

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 14, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 14, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

Judge English and the Commissioners went to the EMA Building at 5:45 pm to recognize the following volunteers for their service in the community. Lee County Community Emergency Response Teams (CERT), Amateur Radio Emergency Response Team (ARERT) and other volunteers consisting of: Jim Broach, Chelsi Garner, Madison Norred, Johanna Cummings, Lisa Wimberly, Robert Crouch, Luanne Helms, Blake Baker, Mike Watkins, Andrew Seedsman, David Ekdahl, Woody Ross, Mary Sinnott, Barbara Cosby, Richard Ward, Ron Glover and Doug Glover. Those recognized from the Beauregard Volunteer Fire Department included: Mike Holden, Melton Dennison, Fred Watson, Steven Holden, Ronnie Coker, Susanne Coleman, Donald Marshall, Tim Polk, Tori Coker, John Polk, Drew Owens, Clint Hall, Wes Jones, Nathan Flurry, Lynn Patterson, Greg Jenkins, Wendy Jenkins and Crystal Wilson; from Southwest Volunteer Fire Department: John Konstant and David Konstant; from Smiths Station Fire & Rescue: Jacob Claridy, Thomas Eden and Scott Vancour; from Salem Volunteer Fire Department: Cecil Rogers, Bradley Bowen, CJ Dodd, Brandon Pike and Blake Pike; from Beulah Fire Department: Gabe Rumpfelt; and 43 volunteers in all from the Civil Air Patrol (Squadrons participating: Auburn Composite Squadron, Pell City Composite Squadron, Redstone Composite Squadron, 117<sup>th</sup> ANG Composite Squadron, Bessemer Composite Squadron and the Maxwell Composite Squadron). EMA Director Kathy Raines especially thanked the volunteers that assisted in the search of a lost person in the south Auburn area. The search was performed on Christmas Eve with temperatures in the mid 30's and the search was continued on the day after Christmas. Severe weather emergency warnings precluded searching on Christmas Day. Unfortunately, the person has not been found, but it has been determined that the person was no longer in the search area.

During the pre-meeting Mrs. Raines presented the new EMA application for download for Iphone and Droid smartphones. Mrs. Raines stated that the local EMA website, local weather and other features could be obtained by using the download and encouraged everyone to participate, but stated the NOAA weather radios were most reliable during severe weather conditions. Commissioner Lawrence questioned if there were any upcoming weather radio promotions due to the recent ever-changing weather conditions. Ms. Raines stated she was not aware of any at this time and that the promotions were usually done in the spring, but she would check and let him know.

Next, Ms. Raines updated the Commission on the proposed disaster debris removal monitoring contract. Ms. Raines stated that she would recommend the Commission move forward and at the next meeting approve the contract with Thompson Professional Services. Commissioner Lawrence questioned if County Attorney Stan Martin had reviewed the contract, and Mr. Martin answered in the affirmative.

County Engineer Justin Hardee updated the Commission on upcoming bridge projects. Mr. Hardee stated that the bridge on Lee Road 54 (Society Hill Road) will be closed beginning January 21, 2013. Mr. Hardee stated detour signs are currently in place and the closure has been advertised in the newspaper. Mr. Hardee stated the bridge would be closed approximately 6-7 months until completion, and his plan is to have it open before school starts again in August.

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The second bridge closure is currently being scheduled on Lee Road 236 in the Smiths Station/Phenix City area. Mr. Hardee stated the contractor had been awarded the project, but were waiting on his bond documents. Mr. Hardee stated the road closure had not been determined but should be in first two weeks of February. Judge English questioned the bridge on Lee Road 10. Mr. Hardee stated that he still had no specifics on that project, but were looking at the possibility of placing a temporary bridge so the road would not have to be closed. Judge English questioned the cost of doing a temporary bridge. Mr. Hardee stated he had no specifics to present yet, but that that bridge project is tentatively scheduled to begin around January, 2014.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, monthly procurement card transactions, announcement of board openings on the Beauregard, Loachapoka and Smiths Water Boards and the East Alabama Mental Health Board and the minutes of the December 10, 2012 Commission meeting. After a few questions on claims were answered satisfactorily, Commissioner Lawrence made a motion to approve the claims and the minutes as presented, seconded by Commissioner Long and passed unanimously.

Discussion was held during the pre-meeting on the agenda item concerning Mr. L. B. Jackson's church issue. Commissioner Harris stated that he and Mr. Hardee had met with Mr. Jackson. Commissioner Harris asked Mr. Hardee to discuss Mr. Jackson's request with the Commission. Mr. Hardee stated Mr. Jackson wants the county to construct a road on the easement beside the church that goes to the rear of their property. Mr. Hardee stated to construct a road would cost approximately \$36,000 to provide chert, crush-run and base materials, not including our labor and equipment. Commissioner Harris stated that he did not believe anything could be done for Mr. Jackson since this would involve working on private property. During the meeting, Mr. Jackson appeared asking the Commission to consider helping him with the road in any way possible. Mr. Jackson asked the Commission to provide fill dirt until the Church was able to get the parking lot paved. Mr. Jackson stated he understood the county position on the easement issue, but would still ask for the county's assistance as had been done in the past by Mr. Hall. Mr. Jackson asked how the road could be presented before the Commission so that it would be considered for acceptance. Judge English once again stated that legally there are things the Commission can and cannot do. Commissioner Lawrence stated that the easement in this situation was private property, and the county is prohibited from doing work such as is requested on private property. At Judge English's request, Mr. Hardee once again explained the subdivision regulations and the process for the county to maintain a roadway after it has been built by a developer according to county standards. Mr. Jackson questioned how he could gain use of the private easement. Judge English stated Mr. Jackson should seek an attorney's advice for assistance in that matter.

Upon discussion and after a meeting with the local delegation, the following Resolutions were discussed and approved by majority vote to forward to the local delegation for presentation. First, Commissioner Lawrence made a motion, seconded by Commissioner Long to present the following Pay As You Go Road Program Resolution. The motion carried on a vote of 4-1 with Commissioner Harris voting "No."

**WHEREAS**, Lee County has experienced rapid growth due to economic development which is putting a burden on its overtaxed infrastructure; and

**WHEREAS**, current funding levels are not sufficient to provide improvements to as many of the county's roads and bridges as Lee County would like; and

**WHEREAS**, additional revenue is needed by the Commission and other entities to make much-needed improvements to the county's infrastructure.

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**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act authorizing a referendum of the citizens for the implementation of a county-wide 5 cent fuel tax and specifying that the tax only be for a period of 5 years unless extended in a subsequent referendum and that specific projects be developed and voted on by the Commission prior to the referendum taking place.

**BE IT FURTHER RESOLVED** that a copy of this resolution and a copy of the Pay as You Go Road Program proposal be transmitted to each of the nine members of the Lee County Legislative Delegation.

Next, Commissioner Eckman made a motion, seconded by Commissioner Long on local legislation for the following Procurement Card Resolution. The motion passed by majority vote of 4-1 with Commissioner Harris voting "No."

**WHEREAS**, Lee County is seeking to streamline and expedite its procurement process; and,

**WHEREAS**, through the use of purchase orders, vendor store cards and procurement cards additional savings could be provided to the county through the use of rebates.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act granting the Lee County Commission the authority to establish policies and procedures associated with a procurement process including but not limited to the use of purchase orders, vendor store cards and procurement cards including permitting the authorization of rebates generated by any such program to be used by the County Commission for other general purchase expenditures.

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

Last, Commissioner Long made a motion, seconded by Commissioner Lawrence for the following Sales & Use Tax Resolution. The motion passed by majority vote of 4-1 with Commissioner Harris voting "No."

**WHEREAS**, the Alabama Legislature at the request of the Lee County Legislative Delegation passed Act 2007-399, Act 2008-256 and Act 2009-329 authorizing the Lee County Commission to increase the county's sales and use tax percentage through referendum; and

**WHEREAS**, the legislation authorized the 1 cent sales tax to be distributed between Deputy Sheriff's and county recreation; and

**WHEREAS**, the ballot wording outlined in the legislation did not state where the funds raised from the tax would go.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act authorizing a sales and use tax referendum in the unincorporated portions of the county and specifying that the ballot wording state "Do you favor generating funds to support additional Deputy Sheriffs with emphasis on school safety and County Recreation through the levying of a one-cent sales and use tax outside the corporate limits of the Cities of Auburn, Opelika and Phenix City by adopting of Act. No. 2013-(to be determined), 2013 Regular Session?"

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

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Commissioner Harris asked the Commission to consider asking the delegation for local legislation authorizing the Voter Registrars to issue felon voter registration forms, as has been done for several years until recently. Commissioner Lawrence questioned if there was a fee for the registration. Commissioner Harris stated “no”. Commissioner Harris further stated a law was passed by the Legislature and approved by the Supreme Court and a person is able to regain his voter rights through the Board of Pardons and Parole. Commissioner Lawrence stated that if there is a process in place to restore voting rights then those felons should go through that state process. Commissioner Harris stated that the City of Auburn passed a Resolution to address this same issue and had no problem with it. Commissioner Lawrence stated he would not support this because it is not a local issue. After considerable discussion, no action was taken by the Commission.

County Administrator Roger Rendleman presented an Information and Data Use Agreement for Commission consideration. Mr. Rendleman explained the request was made by the Soil and Water Conservation District for Mr. Tifton’s company County Plat Book Service to produce maps to be sold by the district. After discussion, Commissioner Ham made a motion to authorize Judge English to sign the agreement as presented, seconded by Commissioner Lawrence and unanimously carried.

Next, Mr. Rendleman presented change order #1 for the sallyport door replacement at the jail. Mr. Rendleman stated the change order is a reduction of \$13,904.50, which represents \$5,359.50 in sales tax savings from our direct purchase of equipment and \$8,545.00 in contingency allowance that was not needed. The final contract price goes from \$162,800 to \$148,895.50. Mr. Rendleman stated the change order is necessary to close out the contract. Commissioner Long made a motion to approve change order #1 for a reduction of \$13,904.50 to the contract and proceed to close out the project. The motion was seconded by Commissioner Ham and unanimously carried.

Sheriff Jones provided a letter stating that no objections have been received concerning the transfer of a lounge retail liquor license for Happy Ours. Commissioner Ham made a motion, seconded by Commissioner Lawrence and unanimously carried to approve the following Resolution.

**BE IT RESOLVED**, the Lee County Commission hereby approves the Lounge Retail Liquor License for **Happy Ours** located at 8018 Lee Road 379, Suite D, Salem, Alabama.

Sheriff Jones provided a letter stating that no objections have been received concerning the transfer of a retail beer and retail wine license for Terry’s Grocery. The only change is the licensee is going from a sole proprietor to his LLC. Commissioner Long made a motion, seconded by Commissioner Ham and unanimously carried to approve the following Resolution.

**BE IT RESOLVED**, the Lee County Commission hereby approves the Retail Beer (off premise) and Retail Table Wine (off premise) License for **Terry’s Grocery, LLC** located at 9209 Lee Road 246, Smiths Station, Alabama.

Commissioner Ham made a motion at approximately 6:45 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 28, 2013**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, January 28, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

Sheriff Jay Jones recognized the following employees upon recent promotions: Captain Chris Wallace, Lieutenant Jimmy Sanders, Sergeant Rebecca Tate, Corporal Mike Conway, Corporal Kwesi Drake and Corporal Dan Scivicque. Sheriff Jones introduced each employee to the Commission with a brief synopsis of their background and when and how they joined the Sheriff's Office. Sheriff Jones stated two things he is thankful for which are having a job he truly loves and for being able to work with individuals like those he just had the pleasure of recognizing.

Judge English recognized Mr. Nathaniel Scott during citizens' communication. Mr. Scott stated that he had previously appeared before the Commission requesting installation of a siren in the Mt. Pelia community. EMA Director Kathy Raines was in attendance and stated her recollection of the status of Mr. Scott's previous request was that he was supposed to come to the EMA Office whereby they could assist him in developing a plan and return with a proposal. Mr. Scott stated that Mrs. Raines was correct and stated he had not followed through on it. Mr. Scott apologized and stated he would get with Mrs. Raines about the situation.

Commissioner John Andrew Harris introduced Principal Zelda Kitt of Loachapoka High School to fellow Commissioners.

Judge English stated the next item needed to be carried over to the next meeting since the anticipated announcement on the ATRIP funds was not made when expected.

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 14, 2013 Commission meeting. After a few questions on claims and the minutes were clarified, Commissioner Lawrence made a motion to approve the claims and the minutes as presented, seconded by Commissioner Long and passed unanimously.

Mrs. Raines presented the Debris Removal Monitoring Contract for approval and recommended the Commission accept the bid from Thompson Consulting Services, LLC. After discussion, Commissioner Ham made a motion, seconded by Commissioner Long to authorized Judge English to sign the contract for Debris Removal Monitoring Services with Thompson Consulting for a one-year term. The motion passed unanimously. Commissioner Ham thanked Mrs. Raines and County Engineer Justin Hardee for their hard work on this contract.

Mrs. Wendy Swann representing the Junior League of Lee County asked permission to use the Johnson Galleries building again for their upcoming annual rummage sale to be held on March 16, 2013, with drop-off days of March 10-15, 2013. Judge English reminded the Commission that they need to name the County as additional insured. Mrs. Swann stated they would provide it as they did last year. After consideration, Commissioner Ham made a motion

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to allow the Junior League of Lee County to use the Johnson Galleries building March 10-16, and require them to provide proof of liability insurance. The motion was seconded by Commissioner Harris and unanimously carried.

Sheriff Jones presented the results of Bid #3 for uniform cleaning for the Sheriff's Office. Sheriff Jones stated that only two bids were received out of five bids sent. Sheriff Jones asked the Commission to accept the bid from Penny Profit Cleaners who was the lowest responsive bidder. Upon this recommendation, Commissioner Lawrence made a motion to accept the low bid of Penny Profit Cleaners for uniform cleaning for the Sheriff's Office. The motion was seconded by Commissioner Eckman and passed unanimously.

Commissioner Lawrence made a motion at approximately 6:15 p.m. to adjourn. The motion was seconded by Commissioner Ham and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 11, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, and Robert Ham. Absent: Commissioner John Andrew Harris. Elected Official(s) present: Loachapoka Mayor Jim Grout.

Judge English reported that Miss Auburn-Opelika Area 2013 Rebecca Hart was unable to attend.

County Engineer Justin Hardee updated the Commission on the ATRIP funds that were awarded by the State last week. Mr. Hardee stated that Lee County had been successful in being awarded approximately \$3.6 million to resurface and widen Lee Roads 146 and 158. Mr. Hardee reminded the Commission that Lee County will have to provide a 20% match on these funds. Judge English asked Mr. Hardee to give a brief overview of the difference between the ATRIP and the RAMP funds. Mr. Hardee stated that the main difference is in the match a county must provide. The RAMP funds do not require a match, but it is for less fortunate counties who are unable to provide matching funds. Twenty-two counties elected to use these funds, which have a \$5 million maximum. The ATRIP funds have no maximum and the ATRIP counties are eligible for \$10 million and the possibility of additional funds. Mr. Hardee stated most counties are in ATRIP program, except six or seven counties that are not participating in either program. Commissioner Lawrence questioned the timeframe of the projects especially concerning Lee Road 146 and school traffic that may be affected. Mr. Hardee said the program requires that the bid be let no later than December, but that the resurfacing project would be done either this summer or the summer following since the project cannot be performed during the winter months. Mr. Hardee additionally thanked the Highway Department personnel and Mrs. Wendy Swann for their work on this program.

Board Member Cliff McCollum of Lee County Young Leaders appeared before the Commission during citizens' communications thanking all who participated in the Lee County Youth Day that was held February 5 in the Commission chambers. He especially thanked Judge English for his presentation and thanked Commissioners Eckman and Ham for their participation, as well as board member Elizabeth Ham. Mr. McCollum stated that the reviews of the day were very positive. Judge English thanked Mr. McCollum for appearing before the Commission on a positive note.

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 January 28, 2013 Commission meeting. After a few questions on claims were clarified, Commissioner Lawrence made a motion to approve the claims and the minutes as presented, seconded by Commissioner Long and passed unanimously.

Mr. Randy Wilson presented a proposed comprehensive plan of the Courthouse facilities study which was initially presented in December. Mr. Wilson presented renderings of the new addition and the back of the Courthouse. Mr. Wilson stated the total Courthouse project with the Johnson Galleries building, EMA building, and Auburn Street building is approximately \$7.4 million. After the presentation, the Commission asked for time to review the information before a decision is made. Mr. Rendleman stated this is still the initial phase and the Commission will have plenty of time to consider all possibilities before financial commitments are made.



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Commissioner Lawrence questioned if any action is needed by the Commission at this time. Mr. Wilson asked for a contract to proceed thru construction or only thru the design phase. Judge English suggested that the Commission be given time to digest all the information that was presented before making a decision.

Revenue Commissioner Oline Price presented the following Resolution for tax abatement for Dudley Lumber Company. Commissioner Ham made a motion to approve the following Resolution for the tax abatement for Dudley Lumber Company. The motion was seconded by Commissioner Long and passed unanimously.

**RESOLUTION**

**WHEREAS**, Dudley Lumber Company (the Company) has announced plans for a new project, located within the jurisdiction of the Lee County Commission (the Granting Authority); and

**WHEREAS**, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., *Code of Alabama 1975*) (the Act) the Company has requested from the Granting Authority an Abatement of all state and local non-educational property taxes, excluding hospital and dependent children taxes, and

**WHEREAS**, the Company has requested that the abatement of state and local non-educational property taxes (if applicable) be extended for a period of ten (10) years, in accordance with the Act; and

**WHEREAS**, the Granting Authority has considered the request of the Company and the completed applications (on file) filed with the Granting Authority by the Company, in connection with its request; and

**WHEREAS**, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

**WHEREAS**, the construction of the project will involve a capital investment of \$9,600,000; and

**WHEREAS**, the Company is duly qualified to do business in the State of Alabama, and has power to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

**WHEREAS**, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out the provisions of the Tax Abatement Agreement;

**NOW THEREFORE**, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of all state and local non-educational property taxes, excluding hospital and dependent children taxes, as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational property taxes (if applicable) shall extend for a period of ten (10) years measured as provided in Section 40-9B-3(a)(12) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this Resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this Resolution.

Mr. Hardee presented a subdivision variance request for Stonewall Acres Subdivision. Mr. Hardee stated that the owner Mr. Michael Keel was requesting a variance on Section 3-3(4) of the *Lee County Subdivision and Land Development Regulations*, which requires construction

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plans be submitted prior to final plat approval of any subdivision that is not classified as an administrative subdivision. Mr. Keel is proposing a 4 lot subdivision in which all lots access an existing county road; Lee Road 095. Mr. Hardee agrees with Mr. Keel's request, but with the following special requirements: Mr. Keel coordinate with the Lee County Highway Department (LCHD) and apply for two driveway permits for the two (2) shared driveways in Stonewall Acres to be sized and installed by the LCHD, and renders the appropriate payment payable to the Lee County Commission. After discussion, Commissioner Eckman made a motion to approve the variance request for Stonewall Acres Subdivision according to Mr. Hardees' requirements. The motion was seconded by Commissioner Lawrence and unanimously carried.

Mr. Hardee updated the Commission on the speed zone on Lee Road 427. Mr. Hardee asked the Commission to formally set the speed at 35 M.P.H. on Lee Road 427. After discussion, Commissioner Long made a motion to set a 35 M.P.H. speed zone on Lee Road 427. The motion was seconded by Commissioner Lawrence and unanimously carried.

County Administrator Roger Rendleman presented a request for a 28 month extension on the lease agreement with USDA for the Agriculture Building on 7<sup>th</sup> Street, effective March 1, 2013. The new rental rate of \$5,221.77 per month will include utility and janitorial services for the 5,029 square feet. Commissioner Lawrence made a motion to authorize Judge English to sign the lease extension on the Agriculture Building. The motion was seconded by Commissioner Ham and unanimously carried.

Mr. Rendleman presented an educational reimbursement request from EMA Planner Rita Smith. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the appropriate appointing authority. Upon this presentation, Commissioner Long made a motion to approve the educational reimbursement as presented, seconded by Commissioner Eckman and unanimously carried.

Environmental Services Director Chris Bozeman presented a request for a one-year extension for disposal services from **Waste Management**. Mr. Bozeman recommended the Commission authorize the one-year extension. After discussion, Commissioner Ham made a motion, seconded by Commissioner Long to extend the contract with Waste Management for an additional year. The motion carried unanimously. Mr. Rendleman reminded the Commission that this was the last year for an extension of the existing contract and stated that a new contract should be addressed in a timely manner.

Mr. Bozeman presented the results of Bid #4 for a roll-off hoist system for the Environmental Services department. Mr. Bozeman reported that out of 8 bids mailed out, only three bids and one no bid were received. Mr. Bozeman recommended the low bid from **Ingram Equipment** of \$37,357 for a roll-off hoist system be approved. Commissioner Lawrence made a motion to accept the lowest responsive bid of Ingram Equipment for \$37,357 for a roll-off hoist system for the Environmental Services department. The motion was seconded by Commissioner Ham and unanimously carried.

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

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 25, 2013**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, February 25, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham, and John Andrew Harris. Elected Official(s) present: Loachapoka Mayor Jim 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 February 11, 2013 Commission meeting. Commissioner Lawrence made a motion to approve the claims and the minutes as presented, seconded by Commissioner Long and passed unanimously.

First readings of Mr. Larry Patterson to the Beauregard Water Authority Board and Judge English and Mayor Dellinger to the East Alabama Mental Health Board were read.

