

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 13, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 13, 2014 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 Johnny Lawrence, Robert Ham, Gary Long and John Andrew Harris. Absent: Commissioner Sheila Eckman. Elected Official(s) present: Sheriff Jay Jones.

Environmental Services Director Chris Bozeman presented an update on the animal control situation after the completion of the first three months operating under the new system. Mr. Bozeman reported that out of 210 animals picked up since October 1, 2013: 44.76% were euthanized; 21.90% were adopted; 23.33% are status pending and 10% were returned to owner. Second, he reported that Lee County has spent \$13,271.88 in the first quarter of FY13/14, compared to \$31,980 budgeted for the same time period under the old contract with the Lee County Humane Society, a significant savings. Mr. Bozeman further provided the pros and cons of animal control service as currently being provided, as well as the plusses and minuses of two other alternate methods of providing the services required by law. Mr. Bozeman stated that his department along with County Engineer Justin Hardee are looking at options and considering them all. Dr. Buddy Bruce and Dr. Gary Hunt were both in attendance to hear and participate in the discussion of the care of the animals.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, an announcement of an opening on the Beulah Utilities District Board upon the resignation of Armand Crowder and the minutes of the December 9 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed unanimously.

Commissioner Ham acknowledged all the applicants for the position on the Beulah Water Board, and stated he had reviewed all the citizen interest forms. Commissioner Ham suggested that the Commission Office send letters to all the applicants thanking them for offering to serve on the board. Further, the Commission received the Beulah Utilities Board recommendation letter for the appointment of Mrs. Carolyn Lott. Commissioner Ham recognized Mrs. Carolyn Lott, who was in attendance at the meeting. After all considerations, Commissioner Ham made a motion on second reading to approve the following Resolution to appoint Shane Franks to the Beulah Utilities District board. The motion was seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED the Lee County Commission does hereby appoint Shane Franks to the Beulah Utilities District board to serve a four-year term ending December 1, 2017.

Marie Maples presented a proposed five-page Lee County Noise Ordinance for Commission consideration. Ms. Maples stated she has lived in Lee County for 22 years and stated she would like to see Lee County propose a noise ordinance to provide an avenue for citizens which would help to restrict and possibly regulate, when necessary, for verbally loud people, loud music, and other types of disturbing, annoying situations in the rural areas of Lee County. County Administrator Roger Rendleman stated Lee County did not have the authority to adopt a "noise ordinance", but possibly could adopt something under nuisance that could address the situation under our "limited self-governance" authority. Mr. Rendleman stated he would look into what the Commission could do along with cooperation and involvement of the Sheriff. Judge English questioned Sheriff Jones as to any authority on a noise ordinance. Sheriff Jones stated he would like to be given time to research the issue. Sheriff Jones stated the Sheriff's Office receives complaints about neighbors playing music too loud, and stated that

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when approached by a deputy the citizens usually are cooperative. During the meeting the Commission agreed to allow Mr. Rendleman and his staff along with Sheriff Jones to research the issue and bring back a recommendation to the Commission on a direction which may be feasible on the issue.

Next, Martha Leonard addressed the Commission concerning some jail issues. First, Ms. Leonard thanked the Commission for allowing her to speak before the Commission. Ms. Leonard addressed the food and drink choices given to the inmates. Ms. Leonard stated only water and Kool-Aid are offered and she feels that the inmates should be offered juice or milk for nutritional value. Next, Ms. Leonard addressed maintenance issues in the jail and stated only two showers were in working order and also there was an issue of sewage back-up. Ms. Leonard further stated that religious services which were held on December 2, 9 and 17 were not made known to inmates. Next, she stated that a dentist only comes once a month from Prattville, and only treats 14 patients per visit. Further, Ms. Leonard stated a detainee had not received a handbook, and that request forms filed December 18th and 19th had not been answered as of this date. Judge English responded that the operation of the jail is under the control of the Sheriff and not within the authority of the Commission. Commissioner Harris stated that the Commission does have some responsibility for the jail operations and should be concerned when addressed with the issues presented by Ms. Leonard. Commissioner Harris stated that no one should be treated like an animal and he knew that the Sheriff was a compassionate person. Commissioner Harris stated he would sit down and work things out with the Sheriff on these issues. Commissioner Harris stated he had asked Ms. Leonard to come before the Commission to address these issues with the Commission. Sheriff Jones stated that he understood Ms. Leonard was very passionate about these concerns since a family member of hers was in his care.

Ms. Wendy Sharpe was not in attendance on the agenda item concerning the property damage incident involving an ambulance or fire department vehicle.

After discussion in the pre-meeting, Commissioner Lawrence made a motion during the meeting to authorize travel for any Commissioner to attend anytime during the 2014 legislative session, which begins tomorrow, especially so those who serve on various boards and committees can attend as needed. The motion was seconded by Commissioner Long and unanimously carried.

Mr. Rendleman presented a request from the American Cancer Society Relay for Life for use of the front steps and lawn of the Courthouse on April 25, 2014. Co-Chairman of Relay for Life 2014 Mr. Randy Causey was in attendance at the meeting and stated that the Relay group would request to use the lawn for the stage and entertainment area the day of the event. Judge English asked that they keep any stages or larger, heavier fixtures on the concrete sidewalks out front, as we have had some damage to the grass from previous events. Mr. Rendleman asked Mr. Causey to name the county as an additional insured to their insurance policy for liability purposes. Mr. Causey agreed to do that. After discussion, Commissioner Lawrence made a motion, seconded by Commissioner Ham to allow the American Cancer Society Relay for Life to utilize the steps and front sidewalk area of the Courthouse on April 25 and April 26. The motion was carried unanimously.

Mr. Rendleman asked the Commission to authorize the Chairman to sign the following Resolution for a three-year contract term in the ACCA Liability Self-Insurance Fund and a Participation Agreement for 2015-2017. After discussion, Commissioner Long made a motion, seconded by Commissioner Harris to authorize Judge English to sign the following Agreement and Resolution for the ACCA Liability Self-Insurance Fund. The motion carried unanimously.

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RESOLUTION

WHEREAS, Lee County is a member of the Association of County Commissions of Alabama Liability Self-Insurance Fund (“Liability Fund”) for the contract period ending Dec. 31, 2014; and

WHEREAS, the county’s participation in the Liability Fund has been a significant benefit to the County since becoming a member; and

WHEREAS, the representation and service provided by the Liability Fund continues to be in the best interest of Lee County and its officials and employees; and

WHEREAS, Lee County would benefit by agreeing to extend its participation in the Liability Fund for an additional three-year period beginning Jan. 1, 2015 and concluding Dec. 31, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission that it renews its participation in the ACCA Liability Fund for calendar years 2015 through 2017 and hereby authorizes the Chairman to execute the 2015-17 ACCA Liability Self-Insurance Fund Participation Agreement.

Next, Mr. Rendleman explained two issues that need to be addressed on the Justice Center project. Mr. Rendleman stated one issue is a redesign of the storm water retention that is going to save \$100,000 plus in site work and the second is an improvement to the tie-in with the existing building. After discussion, Commissioner Ham made a motion to authorize the Chairman to sign the amendment to the agreement with HDR Architecture in the amount of \$9,737.72, seconded by Commissioner Harris. The motion carried unanimously.

Next, Mr. Rendleman asked the Commission to decide on an Architectural Services Agreement for the Auburn Street and Johnson Galleries buildings projects. Mr. Rendleman presented two scenarios to the Commission: one involving waiting to renovate the Johnson Galleries building so it could be used for the upcoming elections and one that would go ahead with renovation and render the building unavailable sooner. Mr. Rendleman explained that to continue he needed to know the wishes of the Commission. Judge English indicated that the greatest need for elections involved the June 2014 primary and the month or so preceding it, and would not be nearly as great for the November election. Judge English stated he could rent a location, if necessary, for primary election purposes, if the Johnson Galleries building was not available. The consensus was to give Judge English and Mr. Rendleman some flexibility as to the timing, but to go ahead and authorize the work now for whenever needed. After discussion in the pre-meeting, Commissioner Lawrence made a motion during the meeting to authorize the Chairman to sign an architectural services agreement with John Randall Wilson for the Johnson Galleries building and the Auburn Street building. The motion was seconded by Commissioner Long and unanimously carried.

The Commission agreed to move the agenda item to amend the excess proceeds policy to the second meeting in April to see if any changes are made in the Legislature, but so it would be in place before the 2014 tax sale.

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Last, Mr. Rendleman presented two educational reimbursements, one from Sergeant Tamara Booth and one from Deputy Pamela Revels. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the Sheriff. Commissioner Lawrence made a motion, seconded by Commissioner Ham to approve the educational reimbursements as presented. The motion passed unanimously.

Commissioner Long made a motion at approximately 6:25 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, REG. ADJ. TERM, JANUARY 27, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, January 27, 2014 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, Gary Long and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones.

Judge English recognized former Opelika Observer news reporter Greg Markley and 6 students in attendance with his distance learning class Federal Government and County Government from Ft. Benning, Georgia.

Sheriff Jones recognized the Deputy David Gamper, Deputy Matt Smith and Investigator Stanley Wilson. Sheriff Jones stated these three had been chosen by their peers and their supervisors. Sheriff Jones recognized Deputies Gamper and Smith, the two newer deputies, for teamwork on their shift. Sheriff Jones stated that the two had been instrumental in pursuing and apprehending suspects in recent burglary cases which solved open cases in 4 jurisdictions. Deputies Gamper and Smith were recognized as Employees for the Last Quarter of 2013. Investigator Stanley Wilson was recognized for as Employee of the Year for the Lee County Sheriff's Office. Sheriff Jones thanked each individual for their hard work and dedication to the Sheriff's Office.

Judge English asked EMA Director Kathy Carson during the pre-meeting to address the Commission on the upcoming weather forecast. Ms. Carson stated the forecast for Lee and the surrounding counties included rain, sleet, and the possibility of 3 to 3½ inches of snow by Wednesday morning. Ms. Carson stated that the all schools in the area had made the decision to close on Tuesday. Ms. Carson stated that on Tuesday at 10:00 a.m. the National Weather Service would be giving an update on the weather forecast. Ms. Carson stated that at this point it was a wait and watch situation. Further, she stated it looked like the worst would be Tuesday night after midnight because of low temperatures. Commissioner Ham thanked Ms. Carson for the update. Judge English informed the Commission that the Courthouse would be open Tuesday morning as usual and perhaps close mid-day and anticipate re-opening on Wednesday around noon. Mr. Hardee stated sand trucks would be on standby and would be operating as calls were dispatched by law enforcement and/or EMA.

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

During the pre-meeting, Martha Leonard once again addressed the Commission concerning the jail issues she presented at the last meeting. Ms. Leonard stated that the issues still were not being addressed. She stated that the lights that had been out for three to four weeks had finally been fixed this morning. Again she addressed the dentist that comes once a month and only sees 14 inmates and only extracts teeth. Ms. Leonard stated that in her opinion this is cruel and something should be done thru the justice system. Next, Ms. Wendy Henderson asked to address the Commission concerning the issue. Ms. Henderson had the same concerns of the jail issues as her mother, Ms. Leonard. Ms. Henderson addressed the issue of the inmates being confined in their cells for 22 out of 24 hours; handbook issue; and the light bulb issue. Further, Ms. Henderson asked the Sheriff to look into services like Aramark or iCare.com, which provide

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commissary services; gifts for inmates, which could boost morale and could supplement food for inmates. Commissioner Harris stated he has the same concerns as Ms. Leonard and Ms. Henderson for the inmates. Commissioner Harris stated he has been talking to between 200-300 people door-to-door and stated Ms. Leonard & Ms. Henderson have his sympathy and stated he would help them work with the system. Judge English asked Sheriff Jones if he would like to address the issue. Sheriff Jones stated that his office has addressed every concern brought to their attention, and that his staff treats the inmates humanely and fairly, and that the inmate diets comply with all legal requirements.

Mr. Robert Morris appeared before the Commission and stated he represents Boulder Brook, LLC, a company that buys tax liens at the ad valorem tax sale each year. Mr. Morris addressed the Commission at the pre-meeting concerning what he feels like was an underpayment of the statutory 12% interest. He said two redemption checks were recently sent to him but that he returned them because the amount of interest was insufficient, and that in his opinion, the certificates of redemption issued by the Probate Judge were ineffective. Mr. Morris stated that he had no problem in the past on redemptions, but has taken issue with these two, stating the amount of interest he had received is not enough because of a difference of opinion on how tax sale redemptions are calculated. After considerable discussion, Mr. Rendleman informed Mr. Morris that the only portion that the County Commission has any control over is the repayment of the "excess" bid, and Mr. Morris agreed that his dispute does not pertain to the excess amount, but only to the calculation of interest. Mr. Rendleman added that the interest calculations are the responsibility of the Probate Judge, and that the check for the interest comes from the Probate Judge, not from the Commission. Mr. Morris closed by saying he didn't want to sue Lee County, but wants what his client is entitled to.

After discussion in the pre-meeting, Commissioner Harris made a motion, during the official meeting, to approve travel to the 2014 NACo Legislative Conference on March 1-5, in Washington, D.C. He stated that he serves on the Board of Directors of the National Association of Black County Officials the NACo Rural Action Caucus Steering Committee. The motion died for the lack of a second.

County Engineer Justin Hardee informed the Commission of the emergency closure of Lee Road 393 which is located in District 5. Mr. Hardee stated a metal cross drain is in need of repairs and that the repairs will be started this week, depending on weather conditions, and may take up to two weeks to complete. Commissioner Harris thanked Mr. Hardee for contacting him prior to the closure. Commissioner Ham agreed with Commissioner Harris and also thanked Mr. Hardee for keeping the Commissioners informed.

Next, Mr. Hardee updated the Commission on the requested closure of Lee Road 224. Mr. Hardee stated that this is the road that joins school property near the new high school in Smiths Station. Pursuant to county policy, a resident of the road, Ms. Kim Watson, approached each homeowner and obtained at least 66-2/3% of the home owners' signatures on a petition stating they wished to close the road to thru traffic.

Judge English opened the floor at 6:20 p.m. for a Public Hearing on the proposed closure of Lee Road 224. Four people were in attendance for the Public Hearing, and all expressed support for the proposed closure. The following comments were recorded:

- 1) Susan Parker stated that Lee Road 224 was a potential death trap and she was in favor of closing the road.
- 2) Greg Hopkins had several concerns about the cul-de-sac: a) main concern was in how the cul-de-sac would be constructed for school buses and garbage trucks b) a safety concern if it is a dead-end street for kids going up and down the road at high rates of speed and c) he would like for the cul-de-sac to be located further down the road near his property (not at the end of the roadway).

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Judge English closed the Public Hearing at approximately 6:40 p.m.

Mr. Hardee explained that if the road were closed to thru traffic, a cul-de-sac would need to be placed at the point of closure to allow school buses, garbage trucks, etc. to turn around safely. The cul-de-sac would have to be placed on the west side of the road on county-owned property because we only have prescriptive right-of-way there and cannot encroach on the east side. Mr. Hardee stated "No Exit" signs would be placed on the road stating it is not a thru road to reduce the amount of traffic. Judge English asked County Attorney Stan Martin's opinion on the issue. Mr. Martin stated that the county was only changing thru access to the road, but that it was not a road "closure", because the county would still own the road and would still maintain the road. Mr. Hardee stated that if the Commission agreed, then the county would first construct the cul-de-sac, and would advertise the change in access in the Phenix City and Columbus newspapers notifying citizens in the area of the change. Commissioner Long made a motion to restrict thru traffic on Lee Road 224 to the county engineer's specifications and authorize the highway department to build a cul-de-sac on the road and adjoining property. The motion was seconded by Commissioner Lawrence and unanimously carried.

County Administrator Roger Rendleman presented an educational reimbursement request for Investigator Tamara Booth. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the Sheriff. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the educational reimbursement as presented. The motion passed unanimously.

Sheriff Jones presented the results on Bid #5 for uniform dry cleaning for the Sheriff's Office and jail. Sheriff Jones stated only two bids were received out of 5 bids mailed. Sheriff Jones recommended the Commission accept the lowest responsive bid from Penny Profit Cleaners. Sheriff Jones stated this was their current vendor. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Ham to accept the low bid of Penny Profit Cleaners. The motion passed unanimously.

Upon advice of County Attorney Stan Martin, three executive sessions would need to be held. The first involving a potential real estate transaction would require attendance by Mr. Rendleman and Mr. Hardee. The next two, one involving current litigation and one involving threatened litigation, would only require attendance by Mr. Rendleman. The sessions will last approximately 20 minutes each and may require official action by the Commission at the conclusion. Commissioner Long made a motion at approximately 6:30 p.m., seconded by Commissioner Lawrence to adjourn into Executive Session. The motion carried unanimously.

At the conclusion of the Executive Session, no action was taken. Commissioner Long made a motion at approximately 7:55 p.m. to adjourn. The motion was seconded by Commissioner Harris and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

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Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 10, 2014 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: Loachapoka Mayor Jim Grout.

Judge English recognized several departments for their performance during the recent weather event. The event began with rain/sleet on January 28 which closed the Courthouse at 10 a.m.; snow and temperatures at or below 32 degrees shut down the Courthouse on the 29th and the continued below freezing temperatures on the 30th delayed opening of the Courthouse for safety reasons by two hours on January 30. Judge English first recognized EMA Kathy Carson and the entire EMA Staff for staying on duty 24/7 during the snow/ice event. Next, Judge English recognized Sheriff Jones and his deputies and staff. Judge English further recognized County Engineer Justin Hardee and the Highway Department staff for sanding bridges in the county as necessary during the three days, some of which were sanded more than once. County Administrator Roger Rendleman recognized Kim Oas who in preparation for the weather event stayed until 11:30 p.m. Monday night working on payroll and again on Tuesday after everyone left, Mrs. Oas stayed an additional 2-3 hours without being asked to so that payroll could be processed without delays.

Mr. Hardee updated the Commission on the status of Lee Road 146. Mr. Hardee stated that Lee Road 146 had been closed this morning due to an emergency cross-drain replacement. Mr. Hardee stated this road was one of the projects on the ATRIP Program for resurfacing and to be pro-active he wanted to make all these necessary repairs prior to the resurfacing project. Mr. Hardee explained that actually there would be three cross-drain replacements done while the road was closed with an approximate closure for two weeks, if the weather cooperates. Additionally, at a later date the road would be closed for approximately two months to widen the bridge for the resurfacing project. Mr. Hardee asked that the citizens be understanding during the process and explained that a much better roadway would be the end result.

Judge English had placed an unofficial version of the list of qualified candidates on each Commissioner's desk and to the news media since qualifying had closed on Friday. Judge English congratulated Commissioners Lawrence, Ham & Harris upon their re-election since none of them had any opposition in either party.

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 27 meeting. Commissioner Long made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and passed unanimously.

Martha Leonard once again addressed the Commission during the pre-meeting concerning the jail issues she presented at the last meeting. Judge English questioned Ms. Leonard if she had anything new to present to the Commission. Ms. Leonard again stated that handbooks were not being given out; no medications were given out on January 29th; again she addressed the light issue in cell 405 being out for over three weeks. Ms. Leonard stated she had a phone recording she would like to play for the Commission. Judge English stated she was unable to play the recording for the Commission. Next, Judge English explained to Ms. Leonard that unless she would like to file a lawsuit against the Commission for the actions of the Sheriff,

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there was nothing the Commission is able to do about the situation. Ms. Leonard questioned if this is like Tutwiler Prison. Commissioner Harris asked to address the situation. Commissioner Harris stated that each Commissioner goes to County Commissioner training and each Commissioner knows that there are certain things the Commission is liable for. Commissioner Harris stated he will discuss the items Ms. Leonard is bringing before the Commission with Sheriff Jones and Captain Welch. Additionally, Commissioner Harris stated he will listen to the recording Ms. Leonard presented and will get with Sheriff Jones and Captain Welch on that issue also. Ms. Leonard further stated that an inmate had been in lock-down for 22 hours and had only been out 8 times in January. Commissioner Harris stated he would look at the regulations. Further, Ms. Leonard stated she was not in any way trying to tell anyone how to run their job, but stated she thinks some things need to be done properly. Judge English during the meeting stated that if Ms. Leonard had any more jail concerns that she should be referred to Commissioner Harris or Sheriff Jones. Commissioner Harris stated that a citizen should not be limited to the number of times they can address the Commission. Judge English stated that he was simply trying to minimize how much Commission time was taken rehashing the same things.

Lee-Russell Council of Governments Planning & Economic Development Specialist Barbara Scott appeared before the Commission during the pre-meeting to update the Commission on the Hazard Mitigation Plan. Mrs. Scott stated that in collaboration with the Lee County Emergency Management Agency, a grant to update the existing Lee County Hazard Mitigation Plan had been obtained. This update would keep Lee County in compliance with 44 CFR 201.6 and FEMA Local Planning Guidance and Policies and maintain eligibility for future hazard mitigation grant funding to implement the plan's goals and strategies. First, Mrs. Scott requested the Commission select a representative from the Commission to attend the Lee County Stakeholder and Technical Advisory Committee Meeting. The first meeting will be held on Wednesday, February 26, 2014 at the Lee County EMA Office. The second meeting is planned for April 23, 2014 at the same location. Second, Mrs. Scott asked that the Commission allow representatives from the Lee County Sheriff's Office, Engineering Office and Revenue Commissioner's Office attend the Lee County Stakeholder and Technical meetings and/or provide technical expertise in the development of effective mitigation strategies. Last, Mrs. Scott asked the Commission to adopt the final draft of the 2014 Lee County Hazard Mitigation Plan update by Resolution in December 2014 or January 2015. Commissioner Ham stated during the regular meeting he would like to be the Commission representative and attend the first Stakeholder Meeting on February 26.

Commissioner Eckman had reviewed a traffic study done on Robin Street in Loachapoka, (which runs east to west between Waverly Road and Lee Road 188) which indicated an unusually high percentage of trucks utilizing the road as a cut-through. Commissioner Eckman stated that construction vehicles were tearing up the street. Commissioner Eckman asked that signs be placed on the road stating "No Truck Route". Mr. Hardee stated that 17% of the traffic is truck traffic, which is very high for that type of road. After discussion, Commissioner Eckman made a motion to put signs at both end of Robin Street to prohibit through truck traffic. The motion was seconded by Commissioner Ham and carried unanimously.

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 2014-2015. The Commission discussed the fees for the licenses as they all are consistent across the board except retail beer license (off premise only) which is \$50 and the maximum is \$75. Commissioner Eckman asked for the definition. Judge English stated it was beer that a person goes in and buys and carries out (off premise). After discussion, Commissioner Lawrence made a motion, seconded by Commissioner Eckman to increase the retail beer license (off premise only) from \$50 to \$75, and levy the other license fees as is for the coming year.

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The following Resolution was offered by Commissioner Lawrence, seconded by Commissioner Harris and carried on a vote of 4-1 with Commissioner Ham voting “No”;

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, 2014 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)	75.00
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

Sheriff Jones presented the bid results for Bid #6 for laptop computers. Sheriff Jones stated that only 3 bids were received back from 26 invitations to bid sent out. Sheriff Jones recommended the Commission accept the lowest responsive bid of \$3,033/each for 25 or more laptop computer from Interceptor Public Safety Products of Forsyth, Georgia. Upon this recommendation, Commissioner Long made a motion to award the bid for \$3,033/each laptop computer to Interceptor Public Safety Products. The motion was seconded by Commissioner Harris and unanimously carried.

Mr. Hardee requested the Commission schedule a work session after the Commission meeting on February 24 for Nonpoint Education for Municipal and Elected Officials (NEMO) workshop which is anticipated to last approximately 45 minutes. Mr. Hardee explained that the workshop is focused on helping municipal and elected decision makers to understand nonpoint source water pollution, or polluted runoff. This workshop is one of the goals listed in our Annual Municipal Separate Storm Sewer System (MS4) Report that is submitted to ADEM annually. Commissioner Lawrence made a motion to schedule a storm water workshop for February 24 following the regularly scheduled Commission meeting. The motion was seconded by Commissioner Long and unanimously carried.

Environmental Services Director Chris Bozeman presented the joint bid results for solid waste disposal services to the Commission. Mr. Bozeman stated that three bids were sent out, but only received two bids came back. Advanced Disposal submitted the lowest bid with a savings of over \$67,000/year in disposal costs alone. Mr. Bozeman recommended the Commission enter into a three-year contract with Advanced Disposal for disposal services. Judge English questioned their transfer station operations. Mr. Bozeman explained that the

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transfer station has a concrete surface and stated that that alone would save the county additional maintenance funds currently spent on tires and truck repair costs. Commissioner Harris stated he was good with the proposal, but he would ask that next time the process he would prefer that all participants sit down beforehand to discuss the details before final decisions are made. Commissioner Lawrence made a motion to accept the three-year proposal from Advanced Disposal. The motion was seconded by Commissioner Long and carried unanimously.

Next, Mr. Bozeman presented the following Resolution for the East Alabama Recycling Partnership which is being hosted by Lee County this year. Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Long and unanimously carried.

RESOLUTION

WHEREAS, the Alabama Department of Environmental Management has the authority to award grants under the Alabama Recycling Fund Grant Program;

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

WHEREAS, Lee County will focus on the purchase of needed equipment.

BE IT RESOLVED by the Lee County Commission as follows:

1. Authorization is given to participate in the submission of a Grant Application under said program.
2. Authorization is given to the Chairman to sign any and all documents to secure said grant.

Last, Mr. Bozeman presented the following bid results for four bids opened on February 6. The first three items will be purchased with ADEM Recycling Grant funds and the last item is budgeted in the Environmental Services budget.

On Bid #8 for a crew cab box truck, out of 22 invitations to bid, 2 no bids and 2 bids were returned. Commissioner Long made a motion to award Bid #8 for a crew cab box truck to Truckworx/Kenworth of Dothan for \$46,538.00. The motion was seconded by Commissioner Ham and unanimously carried.

On Bid#9 for a single cab flatbed utility truck with crane, out of 13 invitations to bid, 3 bids were returned. Commissioner Long made a motion to award Bid #9 for a single cab flatbed utility truck with crane to Truckworx/Kenworth of Dothan for \$50,858.00. The motion was seconded by Commissioner Ham and unanimously carried.

On Bid #10 for a heavy duty vertical baler, out of 22 invitations to bids sent, only 5 bids were returned. Commissioner Long made a motion to award Bid #10 to PTR Baler & Compactor Company for \$9,196 for a heavy duty baler. The motion was seconded by Commissioner Ham and unanimously carried.

On Bid #11 for four or more open-top roll-off containers, out of 19 invitations to bid, only 5 bids and one no bid were returned. Commissioner Long made a motion to award Bid #11 to Lewis Steel Works, Inc. for \$4,725 per container. The motion was seconded by Commissioner Ham and unanimously carried.

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Upon advice of County Attorney Stan Martin, an executive session would need to be held. It involves a potential real estate transaction and requires attendance by Mr. Rendleman and Mr. Hardee. He anticipated that the session would last approximately 20 minutes and may require official action by the Commission at the conclusion. Commissioner Lawrence made a motion at approximately 6:20 p.m., seconded by Commissioner Long to adjourn into Executive Session. The motion carried unanimously.

At the conclusion of the Executive Session, the public re-entered but no further official action was taken. Commissioner Long made a motion at approximately 7:35 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 24, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, February 24, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

Mr. Charlie Dunn appeared before the Commission concerning a recent editorial in the *Opelika-Auburn Newspaper* concerning the living conditions at the Lee County detention center. Mr. Dunn stated that there are days that he is not able to eat three meals a day because he has to work for a living and is unable to stop long enough to take a break to eat. Additionally, he stated that he has to eat peanut butter sandwiches every other day to be able to afford to feed his family. Mr. Dunn told the Commissioners for them to do the math, that he has to work just to be able to feed his family, but the inmates are complaining about three meals a day and their living conditions, while he is having to go to work every day as a utility locator and having to worry about his working conditions, when walking around creek beds and whether or not there are snakes and in areas with barking/attacking dogs.

County Engineer Justin Hardee recognized several employees during the pre-meeting for their involvement in getting Lee Road 146 open a week sooner than expected. Mr. Hardee recognized the following individuals that were in attendance: John Swatts-Unit 1 foreman; Michael Maddox-Unit 2 foreman; Ricky Hacker-Unit 4 foreman; Jeff Gleaton-Bridge/Patching Unit foreman; Billy Yarbrough-Highway Superintendent; and Assistant Engineer Patrick Harvill. Mr. Hardee recognized and thanked each for their hard work and dedication for staying after 8:00 p.m. on Friday, February 14 Valentine's Day to get the road open before Monday, February 19, which was President's Day and a county holiday. Additionally, Mr. Hardee wished to thank Scott Bridge Company for donating the use of a trench box on the project. Mr. Hardee stated that without the use of this piece of equipment there would have been no way the project could have been completed so quickly. Judge English also thanked each individual publically and asked them to tell their wives or girlfriends how much we appreciate their understanding for having to work late on Valentine's Day.

Next, Mr. Hardee asked that the Commission reschedule the storm-water workshop until the next meeting on March 10. Upon this recommendation, Commissioner Lawrence made a motion to reschedule the storm-water workshop for March 10 immediately following the regularly scheduled Commission meeting. The motion was seconded by Commissioner Eckman and unanimously carried.

Last, Mr. Hardee stated after talking with his counterparts in several different counties and discussions with each County Commissioner, Mr. Hardee informed the Commission that beginning March 10 the Lee County Highway Department would transition from a 5-day, 8-hour work week to a 4-day, 10-hour work week (from 6:00 a.m. to 4:30 p.m.), Monday through Thursday. Mr. Hardee stated he felt the new hours of operation would be a cost savings to the county due to decreased time required for mobilization and lunch. He felt it would be beneficial to the employees too, and reported that 93% of them were in favor of the change. Mr. Hardee stated this would be a trial run and would continue if successful, but if not successful the Highway Department would go back to traditional hours when the time changed again in November. Mr. Hardee asked the news media to get the word out on the change to the citizens.

