenue to operate effectively while minimizing the increase to taxpayers in order to improve the likelihood of passage. Chief Datnoff stated that the department governing boards had authorized the creation of a political action committee to raise funds to facilitate public relations activity in support of passage of the fire fee increase. In response to a question by Commissioner Lawrence regarding their fund raising goal, Chief Datnoff stated that

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 15, 2011

the fire chiefs hoped to raise five to seven thousand dollars. Commissioner Lawrence suggested that the funds required for a successful county-wide campaign would be much higher than the stated goal. In the Commission meeting, Judge English stated that the last date for calling the election to coincide with their time frame would be the second Commission meeting in February, 2012.

Commissioner Ham requested a status update on issuing an RFP for a Disaster Debris Recovery Contract. Justin Hardee stated that the RFP creation is progressing and close to completion. Highway & EMA should have a copy to the County Attorney by the next week, with a final review by everyone after Mr. Martin has reviewed. After discussion, Commissioner Ham requested that the item be placed on the December 12 agenda.

Sheriff Jones presented a tobacco license for ITSEES, LLC and reported that Commission approval is required for the Alabama Beverage Control Board as is with liquor licenses. Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Holt and unanimously carried.

BE IT RESOLVED, that the Lee County Commission does hereby approve the application for a tobacco license for ITSEES, LLC, located at 8582 Highway 29 North, Cusseta, Alabama.

Governmental Relations Coordinator Wendy Swann again presented for Commission consideration a second ACCA drug card program request from Coast2Coast Rx card. County Attorney Stan Martin stated that he reviewed the contract and added the necessary language regarding indemnification. Mr. Rendleman stated that the contract is ready for approval. Judge English reported that he had spoken with Ron Howard with Coast2Coast, and that they had approved Mr. Martin's changes. Commissioner Holt made the motion to approve the contract with changes as recommended, seconded by Commissioner Lawrence and unanimously carried.

During the pre-meeting Mrs. Linda Hilyer spoke to the Commission about the need for assistance in securing grants for Beulah area recreation projects. She stated she had identified prospective funding sources from both public and private grant sources. Judge English asked Mrs. Hilyer to share the grant information with Wendy Swann, who works on grant opportunities for the Commission. After discussion, the Commissioners thanked Mrs. Hilyer for her support of recreation in the Beulah area and for her service on the County Recreation Board. During the Commission meeting, County Administrator Roger Rendleman reminded the Commission that grants often come with stipulations and requirements that continue long after the grant funds are exhausted, such as we have experienced with the tennis courts in Beulah. No action was taken by the Commission.

During citizens' comments at the end of the meeting, Lakeathia Parker, a resident of Loachapoka, addressed the commission to echo the concerns expressed by Mr. Ponder in the previous Commission meeting regarding the property crimes being committed in the Loachapoka area. Ms. Parker reported on a recent incident that involved shots fired into her house while she was away. In addition to the crime, she was concerned about the lack of communication by the Sheriff's Department in informing her about the particulars of the investigation. She said that she has met with Sheriff Jones regarding the matter and was satisfied with his response. Sheriff Jones added that law enforcement activity has been increased in the area, resulting in multiple warrants issued and recent arrests made. The Commission thanked Ms. Parker for her attendance.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 15, 2011

Commissioner Holt made a motion at approximately 6:25 p.m. to adjourn, seconded by Commissioner Long and passed unanimously.

Minutes approved:

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, NOVEMBER 28, 2011

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, November 28, 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: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones.