First reading of one board member Sherri Todd to the Loachapoka Water Authority Board was read.

Next, Commissioner Eckman made a motion for first reading of board member Mr. Randall Adams to the Loachapoka Water Authority Board, seconded by Commissioner Lawrence for discussion and vote. Mr. Adams was nominated for first reading by vote of 4-1 with Commissioner Harris voting "No".

Next, Commissioner Harris made a motion for first reading of board member Mr. James Floyd to the Loachapoka Water Authority Board. The motion was seconded by Commissioner Long for discussion. Upon vote taken, the motion failed on a vote of 1-4 with Commissioner Harris being the only "yes" vote. Therefore, first reading of board members Mrs. Sherri Todd and Mr. Randall Adams to the Loachapoka Water Board was read.

Next, after much discussion during the pre-meeting, Commissioner Long asked during the meeting, that the first reading to the Smiths Water Authority board be moved to the next agenda.

Commissioner Eckman discussed the request from the Auburn University Louise Kreher Forest Ecology Preserve to help in grading the entrance to the facility and the establishment of a light pole. County Engineer Justin Hardee stated the highway department had assisted this organization in the past. Mr. Hardee stated he had called Administrator Jennifer Lolly about this current request, but was unable to reach her. Mr. Hardee stated he wanted to ask her about the light pole and he stated the highway department did not have equipment necessary to erect a light pole. Commissioner Eckman made a motion to authorize Mr. Hardee and the Lee County Highway Department to grade the entrance to the Preserve and erect the light pole if possible with county equipment on hand. The motion was seconded by Commissioner Lawrence for discussion. Commissioner Harris stated he was not in agreement to take on this project for Auburn University. Commissioner Harris stated that other county projects should take precedence over any outside projects such as this one. Commissioner Lawrence pointed out that Lee County students and students from all over the State use the facility. Commissioner Lawrence stated he would like for the entrance to be presentable for all those that attend the facility. Commissioner Harris related this project to the Sportsplex project in Opelika and stated there are many requests for Lee County's assistance, but he feels the need to focus on county projects first. After more discussion, Commissioner Ham 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". Next, Judge English took a vote on the motion and it passed on a 4-1 vote

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with Commissioner Harris voting “No”.

Judge English presented the 2013 Tax Levy for Commission approval. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the following 2013 Tax Levy as presented. The motion passed unanimously.

**TAX LEVY 2013**

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, 2012.

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, 2012.

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, 2012 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, 2012 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, 2012, 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, 2012 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, 2012 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, 2012 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.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 25, 2013**

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, 2012, 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, 2012, 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, 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 \$16.87 per month (adjusted to include the CPI each year as passed by Resolution on July 13, 2009) 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 as \$50.62 per month (adjusted to include the CPI each year as passed by Resolution on July 13, 2009) 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, 2010 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, and pursuant to the provisions of Act No. 2011-526 enacted at the 2011 Regular Session of the Legislature of Alabama, and as a result of elections held May 29, 2012 in those same six fire districts, there are hereby levied the following fire fees in the following fire districts as established and the boundaries fixed by the Lee County Commission, to wit: in Fire District No. 1 served by the Smiths Station Volunteer Fire Department (formerly known as the Friendship Volunteer Fire Department); in Fire District No. 2 served by the Beaugard Volunteer Fire Department; in Fire District No. 4 served by the Plainview Volunteer Fire Department (also known as the Oakbowery Volunteer Fire Department); in Fire District No. 5 served by the Salem

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 25, 2013**

Volunteer Fire Department; in Fire District No.7 served by the Southwest Lee County Fire Protection Authority; and in Fire District No. 8 served by the Farmville Volunteer Fire Department for the fiscal year of the County that began on October 1, 2012 a financial charge of fifty (\$50.00) each year 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, 2013 and delinquent if not paid before January 1, 2014 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.

Judge English presented a letter from the State Alcoholic Beverage Control Board asking that the County levy county beer, liquor and wine licenses for the fiscal year 2013-2014. The following Resolution was offered by Commissioner Eckman, seconded by Commissioner Lawrence 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, 2013 to be set in the following amounts:

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

Mr. Hardee presented the following Resolution for the Lee Road 047 project. Commissioner Harris made a motion to approve the following Resolution. The motion was seconded by Commissioner Long and passed unanimously.

**RESOLUTION**

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 25, 2013**

Widen, resurface, traffic stripe and other safety improvements on Lee Road 047, from the intersection of Lee Road 054, then easterly approximately 3.213 miles to the intersection of Alabama Highway 51. (Project No. LCP-41-118-13)

**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 this 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 this project.

**(THEREFORE, BE IT RESOLVED** by the Lee County Commission that the highway department is authorized to enter into Project No. LCP-41-118-13 with the State.)

Sheriff Jones presented during the pre-meeting the results of Bid #5 for 8 or more patrol vehicles. Sheriff Jones stated that three bids were received out of 12 bids mailed. Sheriff Jones asked the Commission to authorize purchase of eight or more Chevrolet Tahoes from Capital Chevrolet off the State bid list at a cost of \$26,305.40 per vehicle. In this instance, the State bid list is lower than any of the bids received. Commissioner Lawrence made a motion to authorize the purchase of the vehicles from Capital Chevrolet for \$26,305.40 per vehicle. The motion was seconded by Commissioner Long and passed unanimously.

Judge English presented a request from Environmental Services Director Chris Bozeman for a recycling Resolution to be added to the agenda. Commissioner Lawrence made a motion to add the Resolution to the agenda, seconded by Commissioner Long and unanimously carried. Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Long and passed unanimously.

**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 focus' on purchasing equipment to further our recycling efforts.

**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.

Commissioner Harris made a motion at approximately 6:25 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and passed unanimously.



**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 25, 2013**

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 11, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 11, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Eckman.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham, and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones, Loachapoka Mayor Jim Grout, and Smiths Station City Councilman Morris Jackson.

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 25, 2013 Commission meeting. Commissioner Harris made a motion to approve the claims and the minutes as presented, seconded by Commissioner Ham and passed unanimously.

Commissioner Long asked the Commission to postpone the first reading of the appointment to the Smiths Water Board.

Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Harris and unanimously carried on second reading of Mr. Larry Patterson to the Bearegard Water Authority Board.

**BE IT RESOLVED**, the Lee County Commission does hereby reappoint Mr. Larry Patterson to the Bearegard Water Authority Board to serve a six-year term ending March 1, 2019.

Next, Commissioner Eckman made a motion to approve the following Resolution to reappoint Mrs. Sheri Todd to the Loachapoka Water Authority board, seconded by Commissioner Harris and unanimously carried.

**BE IT RESOLVED**, the Lee County Commission does hereby reappoint Mrs. Sheri Todd to the Loachapoka Water Authority Board to serve a six-year term ending March 1, 2019.

Next, Commissioner Eckman made a motion to approve the following Resolution to appoint Mr. Randall Adams to the Loachapoka Water Authority Board to replace Dr. Richard Baker who stepped down at the end of his term, after many, many years of faithful service. Commissioner Harris commented that Mr. Adams had not contacted him, but that a Mr. Floyd had sent him an email, and that he would prefer appointing Mr. Floyd. The motion to appoint Mr. Adams passed on a vote of 4-1 with Commissioner Harris voting "No".

**BE IT RESOLVED**, the Lee County Commission does hereby appoint Mr. Randall Adams to the Loachapoka Water Authority Board to serve a six-year term ending March 1, 2019.

Next, Commissioner Lawrence made a motion to approve the following Resolution to reappoint Judge Bill English and Mayor LaFaye Dellinger to the East Alabama Mental Health Board. The motion was seconded by Commissioner Ham and unanimously carried.

**BE IT RESOLVED**, the Lee County Commission does hereby reappoint Judge Bill English and Mayor LaFaye Dellinger to the East Alabama Mental Health Board to serve a six-year term ending April 1, 2019.

Commissioner Long asked that the agenda item concerning the reappointment of Mary Henry to the Smiths Water & Sewer Authority be continued until further notice, and expressed interest in increasing the board from three members to five members. He asked that the item be

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 11, 2013**

continued until such time as the board composition issue is addressed. Judge English asked County Attorney Stan Martin about his research on this subject. Mr. Martin stated that the law requires that the Water Authority have a board of no less than three, no more than five, and be composed of an odd number of members. Therefore he does not see any problem with increasing the membership as mentioned in discussion. Judge English commented that the process first involves the board adopting a resolution and/or bylaws change requesting the Commission to increase the number of members, and then the Commission taking action to that effect. As a result, Commissioner Long asked the Commission to wait for action by the Smiths Water Authority Board until further notice. No action was taken by the Commission.

Commissioner Ham suggested the Commission authorize funding the purchase of neighborhood watch signs, for new applications and the replacement of some current ones that are in disrepair. Judge English questioned Sheriff Jones on how they had previously handled the placement of the neighborhood watch signs. Sheriff Jones stated that his office had ordered the signs when a neighborhood requested them and sometimes the neighborhood residents would pay for them. Commissioner Ham made a motion to authorize the purchase of neighborhood watch signs from the Contingent fund not to exceed \$1,500. The motion was seconded by Commissioner Long and unanimously carried.

County Administrator Roger Rendleman addressed the Justice Center expansion project. Judge Jacob Walker, Judge Russell Bush, Judge Mike Fellows, Judge Steven Speakman, District Attorney Robbie Treese and Circuit Clerk Corinne Hurst were in attendance during the pre-meeting to voice their support of the expansion project. The Commission asked for their opinions and listened to their comments and suggestions. Commissioner Lawrence made a motion, seconded by Commissioner Ham and unanimously carried to authorize redesign work, completion of the documents and bidding of the Justice Center expansion project.

County Engineer Intern Patrick Harvill presented a list of bridges to be taken off the list of the ALDOT Annual Project Maintenance Inspections. Mr. Harvill assured the Commission that the bridges will continue to be thoroughly inspected by county personnel in accordance with the National Bridge Inspection Standards, and that this action was just eliminating the ALDOT windshield inspections that were added by the State a few years ago. Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Harris and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Alabama Department of Transportation (ALDOT) and Lee County signed an agreement for the construction and maintenance of projects utilizing Federal, State and/or County funds, and,

**WHEREAS**, as part of the agreement, ALDOT along with a representative from the County inspects said projects on an annual basis with ALDOT submitting an Annual Maintenance Inspections Report for each project; and,

**WHEREAS**, the bridges shown on the attached list (below) are also included on the Annual Maintenance Inspection Reports and are inspected in accordance with the National Bridge Inspection Standards; and,

**WHEREAS**, ALDOT has established a procedure for removing bridges that are inspected in accordance with the National Bridge Inspection Standards,

**NOW THEREFORE BE IT RESOLVED** by the Lee County Commission that the list of bridges on the attached sheet (below) be considered by ALDOT for removal from the Annual Maintenance inspections.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 11, 2013**

**BRIDGES TO BE REMOVED FROM ANNUAL MAINTENANCE INSPECTIONS:**

<u>Proj. No.</u>	<u>Route Carried</u>	<u>Facility Intersected</u>	<u>BIN</u>	<u>PAGE</u>
S-4105(101)	CR 188	Loblockee Creek	10292	88
BRZ-4104(103)	CR 240	Little Uchee Creek	12863	89
BR-4104(200)	CR 240	Whites Creek	19122	90
BR-8019(600)	CR 240	Hospilika Creek	19670	91
S-46(2)	CR 379	Wacoochee Creek	20421	92
BR-4105(102)	CR 379	Lake Harding	16426	93

Mr. Rendleman presented an educational reimbursement request from Sergeant Tamara Booth. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the Sheriff. Upon this presentation, Commissioner Long made a motion to approve the educational reimbursement as presented, seconded by Commissioner Ham and unanimously carried.

Commissioner Ham made a motion at approximately 6:25 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 25, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 25, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham, and John Andrew Harris. Elected Official(s) present: Loachapoka Mayor Jim Grout.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, announcement of vacancy on the Lee County Recreation Board and the minutes of the March 11, 2013 Commission meeting. After several questions were resolved, Commissioner Harris made a motion to approve the claims and the minutes as presented, seconded by Commissioner Ham and passed unanimously.

Concerning the BuckWild Saloon liquor license, discussion was held during the pre-meeting on the location and traffic flow coming from the BuckWild Saloon from Highway 280/431. Commissioner Eckman expressed her concern for the traffic exiting the establishment. Mr. David McBride stated an attendant would be on duty to direct traffic out of the establishment. Mr. McBride further stated that signs would be erected on the property indicating the direction to exit the establishment and the exit would be closed if problems arise. After this discussion, Commissioner Long made a motion to approve the following Resolution, seconded by Commissioner Harris and passed on a vote of 4-1 with Commissioner Ham voting "No".

**BE IT RESOLVED**, the Lee County Commission hereby grants a lounge retail liquor license to BuckWild Saloon located at 17695 US Highway 280E/431S, Smiths Station, Alabama.

Executive Director L. River James of the Greater Peace Community Development Corporation appeared before the Commission to request funding in the amount of \$35,000.00 for the Greater Peace Child Development Center. Ms. James stated that since Lee County currently provides funding to Auburn Daycare, she is requesting that Greater Peace's daycare receive funding as well. Ms. James stated that the two daycares are on an equal playing field since they both provide daycare on a sliding scale for low and moderate income families, especially single parent family households. Judge English explained that the Commission normally takes these type requests during budget work sessions and stated that Ms. James had picked the right time to present her request to the Commission. Judge English stated her request would be considered during those work sessions this summer, although he cautioned her that the Auburn Daycare appropriation is much less than her request. Commissioner Lawrence questioned if the City of Opelika was currently funding the daycare. Ms. James responded "No", but that she would be making a presentation to them in the future to request an allocation. Judge English thanked Ms. James for her attendance.

Environmental Services Director Chris Bozeman presented a proposed contract with the Lee County Humane Society to provide county pound services for the Commission. Mr. Bozeman explained that several items had been clarified and upon review by Mr. Martin and County Administrator Roger Rendleman the contract was ready for approval. Mr. Bozeman introduced Humane Society Executive Director Bobbi Yeo who was in attendance to address any concerns or questions from the Commission. Commissioner Lawrence thanked Mrs. Yeo for her dedication. After discussion, Commissioner Lawrence made a motion to approve the contract with the Lee County Humane Society. The motion was seconded by Commissioner Long and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 25, 2013**

At approximately 6:25 p.m., County Attorney Stan Martin stated the Commission needed to adjourn into an executive session concerning 2 matters of previous and 1 matter of potential litigation. Mr. Martin stated that Deputy Administrator Alice Fitzgerald needed to attend. Further, Mr. Martin stated the executive session would last approximately 30 minutes and possible action may be taken after the executive session. Commissioner Lawrence made a motion, seconded by Commissioner Long to adjourn into executive session. The motion passed unanimously.

At the conclusion of the Executive Session, Commissioner Long made a motion to authorize County Attorney Stan Martin to file a lawsuit against Mrs. Quintina Hunter and ProClaim National in the amount of \$5,302.37. The motion was seconded by Commissioner Lawrence and unanimously carried.

Commissioner Lawrence made a motion at approximately 7:15 p.m. to adjourn. The motion was seconded by Commissioner Long and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 8, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, April 8, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

EMA Director Kathy Raines presented the following Proclamation for signatures by the Commissioners recognizing the Civil Air Patrol and their invaluable assistance during emergency situations. Members of the Auburn Composite Squad attending the meeting were: Captain James Fogal, 2<sup>nd</sup> Lt. Ryan Rood and Cadet Connor Fogal. Colonel Brad Lynn Commander Officer of the Alabama Wing accepted the Proclamation on behalf of the entire Alabama Wing.

**PROCLAMATION**

**WHEREAS**, the Civil Air Patrol (CAP) was founded on December 1, 1941 by a fledgling group of volunteers led by civilian pilots who flew their own planes at their own expense to support America's efforts in World War II; and

**WHEREAS**, since that auspicious beginning, a modern-day Civil Air Patrol has emerged to become one of the nation's premier humanitarian service organizations, saving lives, finding those who are lost, helping fellow citizens in times of disaster, working to keep America safe, preparing future leaders, offering aerospace education to inspire our nation's youth and honoring our military; and

**WHEREAS**, in the past year alone, many of Civil Air Patrol's professional volunteers, backed by CAP's own experts in cell phone forensics and radar tracking, left their homes and families, often in adverse weather conditions, to participate in 703 search and rescue missions in which they found 382 actual targets and were credited with saving 32 lives; and

**WHEREAS**, Civil Air Patrol, as a top resource for disaster relief, is often first on the scene, providing aerial photography and damage assessment to help emergency officials pinpoint critical infrastructure needs in real time as well as ground team support, often door-to-door, which includes water, food and supply delivery, even laundry services, for victims; and

**WHEREAS**, recent high-visibility Civil Air Patrol missions have included responses to tornadoes that ravaged communities across America; forest fires in numerous states; Hawaiian Island and Pacific Coast tsunamis; Hurricanes Katrina and Ike; wildfires in the Southwest, and Midwest flooding; and

**WHEREAS**, the Civil Air Patrol's youth program currently includes more than 26,000 cadets who benefit from a curriculum that trains them to be leaders; offers them opportunities for flight, including pilot training; and teaches emergency services techniques, including lifesaving; and

**WHEREAS**, Civil Air Patrol's membership includes an 868-member Chaplain Corps that fulfills critical needs for deployed U.S. military chaplains and provides counseling services for soldiers and their families, as well as disaster victims; and

**WHEREAS**, Civil Air Patrol, in its partnership with Wreaths Across America, annually honors military veterans by helping sponsor and place tens of thousands of wreaths at the graves of fallen soldiers at U.S. cemeteries nationwide and overseas; and

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 8, 2013**

**WHEREAS**, Civil Air Patrol is celebrating over 71 years of performing these “Missions for America,” which annually touch the lives and ensure the safety of thousands of American citizens; and

**WHEREAS**, the Civil Air Patrol, including members of the Alabama Wing and the Auburn Composite Squadron, have served the citizens of Lee County on multiple occasions in times of emergencies, including missing person searches, missing aircraft searches and disaster relief missions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Lee County Commission, on behalf of the citizens of Lee County, that our grateful appreciation is hereby extended to the Civil Air Patrol, and we approve this proclamation to honor their selfless volunteer service for the citizens of Lee County, Alabama; approved this the 8<sup>th</sup> day of April, 2013.

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 March 25, 2013 Commission meeting. After several questions on claims were resolved, Commissioner Long made a motion to approve the claims and the minutes as presented, seconded by Commissioner Harris and passed unanimously.

Valley Partnership Representative, Colonel Gary Jones appeared before the Commission to present an update on Ft. Benning. Col. Jones presented a handout to the Commission which outlined the current state and future developments. Col. Jones stated an invitation would be extended to attend an upcoming briefing on the potential effects on Ft. Benning of the coming DoD drawdown, the economic impact of a possible sequestration, and the next round of base closures scheduled for 2015 and/or 2017.

Commissioner Harris addressed the Commission with several concerns about board appointments. Commissioner Harris stated he would like to see the Commission discuss ways to promote different individuals an opportunity to serve on Commission appointed boards. Commissioner Lawrence suggested holding a work session with the boards to get additional feedback. After much discussion, Commissioner Harris, during the meeting, stated he would bring back a suggestion on ways to proceed with the discussion.

Sheriff Jones asked the Commission to consider an emergency purchase of jail kitchen equipment that was destroyed in a recent fire in the jail kitchen. Commissioner Lawrence made a motion to allow the emergency purchase of a steamer for the jail kitchen. The motion was seconded by Commissioner Ham and unanimously carried.

County Engineer Justin Hardee asked the Commission to accept Sentinel Hill Subdivision, Phase A, into county maintenance. Mr. Hardee stated that this is the first subdivision to be accepted in the planning jurisdiction of Opelika and developed under the county’s new subdivision regulations. Mr. Hardee stated that the process went smoothly and that the City of Opelika was involved in the process. Commissioner Ham made a motion to accept into county maintenance Sentinel Hills Subdivision, Phase A. The motion was seconded by Commissioner Eckman and unanimously carried.

Mr. Hardee presented the bid results for Bid #E1 for a heavy duty backhoe. Mr. Hardee stated that only one response was received out of six bids mailed and one no bid was also received. After review, Mr. Hardee requested that the Commission reject the bid and allow him to negotiate for a better price. Commissioner Harris made a motion, seconded by Commissioner



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 8, 2013**

Ham to reject Bid #E1 for a heavy duty backhoe and authorize Mr. Hardee to negotiate. The motion carried unanimously.

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

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 29, 2013**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, April 29, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

County Engineer Justin Hardee introduced Dr. Buzz Powell and his assistant Jason Nelson of the National Center for Asphalt Technology with Auburn University were in attendance and Dr. Powell made a presentation on the current status of the Pavement Preservation Project on Lee Road 159. Dr. Powell stated that prior to this field study on Lee Road 159 all studies were conducted at the test track near Spring Villa. He stated this study would be able to tell the State Department of Transportation (ALDOT) how to build roads cheaper and stronger. He presented slides of about 25 test portions of Lee Road 159, and he pointed out different sections and told a little about how each was performing. Additionally, he stated that seven different State DOTs were contributing funding to the study and each would be given a report of the final results, as would Lee County. After the presentation, Mr. Hardee thanked Dr. Powell for the update and stated that Dr. Powell will make a presentation on Lee Road 159 at the upcoming Engineer's Conference. Dr. Powell stated that it had been a pleasure to work with Lee County on the project.