Environmental Services Director Chris Bozeman updated the Commission on the animal control situation. Mr. Bozeman reported that since the last discussion the local veterinarians treating the animals had increased their rates from \$50 to between \$80 and \$85 per animal, which is a significant change to the anticipated budget. Mr. Bozeman reminded the Commission of the three options presented previously and suggested an RFP be put out for these services with pricing options for exclusive and/or non-exclusive contracts. Mr. Bozeman asked for guidance

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from the Commission. Mr. Hardee explained that the price increase affects the financial outlook and would ask the Commission to seek a contract for services to seek a yearly price for the service to see if it is affordable. Commissioner Long questioned if there is one veterinarian who can do an exclusive deal for service. Mr. Bozeman responded that he did not think so, unless they were able to build something. Judge English commented that if one veterinarian wants to bid exclusive, then we could let them subcontract it out as the need arises. Commissioner Eckman questioned the adoptable rate of the animals. Mr. Bozeman stated that of the animals picked up, 28% had been adopted; 52% euthanized and 10% had been returned to their owners, with 10% still in process. Commissioner Eckman also questioned how many cats they captured. Mr. Bozeman responded, "very few." Mr. Bozeman stated individuals can pay a \$75 deposit for a trap and once a cat is trapped the individual either brings the trapped cat in or an animal control officer picks it up if notified. Judge English asked that the RFP be brought back before the Commission before anything is sent out.

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, but who was in attendance during the pre-meeting. Elected Official(s) present: Sheriff Jay Jones and Smiths Station Mayor LaFaye Dellinger.

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 10 meeting. Commissioner Long made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and passed unanimously.

Judge English addressed a letter from Smiths Station Fire to East Alabama Medical Center concerning ambulance service in Smiths Station, adding that the hospital had asked him for guidance. Judge English asked for a designated speaker from each of four entities in attendance on this subject and recognized the following in turn: Smiths Station Mayor LaFaye Dellinger; Smiths Station Fire Asst. Chief Daniel Sexton (11 in attendance); EAMC EMS Director Joe Martin (7 in attendance); and Dell Gamble for CARE Ambulance. Judge English opened the floor during the pre-meeting for discussion. First, Mayor Dellinger said the community had been asking for improved ambulance response for years, but that the situation had not improved until Care Ambulance placed a truck in Smiths Station. Daniel Sexton stated that the fire dept. had asked the hospital to vacate from Smiths Station Fire Station Number 1 and they had vacated. Sexton stated that the reason it had come to this is because of situations involving instances when one ambulance from ETS was on a call and another one was needed, ETS was unable to provide an additional one until it could come from Opelika or Auburn. On the other hand, CARE ambulance had placed an ambulance in Station 5, and they have been able to provide a 2nd ambulance without issue. Next, Joe Martin stated he recently spoke to Mayor Dellinger, but stated he had only been on the job for 11 months and was looking at best practices over the last 5 months. Commissioner Lawrence questioned the call clusters and asked Joe to explain. Joe stated that Auburn has about 6,100 calls/year; Opelika has about 5,800 calls/year; and Smiths Station has about 2,000 calls/year. Those calls are covered by 4-6 trucks, depending upon time of day. Joe Martin stated he had met with representatives of Opelika, Auburn, and Lee County on a quarterly basis to discuss ambulance issues. Commissioner Eckman questioned why not meet with Smiths Station? Judge English stated he had invited Mayor Dellinger in the past, but she was not included regularly because the three governments each provide significant ambulance funding, while Smiths Station does not. Discussion was held over the line drawn in September 2012 to divide the community into two service areas, and the group acknowledged that the line was not being recognized by either service since EAMC moved out of Station 1.

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Martha Leonard once again addressed the Commission during the pre-meeting concerning the jail issues and thanked them for letting her come back. Ms. Leonard noted Luke 18:1-8 and issued a praise report that the inmates had been given cleaning supplies to address the mold issue in the showers. She stated that since the last meeting she had a discussion with the jail staff and was told that the issue was not with the staff, but with the Sheriff. Ms. Leonard stated that she noticed in the newspaper article that there was more concern about the dog pound than about a human life. Ms. Leonard stated she did not know why Judge English made the statement in the last meeting about suing the county, and stated that each of us has made a mistake. Ms. Leonard stated that there is talent in the jail as she held up several pencil drawings of various scenes drawn by inmates. Ms. Leonard stated those individuals incarcerated could be put back on the right road if given an opportunity. Ms. Leonard asked Sheriff Jones to address when the inmates are allowed to go outside. Commissioner Long asked about the lights and water issue in the jail. Judge English stated that those items are handled by the county maintenance department. Commissioner Long then asked why Sheriff Jones is being “thrown under the bus” for those issues. Commissioner Harris stated that the Sheriff is not being “thrown under the bus”, because his staff is taking care of it. Commissioner Harris stated that he will take an opportunity and work with Sheriff Jones on the issues that have been presented. Commissioner Lawrence questioned rehabilitation services offered to the inmates. Sheriff Jones responded and stated that the Sheriff’s Office is a function of the State and that the county is expected to do more and stated further the local jail does provide programs above and beyond, even though they do not get any additional funds for the programs. Commissioner Lawrence stated he has a dilemma when it comes to deciding whether to provide more funding for either patrol deputies or to provide funding to rehabilitate inmates. Commissioner Lawrence thanked Ms. Leonard for bringing these items to their attention, and stated he understands there are many talents in jails, but that programs rehabilitate only a few, and faith-based programs should be utilized, if possible. Sheriff Jones stated those programs are utilized in our jail. Ms. Leonard stated that more citizens should be interested in what happens in the jail and she understood it was not a daycare, but stated it was not a POW camp either; she stated she had talked with Captain Welch, Lt. Jones and Sheriff Jones on numerous occasions. Sheriff Jones responded that he had addressed all of her concerns.

Mr. Bill Mara made a presentation during the pre-meeting on renewable energy. Mr. Mara asked the Commission to consider signing the Agreement he had provided. Commissioner Long asked the Commission to consider carrying the item forward until County Administrator Roger Rendleman could be present to discuss the issue. The Commission agreed to carry the item forward to the next agenda.

Commissioner Long presented several pictures of issues that need to be addressed at the Lee County Park at Smiths Station. Judge English stated that even though this is the county’s park, the County Engineer needs specific approval per Commission policy to work outside the scope of his normal day-to-day highway operations. Commissioner Long made a motion for the highway department to do the work at the Lee County Park at Smiths Station according to the direction of the County Engineer. The motion was seconded by Commissioner Lawrence and unanimously carried.

Judge English stated that since Commission Ham was absent he would move first reading of the Beulah Utilities District board member to the next agenda.

Judge English presented the 2014 Tax Levy for Commission approval, subject to an adjustment for an annual increase in garbage fee. Commissioner Long made a motion, seconded by Commissioner Harris to approve the following 2014 Tax Levy as amended below. The motion passed unanimously.

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TAX LEVY 2014

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, 2013.

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, 2013.

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, 2013 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, 2013 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, 2013, 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, 2013 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, 2013 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, 2013 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

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hundred dollars worth of taxable property in the territory of the Lee County Board of Education.

9. That, pursuant to authority conferred on the governing body of Lee County at a special tax election held in said County on December 13, 1949 and ordered increased on July 31, 1979 by authority of Amendment 373 to the Constitution of Alabama 1901 (See Commission Minutes Volume 2, Page 184) there is hereby levied for the tax year beginning October 1, 2013, 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 15, 1991, (See Commission Minutes Volume 7, Page 319) there is hereby levied for thirty years beginning October 1, 1991 and continuing each year thereafter until and including the levy for the tax year that will begin on October 1, 2021 (for which last tax year the said tax will become due and payable is October 1, 2022), 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 (Lee County Youth Development Center, Inc.).

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 \$17.18 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 \$51.55 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 2012, based on the Consumer Price Index table for All Urban Consumers (CPI-U), South Urban region, Size B/C (pop. 50,000-1,500,000) as of October 2010. Beginning October 1, 2009 and each October 1 thereafter, the fee shall become a fixed charge against the property for the succeeding 12 months and shall be collected between October 1 and December 31 of each succeeding year by the Revenue Commissioner of Lee County, Alabama at the same time that ad valorem taxes are collected.

13. That, pursuant to the provisions of Act No. 89-390 enacted at the Regular Session of the Legislature of Alabama and election held on May 30, 1989 in Fire Districts Nos. 1, 2, 4, 7

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and 8 in Lee County, and an election held on May 22, 2001 in Fire District No. 5 in Lee County, as established and the boundaries fixed by the Lee County Commission, there is hereby levied: in Fire District No. 1 served by the Friendship Volunteer Fire Department, in Fire District No. 2 served by the Beauregard Volunteer Fire Department, in Fire District No. 4 served by the Plainview Volunteer Fire Department, in Fire District No. 5 served by the Salem Volunteer Fire Department, in Fire District No.7 served by the Southwest Lee County Fire Protection Authority and in Fire District No. 8 served by the Farmville Volunteer Fire Department for the fiscal year of the County that began on October 1, 2009 a financial charge of \$50.00 with respect to each Unit of Property (as defined in Act No. 89-390) in such District, unless such Unit of Property is exempted from such financial charge as provided in Act No. 89-390. The financial charge hereby levied shall become due and payable on October 1, 2014 and delinquent if not paid before January 1, 2015 and shall be collected by the Revenue Commissioner at the same time as ad valorem taxes are collected.

14. That the Revenue Commissioner of Lee County, Alabama be and she is hereby directed to calculate the taxes and fees levied in Paragraphs 1 through 13 inclusive, and to enter them in the Abstract and Assessments of said County, and collect said taxes and fees at the same time and in the same manner as State ad valorem taxes are collected, and make proper remittance therefore.

Mr. Hardee presented the following bid results. Mr. Hardee stated that after review of Bid #12 for plant cold mix, he would ask that it be moved forward to the next agenda.

On Bid #13 for thermoplastic traffic striping and raised pavement markers, Mr. Hardee requested that the Commission award the bid to the lowest responsive bidder, Hornsby Striping Company of Tuskegee, Alabama. Upon this recommendation, Commissioner Harris made a motion to award Bid #13 to **Hornsby Striping Company** for thermoplastic traffic striping and raised pavement markers. The motion was seconded by Commissioner Lawrence and unanimously carried.

Mr. Hardee reported only one bid was received on Bid #14 for a new track mounted hydraulic excavator from Thompson Tractor. Mr. Hardee asked the Commission to reject the bid and allow him to negotiate downward. Upon this recommendation, Commissioner Harris made a motion to reject Bid #14 and allow Mr. Hardee to negotiate. The motion was seconded by Commissioner Lawrence and unanimously carried.

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:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 10, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 10, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Martha Leonard appeared before the Commission during citizen communications stating that her son had been moved to the Tallapoosa County facility on February 22. Ms. Leonard stated that while he has been in the Tallapoosa County facility the cell doors have been left unlocked, he has been given good food and he has been able to have face-to-face visits with family members. Ms. Leonard stated she felt the move is a form of retaliation by Sheriff Jones. Further, she stated she feels an injustice has been done to her son while he has been detained in the Lee County jail.

On the same subject, Wendy Henderson stated that her brother was transferred to Tallapoosa County and stated she too feels that Sheriff Jones is responsible for his transfer. Ms. Henderson stated that both she and her mother would continue to bear the cross for those inmates who have not been convicted.

Ms. Gerri Young appeared before the Commission asking that Lee Road 393 be paved. She thanked the Lee County Highway Department for their response. Ms. Young stated she would continue to come before the Commission asking that Lee Road 393 be paved since it is only a quarter of a mile and she would be retiring in July. Commissioner Harris stated he had talked to Ms. Young about the situation and this is one of the roads on the list approved to be paved before the Commission discontinued the dirt road paving, however, it was not paved because the Highway Department was unable to obtain the required right-of-way from the required number of residents on the road. Commissioner Harris stated that he had talked to County Engineer Justin Hardee who stated the funds budgeted to pave Lee Road 393 had been moved to resurfacing. Commissioner Harris requested that the funds be moved back so that Lee Road 393 could be paved.

Judge English stated that County Attorney Stan Martin had sent each Commissioner an email concerning the potential property acquisition which would be on the next agenda. Further, if any Commissioner had any questions, they could contact Mr. Martin.

County Engineer Justin Hardee explained that Lee Road 146 had been closed earlier this morning for the scheduled bridge renovations and would be closed for approximately three months. Mr. Hardee explained the road closure is in preparation of resurfacing the entire road which would be funded by ATRIP funds and is projected for late summer/early spring.

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.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, Lee County Recreation Board vacancy, Beulah Utilities District Board vacancy and the minutes of the February 24 meeting. Commissioner Long stated that Mr. Rex Barr indicated he would like to continue serving on the Lee County Recreation Board as the Smiths Station representative. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and passed unanimously.

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Marie Maples addressed the Commission once again concerning a noise ordinance that she presented to the Commission on January 13, 2014. Ms. Maples stated that noise is a big problem in Lee County. She stated that the problem needs to be addressed and feels that it is a situation that is long overdue. Commissioner Lawrence questioned Sheriff Jones how it would work. Sheriff Jones stated that he had looked at what Ms. Maples had presented and felt there were some constitutional issues in the material presented. Sheriff Jones stated he had talked to the district attorney who said perhaps it would fall under disorderly conduct, which from a law enforcement standpoint is difficult to enforce. County Administrator Roger Rendleman stated that there were inconsistencies with the enforcement, as in Shelby County there was limited success and enforcement was a major issue. Commissioner Ham stated that if an ordinance or if something were passed there would be more calls and that would generate more calls for the Sheriff's Office. Commissioner Eckman questioned if the Commission could do this if we wanted to? Judge English stated Lee County has adopted the ACCA "limited governance" legislation and as stated it was limited. Governmental Relations/Safety Coordinator Wendy Swann stated that the county was using limited governance for junkyards and animal control, but not for noise.

Judge English was happy to inform the Commission that Circuit Clerk Mary Roberson would be the Absentee Election Manager for the upcoming election cycle. Judge English stated that in the past the Commission had approved approximately \$12,000 to help out with absentee assistance. Mr. Rendleman stated the funds were built into the election budget, if needed, and no budget adjustment is necessary. Mr. Rendleman stated the Commission only needs to designate that the funds need to go to the Circuit Clerk's Office for clerical assistance.

Commissioner Ham made first reading to appoint Mr. Lamar Sims to serve a four-year term on the Beulah Utilities District Board.

Concerning a renewable energy study discussed at the previous meeting, Mr. Rendleman suggested that if the Commission wishes to look at a study, he would recommend an RFP for professional services be mailed to all vendors that perform these services. Commissioner Lawrence questioned Mr. Rendleman if there would be a benefit to look at it at this time. Mr. Rendleman responded that at this time he did not feel it was necessary due to the fact that the Justice Center expansion is currently being done and the other redesign projects in the near future, any energy saving products will be utilized in the design phase of the projects.

County Engineer Justin Hardee asked the Commission to reject Bid #12 for cold asphalt mix and rebid. Mr. Hardee explained that he would like to change the bid specifications to include one price for material picked up at their facility by the county and one price for material delivered to the county. Upon this recommendation, Commissioner Lawrence made a motion to reject Bid #12 and rebid. The motion was seconded by Commissioner Long and unanimously carried.

Judge English asked the Commission to consider moving two voting locations for the future election cycles. Judge English stated that Section 17-6-3 of the Code of Alabama requires that the Commission consider any proposed changes at the first meeting in March in even-numbered years. Judge English first asked the Commission to consider moving Beat 2, Box 5 from the Opelika National Guard Armory to the Opelika Sportsplex. Judge English stated that the City of Opelika had moved their voting place for City Ward 5 to the Opelika Sportsplex for upcoming municipal elections in 2016, and that they had asked that the county do the same for the other elections. Judge English cited the advantages include air conditioning, better parking and control of the facility since the City of Opelika owns the building.

Next, he asked to move Beat 9 from Tom's Food Warehouse located at 9330 Alabama

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Highway 169 to a portable classroom building on the grounds of the Crawford Volunteer Fire Department at 10801 Alabama Highway 169. Judge English stated that this location has been problematic for years, especially during rainy weather. Additionally, a small sum has to be paid to use the building each election. The portable classroom is one that has been acquired at no cost from the Board of Education. The portable classroom would be left on-site permanently and would allow the fire department access to use it as a classroom, subject to election needs. Additionally, the space could be utilized by the Sheriff’s Office deputies as the need arises. Judge English stated there would be some upfront set-up costs to make the move, but a cost saving over time by not having to pay the Tom’s facility any longer.

Further, all affected voters would be notified by: 1) advertising the move well in advance of the election day; 2) sending personal notices to all of the affected voters; and 3) having signage in place at both the old and new locations on election day. Commissioner Eckman made a motion to approve the voting changes, and the motion was seconded by Commissioner Long for discussion. Commissioner Harris stated he was upset and questioned why these changes were being made when an election is upcoming in June. Commissioner Ham reiterated that Judge English stated he was following a requirement of the Code of Alabama. Judge English stated this was the first meeting in March of an even-numbered year. Commissioner Harris then stated that this year 780 voters had been taken off the voting list in his district. Commissioner Lawrence questioned who had taken them off. Commissioner Harris referenced several things: some voters should not have been taken off, voter suppression, an Attorney General’s letter, a letter to the Secretary of State, the state parole board, an outcry of citizens of Ward 5, which is Opelika’s biggest voting place. He stated that they are both in his district, and Judge English identified that the Armory and the Sportsplex are actually in District 4, but that Tom’s warehouse and the fire station are both in District 5. Commissioner Ham stated they are giving over a 90 days notice and no one is being suppressed. Commissioner Harris stated that we are spending additional money by sending out notices of voting changes. Commissioner Lawrence called for the question, seconded by Commissioner Long. The vote on the call for the question passed on a vote of 4-1 with Commissioner Harris voting “No.” Judge English called for vote on the underlying motion and the motion passed on a vote of 4-1 with Commissioner Harris voting “No.” Then Commissioner Harris objected to what he perceived to be a violation of our parliamentary rules. Commissioner Harris asked Deputy Administrator Alice Fitzgerald to read the minutes of the call for the question and the call for the vote. Afterwards, Commissioner Harris was satisfied and the Commission meeting resumed.

Mr. Rendleman stated that after a mid-year review to recognize unallocated available fund balance which is in excess of reserves and designations he would ask for the following budget adjustment to the FY2014 Budget:

<u>Fund 117 - RRR</u>		
Expenditures (Resurfacing Program)	\$600,000	
Fund Balance (Unassigned)		\$600,000

Next, Mr. Rendleman stated that in addition to unallocated fund balance in excess of reserves and designations there are two innovative programs that need budget adjustments in the FY2014 budget. They are as follows:

<u>Fund 001 – General Fund</u>		
Revenue (Procurement Card Rebate)		\$30,000
Revenue (Propane Tax Credit)		14,779
Fund Balance (Undesignated)		80,000
Expenditures (Vehicles)	\$124,779	
 <u>Fund 111 – Gasoline Tax Fund</u>		
Revenue (Procurement Card Rebate)		\$30,000
Expenditures (Equipment)	\$30,000	

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Upon these requests, Commissioner Long made a motion, seconded by Commissioner Ham to amend the adopted FY2014 Budget. The motion carried unanimously.

Sheriff Jones presented a retail liquor license application for Millers Package Store. Sheriff Jones stated there were no objections to the application. Commissioner Harris made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

BE IT RESOLVED, the Lee County Commission does hereby grant a retail liquor license to **Millers Package Store** located at 5321A Highway 14 West, Auburn, Alabama.

Sheriff Jones presented the transfer of a retail beer and retail table wine license application for Millers Groceries. Sheriff Jones stated there were no objections to the application. Commissioner Harris made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

BE IT RESOLVED, the Lee County Commission does hereby grant the transfer of a retail beer and retail table wine license to **Millers Groceries** located at 5321A Highway 14 West, Auburn, Alabama.

Sheriff Jones presented the transfer of a retail beer and retail table wine license application for the Lucky Stop & Shop. Sheriff Jones stated there were no objections to the application. Commissioner Eckman 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 the transfer of a retail beer and retail table wine license to the Lucky Stop & Shop located at 7152 Stage Road, Auburn, Alabama.

County Administrator Roger Rendleman presented an educational reimbursement request for Deputy Pamela Revels. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the Sheriff. Commissioner Lawrence made a motion, seconded by Commissioner Ham to approve the educational reimbursement as presented. The motion passed unanimously.

Maintenance Director Jerry Lynch presented the bid results for Bid #4 for jail door/gate slider operators retrofit for the detention center. Mr. Lynch stated that three bids were received and he would recommend the lowest responsive bid received from DPS Group of Montgomery, Alabama for \$54,360. Additionally, Mr. Lynch stated the bid came in under budget so additional doors could be replaced with the additional budgeted funds. Commissioner Long made a motion to award the Bid #4 to DPS Group for jail door/gate slider operators retrofit at the detention center. The motion was seconded by Commissioner Ham and unanimously carried.

Commissioner Long made a motion at approximately 6:55 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and passed unanimously. After adjourning, the Commission began a storm-water training session.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 10, 2014

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 31, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, March 31, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long. Judge English took a minute and informed those in attendance that Commissioner Ham's mother, Mary Hunta Owens, had been tragically killed in a motor vehicle accident the previous night, and to please keep Commissioner Ham and his family in their prayers.

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.

Ms. Gerri Young appeared before the Commission during Citizen's Communications to discuss an issue with the CSX railroad closing several crossings to repair drain pipes. Her concern was about the detour route the citizens of Loachapoka were asked to use. She stated that Lee Road 393 was used as an alternative route and that if the road hadn't been the alternate route people wouldn't want to drive on it. She previously appeared before the Commission asking that Lee Road 393 be paved and she once again asked the Commission to pave Lee Road 393.

Martha Leonard again appeared before the Commission to discuss what she alleged was the "fleecing" of the inmates and the citizens of Lee County. She presented various items inmates can purchase from the Commissary and quoted prices that were higher than what she claimed they could be purchased for at Dollar General. She also presented Commissioners with a copy of the jail handbook. She said she would keep coming back until several concerns are addressed.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, and the minutes of the March 10 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed unanimously.

Maria Maples addressed the Commission again regarding a request for a noise ordinance. She stated that she had emailed Sheriff Jay Jones information regarding decibel levels. Commissioner Harris asked to know the status of a noise ordinance and thanked Ms. Maples for all of her hard work. County Administrator Roger Rendleman stated that Commission staff is currently working on the issue and has contacted County Attorney Stan Martin and Sheriff Jones for input.

Upon second reading, Commissioner Ham made a motion to approve the following Resolution to appoint Mr. Lamar Sims to the Beulah Utilities District Board. Commissioner Ham stated Mr. Sims had already been a big help to the Board by getting several issues straightened out and he looked forward to having him on the Board. The motion was seconded by Commissioner Long and passed unanimously.

BE IT RESOLVED, the Lee County Commission does hereby appoint Lamar Sims to the Beulah Utilities Board to fulfill the unexpired term of Armand Crowder which expires May 24, 2014.

County Engineer Justin Hardee presented for Commission consideration a draft RFP for Animal Control Services. Mr. Hardee stated that after looking at the issues including the recent

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 31, 2014

price increase and other information from the last meeting, that an RFP for animal impoundment and related services provides the best option for the county. He requested the Commission to examine the RFP to see what changes needed to be made. During discussion in the pre-meeting, Commissioner Eckman questioned if the language of “promote adoption” was necessary. Judge English stated the language could be removed. Commissioner Lawrence suggested removing the language from the Scope of Work on page 2 but leave it in the narrative. Commissioner Eckman recommended a second change as well, adding in a link to the Code of Alabama. Commissioner Lawrence made a motion to approve the RFP with the two noted changes. The motion was seconded by Commissioner Eckman and carried unanimously.

Rev. Vincent Vaughn was on the agenda to discuss placing a hot dog cart at the Justice Center. Rev. Vaughn was not in attendance at the meeting, but Judge English reminded the Commission that he had made a similar request two years ago and was denied due to parking and safety concerns. No action was taken on the request.

Ms. Patricia Conover and her son David Conover appeared before the Commission asking to reconsider the truck restrictions that had been placed on Lee Road 64 recently. Ms. Conover stated that her son’s company trucks are forced to make sharp turns onto Lee Road 188 and Waverly Road because of the closure of Lee Road 64 to trucks. Mr. Hardee met with her son and rode with him in his truck so that he could see the safety issues caused by having to avoid Lee Road 64. There was much discussion during the pre-meeting regarding the road closure. Mr. Conover stated that he understood Lee Road 64 was a bad road, but his drivers were unable to see around the corners when attempting to make the turns and are also causing additional damage to the other roads when making the turns. Commissioner Eckman stated that she could see both sides, the safety aspect and the taxpayer aspect. Mr. Hardee said that according to the design specifications for the alternative roadways, that there is adequate sight distance for the roads if travel speed is 45 mph; specifications call for 360 ft and there is 700 ft available. He stated the Highway Department could look at the numbers to see what it would cost the county to improve the apron at the intersection in question. Commissioner Harris stated that it was a bad situation and the problems needed to be corrected. Commissioner Ham agreed and said he could see how it was a safety issue. Commissioner Eckman made a motion to remove the no truck signs and open Lee Road 64 back up to truck traffic. The motion was seconded by Commissioner Long and passed unanimously.

Judy Lockhart came before the Commission to address the recent CSX Railroad project. She stated that the crossing at Day Lily was closed for 12 days and citizens did not receive notification of the closing in advance nor were detour routes posted. During the pre-meeting, Mrs. Lockhart stated that the alternate routes used were in poor condition and that CSX had informed her that Lee County gave the information regarding which routes could be used as alternates. Mr. Hardee stated that none of his staff had spoken to CSX regarding alternate routes and that CSX did not have to inform the Highway Department of when work was being done as it was all conducted on CSX’s existing right-of-way. Commissioner Lawrence stated that CSX closed multiple crossings in both Auburn and Opelika before notifying anyone. Mrs. Lockhart said she appreciated both Commissioner Harris and Mr. Hardee speaking to her about her concerns regarding the crossings and the road conditions. She would like to ensure that this does not happen again as several families and churches were forced to drive several miles out of their way to utilize the detour. Mr. James Floyd of Loachapoka also spoke on the issue and requested the Commission look at improving the roads that were used, including paving. Commissioner Harris said he would talk to Mr. Hardee and work with CSX to see what can be done in the future to reduce the impact to citizens when work needs to be done on the crossings.

Mr. Ty Fondren came before the Commission to discuss an AT&T Franchise agreement to allow the company to begin to send voice and data over their fiber network. The new service

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 31, 2014

called U-verse would improve the data speed and video performance. Mr. Fondren stated they would pay the same 3% fee to the county as per the County's existing agreement with another provider. Mr. Rendleman stated that this would provide the citizens in the unincorporated areas of the county something they had been requesting which was additional providers. County Attorney Stan Martin stated he had not had time to review the agreement. Commissioner Ham made a motion to approve the Chairman to sign the agreement pending approval by Mr. Martin, seconded by Commissioner Long. The motion passed unanimously.

Commissioner Eckman brought up three items of concern that she would like to discuss to possibly obtain a legal opinion. She stated that she would like to have a good answer to provide to citizens when they ask about derelict buildings, dump sites and noise issues. Commissioner Harris stated that the Commission has a way to take care of dump sites. He said the Commission was notified previously of an issue and the citizen was cited and the area was cleaned up. Commissioner Ham stated that Deputy Warren Jones of the Sheriff's Office has been able to talk to citizens and have them clean up their property. Commissioner Eckman asked if there was a step-by-step process. Mr. Martin stated there were procedures in place and that it's not a quick fix, it is a long process and takes a lot of time and money. Mr. Bozeman stated that the Environmental Services Department had created a brochure to provide to people informing them of the process. Commissioner Eckman stated that she would like to see the brochure as it may solve the issue.

Commissioner Harris brought up his concern over the Commission's action of changing two polling places and stated that he felt legal action needed to be taken. He stated the action taken by the Commission to move the polling places from Tom's Warehouse and the National Guard Armory in Opelika was very disappointing and he had received several calls from citizens unhappy with the move. He said he had spoken to Mayor Gary Fuller and that he stated that the suggestion to change the polling place came from Judge English because of concerns regarding the air conditioning. In addition, he said the NAACP was ready to take Lee County to court over the issue; he also stated that he had requested a voting list for his district and only received a sheet with percentages. He stated that the Commission should have announced the polling place changes and then held a public hearing on the issue and looked at all the polling places. Judge English stated that according to the Code of Alabama any polling place changes must be approved at the first meeting in March during even numbered years. Commissioner Harris also stated that he was concerned because 780 names had been removed from the Lee County voting lists by the Board of Registrars and these were voters who had been voting for 10-30 years. Commissioner Lawrence stated that direction came from the Secretary of State and not the Commission. Commissioner Harris questioned the timing of the changes as coming during election season and stated that Rep. George Bandy was concerned as well. He said the Opelika National Guard Armory was the largest voting precinct in the city of Opelika and moving it affected both himself and Rep. Bandy who was not asked about the move either. Judge English pointed out that only 4% of the voters at the Armory are in Commissioner Harris' district. Mr. Martin asked if Commissioner Harris intended to sue, Commissioner Harris stated he would like to not do so but would if he had to. He stated he would like to have time to consider the move and hear from the public on the issue. After much discussion, Commissioner Lawrence requested the item be carried forward to allow for Commissioner Ham to participate in the discussion since the Armory has voters from his district as he had to leave the meeting early for personal reasons.