During citizens' communication, Mrs. Teri Lamb appeared before the Commission to discuss an issue on Lee Road 79. Mrs. Lamb stated she and her husband own 36 acres off Lee Road 79 and stated she would like for the road to be left closed. Additionally, she reported that someone had come onto her land and disturbed her property in the making of a new road. She questioned the person responsible and they stated the Lee County Commission had authorized them to grade the roadway. Judge English addressed Mrs. Lamb and stated the Commission did commit to Mr. Tasso Webb Thomas that they would accept the additional portion of the road for county maintenance if he improved the additional portion up to county specifications at his expense, but did not give him any permission to go onto private property. Judge English further informed Mrs. Lamb that she may wish to seek legal assistance on the issue, since he nor the Commission, could not give her legal advice. Further, Judge English questioned County Engineer Neal Hall about the situation. Mr. Hall responded that he had a conversation with Commissioner Harris who had stated Mr. Thomas was proceeding to improve the road. Mr. Hall stated that no one had contacted the Lee County Highway Department about those road improvements. Mr. Hall stated that he believed Mr. Webb had hired someone with a bulldozer and had instructed him on the location of the old roadbed, but the bulldozer driver did not follow the old roadbed, and actually got on Mrs. Lamb's property instead. Mrs. Lamb said the bulldozer operator told her that someone else showed him where to put the road. Commissioner Harris stated Mr. Thomas should have contacted Mr. Hall before he began the work, but his understanding also was that another man had instructed the bulldozer driver to go another way. Further, Commissioner Harris stated the Commission should have made it clear to Mr. Thomas. Judge English read the motion from the minutes of the Commission meeting of June 27, 2011 which states:

“the county commission commits that it will accept an additional 0.60 mile of Lee Road 79 for county dirt road maintenance contingent upon the improvement by others of that stretch of road to county dirt road specifications, including a travel roadway not less than 20' in width with proper ditches and cross-drains and a 60' right-of-way, all to the satisfaction of the County Engineer and Highway Department.”

Mrs. Lamb stated that someone had staked out the old public road. Mr. Hall stated his department had done the staking, but it was as related to the old prescriptive right-of-way or “stagecoach” line. Mr. Hall stated his department had done the staking for Commission consideration for them to assess the situation. Judge English suggested that Mrs. Lamb talk to the people who had come onto her land and then if not successful, contact an attorney. Mrs. Lamb thanked the Commission for their time and effort in addressing the situation with her.

During the pre-meeting, Judge English informed the Commission that the Department of Justice had sent notification that the fire fee election had not been granted pre-clearance, because neither they nor we could find any documentation of the pre-clearance of the original 1989 fire fee act. Therefore, he recommended that the Commission allow him to send in the necessary additional paperwork for pre-clearance for the upcoming fire fee election. The Commission agreed to allow him to draft and send a letter to the Attorney General for administrative review.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 28, 2011

EMA Director Kathy Raines appeared to report on the recent tornado damage that occurred in the Lee County area. Mrs. Raines reported that it had been determined that an F1 tornado touched down in various parts of Lee County. She reported that mainly homes had suffered roof damage from uprooted trees. In Auburn and Opelika there were several mobile homes destroyed. Mrs. Raines reported that fortunately everything worked smoothly at the EMA Office during the weather event, and credited her staff for their performance. The Commission thanked her for being so well prepared.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: a listing of claims, an announcement of two appointments on the Southwest Lee County Volunteer Fire Protection Authority Board and minutes of the November 15 meeting. Commissioner Long questioned why the Commission appoints members to that Board. Commissioner Lawrence stated it was because of the Articles of Incorporation stated the Commission appoint the Board members. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and the motion passed unanimously.

Judge English informed the Commission of an email he received from the City of Opelika concerning a letter they got from the Chief Federal Judge for our area stating the Federal Building is on a potential closure list for 2012. The Federal Building has been located in Opelika since 1918 and serves the area in matters of civil and bankruptcy litigation. The email stated the closure would have a significant impact on Lee and surrounding municipalities and counties that are served by it, including Russell, Chambers, Tallapoosa, Randolph and Macon. Mayor Fuller is urging the Commission to forward letters of opposition to our Congressional Delegation as soon as possible. Judge English encouraged each Commissioner to ask their Congressional representatives to help keep the location open. Commissioner Holt made a motion to authorize Judge English to write a letter on behalf of the entire Commission asking the Federal Government to keep the Opelika Federal Building open. The motion was seconded by Commissioner Lawrence for discussion. After much discussion, Commissioner Holt called for the question, seconded by Commissioner Lawrence. The call for the question passed on a vote of 4-1 with Commissioner Harris voting "No." After call for the question, Judge English called for a vote on the motion, which passed on a vote of 4-1 with Commission Harris voting "No".