Commissioner Lawrence introduced Dr. Bill Hutto and Beth Witten to update the Commission on the upcoming Auburn-Opelika Air Show to be held on Saturday, May 11, 2013. Mrs. Witten stated that several had been instrumental in bringing the Air Show to the area once again, and especially thanked Jim Cook for his contribution. Mrs. Witten stated that modern airplanes, several trainers, and a contingency of war birds, including: P-47 Thunderbolt, P-51 Mustang, Hawker Sea Fury, OV-1 Mohawk, and a Yak 55 will be on hand to view. Additionally, partnering at the event will be the Touch-A-Truck program, and military vehicles will be on display also. The proceeds will support the Community Foundation of East Alabama, Inc. The Air Show is the service project for this year's Leadership Lee County class. Current Lee County Leadership member Debra Brooks stated that a volunteer application had been distributed and needed to be turned in by May 3. She stated there is a mandatory orientation for all volunteers. She thanked the Commission for the opportunity to be a part of Lee County Leadership and other learning opportunities she had been able to attend. Commissioner Lawrence further thanked Sheriff Jay Jones for his support of Lee County Leadership. Commissioner Eckman stated that she was impressed in the ability of all the entities to come together to put on this type event in the Auburn-Opelika area. Commissioner Lawrence stated that family packages are available on the website only. Mrs. Witten informed everyone that shuttles will be available at Kohl's, Belk's, old Bruno's and Duck Samford Park parking lots. The shuttle will begin at 8:30 a.m. and run until 6:30 p.m. on the day of the event. Last, Dr. Hutto credited Commissioner Lawrence as the Chairman of the Air Show Committee.

County Engineer Justin Hardee gave an update on the status of eleven current and upcoming projects within the county. Mr. Hardee discussed the county bond bridge program including the projects on Lee Road 054, Lee Road 236 and Lee Road 070. Next, he discussed the ATRIP program including: Lee Road 240, Lee Road 246 and Lee Road 158. He further stated the ATRIP Round 3 applications are due May 31<sup>st</sup> and stated Lee County is preparing an application for a number of bridge replacements and road resurfacing projects. Next, he reviewed the Auburn-Opelika and Columbus-Phenix City MPO projects on Lee Road 391 and Lee Road 208. Last, he reviewed the annual Federal Aid funding on Lee Roads 298 and 246 and Lee Road 047. Commissioner Lawrence asked Mr. Hardee to place the road closings on the

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county website. Mr. Hardee stated he would talk to IT Director Tim Parson about it.

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 April 8, 2013 Commission meeting. After several questions on claims were resolved, Commissioner Lawrence made a motion to approve the claims and the minutes as presented, seconded by Commissioner Long and passed unanimously.

Judge English announced first reading of the reappointment of Sam Bailey to the Lee County Recreation Board.

Commissioner Harris asked the Commission to approve travel for him to attend the NACo Convention on July 19-21 in Fort Worth, Texas. Commissioner Harris requested that he be allowed to attend since he was a member of the National Association of Black County Officials and serves on the NACo Rural Action Caucus, which would be meeting at this event. Commissioner Harris made a motion to allow his attendance at the NACo Convention in Ft. Worth, Texas. The motion was seconded by Commissioner Long for discussion. Commissioner Ham stated that he had asked Commissioner Harris for a breakdown of the cost of previous trips to NACo events and Commissioner Harris had never provided him with the information. Upon vote, the motion failed on a vote of 2-3 with Commissioners Eckman, Lawrence and Ham voting "No".

Commissioner Lawrence asked the Commission to consider attending the annual event held by the Association of County Commissions on August 21-22 in Orange Beach, Alabama. Commissioner Lawrence made a motion to approve travel expenses for any Commissioner wishing to attend the ACCA Annual Convention. The motion was seconded by Commissioner Ham and unanimously carried.

County Administrator Roger Rendleman presented various budget adjustments for Commission consideration. Mr. Rendleman explained that around mid-year he is able to evaluate how well the year is progressing. After this examination, he found the following budget adjustments needed and requested for the officially adopted budget for Fiscal Year 2013. Mr. Rendleman stated that first in the capital budget for the Highway Department; a budget adjustment is needed to recognize the sale and purchase of new dump trucks. The net effect of the sale was \$119,911 better than expected. In addition, the Highway Department sold twenty-two pieces of surplus equipment for \$333,325. With the positive gain on the dump truck rotation, the proceeds of the surplus sale and an additional \$17,000 from unallocated fund balance in Fund 111 that is in excess of all reserves and designations, the Highway Department would like to purchase an additional \$505,000 in equipment needs. Second, Mr. Rendleman stated that the 2012 Fiscal Year finished with just over \$175,000 in unreserved and undesignated fund balance in the General Fund. Mr. Rendleman stated that currently there is an operational reserve of twenty percent of ongoing expenditures along with an additional \$1 Million furlough/layoff prevention reserve. Further, he stated we are on track to slightly exceed budgeted revenue, and expenditures are where they should be at this time of year. Also, at the end of FY2012, there was a designation of \$400,000 for courthouse roof repair in case there were any issues with the termite bond, but fortunately the bond covered the entire repair. Therefore, the designation is no longer necessary. Mr. Rendleman made the following recommendations to reallocate the funds for the following opportunities: \$100,000 to the Sheriff's Office for the replacement of four more vehicles; \$100,000 to Sheriff's Office communications infrastructure to improve deputy safety; and \$375,000 to the courthouse facilities project. Commissioner Lawrence made a motion to amend the FY2013 adopted budget with the adjustments as shown below. The motion was seconded by Commissioner Long and unanimously carried.

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Fund 111 - Gasoline Tax

Proceeds from Sale of Fixed Assets		\$1,409,442
Expenditures (Related to Truck Fleet Rotation)	\$973,142	
Expenditures (Additional Capital Equipment)	\$453,300	
Unreserved Fund Balance		\$17,000

Fund 001 - General Fund

Expenditures (Sheriff's Vehicles)	\$100,000	
Expenditures (Communications Improvements)	\$100,000	
Expenditures (Courthouse Facilities)	\$375,000	
Unreserved Fund Balance		\$175,000
Designated Fund Balance (Courthouse Roof Repair)		\$400,000

Environmental Services Director Chris Bozeman presented the bid results on Bids #6-#9. First, Mr. Bozeman stated that on Bid #6 for a knuckle boom loader, three bids were received and one no bid out of four bids sent. Mr. Bozeman recommended the Commission award the bid to the lowest responsive bidder Palfleet Truck Equipment for \$49,297.00. Upon this recommendation, Commissioner Long made a motion to accept the low bid of Palfleet Truck Equipment for a knuckle boom loader. The motion was seconded by Commissioner Ham and carried unanimously.

Next, Mr. Bozeman reported on Bid #7 for two open top roll-off container out of four bids mailed only two bids were received. Mr. Bozeman recommended the Commission accept the lowest responsive bid from Wastequip for two rectangular containers at \$5,259/each. Commissioner Eckman made a motion to accept the recommendation on Bid #7 for two open top roll-off containers from Wastequip. The motion was seconded by Commissioner Lawrence and carried unanimously.

Next, Mr. Bozeman stated on Bid #8 for two closed top roll-off containers out of four bids mailed, three were received. Mr. Bozeman recommended the Commission accept the lowest responsive bid from Custom Container Solutions at \$6,982/each. Commissioner Lawrence made a motion, seconded by Commissioner Ham to award Bid #8 for two closed top roll-off containers to Custom Container Solutions for \$6,982 each. The motion passed unanimously.

Last, Mr. Bozeman stated on Bid #9 for a forklift out of four bids sent, two were received and one no bid. Mr. Bozeman recommended the lowest responsive bid from Thompson Lift Truck Company for \$32,096.31 be awarded. Mr. Bozeman stated this piece of equipment would be paid 100% by grant funds. Commissioner Harris made a motion to accept the low bid from Thompson Lift Truck Company for a forklift, seconded by Commissioner Ham and carried unanimously.

Sheriff Jones presented the results for Bid #11 on the emergency purchase of a kitchen steamer for the Jail. Sheriff Jones stated that only one response was received, out of three bids mailed. Sheriff Jones stated Birmingham Restaurant Supply was the lone bidder and he felt that the price was reasonable. Commissioner Ham made a motion to award Bid #11 for a convection steamer and tilting kettle to Birmingham Restaurant Supply for a total of \$33,551. The motion was seconded by Commissioner Long and passed unanimously.

Sheriff Jones provided a letter stating that no objections have been received concerning the application for an off premise retail beer and retail wine license for Dollar General 13949 in Beulah. Commissioner Ham made a motion, seconded by Commissioner Long and

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unanimously carried to approve the following Resolution.

**BE IT RESOLVED**, the Lee County Commission hereby approves the Retail Beer (off premise) and Retail Table Wine (off premise) License for **Dollar General 13949** located at 4919 Lee Road 270, Valley, Alabama.

Sheriff Jones provided a letter stating that no objections have been received concerning the application for a restaurant retail liquor license for El Gallo Mexican Restaurant. Commissioner Ham made a motion, seconded by Commissioner Lawrence and unanimously carried to approve the following Resolution.

**BE IT RESOLVED**, the Lee County Commission hereby approves the Retail Liquor License for **El Gallo Mexican Restaurant** located at 8600 US HWY 29N, Cusseta, Alabama.

Sheriff Jones provided a letter stating that no objections have been received concerning the application for a special event retail license for Championship Rodeo. Commissioner Long made a motion, seconded by Commissioner Ham and unanimously carried to approve the following Resolution.

**BE IT RESOLVED**, the Lee County Commission hereby approves the Special Events Retail License for Championship Rodeo located at 1140 Lee Road 197, Phenix City, Alabama.

Judge English reminded those present that tomorrow was the deadline for filing their annual Statement of Economic Interests with the Alabama Ethics Commission, and that it could be done online. Commissioner Lawrence made a motion at approximately 6:20 p.m. to adjourn. The motion was 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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 13, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, May 13, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Gary Long, Robert Ham, and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor Grout. Absent: Commissioner Johnny Lawrence.

Judge English asked Sheriff Jay Jones to say a few words of remembrance for Sheriff Herman Chapman on the heels of his recent death. Sheriff Jones stated that Sheriff Chapman had a 46 year career in law enforcement, which he began as a Military Policeman in World War II. In 1952 he was employed with the Alabama State Troopers, from there he went on to serve with the ABI Unit as Assistant Chief. After his retirement from the state, he was appointed by Governor Fob James to fill the Lee County Sheriff position due to the death of Sheriff Jim Pearson. This began his career as the Lee County Sheriff, and he was elected to the position in 1982, 1986, 1990 and 1994, retiring in 1998. Sheriff Chapman leaves behind his wife Kathleen, a daughter and two sons, one of whom is in law enforcement. Sheriff Jones stated that Sheriff Chapman was a man of his word and a good family man and a good lawman.

Environmental Services Director Chris Bozeman reported on the ADEM Tire Reimbursement Program. Mr. Bozeman was happy to report that the first quarter check totaling \$2,200 had been received. Judge English questioned where the tires were coming from. Mr. Bozeman responded that most were being picked up off the right-of-way by the litter crew. Commissioner Eckman asked if there could be an amnesty day for those individuals who may have old tires but nowhere to dispose of them. Mr. Bozeman stated he had talked to ADEM about that, and a representative from ADEM said they may let him try it in Lee County to see how well it works. Commissioner Harris asked what was being done with the tires. Mr. Bozeman responded that they currently take them to B & B Landfill in Atlanta, Georgia for disposal at a current cost of \$325 per load. Commissioner Ham stated the Commission first heard about this program at the ACCA Annual Convention last year and was glad to hear that Lee County had begun receiving funds from it.

Next, Mr. Bozeman reported on the e-cycle event which was held in March. Mr. Bozeman reported \$326.99 had been collected for the local Food Bank and approximately 8,000 pounds had been collected in electronics and other recyclables. Mr. Bozeman stated that the next e-cycle event will be held September 28 at the old Midway Plaza, now called Saugahatchee Square.

Judge English questioned County Administrator Roger Rendleman about the status of the local legislation. Mr. Rendleman stated that both the local and the statewide bills concerning credit cards had passed.

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 April 29, 2013 Commission meeting. Commissioner Long made a motion to approve the claims and the minutes as presented, seconded by Commissioner Ham and passed unanimously.

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 13, 2013**

**BE IT RESOLVED**, the Lee County Commission hereby reappoints Sam Bailey to the Lee County Recreation Board to serve a five-year term expiring October 14, 2016.

Lee County School Board Interim Superintendent Steve Miller appeared before the Commission during the pre-meeting asking the Commission to allow the Lee County Highway Department to remove vegetation and old fencing along the interstate in the front of the new Board of Education building off Society Hill Road. Mr. Miller stated that new fencing had been approved by ALDOT, and that they would clear the state right-of-way. Commissioner Ham stated that he liked the new building and hoped the Commission would support the fence project. Mr. Miller thanked the Commission for any assistance on this project and thanked them for their assistance on past projects. Commissioner Harris questioned the timeframe of the project and stated that the Highway Department should not leave other projects to work on this project. Mr. Miller stated it had taken several months to get approval and he would be willing to work with the Highway Department on their schedule for this project. After more discussion, Commissioner Ham made a motion during the meeting, to authorize the Lee County Highway Department to remove the vegetation and old fencing from the front of the Board of Education building at the discretion of county engineer. The motion was seconded by Commissioner Eckman and unanimously carried.

Judge English stated that due to Commissioner Lawrence's absence he would move the next item forward. Upon discussion, Commissioner Ham made a motion, seconded by Commissioner Eckman to approve registration costs for any Commissioner wishing to attend the 43<sup>rd</sup> Annual Alabama County Government Institute in Auburn, Alabama on June 6-7, 2013. The motion carried unanimously.

Commissioner Long stated that he had been approached by the Smiths Station Fire & Rescue for assistance with two drainage issues. First, the parking lot at Station #1 in District 3 needs grading. Judge English questioned County Engineer Justin Hardee about the cost to help with this request. Mr. Hardee stated it would only take county equipment and manpower, and that no material would be needed. Second, Commissioner Long asked for assistance in repairing the entire parking lot at Station #3, in District 4. Commissioner Ham stated he had asked Mr. Hardee to get an estimate on that project. Mr. Hardee stated that it was approximately 200 ft. and the material cost should not exceed \$10,000 and would be done with county machinery and manpower. Judge English questioned if the asphalt could be repurposed. Mr. Hardee answered in the affirmative and stated that it would be stored and could possibly be used on shoulders at a later date. Upon this discussion, Commissioner Long made a motion to allow the Lee County Highway Department to do the necessary repairs to the Smiths Station Fire & Rescue parking lots at Station #1 & Station #3 as stated, to be done at Mr. Hardees' discretion based on current work load. The motion was seconded by Commissioner Ham and unanimously carried.

Sheriff Jones presented the bid results on Bid #12 for notebook computers for patrol units. Sheriff Jones reported that out of 26 bids mailed, four bids and one no bid were returned. Sheriff Jones recommended the lowest responsive bid from Interceptor for \$2,725/each, which is budgeted. Commissioner Eckman made a motion to accept the bid from Interceptor for \$2,725/each for mobile notebook computers. The motion was seconded by Commissioner Ham and unanimously carried.

Next, Information Services Director Tim Parson presented the bid results on Bid #10 for a "SAN" storage unit. Mr. Parson stated that out of 23 bids mailed, seven bids and one no bid were returned. Mr. Parson recommended the Commission accept the lowest responsive bid from Computer Discount Warehouse-Government for \$22,805.67. Mr. Parson stated that it met

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 13, 2013**

all the bid specifications and was a budgeted item. Commissioner Ham made a motion, seconded by Commissioner Harris award the bid to CDW-G for a SAN storage unit for \$22,805.67. The motion carried unanimously.

Mr. Hardee presented the following 20 resolutions for Commission consideration for the third round of ATRIP funding, which includes funding for 15 bridges and 21 miles of resurfacing on five roads. Mr. Hardee stated that the applications were due by May 30 and require the usual 80/20 match. Mr. Hardee further stated that the county does not currently have the necessary right-of-way on some of the projects, but the funds would be available to obtain the rights-of-way before starting the projects. Judge English questioned where our part of the \$4M would come from. Mr. Rendleman explained that it would come from the Bridge Bond funds currently on hand along with about \$650,000 set aside for resurfacing and next year's resurfacing budget. Commissioner Ham thanked Mr. Hardee for his aggressiveness in applying for the funds. Mr. Hardee explained that this was more than 15 years worth of normal bridge funding, or approximately 1-1 ½ bridges per year, and more than 4 years worth of resurfacing funds, if fortunate enough to receive funding for all the projects submitted. Commissioner Harris stated this program was a good approach to taking care of the county needs, but stated the Commission needs to find ways to address funding for paving dirt roads in the county.

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

**RESOLUTION 1**

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

widen, patch, resurface, traffic stripe and other safety improvements on Lee Road 054, from the Lee/Macon County line, thence Northeasterly approximately 8.552 miles to the Opelika City Limits, utilizing Alabama Transportation Rehabilitation and Improvement Program (ATRIP) funding.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-119-13 with the State.

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

**RESOLUTION 2**

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

plane, widen, patch, resurface, traffic stripe and other safety improvements on Lee Road 430, from the junction of U.S. Highway 280 and Lee Road 430, thence Southeasterly approximately



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5.827 miles to the Lee/Russell County Line, utilizing Alabama Transportation Rehabilitation and Improvement Program (ATRIP) funding.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-123-13 with the State.

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

**RESOLUTION 3**

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

widen, patch, resurface, traffic stripe and other safety improvements on Lee Road 230, from the junction of Lee Road 240 and Lee Road 230, thence North approximately 1.382 miles to the junction of Lee Road 246 and Lee Road 230, utilizing Alabama Transportation Rehabilitation and Improvement Program (ATRIP) funding.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-121-13 with the State.

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

**RESOLUTION 4**

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

plane, widen, patch, resurface, traffic stripe and other safety improvements on Lee Road 175, from the Lee/Russell County Line, then Northwesterly approximately 3.795 miles to the intersection of Alabama Highway 169 and Lee Road 175, utilizing Alabama Transportation Rehabilitation and Improvement Program (ATRIP) funding.

**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

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**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-120-13 with the State.

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

**RESOLUTION 5**

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

plane, widen, patch, resurface, traffic stripe and other safety improvements on Lee Road 279, from the junction of Lee Road 375 and Lee Road 279, thence North approximately 1.712 miles to the Lee/Chambers County Line, utilizing Alabama Transportation Rehabilitation and Improvement Program (ATRIP) funding.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-122-13 with the State.

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

**RESOLUTION 6**

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

Replacement of a 30.8 foot bridge over a tributary of Osanippa Creek on Lee Road 375 located 0.3 miles West of the intersection of Lee Road 379 and Lee Road 375, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding. Structure No. 0-Co1375-41-0000062Z-00, Bin No. 005269, Sufficiency Rating=43.4, Status 2.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-135-13 with the State.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 13, 2013**

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

**RESOLUTION 7**

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

Replacement of a 36.1 foot bridge over Chewacla Creek on Lee Road 417 located 0.3 miles East of the intersection of Lee Road 113 and Lee Road 417, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.  
Structure No. 0-Co1417-41-0000139Z-00, Bin No. 012521, Sufficiency Rating=42.0, Status 1.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-137-13 with the State.

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

**RESOLUTION 8**

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

Replacement of a 41.0 foot bridge over Odom Creek on Lee Road 027 located 0.2 miles East of the intersection of Lee Road 054 and Lee Road 027, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.  
Structure No. 0-Co1027-41-0000096Z-00, Bin No. 005050, Sufficiency Rating=38.8, Status 1.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-138-13 with the State.

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 13, 2013**

**RESOLUTION 9**

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

Replacement of a 30.0 foot bridge over a tributary of Little Uchee Creek on Lee Road 206 located 0.1 mile South of the intersection of Lee Road 240 and Lee Road 206, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding. Structure No. 0-Co1206-41-0000082Z-00, Bin No. 008748, Sufficiency Rating=45.2, Status 2.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-136-13 with the State.

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

**RESOLUTION 10**

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

Replacement of a 61.0 foot bridge over a tributary of Halawakee Creek on Lee Road 156 located 0.2 miles West of the intersection of Lee Road 158 and Lee Road 156, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding. Structure No. 0-Co1156-41-0000141Z-00, Bin No. 01324, Sufficiency Rating=41.4, Status 2.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-134-13 with the State.

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

**RESOLUTION 11**

**WHEREAS**, the County Commission of Lee County, Alabama is desirous of

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 13, 2013**

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

Replacement of an 80.0 foot bridge over Choctafaula Creek on Lee Road 014 located 0.7 miles West of the intersection of Lee Road 191 and Lee Road 014, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.

Structure No. 0-Co1014-41-0000092Z-00, Bin No. 000721, Sufficiency Rating=23.9, Status 1.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-128-13 with the State.

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

**RESOLUTION 12**

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

Replacement of an 80.0 foot bridge over Hodnett Creek on Lee Road 393 located 0.7 miles East of the intersection of Lee Road 188 and Lee Road 393, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.

Structure No. 0-Co1393-41-0000090Z-00, Bin No. 007069, Sufficiency Rating=18.4, Status 1.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-127-13 with the State.

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

**RESOLUTION 13**

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

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Replacement of an 81.0 foot bridge over Little Uchee Creek on Lee Road 144 located 0.6 miles East of the intersection of State Highway 169 and Lee Road 144, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.  
Structure No. 0-Co1144-41-0000104Z-00, Bin No. 003176, Sufficiency Rating=18.8, Status 1.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-126-13 with the State.