Sheriff Jones presented a one day/single use alcohol license application for the Alabama Wildlife Federation competition at Lazenby Farms on April 10. Sheriff Jones stated there were no objections to the application. Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Harris and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 31, 2014

BE IT RESOLVED, the Lee County Commission does hereby grant a one day/single use alcohol license for the **Alabama Wildlife Federation** located at 11546 Lee Road 54, Auburn, Alabama.

Sheriff Jones presented the results on Bid #5 for 8 or more patrol vehicle digital in-car cameras. Sheriff Jones stated that out of 15 invitations mailed only three bids were returned. Sheriff Jones recommended the Commission accept the lowest responsive bid from Digital Ally, Inc. of Lenexa, KS for \$4,025/per unit. Upon this recommendation, Commissioner Eckman made a motion, seconded by Commissioner Long to accept the low bid of Digital Ally. The motion passed unanimously.

Mr. Martin presented the Commission with a proposed agreement to purchase real estate for the Highway Department. Judge English pointed out that this item has been the subject of executive sessions before, but that this was the first time it was being addressed in a public meeting. Mr. Martin stated the 35 acre parcel of land had been negotiated with WCB Alabama, LLC, and would cost \$292,148.76. Mr. Hardee stated the property, located at the corner of Williamson Avenue and Society Hill Road, would allow the Highway Dept., Environmental Services and County Maintenance shop operations to be centralized at a new location with adequate space for new technologies and mechanical services and overall provide the departments with greater efficiency, with plans to reduce or eliminate multiple county road crew camps around the county. Commissioner Lawrence made a motion to authorize the Chairman to execute the documents necessary to purchase the property and for Mr. Rendleman to adjust the gas tax fund budget accordingly. The motion was seconded by Commissioner Harris and passed unanimously.

Mr. Rendleman presented the Commission with a request for a budget adjustment/reinvestment of capital received from sales of surplus equipment. He stated the equipment was recently sold from the Highway, Environmental Services and Building Inspection and the departments would like to recognize the proceeds (that had not been budgeted for in the current budget) and reinvest the monies into capital needs of their respective departments. The adjustments needed are \$71,703 into the General Fund (\$48,000 to Environmental Services for equipment, \$21,285 to Environmental Services for facility/site improvements and \$2,418 to Building Inspection for computers.) From the Gasoline Tax Fund the adjustment needed is \$138,058.50 for heavy equipment. Commissioner Eckman made the motion to approve the two budget adjustments, seconded by Commissioner Harris. The motion passed unanimously.

County Administrator Roger Rendleman presented an educational reimbursement request for Investigator Tamara Booth. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the Sheriff. Commissioner Long made a motion, seconded by Commissioner Lawrence to approve the educational reimbursement as presented. The motion passed unanimously.

Mr. Hardee presented the results on Bid #15 for structural steel I-beams. Mr. Hardee stated that out of six invitations mailed, two bids were received and one no bid. He recommended the Commission accept the lowest responsive bid from River City Steel of Memphis, TN in the amount of \$21,261.50. Upon Mr. Hardee's recommendation, Commissioner Long made a motion, seconded by Commissioner Eckman and the motion passed unanimously.

On Bid #16 for ready mix concrete, Mr. Hardee stated that no bids were received. This was the second attempt to receive bids for this item and this bid included a shorter time frame of six months. Since no bids were received Mr. Hardee requested permission to purchase the materials by negotiating with companies when the need arises. Mr. Rendleman stated this was allowed. Mr. Hardee stated he would bid this item out again next year.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 31, 2014

On Bid #17 for cold asphalt mix, Mr. Hardee said that out of 15 invitations mailed, only three responses were returned. Mr. Hardee recommended the Commission accept the lowest responsive bid from Chris Clark Grading and Paving, Inc. of Lanett of \$88/per ton picked up and \$93/per ton delivered. Upon Mr. Hardee's recommendation, Commissioner Long made a motion to accept the bid as presented, seconded by Commissioner Eckman and passed unanimously.

Chris Bozeman presented the Commission with a proposal for the required update of the Lee County Solid Waste Management Plan. He stated that Engineering Service Associates, Inc. (ESA) completed the update for Lee County 10 years ago. The total cost of the update is \$20,500 with unincorporated Lee County's portion \$7,688.78. Mr. Bozeman said adding in Loachapoka and Smiths Station would bring the county's portion to \$7,790.60, however he requested that Loachapoka and Smiths Station be asked to pay their portions of \$27.14 and \$742.68 respectively. He stated that Auburn and Opelika have already agreed to move forward with ESA so the update can be completed in a timely manner. Commissioner Harris asked for newer technologies to be included in the update now so that it would not have to be added later for an additional cost. Judge English recommended the County enter into the agreement with ESA and have the two entities of Loachapoka and Smiths Station pay for their portion as well as have ESA add the definition of "pyrolysis" to the update at Commissioner Harris' request. Commissioner Lawrence made the motion, seconded by Commissioner Eckman and passed unanimously.

Commissioner Long made a motion at approximately 7:50 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, April 14, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Harris.

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.

County Engineer Justin Hardee informed the Commission during the pre-meeting that the dirt portion of Lee Road 56 was closed today due to a deteriorated cross drain pipe. Mr. Hardee stated that the work would begin at the end of the week. Judge English questioned the number of residences on the road, but Mr. Hardee was not sure. Judge English asked the news media to get the word out on the closure.

Martha Leonard again appeared before the Commission to discuss medication issues concerning her son. Ms. Leonard stated that her son was transferred to the Lee County facility on April 9 and 10 for court. Ms. Leonard stated that on the first day he was transferred he did not receive his blood pressure medication and again on the second night he did not receive his medication. He then asked a jail nurse who checked his blood pressure and stated it was 217/148 and Mrs. Leonard stated he was then given his medication which had been sent with him to the Lee County facility. Ms. Leonard stated she was concerned for the health of her son and felt that this was gross negligence by the jail staff.

Next, Mr. Robert Mike Ward, owner and operator of Bar W Farm and RV Park, appeared to address his concerns of Lee Road 395. Mr. Ward stated that there were limbs sticking out over the roadway that needed to be trimmed. Mr. Ward presented pictures of the road's condition to the Commissioners. Mr. Ward stated that RV owners do not want their expensive RV's damaged by coming down these roads and getting them hit with limbs. He stated that once they are damaged then they do not come back to his RV Park which is lost revenue to him. Mr. Ward further questioned Commissioner Harris if he still claimed the maximum mileage for traveling the roads in his district. Commissioner Harris responded and stated he and one other Commissioner had been vindicated of all charges concerning the mileage issue. Commissioner Harris further stated that he would support Mr. Ward and help him in getting the situation addressed. County Engineer Justin Hardee addressed the situation and stated that he would look at the road and see when the brush cutting unit could go down that road. Mr. Hardee stated that the pictures Mr. Ward presented were accurate. He added that the road has a prescriptive right-of-way, and that the brush cutter could not cut beyond that. Mr. Hardee stated the roadway had alligator cracking and Mr. Hundley did have the road on the "watch" list. Mr. Hardee further stated that there is limited funding for resurfacing.

County Administrator Roger Rendleman introduced Mr. Richard "Richie" LaGrand, who has been promoted to Chief Appraiser as of April 28 pending the retirement of Bobby Armstrong on April 30. Judge English was happy to announce that Mr. LaGrand is an "in-house" guy and congratulated Mr. LaGrand on his promotion. The Commissioners also congratulated Mr. LaGrand on his promotion.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, the announcement of two terms expiring on the Beulah Utilities Board and the minutes of the March 31 meeting. Commissioner Harris made a motion to approve the consent agenda items as presented, seconded by

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2014

Commissioner Long and passed unanimously.

Commissioner Harris once again brought up his concern over the Commission's action of changing the two polling places. Commissioner Harris stated he had been to Birmingham to a civil rights hearing and stated that of the five cases kind of like his, all five that sued had won. Commissioner Harris stated that he hoped the Commission could all get together and work this out. Commissioner Harris stated he had heard at the last meeting that people would be notified of the voting changes, but no one he talked to had received any type of notification. Commissioner Harris stated further that he hoped the Commission could work together and have a public hearing on the moves, but not one Commissioner has shown any concern. Then at the last meeting, Commissioner Harris stated that Judge English stated the way people vote will put a dot instead of an arrow. He stated the Commission is supposed to do that according to Montgomery. Commissioner Harris questioned why it is being changed on the last day with no prior notification. Commissioner Harris pleaded to the Commission and stated he did not want to sue the county. Further, he stated he did not want to be pushed up against a wall with a 4-1 vote, he stated if he was wrong then if someone would show he would change his stance on the issue. Again, he stated that the Opelika City election takes place in two years. Commissioner Harris stated that Mayor Fuller was not looking out for the voters, but was looking for more people to participate in the Sportsplex activities. Commissioner Harris stated concerns for that voting location should come from he and Commissioner Ham. Additionally, he stated that Tom's Foods is in his district.

Mrs. Margaret Young Brown appeared before the Commission concerning the condition of Lee Road 392. Mrs. Brown stated she had been appointed by her neighbors to be the spokesperson for them too. Mrs. Brown stated the road had not been a problem with the white sandy dirt that had been on the road until a few years ago. Mrs. Brown stated that about 30 truckloads of red dirt had been placed on the road and she feels that Lee County has ruined this road. Mrs. Brown stated that after the rains the road becomes very slippery and almost impossible to navigate. County Engineer Justin Hardee had prepared several slides for the Commission to look at on the condition of the road. Mr. Hardee stated that he had sent his foreman out to take a look and his foreman reported no safety issues or concerns on the roadway. Commissioner Harris stated he trusted Mr. Hardee's judgment on looking at the best solution for the safety of the public and saving the county money, but sometimes concern has to be taken for the citizens. Commissioner Harris further addressed an issue in Commissioner Ham's district concerning the dust control issue. Mrs. Brown asked that whatever the Commission or decision the county engineer decided she would like to talk with them about it at her expense before anything final is decided. Commissioner Harris stated he would work with Mr. Hardee to try to fix the issue and he thanked Mrs. Brown for coming.

Selena Daniel came before the Commission asking the Commission to consider a financial contribution to the Alabama Silver-Haired Legislature. Mrs. Daniel explained the purpose and role of the organization. Judge English thanked Mrs. Daniel for her attendance and stated the Commission would consider any allocation to this organization during the budget work sessions this summer.

Mattie Hinkle had asked to be placed on the Agenda but was not in attendance. Commissioner Harris stated he had run into Ms. Hinkle at a store and stated she wanted to address the Commission about the ordinance that made her homeless. Judge English questioned Commissioner Harris if Ms. Hinkle's actions contributed to it. Commissioner Harris stated it was the action of the condemnation of Ms. Hinkle's property that made her homeless. In addition, he included Mr. Larry Daniels in the discussion. Further, Judge English questioned what Ms. Hinkle wanted the Commission to do. Commissioner Lawrence questioned if Ms. Hinkle would be in attendance at the next meeting. Commissioner Harris stated he did not know.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2014

Taylor Vice, Manager of Government Affairs for Charter Communications, presented the following Franchise Extension Agreement for Commission consideration. After discussion, Commissioner Lawrence made a motion to authorize the Chairman to sign the Franchise Extension Agreement, seconded by Commissioner Harris and carried unanimously.

FRANCHISE EXTENSION AGREEMENT

WHEREAS, Marcus Cable Associates, LLC (“Charter”) currently holds a Cable Television Franchise Agreement with County of Lee, Alabama, granted by the Agreement (“Franchise”), on November 27, 1989; and

WHEREAS, Charter’s Franchise with the County of Lee, Alabama is due to expire on November 26, 2014; and

WHEREAS, Charter timely filed its request for renewal of the Franchise under Section 626 of the Cable Act; and

WHEREAS, the parties continue to reserve all rights under the formal procedures of Section 626 of the Cable Act and do not waive any rights related thereto; and

WHEREAS, it is in the public interest to extend the current Franchise for an additional period of time so that cable service to the public will not be interrupted.

NOW, THEREFORE, BE IT RESOLVED, the Franchise of Charter shall be extended until October 29, 2021. Execution of this Extension shall not constitute a waiver of the County of Lee, Alabama’s or Charter’s rights respecting the Franchise. Charter shall not be required to send another request for renewal of the Franchise under Section 626 as a result of this Extension.

Judge English asked the Commission to consider allowing him to hire a temporary full-time employee for the Probate office until the end of the summer due to the unexpected/unforeseen significant medical issues of five full-time employees. He said that he thought he could do this within his existing budget. Commissioner Eckman made a motion, seconded by Commissioner Lawrence to allow Judge English to hire a temporary full-time employee until the end of September. The motion carried unanimously.

County Administrator Roger Rendleman presented the results of the bids for the Justice Center reroofing project. Mr. Rendleman reported that based on the bid results, the specifications were understood and good numbers were received from five bidders, with the lowest three bids within 1% of each other. Mr. Rendleman requested the Commission award the bid to Superior Roofing, Inc. for \$479,823, who is the lowest responsible and responsive bid. Judge English noted that the next lowest bid was only \$77 more. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner Long to award the T. K. Davis Justice Center reroofing project to Superior Roofing Systems, Inc. The motion carried unanimously.

Mr. Hardee presented a Memorandum of Understanding between the Columbus-Phenix City Transportation Study–Metropolitan Planning Organization and surrounding counties of Lee and Russell counties in Alabama. This includes the City of Phenix City, Alabama. Based on the 2010 Census, the Urbanized Area needs to be adjusted on the Georgia side to include a portion of Harris County, Georgia. Therefore, a revised MOU is required to include Harris County. Mr. Hardee said this change would not affect the funds available to Lee County through this MPO, because only Georgia counties use Georgia funds, and vice versa. Upon this presentation, Commissioner Long made a motion, seconded by Commissioner Lawrence to authorize Judge English to sign the necessary documents. The motion passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2014

Mr. Hardee presented an agreement for structural bridge design for Commission consideration. Mr. Hardee stated that the agreement had been negotiated with CDG Engineers and Associates, Inc. to provide for the structural bridge design for the bridge over Osanippa Creek on Lee Road 375. Mr. Hardee stated this is an ATRIP bridge replacement project which was awarded in the final round of the ATRIP program. Mr. Hardee further stated that the agreement provides for the necessary professional services required to design the structure so that the Highway Department can incorporate the bridge plans with the roadway plans that will be designed in house and then move the entire plan assembly through the ALDOT process towards construction. Mr. Hardee stated that County Attorney Stan Martin and Mr. Rendleman had both reviewed the agreement. After discussion, Commissioner Ham made a motion to authorize Judge English to execute the agreement as presented. The motion was seconded by Commissioner Lawrence and unanimously carried.

Sheriff Jones presented a beer license application for “Frank One Stop 2”. Sheriff Jones stated there were no objections to the application. Commissioner Ham made a motion to approve the following Resolution for the beer license application, seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED, the Lee County Commission does hereby approve the retail beer license for **Frank One Stop 2** located at 5330 Lee Road 379, Salem, Alabama.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 28, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, April 28, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Eckman.

Martha Leonard again appeared before the Commission to discuss her son's incarceration. Once again Ms. Leonard questioned the reason her son had been transferred to the Tallapoosa County jail. She stated she was told that it was due to security reasons. But Ms. Leonard stated that Captain Welch had told Attorney Harold Morris that it was because the inmate's mother and sister continued to come before the Commission. Ms. Leonard asked Sheriff Jones for a comment. Judge English questioned if he would like to address Ms. Leonard. Sheriff Jones answered, "No." Commissioner Harris told Ms. Leonard that he was going to visit the Sheriff because he too had heard from inmates and others about the jail, and that she could go with him.

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, due to an accident. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

Judge English showed the Commission one of the new voting machines that will be used in the upcoming elections. Judge English provided a ballot to each person in attendance and allowed everyone in attendance to mark their ballot. Judge English stated it was a simple process, and that the only change the voters will see is that they will now fill in a circle, rather than complete an arrow. Commissioner Harris voiced his concerns about how these machines were selected and voter education. Judge English stated that Mr. Parson suggested that each Commissioner could hold a town hall type meeting in their district to show citizens the new machine before the elections. Commissioner Harris said it is our job to vote on this. Commissioner Lawrence then asked Commissioner Harris if he wanted to vote on this. After additional discussion, Commissioner Lawrence made a motion to recognize the voting machines as approved by the Alabama Electronic Voting Committee and accept them as our voting machines for Lee County. The motion was seconded by Commissioner Eckman for discussion. Commissioner Harris questioned Judge English how many companies were approved, and stated that there are approved machines that still use the arrow. Judge English stated the Alabama Electronic Voting Committee, which he has chaired in years past, approves machines, not companies, and that these particular machines were selected by our vendor, ES&S, not by Judge English. Commissioner Harris said that this is the same company that was investigated in 1994 for bribing some County Commissioners to use their equipment, and that a County Commissioner in another county went to jail even though they voted on it. He added that there are other companies with approved machines. After more discussion, Commissioner Lawrence called for the question, seconded by Commissioner Eckman. After vote taken the call for the question passed on a 3-1 vote with Commissioner Harris voting "No." The underlying motion then passed on a vote of 3-1 with Commissioner Harris voting "No." Judge English wanted to note that the previous resolution adopted in 1994 authorized use of optical scan voting machines and these newer models were still that same technology. Judge English felt that action by the Commission on this upgrade made by the company was not required, while Commissioner Harris disagreed. Commissioner Lawrence said the Commission action taken should make the difference of opinion a non-issue.

County Engineer Justin Hardee informed the Commission during the pre-meeting that Lee Road 56 and Lee Road 146 had both reopened. Mr. Hardee stated that Lee Road 56 was reopened last week. Additionally, Lee Road 146 had reopened last Thursday. Judge English questioned the original estimate on the closure period. Mr. Hardee stated that Lee Road 146 had

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 28, 2014

been scheduled to close approximately three months, but fortunately had been able to reopen it in two months. Further, Mr. Hardee stated that ALDOT would be letting the bids for the Lee Road 146 project on May 30. He stated that once ALDOT awards the bid and the Commission concurs then the project may begin in late summer. Mr. Hardee once again stated he appreciated the public's patience on this project.

EMA Director Kathy Raines updated the Commission on the weather. Ms. Raines stated that Lee County could expect over 4" of rain in the next 72 hours. The expected timeline is between midnight and 6:00 a.m. tomorrow morning. The most severe weather is expected to begin around 6:00 p.m. tonight with tornado watches being issued. Ms. Raines stated that several temporary shelters had been opened at Providence Baptist Church, Smiths Station Senior Center and the Library at Auburn University. Ms. Raines stated there would be no food at these locations and that people should take blankets and pillows with them if they take shelter at any of the mentioned locations. Ms. Raines further stated that powerful tornadoes were expected all across Alabama.

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 14 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Ham and passed unanimously.

Mrs. Kathreen Vaughn appeared before the Commission and first thanked the Commission for listening to her request. Mrs. Vaughn asked the Commission to consider paving Lee Road 665. Additionally, Mrs. Vaughn stated that her road had not been scraped since before Christmas and would request that the road be scraped if it could not be paved. Next, Mrs. Vaughn stated that it takes about 10-15 minutes to get down the road because of the condition of the road "like a scrub board". Mrs. Vaughn further stated that a road had been made across the field for the school bus to turn around. Further, she stated that her church, which has been there 50 years, is at the dead-end portion of the road. Commissioner Harris stated he voted to pave the road under the old dirt road paving program. Mr. Hardee stated that there was a problem obtaining the right-of-way on this road, but the program was suspended in January 2010. Again, Mrs. Vaughn stated the road had not even been scraped since before Christmas. Mr. Hardee stated he would look into that. Commissioner Ham thanked Mrs. Vaughn for attending the meeting and stated that Mr. Hardee would look at it and make his best decision for the residents on the road.

Commissioner Ham discussed the dust control concerns on Lee Road 352 and the residents there suffering from COPD. He said we had made two applications of different dust-control materials costing a total of over \$8,000, but that neither lasted more than six months. Upon discussion in the pre-meeting, Commissioner Ham made a motion during the meeting to apply a double coat of tar and gravel at the discretion of the county engineer to control the dust problem on Lee Road 352. He estimated the cost at about \$8,000, and said it was the most cost effective manner to control the dust. The motion was seconded by Commissioner Lawrence, who asked the cost of paving the road with asphalt, and the answer was \$20-25,000. Upon further discussion, Mr. Hardee requested the speed limit be set at 25 M.P.H. and that it be made a one-way road. Commissioner Ham said the residents had no objection to those suggestions. Upon this request, Commissioner Ham and Commissioner Lawrence concurred to add it to the motion and second. The motion carried unanimously.

Commissioner Harris discussed the way that poll workers are appointed. Commissioner Harris stated that he had talked to Sheriff Jones and the Circuit Clerk and said that they would work with Commissioner Harris to make it fair. Additionally, Commissioner Harris stated that

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the appointing board is supposed to share the information with each party. Judge English provided copies of the statute and stated that the chairs of both parties were aware that they could make pollworker recommendations 45 days before the primary. Commissioner Harris disagreed and stated that the active members of the Democratic Party were not aware that they could appoint poll workers. Commissioner Harris asked that voter education needs to be done to make voters and others aware. Judge English stated that the chairs of the parties can nominate names to the Appointing Board for consideration, but not others, such as the “active members” described by Commissioner Harris, and that his problem is really with the chair of his party, not the Appointing Board. Commissioner Harris stated he was going to let others know about it on the realm of voter ID. Judge English then explained the ID issue to the news media in attendance. Judge English stated that starting this year a “photo ID” must be presented to vote, not a specific “voter ID”. Commissioner Lawrence stated that it was changed by the Legislature. Additionally, Commissioner Harris questioned the poll lists he wants for Beat 2, Box 5 and Beat 9. Commissioner Harris stated that he would pay for the lists, but was told that he could not get them. Judge English disputed that statement. County Administrator Roger Rendleman stated that the employee was instructed to handle this situation just like he would with any other citizen. Additionally, Mr. Rendleman stated that if threatened with litigation, then the request should be in writing. Commissioner Harris once again stated that he had requested the poll list and since he is a Commissioner he should receive it at no charge. After discussion, Commissioner Harris made a motion that he could receive a poll list if he paid for one. The motion was seconded by Commissioner Ham and passed unanimously. Judge English stated that this was the policy already in place, except that telephone numbers are not available as requested by Commissioner Harris.

Mr. Rendleman discussed the Courthouse tower clock. Mr. Rendleman stated that there are three choices: 1) do nothing, and leave the tower without a functioning clock or bell; 2) complete restoration, as it is now with a new electric motor and improved shaft or 3) take the entire mechanism out to put on display somewhere and replace with electronic mechanism. Mr. Rendleman stated he had received estimates and for the complete restoration it would cost approximately \$35,950; to replace with electronics the cost would be \$19,870. Mr. Rendleman stated he sees pros and cons to both and would leave the decision up to the Commission. Judge English asked the Commission to consider doing the full restoration of the clock originally installed in 1896, but with an electric motor as was added in 1986-87. Upon discussion, Commissioner Ham made a motion to restore the clock at a cost of \$35,950. The motion was seconded by Commissioner Eckman and unanimously carried. Commissioner Lawrence questioned where the money would come from. Mr. Rendleman stated it would come from the Capital Improvement fund. Commissioner Ham liked the pictures that were presented on the mechanism of the clock and asked that a board be made for information on the clock tower.

Commissioner Lawrence made a motion at approximately 7:25 p.m. to adjourn. The motion was seconded by Commissioner Eckman and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

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Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

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The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, May 12, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Martha Leonard once again appeared before the Commission to discuss her issues with her son's experiences in jail. Ms. Leonard once again stated she would be an advocate for her son and others incarcerated in the Lee County jail. Ms. Leonard questioned Sheriff Jones why her son was transferred to the Tallapoosa County jail. She questioned if it was because of her and her voicing her concerns before the Commission. Ms. Leonard stated that one inmate had not talked to his attorney in eight months. Ms. Leonard questioned why her comments had not been reported in the newspaper. Last, Ms. Leonard reiterated that she would continue to be an advocate for her son and others and to let others be aware of conditions in the jail.

Next, Mrs. Gail Roughton appeared during citizen communications to voice her concern on the proposed sales tax to fund recreation facilities. Mrs. Roughton stated she was a member of the tea party and is not a terrorist. She stated she felt she was being taxed enough. She felt it would be one cent today and another one cent later. Mrs. Roughton stated she remembers the Commission speaking before the citizens a few years ago at city hall and listening to a 1-1 ½ hour session, which she was against, and the sales tax being raised from 8% to 9% and the person stated, "we have made up our mind". She stated that is taxation without representation. Mrs. Roughton stated the majority is dead-set against a new tax. Mrs. Roughton stated as a middle class citizen she feels she is being squeezed to death.

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 and John Andrew Harris. Absent: Commissioner Johnny Lawrence, who left during the pre-meeting but returned during New Business during the regular meeting. Elected Official(s) present: Sheriff Jay Jones, Smiths Station Mayor LaFaye Dellinger and Loachapoka Mayor Jim Grout.

Sheriff Jones recognized two employees as Employees of the Quarter, who are chosen by their peers. Sheriff Jones recognized Correction Officer Eddie Frazier and Investigator Rick Zayas. First, Sheriff Jones recognized Officer Frazier for his leadership qualities, his helping hand abilities, his professionalism, his servant quality and his willingness to work when needed. Next, Investigator Rick Zayas was recognized specifically for drug cases in the patrol division. Additionally, Investigator Zayas was recognized as a certified instructor in gang activity, with experience with the Chicago Police Department. Sheriff Jones stated he was a very professional officer. Further, Sheriff Jones stated Investigator Zayas is a great asset in translating/speaking Spanish when needed. Sheriff Jones stated he worries about being able to keep Investigator Zayas. Sheriff Jones introduced Investigator Zayas' wife Marlana and their youngest son Richard, who both were in attendance. Judge English added that Marlana Zayas, his wife, is employed as a clerk in the Revenue Commissioner's office and assists as well in translating Spanish when needed at the Courthouse.

Judge English asked each Commissioner to coordinate with either he or Tim Parson to have a voting machine in their district for demonstration purposes before the upcoming Primary Election. Judge English stated he had contacted both parties and the League of Women Voters about the display of a machine. Commissioner Harris did not agree and stated that the Commission did an illegal act by not authorizing the voting machines. Commissioner Harris further stated that one man, Judge at State Commission Gore vs. Bush we went under that law and he stated there was no reason to change voting machines. Judge English questioned what changed after Gore vs. Bush. Judge English stated no change had been made in the last six

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years. Commissioner Eckman stated, "We (the Commission) voted." Commissioner Harris stated, "Sheila, you don't understand, you are in trouble about that vote." He further stated it was an illegal act and stated he had talked to the ACCA earlier today and told Commissioner Eckman to look at her Commissioner handbook. Further, Commissioner Harris stated that whoever went along with it would get in trouble. Judge English stated it was not a necessary vote. Commissioner Harris stated he had a paper. Judge English then told Commissioner Harris that if all that is correct then he should win his lawsuit, if he pursues one. Commissioner Harris stated the County has a lawyer and stated he had given the County Attorney Stan Martin a copy of the information two weeks ago. Judge English further stated that it would take Commission action for Mr. Martin to research any information given to him by any one Commissioner. Commissioner Harris disagreed and stated that any one Commissioner should be able to direct the county attorney to research anything necessary for an agenda item.

Next, discussion was taken on the noise ordinance issue that was presented several meetings ago. County Administrator Roger Rendleman stated that what has been presented in the packets was a draft proposal which has been reviewed by Mr. Martin. Mr. Rendleman further suggested that the Commission needs to possibly present it to the ACCA for legislation in order for it to have some teeth to it. Commissioner Eckman questioned if a motion was necessary. Mr. Rendleman stated that he would suggest presenting it to the Legislature through ACCA as a statewide act. Further, suggestion was made to provide a resolution at the next meeting. Mr. Rendleman stated he would see the Association staff at a meeting next week and would discuss it with them. Commissioner Harris suggested looking at the one that Macon and Chambers County currently have in place because he is aware they have success in those counties. Mr. Rendleman stated that most counties he had talked with that had a noise ordinance in place were not having much success. Judge English suggested that a copy of Macon County's noise ordinance be given to Commissioner Harris for his review.

Mr. Rendleman discussed the proposed idea of a new Senior Center in the Beulah community. Commissioner Ham reported that The Bridge Church in Beulah had agreed to donate the land for a new building and perhaps Randy Wilson would be willing to donate architect services. Mr. Rendleman stated that the project would be similar to the one in Smiths Station and there would have to be a consensus of the Commission. Mr. Rendleman stated he had been talking with Lee-Russell Council of Governments who stated additional funding would need to be provided to them to provide staffing for the new center and maintenance costs of approximately \$5,000 for groundskeeping, water, sewer, electricity and insurance that are currently being absorbed in the existing school facility. Mr. Rendleman stated he needed further information on the project. After more discussion, Commissioner Ham stated that Senator Dial would be attending the next meeting to present a \$10,000 check for upfront costs for a new Beulah Senior Center project. Commissioner Ham stated that budget hearings were coming up and discussion on construction costs and operation costs could be held at that time.

County Engineer Justin Hardee updated the Commission on Lee Road 179. Mr. Hardee reported that the emergency closure had resulted in the emergency cross drain repair and he was happy to report that Lee Road 179 had reopened today. Mr. Hardee reported that a permanent patch in the pavement would be performed in a few weeks.