County Administrator Roger Rendleman presented the results of the proposals for telecommunication services. Mr. Rendleman reported that five companies had sent a proposal and after review he would recommend Earthlink Direct. He stated this company provides the best overall rates for local and long distance phone service, data service and internet service. Mr. Rendleman requested the Commission authorize entering into a three-year agreement with Earthlink Direct for local phone service, long distance, data services and internet services upon review and satisfaction of the county attorney and administrator. Commissioner Lawrence made a motion to reflect the action requested, seconded by Commissioner Ham and unanimously carried.

Next, Mr. Rendleman presented for consideration a capital budget adjustment of \$250,000 in general fund balance. Mr. Rendleman explained that currently there is \$400,000 in the General Fund's fund balance above all necessary reserves and designations available for capital replacement. Mr. Rendleman has identified the following for consideration: 1) four Sheriff's Office patrol vehicles for \$140,000; 2) one EMA vehicle for \$28,000; 3) one Building Maintenance Department truck for \$30,000; 4) replacement switches for data networks for \$20,000; 5) improvements to communication system at EMA for \$5,500; and 6) replace various obsolete computers and equipment for various offices as determined by the Information Services Department for \$26,500. Mr. Rendleman explained that these total \$250,000, which would leave

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\$150,000 assigned but unallocated of the original \$400,000 for capital needs. Commissioner Holt made a motion to approve the budget adjustments as presented by Mr. Rendleman, seconded by Commissioner Harris and unanimously carried.

Mr. Rendleman presented an educational reimbursement request for Deputy Pamela Revels. Mr. Rendleman stated all necessary paperwork had been completed and approved by the Appointing Authority, and he would ask the Commission to approve the request. Commissioner Lawrence made a motion to approve the educational reimbursement for Deputy Pamela Revels, seconded by Commissioner Long and passed unanimously.

Deputy Administrator Alice Fitzgerald presented a proposed holiday schedule for the upcoming FY2012. Mrs. Fitzgerald stated this mirrors the last three years, with the exception of Veteran's Day which falls on Sunday. According to current Personnel Policies and Procedures, if a holiday falls on Sunday then the holiday is taken Monday. Since this date conflicts with the regularly scheduled Commission meeting it would be necessary to move the meeting to Tuesday, November 13. Upon consideration, Commissioner Lawrence made a motion to approve the following FY2012 Holiday Schedule, seconded by Commissioner Harris and unanimously carried.

FY2012 Holiday Schedule

New Year's Day	Monday, January 2, 2012
Martin Luther King, Jr. Day	Monday, January 16, 2012
Presidents' Day	Monday, February 20, 2012
Memorial Day	*Monday, May 28, 2012
Independence Day	Wednesday, July 4, 2012
Labor Day	Monday, September 3, 2012
Columbus Day	*Monday, October 8, 2012
Veterans' Day	*Monday, November 12, 2012
Thanksgiving	Thursday, November 22, 2012
	Friday, November 23, 2012
Christmas	Monday, December 24, 2012
	Tuesday, December 25, 2012

* Normal Commission Meeting Day

Note: Monday, May 28 meeting moved to Tuesday, May 29, 2012
Monday, Oct. 8 meeting moved to Tuesday, Oct. 9, 2012
Monday, Nov. 12 meeting moved to Tuesday, Nov. 13, 2012

Commissioner Harris presented the following Resolution for a lounge retail liquor class II package license for Good Times Package II. The motion was seconded by Commissioner Lawrence and passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED, the Lee County Commission approve the Lounge Retail Liquor Class II (Package) License for Good Times Package II located at 2241 Lee Road 47, Opelika, Alabama.

Before concluding the meeting, Commissioner Ham took a moment to thank the Volunteer Fire Departments who participated in cleaning up the roadways after the recent tornado. Commissioner Ham asked the other Commissioners to consider making another chainsaw donation to each volunteer fire department. Mr. Hall confirmed that the volunteer fire departments had contributed to the clean-up on county roadways. Commissioner Lawrence agreed and suggested purchasing a better heavy duty chainsaw for the purpose.