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

**RESOLUTION 14**

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

Replacement of an 80.0 foot bridge over Chewacla Creek on Lee Road 027 located 0.9 miles South of the intersection of Lee Road 054 and Lee Road 037, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.  
Structure No. 0-Co1027-41-0000095Z-00, Bin No. 001166, Sufficiency Rating=15.8, Status 1.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-124-13 with the State.

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

**RESOLUTION 15**

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

Replacement of an 80.6 foot bridge over Chewacla Creek on Lee Road 010 located 1.4 miles East of the intersection of US Highway 29S and Lee Road 010, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.

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Structure No. 0-Co1010-41-0000069Z-00, Bin No. 005205, Sufficiency Rating=40.4, Status 2.  
Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-133-13 with the State.

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

**RESOLUTION 16**

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

Replacement of a 40.0 foot bridge over Webb Creek on Lee Road 188 located 0.6 miles Southwest of the intersection of Lee Road 072 and Lee Road 188, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.  
Structure No. 0-Co1188-41-0000038Z-00, Bin No. 006946, Sufficiency Rating=36.8, Status 2.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-132-13 with the State.

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

**RESOLUTION 17**

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

Replacement of a 32.0 foot bridge over Phelps Creek on Lee Road 150 located 0.5 miles east of the intersection of Lee Road 151 and Lee Road 150, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.  
Structure No. 0-Co1150-41-0000105Z-00, Bin No. 004530, Sufficiency Rating=32.2, Status 1.

Location map available at the Lee County Highway Department Building.

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**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-130-13 with the State.

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

**RESOLUTION 18**

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

Replacement of a 20.0 foot bridge over a tributary of Hodnett Creek on Lee Road 137 located 1.3 miles southwest of the intersection of Lee Road 10 and Lee Road 137, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.  
Structure No. 0-Co1137-41-0000027X-00, Bin No. 003094, Sufficiency Rating=46.1, Status 1.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-131-13 with the State.

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

**RESOLUTION 19**

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

Replacement of a 60.0 foot bridge over Soap Creek on Lee Road 249 located 1.0 miles North of the intersection of Lee Road 318 and Lee Road 249, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.  
Structure No. 0-Co1249-41-0000121Z-00, Bin No. 010792, Sufficiency Rating=37.4, Status 2.

Location map available at the Lee County Highway Department Building.

**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



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**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-125-13 with the State.

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

**RESOLUTION 20**

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

Replacement of a 33.0 foot bridge over a tributary of Osanippa Creek on Lee Road 376 located 0.2 miles South of the intersection of Lee Road 375 and Lee Road 376, utilizing Alabama Transportation and Rehabilitation and Improvement Program (ATRIP) funding.  
Structure No. 0-Co1376-41-0000131Z-00, Bin No. 010908, Sufficiency Rating=21.6, Status 1.

Location map available at the Lee County Highway Department Building.

**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.

**THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the highway department is authorized to enter into Project No. LCP 41-129-13 with the State.

Next, Mr. Hardee presented a Federal Aid Agreement for resurfacing a portion of Lee Road 246. Mr. Hardee stated that this is for 1.622 miles of resurfacing. Commissioner Long made a motion to authorize the Chairman to sign the Federal Aid Agreement as presented. 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:

The resurfacing of CR-246 from CR-295 to CR-298, length – 1.622 miles  
Project#STPAA – 8023(600), LCP 41-107-10, CPMS Ref. #100059953

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.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 13, 2013**

**AGREEMENT – FA**

This Agreement is made an entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, party of the first part (hereinafter called the State), and Lee County, Alabama, (FEIN 63-6001601) party of the second part (hereinafter called the County):

**WITNESSETH**

**WHEREAS**, the State and County desire to cooperate in the resurfacing of CR-246 from CR-295 to CR-298. Length – 1.622 miles.

Project #STPAA – 8023(600), LCP 41-107-10, CPMS Ref. #100059953

**NOW THEREFORE**, it is mutually agreed between the State and County as follows:

- A. The County will furnish all Right-of-Way for project without cost to the State or this Project.
- B. The County will adjust and/or relocate all utilities on the project without cost to the State or this project.
- C. The County will make the survey, complete the plans and furnish all preliminary engineering for the project with County forces without cost to the State or this Project. The plans will be subject to the approval of the State and the project will be constructed in accordance with the plans approved by the State and the terms of this Agreement.
- D. The County will furnish all construction engineering for the project with County forces or with a consultant selected by the State or with State forces as a part of the project cost.
- E. The State will furnish the necessary inspection and testing of materials when needed as part of the cost of the project.
- F. If 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 this project without cost to the State or this project. The County will be the permittee or record with ADEM for the permit. The contractor shall be a co-permittee with the County for the permit, it shall comply with all requirements of the permit. The County and the contractor will be responsible for compliance with the permit and the State will have no obligation regarding the permit. The County will furnish the State (Division) a copy of the permit prior to any work being performed by the contractor.
- G. Funding for this Agreement is subject to availability of Federal Aid funds at the time of authorization. The State will not be liable for Federal Aid funds in any amount. Any deficiency in Federal Aid or overrun in construction costs will be borne by the County from Federal Aid funds, if available, and from County funds. In the event of an underrun in construction costs, the amount of Federal Aid funds will be the amount stated below, or 80% of eligible costs, whichever is less.
- H. The estimated cost of construction of this project payable by the parties is the amount set forth below:

FA Funds (2012)	\$420,952.88
FA Funds (2013)	\$170,277.42
County Funds	<u>\$147,807.58</u>
Total (Incl. E&I & Indirect Cost)	\$739,037.88
- I. 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 pro-rata share of the estimated cost as reflected by the bid of the successful bidder plus E & I, and the County will pay this amount to the State no later than 30 days after the date bids are opened.
- J. The County will submit reimbursement invoices for work performed under the terms of this Agreement to the Alabama Department of Transportation 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.
- K. The County will comply with the Alabama Department of Transportation Standard

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 13, 2013**

Specifications for Highway Construction, Latest Edition, on this 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 built in accordance with the approved plans.

- L. An audit report must be filed with the Department of Examiners of Public Accounts, upon receipt by the County, for any audit performed on this project in accordance with Act No. 94-414.
- M. Upon completion and acceptance of this project, the County will maintain the project in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.
- N. To the extent permitted by law, the County shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees, in both their official and individual capacities, 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 or maintenance of the roadway and/or shoulders by the County, provision of any services or expenditure of fund required, authorized or undertaken by the County pursuant to the terms of this agreement, or any damage, loss, expense, bodily injury, or death, or injury to or destruction of tangible property (other than the work itself), including loss of use resulting therefrom, caused in whole or in part by the deliberate, intentional, wanton, reckless, fraudulent or negligent acts of the County, or the misuse, misappropriation, misapplication, or mis-expenditure of any source of funding, compensation or reimbursement by the County, its agents, servants or employees, or anyone whose acts the County may be liable.
- O. 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.
- P. By entering into this agreement, the County is not an agent of the State, its officers, employees, agents or assigns. The County is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.
- Q. Exhibit M is attached hereto as a part hereof.
- R. Exhibit N is attached hereto as a part hereof.
- S. This agreement may be terminated by either party upon the delivery of a thirty (30) day notice of termination.
- T.

**EXHIBIT M**  
**CERTIFICATION**

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

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

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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.

**AMENDED ALABAMA IMMIGRATION LAW:**

By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.

Last, Mr. Hardee asked the Commission to consider adopting a lower speed zone for Twelve Oaks Phase I and Castlewood Subdivisions. Mr. Hardee stated that a traffic study had been conducted and he would recommend the speed limit be reduced from 45 m.p.h. to 25 m.p.h. for Lee Roads 581, 932, 991, 992 and 993. Commissioner Long made a motion to reduce the speed limit from 45 m.p.h. to 25 m.p.h. on Lee Roads 581, 932, 991, 992 and 993 in Twelve Oaks Phase I and Castlewood Subdivisions. The motion was seconded by Commissioner Ham and carried unanimously.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 13, 2013**

Commissioner Ham made a motion at approximately 6:20 p.m. to adjourn. The motion was seconded by Commissioner Long and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 28, 2013**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Tuesday, May 28, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Eckman.

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

County Administrator Roger Rendleman presented an outline on recreation for Commission consideration on how to proceed and address items in the master plan. Other areas of Commission interest include: economic development, public safety and transportation. Mr. Rendleman explained that the handout is only a draft for consideration of the format. After discussion, the Commission agreed that Mr. Rendleman should proceed and address each item in a similar manner as presented.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, a new listing of claims for ratification and the minutes of the May 13, 2013 Commission meeting. Commissioner Ham made a motion to approve the claims and the minutes as presented, seconded by Commissioner Eckman and passed on a vote of 4-0-1 with Commissioner Lawrence abstaining.

Mr. Logan Gray made a presentation during the pre-meeting concerning the proposed construction of a natural gas pipeline. Mr. Gray stated that the pipeline would run through three states: Alabama, Georgia and Florida at a total of 465 miles with approximately 55 miles located in Alabama and approximately 18 miles in Lee County. Mr. Gray stated that the company liked to keep elected officials informed of their proposal on the upcoming project. Mr. Gray stated the project was projected to be over \$3 billion dollars. Commissioner Ham asked Mr. Gray to tell the Commission about the company. Mr. Gray stated their major concern is safety and he is happy to report that the company has an outstanding safety record. Commissioner Ham questioned the potential revenue for Lee County. Mrs. Price stated that the public utility is taxed at the highest assessment rate, or 30%. Commissioner Ham stated that most of the property is timberland. Last, Mr. Gray stated a decision would be made in mid-June to mid-July and he would appear before the Commission at that time if necessary. No action was necessary by the Commission.

Revenue Commissioner Oline Price gave her annual Report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2012 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 Harris made a motion to adopt the following resolution, seconded by Commissioner Long, 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 2012 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.

Mr. Rendleman presented an educational reimbursement request from Sergeant Tamara Booth. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 28, 2013**

Sheriff. Upon this presentation, Commissioner Lawrence made a motion to approve the educational reimbursement as presented, seconded by Commissioner Ham and unanimously carried.

County Engineer Justin Hardee presented the results on Bid #13 for triple layer bituminous treatment. Mr. Hardee stated that out of 17 bids mailed out, only two were returned. Mr. Hardee explained the process and stated that he would recommend the low bid from Charles E. Watts Inc. of Gadsden, Alabama. Commissioner Lawrence made a motion to award the bid to Charles E. Watts Inc. the lowest responsive bidder for triple layer bituminous treatment. The motion was seconded by Commissioner Long and unanimously carried.

Commissioner Long made a motion at approximately 6:10 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 10, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 10, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long and John Andrew Harris. Absent: Commissioner Robert Ham. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor James Grout.

Judge English first apologized to the Commissioners for the delay in the delivery of the minutes of the May 28 meeting and stated if necessary their approval could be moved to the next agenda for their review.

Next, Judge English wanted to inform the Commission about the covered walkway in front of the Courthouse which has been installed for the protection of the customers during the rehabilitation of the clock tower. Mr. Rendleman stated the project was also water-proofing the Courthouse. Commissioner Long questioned who was doing the project. Mr. Rendleman stated Blanton Restoration and Franklin Restorations.

Next, Commissioner Eckman questioned if Judge English had been contacted about a business in Notasulga had received notice they would be shut down if they did not get a business license from the Town of Notasulga. Judge English addressed Sheriff Jones on the issue and questioned whether or not Notasulga was enforcing the Police Jurisdiction in that area. Sheriff Jones stated he was not aware of anything.

Last, Judge English asked if the Commission members had received letters from Sabal Transmission. They responded in the affirmative.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions. Judge English presented the Commission minutes of the May 28 meeting on the Commissioner's desks prior to the meeting, which they had an opportunity to review after the pre-meeting. Commissioner Harris made a motion to approve the claims and the minutes as presented, seconded by Commissioner Long and passed unanimously.

Mr. Billy Gay of Lee Road 224 appeared before the Commission during the pre-meeting to ask that the road be closed to thru traffic due to traffic concerns. Mr. Gay stated that citizens use the road as a cut-thru to Mullins Road. Further, he stated it poses a safety concern for the residents that live on the road since the cars are speeding. Commissioner Long stated that he had been looking into the situation and had previously asked County Engineer Justin Hardee to conduct a traffic count on the road. Mr. Hardee stated the traffic count showed an average of 600-700 cars per day traveling the road, many in excess of 25 m.p.h., which is the posted speed limit on the road. After additional discussion, the Commission asked Mr. Hardee to look at the possibility of closing Lee Road 224 and report back to the Commission at a later date.

Judge English presented a sample resolution for Commission consideration for the Purple Heart Trail Program. Mr. Leslie Digman, a representative of the Purple Heart Trail Program, appeared before the Commission to request that Lee County be the third county to participate in the program. The purpose of the trail is to create a symbolic and honorary system of roads, highways, bridges, and other monuments that give tribute to the men and women who have



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 10, 2013**

earned the Purple Heart medal. The Purple Heart Trail originates at a monument in Mt. Vernon, Virginia, which is the burial location of George Washington. Commissioner Eckman questioned the design of the signs. Commissioner Lawrence made a motion to proclaim Lee County a Purple Heart county, seconded by Commissioner Long and unanimously carried. Judge English stated the Proclamation would be presented on August 7<sup>th</sup> in recognition of National Purple Heart Day.

Upon discussion during the pre-meeting, Commissioner Long made a motion during the meeting to approve the following Resolution to Amend Articles of Incorporation for Smiths Water & Sewer Authority to amend the membership of the Board from three to five members. The motion was seconded by Commissioner Harris and unanimously carried.

**EXHIBIT 'B'  
RESOLUTION OF THE LEE COUNTY COMMISSION**

**BE IT RESOLVED**, by the Lee County Commission, the governing body of Lee County, Alabama, as follows:

1. An application in writing dated May 31, 2013, was filed with the Commission to amend the Certificate of Incorporation of Smiths Water and Sewer Authority, under the provision of *Ala. Code* §11-88-5 (1975).
2. The said application has been reviewed by this Commission and it has found and determined as a matter of fact that the statements contained in said application are true.

Upon vote being taken on the resolution, there were 4 votes in favor of the resolution and 0 votes opposed and the Chairman declared the resolution to have been adopted.

Judge English presented the May, 2009 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 Eckman made a motion to claim the Excess funds of \$53,682.80 from the 34 listed parcels for the General fund, seconded by Commissioner Lawrence and unanimously carried. Mr. Rendleman again suggested that the funds remain in the Fiduciary account until the expiration of the ten years.

Commissioner Lawrence requested that the Commission approve a travel request to attend an ACCA ALGTI board meeting scheduled for July 16, 2013. Commissioner Eckman made a motion to approve the travel for Commissioner Lawrence to travel to Montgomery to attend the ALGTI board meeting in July. The motion was seconded by Commissioner Long and unanimously carried.

Upon discussion, County Administrator Roger Rendleman requested that the action concerning the preclearance for Act No. 2013-325 be removed from the agenda until further action is taken to set an election date.

Mr. Hardee recommended that the speed limit in Amberbrook Subdivision be set at 20 m.p.h. based upon the results of a traffic study in the subdivision. Mr. Hardee reported that traffic study indicated 80 vehicles traveled the road at an average speed of 22 m.p.h. and therefore, that is his recommendation which is a safe and reasonable speed limit. Mr. Hardee stated currently no speed limit was posted in the subdivision, which would leave it at the default of 45 m.p.h. for a paved county road. Upon this recommendation, Commissioner Lawrence made a motion to set a 20 m.p.h. speed limit in Amberbrook Subdivision. The motion was seconded by Commissioner Long and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 10, 2013**

Commissioner Lawrence made a motion at approximately 6:25 p.m. to adjourn. The motion was seconded by Commissioner Harris and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 24, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 24, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

Commissioner Lawrence asked for an update on the situation on Whispering Pines Road. Commissioner Lawrence stated Alabama Power was currently installing a new electrical substation for the Auburn industrial park at the new interchange at Exit 50. County Engineer Justin Hardee stated he was currently in contact with Alabama Power Company concerning the road, and meeting with representatives on Wednesday to discuss the condition of the road and to discuss their participation in the permanent repair of it. Mr. Hardee stated that our foreman for that area was checking the roadway conditions frequently and making sure the road remains safe and passable. Mr. Hardee reported that Alabama Power places crusher run in the ruts on the road and runs a water truck over it to help with the dust. Further, Mr. Hardee stated that Alabama Power had been very cooperative in this situation.

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 June 10 meeting. Commissioner Lawrence made a motion to approve the claims and the minutes as presented, seconded by Commissioner Harris and passed on a vote of 4-0-1 with Commissioner Ham abstaining.

Commissioner Lawrence requested discussion on granting an additional day off for county employees due to the July 4<sup>th</sup> holiday falling on a Thursday. Commissioner Lawrence stated that several employees had approached him about the county closing on Friday also. Commissioner Lawrence questioned County Administrator Roger Rendleman on the cost to grant an additional holiday. Mr. Rendleman stated it takes approximately \$68,000 in increased payroll for the county to grant a holiday on a regular work day, primarily due to the increase in compensation for employees in those departments that have to be staffed 24/7, such as the Sheriff's Office, Jail and Environmental Services. Upon further discussion, Commissioner Lawrence made a motion to grant July 5 as an additional holiday this time for all eligible county employees. The motion was seconded by Commissioner Ham and passed on a vote of 3-2 with Commissioners Eckman and Harris voting "No".

Mr. Hardee asked the Commission to approve two bid extensions. Mr. Hardee requested that Bid #7 for surface treatment be extended an additional year to East Alabama Paving who has accepted the extension in writing. Also, to extend Bid #8 for full depth reclamation for an additional year to Chris Clark Grading & Paving, who also has accepted the extension in writing. Upon discussion, Commissioner Ham made a motion, seconded by Commissioner Harris to approve the one-year extensions as presented. The motion passed unanimously.

Last, Sheriff Jay Jones presented a request for transfer of a retail beer license (off premises only) and a new retail table wine license (off premises only) for Discount Grocery on Lee Road 166. Sheriff Jones reported that no objections had been made on the issuance of the licenses. Commissioner Ham stated he had talked to both the previous and current owners. After discussion, Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Long and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 24, 2013**

**BE IT RESOLVED**, that the Lee County Commission does hereby grant the transfer of a retail beer license (off premise only) and a new retail wine license (off premise only) to **Discount Grocery** located at 2028 Lee Road 166, Opelika, Alabama.

Commissioner Long made a motion at approximately 6:15 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 8, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, July 8, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Robert Ham, Gary Long and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones, District Attorney Robbie Treese and newly appointed Circuit Clerk Mary Roberson.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, announcement of three positions on the Lee County Department of Human Resources Board, announcement of two new positions on the Smiths Water Authority Board and the minutes of the June 24 meeting. An updated listing of claims for payment was presented before the meeting. Commissioner Ham made a motion to approve the claims and the minutes as presented, seconded by Commissioner Lawrence and passed unanimously.

Commissioner Long made a motion for first reading for the reappointment of Mary Henry to the Smiths Water & Sewer Authority Board. The motion was seconded by Commissioner Ham and passed unanimously.

During the meeting, Commissioner Long asked that his agenda item concerning Cox Avenue be removed from the agenda. Commissioner Long stated during the pre-meeting that City Manager Wallace Hunter of Phenix City had called him about water service on Cox Avenue in the extreme southeastern corner of Lee County. Mr. Hunter told Commissioner Long that the Phenix City Engineer would contact Lee County Engineer about the situation. Mr. Hardee stated he had not talked to anyone with Phenix City, but he believed the situation was concerning water service to residents along Cox Avenue that are not in the city limits. Commissioner Long stated that he was aware of an ordinance passed recently by Phenix City that they would not provide water service to Lee County residents. Commissioner Long also stated that he is aware that Smiths Water Authority does not have water located in that area to hook-up the residents along Cox Road. Mr. Hardee further stated the road is not on Lee County's current maintenance list, and we do not nor have we ever maintained the road. Judge English questioned the road sign and Mr. Hardee responded that the road sign erected on Cox Avenue is not Lee County's. After more discussion, Commissioner Long stated he would call Mr. Hunter and let him know that the Lee County engineer has not been contacted.

Sheriff Jones presented a proposal for law enforcement specific office software. Sheriff Jones stated that the current provider has declined to renew their contract after October, because that company will be heading in a new direction, and Lee County is their only remaining law enforcement client. Sheriff Jones stated they contacted six vendors and had been given demonstrations of each and after review of the proposals are asking for Commission approval to contract with Southern Software. Sheriff Jones requested that the Commission authorize the Chairman to sign the agreement for these services. Judge English questioned if conversion was included in the price. Sheriff Jones answered in the affirmative. Sheriff Jones also stated that if this vendor is approved then all three local agencies would be on the same system, which has an opportunity for more efficient delivery of services. Sheriff Jones stated that Lee County would be responsible for up to \$150,000 of the \$330,000 costs, with the balance coming from E911 funds and the Sheriff's discretionary fund. Upon discussion, Commissioner Eckman made a motion, seconded by Commissioner Lawrence to authorize the Chairman to sign a three-year contract with Southern Software for up to \$150,000. The motion passed unanimously.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 8, 2013**

Sheriff Jones presented the following Mutual Aid Agreement for approval. After discussion, Commissioner Lawrence made a motion to approve the Resolution, seconded by Commissioner Ham and unanimously carried.