Next, Mr. Hardee stated that Lee Road 148 had been closed due to another sinkhole. Mr. Hardee stated the road has been closed and the quarry and utility companies have been notified of the closure. The quarry has begun repairing the hole with rock material as per the lawsuit settlement agreement. As of this incident no other sinkholes have been located on county property, but numerous other sinkholes have occurred on private property in the area. Mr. Hardee stated this closure could last up to two months or longer.

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EMA Director Kathy Carson reported on the tornado in the Salem Community. Ms. Carson stated on April 29, 2014 an EF3 tornado touched down in the community and serious property damage was sustained. There were injuries, but fortunately no loss of life. Search and rescue efforts were immediately prompted until all were accounted for in the area. Ms. Carson reported that 30-50 homes were destroyed and multiple homes had major damage. Ms. Carson asked citizens to call 211 for any needs for clothing, food, labor, equipment to start the recovery process. Ms. Carson wanted to thank the United Way and the 211 System. Further, she stated the President of the United States had declared a Federal Disaster for Lee County which means that Federal funds are available for the damages. Commissioner Harris thanked Ms. Carson, Mr. Hardee, Red Cross, all the Volunteers, and churches that participated in the recovery. Ms. Carson stated it was a long list that needed to be recognized. She stated that 385 volunteers had registered over 2,000 volunteer hours in the aftermath of this disaster.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, an announcement of two openings on the Lee County E911 Board and the minutes of the April 28 meeting. Commissioner Eckman made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and passed on a 3-0-1 vote with Commission Long abstaining.

Commissioner Harris once again brought up the poll worker appointment process and stated he had been given incorrect information at the last Commission meeting. Commissioner Harris stated that the state law says that every candidate can submit names to party chair to work as poll workers at each election 20 days, not 45 days prior to an election, as stated at the last meeting. Commissioner Eckman questioned Commissioner Harris if he had submitted any names. Commissioner Harris stated no, but that he was going to submit names tomorrow. Judge English stated he had talked to Mrs. Parker, who is Democratic Party Chair, and she had not received any names from Commissioner Harris. Commissioner Harris once again stated he was going to submit them tomorrow. Further, Commissioner Harris stated he was only trying to protect the integrity of the election which is what he has been fighting for all along. Next, Commissioner Harris stated he had not received the voters list he had requested to do his job as a commissioner, not as a candidate. Commissioner Harris stated the list he had received is not correct. Judge English questioned what was incorrect. Commissioner Harris stated the list from the state that the numbers were wrong. Judge English then stated that the list was in the newspaper yesterday. Commissioner Harris stated he saw it, but stated something was wrong with it too and stated it was not separated by districts. Commissioner Ham spoke up and stated that he and Commissioner Long would pay for the list for Commissioner Harris. Commissioner Ham questioned the cost and was told the list for the two polling places totaled \$50 and he stated he would write the check once the meeting was over.

Ms. Mattie Hinkle appeared before the Commission and during the pre-meeting discussed her homelessness issue with the Commission. Ms. Hinkle asked the Commission to consider her situation during the meeting and asked that she get her land back, get a home, because she is on disability she is not able to work, but if she got her land back she could sell it and give the money owed back to the county. She stated she had even contacted FEMA but had received notice she was denied since the damages did not occur during a tornado or hurricane. No action was taken by the Commission.

Mr. Jerry Southwell, President of Lee County Recreation Board appeared asking the Commission to set September 9, 2014 as the date for a Special Election for a 1 cent sales tax to let the citizens to decide, with 50% of proceeds for recreation and 50% proceeds for additional deputies in the county, hopefully providing additional school security. Commissioner Harris questioned why a special election where the Commission must pay for it when there is already a

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scheduled election in November. Commissioner Harris stated we need to set recreation as a priority. Further, he applauded Mr. Southwell and Mrs. Linda Hilyer for their efforts, but stated that if an election is held in September everybody knows that it will not pass. Mr. Southwell agreed that recreation should be a priority in the community. Further, he stated that the Recreation Board had continuously and consistently asked for more support, but had not received any from the Commission in several years. Judge English questioned Commissioner Harris and asked why he opposed a special election now when he voted for the prior appropriation of funds to hold a special election to give it the best chance of it passing. Commissioner Harris stated he had changed his mind and now believes that more money should be given to recreation. Mr. Rendleman stated that Lee County has the 2nd lowest revenue per capita and he can't stretch the money anymore because there are no additional resources; giving citizens a third opportunity to vote this in out in the county for recreation. Commissioner Harris stated that the county finds money for what it wants: \$38,000 for clock tower, money for a new highway department building and other projects. Commissioner Harris suggested having the Highway Department clear the land or get D&J out there and work with local businesses and ask for in-kind service to do the work and get grants for the ball fields. Mr. Southwell interjected and stated that since they are not incorporated, there are no grants available. Commissioner Harris stated that was incorrect, and stated grants are available all over; since that is his specialty. Mr. Southwell further stated it was nearly impossible to schedule an appointment to get in with Lee-Russell Council of Governments to discuss grants. After more discussion, Commissioner Ham made a motion to set September 9, 2014 as a Special Election for a 1 cent sales tax for Recreation and Sheriffs Deputies. The motion was seconded by Commissioner Long for discussion. Commissioner Harris stated two things: 1) if we have the vote, do it in November; and 2) economy down=vote down, wasting taxpayer money. After more discussion, Commissioner Eckman called for the question. Commissioner Long seconded the call for the question to end discussion and vote on the motion. The motion to end debate passed on a vote of 3-1 with Commissioner Harris voting "No". After that, the vote on the underlying motion passed on a vote of 3-1 with Commissioner Harris voting "No".

John Hoar of the Southwest Lee County Volunteer Fire Department reported that their ISO Rating had gone from a rating of 8/9 to a rating of 4/9. Mr. Hoar explained that the rating is used by insurance companies to determine homeowner insurance rates with 1 being the best and a 10 being the worst with no fire protection. Further, he stated the new rating goes into effect July 1, 2014. Mr. Hoar stated each citizen must notify their insurance company of the change to get the new rate. Mr. Hoar asked the news media to get the word out to the citizens of Lee County. Further, Mr. Hoar thanked the Commission and the citizens of Lee County for voting for the fire fee increase because without it Southwest would not still be in operation. Mr. Hoar stated the notice would be in the Loachapoka water bills and a notice would be run in the newspaper. Judge English questioned what had made the most improvement to receive this improved rating. Mr. Hoar stated it is a three-part system and there has been an improvement in all three including: 1) improvement in the 911 system; 2) improvements in the Loachapoka water system; and 3) a boost in the water pressure.

Loachapoka Mayor Jim Grout had sent a formal request to Lee County Building Inspector David Veal asking for Lee County to perform building inspections on buildings in Loachapoka. Commissioner Long questioned if Loachapoka had been doing them currently. Commissioner Eckman answered in the affirmative, but only part-time. Commissioner Long further questioned if the same would be done for Loachapoka as was being done for Smiths Station. Mr. Veal stated it would be a written agreement and would clarify on what is expected between them. Mr. Veal further explained that in Loachapoka it did not involve zoning or storm water or flood plain management issues as it does in Smiths Station because there are none of those issues in the Loachapoka area. Mr. Veal stated there was no written agreement with Smiths Station, only an understanding between the two governments. Commissioner Long questioned if an agreement could be done. Mr. Veal answered in the affirmative. Commissioner Lawrence suggested continuity would be good. Judge English stated that no motion needed to

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be done on a draft and further questioned Mr. Hardee, Mr. Veal and Mr. Martin if anything further was needed by them to proceed in that direction. No action was taken by the Commission on the issue.

Commissioner Lawrence made a motion to approve travel for any Commissioner and other staff members to attend the ACCA 86th Annual Convention on August 19-21, 2014 in Orange Beach, Alabama. The motion was seconded by Commissioner Ham and unanimously approved.

Commissioner Long discussed the numerous phone calls, text messages and emails he had received concerning the release of the three dogs that had attacked and killed a girl in Smiths Station. Sheriff Jones stated he had filed a petition in court to have the dogs released to him rather than returned to the owner. Commissioner Long questioned if it would take some type of legislative action. Sheriff Jones stated it was an unfortunate incident. Sheriff Jones asked the court for the owner to relinquish control of the dogs to the investigating agency. That is the option being chosen at this time. Commissioner Eckman questioned if the dogs would be euthanized. Sheriff Jones stated he hoped the dogs would not be returned to the community, and perhaps they would be euthanized. Commissioner Long made a motion to authorize the Chairman to draft a letter supporting the Sheriff's action in requesting the court not return the animals to the community. The motion was seconded by Commissioner Ham and unanimously carried.

Commissioner Ham made first reading of Lamar Sims to be reappointed to the Beulah Utilities Board to serve a four-year term from May 24, 2014 to May 24, 2018. The motion carried unanimously.

Commissioner Ham asked to delay first reading until the next meeting on May 27, 2014 for the position currently held by Mr. Jerry McKay that expires May 24, 2014.

Sheriff Jones presented the following Resolution/Agreement for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Commissioner Lawrence made a motion, seconded by Commissioner Long to authorize Judge English to sign the Agreement as presented. The motion passed unanimously.

RESOLUTION

This Agreement is made and entered into this 6th day of May, 2014, by and between the County of Lee, acting by and through its governing body, the Lee County Commission, hereinafter referred to as COUNTY, the City of Auburn and the City of Opelika, hereinafter referred as CITIES acting by and through its governing body, the City Council, both of Lee County, State of Alabama, witnesseth:

WHEREAS, this Agreement is made under the authority of Section 11-102-1 of the Code of Alabama (1975); and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing part for the services or functions under this Agreement; and

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WHEREAS, the total amount of the grant application is \$27,940, the CITIES and the COUNTY agree to equally share grant funds.

WHEREAS, the City of Auburn, City of Opelika, and Lee County believe it to be in their best interests to reallocate JAG funds.

NOW, THEREFORE, the City of Auburn, The City of Opelika, and County agree as follows:

Section 1.

The City of Auburn agrees to pay Lee County a total of \$9,313 and agrees to pay the City of Opelika a total of \$9,313 for purchases allowed within grant purposed areas.

Section 2.

The City of Auburn agrees to advertise the application and make available to the governing body and for citizens comments, for a 30-day period prior to submission to the U. S. Department of Justice, Bureau of Justice Assistance.

Section 3.

Each party in this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 4.

The parties of this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 5.

The parties of the Agreement will adhere to all applicable Special Conditions of this Award, to include, but not limited to timely submission of all financial and programmatic information requests by the Awarding Agency.

Section 6.

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

Mr. Hardee updated the Commission on the Highway Department's response to the tornado on April 29, 2014. Mr. Hardee stated that the department had removed vegetative debris immediately after the storm on the rights-of-way and in the roadways. Mr. Hardee and Ms. Carson would recommend that the Commission activate thru ACCA the contract for storm debris removal with D&J Enterprises and the Lee County contract with Thompson Consulting for monitoring/oversight services of the debris removal. Commissioner Eckman questioned the percentage of reimbursement. Mr. Hardee stated it is up to 85% for the first 30 days after the storm, after the first 30 days then it is reduced on a sliding scale. Commissioner Harris stated majority of damage occurred in his district and thanked Ms. Carson and Mr. Hardee for moving so fast and assisting the people in the area. Commissioner Ham questioned Chip Starr if he had looked at the situation. Mr. Starr stated he had, and his company was ready to begin the clean up immediately. Commissioner Eckman questioned if the fee included disposal of the debris. Mr. Hardee stated it included authorization for the hauling and disposal of the vegetation and construction debris, at the direction of the County Engineer. Upon this discussion, Commission Ham made a motion to authorize D&J Enterprises for the storm debris removal and Thompson Consulting for the monitoring/oversight. The motion was seconded by Commissioner Harris and unanimously carried.

Next, Mr. Hardee discussed several railroad crossing improvements. Mr. Hardee stated joint efforts between the Lee County Commission, the Lee County Board of Education, ALDOT and Norfolk-Southern Railroad have been made to have crossing arms and other safety devices installed at the grade crossing on Lee Road 927 in front of the new Smiths Station High School in District 3. Further, the Commission was asked to enter into an agreement with the railroad for the design of these safety features. Also, along with those improvements the Commission was

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asked to consider closing two (2) crossings in the Salem community in District 4. Mr. Hardee stated Mr. Martin had met with railroad representatives and asked the Commission to approve a preliminary agreement. Mr. Martin stated he had concerns with the Agreement being open-ended and not stating an amount to the County. Commissioner Ham stated \$100,000 total cost to install the crossing arms and safety devices at the crossing on Lee Road 927 then the railroad would give back \$75,000 for closing the two railroad crossings, so it would only cost \$25,000. Commissioner Ham stated he had talked to the Lee County School Superintendent and they had agreed to pay the \$25,000 for the improvements to the railroad crossing at the school. Commissioner Long gave all the appreciation to Commissioner Ham and stated he had worked diligently on this project and had been able to get it accomplished. Judge English questioned who would do the actual design work. Mr. Hardee stated it would be coordinated thru ALDOT. After discussion, Commissioner Long made a motion to authorize the Chairman to execute an Agreement with Norfolk-Southern Railroad for the grade crossing improvements on Lee Road 927. The motion was seconded by Commissioner Ham and unanimously carried.

Next, Mr. Hardee presented two Federal Aid Agreements. First, Commissioner Lawrence made a motion to authorize the Chairman to execute the following Federal Aid Agreement and Resolution for the resurfacing of Lee Road 146, seconded by Commissioner Ham and unanimously carried.

RESOLUTION 05122014-1

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

The resurfacing on CR-146 (Moore's Mill Road) from Auburn City Limits to SR-169.
Length – 8.744 miles
Project#ACOA59568-ATRP(002),LCP#41-116-12, ATRIO#41-03-11

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

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

AGREEMENT – ATRIP Project

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

WITNESSETH

WHEREAS, the State and the County desire to cooperate in the resurfacing of CR-146 (Moore's Mill Road) from Auburn City Limits to SR-169. Length – 8.744 miles.
Project #ACOA59568-ATRP(002), LCP# 41-116-12, ATRIP #41-03-11

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

1. The County will acquire any additional right-of-way, if needed, for the project at no cost to the State or this Project.
2. The County or its representative, if applicable to the project, agree to adjust and/or relocate all utilities on the project without cost to the State or this project.
3. The County or its representative, will provide the required surveys, complete the

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plans and perform all other preliminary engineering duties for the project at no cost to the State or this Project. The County will be responsible for submitting all required environmental documents to the State and obtaining approval prior to right-of-way acquisition or submittal of final plan assembly to the State. 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.

4. 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 the Project. 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 or Region) a copy of the permit prior to any work being performed by the contractor.
5. The County will furnish all construction engineering for the project with County forces or with a consultant selected and approved by the State as part of the project cost. The cost of construction engineering and inspection shall be included as part of the construction cost for the project and will be paid from funds provided herein.
6. The State will furnish the necessary inspection and testing of materials with State forces when needed as part of the project cost. The cost of inspection and testing of materials shall be included as part of the construction cost for the project and will be paid from funds provided herein.
7. The County will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, Latest Edition, on the project and will ensure that alignment and grades on this project meet the standards of the Alabama Department of Transportation and that the project will be constructed in accordance with the approved plans.
8. The project will be administered by the State and all cost will be financed, when eligible for Federal participation, on the basis of eighty (80) percent Federal ATRIP funds and twenty (20) percent County funds, unless otherwise noted below. Any Federal aid non-participating costs shall be borne by the County at one hundred (100) percent.
9. Funding for this Agreement is subject to availability of Federal ATRIP funds at the time of authorization. The State will not be liable for Federal ATRIP funds in any amount. It is understood that the amounts stated below are estimates only. Shortfall in funding or overrun in construction costs shall be borne by the County from Federal ATRIP funds, if available, and from County Federal funds, if available, and from County funds. In the event of an under-run in construction costs, the amount of Federal ATRIP funds will be the amount stated below, or eighty (80) percent of eligible costs, whichever is less.
10. The estimated cost of construction of this project will be provided from the funds outlined as below:

Federal ATRIP Funds	\$1,354,400.00
County Funds	<u>\$ 338,600.00</u>
Total (Including E & I)	\$1,693,000.00
11. 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 (if applicable) 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. Payment must be received prior to award of the contract.
12. A final audit will be made of all project records after completion of the project and a copy will be furnished to the Alabama Department of Examiners of Public Accounts, in accordance with Act 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this agreement.
13. The County will submit reimbursement invoices for work performed under the terms of this Agreement to the State within six (6) months after the completion and acceptance of the project. Any invoices submitted after this six (6) month period will

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 12, 2014

- not be eligible for payment.
14. Upon completion and acceptance of the work by the State, the County will assume full responsibility for maintenance of that part of the improvements which are not a part of the Alabama Highway Maintenance System. Upon completion and acceptance of the work by the State, the County will maintain the project in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.
 15. It is agreed that the terms and commitments contained in this agreement shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in this agreement shall be deemed null and void.
 16. The County will be responsible at all times for all of the work performed under this agreement and, the County will protect, defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all action, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this agreement.
 17. 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.
 18. Each party will provide, without cost to the other, information available from its records that will facilitate the performance of the work.
 19. Nothing will be construed under the terms of this agreement by the State or the County that will cause any conflict with Section 21-1-63, Code of Alabama (7/24th law).
 20. 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.
 21. Exhibits M and N are attached and hereby made a part of this agreement.
 22. This agreement is made and is expressly executed in the names of the parties hereto by their respective officer, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.
 23. The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.
 24. This agreement may be terminated by either party upon the delivery of a thirty (30) day notice termination.

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

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with the awarding of any Federal contracts, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

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

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT:

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

TERMINATION DUE TO INSUFFICIENT FUNDS:

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

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

ADR CLAUSE:

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

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.

Second, Commissioner Lawrence made a motion to authorize the Chairman to execute the following Federal Aid Agreement and Resolution for the resurfacing of a portion of Lee Road 158, seconded by Commissioner Ham and unanimously carried.

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RESOLUTION 05122014-2

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

The widening and resurfacing on CR-158 from CR-183 to CR-379.

Length – 7.244 miles

Project#ACAA59567-ATRP(002),LCP#41-117-12, ATRIP#41-03-10

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

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

AGREEMENT – ATRIP Project

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

WITNESSETH

WHEREAS, the State and the County desire to cooperate in the widening and resurfacing on CR-158 from CR-183 to CR-379. Length – 7.244 miles.

Project #ACAA59567-ATRP(002), LCP# 41-117-12, ATRIP #41-03-10

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

1. The County will acquire any additional right-of-way, if needed, for the project at no cost to the State or this Project.
2. The County or its representative, if applicable to the project, agree to adjust and/or relocate all utilities on the project without cost to the State or this project.
3. The County or its representative, will provide the required surveys, complete the plans and perform all other preliminary engineering duties for the project at no cost to the State or this Project. The County will be responsible for submitting all required environmental documents to the State and obtaining approval prior to right-of-way acquisition or submittal of final plan assembly to the State. 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.
4. 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 the Project. 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 or Region) a copy of the permit prior to any work being performed by the contractor.
5. The County will furnish all construction engineering for the project with County forces or with a consultant selected and approved by the State as part of the project cost. The cost of construction engineering and inspection shall be included as part of the construction cost for the project and will be paid from funds provided herein.
6. The State will furnish the necessary inspection and testing of materials with State forces when needed as part of the project cost. The cost of inspection and testing of materials shall be included as part of the construction cost for the project and will be

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paid from funds provided herein.

7. The County will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, Latest Edition, on the project and will ensure that alignment and grades on this project meet the standards of the Alabama Department of Transportation and that the project will be constructed in accordance with the approved plans.
8. The project will be administered by the State and all cost will be financed, when eligible for Federal participation, on the basis of eighty (80) percent Federal ATRIP funds and twenty (20) percent County funds, unless otherwise noted below. Any Federal aid non-participating costs shall be borne by the County at one hundred (100) percent.
9. Funding for this Agreement is subject to availability of Federal ATRIP funds at the time of authorization. The State will not be liable for Federal ATRIP funds in any amount. It is understood that the amounts stated below are estimates only. Shortfall in funding or overrun in construction costs shall be borne by the County from Federal ATRIP funds, if available, and from County Federal funds, if available, and from County funds. In the event of an under-run in construction costs, the amount of Federal ATRIP funds will be the amount stated below, or eighty (80) percent of eligible costs, whichever is less.
10. The estimated cost of construction of this project will be provided from the funds outlined as below:

Federal ATRIP Funds	\$2,196,080.00
County Funds	<u>\$ 549,020.00</u>
Total (Including E & I)	\$2,745,100.00
11. 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 (if applicable) 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. Payment must be received prior to award of the contract.
12. A final audit will be made of all project records after completion of the project and a copy will be furnished to the Alabama Department of Examiners of Public Accounts, in accordance with Act 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this agreement.
13. The County will submit reimbursement invoices for work performed under the terms of this Agreement to the State within six (6) months after the completion and acceptance of the project. Any invoices submitted after this six (6) month period will not be eligible for payment.
14. Upon completion and acceptance of the work by the State, the County will assume full responsibility for maintenance of that part of the improvements which are not a part of the Alabama Highway Maintenance System. Upon completion and acceptance of the work by the State, the County will maintain the project in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.
15. It is agreed that the terms and commitments contained in this agreement shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in this agreement shall be deemed null and void.
16. The County will be responsible at all times for all of the work performed under this agreement and, the County will protect, defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all action, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 12, 2014

- arising out of or connected with the work performed under this agreement.
17. 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.
 18. Each party will provide, without cost to the other, information available from its records that will facilitate the performance of the work.
 19. Nothing will be construed under the terms of this agreement by the State or the County that will cause any conflict with Section 21-1-63, Code of Alabama (7/24th law).
 20. 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.
 21. Exhibits M and N are attached and hereby made a part of this agreement.
 22. This agreement is made and is expressly executed in the names of the parties hereto by their respective officer, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.
 23. The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.
 24. This agreement may be terminated by either party upon the delivery of a thirty (30) day notice termination.

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 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.

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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.

Mr. Rendleman presented the results of the bids on the Lee County Meeting Center on South 10th Street and on the records storage facility on Auburn Street. Mr. Rendleman stated that three bids were received and opened on May 6, 2014. Mr. Rendleman noted that the bids were within 13% of each other and the second lowest bid was 9% higher, but with 45 more days to complete the project. Mr. Rendleman recommended the Commission award the bid to the lowest responsible and responsive bid of J&L Contractors, Inc. of Auburn, Alabama for \$1,585,500 and to increase the overall project budget from \$1,400,000 to \$1,678,500. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Ham to award the bid to J&L Contractors, Inc. for \$1,585,500 and increase the overall budget to \$1,678,500. The motion carried unanimously.

Environmental Services Director Chris Bozeman presented the results of the RFP for Animal Control Services. Mr. Bozeman reported that out of 26 sent to 25 vets and one to the Humane Society, only one RFP was received, and it came in jointly from Dr. Hunt/Dr. Colley and Dr. Bruce for \$85/per animal. Upon discussion, Commissioner Lawrence made a motion to reject the bid to negotiate downward. The motion was seconded by Commissioner Ham and carried unanimously.

Judge English presented a personnel item to add to the agenda. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to add the item to the agenda. The motion passed unanimously. Judge English asked to change the title of a currently vacant position from Election Manager to Chief Clerk to more fully utilize the position. Judge English stated there would be no financial impact on the county, because the pay grade was the same. Judge English stated that the Code of Alabama authorized the position of Chief Clerk to handle additional responsibilities at the direction of the judge that were not authorized for election managers. He

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added that the position would serve at the will of the Probate Judge, as does the existing Chief Clerk. Mr. Rendleman stated the position would be treated like all other county employees as far as benefits, and saw no negative impact to the County. Upon discussion, Commissioner Long made a motion to approve the title change, seconded by Commissioner Lawrence and unanimously carried.

Commissioner Lawrence made a motion at approximately 8:25 p.m. to adjourn. The motion was seconded by Commissioner Eckman and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 27, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Tuesday, May 27, 2014 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, Robert Ham, Gary Long and John Andrew Harris. Absent: Commissioner Johnny Lawrence. Elected Official(s) present: Senator Gerald Dial, Representative DuWayne Bridges, Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

Judge English asked that the employee recognition be moved to the next agenda.

EMA Director Kathy Carson gave an update on the Salem tornado during the pre-meeting. Ms. Carson stated that the local FEMA disaster assistance location had been closed but citizens could continue to contact them by the 800 number or online or citizens could always contact the local EMA office for assistance. Ms. Carson further stated that the 211 line was continuing to support if anyone needed assistance to call that line. Ms. Carson stated that 140 had been confirmed eligible for individual assistance in Lee County. Commissioner Eckman questioned if every citizen had been contacted if there was a need. Ms. Carson stated that the action team from FEMA went door-to-door and hopefully everyone was contacted in that manner. Again, Judge English thanked the EMA staff and volunteers for their efforts during the tornado and during the aftermath.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the May 12 meeting. Commissioner Ham made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and passed unanimously.

Commissioner Ham introduced Senator Gerald Dial and Representative DuWayne Bridges who presented a \$10,000 check made to Lee-Russell Council of Governments for upfront costs for a proposed new Beulah Senior Center. Senator Dial stated he and Representative Bridges had been working on this project for several years. Senator Dial stated he served as a member of the Commission on Senior Services and was happy to provide these funds to Lee County. Representative Bridges stated he too had been working on this project and was happy to see it come to fruition just as his term ended and hoped he would be able to utilize the new facility. Commissioner Harris commended Senator Dial on this project but asked him to consider Beauregard and Loachapoka. Senator Dial stated Senator Whatley had approached him concerning Beauregard already.

Next, Commissioner Ham presented the following Resolution for second reading to appoint Mr. Lamar Sims to serve on the Beulah Utilities Board. The motion was seconded by Commissioner Long and unanimously carried.

BE IT RESOLVED, the Lee County Commission does hereby reappoint Lamar Sims to serve a four-year term on the Beulah Utilities Board from May 24, 2014 to May 24, 2018.

Commissioner Harris once again brought up the poll worker appointment process and his request for voters list. He thanked Commissioners Ham and Long but stated he still had not received the voters list he requested. Further, Commissioner Harris stated he had been at the post office and talked to a gentleman who votes at Tom's Warehouse who stated the gentleman said he had not been notified yet that the voting location has been changed when the election is on June 3. Commissioner Harris stated he has talked to lawyers and the Justice Department

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 27, 2014

about the situation and both agree with him. Commissioner Harris stated that he is concerned about the fairness of the election. Judge English stated that each party chair knows that candidates can submit names to work as poll workers at each primary election. Judge English questioned if Commissioner Harris had nominated any pollworkers. Commissioner Harris stated he had not because his name is not on the ballot for the primary election. Once again, as in the last meeting, Commissioner Ham spoke up and stated that he and Commissioner Long would pay for the list for Commissioner Harris. During the meeting, Commissioner Harris once again stated he had talked to other Commissioners about this same situation and the process that must be followed with consent of Commission when dealing with purchase or lease of anything. Commissioner Harris related the situation in 1994 when the previous voting machines were acquired where this same company we are dealing with now was allegedly buying up Probate Judges and County Commissions, in Dothan and other counties under investigation. He said the previous county commissioner (Rep. Bandy) told him that the only thing that saved him from going to jail was that he was not here the night the Commission voted on the previous voting machines. Judge English asked if any of the commissioners who were present that night got in trouble, and then answered his own question with a "No". Commissioner Harris stated the authority to make those purchasing decisions lies with the County Commission. He further stated that that Albert Chambers raised the same question in another county. Judge English asked if he was referring to Commissioner Albert Turner in Perry County, and he agreed. He said we allow one man to control the names because people told him so. Judge English asked who he was referring to, and Commissioner Harris answered "you Judge". Judge English then questioned Sheriff Jones if he had been involved in the poll-worker appointment process for every single election. Sheriff Jones answered in the affirmative. Commissioner Harris stated they were appointed by Judge English, because people told him that was how it was done. Then Commissioner Harris stated that if you are a programmer then you have the ability to do anything (to the voting machine). Judge English stated the machines were checked each time and zeroed every time. Judge English further told Commissioner Harris his mouth is going to get him in trouble. Commissioner Harris said it wasn't, and stated he wanted to protect the election, to be fair. Commissioner Harris discussed his religious stance and visions on how he is going to help the community.

Commissioner Ham spoke up and directed discussion toward Commissioner Harris stating after four meetings in a row that he had heard enough of the information Commissioner Harris has brought up and if he had nothing new to present then he would ask the Commission to move on to the next Agenda item. All of the other commissioners present agreed with Commissioner Ham. Over Commissioner Harris' objection, Judge English recognized Ms. Christine Washington who brought up her concern of Lee Road 246. Commissioner Harris continued to interrupt and tried to discuss his agenda item with Commissioner Ham about the voters list issue while Ms. Washington tried to discuss her issue concerning Lee Road 246. Reporter Fred Woods spoke up and asked Judge English to call for quiet so he could hear Ms. Washington and her item. Upon his request, the meeting continued and Ms. Washington continued her discussion. Ms. Washington stated that she was concerned because she recalled that the residents had been told that the road would be paved, but nothing had been done, and the road had not even been scraped in a long time. Ms. Washington asked that something be done about the condition of the road especially if it was not going to be paved. Judge English explained that the paving program had been abolished for a number of years. Judge English further explained the old policy of obtaining right-of-way and the program that was possibly in place at the time Ms. Washington was speaking of and perhaps the road had been taken off the list to be paved if the highway department had been unable to obtain the right-of-way as required by that policy. Ms. Washington stated she did not know. Ms. Washington asked what could be done at this time. Commissioner Long addressed Commissioner Ham stating he knew the road was in District 4, but Commissioner Long had been told that the ditches were not being addressed on the road causing rain to stand in the middle of the road making the holes and potholes worse. Judge English asked Assistant County Engineer Patrick Harvill to look into the situation. Ms. Washington stated that any assistance to help the condition of the road would be appreciated.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 27, 2014

District Executive Alan Spencer of the Boy Scouts of America and his boss, Assistant Scout Executive Philip Wright appeared before the Commission to request a \$2,000 donation. Mr. Spencer stated the donation would sponsor a five-day summer camp at Auburn University. Judge English stated the Commission could consider the request during the upcoming budget work session in July. Commissioner Harris thanked Mr. Spencer for coming and praised the Boy Scout and Girl Scout programs.