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Commissioner Holt made a motion at approximately 6:50 p.m. to adjourn, seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

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The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 12, at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Prior to the meeting, Mr. Ron Howard held a brief press conference announcing the distribution of discount drug cards by Coast2Coast Rx Card in Lee County. Mr. Howard indicated that the card is a point-of-sale discount card especially for anyone who does not have prescription drug insurance coverage. Mr. Howard indicated that those who do have insurance may get an additional discount by utilizing the drug card. Mr. Howard asked the Commission to get the word out to all Lee County citizens of the availability of the discount cards. Commissioner Holt questioned which pharmacies were participating. Mr. Howard stated that all the major chains participate including: Walmart, CVS and Walgreen's as well as many local pharmacies. Mr. Howard informed the Commission that the Commission would receive up to \$1.00 for every eligible prescription purchased using the card, and hoped the program would be successful in Lee County.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones.

During citizens' communication, Mr. Matthew Holland and his mother appeared before the Commission to discuss helping non-violent offenders obtain jobs. Mr. Holland gave an example of his brother who had worked for over nine years, was convicted of a non-violent crime, was recently released, but not able to obtain another job. He says these types of non-violent offenders need a rehabilitation program to help them return to the workforce. Commissioner Harris agreed that the Commission needs to find a way to help non-violent offenders find employment. Further, he indicated that if Mr. Holland is unable to find work by the end of the week, then he himself will offer Mr. Holland a job. Commissioner Ham thanked them for attending the meeting.

Commissioner Lawrence gave an overview of the Legislative Conference he and Commissioners Ham, Long and Holt attended on November 30-December 1 at the Auburn University Conference Center. Commissioner Lawrence stated he received valuable information concerning federal ALDOT money and discussion of the impact of the court system on the economy. Next, Commissioner Ham stated that there is a current proposed bill to deal directly with the issues facing the court system. Additionally, he stated he was impressed by the presentation by State EMA Director Art Faulkner who touched on the lessons learned from recent tornadoes. Judge English reported on the talk given by Chief Justice Chuck Malone and the impact of the budgets on the Alabama court system.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: a listing of claims, procurement card transactions and an announcement of appointments on the Beulah Utilities District and the Lee County Recreation Board and minutes of the November 28 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed unanimously.

During the pre-meeting, Commissioner Ham recognized Assistant County Engineer Justin Hardee and EMA Director Kathy Raines for their work on the Disaster Debris Recovery Services contract. Mr. Hardee presented the draft proposal for Commission consideration. During the meeting, Commissioner Ham stated this is for a one-year contract, to be there in case

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we need it, and that we can make adjustments if necessary. Mr. Rendleman suggested that it be offered as two options, either a one-year contract, or an up to three-year contract. After discussion, Commissioner Ham made a motion to move forward on sending out request for proposals on the Disaster Debris Recovery Services as presented by Mr. Hardee. Commissioner Ham thanked everyone who was involved in this process.

Waste Management Account Executive Dana Jenkins and Municipal Relations Manager Terry White appeared before the Commission to ask the Commission to consider extending the Waste Management Agreement which is up for renewal in March. Ms. Jenkins asked the Commission to add the agreement to an upcoming agenda for approval. Additionally, she stated there were no changes in the agreement. The Commission agreed to include the agreement on the upcoming agenda in January.

Judge English asked the Commission to consider cancelling the last meeting in December as has been customary in past years. Judge English stated that according to his research, the Commission had only met once in the past five or six years on the last meeting date in December. After discussion, Commissioner Holt made a motion to cancel the last meeting date of December 27. The motion was seconded by Commissioner Harris and unanimously carried.

Commissioner Ham presented the following Resolution for a lounge retail liquor class II package license for Vic's Sports Bar and Grill. The motion was seconded by Commissioner Lawrence and passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED, the Lee County Commission approve the Lounge Retail Liquor Class II (Package) License for Vic's Sports Bar and Grill located at 2478 Lee Road 266, Suite 5, Cusseta, Alabama.

Before concluding the meeting, Commissioner Lawrence took a moment to wish all the employees and everyone in attendance a Merry Christmas and Happy New Year.

Additionally, Commissioner Holt thanked Mrs. Wendy Swann for decorating the Christmas tree in the foyer of the Courthouse.

Commissioner Lawrence made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Long and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5