**MUTUAL AID AGREEMENT  
BETWEEN THE CITY OF AUBURN, CITY OF OPELIKA, AND LEE COUNTY,  
ALABAMA**

This Agreement is made and entered into this 8<sup>th</sup> day of July, 2013, by and between the Lee County, Alabama, acting by and through its governing body, the Lee County Commission, herein after referred to as COUNTY, the City of Auburn and the City of Opelika, hereinafter referred to as CITIES, acting by and through their governing bodies, the City Council, both of Lee County, Alabama, witnesseth:

WHEREAS, Section 46-21-49 of the Code of Alabama (1975) provides that each political subdivision within the State of Alabama is empowered to make and enter into Mutual Aid Agreements with other contiguous subdivisions within the State in order to more effectively allocate law enforcement and other public safety services during emergency situations;

WHEREAS, the City of Auburn Public Safety Department/Police Division, the City of Opelika Police Department, and Lee County Sheriff's Office, hereinafter referred to as AGENCIES or AGENCY, possess the necessary resources to cope with law enforcement emergencies or disasters; however, an effective, efficient response can best be achieved by the application and leveraging of the collective resources of these AGENCIES.

WHEREAS, it is desirable that the CITIES and COUNTY should voluntarily aid and assist each other in the event that an emergency situation should occur, by the interchange of law enforcement services; and

WHEREAS, each governing body of the CITIES and COUNTY finds that the performance of this Agreement is in the best interests of all parties and that the undertaking will benefit the public and is necessary and desirable that a Mutual Aid Agreement be executed for the interchange of mutual assistance on a local, county, and/or regional basis.

NOW, THEREFORE, the CITY OF AUBURN, the CITY OF OPELIKA, and LEE COUNTY agree as follows:

**Section 1.**

CITIES and COUNTY agree that in the event of an emergency situation, the AGENCIES of each other party to this Agreement will furnish such personnel, equipment, facilities, or services available, provided that such actions would not unreasonably diminish its capacity to provide basic police services. No party to this Agreement shall be required to pay any compensation to the other parties of this Agreement for mutual aid rendered hereunder, the mutual advantages and protection afforded by this Agreement being considered adequate compensation to parties; provided, however, that expenses incurred by the AGENCIES for contract equipment or any extraordinary or special supplies resulting from joint actions shall be subject to negotiation between the CITIES and COUNTY.

**Section 2.**

CITIES and COUNTY shall designate the appropriate official within its jurisdiction who has the legal authority to bind its jurisdiction to this Agreement, and who shall sign this Agreement.

**Section 3.**

In order to invoke assistance under the provisions of this Agreement, the designated official from the requesting AGENCY shall be required to contact the designated official of the responding AGENCY. The responding AGENCY may request such information from the requesting party as is necessary to confirm the emergency situation and to access the types and amount of assistance that shall be provided.

**Section 4.**

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 8, 2013**

During an emergency situation, all personnel from responding AGENCY shall report to and shall work under the direction of the designated incident commander. Personnel from either the requesting or the assisting AGENCY may receive supervision from any command personnel from the combined participating localities if authorized by the incident commander or his or her designee in the incident command structure, depending on identified needs and available resources deemed most qualified to meet mission goals and objectives. Tactical teams (e.g. special weapons and tactics units; canine teams), once they are authorized to undertake assignments, shall operate under the direction of their tactical commander.

**Section 5.**

Personnel responding to a call for assistance outside their appointed jurisdiction shall have those law enforcement powers provided for by State law.

**Section 6.**

In any emergency situation where the Mutual Aid Agreement has been invoked, communications should be established between all of the parties, when possible, through the use of the local public mutual aid radio system or other shared communication system.

**Section 7.**

Liability, worker's compensation, property damage:

A. Workers' Compensation Coverage:

CITIES and COUNTY will be responsible for their own actions and those of its employees and is responsible for complying with the State of Alabama Workers' Compensation Act. Coverage under this Act may be obtained:

1. by a policy with an insurance company licensed to do business in the State of Alabama,
2. by being a qualified self-insured, or
3. by being a member of a group of self-insurance association.

Each member political subdivision should understand that worker's compensation coverage does not automatically extend to volunteers.

B. Automobile Liability Coverage:

CITIES and COUNTY will be responsible for their own actions and is responsible for complying with the State of Alabama motor vehicle financial responsibility laws. Coverage under this Act may be obtained:

1. by a policy with an insurance company licensed to do business in the State of Alabama,
2. by being a qualified self-insured, or
3. by being a member of a group of self-insurance association.

C. General Liability, Public Officials Liability, and Law Enforcement Liability:

To the extent permitted by law and without waiving any available immunity, CITES and COUNTY will be responsible for any and all claims, demands, suits, actions, damages and causes for action related to or arising out of or in any way connected with their own actions and the actions of their personnel in providing mutual aid assistance rendered or performed pursuant to the terms and conditions of this Agreement.

**Section 8.**

The AGENCIES agree to meet on a regular basis to review all interagency assistance plans and the provision of this Agreement.

**Section 9.**

By entering into this Agreement, the parties do not intend to create any obligations expressed or implied other than those set out herein. Further, this Agreement shall not create any rights to any party not a signatory hereto.

County Administrator Roger Rendleman stated bids were recently taken on the Justice Center Project and are currently being reviewed. Mr. Rendleman stated that in order to move forward he would like to present the results of the RFP for financing the Justice Center project. Mr. Rendleman presented a breakdown on the proposals, and indicated that we had requested proposals from banks and other financial institutions outside the normal municipal bond market because some of those entities had requested the opportunity to submit. After review of the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 8, 2013**

proposals from banks and other financial institutions, he recommended that the Commission only consider traditional municipal bond financing, because the other financial institutions had “call” features less than the 20 years he requested, which are not favorable to the borrower. The three proposals for consideration from bond underwriters, based on a \$7.3 million issue, are: Crews & Associates at \$4.75 per thousand or \$34,675, Merchant Capital at \$4.95 per thousand or \$36,135 and The Frazer Lanier Company at \$6.50 per thousand or \$47,450. Mr. Rendleman stated his concern is that two of the companies have little or no experience with Lee County. Mr. Rendleman requested that the Commission consider the information provided and select a company to perform the underwriter services for the debt issuance on the financing of the Justice Center expansion project. Further, Mr. Rendleman stated he was also concerned about itemized information that was requested in the proposals but not provided. Mr. Ken Funderburk, a representative of Merchant Capital, spoke and assured the Commission during the pre-meeting that the non-itemized costs for incidentals are the same across the board and no different from those costs provided by Frazer-Lanier, because they are standard rates. During the meeting, Commissioner Lawrence made a motion to proceed with Merchant Capital for underwriter services on the financing of the Justice Center project because of considerations of price and time. The motion died for the lack of a second. Next, Commissioner Ham made a motion to contract with The Frazer Lanier Company for underwriter services for the financing of the Justice Center project. The motion was seconded by Commissioner Long for discussion. Commissioner Lawrence questioned why the Commission would not consider the lowest responsible proposal. Judge English pointed out that the lowest responsive proposal was from Crews & Associates. Commissioner Lawrence agreed, but stated that they do not have much experience in Alabama. Commissioner Long stated that if Merchant Capital had provided the information requested, then he may feel differently about his decision. Commissioner Long asked Mr. Rendleman if he had any complaints from working with Frazer-Lanier. Mr. Rendleman responded that he had worked with both Frazer-Lanier & Merchant Capital in Mobile County without problems. Commissioner Ham stated it was a small difference in relation to the cost of the project and he would like to use a vendor that is familiar with Lee County and that the Commission has experience with. Commissioner Ham called for the question, seconded by Commissioner Long and unanimously carried. The Chairman ended discussion and called for the vote on the underlying motion. After vote was taken, the motion passed on vote of 4-1 with Commissioner Lawrence voting “No”.

Discussion was held in the pre-meeting concerning the addition of the position of Assistant County Engineer II. Mr. Hardee stated that he feels the need to create this position due to the increased workload of the Highway Department and the additional programs and funding sources currently being pursued. Further, Mr. Hardee thanked Mr. Rendleman and Human Resource/Safety Manager Kim Oas for their assistance in making this proposed position fit with the current classification plan. Commissioner Lawrence questioned the effective date of the position. Mr. Hardee stated immediately upon approval. Upon further discussion, Commissioner Lawrence made a motion during the meeting to approve the position of Assistant County Engineer II and add it to the Pay and Classification Plan at a Grade 25. The motion was seconded by Commissioner Long and unanimously carried.

Mr. Hardee presented the results of Bid #14 for a 3,000 gallon capacity water truck for the Highway Department. Mr. Hardee stated that out of six bids sent, two bidders and one no bid were received. Mr. Hardee recommended the Commission accept the low bid from Tractor & Equipment of Montgomery, Alabama. Upon this recommendation, Commissioner Lawrence made a motion to accept the low bid from Tractor & Equipment for \$124,891.00. The motion was seconded by Commissioner Long and unanimously carried.

Sheriff Jay Jones presented a request for transfer of a retail beer license (off premises only) and a retail table wine license (off premises only) for Terry’s 280 Marathon. Sheriff Jones reported that no objections had been made on the issuance of the licenses. Upon questioning, it



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 8, 2013**

was established that this is not a change of ownership, just a change of which corporate entity belonging to the same owner is operating the store. After discussion, Commissioner Long made a motion to approve the following Resolution, seconded by Commissioner Ham and unanimously carried.

**BE IT RESOLVED**, that the Lee County Commission does hereby grant the transfer of a retail beer license (off premise only) and a retail table wine license (off premise only) to **Terry's 280 Marathon** located at 16230 Highway 280 East, Smiths Station, Alabama.

Sheriff Jones requested that an item be added to the agenda. Sheriff Jones stated the deadline for submission of a JAG Grant application is Tuesday, July 9, therefore, the urgent need to add the item. Commissioner Lawrence made a motion to add the JAG Grant application to the agenda, seconded by Commissioner Ham and unanimously carried to add the item to the agenda. Sheriff Jones asked the Commission to authorize the Chairman to sign the grant application for submission. Upon discussion, Commissioner Lawrence made a motion to authorize the Chairman to sign the JAG Grant application, seconded by Commissioner Harris and unanimously carried. Judge English signed the application at the conclusion of the meeting.

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

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 29, 2013**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, July 29, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Robert Ham and John Andrew Harris. Absent: Commissioner Gary Long. Elected Official(s) present: Sheriff Jay Jones, Loachapoka Mayor Jim Grout, District Attorney Robbie Treese and Circuit Clerk Mary Roberson.

County Engineer Justin Hardee presented an update on the third and final round of ATRIP funding. Mr. Hardee stated he had placed maps on each Commissioner's bench prior to the meeting showing the location of the proposed bridge replacements. Mr. Hardee addressed a letter from Governor Bentley which stated \$15.6 million in state funds are available for all the entities in Lee County, which includes: Lee County, the Cities of Auburn and Opelika and the State Conservation Department. Mr. Hardee stated that the State Conservation Department had requested funding to resurface Shell Toomer Parkway from US 29 South to the entrance of Chewacla State Park, which is included in the ATRIP award. Mr. Hardee stated that since the deadline of August 23<sup>rd</sup> is fast approaching, he and the two city engineers had already met to discuss the best way to prioritize the projects to minimize the impact of the reduction from what was applied for. Judge English suggested that the Commission plan to address the issue at the August 12 meeting after the engineers can compose a proposal. Judge English questioned the eligibility of some of the projects. Mr. Hardee stated that one of the city engineers stated one project they submitted had been deemed ineligible for funding. Judge English questioned why a project would be deemed ineligible. Mr. Hardee stated perhaps since these projects must meet all federal requirements for the funds that may have been the reason a project was deemed ineligible, but said he does not know the exact reason. Judge English further questioned the percentage of reduction, and Mr. Hardee replied about 17%. Mr. Hardee further discussed several scenarios including, but not limited to, increasing the percentage of match for each entity from 20% to 25% or even higher to maximize the benefits of the money received. Further, Mr. Hardee stated that on the bridge projects submitted there can be no cuts; the only cuts can be made on the road projects listed, because the county only submitted the actual bridge structures, planning to pay for the bridge approach work out of existing county funds. Mr. Rendleman stated that of the projects submitted, it was based on our ability to fund our portion at a 20% match. Commissioner Lawrence stated he appreciated the fact that they were trying to leverage the matching dollars to our advantage. Commissioner Ham agreed and asked Mr. Hardee to inform the Commissioners after the next meeting with the other engineers.

County Administrator Roger Rendleman updated the Commission on the AT&T lease. Mr. Rendleman stated this is a ground lease originally initiated by BellSouth Communications on a piece of land near the Justice Center. The original lease was a 5-year lease with three subsequent 5-year automatic renewals at predetermined rate increases. Mr. Rendleman stated this is the final five-year option.

Next, Mr. Rendleman presented an overview of the Parks & Recreation component of the Master Plan review. Mr. Rendleman reminded the Commission that this is just one of the four areas covered in the Master Plan with the other areas including: public safety, roads and bridges and economic development. Mr. Rendleman further explained that this is the format that will be utilized for each area and stated each area will be presented to the Commission for review once completed. Additionally, Mr. Rendleman stated the next section covered will be Public Safety.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 29, 2013**

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, announcement of a position on the Lee County Youth Development Board and the minutes of the July 8 meeting. Upon clarification of a few claims and of the minutes, Commissioner Lawrence made a motion to approve the claims and the minutes as presented, seconded by Commissioner Ham and passed unanimously.

Commissioner Harris made a motion on the following Resolution to reappoint Mary Henry to the Smiths Water & Sewer Authority Board. The motion was seconded by Commissioner Ham and passed unanimously.

**BE IT RESOLVED**, the Lee County Commission does hereby reappoint Mary Henry to the Smiths Water & Sewer Authority Board to serve another six-year term expiring March 1, 2019.

Dr. Bill Hutto gave a Power-Point presentation on the Auburn University Regional Airport. Dr. Hutto presented a comparison in pictures of the past and present, and addressed the future development of the airport also. Further, Dr. Hutto was pleased to report of the recent announcement by Auburn University of their continuation of the Professional Flight and Aviation Management degree programs. Dr. Hutto stated that their support will increase the usage of the airport and also increase fuel purchases, which in turn helps the local area. Dr Hutto thanked Commissioner Lawrence for his overseeing the recent Fly-In hosted by Leadership Lee County. Dr. Hutto stated the airport hoped to host another similar event in the future and thanked everyone who attended. Last, Dr. Hutto thanked the Commission for their support and stated he was looking forward to a continued partnership in the future.

Mr. Rendleman reported on the bid for the Justice Center expansion project. Mr. Rendleman stated that sealed bids were opened on June 27, 2013 and the following five bidders responded: Carmon Construction of Albertville, Alabama, \$7,243,000; Rabren Construction Contractors, Auburn, Alabama, \$7,728,000; Bear Brothers, Montgomery, Alabama, \$7,797,000; Billy W. Jarrett Construction Company, Auburn, Alabama, \$7,979,000; and Bailey-Harris Construction Company, Auburn, Alabama, \$8,097,054. Mr. Rendleman explained that after reviewing the bids the results overall were acceptable with only about a 3.3% difference when the highest and lowest bids are removed. Mr. Rendleman explained that he had concern with the low bid, so due diligence on investigating the apparent low bidder of Carmon Construction was undertaken. Mr. Rendleman stated he and Architect Randy Wilson made a trip to Albertville, Alabama on July 2 to meet with Mr. Carmon Smith and his son Sean Smith about the project. Mr. Smith assured Mr. Rendleman and Mr. Wilson that they could do a good job at the price submitted. Additionally, Mr. Rendleman stated while he and Mr. Wilson were in Albertville they were able to look at some of the work Carmon had performed and it met their satisfaction. Mr. Wilson contacted references and after discussion, they determined that Carmon Construction seemed to be a solid company with reasonable prospects for completing the project satisfactorily. However, further information surfaced that made awarding the bid to Carmon more difficult. In the meantime, Mr. Wilson and Senior Project Manager at HDR Architecture, Inc. Halden Tally held a conference call on July 8<sup>th</sup> with Mr. Carmon Smith to discuss additional items that needed to be addressed. After this discussion, Mr. Sean Smith called on July 9<sup>th</sup> stating that they would no longer be able to do the job for the amount of the submitted bid. Thereafter, a few emails were exchanged between Mr. Wilson and Mr. Smith, which further gave the impression that they would be unable to manage the project as bid. However, Carmon Construction did not officially withdraw their bid. After all considerations, Mr. Rendleman requested that the Commission reject the apparent low bid from Carmon Construction for \$7,243,000 as being non-responsive for the Justice Center project. Next, Mr. Rendleman requested the Commission award the bid to Rabren Construction Contractors for \$7,728,000 as the lowest responsible and responsive bidder. After this discussion and upon Mr. Rendleman's recommendations, Commissioner Eckman made a motion to reject the low bid from Carmon Construction for \$7,243,000 as a non-

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 29, 2013**

responsive bid in light of the last email received from Carmon which said “proceed with the next lowest bidder if you wish. Thanks for going over our pricing and alerting us of the building permits of \$52,000. CCI did not anticipate the city charging the county for a building permit. After bidding with only a 3% fee and now having to pay a \$52,000 building permit fee the safety margin is too small.” The motion was seconded by Commissioner Ham and unanimously carried.

Next, Commissioner Harris made a motion to award the Justice Center expansion project to the lowest responsible and responsive bid to Rabren General Contractors for \$7,728,000. The motion was seconded by Commissioner Harris and passed on a vote of 3-0-1 with Commissioner Lawrence abstaining.

Next, Mr. Rendleman presented a Procurement Card Policy and credit limit approval for Commission consideration. Mr. Rendleman reminded the Commission of the establishment of the Lee County procurement card program in 2009 under implied general power as outlined in §11-3-11 of the Code of Alabama. Mr. Rendleman stated there had been some question of the authority of the program; since there was no specific authority for the line of credit associated with the credit cards. Mr. Rendleman stated that the Alabama Legislature passed a local law (Act 2013-229) to make sure that any doubt about the authority has been resolved allowing Lee County to keep a program that is saving at least \$100,000 per year. Further, a statewide law (Act 2013-211) was passed which included authorizing all county commissions to establish a procurement card program that was modeled after ours. Although the statewide act was modeled after our program, there are some specific differences that are included in the statewide act, therefore the need to modify our existing Procurement Policies and Procedures. Additionally, the Commission has to approve the overall credit limit. Upon this presentation, Commissioner Lawrence made a motion to amend the Procurement Policies and Procedures as presented. The motion was seconded by Commissioner Harris and unanimously carried.

Next, Commissioner Lawrence made a motion to approve the overall credit limit for the Procurement Card Program in the amount of \$450,000. The motion was seconded by Commissioner Harris and unanimously carried.

Mr. Rendleman asked that the agenda item concerning Excess Proceeds from Tax Sale Policy be removed until clarification is received on the beginning date of Act 2013-370. The Act stated that it would be effective on the 1<sup>st</sup> day of the third month after signature by the Governor, which would be August 1, 2013. Mr. Rendleman stated that Revenue Commissioner Oline Price had just received a letter from the Department of Revenue that indicated the effective date would not take effect until after the next tax sale in May 2014. Judge English noted that their interpretation would effectively delay implementation until 2017. Upon this information, Mr. Rendleman contacted ACCA Attorney Mary Pons who has begun researching the information and has already asked for clarification on the implementation date from the Department of Revenue. Judge English suggested that an Attorney General’s opinion be requested on the issue. After further discussion, Commissioner Lawrence made a motion to authorize Judge English to seek an Attorney General’s opinion concerning Act 2013-370 if the issue is not otherwise resolved, and for Lee County to go ahead and adopt the new Policy contingent upon the effective date being determined to be this August. The motion was seconded by Commissioner Eckman and unanimously carried.

Mr. Rendleman presented an educational reimbursement request from Sergeant Tamara Booth. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the Sheriff. Upon this presentation, Commissioner Lawrence made a motion to approve the educational reimbursement request as presented, seconded by Commissioner Harris and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 29, 2013**

Mr. Hardee approached the Commission to consider the concept of a centralized Highway Department Shop Facility. Mr. Hardee stated a new facility is needed to improve current operations with new technology and to further expand the services. Mr. Hardee stated that the current shop location was purchased in the 1930's and sits on approximately 2.7 acres, with no room for expansion. Mr. Hardee stated that the Engineer's Office was added in 1946, in 1968 the tire-changing facility was added, and in 1991 the current shop was added, which now is over 20 years old. Mr. Hardee stated that due to improved technology there is a great need for a new building to accommodate the new technology and to accommodate the future growth of Lee County. Mr. Hardee requested permission of the Commission to explore viable locations to fit the future needs of Lee County. Commissioner Harris made a motion to authorize Mr. Hardee to start the process to investigate property for a new shop building. The motion was seconded by Commissioner Ham, for further discussion. Judge English questioned if there are funds budgeted for this type item. Mr. Rendleman stated that former County Engineer Neal Hall had been exploring this avenue and the potential for a cost savings. Judge English further stated there was a need to look at a broader perspective with the potential in the future to locate the Maintenance Shop at the same location, provide fleet maintenance to all departments, including the Sheriff's Office. Commissioner Ham stated that the four camps located over the county were not efficient. Judge English questioned the location of the camps. Mr. Hardee stated they are located as follows: Camp 1 off Al Hwy 147N; Camp 2 off Al Hwy 51; Camp 3 off US Hwy 280E and Camp 4 off Lee Road 254 in Salem. Judge English further stated security at the current location is an issue. Mr. Hardee appreciated the support of the Commission to move forward with the exploration. After discussion and upon vote, the motion passed unanimously.