Commissioner Ham made a motion for first reading of Leon McCloskey to the Beulah Utilities Board. Commissioner Ham noted that six people had shown interest in the position by submitting a citizen interest form. Further, Commissioner Ham stated he would like to see that other people be given an opportunity to serve on various boards instead of the same ones continuing to serve over and over. Commissioner Ham stated he had contacted each person who had expressed an interest in the position and stated he felt Mr. McCloskey was the most qualified. The motion was seconded by Commissioner Eckman and passed unanimously. Commissioner Ham noted that Mr. McCloskey was in attendance.

Next, Commissioner Ham recognized Mr. Clyde Weldon who had requested that a POW/MIA Flag be erected at the Lee County Courthouse. Mr. Weldon stated his brother served in Korea and was Missing In Action, and that his uncle was killed in Vietnam less than a year later. Commissioner Ham made a motion to investigate the placement of a POW/MIA flag in front of the Courthouse, seconded by Commissioner Long and unanimously carried.

Commissioner Harris asked the Commission to request an Attorney General's Opinion to allow him to obtain a copy of the voter registration application forms from the Board of Registrars office. Judge English questioned Commissioner Harris why wouldn't he just make a copy of the forms he was bringing in prior to giving them to the Board of Registrars office instead of asking them for a copy after turning them in. Commissioner Harris responded that since he had questioned it Ed Packard of the Secretary of State's office suggested for clarification purposes that an Attorney General's Opinion be obtained on the matter. Upon that answer, Judge English provided an excerpt from Code §17-3-52 which states "*Except as provided in Section 17-3-53, the applications of person applying for registration shall not become public records as public records are defined under the laws of the State of Alabama, nor shall the board disclose the information contained in such applications and written answers, except with the written consent of the person who filed the answer or pursuant to the order of a court of competent jurisdiction in a proper proceeding.*" After more discussion, Commissioner Harris made a motion to request an AG's Opinion to obtain a copy of the voter registration application forms from the Board of Registrars Office. The motion died for the lack of a second.

Revenue Commissioner Oline Price asked that her Annual Final Report of Litigations and Insolvencies be moved to the next agenda.

Assistant County Engineer Patrick Harvill presented an Interlocal Contract with the Houston-Galveston Area Council for Cooperative Purchasing and requested the Commission to authorize the Chairman to execute the agreement. Mr. Harvill explained that the Highway Department is wishing to purchase a tracked excavator through this contract and the size excavator is not available through the county joint bid or ALDOT's Statewide Bid Contract. Mr. Harvill explained that the Houston-Galveston Area Council (H-GAC) is a regional council of governments operating under the laws of the State of Texas and governed by a board comprised of 35 elected officials from a 13 county region. The H-GAC Board awards contracts which can then be made available for use by local governments nationwide through HGACBuy. HGACBuy uses competitive bids awarded through the H-GAC, to allow other public agencies to purchase equipment, supplies and services through the same bid. It is a similar concept to the

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 27, 2014

County Joint Bid program that the ACCA administers; however, we are not required to pay any fees to use HGACBuy. Instead, the vendor is required to pay a fee to the H-GAC when they sell an item. Upon this discussion, Commissioner Eckman made a motion to authorize Judge English to execute the Interlocal Contract for Cooperative Purchasing Agreement, seconded by Commissioner Long and unanimously carried.

Sheriff Jones presented the results of Bid #18 for a license plate reader for the Sheriff's Office. Sheriff Jones reported that out of 18 bids mailed only one response was received from Applied Intelligent Systems (Vigilant Solutions) for \$20,950. Sheriff Jones recommended the Commission accept the lone bid and explained that 48% of the cost would be paid by grant funds and the other 52% would be paid by Sheriff's funds. Upon this recommendation, Commissioner Eckman made a motion, seconded by Commissioner Long to award Bid #18 to Applied Intelligent Systems (Vigilant Solutions) for \$20,950 for a license plate reader. The motion carried unanimously.

Maintenance Department Jerry Lynch presented the results of Bids #19 and #20. Mr. Lynch reported on Bid #19 for parking lights the lowest responsive bid of \$1,100 was received from Interstate Electric of Auburn, Alabama and for wall pack/light fixtures for \$325 was received from Mayer Electric. On Bid #20 the low bidder for 48" LED replacement lamps was Greybar Electric Company at \$20.53/each; for U-Bend LED lamps the low bidder was Interstate Electric Company at \$43.00/each; and for screw-in LED lamps to Mayer Electric Company for \$17.55/each. Commissioner Long made a motion to award Bid #19 and Bid #20 to the lowest bidders as specified. The motion was seconded by Commissioner Ham and unanimously carried.

Judge English reminded all in attendance about the upcoming Primary election on Tuesday, June 3, 2014 and gave a prediction of a 20% or less turnout.

Commissioner Long made a motion at approximately 6:55 p.m. to adjourn. The motion was seconded by Commissioner Eckman 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, JUNE 9, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 9, 2014 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, Robert Ham and John Andrew Harris. No elected officials were in attendance.

Martha Leonard once again appeared during citizen communications and stated she wanted to address Sheriff Jones, who was not in attendance. Ms. Leonard stated that as of May 7 the clergy, who previously had contact with inmates, had only been allowed video visitation. Ms. Leonard asked if anyone knew the reason for this. Judge English answered in the negative and stated the Commission won't know daily details of what happens in the jail, because it is under the jurisdiction of the Sheriff. Ms. Leonard questioned and stated she believed it was from an incident involving an attorney who had been busted for smuggling cigarettes to inmates. Ms. Leonard again addressed concerns about her son being transferred to the Tallapoosa County jail and stated she felt it was solely retaliation for her coming before the Commission.

Judge English introduced Robert Garris who was recently hired in the Probate Office in the Elections Manager/Chief Clerk position. Judge English was happy to report that Mr. Garris is an attorney and is coming to us from Huntsville, but is not new to Lee County as he served as a deputy by the Lee County Sheriff's Office in 1998 and is familiar with the area. The Commission congratulated and welcomed Mr. Garris.

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 May 27 meeting. Commissioner Long made a motion to approve the consent agenda items as presented, seconded by Commissioner Ham. The motion passed on a vote of 4-1 with Commissioner Lawrence abstaining.

Next, Commissioner Ham presented the following Resolution for second reading to appoint Mr. Leon McCloskey to serve on the Beulah Utilities District Board for the position held by Mr. Jerry McKay which expired May 24, 2014. The motion was seconded by Commissioner Long and unanimously carried.

BE IT RESOLVED, that the Lee County Commission hereby appoints Leon McCloskey to the Beulah Utilities District Board to fill the expired term of Jerry McKay. Mr. McCloskey will serve a four-year term until May 24, 2018.

Revenue Commissioner Oline Price gave her annual Report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2013 and Uncollected Insolvencies and Taxes in Litigation for previous years, as required by Code of Alabama 1975, Sections 40-5-23 & 40-5-29. Judge English and Mrs. Price also informed the commissioners about certified letters they had received from a Ms. Hurley concerning property sold at the tax sale several years ago, and that there is no action necessary or authorized to be taken by the County Commission in the matter. Commissioner Lawrence then 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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2014

the Tax Year 2013 and Uncollected Insolvencies and Taxes in Litigation for previous years, be and 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.

County Engineer Justin Hardee presented the following resolutions for Commission consideration for ATRIP funding. Mr. Hardee stated these funds require the usual 80/20 match and that the county funds are budgeted. Commissioner Ham asked if this project would use the "Full Depth Reclamation" process, and Mr. Hardee replied no, primarily due to the high volume of average daily traffic on Lee Road 208. He added that FDR would be used on the Lee Road 47 improvement. Commissioner Ham then made a motion to authorize the Chairman to sign the following two Agreements, seconded by Commissioner Harris 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:

widening and resurfacing of CR-208 from the Russell County line to CR-240.
length-2.431 miles. STPPC-8034 (600), LCP 41-108-10, CPMS Ref.#100056627;

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

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

AGREEMENT-MPO (FA STP Funds)

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 widening and resurfacing of CR-208 from the Russell County line to CR-240. Length – 2.431 miles. STPPC-8034 (600), LCP 41-108-10, CPMS Ref. #100056627.

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 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 and approved by the State. The cost of construction engineering shall be included as part of the construction cost for the Project.
- E. 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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2014

to the State or this project. The County will be the permittee of record with ADEM for the permit. The contractor shall be a co-permittee with the County for the permit, and 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.

- F. The State will furnish the necessary inspection and testing of materials when needed as part of the Project.
- G. The State will not be liable for Federal Aid Funds in any amount. The project will be limited to \$829,049.72 Federal funds unless the Columbus-Phenix City Area Metropolitan Planning Organization agrees, subject to the approval of the State, to reprogram the allocated Federal funds for the Columbus-Phenix City Area sufficient to pay 80% of the project cost. In the event of an underrun in project costs, the amount of Federal Aid funds will be the amount listed below, or 80% of eligible project costs, whichever is less.
- H. The estimated cost of construction of this project payable by the parties is the amount set forth below:

FA STP Funds (Columbus-Phenix City Area Dedicated)	\$829,049.72
County Funds	<u>207,262.43</u>
TOTAL (Incl. E & I)	\$1,036,312.15
- 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 prorata 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 Specifications for Highway Construction, Latest Edition, on the Project and will ensure that alignment and grades on this Project meet the standards of the Alabama Department of Transportation and the Project will be build 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. The County will be responsible at all times for all of the work performed under this Agreement and, the County will protect, defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all action, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Agreement.
- 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)

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2014

day notice of termination.

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 contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

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

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT:

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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2014

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.

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 full depth reclamation of CR-47 from CR-54 to SR-51.

Length-3.251 miles. STPNU-4113 (250), LCP 41-118-13, CPMS Ref.#100062176;

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

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

AGREEMENT-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 full depth reclamation of CR-47 from CR-54 to SR-51. Length-3.251 miles. STPNU-4113 (250), LCP 41-118-13, CPMS Ref. #100062176.

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 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 costs.
- 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 of record with ADEM for the permit. The contractor shall be a co-permittee with the County for the permit, and 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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2014

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 County 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 (2013)	\$494,084.36
FA Funds (2014)	321,282.91
County Funds	<u>203,841.82</u>
TOTAL (Incl. E & I and Indirect Cost)	\$1,019,209.09

- 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 prorata 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 Specifications for Highway Construction, Latest Edition, on the Project and will ensure that alignment and grades on this Project meet the standards of the Alabama Department of Transportation and the Project will be build 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. The County will be responsible at all times for all of the work performed under this Agreement and, the County will protect, defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all action, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Agreement.
- 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.

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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2014

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:

- (3) 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 contract, 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.
- (4) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

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

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT:

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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2014

Mr. Rendleman presented an item to be added to the Agenda for Commission discussion concerning a potential public safety communication improvement. Commissioner Lawrence made a motion, seconded by Commissioner Harris to add the item to the agenda, which passed unanimously. Mr. Rendleman stated that a proposal had been presented to the Sheriff to acquire the abandoned television tower on Salem Hill. The land is approximately 7 acres with a 400 foot tower. Mr. Rendleman explained that the tower will allow the Sheriff's Office to move its main channel from Magazine Street. Additionally, the increased altitude of the new location would likely improve coverage of the entire county from 50% currently to at least 90%. Mr. Rendleman explained that the proposal is only good for thirty days and that the funds to purchase the property would come either from Sheriff's funds or E911 funds, but neither could own property, so the county would have to take ownership. Major Jeff Pitts, who was in attendance, stated it would help improve communication between deputies in certain parts of the county with the improved coverage area. Commissioner Eckman questioned the age of the tower. Major Pitts stated it was the old tower for the defunct local television channel 66. Commissioner Lawrence questioned the maintenance costs on the tower. Mr. Rendleman stated the only maintenance would only be for paint and lights and he would suggest getting an outside company to perform the maintenance on the tower, not county staff. Upon further discussion, Commissioner Lawrence made a motion to authorize the Chairman to execute the documents for the acquisition of the property once approved by Sheriff Jones, County Attorney Stan Martin and Mr. Rendleman. The motion was seconded by Commissioner Eckman and carried unanimously.

Before the conclusion of the meeting, Commission Harris questioned if there had been a change in the sign policy at the Highway Department; if so, he had not been made aware of the change and he wanted to discuss the issue. Judge English asked if he was making a motion to add this item to the agenda, and he replied "yes". The motion died for lack of a second, and Commissioner Lawrence suggested that Commissioner Harris provide further information for the packets and place it on the next agenda for discussion.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 30, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, June 30, 2014 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) in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price.

EMA Director Kathy Carson gave an update on the April 29th Salem tornado aftermath. Ms. Carson reported that the recovery operations were complete and effective tomorrow all cleanup activities will be discontinued. Additionally, she stated the approved invoices have been turned over to the Commission Office for payment of the pickup and the management services for the cleanup. Now Ms. Carson stated they were “knee deep in FEMA” in getting the paperwork processed for reimbursement. Judge English questioned Ms. Carson that most of the cleanup occurring during maximum reimbursement from FEMA. Ms. Carson answered in the affirmative. Commissioner Harris thanked Ms. Carson for keeping the Commission informed and thanked her for her involvement in the community.

County Engineer Justin Hardee updated the Commission on the situation on Lee Road 148. Judge English questioned if this was Spring Villa Road. Mr. Hardee responded in the affirmative. Mr. Hardee stated a sink hole had been reported and the quarry had already repaired it using the inverse filter method and stated it was an extensive repair. Mr. Hardee reported the barricades would be removed tomorrow and the permanent resurfacing would be done in approximately two weeks, but first he would like for the traffic to pack down the fill material. Judge English questioned the length of the repair. Mr. Hardee answered approximately 100 feet, and stated the hole was approximately 20 feet in depth, which was a sizeable repair. Judge English reported he has heard that the quarry is going to cease operations at the end of August, but did not have any official confirmation.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, minutes of the June 9 meeting and the announcement of an opening on the Lee County Cemetery Preservation Commission Board, upon the recent resignation of Mr. Newell Floyd due to health issues. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris. The motion passed unanimously.

Judge English presented the names of three candidates for two positions on the Lee County E911 Board. Judge English named the three candidates: Jay Jones, Randy Causey and Dan Goslin. The Lee County E911 Board recommended Sheriff Jay Jones and Mr. Causey and both submitted Citizen Interest forms for consideration. Mr. Goslin submitted an email stating his interest in continuing to serve on the Board, since his current term expires July 24, 2014. Commissioner Ham made a motion for first reading of Jay Jones and Randy Causey to serve on the Lee County Communications District (E911) Board. The motion was seconded by Commissioner Long and unanimously carried.

County Administrator Roger Rendleman presented the Commission five options for the funding of a new Beulah Senior Center. Additionally, Mr. Rendleman asked the Commission for guidance in determining the size of the building and where the funds should come from since the grant deadline of July 10 is quickly approaching for the \$250,000 CDBG Grant. Mr. Rendleman further reminded the Commission that an additional allocation of approximately \$12,000 per

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 30, 2014

year would need to be set aside to cover increased operational costs for Beulah that the Lee-Russell COG Aging Program will not be able to cover. After much discussion, Commissioner Ham made a motion to approve the following Resolutions and approve the plans for a 3,024 square foot center with a total project cost of \$518,406. If the CDBG grant is approved, the Commission agreed that funding for the county match will come from the General Fund by reducing the allocation to the Highway Department for one year to cover the needs for this project. The motion was seconded by Commissioner Long and unanimously carried.

RESOLUTION

WHEREAS, the Lee County Commission is committed to providing the health and well being of its senior citizens; and

WHEREAS, evidenced by that commitment, the Commission wishes to make application to the Alabama Department of Economic and Community Affairs for funding in the amount of \$250,000 to construct a new Senior Center in the Beulah Community capable of meeting the needs of the large number of seniors residing in northeast areas of the County.

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Commission hereby authorizes the filing of said application, including all understandings and assurances contained therein, and directs and authorizes its Chairman to act in connection with the application and to provide such additional information as may be required, and

BE IT FURTHER RESOLVED, the Lee County Commission shall provide a match of \$268,406 to make the project whole and agrees to be responsible for any cost overruns associated with the project.

RESOLUTION

**AMENDMENT TO THE LEE COUNTY CITIZEN PARTICIPATION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

THE LEE COUNTY CDBG CITIZEN PARTICIPATION PLAN IS AMENDED AS FOLLOWS:

Section 5.6, "Limited English Proficiency Residents" is amended to say, "The Lee County Commission has followed the guidance provided in the ADECA Language Access Plan to determine the need to undertake reasonable actions to facilitate the participation of persons with limited English proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons of limited English proficiency."

Section 5.9, "Accessibility to Persons with Disabilities" is amended to say, "The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The Lee County Commission shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance. The Commission shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more blind persons will be in attendance. Additionally, the Commission shall provide reasonable accommodation whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance."

Commissioner Harris questioned the reason he had been told by the Highway Department that they do not erect Children at Play signs. Mr. Hardee had included in the Commission packets a handout discussing the issue of "Children at Play Signs" and the fact the Highway

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Department stopped erecting the signs under Mr. Hall's tenure, as the signs were no longer recognized by the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). Commissioner Eckman spoke up and stated that a shooting range had been located on Lee Road 70 and a grandmother had called because she was concerned for her grandchildren with the increased traffic. The consensus seemed to be that reducing the speed limit could accomplish the same result, and Commissioner Harris agreed. Further, she stated there were approximately eight homes on the road. After more discussion, Mr. Hardee agreed to perform a traffic study on Lee Road 70 and bring back the results with recommendations and options at the next meeting.

Commissioner Long asked that the item concerning the Smiths Station Fire & Rescue Purchase Agreement be taken off the agenda. Commissioner Long stated that the City of Smiths Station had signed the Agreement in the past.

Commissioner Long made a motion to approve the following Resolution on the Federal Aid Project on Lee Road 246. The motion was seconded by Commissioner Ham and unanimously carried.

RESOLUTION

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

Full depth reclamation with cement, widen, resurface, traffic stripe and other safety improvements on Lee Road 246, from its intersection with Lee Road 179, then southeasterly approximately 2.928 miles to its junction with Lee Road 295.

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 LCP 41-139-13 with the State.

Mr. Hardee presented an agreement for structural bridge design for a bridge over a Tributary over Little Uchee Creek on Lee Road 206. This is one of the ATRIP bridge replacement projects Lee County was awarded in the final round of the ATRIP program. Mr. Hardee stated the Highway Department has negotiated with Neel-Schaffer, Inc. to provide the structural bridge design for this project. The agreement provides for the necessary professional services required to design the structure so the Highway Department can incorporate the bridge plans with the roadway plans, that will be designed in-house, and then move the entire plan assembly through the ALDOT process towards construction. The agreement and the project location map have both been reviewed by County Attorney Stan Martin and County Administrator Roger Rendleman. Upon this presentation, Commissioner Ham made a motion, seconded by Commissioner Long to authorize the Chairman to execute the agreement with Neel-Schaffer, Inc. for structural bridge design. The motion passed unanimously.

Next, Mr. Hardee presented a request from the City of Auburn to establish a "quiet zone" at two railroad crossings on the west side of Auburn. Lee Road 676 and Chadwick Lane are the

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two crossings presented for consideration. Mr. Hardee stated that both crossings have active warning devices such as lights and crossing arms to alert the traveling public of approaching trains. The “quiet zone” would allow approaching trains to pass through the protected crossings without sounding their horns. The City of Auburn requested the Commission pass the Resolution in support of establishing this quiet zone for residents who live along the railroad that parallels Alabama Highway 14. The City of Auburn passed a similar Resolution for Chadwick Lane. Upon discussion, there were several Commissioners who stated they were not in favor of this Resolution, in light of all the train-vehicle accidents that have occurred there. Commissioner Harris suggested the Commission delay taking any action and ask Mr. Hardee to talk to the city engineer on the matter. Mr. Hardee stated the engineer he had talked with stated he would be happy to address any questions of the Commission.

Mr. Hardee presented the results of Bid #21 for a new self-propelled road sweeper. Mr. Hardee stated that out of six bids mailed only two were returned and one no bid. Mr. Hardee recommended the Commission accept the lowest responsive bid of Cowin Equipment for \$41,498.00. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Eckman to accept the lowest responsive bid from Cowin Equipment for a 2014 self-propelled road sweeper for \$41,498.00. The motion passed unanimously.

Next, Mr. Hardee requested that the following vendors be awarded a second one (1) year extension period on bids as stated in the bids under Section 2.1:

Second Extensions:

Bid #07-Surface Treatment -----East Alabama Paving Co, Inc., Opelika, AL (FY12/13)

Bid #08-Full depth Reclamation----Chris Clark Grading & Paving, Lanett, AL (FY12/13)

Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Harris to allow the one year extension on Bid #07 & Bid #08 from FY12/13 for surface treatment and full-depth reclamation as stated. The motion passed unanimously.

Mr. Rendleman requested the Commission approve a budget adjustment as presented below for the Alabama Recycling Fund Grant Program 2014. Mr. Rendleman stated the funds allowed the recycling program to purchase a new vehicle, recycling equipment and other related improvements.

Fund 001-General Fund		
State Grants (Revenue)	\$106,592	
Expenditures (Recycling Vehicle & Equip)		\$106,592

Upon this recommendation, Commissioner Ham made a motion to approve the budget amendment as presented. The motion was seconded by Commissioner Harris and unanimously carried.

Next, Mr. Rendleman asked the Commission to consider a request to pay the City of Smiths Station an additional monthly amount for the renovation of space to be utilized as the Revenue Commissioner’s office in the Smiths Station Government Center. Mr. Rendleman stated that the City of Smiths Station and Revenue Commissioner Oline Price had approached him concerning additional space available at the Smiths Station Government Center for possible use by the Revenue Commissioner’s office. The building is the City’s, and they would handle the project, but the Revenue Commissioner and County Administrator have given their input on the project. The project would help with the flow of citizens to both county and city services. The current estimate on the project is \$26,664 per year over the next three years. Mrs. Price has agreed to contribute \$10,000 a year from some funds available to her office; therefore, only \$16,664 per year additional funding over the next three years would be required for the

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improvements based on current estimates. Commissioner Long made a motion to commit paying the City of Smiths Station an additional \$2,361.11 a month over the next three years for the renovation of space to be utilized as the Revenue Commissioner's office in the Smith Station Government Center. The motion was seconded by Commissioner Harris and carried unanimously.

Mr. Rendleman presented a draft copy of the Annual Employee Policy & Procedure Manual revisions to each Commissioner for review. Mr. Rendleman stated he did not seek action tonight but would ask each to review and, if satisfied, be ready to take action on the revisions at the next meeting.

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:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 14, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, July 14, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Harris.

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) in attendance: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

Commissioner Ham presented a \$4,000 check from the Alabama Department of Senior Services to Van Vanoy, representative of Lee-Russell Council of Governments. Commissioner Ham stated the funds were to be used for services for the elderly in Senator Tom Whatley's district in Lee County.

EMA Director Kathy Carson presented the Commission the final figures on the April 29th Salem tornado. Ms. Carson provided each Commissioner a copy of the final tally sheet showing the financial figures. Ms. Carson stated that Lee County incurred \$36,977 in total out-of-pocket expenses for the event, with the vast majority of the total expenses being covered by FEMA or Alabama EMA. Ms. Carson once again thanked all the agencies that were quick to assist during this event.

Environmental Services Director Chris Bozeman reported on the ADEM Recycling Grant. Mr. Bozeman was happy to report that once again Lee County and the partnership had been awarded funds from the state. Mr. Bozeman reported that Lee County would receive \$38,680 from the grant. Mr. Bozeman explained that this is the partnership formed between Lee County, Auburn University and the cities of Auburn and Opelika to better serve the needs of the whole county. Mr. Bozeman stated that the funds would purchase four fixed recycling containers and two ten-bin recycling trailers. Mr. Bozeman stated this year is Lee County's turn to be the host county of the partnership.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, the procurement card transactions for June, and minutes of the June 30 meeting. Commissioner Long made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris. The motion passed unanimously.

Commissioner Lawrence made a motion to approve the following Resolution for second reading to reappoint Jay Jones and appoint Randy Causey to the Lee County E911 Board to serve four-year terms. The motion was seconded by Commissioner Long and unanimously carried.

BE IT RESOLVED the Lee County Commission does hereby reappoint Jay Jones and appoint Randy Causey to serve on the Lee County E911 Board to serve a four-year term until July 24, 2018.

County Administrator Roger Rendleman addressed proposed updates to policies and procedures that were presented for Commission review at the last meeting. Mr. Rendleman pointed out a few corrections on the material presented earlier and asked the Commission to review it and stated he would address any questions or concerns, if needed. Additionally, Mr. Rendleman asked the Commission to approve the changes effective July 26 which begins the payroll/tour of duty cycle. Upon his recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Harris to approve the amendments and revisions as presented to the

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Policy and Procedures Manuel. The motion passed unanimously.

SUMMARY FOR 2014 REVISION OF POLICIES AND PROCEDURES-HOURS OF WORK/TIME & ATTENDANCE

*Page # Section Section Title Suggestion/Concern
Type of Change*

	<i>Page #</i>	<i>Section</i>	<i>Section Title</i>	<i>Suggestion/Concern Type of Change</i>
HOURS OF WORK	1-2	6.2.1 C-G	Working Hours: Classified Service	Clarifying hours worked for Exempt and Nonexempt employees to reflect Exempt employees being paid on salary basis and Nonexempt employees being paid on true hourly basis.
	2	6.2.1 G-H		Relocating verbiage that really belongs in Attendance & Leave section regarding tardiness and absenteeism.
	2-4	6.2.2 A-B	Working Hours: Sheriff Service	Clarifying hours worked for Exempt and Nonexempt employees to reflect Exempt employees being paid on salary basis and Nonexempt employees being paid on true hourly basis.
	4	6.3.1 B (1) (2)	Overtime: Classified Service	Clarify Appointing Authorities certification of EOT should be in writing Revising the process for handling excess hours not required to be paid at the FLSA overtime rate for efficiency in payroll processing. Removing duplicate verbiage as found in the Attendance and Leave section regarding the handling of over the maximum comp leave and payouts upon termination.
	6	6.3.1 C, D		
	6-7	6.3.2 A (2) (5) (6) (8) (9)	Overtime: Sheriff Service	Changing the verbiage to reflect overtime compensation at a rate of time and one half for of actual hours worked over 171 in a pay cycle. Paying "gap" hours and removing the inclusion of paid time off hours to be consistent with all employees. Removing duplicate verbiage as found in the Attendance and Leave section regarding the handling of over the maximum comp leave and payouts upon termination.
HOURS OF WORK (Con't)	8	6.3.2 B(2a) (2b)		Clarify Appointing Authorities certification of EOT should be in writing. Revising the process for handling excess hours not required to be paid at the FLSA overtime rate for efficiency.
	9	6.3.2 B (3), (4)		Removing duplicate verbiage to the Attendance and Leave section regarding the handling of over the maximum comp leave and payouts upon termination.
ATTENDANCE & LEAVE	1	7.1.0	Attendance Records	Added verbiage relocated from the Hours of Work section regarding tardiness and absenteeism.
	2	7.2.1 A	Annual Leave	Clarify newly hired probationary employees Add wording to allow the use of annual leave time during a probationary period if an employee has an extenuating circumstance/emergency that

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ATTENDANCE & LEAVE (Con't)	3	7.2.1 C 7.2.2 C	Utilization of Annual Leave	<p>occurs beyond their control (i.e. death of non-immediate family member, illness and no further sick leave, etc)</p> <p>Reflects more decisive and fair distribution in the timing of the accrual as an employee moves to next accrual level.</p> <p>Add policy to allow employees to be paid out for up to 60 hours of leave accrued beyond the 288 max carryover in February the following year as to allow a way to alleviate the burden on department budgets at year end with employees trying to use time before they lose it. Experience has shown employees who end up losing time are usually the county's more experienced and valued employees. This should also help reduce the large amount of overtime incurred during the last two months of the year especially in Sheriff's Office.</p> <p>Increments were set at 1 hour before for ease of administratively processing leave; however, with the capabilities of the new automated system, it can track in 15 min increments.</p>
	5	7.3.2 B(6)	Utilization of Sick Leave	Increments were set at 1 hour before for ease of administratively processing leave; however, with the capabilities of the new automated system, it can track in 15 min increments.
	6	7.3.3	Retirement Credit with Accumulated Sick Leave	Specify the sick leave conversion credit is only for Tier I employees in accordance with RSA Rules.
	6	7.3.4 B	Emergency Sick Leave	Remove and see addition above regarding use of annual leave during probationary period
	8	7.4.1 E	Compensatory Time	Explanation of what happens when inadvertent overages occur with compensatory time.
	8	7.4.2	Utilization of Comp Time	Increments were set at 1 hour before for ease of administratively processing leave; however, with the capabilities of the new automated system, it can track in 15 min increments
	10	7.7.1	Holidays	Revising the method for processing the holiday benefit to improve the negative impact that compensation time can have on the long term budget and productivity.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 14, 2014

County Engineer Justin Hardee gave an update on the traffic study his department performed on Lee Road 70. Mr. Hardee stated that upon review of the study performed from July 1–3, the average speed was 33½ miles per hour with 61 vehicles traveling the road daily. Based on those results, Mr. Hardee recommended reducing the speed limit to 35 mph on the paved portion of Lee Road 70, which would make the speed limit the same as it is on the dirt portion. Upon this review, Commissioner Eckman made a motion to change the speed zone from 45 mph to 35 mph on the paved portion of Lee Road 70. The motion was seconded by Commissioner Harris and unanimously carried.

Mr. Rendleman presented the following Resolution for Commission review. Mr. Rendleman explained that this was approved during the 2014 Legislative Session which would allow the Commission to award a one-time lump sum payment to all retirees, and to the beneficiaries of deceased retirees, who retired prior to October 1, 2013. Mr. Rendleman explained that this could not be paid to the Retirement System in a one-time lump sum payment, but would be added to our employer contribution rate effective for the one-year period from October 1, 2015 to September 30, 2016 at an estimated cost to the county of \$51,935.00. After more discussion, Commissioner Harris made a motion, seconded by Commissioner Long to grant the retirees and beneficiaries of deceased retirees a one-time lump sum payment in October 2014. The motion passed on a 5-0 vote with Commissioner Lawrence stating he only wanted to see the one-time bonus be passed as long as all of our current county employees are eligible for either a COLA or a merit raise increase. The motion passed unanimously.

RESOLUTION – ACT 2014-429

BE IT RESOLVED that the Lee County Commission, through its governing authority, elects to come under the provisions of Section 2 of Act 429 of the Regular Session of the 2014 Legislature.

The Lee County Commission agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the one-time lump sum payment as provided for by this Act for those eligible retirees and beneficiaries of deceased retirees of Lee County Commission with the aforementioned lump sum payment being made in October 2014.

County Engineer Justin Hardee presented proposed speed zones for Gates Subdivision and River Bend Heights Subdivision. Mr. Hardee explained that citizens had approached the Highway Department concerning a speed zone for both subdivisions. Mr. Hardee stated the Highway Department conducted a traffic study and recommends that the speed limit be reduced from 45 mph to 25 mph for Lee Roads 706 and 922 of Gates Subdivision; and Lee Roads 2128, 2129, 2130, 2131, 2132 and 2133 of River Bend Heights Subdivision. Upon his recommendation, Commissioner Ham made a motion, seconded by Commissioner Harris to reduce the speed limits as recommended. The motion carried unanimously.

Building Inspector David Veal presented a Building Inspection Agreement for Smiths Station and Loachapoka. Mr. Veal stated that Smiths Station had previously asked his department to perform the inspections inside their city limits, and we have been doing so for several years, but now since Loachapoka has asked also, Mr. Veal felt it was time to provide a formal agreement. Mr. Veal stated County Attorney Stan Martin had reviewed it and made some necessary changes to the agreement. Commissioner Eckman made a motion to move forward with the agreements with Loachapoka and Smiths Station. The motion was seconded by Commissioner Ham and unanimously carried.

Chief Appraiser Richie LaGrand presented an agreement with ALDOT to share our digital mapping information in exchange for a financial consideration. Mr. LaGrand explained

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that this was something that had been done in the past, and that it was a good partnership since the State was going to include a \$50,000 federal grant for the 2014 photography and mapping project of Auburn, Opelika and Lee County. Each entity would receive their proportionate share of the grant funds. Commissioner Ham made a motion to enter into the agreement and authorize the Chairman to sign it. The motion was seconded by Commissioner Long and unanimously carried.

Prior to the conclusion of the meeting, Judge English reminded everyone in attendance about the Primary Run-off Election on Tuesday, July 15. Judge English encouraged all in attendance to go vote and estimated roughly a 1.9% turnout.

Commissioner Long made a motion at approximately 6:12 p.m. to adjourn. The motion was seconded by Commissioner Eckman and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 28, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, July 28, 2014 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, Gary Long, Robert Ham and John Andrew Harris. Absent: Commissioner Sheila Eckman. Elected official(s) in attendance: 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, announcement of a vacancy on the Beulah Utilities Board, first reading of Thomas Peterson to the Lee County Cemetery Preservation Committee and minutes of the July 14 meeting. Commissioner Ham made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris. The motion passed unanimously.

Mr. Eugene Benford, representing the Disabled American Veterans (DAV) organization, during the pre-meeting asked the Commission to consider housing their organization in the old Johnson Galleries building along with the Veteran's Affairs Office, which is currently located in the Courthouse. Mr. Benford stated it his understanding that with the Courthouse renovations the VA Office would be moved to the old Johnson Galleries building. Judge English explained that the Courthouse renovations would involve relocating the VA Office to that building temporarily, but at this time no decisions have been made on their permanent location, but it would be a couple of years. Mr. Fred Fox, a volunteer for the DAV, spoke to the Commission during the official meeting and stated that there is no privacy at their current location and would ask the Commission to consider housing the DAV where local veterans are able to take care of their business in one location. The Commission agreed to look into the matter.

Commissioner Long suggested the Commission consider making the discussion of the dumping policy into a work session rather than an agenda item. After discussion in the pre-meeting, Commissioner Long during the meeting made a motion to set a work session to discuss the solid waste dumping policy at 2:00 p.m. on August 11, 2014 in the Commission chambers. The motion was seconded by Commissioner Lawrence and carried unanimously.

Captain Chris Wallace from the Sheriff's Office presented the results of the request for proposals for inmate phone service. Captain Wallace stated that out of eight bids sent only two were returned. Captain Wallace asked the Commission to accept the proposal from Telmate, whereby the Sheriff's Office will receive 71% of gross revenue from inmate calls. Commissioner Harris questioned where the funds went. County Administrator Roger Rendleman stated all the revenue goes into the General Fund, approximately \$100,000/year is generated from the inmate calls. Upon his recommendation, Commissioner Lawrence made a motion to accept the proposal of Telmate for inmate phone services. The motion was seconded by Commissioner Long and carried unanimously.

County Engineer Justin Hardee presented for Commission consideration a negotiated agreement with Goodwyn, Mills & Cawood, Inc. to provide the structural bridge design for the bridge over a tributary to Hodnett Creek on Lee Road 137 (known as Wire Road). Mr. Hardee explained that the agreement provides for the necessary professional services required to design the structure so that the highway department can incorporate their bridge plans with Lee County's roadway plans that will be designed in-house, and then move the entire plan assembly through the ALDOT process towards construction. Mr. Hardee stated County Attorney Stan Martin and Mr. Rendleman had reviewed the agreement. Commissioner Harris made a motion,

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seconded by Commissioner Ham to authorize the Chairman to sign the agreement with Goodwyn, Mills & Cawood, Inc. for structural bridge design. The motion carried unanimously.

County Engineer Justin Hardee presented proposed speed zones for Sagefield Subdivision and Lee Road 934. Mr. Hardee explained that a citizen had approached the Highway Department asking for a lower speed limit in the subdivision. Mr. Hardee stated that Lee Road 934 (Misty Lane) was built a one lane roadway, but since has been widened to a two-lane road. Mr. Hardee stated the highway department conducted a traffic study and recommends that the speed zone be reduced from 45 mph to 25 mph and stated this was consistent with other subdivisions. Further, Mr. Hardee stated he feels legislation is needed to authorize the County Engineer to set the speed limits for subdivisions, as has been done in Shelby County. Upon his recommendation, Commissioner Long made a motion, seconded by Commissioner Lawrence to reduce the speed limit from 45 mph to 25 mph in Sagefield Subdivision and Lee Road 934. The motion carried unanimously.

Mr. Hardee presented several bid extensions for Commission consideration. Commissioner Lawrence made a motion seconded by Commissioner Harris to approve the bid extensions as follows. The motion carried unanimously.

First Extensions (FY 13-14)

- Bid #16-Bituminous Corrugated Metal Pipe and Bands----- Harvey Culvert Co., Inc.
- Bid #19-Delivered Bituminous Treatment & Temporary Traffic Stripe-East Alabama Paving Co.,Inc.
- Bid #20-Guardrail-----H & L Construction, Inc.
- Bid #21-High Density Corrugated Polyethylene Pipe with Smooth Flow Line-Thompson Supply
- Bid #23-Seeding & Mulching and Bales of Grass Hay-----Parker Grassing Inc.
Twin Oaks Environmental
- Bid # 1- Bulk Cement-----Lehigh Cement Company
- Bid #2- Class 3 Reinforced T & G Concrete Pipe-----Harvey Culvert Co., Inc.
- Bid #13- Thermoplastic Traffic Striping and Raised Pavement Markers-Hornsby Striping Co., Inc.
- Bid #17- Plant Cold Mix-----Chris Clark Grading & Paving, Inc.

Second Extensions (FY 12-13)

- Bid # 13-Emulsified Asphalt-----Hunt Refining Co., Inc.
- Bid #14-Gasoline and Diesel Fuel-----Chattahoochee Oil Co., Inc.
- Bid #15-Grader Blades-----Thompson Tractor Co., Inc.
- Bid # 20-Picked Up at the Plant Bituminous Treatment-----East Alabama Paving Co., Inc.
- Bid # 24-Traffic Stripe-----Hornsby Striping Co., Inc.

Mr. Rendleman presented a Resolution that Southwest Lee County Fire Protection Authority has asked the Commission to sign so they can purchase a fire truck. Mr. Rendleman explained that IRS regulations require this to show that the Commission acknowledges that the volunteer fire department is currently providing the service to the public as stated. Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Harris and carried unanimously.

RESOLUTION

WHEREAS, Southwest Lee County Fire Protection Authority desires to enter into a financing agreement in an aggregate principal amount not to exceed \$406,000.00 to finance equipment consisting of One (1) KME I Freightliner Pumper Truck which will be located at the fire house of the Southwest Lee County Fire Protection Authority.

WHEREAS, the Lee County Commission (hereinafter referred to as "Municipality") pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "code"), is the appropriate governing body to acknowledge the financing is for a public purpose

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 28, 2014

WHEREAS, this Resolution does not in any way constitute any financial involvement or obligation of the Municipality

NOW, THEREFORE, BE IT RESOLVED, the Municipality acknowledges the Southwest Lee County Fire Protection Authority has provided firefighting and other services for the Municipality for many years and Southwest Lee County Fire Protection Authority hereby agrees to meet the requirements to continue to provide firefighting and other services for the Municipality.

Mr. Rendleman presented the following budget amendment for tornado recovery costs for Commission consideration. Mr. Rendleman explained the budget adjustments are necessary to recognize the expected reimbursements and our out-of-pocket expenses. Upon his presentation, Commissioner Long made a motion, seconded by Commissioner Ham to approve the following budget amendment for tornado recovery costs. The motion passed unanimously. Mr. Rendleman stated the total amount expended by Lee County totals \$46,067 for tornado recovery costs.

BUDGET AMENDMENT:

Fund 156 – Recovery Fund		
Expenditures	\$452,289	
Revenues		
Federal		\$369,244
State		36,978
Transfer from General Fund		46,067
Fund 001– General Fund		
Transfer to Recovery Fund	\$46,067	
Fund Balance		\$46,067

Mr. Rendleman presented a preliminary budget to the Commission. Mr. Rendleman stated this was only a starting place and includes a deficit of over \$200,000, but he stated the scenario includes all funding requests he has received so far. Mr. Rendleman suggested the Commission set at least five work sessions prior to the September 29 meeting. Commissioner Long made a motion, seconded by Commissioner Harris to set the following dates and times for budget work sessions to be held in the Commission chambers. The motion carried unanimously.

Schedule of Work sessions:

- August 18 – 4:00 pm
- August 25 – immediately following the Commission meeting
- August 26 – 4:00 pm
- September 8 – immediately following the Commission meeting
- September 15 – 4:00 pm

Wendy Swann presented a request for Commission consideration to pay some expenses from the contingency fund for the upcoming Employee Health and Benefits Fair. Mrs. Swann stated due to the fact the Johnson Galleries building is not available, an alternate location must be used. Mrs. Swann stated that after looking at various nearby locations, the Opelika Event Center was the best location they had been able to find, at a rental cost of \$1,300. Judge English questioned if the Commission would consider approving the use of the same for the November election returns also, and that maybe we could get a discount for renting it multiple times. Commissioner Lawrence made a motion to approve funds up to \$2,400 out of the contingent fund for rental fees, food, decorations and supplies as well as covering overtime incurred by committee members for the upcoming Employee Health and Benefits Fair. The motion was seconded by Commissioner Ham and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 28, 2014

Commissioner Long asked that the railroad crossing in Smiths Station be added to the Agenda. The motion was seconded by Commissioner Harris and carried unanimously to add the item to the agenda. Commissioner Long reported that earlier today a Smiths Station high school teacher's vehicle had been hit by a train on Lee Road 927, which is the location he and Commissioner Ham had been trying to get crossing arms for and stated they were supposed to be installed by August 1. Commissioner Long stated he knew that date would not be met so he would propose that the Lee County Highway Department close the crossing until the crossing arms could be installed. Upon further discussion, Commissioner Long made a motion to authorize Mr. Hardee to look into whether closing the crossing on Lee Road 927 sooner would be best. The motion was seconded by Commissioner Ham and unanimously carried.

Commissioner Long made a motion at approximately 6:25 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, AUGUST 11, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 11, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Eckman.

Ronnie Ward of Lee Road 268 appeared before the Commission during citizens' communications questioning the status of the noise ordinance which had previously been discussed by the Commission. Mr. Ward wanted to know if the Commission was pursuing anything to provide help to the residents in the county in this situation. Mr. Ward stated he understood that a few surrounding counties had a noise ordinance in place. Commissioner Ham questioned the status of a proposed noise ordinance. Mr. Rendleman replied that he had planned to place the item on the agenda for discussion, but waited so he could talk with Sheriff Jones first. Mr. Rendleman stated that in Macon County nothing was being done currently because the person who was working with the noise ordinance left. Further, he stated that there have been mixed reactions from other counties on the issue. Commissioner Eckman questioned if the ACCA had addressed the issue. Mr. Rendleman stated they had done so as a part of self-governance but it is watered down and has no teeth because enforcement is the critical issue with noise ordinances. Further, he stated that County Attorney Stan Martin had indicated that criminal enforcement would make it more useful, but the limited self-governance portion of the Code does not provide for that, so we would need local legislation to include that component. Commissioner Ham questioned who was helping research the issue. Mr. Rendleman stated that he, Wendy Swann and Sheriff Jones were working together. Commissioner Eckman stated she had a similar problem with an establishment in her district. Judge English thanked Mr. Ward for appearing before the Commission.

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) in attendance: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

County Engineer Justin Hardee gave an update on the railroad crossing at Smiths Station High School. Mr. Hardee noted that the Commission asked Mr. Hardee at the previous meeting to look at the potential closing of the crossing on Lee Road 927. After a review of other nearby crossings and the volume of traffic that would be placed on them, talking with County Attorney Stan Martin and a CSX Railroad representative, Mr. Hardee stated he would not recommend closing the crossing until such time as the protections will be installed. Mr. Hardee presented in the Commissioner packets a copy of possible signage and paint markings which identify that there are no signals at the crossing. Mr. Hardee stated he felt the signs and markings may be helpful if erected at this location to warn citizens of the crossing. Commissioner Long agreed with Mr. Hardee. Judge English questioned the timetable of when the crossing arms may be placed at the Lee Road 927 location. Mr. Hardee stated approximately six months or more, because first it has to be designed and then the equipment would be installed, but the responsibility lies with the railroad, not Lee County.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, announcement of two terms expiring on the Lee County Recreation Board and three terms expiring on the East Alabama Health Care Authority Board and minutes of the July 28 meeting. Commissioner Long made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence. The motion passed unanimously.

Commissioner Ham made a motion, seconded by Commissioner Harris to approve the following Resolution to appoint Mr. Thomas Peterson to the Lee County Cemetery Preservation Committee. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 11, 2014

BE IT RESOLVED, the Lee County Commission does hereby appoint Mr. Thomas Peterson to serve on the Lee County Preservation Commission board to fulfill the unexpired term of Newell Floyd until September 30, 2016.

Commissioner Long asked that the item concerning the compactor site dumping policy be removed from the Agenda.

Ms. Christine Washington was not in attendance concerning Lee Road 246.

Ms. Mattie Hinkle called prior to the meeting and stated she was unable to attend the meeting due to the weather conditions. Ms. Hinkle asked to reschedule her appearance at the next meeting of August 25, 2014.

Tim King, ACHR Representative asked the Commission to approve a Resolution to allow their agency an exemption on their payment of local sales taxes. Additionally, a letter from Lee County Superintendent Mac McCoy was included in the packets which stated that the Lee County School Board has no objection to the exemption. Mr. Rendleman explained that he had asked the ACHR to contact the school board since ultimately it would affect the school board since they receive all of the sales taxes. After discussion, Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Harris and unanimously carried.

RESOLUTION

WHEREAS, the Alabama Legislature has enacted Act 2014-407, which grants the Community Action Association of Alabama and its member agencies an exemption from paying or collecting state sales and use tax effective July 1, 2014; and

WHEREAS, Act 2014-407 provides that the sales and use tax exemption for the Community Action Association of Alabama and its member agencies shall not apply to county or municipal sales and use taxes unless approved by resolution of the respective local governing body; and

WHEREAS, *Ala. Code § 11-51-210(e)* requires that the county commission notify the Alabama Department of Revenue of any new local tax or amendment to an existing local tax levy at least 30 days prior to the effective date of the change; and

WHEREAS, the exemption from paying or collecting county sales and use taxes granted to the Community Action Association of Alabama and its member agencies is an amendment to the county's sales and use tax levy warranting notice to the Alabama Department of Revenue as provided in *Ala. Code § 11-51-210(e)*.

THEREFORE, BE IT RESOLVED by the Lee County Commission that effective October 1, 2014, the Lee County Commission does hereby grant the Community Action Association of Alabama and its member agencies an exemption from the county sales and use tax.

Commissioner Ham asked the Commission to consider paving the parking lot and a helicopter pad at the Beulah Volunteer Fire Department. Commissioner Long questioned who owned the parking lot. Commissioner Ham responded that the Beulah Utilities District does. Commissioner Ham recognized Mr. Toby Westfault for discussion on the paving request. Mr. Westfault explained the situation and asked the Commission to consider paving the lot. Mr. Westfault stated it was approximately 8,314 sq. ft. for the parking lot and approximately 1,600 sq. ft. for the helicopter pad. After discussion, Commissioner Ham made a motion to allow the Lee County Highway Department to pave the parking lot at Beulah Volunteer Fire Department and a 40x40 ft. helicopter pad. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 11, 2014

County Administrator Roger Rendleman presented a request for an increase of \$65,000 in the contingency allowance on the Johnson Galleries renovation. Mr. Rendleman stated this would address the roof deck problem discovered in the renovation of the old building. Upon discussion, Commissioner Ham made a motion to approve the change order number one (1) for the project to increase the contingency allowance by \$65,000.00 and amend the budget accordingly. The motion was seconded by Commissioner Eckman and carried unanimously.

Sheriff Jones provided a letter stating no objections have been received concerning the transfer of a restaurant retail liquor license for Hayloft Grill and Pub in Cusseta. Upon this statement, Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Harris and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the transfer of a restaurant retail liquor license for the **Hayloft Grill and Pub** located at 2487 Lee Road 266, Suites 3 & 5, Cusseta, Alabama.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 25, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, August 25, 2014 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 and John Andrew Harris. Absent: Commissioner Gary Long. Elected official(s) in attendance: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

Judge English congratulated County Administrator Roger Rendleman for Lee County's receiving the Excellence in County Government Award at the ACCA Annual Conference held recently. Judge English and the Commission thanked Mr. Rendleman for his role in receiving this recognition for Lee County. Mr. Rendleman explained that the award is given for making the county more efficient and was awarded for our Purchasing Card Program. Mr. Rendleman stated the procurement card program which has been in place since 2009 was recognized by ACCA. Further, he stated that it is the only procurement card program in the state as far as he is aware. Additionally, he stated all purchases are handled thru the programmable purchasing card which provides for increased accountability and more efficient bookkeeping. Additionally, Mr. Rendleman explained that a rebate is earned based on volume and the rebates recently had been enough to purchase vehicles for the Sheriff's Office and the Highway Department. Mr. Rendleman thanked his staff and the employees who utilize the card for purchases.

County Engineer Justin Hardee recognized Mr. Michael Maddox upon his retirement from Lee County Highway Department. Mr. Hardee stated Mr. Maddox had served Lee County for 28 years beginning as a truck driver and working his way up to Unit 2 Supervisor. Mr. Hardee thanked Mr. Maddox for his service to Lee County. Judge English questioned what Mr. Maddox was going to do after retiring. Mr. Maddox responded that he was going to rest for awhile then get back to work. Judge English and the Commission thanked Mr. Maddox for his dedicated service.

EMA Director Kathy Carson recognized Chris Tate for earning the President's Call to Service Lifetime Achievement Award. Ms. Carson stated that this is the highest award given to a volunteer who has volunteered over 4,000 hours. Further, Ms. Carson stated that Mr. Tate currently has almost 6,400 hours logged which he has earned mainly from his service with the Civil Air Patrol. Additionally, Ms. Carson recognized the newest staff member Mr. Jeremy Jones, who is their new training officer. The Commission congratulated Mr. Tate on receiving this award and welcomed Mr. Jones. Ms. Carson also thanked all of her staff members because as she stated, "it has been a rough year".

Environmental Services Director Chris Bozeman informed the Commission of the upcoming e-cycle event which will be held on September 13 from 9 a.m. to 1 p.m. at Saugahatchee Square Shopping Center on Pepperell Parkway. Mr. Bozeman encouraged all to attend the event. Mr. Bozeman also stated they would be supporting the East Alabama Food Bank again this year and asked everyone who participates to bring either canned goods or a cash donation. Mr. Bozeman stated the event includes electronics recycling and document shredding.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and minutes of the August 11 meeting. Commissioner Harris made a motion to approve the consent agenda items as presented, seconded by Commissioner Ham and passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 25, 2014

Mattie Hinkle once again appeared before the Commission to plead her case because her property was taken due to a nuisance issue. Ms. Hinkle stated she had worked all her life for her land and stated she was homeless. She stated she came before the Commission to find out who she needed to talk to about her situation. Judge English responded that Ms. Hinkle needed to talk to a lawyer to see if there is anything to be done. Commissioner Harris responded that Ms. Hinkle violated an ordinance and therefore her property was taken when she did not take the necessary steps to clean-up her property. Commissioner Harris further stated that other people do not abide by the ordinance, but their property has not been taken like in Ms. Hinkle's situation. Commissioner Harris further asked that the Commission take a look at and reevaluate the current policy. Further, Commissioner Harris asked Sheriff Jones to explain how the process works and tell how long it takes to process a complaint. Sheriff Jones stated that once an individual receives a notice it takes due process. He explained that the court process can take anywhere from one, three to possibly five years depending on the circumstances and during that process the defendant has ample opportunities to defend their side. Commissioner Harris asked that a work session be set-up to discuss the issue further.

Ms. Gerri Young of Lee Road 676 appeared before the Commission concerning several issues but especially the railroad crossings in the Loachapoka area. Ms. Young presented pictures of various railroad crossings in Loachapoka. Ms. Young pleaded with the Commission to contact CSX Railroad to ask for a railroad crossing arms for the Lee Road 61 crossing. Ms. Young stated that the road leads to Loachapoka schools where children on buses and parents travel the road and cross the tracks daily. Ms. Young also asked that a sign for "School" be placed near the baseball field entrance off Lee Road 61 too. Ms. Young also asked about resurfacing of roads, especially about Lee Road 57, which she stated is bumpy and stated it had patch work all along the road which is not sufficient. Additionally, she addressed paving of Lee Road 393 and stated she was still working to obtain the right-of-way for the county. Judge English explained that the county has suspended the dirt road paving program and that obtaining the additional right-of-way for Lee Road 393 will not change its status. Mr. Hardee explained in 2010 the dirt road paving program was suspended. After this explanation, Ms. Young asked that Lee Road 56 be scraped, if not able to be paved. Commissioner Ham stated he has been working three years to get crossing arms at a school in Smiths Station and stated it is a long process. Commissioner Eckman stated she would work with Commissioner Harris to get crossing arms at the Lee Road 61 crossing. Ms. Young stated she had retired as of June 30th and she would be back to see what progress is being made.

Commissioner Ham stated that five people had submitted an application to serve on the Beulah Utilities Board and he was happy so many citizens were interested in serving. After review of all the applicants, Commissioner Ham offered the name of Captain James Majors for first reading to the Beulah Utilities Board. The motion was seconded by Commissioner Harris and unanimously carried.

Mr. Hardee discussed the two options for the Lee Road 65 bridge replacement project. Mr. Hardee presented a slide show which detailed the two options: 1) to replace the existing 1934 one-lane bridge in-place, which would require a detour of 17 miles for 9-12 months, of which 4-5 miles is dirt; or 2) to realign the road and relocate a new bridge north of the existing location, which would not require a detour. The first option would cost approximately \$1M and the second option would cost approximately \$1.25M. There were 14 citizens of the area in attendance with safety concerns of the bridge project. They submitted a letter signed by all 14 in attendance regarding their objection to the closure of the existing bridge on Lee Road 65 during bridge construction. The following addressed the Commission: Wendy Seesock, Rita Grub, Wes & Emily Cumbie, Bill Wartman, Nina Caldwell, Mary C. Gaston, Fred Brock, Evan Winter, and Gerri Hammonds. Their concerns are summarized as follows: 1) ability for emergency personnel to reach the community effectively; 2) the community's ability to seek health and safety services; 3) the detour includes significant distances of isolation that include no

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 25, 2014

cell phone service or houses; 4) the effect of weather conditions and increased traffic on the condition of Lee Road 66 and the community's ability to use the road safely; and 5) the detour section on Lee Road 66 has a history of being used for unsafe activities, such as drunk driving, ATV riders, hunting and shooting from the road and drug use; some resulting in vehicular deaths. The letter further asked the Commission to consider working with the residents to find a solution while leaving the existing bridge in operation. After much discussion, Commissioner Eckman made a motion to accept the first option which includes tearing down the existing bridge and replacing it with a new one. She said the cost difference couldn't be justified in that those additional funds were needed too badly elsewhere, and said it was one of the most difficult decisions of her 12 years in public service. The motion was seconded by Commissioner Ham for discussion. The residents asked the Commission to consider realigning the new bridge and keeping the old bridge and after construction, using the current bridge as a walking trail which could reduce the cost by not having to demolish the current bridge and could save enough money for realignment of the new bridge. Mr. Wes Cumbie stated he was concerned about safety for his family traveling Lee Road 66, not the economic costs of the project. Mrs. Rita Grub asked the Commission to consider holding off on voting on the issue until other options can be analyzed. Upon further discussion, Mr. Hardee suggested postponing the issue until he can get better numbers on costs of tearing down the old bridge, and talk with the county attorney about utilizing the bridge as a walking trail and the attendant maintenance and liability issues. Commissioner Eckman agreed and withdrew her motion and Commissioner Ham withdrew his second.

Commissioner Harris made a motion to approve the following Resolution to approve a beer and wine license for Salem Get N Go. The motion was seconded by Commissioner Ham and unanimously carried.

BE IT RESOLVED, the Lee County Commission approves the retail beer and retail wine license for **Salem Get N Go, LLC** located at 942 Lee Road 240, Salem, Alabama.

Mr. Rendleman requested and Commissioner Ham made a motion to add an item to the Agenda concerning a change order for the Lee County Justice Center project, seconded by Commissioner Lawrence and unanimously carried. Mr. Rendleman presented change order #1 for a reduction of \$35,000 for the Justice Center re-roofing project and stated he would be able to close-out the project with this change order. Commissioner Lawrence made a motion to approve change order #1 for a reduction of \$35,000 on the Justice Center re-roofing project. The motion was seconded by Commissioner Harris and unanimously carried.

Commissioner Lawrence made a motion at approximately 7:00 p.m. to adjourn into a budget work session. The motion was seconded by Commissioner Ham and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 25, 2014

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 8, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 8, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

County Agent Chuck Browne appeared before the Commission to inform them of his upcoming retirement on September 30. Mr. Browne thanked the Commission for their monetary and moral support during his 25 years of service with the Extension Office. Mr. Browne assured the Commission that his replacement would treat them well. Judge English and the Commission thanked Mr. Browne for his dedicated 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 Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris. Absent: Commissioner Sheila Eckman. Elected official(s) in attendance: Sheriff Jay Jones.

Sheriff Jones recognized Deputy Robert May upon completion of the Police Academy at Jacksonville State. Sheriff Jones shared that Deputy May began volunteering as a reserve deputy and has now been employed with the Sheriff's Office for two years. Deputy May was awarded the Director's Award which is the highest award presented by the Academy Staff. Deputy May was also selected Class Chaplain. In attendance were 10 reserve deputies in support of his recognition. Additionally, Sheriff Jones recognized Deputy May's two daughters who were in attendance. Deputy May stated he was honored to work with the Sheriff's Office and under his supervisor Captain Craig Meadows and Sheriff Jones.

County Administrator Roger Rendleman presented an updated draft of the Noise Ordinance for Commission discussion. Mr. Rendleman mentioned one update which is to remove Section 5 and to correct the numbering under item 10. Further, Mr. Rendleman stated the ordinance must be advertised in a local newspaper prior to passage. Commissioner Harris commented that the draft is something the Commission can work with and then commended Mr. Rendleman, Sheriff Jones and Wendy Swann on a job well done. Judge English asked the Commission to consider a January 1, 2015 effective date on the Noise Ordinance. Once advertisement is completed, then a public hearing will be held to receive citizen input. After discussion, Commissioner Harris made a motion to move forward and advertise the Noise Ordinance with changes as discussed. The motion was seconded by Commissioner Long and unanimously carried.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, monthly procurement card transactions, and minutes of the August 25 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Ham, with Commissioner Long abstaining. The motion passed 3-0-1.