Commissioner Lawrence made a motion at approximately 6:35 p.m. to adjourn. The motion was seconded by Commissioner Harris and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 12, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 12, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Johnny Lawrence, Robert Ham, Gary Long and John Andrew Harris. Absent: Commissioner Sheila Eckman. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

Wes Cumbie of Lee Road 65 appeared before the Commission to express his concerns on the closing of this road for bridge replacement. Mr. Cumbie stated that the detour route is approximately 17 miles from his home to the other side of the bridge on Lee Road 65. He was extremely concerned for his family to travel this road especially when meeting log trucks, drunk or otherwise impaired drivers. Mr. Cumbie asked that the Commission consider repairing the current bridge or building a smaller bridge to accommodate the 16 residents in the area. Further, Mr. Cumbie stated he wanted to be on record that Lee Road 66 is unsafe for travel in his opinion due to the nature of its curves and narrowness when meeting oncoming traffic.

Next, Rita Grub approached the Commission on the Lee Road 65 matter. Mrs. Grub agreed with Mr. Cumbie and also voiced her opinion on the safety of the traveling public during closure for bridge construction. Mrs. Grub stated she had personal knowledge from accidents involving log trucks and drunk drivers on that roadway.

Judge English stated the USS Battleship Memorial Park allocation request was just an FYI for the Commission. Judge English had received the correspondence and wanted to forward the information to the Commission for their consideration during budget planning.

County Engineer Justin Hardee requested that the agenda item concerning Lee Road 224 be carried forward to the next agenda.

Environmental Services Director Chris Bozeman informed the Commission that the East Alabama Recycling Partnership was once again successful in obtaining approximately \$286,785 in grant funding for FY2013 and Lee County would receive \$118,814. The funds will be used for a baler, a box truck and a metal truck. The partnership is with the Cities of Auburn and Opelika, Auburn University and Lee County. Mr. Bozeman further informed the Commission that the next e-cycle event would take place on September 28 at Saugahatchee Crossing (formally Midway Plaza). Judge English questioned who the host entity was to process the grant paperwork. Mr. Bozeman stated it is the City of Auburn this year.

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 July 29 meeting. Commissioner Lawrence made a motion to approve the minutes as presented, seconded by Commissioner Ham and on a vote of 3-0-1 with Commission Long abstaining. Next, Commissioner Long made a motion to approve the claims as presented, seconded by Commissioner Lawrence and passed unanimously.

Mr. Hardee addressed the spreadsheet which was placed in the Commissioners' packets on the adjustment of the Round 3 ATRIP funds. Mr. Hardee stated that he met with City of Auburn Engineer Jeff Ramsey, City of Opelika Engineer Doc Dorsey, and Charles Meredith and Terry Boyd of the State Conservation Department and that they had all agreed on the reallocation

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 12, 2013**

as presented on the second spreadsheet of the available funds, each reducing theirs as they saw fit in order to meet the available funding. Commissioner Lawrence wished to recognize and thank Mr. Hardee for his efforts, and also recognize the others involved. Mr. Hardee stated that he would submit the paperwork to meet the August 23<sup>rd</sup> deadline for final approval by Governor Bentley and the ATRIP Advisory Committee. Commissioner Harris made a motion to authorize the Chairman to sign the necessary paperwork for the Round 3 ATRIP reallocation plan as presented. The motion was seconded by Commissioner Lawrence and passed unanimously.

Since the Commission received requests from four individuals for three slots to serve on the Lee County Department of Human Resources Board, the Commission took a vote for first reading on the vacancies. Commissioner Lawrence made a motion for first reading to reappoint Bill White, Gina Ivey and Anne Grady to the Lee County Department of Human Resources. The motion was seconded by Commissioner Harris and unanimously carried.

Pastor Jimmie Hobbs of Bethany Baptist Church located on Pierce Road was in attendance at the pre-meeting asking for Commission assistance on a drainage issue. He informed them that the church had been sued three or four times over this and needed the county's assistance. Upon discussion, Mr. Hobbs said there used to be a ditch along the road before the neighboring houses were built, and that he wanted the Commission to place a ditch or drainage pipes along Pierce Road in front of three houses west of the church, which he feels will assist in draining the water. Mr. Hardee explained that those three houses sit below the grade level of the road, and that a deep enough ditch would pose a hazard to the travelling public. He also said there was proper drainage along the roadway and there were no water problems at this time on the existing roadway and county rights-of-way. Mr. Hardee also said that the County does not have the ability to maintain underground pipes of that size and length, but that such a solution would just move the problem rather than correct it. Pastor Hobbs said that the same problem existed before the church was built. Judge English observed that the church parcel was able to absorb more water before the building and parking lot were built, and that more water was leaving the parcel now than before. Commissioner Long asked Pastor Hobbs whether the church could make their detention pond larger to accommodate the additional runoff. Judge English questioned who approved the church's site construction plans, and the answer was Phenix City. Mr. Hobbs stated that Phenix City Engineer Angel Moore told him that Lee County is going to take the lead on the issue. Mr. Hardee stated he had talked with Mrs. Moore about this and several other issues in the Phenix City area, but Mr. Hardee assured the Commission he did not tell Mrs. Moore that Lee County would take care of the situation. Judge English informed Mr. Hobbs that Lee County did not take the lead on issues that fall within another government's jurisdiction. Judge English also explained that Lee County is generally prohibited from performing work on private property in any event. The Commission took no action.

County Administrator Roger Rendleman presented the following Reimbursement Resolution for Commission consideration. Upon discussion, Commissioner Long made a motion seconded by Commissioner Harris to approve the following Resolution. The motion passed unanimously.

**RESOLUTION**

**WHEREAS**, Lee County, Alabama (the "County") expects to make additions and improvements to its public facilities, including the following (collectively, the "Capital Improvements"): the expansion and renovation of the T. K. Davis Justice Center, the judicial courthouse facility serving the County, consisting of approximately 40,870 square feet of new construction that will house office space for the Circuit Clerk's offices and the District Attorney's offices, a shelled out courtroom facility, and a shelled out judge's suite;

**WHEREAS**, the Capital Improvements are expected to cost in excess of \$8.0 million;

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 12, 2013**

**WHEREAS**, the County expects to finance all or a portion of the costs of the Capital Improvements through the issuance of tax-exempt warrants;

**NOW, THEREFORE, BE IT RESOLVED** by the Lee County Commission that it hereby expresses its official intent to issue tax-exempt warrants in a principal amount not to exceed eight million to pay or reimburse costs for the Capital Improvements. This resolution is intended to preserve the County's ability to finance the Capital Improvements with tax-exempt warrants by expressing official intent for purposes of Section 1.150-2 of the regulations promulgated pursuant to the Internal Revenue Code.

Mr. Rendleman requested the Commission adopt the following Resolution for the T. K. Davis Justice Center Project. Mr. Rendleman explained that the reimbursement resolution allows the County to be reimbursed for any Justice Center Expansion expenditures incurred up to 60 days prior to the date the Commission adopts the reimbursement resolution. If the Commission adopts the Resolution today, then any expenditure incurred for the project on June 13<sup>th</sup> or later may be reimbursed. Mr. Rendleman stated that amount is currently approximately \$150,000. Mr. Rendleman explained that the back end of the "eligibility period" for reimbursement should not be a problem for the warrant issue. He stated the warrants would need to be issued within 18 months of the beginning date of the expenditure (i.e. within 18 months of June 13<sup>th</sup>). Further, Mr. Rendleman stated the amount of preliminary reimbursement expenditures cannot exceed 20% of the issue price of the warrants. Upon this discussion, Commissioner Harris made a motion to approve the following Warrant Purchase Resolution. The motion was seconded by Commissioner Lawrence and carried unanimously.

**RESOLUTION**

**BE IT RESOLVED** by Lee County (the "County") that the Chairman of the County Commission is hereby authorized to sign a Warrant Purchase Agreement between the County and the Frazer Lanier Company Incorporated, with respect to the issuance by the County of approximately \$8,000,000 Lee County, Alabama, General Obligation Warrants, Series 2013A (the "Warrants"). The Warrant Purchase Agreement shall contain, among other things, the principal amount of Warrants to be issued, the maturity schedule, the interest rates, call provisions and ratings.

Mr. Rendleman presented proposed agreements with the Lee County Cemetery Preservation Commission, Inc. and the Genealogical Society of East Alabama for use of space in the Tyner Building for an additional year. Mr. Rendleman stated that he felt it would be feasible for the agencies to utilize the building another year. Commissioner Lawrence made a motion to extend the lease an additional year beginning September 1, 2013 for the Lee County Cemetery Preservation Commission, Inc. and the Genealogical Society of East Alabama. The motion was seconded by Commissioner Harris and unanimously carried.

Next, Mr. Rendleman suggested the Commission set some meeting dates for budget work sessions. Mr. Rendleman suggested the Commission meet immediately following the next two scheduled Commission meetings; additionally, he suggested the following dates: September 16, 17 and 19, if necessary. After discussion, Commissioner Ham made a motion, seconded by Commissioner Harris to schedule Commission budget work sessions on August 26 and September 9 immediately following the regularly scheduled meetings, and additional work sessions on September 16, 17 and 19 at 5:00 p.m. in the Commission chambers if needed. The motion carried unanimously.



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 12, 2013**

Human Resources/Safety Director Kim Oas presented during the pre-meeting several job classifications to be added to the Pay and Classification Plan. Mrs. Oas explained that the positions have been created as a result of modifications to processes and/or functions within departments, changes in technology, or just to provide better alignment of operations where existing job classifications do not provide an adequate reflection. The proposed positions include: Custodial Supervisor-Grade 9, Systems Support Specialist-Grade 17, a Mapper II-Grade 13 and a File Clerk-Grade 5. Commissioner Lawrence asked if this would create any new positions that were not budgeted for, and the answer was no. Upon discussion, Commissioner Lawrence made a motion during the meeting to approve the additions to the Pay and Classification Plan as presented. The motion was seconded by Commissioner Long and unanimously carried.

Last, Mr. Hardee presented the bid results on Bid #15 on a robotic total station surveying instrument with a wireless control device. Mr. Hardee stated that out of three bids sent only one bid was received. Mr. Hardee asked the Commission to reject the bid so he could negotiate downward. Upon this request, Commissioner Harris made a motion to reject Bid #15 and allow County Engineer Justin Hardee be allowed to negotiate downward on the surveying instrument. The motion was seconded by Commissioner Ham and unanimously carried.

Commissioner Lawrence made a motion at approximately 6:25 p.m. to adjourn. The motion was seconded by Commissioner Harris and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 26, 2013**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, August 26, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Eckman.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Robert Ham, Gary Long and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

During the meeting, Judge English congratulated Commissioner Eckman on completion of her mandatory new Commissioner training. Commissioner Ham commended her on completing the courses in record time. Further, Commissioner Ham recommended that Commissioner Eckman attend the graduate program. Judge English addressed Commissioner Lawrence about the program since he currently serves on the ALGTI Board. Commissioner Lawrence stated that the program benefitted not only incoming Commissioners, but the program gives Commissioners an opportunity to refresh with continuing education courses. Commissioner Ham stated that there was a 98% completion rate for all Commissioners in Alabama. Judge English also recognized Commissioner Ham for being re-elected to represent District 8 on the ACCA Legislative Committee.

County Engineer Justin Hardee gave an update on Lee Road 224 during the pre-meeting. Mr. Hardee stated that a traffic study on Lee Road 224 showed there was a large increase in the average daily traffic after school opened. He advised the Commission to consider a petition process for the property owners on the road to express their interest in closing the road. He would like to design a petition process to be put in place for all future requests to close part or all of any county road. Once the petition is presented, he suggested that the Commission could hold a public hearing if a certain threshold percentage of the property owners indicate that they would like for the road to be closed. That would give the other residents and people who travel the road an opportunity for their opinions to be heard, and then the Commission should decide whether to close the road or not. Additionally, Mr. Hardee suggested that the Commission let him use Lee Road 224 as a pilot project to design and implement a policy like this for the future.

Next, Mr. Hardee reported on the recent storms in the area on August 15. Mr. Hardee stated that the following roads/bridges were temporarily closed: Lee Road 417, Lee Road 27, Lee Road 146 and Lee Road 10. Mr. Hardee was happy to report that all the roads had been opened except Lee Road 27, which was still closed due to pending repairs. Mr. Hardee thanked the Lee County Highway Department employees, the Sheriff's Office, the Lee County Emergency Management Agency and the local Volunteer Fire Departments. Mr. Hardee stated without their help it would have been impossible for his department to do their job in closing the roads as promptly and as safely. Additionally, Mr. Hardee reported that the replacement bridge on Lee Road 54 had re-opened on August 15 and gave thanks to his crews for their hard work on that bridge project.

Last, Ms. Kathy Carson reported on the upcoming Ready Alabama Day which will be held on September 11 in Lee County. Ms. Carson stated it was an honor to be selected by the Governor to host the state event this year. Ms. Carson stated that the Governor Bentley will be arriving around noon. Additionally, she stated that September is National Preparedness Month. Ms. Carson stated that this is an opportunity for Lee County and other State agencies to show off their services and equipment to the citizens of the area.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 26, 2013**

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, the announcement of appointment of a Board member for the Community Action Partnership of Lee County, and the minutes of the August 12 meeting. Commissioner Ham made a motion to approve claims and the minutes as presented, seconded by Commissioner Long and unanimously carried.

Commissioner Harris made a motion on the following Resolution to reappoint Bill White, Gina Ivey and Anne Grady to the Lee County Department of Human Resources Board. The motion was seconded by Commissioner Eckman and unanimously carried.

**BE IT RESOLVED**, the Lee County Commission does hereby reappoint Bill White, Gina Ivey and Anne Grady to the Lee County Department of Human Resources Board to serve another six-year term expiring September 1, 2019.

The next agenda item concerning the Smiths Water & Sewer Authority Board was carried forward by Judge English.

County Administrator Roger Rendleman presented a 25 page Resolution and Order for the issuance of \$8M in General Obligation Warrants, Series 2013A, for adoption by the Commission. Mr. Bob Young was in attendance to address any questions by the Commission. Commissioner Lawrence thanked Mr. Rendleman and made a motion, seconded by Commissioner Long, to authorize the Chairman to sign the necessary documents on the bond issue and approve the Resolution and Order, a complete copy of which is on file in the Commission Office. The motion carried unanimously.

Judge English informed the Commission that he would be presenting a proposed franchise agreement with AT&T for cable service in the unincorporated areas of Lee County in the near future.

Commissioner Long made a motion at approximately 6:35 p.m. to adjourn into a budget work-session. The motion was seconded by Commissioner Ham and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 9, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 9, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

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

During the meeting, County Engineer Justin Hardee recognized Highway Administrator Debra Brooks upon her completion of the ALGTI training to receive certification in county highway administration. Mr. Hardee publically thanked Ms. Brooks for her accomplishment. Ms. Brooks thanked Mr. Hardee and the Commission for allowing her to attend the training.

Judge English reported that State Auditor Shaw had recently made a temporary appointment of Mr. Darius Slusher as Chair of the Board of Registrars to replace Registrar Dianne Jay, who is out due to her mother's illness.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, first reading of Larry Patterson to the Lee County Youth Development Board, and the minutes of the August 26 meeting. Prior to the meeting, an updated listing of claims for payment were placed on the Commissioners desk for approval. Commissioner Lawrence made a motion to approve the consent agenda as presented, seconded by Commissioner Harris and unanimously carried.

Commissioner Long made a motion for first reading for two new positions on the Smiths Water & Sewer Authority Board of Mr. Joseph Walden and Mr. Richard Terry. The motion was seconded by Commissioner Ham and unanimously carried.

County Administrator Roger Rendleman requested that the Commission allocate up to \$1,200 for use at the upcoming Lee County Health and Benefits Fair being held on October 16 at the Johnson Galleries Building for all county employees. Mr. Rendleman explained that the funds would be used for the purchase of food, decorations and supplies, as well as to cover the cost of any potential overtime incurred by the committee members. Commissioner Harris made a motion to approve up to \$1,200 from the Contingent Fund for the Health and Benefits Fair, seconded by Commissioner Long and carried unanimously.

County Attorney Stan Martin stated that the Commission needed to adjourn into executive session to discuss two items: 1) a real estate transaction, and 2) character and good name of a person. Mr. Martin stated the following needed to attend: County Administrator Roger Rendleman, County Engineer Justin Hardee and Assistant Engineer Patrick Harvill for item 1) and for item 2) Mr. Rendleman. Judge English stated the executive session should last approximately 30 minutes and official action may be necessary at the conclusion. Commissioner Lawrence made a motion at approximately 6:15 p.m. to adjourn into Executive Session. The motion was seconded by Commissioner Long and carried unanimously.

Upon reconvening, the Commission took the following action: Commissioner Ham made a motion to authorize Mr. Hardee and County Attorney Stan Martin to explore the availability of suitable real estate for a central facility for the Highway Department & Environmental Services, to negotiate with potential sellers, not to exceed the amount discussed during the executive

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 9, 2013**

session, and bring back proposed solution(s) for Commission approval prior to purchase. The motion was seconded by Commissioner Harris and unanimously carried.

Commissioner Long made a motion at approximately 6:45 p.m. to adjourn into a budget work-session. The motion was seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 30, 2013**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, September 30, 2013 at 6:00 p.m. The Pledge of Allegiance was lead by First Class Scout Justin Smith, followed by an invocation by Judge English.

During Citizen Communications, Mr. David Ponder appeared and addressed the Commission about crime in the Loachapoka area. Mr. Ponder reminded the Commission that he had previously addressed the same issue in October 2011. Mr. Ponder asked the Commission to consider the staffing and funding needs of the sheriff's office to help their community. Mr. Ponder appeared along with eight of his neighbors, 7 of which have been victims of burglary and/or vandalism and said they were appealing for the Commission's help. Mr. Ponder stated the situation was better due to increased police presence after his last appearance before the Commission in October 2011 and stated he felt it did make a difference, so they were here again. Mr. Ponder asked that the Sheriff's Office place deputies in that area again to deter the recent increase in criminal activity. Commissioner Ham stated that two additional deputies were included in the upcoming budget. Commissioner Lawrence stated that twelve deputies had been requested, but only two could be funded at this time. Commissioner Lawrence added that the community should support the future county sales tax vote which would help in funding additional deputies for the entire county. Mr. Ponder questioned the sales tax application. Commissioner Lawrence stated that it would only be in the unincorporated areas of the county. Commissioner Harris suggested that they hold community meetings for citizen input into the situation. Additionally, Mr. Ponder suggested that perhaps the DARE Officer, when in the community, could ride the streets in the area for additional coverage.

Mr. Leonard Fincher addressed the situation in Loachapoka and stated he felt it was important for additional police presence on Lee Road 188. Additionally, he agreed with Commissioner Harris' suggestion to hold community meetings.

Ms. Jerry Ellington stated she felt it was a dangerous situation especially for individuals that live by themselves. She echoed the plea to the Commission for more police presence in the Loachapoka area.

Ms. Mary Rowell agreed with the above individuals concerning increased police patrol of the Loachapoka area.

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

Boy Scout Troop 858 attended the Commission meeting to earn their "Citizenship in the Community" badge. Scout Leaders Joann Perrela, James Pierce, Justin Bonner, Dean Rogers and Cameron Aycock attended the meeting with 9 Scouts, including: Joseph Perrela, Jacob Pierce, Christopher Willett, Justin Smith, Justin Roberts, Parker Rogers, Parker McKay, Mitchell Hollingsworth and Liam Aycock.

Sheriff Jones recognized Corporal Pamela Revels who recently received an award from the National Association of School Resource Officers for "Instructor of the Year" for the entire nation. Sheriff Jones further shared that Corporal Revels was recently featured in the *Lee Magazine*. Sheriff Jones congratulated Corporal Revels on her accomplishments. Corporal Revels stated that she was grateful to be a part of the Sheriff's Office and thankful to the Commission for providing her with the opportunity of being a School Resource Officer. She further thanked her fellow officers who were a part of her team.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 30, 2013**

Judge English reminded the Commission of the "Letter from Birmingham" stage presentation at Greater Peace Missionary Baptist Church on Thursday, October 3, and thanked them for their individual financial contributions to help make that happen.

Last, Judge English reminded the Commission of the Sabal Trail landowners meeting at the Opelika Sportsplex at 5:00 p.m. tomorrow night.

County Engineer Justin Hardee updated the Commission on the pending closure of Lee Road 146. Mr. Hardee explained that the shoulder had been undermined and the road will need to be closed to make the necessary repairs. Mr. Hardee stated that he wanted to inform the Commission of the situation and that the Highway Department was monitoring the road daily to determine the safety of the situation. Mr. Hardee stated that at this time he would recommend that the road be closed next Monday, unless any evident changes cause it to be closed sooner. Commissioner Lawrence questioned if Auburn University could place the upcoming closure on their website for out of town visitors. Mr. Hardee stated that he would inform them and EMA and the local news media of the closure. He estimated the needed repairs would take between four to six weeks.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, first reading of the appointment of Commissioner Harris to the Community Action Partnership of Lee County Board, the announcement of a vacancy of the Lee County Recreation Board, and the minutes of the September 9 meeting. Commissioner Ham made a motion to approve the consent agenda as presented, seconded by Commissioner Long and unanimously carried.

Judge English asked that the item concerning the two new seats on the Smiths Water & Sewer Authority Board be carried forward until a paperwork issue can be resolved.

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

**BE IT RESOLVED**, the Lee County Commission does hereby reappoint Larry Patterson to the Lee County Youth Development Board to serve another four year term ending September 30, 2017.

Micah Melnick appeared before the Commission during the pre-meeting to request the use of the Johnson Galleries building for the BigHouse Foundation. Ms. Melnick asked to use the building for the 2<sup>nd</sup> Annual Crafty Christmas Craft Show for a Cause on November 23<sup>rd</sup> from 9:00 a.m. to 4:00 p.m. Ms. Melnick stated the building would need to be available from November 21 to November 24 for set up and clean up afterwards. Commissioner Lawrence made a motion during the meeting to allow the BigHouse Foundation to use the Johnson Galleries building from November 21 to November 24. The motion was seconded by Commissioner Long and unanimously carried. Mr. Rendleman asked that the BigHouse Foundation name Lee County as an additional insured for liability purposes as with other non-profits that have utilized the building.

Beth Witten and Julie Cook appeared before the Commission requesting one-time support of the Community Foundation. Ms. Witten stated that the mission of the Community Foundation is education and development. Ms. Witten stated that the foundation would support the 2015 Air Show, but during 2014 the Foundation would be working with bringing other

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 30, 2013**

events to the area. Currently, the Wings of Freedom Tour is scheduled to take place on October 30-November 1. The Collings Foundation brings a B-17, a B-24, and a P-51 from WWII, and rides are available for a fee. Other planned events involve an Oral Historian to take the oral history of veterans in our county. Ms. Witten asked the Commission for a one-time \$5,000 donation to the foundation. Commissioner Lawrence made a motion to make a one-time donation of \$5,000 from the contingent fund out of the current FY2013 budget. The motion was seconded by Commissioner Long and unanimously carried.

County Administrator Roger Rendleman presented a proposed \$36.1 Million budget for FY 2013-2014 for Commission consideration. Mr. Rendleman stated the Budget contains a 1.61% cost of living adjustment for all qualified employees; merit raises for the first time since FY2009 Budget; two new deputy positions for the Sheriff’s Office; a new Engineering Tech and Public Service Worker II for the Highway Department; a new Recycling Tech for Environmental Services; \$1,100,000 to match \$4,400,000 in grants, particularly ATRIP, for \$5,500,000 in Road Projects; and \$1,250,000 for the resurfacing program.

After discussion, Commissioner Harris made a motion to approve the FY2013-2014 Budget as presented by Mr. Rendleman. The motion was seconded by Commissioner Long and unanimously carried.

Fiscal Year 2013-2014  
County Commission Budget

<u>Commission Funds</u>	<u>Carryover</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Operating Transfers In / (Out)</u>
General Fund	1,494,400	25,886,139	23,492,637	(3,887,902)
Gasoline Tax Fund	658,000	2,014,440	4,831,950	2,159,510
RRR Gasoline Tax Fund	475,000	2,665,960	3,590,969	450,009
Reappraisal Fund	200,000	1,258,645	1,458,645	
Capital Improvement Fund	0	200,000	200,000	
Judicial Facilities Fund	77,685	480,000	231,487	(326,198)
2004 Debt Service - Jail Expansion		721,026	1,296,532	575,506
2010 Debt Service - Bridge Program		0	702,877	702,877
2013 Debt Service - Justice Center Expansion		0	326,198	326,198
<b>Total County Commission Funds:</b>	<b>2,905,085</b>	<b>33,226,210</b>	<b>36,131,295</b>	<b>0</b>

Additionally, Mr. Rendleman asked that since the budget reflected a 1.61% cost-of-living increase he would request that the Commission amend the Pay and Classification Plan to reflect the increase. Upon this recommendation, Commissioner Lawrence made a motion to amend the Pay and Classification Plan by 1.61% for the cost-of-living adjustment, seconded by Commissioner Ham and unanimously carried.

Last, Commissioner Eckman made a motion to approve the following Service Contracts and Appropriation List for FY 2013-2014. The motion was seconded by Commissioner Lawrence and unanimously carried.



**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 30, 2013**

**Contract Agencies:**

Lee-Russell Council of Governments	\$132,250.00
EAMC Emergency Medical Services	<u>\$289,476.00</u>
Total Contract Agencies:	\$421,726.00

**Appropriation Agencies:**

U.S.S. Alabama	\$1,000.00
Dept. Human Resources (Local)	\$4,725.00
Lee County Health Department	\$118,168.00
East Alabama Mental Health	\$64,050.00
Airport Terminal Project	\$100,000.00
Auburn University Airport FAA projects	\$20,940.00
Lee County Alternative Sentencing Board	\$40,000.00
Judicial Volunteer Program	\$12,000.00
Alabama Cooperative Extension	\$71,542.00
Soil & Water Conservation	\$3,572.00
Lee County Firefighters Association	\$4,000.00
Valley Haven School	\$7,144.00
Horseshoe Bend Library	\$26,592.00
East Ala. Services for the Elderly	\$9,526.00
Domestic Violence Intervention Center	\$4,500.00
Child Advocacy Center of East Alabama	\$13,500.00
American Red Cross - Lee Co Chapter	\$12,973.00
Community Market	\$2,646.00
Auburn Daycare Association	\$5,557.00
Museum of East Alabama	\$2,650.00
Lee County Historical Society	\$9,410.00
Jean Dean RIF Kiwanis	<u>\$1,588.00</u>
Total Appropriation Agencies:	<u>\$536,083.00</u>

**TOTAL OPERATIONAL \$957,809.00**

Next, Mr. Rendleman presented an ADECA Grant for energy-efficiency retrofits for Commission approval. Mr. Rendleman explained that the grant was for \$20,000 with a \$5,000 match to be used to place an energy control management system on the HVAC systems for the Courthouse. The grant was awarded in November 2012. Mr. Rendleman stated that the Commission had been made aware of the grant last year, but never officially authorized the grant. Mr. Rendleman asked that the Commission approve the project retroactively. Commissioner Long made a motion to accept the grant award and authorize Judge English to sign the project agreement as presented. The motion was seconded by Commissioner Ham and unanimously carried.

Sheriff Jones presented a special event license for a one-time event for Cocktails and Dreams LLC's Luke Bryan event in the Marvyn Community. Sheriff Jones reported there were no objections to the application. Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Eckman and unanimously carried.

**BE IT RESOLVED**, the Lee County Commission does hereby grant a special events license to Cocktails and Dreams, LLC located at 23470 US Highway 80, Marvyn, Alabama.

Next, Sheriff Jones presented a restaurant retail liquor license application for Del Ranch Bar & Grill. Sheriff Jones stated there were no objections to the application. He identified that this establishment has had such a license for quite some time, but that there had been a change in ownership. Commissioner Long made a motion to approve the following Resolution, seconded by Commissioner Harris and unanimously carried.

**BE IT RESOLVED**, the Lee County Commission does hereby grant a restaurant retail liquor license to Del Ranch Bar & Grill located at 4920 Lee Road 430, Smiths Station, Alabama.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 30, 2013**

Sheriff Jones requested that a new job classification of Staff Sergeant be added to the Pay and Classification Plan. Sheriff Jones stated this position would improve the organizational structure of the Corrections Division and provide adequate supervision on each shift which would consist of a Corporal, Sergeant, and a Staff Sergeant for each team. Commissioner Lawrence questioned if these positions were manageable within the budget. Sheriff Jones answered in the affirmative. Commissioner Eckman made a motion to approve the job classification request for a Staff Sergeant in the Corrections Division as presented, seconded by Commissioner Lawrence and unanimously carried.

County Engineer Justin Hardee presented the following recommendations on the FY2013- 2014 Maintenance bids for the Lee County Highway Department. Upon his recommendations, Commissioner Long made a motion to approve the following maintenance bid as presented, seconded by Commissioner Harris and unanimously carried.

**Bid No. 16 Bituminous Corrugated Metal Pipe and Bands**

Recommendation: Accept low bid of Harvey Culvert Co., Inc., Cleveland, AL

**Bid No. 17 Bulk Cement**

Recommendation: No Bids Received

**Bid No. 18 – Class 3 Reinforced T & G Concrete Pipe**

Recommendation: Reject and Rebid

**Bid No. 19 Delivered Bituminous Treatment & Temporary Traffic Stripe**

Recommendation: East Alabama Paving Co., Opelika, AL

**Bid No. 20 Guardrail**

Recommendation: H & L Construction, Inc., Troy, AL

**Bid No. 21 High Density Corrugated Polyethylene Pipe with Smooth Flow Line**

Recommendation: Accept low bid of Thompson Supply Co., Inc., Opelika, AL

**Bid No. 22 Ready Mixed Concrete**

Recommendation: No Bids Received

**Bid No. 23 Seeding & Mulching and Bales of Grass Hay**

Recommendation: Accept bid of Parker Grassing, Inc., Opelika, AL (seeding & mulching) and bid of Twin Oaks Environmental, Opelika, AL (bales of grass hay)

**Bid No. 24 Maintenance Stone**

Recommendation: Accept bid of APAC-Midsouth, Inc., Opelika, AL and accept bid of Martin Marietta Materials, Birmingham, AL

**The following are awarded a one (1) year extension period on bids from the prior year:  
1st extension – FY 2012/2013**

**Bid No. 13 Emulsified Asphalt**

-Hunt Refining, Tuscaloosa, AL

**Bid No. 14 Gasoline & Diesel Fuel**

-Chattahoochee Oil Company, Auburn, AL

**Bid No. 15 Grader Blades**

-Thompson Tractor Company, Inc., Opelika, AL

**Bid No. 18 Class 3 Reinforced T & G Concrete Pipe**

-Hanson Pipe & Precast, Montgomery, AL

**Bid No. 20 Picked up at the plant Bituminous Treatment**

-East Alabama Paving, Opelika, AL

**Bid No. 24 Traffic Stripe**

-Hornsby Striping, Tuskegee, AL

**The following are awarded a second one (1) year extension period on previous bids:  
2<sup>nd</sup> extension - FY 2011/2012:**

**Bid No. 6 6' Grader Blades**

-Valk Manufacturing Co., New Kingstown, PA

**Bid No. 7 Virgin Fill Material for Pneumatic Tires**

-McGriff Tire Company, Montgomery, AL

**Bid No. 8 Sign Material & Sign Post**

-Vulcan Sign Company, Foley, AL

**Bid No. 9 Silt Fence**

-Construction Materials Inc., Montgomery, AL

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 30, 2013**

Mr. Rendleman presented two educational reimbursement requests. First, a request from Emergency Planner Rita Smith was presented. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the appropriate appointing authority. Next, a request from Sgt. Tamara Booth was presented and again all necessary paperwork was in order and pre-approved by the Sheriff. Commissioner Lawrence made a motion to pre-approve the educational reimbursement requests from Ms. Rita Smith and Sgt. Tamara Booth. The motion was seconded by Commissioner Ham and unanimously carried.

County Attorney Stan Martin stated the Commission needed to adjourn into Executive Session to discuss the character and good name of a person. Mr. Martin stated that County Administrator Roger Rendleman needed to attend. Judge English stated the executive session should last approximately ten minutes and no official action would be expected at the conclusion. Commissioner Lawrence made a motion at approximately 7:00 p.m. to adjourn into Executive Session. The motion was seconded by Commissioner Long and carried unanimously.

Upon reconvening, Commissioner Long made a motion at approximately 7:10 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 15, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 15, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Robert Ham, Gary Long and John Andrew Harris. Absent: Commissioner Johnny Lawrence.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and procurement card transactions and the minutes of the September 30 meeting. Additionally, a list of claims for payment was on the Commissioners desks prior to the meeting. Commissioner Long made a motion to approve the consent agenda as presented, seconded by Commissioner Eckman and unanimously carried.

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

**BE IT RESOLVED**, the Lee County Commission does hereby appoint Commissioner John Andrew Harris to the Board of the Community Action Partnership of Lee County.

Smiths Water & Sewer Authority Attorney Bill Horsley had previously informed Judge English of a recording error with a previous resolution concerning adding two members to the Board of Directors of Smiths Water, and asked that the following Resolution to amend the Certificate of Incorporation for Smiths Water & Sewer Authority be approved again. After discussion, Commissioner Long made a motion to approve the following Resolution, seconded by Commissioner Harris and unanimously carried.

**BE IT RESOLVED** by the Lee County Commission, the governing body of Lee County, Alabama, as follows:

1. An application in writing dated October 3, 2013, was filed with the Commission to amend the Certificate of Incorporation of Smiths Water and Sewer Authority, under the provisions of *Ala. Code* §11-88-5 (1975).
2. The said application has been reviewed by this Commission and it has found and determined as a matter of fact that the statements contained in said application are true.

Upon vote being taken on the Resolution, there were 4 votes in favor of the Resolution and 0 votes opposed, and the Chairman declared the Resolution to have been adopted.

Commissioner Ham stated that he was serving on the ACCA's Legislative Committee and asked Commission approval for overnight travel to attend a two-day work session in Montgomery and daily travel approval for the upcoming legislative session. Commissioner Eckman made a motion to approve travel for Commissioner Ham to the ACCA's Legislative Committee prior to and during the upcoming legislative session. The motion was seconded by Commissioner Harris and unanimously carried.

County Engineer Justin Hardee recommended the Commission accept Royal Oaks Subdivision, Phase 1 for county maintenance. Mr. Hardee stated upon final inspection the owner had satisfactorily completed the two-year maintenance on the subdivision. Mr. Hardee

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 15, 2013**

recommended that Lee Road 2194 and Lee Road 2195 be accepted for permanent maintenance by the Lee County Highway Department. Upon this recommendation, Commissioner Long made a motion to accept Lee Roads 2194 and 2195 into county maintenance. The motion was seconded by Commissioner Ham and unanimously carried.

Next, Mr. Hardee presented the results of three maintenance bids. On Bid #1 for bulk cement, 2 were returned out of 5 bids mailed. Mr. Hardee recommended the Commission accept the low bid from Lehigh Cement Company. Commissioner Long made a motion, seconded by Commissioner Ham to award the bid for bulk cement to Lehigh Cement Company. The motion carried unanimously.

On Bid #2 for class 3 reinforced tongue and groove concrete pipe, 2 bids were returned out of 9 bids mailed. Mr. Hardee recommended the Commission split the bid between Harvey Culvert (for 18", 24", 30", 54" and 60" pipe) and Hanson Pipe & Precast, Inc (for 36" pipe). Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Ham to split the bid for class 3 reinforced T&G concrete pipe between Harvey Culvert and Hanson Pipe & Precast, Inc. The motion carried unanimously.

Last, Mr. Hardee reported that on Bid #3 for ready mix concrete, one bid was received of 5 bids mailed out. Mr. Hardee recommended the Commission reject the bid for ready mix concrete. Mr. Hardee will explore why we are not receiving bids, and Mr. Rendleman suggested that we may need to re-bid this for a period of less than a year. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Ham to reject Bid #3 for ready mix concrete. The motion carried unanimously.

EMA Director Kathy Carson appeared before the Commission concerning a Hazard Mitigation Plan Grant. Ms. Carson stated the grant is being awarded to update the current Hazard Mitigation Plan. Further, Ms. Carson stated that this plan must remain current, be approved by the State, and approved by FEMA in order to receive federal dollars during a federally declared disaster. The total grant amount is \$27,500 with 75% federal funds and 25% county match. Ms. Carson explained that a portion of the local match amount can be fulfilled by in-kind services in the administration of the grant. After discussion, Commissioner Eckman made a motion to approve the Hazard Mitigation Plan Grant as presented, seconded by Commissioner Harris and unanimously carried.

Last, Chief Appraiser Bobby Armstrong appeared before the Commission concerning a proposed agreement with Tax Management Associates for auditing business personal property tax returns. Mr. Armstrong asked the Commission to authorize the Chairman to sign the agreement once he and County Attorney Stan Martin were satisfied with the wording. Commissioner Eckman made a motion to authorize the Chairman to sign the agreement once Mr. Armstrong and Mr. Martin approve the wording of the agreement. The motion was seconded by Commissioner Harris and unanimously carried.

Before adjourning, Commissioner Harris invited all the male leaders in attendance to join him Sunday at 2:30 p.m. at the St. Luke AME Church on Auburn Street. The leadership session is intended to help fight crime and violence in the community.

Next, Commissioner Ham thanked all the Commissioners for attending the town hall meeting that was held recently in Beulah concerning the water board. Commissioner Ham mentioned a thank you letter from Mrs. Linda Hilyer that was included in the Commission packets.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 15, 2013**

Commissioner Long made a motion at approximately 6:10 p.m. to adjourn. The motion was seconded by Commissioner Ham and passed unanimously.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 28, 2013**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, October 28, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Robert Ham, Gary Long and John Andrew Harris. Elected Official(s) present: Loachapoka Mayor Jim Grout.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, announcement of an expiring term on the Beulah Utilities Board and the minutes of the October 15 meeting. Commissioner Long made a motion to approve the consent agenda as presented, seconded by Commissioner Ham and passed on a vote of 4-0-1 with Commissioner Lawrence abstaining.

Judge English presented new information concerning the redistricting issue. Judge English stated the Commission must take action no later than the last meeting in November to meet the requirements for redistricting. Discussion was held in the pre-meeting, Commissioner Harris stated that his recollection of redistricting was that he had been told it was not necessary, and everyone he had talked to stated everything was ok. Now, the redistricting issue is back on the table. Commissioner Harris stated that he would agree to let an outside person do the redistricting. Specifically, Commissioner Harris questioned the decrease in his majority minority percentage from 54% to 52% and stated he was against losing that much. Judge English stated the actual numbers were 54.5% to 52.9% a loss of only 1.6%. Commissioner Harris stated he wanted to keep the percentage as it was. Commissioner Lawrence stated that the changes made each Commission district equal in population along with preserving a majority minority district. Commissioner Harris stated for the record that if the redistricting proceeded, then he would file a lawsuit against the county. After discussion, Commissioner Lawrence made a motion to accept the redistricting plan as presented this evening and hold the necessary public hearing in two weeks. The motion was seconded by Commissioner Eckman for discussion. Commissioner Harris then stated that he would sue, and stated "every Commissioner got what they wanted". Commissioner Long stated he did not get what he wanted. Commissioner Lawrence called for the question. After more discussion, Commissioner Lawrence once again called for the question and seconded by Commissioner Long, after vote being taken on the call for the question it passed on a vote of 4-1 with Commissioner Harris voting "No." After that the Chairman called for vote on the underlying motion, and it passed on a vote of 4-1 with Commissioner Harris voting "No."

Mrs. Jenny Woolward addressed the Commission concerning the potential closure of Lee Road 10 for bridge replacement. Ms. Woolward stated that she had attended a meeting over a year ago and questioned if the Commission had been able to come up with any solutions to accommodate the residents and businesses on the road without closing it. Judge English explained that after the previous discussion, County Engineer Justin Hardee had looked into several options, but the temporary bridge or alternate location options were too costly for the county to consider. Judge English stated that it would cost the county approximately \$½M to close the bridge and replace it; \$1.1M to realign the bridge to the south; \$1.2 M for a temporary bridge; and \$1.8M to realign the bridge to the north. Commissioner Harris stated the he had looked at the bridge with Mr. Hardee and he would assure the residents that it would be a speedy repair, whereas a bridge project usually takes approximately 6-8 months. Commissioner Harris stated Mr. Hardee agreed that if the conditions are favorable this repair could take approximately four months to complete. Commissioner Harris asked those residents in attendance to work with us, help us and Commissioner Harris promised them he would stay on the project and assured a speedy process once the project begins. Mrs. Mary Lou Smith questioned the damage on Sandhill Road. Mr. Hardee stated that he was planning to resurface the road this upcoming spring. Mr. Hardee stated the detour route would be able to withstand the additional traffic. Mr. Hardee further stated that Lee County currently has 112 bridges on its inventory and 15 bridges

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 28, 2013**

are on the list for repairs under the ATRIP Program. Judge English stated that this particular bridge scored 40 out of 100, and stated the county has an obligation to repair the bridge before it fails, not to mention a sudden failure or closure would add considerable extra expense. Judge English offered that it would cost the county a considerable amount of money to provide a temporary bridge and it was just impossible to do it for one bridge, without having to make a similar provision for the other 14 that are included in the ATRIP Program. The Plant Manager of the Martin Marietta quarry stated that he has been told that the detour would affect his business because he had already been told that the ready-mix vendors said they would not go around the detour to get to their plant. No action was taken by the Commission. Mr. Hardee said the projected timeline for this bridge replacement project is in the early part of 2015.

Mr. Toby Westfall appeared before the Commission concerning the Beulah Utilities District. Mr. Westfall presented a handout to the Commission of water issue concerns. Mr. Westfall stated this affected 1,254 residents. Mr. Westfall stated he felt that the Chairman of the Water Board was not doing his job by wasting four years working on the merger that had recently been taken off the table. Mr. Westfall asked the Commission to look at the need for oversight of the water board, that it needs more accountability. Commissioner Ham informed Mr. Westfall that the Code of Alabama does not give the Commission authority to run a water board, and the only way for the Commission to affect a change is to appoint new board members. Judge English added that while the law authorizes the Commission to appoint board members, it does not give the Commission authority to terminate board members once appointed. No action was taken by the Commission.

Ms. Sybil Kornman appeared before the Commission requesting a Letter of Intent from the Commission stating that we would offer all of our county waste for disposal to a proposed pyrolysis project at a rate to be negotiated, but a rate less than what is currently being paid to dispose of trash at the landfill in Lee County. Commissioner Harris said he would abstain from the vote on this project because he has a business relationship with the proposed project. Commissioner Lawrence once again addressed Commissioner Harris concerning documentation and specific plans in writing that explain what is being proposed. Mr. Jim Spencer of Phenix Energy 20, Commissioner Harris' partner, stated the website is [www.pernorthamerica.com](http://www.pernorthamerica.com). Judge English stated the disposal contract is up for bid next year and offered to put the company on our bid list. Mr. Rendleman stated that waste disposal service would have to be bid, and can't just be negotiated with one company due to the State bid law. Ms. Kornman stated she would take another look at the Letter of Intent and bring it back before the Commission. No action was taken by the Commission.