Commissioner Ham made a motion to approve the following Resolution to appoint Captain James Majors to the Beulah Utilities Board to serve a four-year term. The motion was seconded by Commissioner Long and unanimously carried.

BE IT RESOLVED, the Lee County Commission does hereby appoint James Majors to the Beulah Utilities Board to fill the unexpired term of Michael Andress, which ends December 1, 2015.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 8, 2014

Commissioner Ham requested discussion of board member participation on the Lee County Recreation Board. Commissioner Ham questioned whether or not the bylaws indicated that the Commission has the authority to remove a board member. Judge English stated the bylaws are set by the Recreation Board members and not the Commission. Judge English stated the Code gives the Commission the authority to appoint board members, but does not specifically give the authority to remove them. Commissioner Lawrence suggested the Commission wait to take any action on this matter to see the results of the vote tomorrow on the sales tax issue. Judge English suggested that if the sales tax vote passes, then place the item on the next Agenda to discuss setting a joint work session with the Recreation Board for further discussion.

County Engineer Justin Hardee stated that citizens have approached the Lee County Highway Department about decreasing the speed limit in three subdivisions. Further, he stated the Highway Department conducted a traffic study and recommends the speed limit be reduced from 45 mph to 25 mph for Lee Roads 980, 981, 982 and 983 of Shadow Wood Subdivision; Lee Road 2049 of Pine Lakes Subdivision; and Lee Roads 2090 and 2091 of Summer Terrace Subdivision. The Highway Department recommends this is a reasonable and safe maximum speed limit for these subdivision roads. Upon discussion, Commissioner Long made a motion to accept the recommendation of the County Engineer to reduce the speed limit from 45 mph to 25 mph in the above mentioned subdivisions. The motion was seconded by Commissioner Harris and unanimously carried. Discussion was held concerning legislation on speed limits in subdivisions and Judge English stated that it should be placed on the legislative "wish list".

Mr. Hardee presented the results of the Highway Maintenance Bids #22-#27. Mr. Hardee recommended the following vendors be awarded the maintenance bids for FY 2014-2015:

- Bid #22 – Triple layer bituminous surface treatment-S & C Material & Paving, Inc.
- Bid #23 – Class 3 reinforced T & G concrete pipe---Hanson Pipe & Precast, Inc.
- Bid #24 – Maintenance Stone -----Southeast Materials
- Bid #25 – Ready mixed concrete -----Sherman Concrete
- Bid #26 – Silt fence -----Agri-AFC, LLC dba: Universal Pro
- Bid #27 – Virgin fill material for Pneumatic Tires---Wingfoot Commercial Tire, LLC
dba: Goodyear Commercial Tire & Service Centers

Commissioner Lawrence made a motion to accept the recommendations of the County Engineer, seconded by Commissioner Long and unanimously carried.

Mr. Rendleman presented a renewal agreement with PRA Government Services (formerly RDS) for sales and use, alcohol, severance, cable franchise and video rental taxes. Mr. Rendleman stated the current three-year agreement has expired. Mr. Rendleman stated he reviewed current services and considered going back to the Alabama Department of Revenue for tax administration, but after a more thorough review the following are the reasons for renewal. They are: 1) the school board staff indicated they were pleased with the current service on the sales and use tax administration; 2) the Alabama Department of Revenue can't adequately administer the alcohol, severance, cable franchise and video rental tax; and 3) PRA Government Services were given an opportunity to correct issues and did so to his satisfaction. Therefore, Mr. Rendleman recommended the Commission authorize the Chairman to sign a three-year renewal agreement with PRA Government Services. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner Harris to authorize the Chairman to sign the three-year renewal agreement with PRA Government Services. The motion carried unanimously.

Mr. Rendleman presented the ACCA Workers' Compensation Self Insurers' Fund renewal for FY2014-2015 and an updated Participation Agreement. Mr. Rendleman asked the

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 8, 2014

Commission to authorize the Chairman to sign the agreement. Upon this recommendation, Commissioner Harris made a motion, seconded by Commissioner Ham to accept the renewal and authorize the Chairman to sign the participation agreement as presented. The motion carried unanimously.

Mr. Rendleman explained that the Sheriff's Office purchased three vehicles from funds received and maintained by the Sheriff, but considering the fact that the Sheriff does not have authority to have the vehicles titled in his name or in the name of his office, the vehicles are basically donated to the General Fund. Once titled to Lee County Commission, the donation must be recognized for accounting purposes. In order to properly reflect the purchase in the budget, the revenue and expenditure associated with the purchase must be recognized. Mr. Rendleman stated the following budget adjustment is needed to recognize it:

Revenue (Miscellaneous)	\$98,068	
Expenditures (Capital Outlay-Sheriff's Office)		\$98,068

Mr. Rendleman requested the Commission recognize a \$98,068 budget adjustment from the Sheriff's Office for three vehicles purchased and amend the FY2014 Adopted Budget accordingly. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Harris to recognize the budget adjustment as presented. The motion carried unanimously.

Next, Mr. Rendleman presented a request from the Genealogical Society and the Cemetery Preservation Commission to renew their lease on the Tyner Building for an additional year. Mr. Rendleman stated the 30-day cancellation notice was still included in the Agreement. Upon this presentation, Commissioner Lawrence made a motion, seconded by Commissioner Harris to renew the lease agreements for the Tyner Building as presented. The motion carried unanimously.

Last, Mr. Rendleman presented an educational reimbursement request from EMA Emergency Planner Rita Smith. Mr. Rendleman stated that all the necessary paperwork was in order and had been pre-approved by the appropriate appointing authority. Commissioner Lawrence made a motion, seconded by Commissioner Long to pre-approve the educational reimbursement for Rita Smith. The motion carried unanimously.

Commissioner Ham recognized Judge English for being elected to serve for District 8 on the ACCA Board of Directors, which was announced at the annual convention in August.

Judge English reminded those in attendance that the Special Election on the one-cent sales tax will occur tomorrow, September 9, and reminded those who are eligible to go vote.

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

Minutes approved:

Chairman

Commissioner, District 1

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 8, 2014

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL TERM, SEPTEMBER 19, 2014

The Lee County Commission convened in a special session at the Courthouse in Opelika, Alabama, Friday, September 19, 2014 at 12:30 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, Gary Long, Johnny Lawrence, Robert Ham and John Andrew Harris. Elected official(s) in attendance: Sheriff Jay Jones and Circuit Clerk Mary Roberson.

Judge English presented the results of the Special Election held September 9, 2014, as certified by the Canvassing Board at noon on this same date. The referendum passed with 851 voting "Yes" and 576 voting "No". Judge English informed the Commission that the voter turnout was 4.69% with a total of 1,427 votes cast out of 30,414 eligible to vote in the special election. Judge English stated that the Lee County Commission's responsibility is to accept the certification, declare the result and levy the tax. Upon discussion, Commissioner Lawrence made a motion to approve the results and adopt the following Resolution on the tax levy. The motion was seconded by Commissioner Ham and the motion passed on a vote of 4-1 with Commissioner Harris voting "No."

Lee County Commission
Resolution
Sales Tax Levy
Act 2013-325

Whereas, in 2013, the Legislature of Alabama passed House Bill 435, codified as Act 2013-325, authorizing the Lee County Commission, subject to the approval of a majority of the qualified electors residing outside the corporate limits of the Cities of Auburn, Opelika, and Phenix City who vote in a referendum held for such purposes, to levy a one percent sales and use tax against gross sales, use, storage, or other consumption subject to the state sales or use taxes levied by Code of Alabama, 1975, sections 40-23-2(1), 40-23-2(2), and 40-23-61(1)(a), outside the corporate limits of the Cities of Auburn, Opelika, and Phenix City; and

Whereas, the Lee County Commission, at its regular meeting on May 12, 2014, called for such special election, and the Judge of Probate held a properly noticed special election for such purposes as called on September 9, 2014; and

Whereas, the majority of the votes cast in the election were "Yes" by a margin of 851 to 576 "No", as certified by the Lee County Canvassing Board on September 19, 2014;
Now therefore, be it

Resolved, that the Lee County Commission hereby levies a one percent sales and use tax against gross sales, use, storage, or other consumption subject to the state sales or use taxes levied by Code of Alabama, 1975, sections 40-23-2(1), 40-23-2(2), and 40-23-61(1)(a), outside the corporate limits of the Cities of Auburn, Opelika, and Phenix City in Lee County, effective November 1, 2014; and be it further

Resolved, that the collection of this tax will be administered through PRA Government Services, LLC (dba: RDS) and proceeds received shall be paid into the county general fund to be used as follows:

- 1) Fifty percent of the proceeds shall be used to provide funding additional deputy sheriffs with an emphasis on school safety; and
- 2) Fifty percent of the proceeds shall be used to provide funding for a parks and recreation program in the county, including, but not limited to, the purchase of land for parks, construction of recreation facilities, providing support staff and maintenance equipment, and improving access to areas of recreation.

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL TERM, SEPTEMBER 19, 2014

Next, Sheriff Jones presented an application for a special license for a one-time event for Cocktails and Dreams LLC's Luke Bryan Farm Tour which will be held October 2, 2014 in the Marvyn community. Sheriff Jones explained that the performance date is after the September 29 meeting, but that would not allow enough time for the event organizers to use the license and perform the work necessary to prepare for the event. Further, Sheriff Jones reported there were no objections to the application. Commissioner Harris made a motion to approve the following Resolution, seconded by Commissioner Lawrence 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.

Commissioner Lawrence made a motion at approximately 12:40 p.m. to adjourn. The motion was seconded by Commissioner Long and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 29, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 29, 2014 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, Robert Ham and John Andrew Harris. Elected official(s) in attendance: Sheriff Jay Jones and Coroner Bill Harris.

Ms. Amelia Jordan of Lee Road 6 in Loachapoka presented her concern of rubbish in her community. Commissioner Harris stated that Sheriff Jones was writing down her information and stated there were complaints all over the county that needed to be addressed by the Sheriff's Office concerning junkyards and other nuisance violations. Ms. Jordan additionally asked that the roadway be cut more than twice a year and she suggested that the Syrup Sopping event be moved from downtown Loachapoka because her Church is located at the end of the street and the event makes it difficult for her to get to it when the event is held. Judge English asked Ms. Jordan if she had talked to the town council of Loachapoka. Ms. Jordan stated she had talked with the Mayor of Loachapoka. No action was taken by the Commission.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, an updated listing of claims for Commission approval presented prior to the meeting, announcement of two positions on the Lee County Youth Development Board, first reading to reappoint Bob Dumas and appoint Cooper James and Chris Nunn to the East Alabama Health Care Authority board, and minutes of the September 8 meeting and the September 19 special called meeting. Commissioner Ham stated that Randy Price had wished to withdraw his Citizen Interest form for the East Alabama Health Care Authority board. Commissioner Ham made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and unanimously carried.

Upon much discussion during the pre-meeting, Commissioner Ham made a motion during the meeting to set a work session with the Lee County Recreation Board on October 20 at 5:30 p.m. in the Commission Chambers to discuss the future of the recreation program since the one percent sales tax had passed in a Special Election held September 9, 2014. Secondly, another work session was scheduled following the meeting with the Lee County Recreation Board to discuss ambulance service in the Smiths Station Fire District. The motion was seconded by Commissioner Harris and unanimously carried.

Attorney R. Kane Burnette was in attendance to explain the necessity for a TEFRA public hearing for the Auburn Educational Building Authority. Mr. Burnette explained that it had been noted after research that a portion of the property owned by Lee-Scott Academy is located in Lee County outside the Auburn city limits; therefore, they need approval from Lee County similar to that put on the bond issue by the Auburn City Council. Mr. Burnette further explained that it would not constitute an obligation or otherwise affect Lee County in any way, but is necessary to move forward for the funding of the project.

Upon this explanation, Judge English opened the floor for a Public Hearing at 6:18 p.m. on the subject. No one was in attendance on this matter, and Judge English promptly closed the Public Hearing. Upon closure of the Public Hearing, Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the following Resolution and Certificate of Approval. The motion carried unanimously.

RESOLUTION

A RESOLUTION AND ORDER RESPECTING THE \$4,000,000 MAXIMUM PRINCIPAL AMOUNT REVENUE BOND (LEE-SCOTT ACADEMY PROJECT), SERIES 2014, OF THE EDUCATIONAL BUILDING AUTHORITY OF THE CITY OF AUBURN, TO FINANCE THE ACQUISITION OF CERTAIN EDUCATIONAL BUILDINGS, FACILITIES AND RELATED IMPROVEMENTS.

BE IT RESOLVED, ASCERTAINED, ORDERED and DECREED by the Lee County Commission (the "Commission") as follows:

Section 1. Findings. The Commission, which is the governing body of Lee County, Alabama (the "County"), has ascertained and does hereby find and declare as follows:

(a) A public hearing with respect to the proposed issuance of the Bond hereinafter described was held in the Commission Chambers at the Lee County Courthouse in Opelika, Alabama, on September 29, 2014, at 6:00 o'clock, p.m., pursuant to published notice given in the *Opelika-Auburn News* (a newspaper published and having general circulation in the County) in the issues of the said newspaper published on September 12, 2014, and on September 19, 2014.

(b) At the said public hearing, there was considered the proposed issuance by The Educational Building Authority of the City of Auburn (the "Authority") of its \$4,000,000 maximum principal amount Revenue Bond (Lee-Scott Academy Project), Series 2014 (the "Bond"), for the purpose of providing funds to (i) design, acquire, construct, equip, renovate, install and furnish elementary and secondary buildings and classrooms, various athletic facilities, and utility improvements referable thereto (the "Project") on the campus of Lee-Scott Academy, an educational institution located in the County and operated by Lee-Scott Academy, Inc., an Alabama nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Academy"); and (ii) pay a portion of the costs of issuing the Bond.

(c) At the said public hearing, all individuals present were afforded an opportunity to express their views, both orally and in writing, on the proposed issuance of the Bond for the purposes hereinabove set forth.

Section 2. Approval. The Commission does hereby grant its consent for and approve the issuance by the Authority of the Bond for the purposes set forth in Section 1 above and does hereby authorize and direct the Chairman of the Commission to execute such documents and certificates on behalf of the Commission as shall be necessary or desirable to evidence such consent and approval. The consent and approval of the Commission to the issuance of the Bond is being given pursuant to, and solely for the purpose of, the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the temporary Treasury Regulations of the Internal Revenue Service promulgated under the Internal Revenue Code of 1954, as amended, and this approval shall not be construed as expressing any view whatsoever as to the validity of or security for the Bond, the advisability of the Project or any investment decision respecting the Bond, the ability of the Authority to timely pay, or to cause to be timely paid, debt service on the Bond, the feasibility of the Project, or the ability of the Academy to make the payments required thereby to be made referable to debt service on the Bond. The approval set forth herein shall never be taken to constitute an indebtedness of the County, or to impose any liability of any kind whatsoever upon the County, its officers, agents or employees (in either their individual or official capacity), and this approval shall not affect in any manner whatsoever the borrowing capacity of the County.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 29, 2014

**CERTIFICATE OF APPROVAL OF SERIES 2014 BOND
PURSUANT TO SECTION 147(f)
OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED**

WHEREAS, The Educational Building Authority of the City of Auburn, a public corporation organized under the laws of the State of Alabama (the "Authority"), proposes to issue its Revenue Bond (Lee-Scott Academy Project), Series 2014, in the maximum principal amount of \$4,000,000 (the "Bond") in order to provide funds to (i) design, acquire, construct, equip, renovate, install and furnish elementary and secondary buildings and classrooms, various athletic facilities, and utility improvements referable thereto (the "Project") on the campus of Lee-Scott Academy, and (ii) pay a portion of the costs of issuing the Bond; and

WHEREAS, Lee-Scott Academy, Inc., an Alabama nonprofit corporation (the "Academy") and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), operates Lee-Scott Academy for educational purposes; and

WHEREAS, the Code provides that, as a condition to exemption from federal income tax of interest on certain private activity bonds such as the Bond, such bonds must be approved by certain officials or the elected governing body of certain governmental units prior to issuance thereof; and

WHEREAS, a public hearing concerning the proposed issuance of the Bond was conducted on September 29, 2014, as set forth in and pursuant to notice published in the *Opelika-Auburn News*, a newspaper of general circulation in Lee County, Alabama (the "County"), on September 12, 2014, and on September 19, 2014. Members of the public were given an opportunity to express their views, both orally and in writing, on the proposed issuance of the Bond and the Project.

NOW, THEREFORE, BE IT DECLARED, that the undersigned, the duly elected Chairman of the Lee County Commission, hereby consents to and approves the issuance of the Bond by the Authority for the purposes set forth herein; provided, that this approval shall not be construed as expressing any view whatsoever as to the validity of or security for the Bond, the advisability of the Project or any investment decision respecting the Bond, the ability of the Authority to timely pay, or to cause to be timely paid, debt service on the Bond, the feasibility of the Project, or the ability of the Academy to make the payments required thereby to be made referable to debt service on the Bond. The approval contained herein shall never be taken to constitute an indebtedness of the County, or to impose any liability of any kind whatsoever upon the County, its officers, agents or employees (in either their individual or official capacity), and this approval shall not affect in any manner whatsoever the borrowing capacity of the County. The approval herein granted is being given pursuant to, and solely for the purpose of, the provisions of Section 147(f) of the Code.

The next agenda item was removed since Ms. Cara Stallman of Grant Management, LLC was not in attendance.

County Agent Chuck Browne appeared before the Commission again to share his upcoming retirement is scheduled for September 30. Mr. Browne again thanked the Commission for their monetary and moral support during his 25 years of service with the Extension Office. Mr. Browne explained the procedure for interviewing and hiring a new County Agent and to let the Commission know that the process is ongoing, but it may take a few weeks. Judge English and the Commission again thanked Mr. Browne for his dedicated service.

Mr. Marcus Smith who had been placed on the Agenda concerning a garbage pick-up service in Lee County called and stated that due to a scheduling conflict he would ask the Commission to move his item forward to the next Agenda.

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Mr. Donald Brown appeared before the Commission concerning the condition of Lee Road 777. Mr. Brown stated that due to safety concerns and concern for his grandchildren he would ask the Commission to consider addressing some of the issues on the road. County Engineer Justin Hardee stated that he and Commissioner Ham had ridden the road and would discuss ways that they may address the condition of the road.

Ms. Mozell Hurley appeared before the Commission concerning her mother's property which she stated was sold improperly because her mother who is 83 years old and is disabled is due to be tax exempt. Ms. Hurley further stated that she had talked with both Judge English and Revenue Commissioner Oline Price but neither had addressed her questions to her satisfaction. Commissioner Harris stated he knew the situation and that the lady should get the property back. Mrs. Price stated that once she talked to Ms. Hurley's sister in Huntsville and found out that her mother was in a nursing home in Tuscaloosa, then she removed the exemption from her property taxes. Thereafter, when the property taxes were not paid, the property was sold at the tax sale in May of 2011. Again, Commissioner Harris stated that the lady was done wrong and should be given her property back. No action was taken by the Commission.

Commissioner Long asked to discuss the ambulance service in Smiths Station. Commissioner Long asked the Commission to consider taking the Smiths Station Fire District out of the contract for ambulance service with East Alabama Medical Center/ETS. Commissioner Long explained that CARE Ambulance currently houses an ambulance at the volunteer fire station and that when they get a call two ambulances are now going to the scene. Commissioner Long stated that this practice is wasting taxpayer money by having two ambulances on all calls. Smiths Station Fire and Rescue staff and several other volunteer fire departments were in attendance. Commissioner Harris stated he had not had an outcry from citizens in his district and did not agree with holding up the ambulance service agreement for one area of the county. After discussion, Commissioner Long made a motion to renew the ambulance agreement for a four month period. The motion was seconded by Commissioner Lawrence for discussion. Mr. Rendleman stated the contract amendment or cancellation terms require a 120 day notice and the amendment must be mutual since it is a 4-way contract with Lee County, City of Auburn, City of Opelika and EAMC. Commissioner Long stated he did not wish to reduce the subsidy or pull-out of the contract, but only in the Smiths Station area. Commissioner Long questioned if this was a game, since the same had been happening for three years. Commissioner Lawrence stated that the key is to find a resolution and a best solution for all of Lee County. Commissioner Eckman stated she would support a month-to-month agreement if County Attorney Stan Martin says it is legal to do. Commissioner Lawrence asked to hear from the other volunteers in the audience. Mike Holden of Beauregard Volunteer Fire Department stated in his 25-30 years of service he had not encountered a problem with ETS. Further, Mr. Holden stated he did not want to see the situation in Smiths Station carry over into Beauregard. Next, Jacob Geiger of Beulah Fire stated they had not encountered any problems with ETS over the years. Further, he stated that he did not care what happens in Smiths Station, his only concern was in Beulah and the best for them is ETS, he questioned "why fix something that is not broke". Next, Daniel Sexton of Smiths Station Fire and Rescue responded that they were not asking for anything different to be done in the other fire districts, only in the Smiths Station area. Mr. Sexton stated that over three years ago they met with ETS and asked for an additional ambulance in the area, but were told one was not needed. Further, he stated Smiths Station is the largest population area with over 32,000 residents and the busiest with 187 calls last month. Last, John Hoar of Southwest Lee County Volunteer Fire Department stated he is not affected by the Smiths Station area but does not personally care for CARE Ambulance. Judge English asked EAMC Vice President Ken Lott if they would consider a month-to-month contract and he replied no. When asked if EAMC would consider a three or four month contract, he stated he would need to get the situation clarified with the hospital administration. Upon this discussion, Commissioner Long withdrew his motion and Commissioner Lawrence withdrew his second. Commissioner Long stated he would like for the game to stop with the ambulance service, because CARE Ambulance is in their backyard and he would like to stop the ambulance

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chasing that is being done on each call. Commissioner Lawrence stated that the work session scheduled for October 20 is a good starting point.

Commissioner Ham requested permission from the Commission to use an area in the back of the Courthouse as a pick-up location from 11:00 a.m. to 1:00 p.m. on October 2 for a fundraiser for David Eastridge, a young man from Beulah who was injured in a life-threatening car accident. Commissioner Ham explained that this would be a central location for pickup for those that had pre-purchased the hamburger lunch. Commissioner Ham explained that the hamburgers would be cooked in Chambers County and brought here for distribution. Oline Price challenged all departments to order hamburgers for their employees as she is doing for hers. Commissioner Ham stated for \$7.00 a person will receive two hamburgers and a bag of chips all for a great cause. Commissioner Ham made a motion, seconded by Commissioner Long to allow set-up under the canopy on the south side of the Courthouse for the hamburger pick-ups. The motion carried unanimously.

Commissioner Harris stated he would like to start a Lee County Voter League for voter education. Commissioner Harris explained that Lee County used to have a voter league, and he would like to see an active league started to help the voters of Lee County. Commissioner Lawrence questioned what the Commission could do. Commissioner Harris answered to get advertising. No action was taken by the Commission.

Sheriff Jones provided a letter stating no objections have been received concerning the issuance of a retail beer license (off premises only) for The Short Stop in District 3. Commissioner Long made a motion to approve the following Resolution, seconded by Commissioner Lawrence and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the issuance of a retail beer license (off premises only) for **The Short Stop** located at 7633 Lee Road 240, Phenix City, Alabama.

Sheriff Jones provided a letter stating no objections have been received concerning the issuance of a restaurant retail liquor license for The Outfield in District 3, in the same building as the Short Stop above. Commissioner Long made a motion to approve the following Resolution, seconded by Commissioner Lawrence and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the issuance of a restaurant retail liquor license for **The Outfield** located at 7633A Lee Road 240, Phenix City, Alabama.

County Engineer Justin Hardee presented a proposed agreement with Geotechnical Engineering Services for professional services. Mr. Hardee explained that the agreement is necessary to provide for the foundation investigations and reports for seven of the ATRIP bridge projects. Further, Mr. Hardee stated that the agreement provides for the necessary professional services required to perform the investigations so that they can be incorporated into the bridge plans with the roadway plans that will be designed in-house and then move the entire plan assembly through the ALDOT process towards construction. Mr. Hardee stated County Administrator Roger Rendleman and County Attorney Stan Martin have both reviewed the agreement. Mr. Hardee asked the Commission to authorize the Chairman to execute the agreement as presented. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Ham to authorize the Chairman to execute the agreement with Geotechnical Engineering Services. The motion carried unanimously.

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County Administrator Roger Rendleman presented a proposed FY2014-2015 budget of \$34.1 million for Commission consideration. Mr. Rendleman stated the budget does not contain traditional cost of living increases nor merit raises but it does include the following: a 2% modified merit for qualified employees; two new deputy positions for the Sheriff’s Office; upgrades three court security and three transport positions to fully sworn officer positions; adds a new administrative position in Building Inspections; fully funds a clerk from part-time to full-time in the Revenue Commissioner’s Office; adds a new clerk position in the Probate Office; fully funds a part-time custodian to full-time position in Building Maintenance; reserves \$1,100,000 to match grants, particularly ATRIP; and allocates \$429,142 for the traditional resurfacing program for this year.

After discussion, Commissioner Lawrence made a motion to approve the FY2014-2015 Budget as presented by Mr. Rendleman. The motion was seconded by Commissioner Ham and unanimously carried.

**Fiscal Year 2014-2015
County Commission Budget**

<u>Commission Funds</u>	Carryover**	<u>Revenues</u>	<u>Expenditures</u>	Operating Transfers In / (Out)	Increase/ (Decrease)
General Fund	1,277,743	27,106,234	24,462,337	(3,921,640)	0
Gasoline Tax Fund	767,900	2,064,006	5,173,019	2,341,113	0
RRR Gasoline Tax Fund	241,500	2,681,000	2,922,500		0
Reappraisal Fund	300,000	941,926	1,241,926		0
Capital Improvement Fund	1,110,000	200,000	1,310,000		0
Judicial Facilities Fund		400,000	100,000	(48,205)	251,795 #
Operational	<u>3,697,143</u>	<u>33,393,166</u>	<u>35,209,782</u>	<u>(1,628,732)</u>	<u>251,795</u>
Debt Service					
2004 Debt Service - Jail Expansion		718,079	1,297,909	579,830	0
2010 Debt Service - Bridge Program		0	696,377	696,377	0
2013 Debt Service - JC Expansion		0	352,525	352,525	0
Total County Commission Funds:	<u>3,697,143</u>	<u>34,111,245</u>	<u>37,556,593</u>	<u>0</u>	<u>251,795</u>

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

= Due to an interfund loan release with the General Fund to eliminate a projected fund balance deficit at the end of the 2015 FY

Additionally, Mr. Rendleman asked the Commission to grant an across the board one-step increase to current employees as of October 4, 2014 and to grant a one-step increase equivalent to current employees at the top of their pay scale as of October 4, 2014; even though that puts them “off the scale”. Upon this request, Commissioner Lawrence made a motion, seconded by Commissioner Ham to grant the one-step increase as stated by Mr. Rendleman. The motion carried unanimously.

Next, Commissioner Lawrence made a motion to approve the following Service Contracts and Appropriation List for FY 2014-2015. The motion was seconded by Commissioner Ham and unanimously carried.

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Contract Agencies:

Lee-Russell Council of Governments	\$144,250
EAMC Emergency Medical Services	<u>\$289,476</u>
Total Contract Agencies:	\$433,726

Appropriation Agencies:

Dept. Human Resources (Local)	\$4,725
Lee County Health Department	\$118,168
East Alabama Mental Health	\$64,050
Airport Terminal Project	\$100,000
Auburn University Airport FAA projects	\$30,000
Lee County Alternative Sentencing Board	\$40,000
Judicial Volunteer Program	\$12,000
Alabama Cooperative Extension	\$71,542
Soil & Water Conservation	\$3,572
Lee County Firefighters Association	\$4,000
Valley Haven School	\$7,144
Horseshoe Bend Library	\$26,592
East Ala. Services for the Elderly	\$9,526
Domestic Violence Intervention Center	\$4,500
Child Advocacy Center of East Alabama	\$13,500
American Red Cross - Lee Co Chapter	\$12,973
Community Market	\$2,650
Auburn Daycare Association	\$5,557
Museum of East Alabama	\$2,650
Lee County Historical Society	\$9,410
Jean Dean RIF Kiwanis	<u>\$1,588</u>
Total Appropriation Agencies:	<u>\$544,147</u>

TOTAL OUTSIDE APPROPRIATIONS **\$977,873**

Next, Mr. Rendleman requested that the Commission consider authorizing the granting of additional annual leave hours for FY2014-2015 based upon the employee annual evaluations in the same manner that merit raises are authorized. The basis will be as follows: the employee must obtain at minimum a "Meets Standards" for one additional annual day; the employee must obtain at minimum "Exceeds Standards" for two additional annual days; and the employee must obtain at minimum "Consistently Exceeds Standards" for three additional annual days. The application of awarding of the days (as with merits) is within the discretion of the appointing authority as long as the method and reasoning is consistently applied across the departments under their authority. Commissioner Lawrence made a motion, seconded by Commissioner Ham to approve the additional leave hours based on the scale presented. The motion passed unanimously.

Judge English reminded those in attendance that due to the Columbus Day holiday falling on Monday, October 13, the next scheduled meeting will be held Tuesday, October 14.