Commissioner Eckman asked the Commission to authorize travel expenses for any Commissioner who wanted to attend the upcoming ACCA Legislative Conference and ALGTI training in December. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve travel expenses for any Commissioner wishing to attend the ACCA Legislative Conference and ALGTI training. The motion passed unanimously.

Last, County Administrator Roger Rendleman requested that the Commission schedule a work session to review the Courthouse facilities at the conclusion of the next regularly scheduled meeting on November 12. Mr. Rendleman stated Architect Randy Wilson had finished the schematic design. Mr. Rendleman would like to move forward and explore the possibility of breaking the project into phases and to discuss a construction budget for the project. After discussion, Commissioner Lawrence made a motion, seconded by Commissioner Long to schedule a work session at the conclusion of the meeting on November 12 to discuss the Courthouse facilities. The motion passed unanimously.



**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 28, 2013**

Commissioner Lawrence made a motion at approximately 6:30 p.m. to adjourn. The motion was seconded by Commissioner Long and passed unanimously. Judge English reminded everyone that the next meeting would be held on Tuesday, November 12 due to the Veteran's Day holiday on Monday, November 11.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, November 12, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

Sybil Kornman appeared once again before the Commission and presented a copy of a Letter of Intent for the Commission to consider. Ms. Kornman stated the letter of intent is requesting all of the county's garbage for the pyrolysis project. Ms. Kornman stated the language in the letter presented would need to be changed from a 10-year agreement to a three-year agreement, since she was informed that the county can only contract for three years. No interest was expressed by anyone on the Commission to sign any letter of intent.

Mr. Hugh Dicks of the Beulah Utilities District appeared before the Commission and read a statement that he no longer wishes to serve on the Board due to lack of support from some Commissioners and stated he needed to rethink his service. Additionally, Mr. Dicks stated that he believes strongly in public service and believes it is time for him to move in a new direction.

Sheriff Jay Jones recognized Corrections Officer Natasha Sims and Investigator Stanley Wilson along with his canine companion Smoke, who is a Belgian Shepherd Malinois breed. Sheriff Jones stated that Officer Sims was very dedicated and dependable in her position. Further, Officer Sims never takes shortcuts in the corrections division. Sheriff Jones commended her for her attitude towards her job and towards others. Next, Sheriff Jones recognized Investigator Wilson and Smoke for their efforts in the seizure of illicit narcotics and subsequent forfeiture of currency. Further, Sheriff Jones stated that Investigator Wilson had been recognized for his reputation and has provided instruction to other agencies. Investigator Wilson stated that Smoke was trained to recognize seven different narcotic odors. Sheriff Jones thanked the two for their service and dedication to the Sheriff's Office. Judge English and the Commission also thanked them for their service.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Robert Ham, Gary Long and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

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 October 28 meeting. Commissioner Ham made a motion to approve the consent agenda as presented, seconded by Commissioner Long and passed unanimously.

Mr. Toby Westfall appeared before the Commission concerning the Beulah Utilities District Board appointment. Mr. Westfall suggested that the Commission consider the most experienced people when appointing new members.

Judge English stated that after the last Commission meeting adjustments had been made on the redistricting maps and the minority percentage in District 5 had been increased from 52.9% to 53.4%. Judge English distributed new maps with the changes. Judge English thanked Elections Manager Butch Brock and Information Services Director Tim Parson for their patience and assistance in this process. Commissioner Harris stated he had an outpouring of concern and expressed his appreciation for those that supported him. He especially thanked Democratic Party Chair Patsy Parker for her participation in the process. Additionally, Commissioner Harris thanked the Chairman and the Commission for addressing the issue. Commissioner Lawrence questioned that the 2<sup>nd</sup> draft is the one that needed to be addressed in this meeting. Judge

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2013**

English stated that Districts 1, 2 and 3 had no changes and Districts 4 & 5 changed slightly. Judge English stated that the Public Hearing scheduled tonight addresses the first plan. Therefore, the final adoption of this plan would take place at the next meeting along with a Public Hearing on the new proposed plan. Commissioner Harris further recognized Mrs. Selena Daniels, who was in attendance, for her interest in the redistricting. Judge English further clarified that the Public Hearing tonight would be held on the original redistricting map. After more discussion, Commissioner Harris made a motion to adopt the map as presented tonight and approve advertisement of the map. The motion was seconded by Commissioner Lawrence and passed unanimously.

The Chairman opened the Public Hearing on the redistricting map at approximately 6:15 p.m. for citizen comments. Additionally, the Chairman commented on the process for the adoption of the new district maps. There were 14 citizens in attendance, but no comments were made on the subject. The Chairman closed the Public Hearing at 6:16 p.m.

During the pre-meeting, Mr. Steve Ballew voiced his concerns about his commission district. Mr. Ballew stated that he lived on the line between District #4 and District #5 on Lee Road 44, where one side of the road is in District #4 and the other side is in District #5. Mr. Ballew stated that the rural residents suffer from gerrymandering. Mr. Ballew further stated that district lines should be continuous; white residents have the same needs as black residents. Mr. Ballew stated the definition of a majority is 50% plus 1, but he stated if the current law allows it, then he assumes it is ok. Judge English explained that Federal law requires that the districts be reviewed after each Census and the variation between districts is limited to no more than plus or minus 5% by population. If outside those parameters, the district lines must be redrawn to get numbers that comply with the "one man, one vote" requirement. The U. S. Supreme Court says that the protection of an incumbent and the preservation of a minority district are valid goals of redistricting. Judge English explained that the problem lies with where the growth is in Lee County, since people do not live in clusters any longer. Judge English further explained that in 1986 the number of districts increased from 4 to 5, with one minority district, as a result of a federal lawsuit. He stated that the 5 districts must be equally populated and we must attempt to keep a minority majority district. Commissioner Eckman questioned if the Federal court order was still ongoing. Judge English responded that the case was closed via a consent decree, but there is still the one man, one vote federal law. Further, Judge English again commended Butch Brock and Tim Parson on their efforts.

County Administrator Roger Rendleman stated the work session following the meeting will be held to discuss the schematic design phase. Discussion will include the following locations: Auburn Street building, the Courthouse, the Johnson Galleries building and the EMA building. Mr. Rendleman stated the timetable of construction and a construction budget will be discussed.

Governmental Relations Coordinator Wendy Swann announced the upcoming ACCA event called "Coffee at the Courthouse", which will be held Thursday at 2:00 p.m. at the Johnson Galleries annex, and that legislators and four other counties were invited.

Commissioner Lawrence made a motion at approximately 6:20 p.m. to adjourn into a work session on the Courthouse facilities. The motion was seconded by Commissioner Long and passed unanimously.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2013**

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 25, 2013**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, November 25, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Eckman.

Mr. Eugenio Seda appeared before the Commission to state his complaint about receiving a ticket for illegal dumping at the Lee Road 240 dump site on November 10, 2013. Mr. Seda stated that Corporal Jones waited until Mr. Seda and his helpers threw sacks of yard debris including limbs and sticks into the dumpster before Corporal Jones issued Mr. Seda a ticket. Mr. Seda felt that he should have been given a warning for the offense since he felt he had been set-up by Corporal Jones. Corporal Jones indicated that signs were posted at the dump site and mentioned that the Commission paid him to ticket illegal dumpers, not give warnings. Mr. Seda claimed that none of the signs indicated that Smiths Station residents were not eligible to place yard debris at the location. Mr. Seda stated he would be attending his court date on December 5. Mr. Seda went over the allotted three-minute limit and Judge English suggested that Mr. Seda come back and be placed on the next agenda for further discussion if he desired. Mr. Seda agreed and stated he would like to be placed on the next agenda.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Robert Ham, Gary Long and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

County Engineer Justin Hardee presented a status update on Lee Road 146. Mr. Hardee was happy to report that the roadway had been reopened about two hours prior to the meeting. Mr. Hardee presented before and after pictures of the cross-drain repair. Mr. Hardee stated that he appreciated the public's patience during this unscheduled repair, but stated that it will prevent it from happening again. Second, Mr. Hardee stated that another bridge on Lee Road 146 just west of Lee Road 112 would be closed for cross-drain repairs and it would be closed for approximately a week. Commissioner Lawrence asked if guardrails would be placed on the north side of the project on Lee Road 146. Mr. Hardee stated that no guardrail would be placed on that side, but the guardrail would be extended on the other side. Mr. Hardee thanked his employees for the work they put into this project and how promptly they were able to get the road reopened.

Environmental Services Director Chris Bozeman reported on the electronics recycling event that took place on September 28 at Saugahatchee Square shopping center in Opelika. The event was hosted by the East Alabama Recycling Partnership which includes: Lee County, City of Opelika, City of Auburn and Auburn University. Mr. Bozeman reported that this was the largest event held so far and he was looking forward to the next event. Mr. Bozeman reported that the East Alabama Food Bank received 193 pounds of food and \$382.79 in monetary donations, which equates to 2,680 meals for citizens in need. The e-waste tonnage recycled equaled 11.20 tons; paper shredding recycled was 8.85 tons and other misc. appliances and cardboard. Mr. Bozeman reported that overall 40,084 pounds or 20.5 tons of e-waste was recycled at this event and \$1,177.14 was netted.

Last, Mr. Bozeman stated that the Commission had been invited to attend the grand opening of the Columbus Recycling Center. Mr. Bozeman asked the Commission to let him know if they were planning to attend the event and he would respond on their behalf. Commissioners Eckman, Lawrence, Long and Ham indicated they would like to attend the event.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 25, 2013**

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 November 12 meeting. Commissioner Lawrence made a motion to approve the consent agenda as presented, seconded by Commissioner Harris and passed unanimously.

Commissioner Long made a motion to approve the following Resolution for second reading to appoint Mr. Richard Terry and Mr. Joe Walden to the Smiths Water and Sewer Authority to the two new positions on the board. The motion was seconded by Commissioner Lawrence and passed unanimously.

**BE IT RESOLVED**, the Lee County Commission does hereby appoint Mr. Richard Terry and Mr. Joe Walden to the Smiths Water Authority to serve a staggered six-year term.

Upon discussion on the new board terms, Judge English suggested the item be place on the next agenda. Judge English stated he and Mr. Rendleman would look into the matter and update the Commission then.

Mr. Toby Westfall again appeared before the Commission concerning the Beulah Utilities District and a state statute which indicates that the district office should be located in the district it serves. Mr. Westfall stated he felt that the Board was violating this statue and asked the Commission to consider this when appointing new board members. Judge English stated that the Commission has no authority over whether or not they follow state statutes and suggested that Mr. Westfall approach the Board concerning the matter. Mr. Westfall indicated that he had already talked to the Board, but stated he was given the impression that the Board members felt it was not an issue of where the district office was located. Judge English further stated that the only authority given to the Commission is to appoint board members. Commissioner Lawrence questioned who has jurisdiction on this matter. Judge English stated that a citizen could take the matter to court and possibly get a ruling on the matter.

The Chairman opened the Public Hearing on the latest redistricting map at approximately 6:19 p.m. for citizen comments. Additionally, the Chairman commented on the process for the adoption of the new district maps. There were 3 citizens in attendance, but no comments were made on the matter. The Chairman closed the Public Hearing at 6:20 p.m.

Upon the conclusion of the Public Hearing, Judge English opened discussion for the adoption of the Redistricting Plan as presented. After discussion, Commissioner Harris made a motion, seconded by Commissioner Lawrence to adopt the redistricting plan as presented. The motion carried unanimously.

First reading of the Beulah Utilities District was discussed. Judge English stated that four citizen interest forms had been submitted for consideration which included: Shane Franks, Leon McCloskey (in attendance), Carolyn Lott and Billy Dinger, Jr. Judge English stated that Stan Martin's office had sent a letter to Mr. Hugh Dicks which clarified his term expiration of December 1, 2013, not March 8, which was his appointment date. After discussion, Commissioner Ham made a motion to appoint Mr. Shane Franks to the Beulah Utilities District to serve a four- year term which would begin on December 9 and end December 1, 2017. The motion was seconded by Commissioner Long. The motion carried unanimously.

Judge English presented the following FY2014 Holiday Schedule for Commission consideration. After discussion, Commissioner Lawrence made a motion to adopt the FY2014 Holiday Schedule as presented, seconded by Commissioner Harris and unanimously carried.

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New Year's Day	Wednesday, January 1, 2014
Martin Luther King, Jr. Day	Monday, January 20, 2014
Presidents' Day	Monday, February 17, 2014
Memorial Day	*Monday, May 26, 2014
Independence Day	Friday, July 4, 2014
Labor Day	Monday, September 1, 2014
Columbus Day	*Monday, October 13, 2014
Veterans' Day	Tuesday, November 11, 2014
Thanksgiving	Thursday, November 27, 2014
	Friday, November 28, 2014
Christmas	Thursday, December 25, 2014
	Friday, December 26, 2014

\* Normal Commission Meeting Days

Note: Monday, May 26 meeting moved to Tuesday, May 27, 2014

Monday, Oct. 13 meeting moved to Tuesday, Oct. 14, 2014

County Administrator Roger Rendleman asked the Commission to authorize the first stage of Phase I of the facilities construction/renovation project and set a Phase I budget in the Capital Improvement fund for \$1,400,000. Mr. Rendleman stated the first stage in Phase I will be for the design and construction documents for bid. Additionally, the \$1,400,000 represents \$1,257,000 for the estimated construction budget and \$143,000 for associated costs like engineering costs and a contingency allowance. After discussion, Commissioner Lawrence made a motion to move forward with the facilities construction/renovation project and authorize the first stage of Phase I and set the budget in the Capital Improvement fund at \$1,400,000. The motion was seconded by Commissioner Eckman and passed unanimously.

Last, Mr. Rendleman suggested that the Commission consider a revision to the smoke-free workplace policy. Mr. Rendleman explained that he had received complaints from various departments of employees using e-cigarettes and felt it was necessary to address at this time. Commissioner Eckman questioned why it would not be prohibited by the current "smoke-free workplace" policy. Mr. Rendleman stated it did not specify those particular types of devices. Commissioner Lawrence made a motion to adopt as presented a revision to the Smoke-free Workplace Policy concerning e-cigarettes. The motion was seconded by Commissioner Harris for discussion. The Commission discussed the use of and the hazards associated with e-cigarettes and other irritants such as perfumes and vapors from burnt popcorn. Commissioner Harris suggested getting with each office to determine the necessity of a policy and address it at that time. Commissioner Eckman called for the question, which was seconded by Commissioner Lawrence, after vote being taken on the call for the question it passed unanimously. After that the Chairman called for vote on the motion and it passed unanimously.

Commissioner Eckman made a motion at approximately 6:35 p.m. to adjourn. The motion was seconded by Commissioner Ham and passed unanimously. Commissioner Lawrence wished everyone a "Happy Thanksgiving".

Minutes approved:

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Chairman

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 25, 2013**

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 9, 2013**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 9, 2013 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Robert Ham, Gary Long and John Andrew Harris. Elected Official(s) present: Loachapoka Mayor Jim Grout.

County Administrator Roger Rendleman stated that the unaudited Financial Statements had been prepared and a copy has been placed on each Commissioner's desk. Additionally, a copy is available on the county website at [www.leeco.us](http://www.leeco.us).

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, November procurement log transactions and the minutes of the November 25 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed unanimously.

Commissioner Ham agreed during the pre-meeting to move second reading of the Beulah Utilities District appointment to the next meeting.

The board terms for the two new appointees to the Smiths Water Authority were discussed. Judge English stated that according to Code of Alabama, the terms must be staggered and each term must end in an odd numbered year. Judge English suggested that one member's term end on March 1, 2019 and that the other member's term end on March 1, 2017. After discussion, Commissioner Long made a motion for Mr. Joe Walden's term to end on March 1, 2019 and Mr. Richard Terry's term to end on March 1, 2017. The motion to adopt the following resolution was seconded by Commissioner Eckman and unanimously carried.

**BE IT RESOLVED**, Mr. Joe Walden and Mr. Richard Terry be appointed to serve a six-year term and a four-year term on the Smiths Water Authority ending March 1, 2019 and March 1, 2017, respectively.

Mr. Eugenio Seda was not in attendance concerning the solid waste dumping citation.

Mr. Willie Philpot, Jr. appeared before the Commission in the pre-meeting and asked Commission approval for his company to provide garbage pick-up and disposal service to the residents in the Beauregard area. Mr. Philpot presented a copy of his proposed customer agreement which stated each resident must continue to pay the county garbage fee in addition to any fee charged by Mr. Philpot. Additionally, Mr. Philpot presented a copy of an "Annual Solid Waste Collector Permit" issued and approved by the Lee County Health Department. Commissioner Eckman made a motion to approve Mr. Philpot's business "1-800-Disposal" to provide garbage pick-up and disposal service to the residents in the Beauregard area. The motion was seconded by Commissioner Harris and carried unanimously.

Mr. Ted Heyde appeared before the Commission concerning an ad valorem tax exemption issue. Mr. Heyde explained that a citizen had been exempt from paying ad valorem taxes on a residence on Lee Road 201 for which in his opinion the person is not entitled to be exempt. Mr. Heyde stated he had provided an affidavit of this fact to Revenue Commissioner

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 9, 2013**

Oline Price and she had not removed the exemption, therefore he was now requesting assistance from the Commission. Judge English explained that Oline Price is elected as Revenue Commissioner, and that the County Commission has no authority to tell her how to run her office. He suggested that Mr. Heyde address the issue with Ms. Price. Mr. Heyde stated he had already done that and would pursue the matter in other ways if no cooperation is obtained from the Commission.

Commissioner Eckman asked the Commission to help the Forest Ecology Preserve with a load of sand for the playground and to help with spreading mulch on the trails where necessary. Commissioner Eckman stated that Alabama Power is providing mulch for the project. Commissioner Eckman asked that the Highway Department spread the gravel and provide a load of fill dirt at the location. Judge English questioned Mr. Hardee for an estimate on the labor and time requirements necessary to fulfill the request. Mr. Hardee stated it would take about one to two days maximum utilizing two employees. Judge English also asked if this is something the county has done for the Ecology Preserve before, and Mr. Hardee said yes. After discussion, Commissioner Eckman made a motion to authorize the Highway Department to assist the Forest Ecology Preserve as discussed. The motion was seconded by Commissioner Lawrence and unanimously carried.

Commissioner Ham asked the Commission to allow the Lee County Kiwanis Club to use the Johnson Galleries building on December 22 and 23 for their Christmas program to provide toys to needy children in the area. Commissioner Lawrence made a motion to allow that use of the Johnson Galleries building on December 22 and 23. The motion was seconded by Commissioner Eckman and passed unanimously.

Judge English asked the Commission if they wished to consider cancelling the last meeting in December, as has been done in years past. Judge English also asked the Commission to allow he and the Commission staff some latitude in paying claims during this period. Upon discussion, Commissioner Lawrence made a motion, seconded by Commissioner Harris to cancel the last meeting in December. The motion passed unanimously.

Judge English requested that the Commission consider allowing Circuit Clerk Mary Roberson to hire additional staff during the upcoming 2014 election cycle. Judge English stated Mrs. Roberson will assume the role of Absentee Manager, but is asking the Commission to support her request for additional staff during this period. Judge English stated no action was necessary at this time but Mrs. Roberson would bring back an estimated amount for Commission consideration in the near future.

County Engineer Justin Hardee presented a subdivision variance request from Joseph Mixon, President of Summerville Homes, Inc. Mr. Hardee explained that the owner is requesting variance to section 4(c) of Lee County's Access Management Policy, which requires that residential lots on routes classified above a major collector (i.e. arterials) shall have limited access through service roads or equivalent. Lee Road 248 (Summerville Road) between Lee Road 430 and U. S. Highway 280/431 is classified by the Alabama Department of Transportation as an Urban Minor Arterial. This means the lots fronting the roadway are subject to Section 4(c) as described above. Mr. Mixon would like to construct four (4) new access points connecting to Lee Road 248, one for each lot. Mr. Hardee explained that Lee Road 248 already has a high traffic volume and would recommend that only two access points be utilized for the four lots. Upon discussion and recommendation of the county engineer, Commissioner Long made a motion to allow the subdivision variance request as approved by Mr. Hardee, with one shared access point for each pair of lots. The motion was seconded by Commissioner Harris and passed unanimously.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 9, 2013**

Wendy Swann asked the Commission to authorize Judge English to sign the necessary documents for the safety incentive discount program that the Commission has adopted. Commissioner Lawrence made a motion to authorize Judge English to sign the necessary documents for the ACCA Safety Incentive Discount Program. The motion was seconded by Commissioner Harris and unanimously carried.

County Attorney Stan Martin stated the Commission needed to adjourn into executive session to discuss a potential real estate transaction. Mr. Martin stated that Mr. Justin Hardee, County Administrator Roger Rendleman and Chief Appraiser Bobby Armstrong needed to attend. Further, the meeting would last approximately 20-30 minutes and official action may be necessary at the conclusion. Commissioner Harris made a motion at 6:20 p.m. to adjourn into executive session, seconded by Commissioner Ham and unanimously carried.

Upon reconvening the official meeting at 7:05 p.m. after the conclusion of the Executive Session, Commissioner Lawrence made a motion, seconded by Commissioner Harris, to authorize Mr. Hardee and Mr. Martin to act on the Commission's behalf to negotiate the potential acquisition of real estate for the county not to exceed an amount specified in the executive session. The motion carried unanimously.

Commissioner Long made a motion at approximately 7:10 p.m. to adjourn. The motion was seconded by Commissioner Ham and passed unanimously. Commissioner Lawrence wished everyone a "Merry Christmas".

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5