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

Minutes approved:

Chairman

Commissioner, District 1

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Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 14, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 14, 2014 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) in attendance: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

Commissioner Ham was pleased to introduce David Eastridge who was in attendance at the meeting along with his mother April Smith. Ms. Smith stated David Eastridge wanted to personally come tonight to thank all those that participated in the hamburger fundraiser for him, since he had been unable to participate due to therapy. Commissioner Ham stated he had watched David play football as quarterback at Beulah High School prior to his accident. Commissioner Ham also thanked those that participated.

Commissioner Harris updated the Commission on the Lee County Voter League he wished to form in Lee County. Commissioner Harris stated he would like to do this to give back to the community and to be a part of an organization to help the citizens.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, an updated listing of claims for Commission approval presented prior to the meeting, announcement of two positions on the Lee County Alternative Sentencing board, first reading to appoint Janice Frazier and reappoint Jerry Southwell to the Lee County Recreation Board, and minutes of the September 29 meeting. Commissioner Harris made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence and unanimously carried.

Judge English wished to clarify the times of the upcoming work sessions. Judge English suggested that since the meeting with the Lee County Recreation Board begins at 5:30 p.m., he would suggest setting the time at 6:30 p.m. to meet about the Smiths Station ambulance service. Judge English stated that it would be pointless for both groups to appear at the same time for one group to just have to wait until the conclusion of the first meeting. Commissioner Ham made a motion, seconded by Commissioner Long to schedule the work sessions as requested. The motion passed unanimously.

County Engineer Justin Hardee updated the Commission on the Lee Road 65 bridge project. Mr. Hardee asked the Commission for clear direction on the project. Upon presentation, Mr. Hardee offered one plan which would require a lengthy detour to demolish the original bridge and build the replacement in place, and another which would realign the bridge, use the original bridge while construction is ongoing, and then demolish the original bridge once the new bridge is open. Upon this discussion, Commissioner Eckman made a motion to authorize the Highway Department to move ahead with the plans for realignment of a new bridge and demolish the original bridge once the new structure is completed. The motion was seconded by Commissioner Lawrence for discussion. Commissioner Long stated that since he has been on the Commission he has been told that they need to be consistent and do the same thing with similar projects. Commissioner Long stated he could not see doing the project this way because of 1) economy and 2) 15 more bridge projects on the list. Commissioner Ham stated his district contains many rural areas and other bridges to address thru ATRIP and local funds. Commissioner Ham also mentioned the consistency as with other projects. Commissioner Lawrence stated that he did push to be consistent as much as possible, and that he struggled with

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this issue. Commissioner Ham agreed he struggled with it, but the issue of being consistent is his issue. Commissioner Harris stated he had talked with people in the community, but the overwhelming factor for him as with Commissioners Long and Ham is consistency. Commissioner Eckman also brought up the issue of the cell service, not just the inconvenience of the dirt road detour. Commissioner Harris stated he also had a dangerous situation in his district on Lee Road 57 and he sympathizes with these people and would like to help everyone in the community. Commissioner Eckman stated that what makes this situation unique is the safety aspect. Ms. Nina Caldwell stated she has lived out there for over 35 years and when it rains the dirt roads are impassable. Ms. Gerri Hammonds questioned when did consistency rise above safety and added that if it were only an inconvenience, they would not be here. Ms. Caldwell stated there was no cell reception on a portion of the dirt road for approximately 2 miles. Judge English & Mr. Hardee both reported that they lost cell coverage for about 1000'. Commissioner Eckman called for the question, seconded by Commissioner Long. Judge English called for a vote to end discussion and move immediately to a vote. The motion carried unanimously to end discussion and proceed directly to a vote. Judge English read the original motion. Commissioner Lawrence questioned the cost difference between the two options. Commissioner Ham stated \$204,000. Judge English called for a vote on the underlying motion. After a vote, the motion failed on a 2-3 vote with Commissioners Eckman and Lawrence voting "Yes", and Commissioners Long, Ham and Harris voting "No".

Commissioner Long made a motion to approve the following resolution concerning the second reading of three positions on the East Alabama Health Care Authority. The motion was seconded by Commissioner Ham and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby reappoint Bob Dumas and appoint Cooper James and Chris Nunn to the East Alabama Health Care Authority board to serve a six-year term ending September 30, 2020.

County Administrator Roger Rendleman once again presented the draft Noise Ordinance, which has been advertised and posted online, for Commission consideration to adopt the ordinance and proceed by holding a Public Hearing. Upon discussion, Judge English opened the floor at 6:38 p.m. to a Public Hearing on the Noise Ordinance as presented. There was no one in attendance on the Noise Ordinance issue and Judge English closed the Public Hearing. Judge English questioned Sheriff Jones if the Sheriff had taken a look at Section 2 where it states "unreasonable volume as determined by sworn officer of Lee County." Commissioner Ham questioned whether decimal meters should be purchased. Sheriff Jones answered that the decimal meters for law enforcement purposes cost a lot more than \$100 previously referenced and further the judgment call would be a determination based on each deputy's perception and before the noise ordinance is in place the office would be on the same page concerning the issue. Commissioner Ham stated he was for a noise ordinance and questioned the Sheriff what would happen if a person is charged with the offense. Sheriff Jones stated that since it was a civil offense it would be brought before the Commission. Commissioners Ham and Eckman both stated they were not aware of that. Commissioner Ham stated he would like more time to look at the ordinance. Commissioner Eckman questioned how many vehicles the Sheriff's Office had, if able to purchase decimal meters for the Sheriff's Office. Sheriff Jones stated that for the type of instrument needed which would be self-calibrating the meters would cost approximately \$1,000/each for about 30 patrol units. Commissioner Eckman agreed with Commissioner Ham that more time needs to be taken to look at this. Commissioner Ham asked to wait until the next meeting. Mr. Rendleman stated the Noise Ordinance would have to be re-advertised if the Commission wished to make any significant changes. No action was taken by the Commission.

Mr. Marcus Smith appeared to ask Commission consideration to allow him to provide a garbage pick-up service in the Loachapoka area. Judge English asked Mr. Smith to get with Environmental Services Director Chris Bozeman to work out the particulars of the service Mr.

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Smith wishes to provide. A copy of Mr. Smith's service contract was provided in the packets. Mr. Bozeman stated he would work with Mr. Smith and provide guidance. No action was taken by the Commission.

Christine Washington of Lee Road 246 was not in attendance at the meeting.

Mr. Charles Braswell appeared before the Commission to object to the issuance of a lounge retail liquor license for the Iron Horse Saloon on Alabama Highway 51. Mr. Braswell stated the intersection in itself is dangerous and in his opinion it would be detrimental at that location, especially for the children living in the neighborhood. Additionally, Mr. Braswell stated Sanford Middle School is near the location. Mr. Braswell stated he had gotten a petition and most of the 25 residents of the neighborhood had signed it, except for two or three residents who did not sign because they were not home. Further, Mr. Braswell stated his objection to the issuance of the license was mainly a safety issue for all concerned. Commissioner Ham stated a church was located within a half mile of the establishment. Mr. Cannon, the owner of the building, stated he wanted to provide a local place for the people in the community to hang out like "Cheers". Mr. Cannon stated he would have pool tables, and other games and the saloon would only be open Thursday-Saturday from 5 p.m. to 12 midnight. Mr. Larry Long stated he was located approximately 30 yards from the establishment and stated the building was built too close to the roadway and stated he had nothing against Mr. Cannon, but did not want a bar there.

Sheriff Jones provided a letter stating objections have been received to the issuance of a lounge retail liquor license for Iron Horse Saloon on Alabama Highway 51 in District 4 by residents in the vicinity of the proposed establishment. Commissioner Ham made a motion on the following Resolution to disapprove the lounge retail liquor license for the Iron Horse Saloon, due to objections from nearby residents. The motion was seconded by Commissioner Harris and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby deny the lounge retail liquor license for the **Iron Horse Saloon**, located at 11186 Alabama Highway 51, Opelika, Alabama, due to objections from nearby residents.

Selena Daniel, a member of the Silver-Haired legislature, appeared before the Commission, once again asking for financial support for this group. Mrs. Daniel stated that at the last meeting she attended prior to the budget work sessions, the Commission seemed to be in agreement on a donation. Mr. Rendleman stated that was correct, but the Commission did not put that in the budget, and must vote on the expenditure. Judge English questioned Mrs. Daniel what the funds would be used for. Mrs. Daniel responded: stamps, hotel, and travel expenses to Montgomery for the representatives from Lee County. Mrs. Daniel further stated the other members from this area besides her are Joyce Upshaw and Mr. J. O. Conway. Commissioner Harris made a motion, seconded by Commissioner Ham to donate \$1,000 from the contingency fund to the Lee County delegation to the Silver-haired Legislature. The motion carried unanimously.

Mr. Hardee presented a request to accept Holland Creek Subdivision Phase I for county maintenance. Mr. Hardee stated the two-year maintenance period had been completed by the owner on October 1, 2014. Mr. Hardee recommended that the roads in the subdivision, Lee Road 2200, Lee Road 2201, Lee Road 2202 and Lee Road 2212, be accepted by the Commission for permanent maintenance by the Highway Department. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Ham to accept Holland Creek Subdivision Phase I for county maintenance. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 14, 2014

Safety Coordinator Wendy Swann presented the following concerning the ACCA Safety Incentive Discount Program for Commission action. Mrs. Swann stated that Lee County had met all the necessary qualifications for the current year except for the safety coordinator and administrative staff training, both will be done on October 15 and 16; and the Jail Association Conference which will take place on October 21-24, which will complete the required training. Mrs. Swann asked the Commission to authorize the Chairman to sign the Safety Incentive Verification form for the current year once the required training is completed. Upon this request, Commissioner Lawrence made a motion, seconded by Commissioner Long to authorize Judge English to sign the paperwork once all qualifications are met. The motion carried unanimously.

Commissioner Long made a motion at approximately 6:50 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, REG. ADJ. TERM, OCTOBER 27, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, October 27, 2014 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Harris.

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) in attendance: Loachapoka Mayor Jim Grout.

Commissioner Harris wanted to show the Commission a community service award plaque he had received from the Alabama Voter Education and Registration Alliance as the Top County Performer for the 2014 voter registration drive.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, first reading of Dianne Carlton and Jerry Bentley to the Lee County Youth Development Board and minutes of the October 14 meeting. Commissioner Long asked for clarification in the minutes concerning availability of cell service on the detour route for the bridge replacement on Lee Road 65 and asked that the minutes be amended to reflect the findings of Judge English & Mr. Hardee. Commissioner Ham made a motion to approve the consent agenda items with the clarification as mentioned by Commissioner Long. The motion was seconded by Commissioner Long and unanimously carried.

Commissioner Harris made a motion of second reading for the following Resolution to appoint Janice Frazier and reappoint Jerry Southwell to serve on the Lee County Recreation Board. The motion was seconded by Commissioner Eckman and unanimously carried.

BE IT RESOLVED, the Lee County Commission does hereby appoint Janice Frazier and reappoint Jerry Southwell to serve on the Lee County Recreation Board to each serve a five-year term ending October 14, 2019.

During discussion on the noise ordinance during the pre-meeting, Commissioner Ham asked each Commissioner to send him a list of things they wish to be addressed concerning the ordinance and to possibly set a work session on the subject at the meeting on November 12. Additionally, Commissioner Harris asked that a work session be held on roads, concerning a list he had received from County Engineer Justin Hardee.

Security National Life Insurance representative Zella Turner asked the Commission to consider offering a final expense insurance product for county employees. Ms. Turner stated it was a whole life policy and could be payroll deducted and the employee has the option to continue coverage once they leave employment with Lee County. County Administrator Roger Rendleman explained to Ms. Turner that Lee County has a process for new insurance vendors and that her product should be turned over to the Insurance Committee who would review the product. Commissioner Harris stated that the Commission needs to know that these products are available to employees and this particular one is endorsed by NABCO. Judge English suggested that Ms. Turner follow the established process and apologized to her that she had been advised to bring it before the Commission. Mr. Rendleman asked for her contact information and stated he would look into it and present it to the Insurance Committee for consideration.

Judge English stated that the next Commission meeting needs to be rescheduled from Monday, November 10 to Wednesday, November 12 due to the first meeting after the election of

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 27, 2014

commissioners being mandated on that day by Code of Alabama §11-3-1. Upon this explanation, Commissioner Harris made a motion, seconded by Commissioner Lawrence to reschedule the next meeting for Wednesday, November 12, 2014. The motion carried unanimously.

Commissioner Eckman presented a petition asking the Commission to form a Lee County Archive Commission. Steve Murray of the Alabama Department of Archives was in attendance, as well as Jo Lovell and Edna Ward. Mr. Murray gave a handout to the Commission which identified the 52 local archives in Alabama. Mr. Murray further stated the importance of public records and the need to archive them for future generations. Mr. Murray stated his office provides technical and consulting services and further stated there are grant opportunities available for the preservation process. Commissioner Eckman questioned Mr. Murray on the number of representatives. Mr. Murray stated it varies from county to county, but he would recommend a representative from the Commission and ideally several members from the private sector. Judge English stated he would recommend 12 members, as there were 11 signatures on the petition, and he added Commissioner Eckman as the Commission appointee. Commissioner Harris questioned the consulting services mentioned by Mr. Murray and Commissioner Harris stated it takes money to hire a consultant. Mr. Murray responded that it could be added on to local filing fees by local legislation, if desired. Commissioner Eckman stated that donations could be accepted too. Commissioner Harris reiterated the fact that Mr. Murray also mentioned grants could be obtained to fund the archive project. Commissioner Lawrence questioned Mr. Rendleman if the Commission has authority to do this. Mr. Rendleman stated it must be included under the Code of Alabama and most of the ones he looked into were formed by local acts. After much discussion in the pre-meeting, Commissioner Eckman made a motion during the meeting to set up a study group to investigate the feasibility of creating a Lee County Archive Commission, to include such things as space requirements, staffing, governance, mission and ongoing operational costs. The motion was seconded by Commissioner Lawrence and unanimously carried.

Sheriff Jones presented a restaurant retail liquor license application for CJS Steakhouse and Spirits in District 3. Sheriff Jones stated there were no objections to the application. Commissioner Long made a motion to approve the following Resolution for the restaurant retail liquor license application, seconded by Commissioner Lawrence and unanimously carried.

BE IT RESOLVED, the Lee County Commission does hereby approve the restaurant retail liquor license for **CJS Steakhouse and Spirits** located at 5409 Summerville Road, Suite 1 Pierce Crossings, Phenix City, Alabama.

County Attorney Stan Martin advised that an executive session would need to be held concerning current litigation. Mr. Martin stated attendance by Mr. Rendleman and attorney Ted Hosp would be required. He anticipated that the session would last approximately 20 minutes and may require official action by the Commission at the conclusion. Commissioner Ham made a motion at approximately 6:20 p.m., seconded by Commissioner Long to adjourn into Executive Session. The motion carried unanimously.

Upon reconvening after the Executive Session, Commissioner Ham made a motion to authorize County Administrator Roger Rendleman to make an offer to settle the claim received and amend the budget accordingly, after recalculation of the dollar amounts by Judge English. The motion was seconded by Commissioner Harris and unanimously carried.

Commissioner Lawrence made a motion at approximately 7:00 p.m. to adjourn. The motion was seconded by Commissioner Ham and passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 27, 2014

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Wednesday, November 12, 2014 at 6:00 p.m. The Pledge of Allegiance was lead by Command Sergeant Major (Retired) Bennie Adkins, recent recipient of the Congressional Medal of Honor, followed by an invocation by Judge English.

The Chairman performed the swearing-in ceremonies for three re-elected Commissioners. Commissioners Lawrence, Ham and Harris took the Oath of Office and then resumed their seats, to the applause of those in attendance.

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) in attendance: Sheriff Jay Jones and Loachapoka Mayor Jim Grout.

Commissioner Lawrence recognized Command Sergeant Major (Retired) Bennie Adkins for his attendance and his recent receipt of the Congressional Medal of Honor. Commissioner Lawrence stated the Sheriff's Office raised and lowered an American flag in his honor at the Lee County Courthouse on September 15, 2014, the day Sgt. Major Adkins received his Medal of Honor. Sheriff Jay Jones made a presentation of the framed flag and plaque to recognize the event. Additionally, he stated that the four deputies who had the honor of raising and lowering the flag that day all served in the military. Deputy Rebecca Tate presented the plaque and flag to Sgt. Major Adkins. Also in attendance were his wife and his daughter.

Judge English informed the Commissioners about the valuable assistance provided by many County staff during the recent General Election, including Tim Parson and Robert Garris, Jerry Lynch and the Maintenance Dept. staff, Justin Hardee, Chris Bozeman and the Environmental Services crews, Sheriff Jones and all the deputies he made available to pick up election returns when the polls closed, and Mr. Rendleman for arranging the Event Center for election returns. Commissioner Eckman thanked the Sheriff for the food available that night.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, first reading of the re-appointment of William Parker, Jr. and Edgar Adams to the Lee County Alternative Sentencing Board, and minutes of the October 27 meeting. Commissioner Lawrence made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Long and unanimously carried.

Commissioner Eckman made a motion of second reading for the following Resolution to reappoint Jerry Bentley and Dianne Carlton to serve on the Lee County Youth Development Board. The motion was seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED, the Lee County Commission does hereby reappoint Jerry Bentley and Dianne Carlton to serve on the Lee County Youth Development Board to serve four-year terms ending September 30, 2018.

Mathan Holt appeared before the Commission to discuss the proposed noise ordinance. Mr. Holt asked the Commission to reconsider some of the items in the current draft and to truly study the situation before passing a noise ordinance for Lee County. Mr. Holt stated that the draft version he has contains a lot of references to decisions which would be at the discretion of the Sheriff's Office deputies. He stated he would like to see use of a device that would be able to measure the noise level and be a consistent tool to use for noise disturbances. Further, Mr. Holt stated if he had a problem with a neighbor he would just go over and talk to them and "work things out". Mr. Holt requested, if possible, that he be notified of the date of any scheduled work-session concerning this matter.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2014

Upon the discussion during the pre-meeting concerning the noise ordinance, Commissioner Ham made a motion during the meeting to set a work session on January 26 after the 5:00 p.m. Commission meeting to discuss the draft noise ordinance. The motion was seconded by Commissioner Lawrence and carried unanimously.

Judge English reminded the Commission that Code of Alabama §11-3-1 requires the Commission to meet after the election of any members of the Commission, and the Commission has to establish their meeting schedule. Judge English placed in the packets a request from Commissioner Eckman to discuss a change in the current meeting schedule. Commissioner Eckman stated that she would like to consider doing away with the pre-meeting and hold one meeting at 5:00 p.m. Further, Commissioner Eckman stated that this way the discussion could take place with a vote taken thereafter instead of two discussions on the same subject. Commissioner Eckman stated the City of Auburn had done away with their pre-meeting and it seemed to work well for them. Commissioner Eckman further stated that the current schedule was not citizen friendly and she did not feel it was transparent with the 4:00 p.m. pre-meeting. Judge English added that it could be better for the many county staff who routinely attend Commission meetings as well. Commissioner Harris stated he liked holding a pre-meeting for discussion and for information to be presented and ability for more information to be presented after the pre-meeting, if necessary. Commissioner Long agreed that it would be a positive step to have discussion and meeting at once. Commissioner Lawrence stated he had gone through a few changes and stated his concern would be with citizens and suggested a 5:30 p.m. starting time. Commissioner Ham agreed he would like the 5:00 p.m. meeting time for convenience, especially based on items that require a considerable amount of discussion. Upon further discussion, Commissioner Eckman made a motion to set the Commission meetings at 5:00 p.m. on the second and last Monday of each month and to set the FY2015 Holiday Schedule as presented below. The motion was seconded by Commissioner Long and unanimously carried.

New Year's Day	Thursday, January 1, 2015
Martin Luther King, Jr. Day	Monday, January 19, 2015
Presidents' Day	Monday, February 16, 2015
Memorial Day	*Monday, May 25, 2015
Independence Day	Friday, July 3, 2015
Labor Day	Monday, September 7, 2015
Columbus Day	*Monday, October 12, 2015
Veterans' Day	Wednesday, November 11, 2015
Thanksgiving	Thursday, November 26, 2015
	Friday, November 27, 2015
Christmas	Thursday, December 24, 2015
	Friday, December 25, 2015

* Normal Commission Meeting Days

Note: Monday, May 25 meeting moved to Tuesday, May 26, 2015

Monday, Oct. 12 meeting moved to Tuesday, Oct. 13, 2015

Commissioner Harris asked the Commission to consider setting a work session on the roads which were in a packet that County Engineer Justin Hardee sent to the Commissioners. He made a motion to hold it on December 8 after the 5:00 p.m. Commission meeting. The motion was seconded by Commissioner Long and passed unanimously.

Mr. Hardee presented a request to change the speed limit on Lee Road 146 from 40 M.P.H. to 45 M.P.H. as requested by the citizens. Mr. Hardee stated this change would make the entire road a consistent speed limit from the Auburn city limits to AL Hwy 169. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner Harris that the speed limit on Lee Road 146 between AL Hwy 51 and Lee Road 166 be changed from 40 M.P.H. to 45 M.P.H. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2014

Next Mr. Hardee presented for Commission consideration a Policy on Public Notice Regarding Blanket Conditions of Roads and Bridges. Mr. Hardee explained that he would ask the Commission to review the material and consider passing it at the next meeting. Mr. Hardee stated the information has been communicated with the Sheriff, the EMA Director and the County Attorney. The Commission agreed to move the item to a future agenda.

County Administrator Roger Rendleman presented a request for the Commission to consider refinancing outstanding 2004 general obligation warrants. Mr. Rendleman stated that BBVA Compass had approached him with a proposal to refinance the remaining three years of the original 2004 general obligation Bond issue (Jail consolidation/Sheriff Admin) with a three year bank loan that wasn't refunded with the 2012 refinancing. The proposal will save approximately \$62,000 over the next three years once issuance costs are considered. The savings is about 3% of the refunded principal. That is the low end of consideration; however, moving forward would be worthwhile since this refunding is a simple bank loan and not another bond issue. The Commission was requested to approve calling the remaining 2004 General Obligation Warrants. The Commission was also requested to issue a three year bank loan with BBVA Compass for the purpose of refinancing the call of the outstanding 2004 General Obligation Warrants. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner Lawrence to approve this recommendation. The motion carried unanimously.

Next, Mr. Rendleman presented a budget adjustment for the Justice Center expansion. Mr. Rendleman stated that since the Justice Center expansion project is nearing completion he would request the Commission allocate \$40,000 to allow for the purchase of a new security screening station to allow for the use of two stations. Second, he would recommend the Commission allocate \$110,000 to resurface the remainder of the existing Justice Center parking lot by the subcontractor who is paving the new parking lot. The General Fund ended the year with \$200,000 above all reserves and designations which would cover these costs. Mr. Rendleman explained that the Justice Center Fund's court fee revenue is still well below needed amounts, so there are no funds available to use from that fund. The recommendation would be to move these funds to the expansion project fund to cover the two items. Upon this recommendation, Commissioner Lawrence made a motion to allocate \$150,000 from the General Fund to the Justice Center Expansion Project for a security screening station and resurfacing the existing Justice Center parking lot. The motion was seconded by Commissioner Ham and passed unanimously.

Governmental Relations Coordinator Wendy Swann asked the Commission to consider setting a date to meet with the legislative delegation as has been done in the past. Mrs. Swann stated the only item she had been presented concerned subdivision speed limits. Mrs. Swann further suggested that the Commission may coordinate meeting with the delegation by hosting a "Coffee at the Courthouse" type event, as put on in conjunction with ACCA last year. After discussion, consensus was made that the Commission would meet with the delegation during a "Coffee at the Courthouse" event to be scheduled in January.

At 6:25 p.m., Commissioner Harris asked that the three Commissioners who had been sworn-in be allowed to say a few words. Commissioner Harris wished to recognize three individuals who helped in his campaign they were: Mom Patrick, Juanita and his son Andrew Harris. Additionally, Commissioner Harris thanked the people of Lee County for re-electing him to another four years.

Commissioner Ham stated he loved the job that the citizens of District 4 entrusted him to do. Commissioner Ham stated that since being elected he had gotten to know several people including Roger Rendleman, who is well-respected as an administrator throughout the State. He also recognized Sheriff Jones, who is the most respected Sheriff in the State. Commissioner

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2014

Ham stated both had been helpful during his time on the Commission. Further, he recognized County Engineer Justin Hardee for the quality of job that he does for Lee County. Overall, Commissioner Ham expressed his gratitude to the citizens of Lee County and thanked all who allowed him to serve again.

Commissioner Lawrence thanked the citizens too. Further, he stated that during his career in public safety he had been on the receiving end of policy decisions, so now that he is on the decision making end, he tries to think of the people who have to make the policies work. Commissioner Lawrence thanked Lee County as a whole for the opportunity to serve.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 24, 2014

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, November 24, 2014 at 5:00 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) in attendance: Sheriff Jay Jones.

County Engineer Justin Hardee updated the Commission on the bridge replacement on Lee Road 70. Mr. Hardee informed the Commission that the project had been completed and the bridge was opened today. Mr. Hardee further stated that Highway Department personnel had performed the work on the project in-house and he had estimated the project would take approximately four months to complete and his estimate was correct. Commissioner Long stated he had seen the bridge and commented that the Highway Department had done a fabulous job on it.

Judge English presented in the Commission packets the final election results for the Nov. General Election. Further, Judge English stated at final count there was a 30.88% turnout.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and minutes of the November 12 meeting. Commissioner Lawrence made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Harris and unanimously carried.

Commissioner Long made a motion for second reading for the following Resolution to reappoint William (Bill) Parker, Jr. and Edgar Adams to serve on the Lee County Alternative Sentencing Board. The motion was seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED, the Lee County Commission does hereby reappoint Edgar Adams to serve a four-year term from March 29, 2014 to March 29, 2018 and William (Bill) Parker, Jr. to serve the remainder of a four-year term from March 29, 2012 to March 29, 2016 on the Lee County Alternative Sentencing Board.

Attorney Walter Northcutt, representing Darryl Cannon, appeared before the Commission concerning a petition asking the Commission to reconsider the lounge retail liquor license application that had previously been submitted for the Iron Horse Saloon located on Alabama Highway 51 in Beauregard. Mr. Northcutt stated that the purpose of the establishment was to provide a service to the community by offering a place to eat and for adults to gather and partake in adult beverages. Mr. Northcutt presented a notebook to each Commission and County Attorney Stan Martin containing information on other lounge retail liquor and/or beer license applications that had been approved by the Commission prior to Mr. Cannon's request. In the information presented, Mr. Northcutt gave particular examples of establishments that had been recommended either a liquor and/or beer license by the Commission with greater proximity to schools, churches and neighborhoods than surrounding the location of the establishment requested by Mr. Cannon. Mr. Northcutt stated that a denial based on nearby residents' objections was not a sufficient reason to recommend denial of a license. Mr. Northcutt also presented a petition of approximately 105 people who indicated they had no objections to the establishment proposed. In closing, Mr. Northcutt asked the Commission to reconsider his client's request for a lounge retail liquor license for the Iron Horse Saloon due to fairness based on previous licenses issued by the Commission. He added that his client by far exceeds any

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 24, 2014

requirements set forth as far as location and proximity to subdivisions, schools and/or churches. Judge English asked the Commission if there was any action to be taken, and there was no action taken.

Timothy Frost of Lee Road 500 in the Lakes Subdivision appeared before the Commission asking for help on this road. Commissioner Long reported that this is the road where a recent heavy rain and a clogged drain pipe had caused the water to flow over the road, and it caused significant damage to a City of Phenix City sewer main, which the city had repaired. Mr. Frost stated that after heavy rains the road conditions are still deplorable and the City repair did not address the road. Mr. Frost further explained that he had called Phenix City and they had placed cones in the pot holes that were on the road. Additionally, Mr. Frost stated that Phenix City had closed the road with barricades at his request due to rain flooding the roadway. Mr. Frost stated that the road was better since residents had unclogged the drain near the lake. Last, Mr. Frost asked the Commission to take over maintenance of the road and stated he understood that the Commissioner over that district would have to make the motion. Judge English explained to Mr. Frost the Commission's process for accepting roads for county maintenance. Specifically, that the developer must meet certain requirements and pass inspection before the road can be considered for acceptance by the county for maintenance. Mr. Hardee explained that this development took place prior to 1997 and did not fall under the subdivision guidelines as passed in April 2008, but did fall under the previous street regulations. Commissioner Ham questioned if Mr. Hardee would be willing to meet with a representative from Phenix City to discuss the issue. Mr. Hardee stated he would be happy to set-up a meeting with Phenix City officials to discuss the matter. Further, Commissioner Long asked the Commissioners to go out and take a look at the road. Commissioner Long further stated that the current regulations do not allow acceptance of a road built on a dam. Commissioner Lawrence questioned Mr. Hardee when this subdivision was developed if it came under Lee County or Phenix City requirements. Mr. Hardee stated both Lee County and Phenix City would have looked at the plans prior to construction, but reminded them that the requirements were different at that time. Commissioner Long once again asked the Commissioners to look at the road and asked Mr. Hardee to discuss the matter with Phenix City officials and bring his findings back at the next meeting. Mr. Hardee stated his research would require more time to look into the matter and may not be ready by the next meeting. Commissioner Long agreed to bring the item back before the Commission once Mr. Hardee is able to meet with representatives from Phenix City and look into the matter further.

Commissioner Harris asked the Commission to consider helping the residents on a dirt road off Lee Road 166 in Loachapoka. Commissioner Harris stated a gentleman lived at the end of the road and he was in a wheelchair and unable to get around. Further, Commissioner Harris stated he had talked to the property owners and they were willing to donate the right-of-way to the county to make the road safe to accommodate emergency vehicles. Commissioner Harris stated something should be done for the people on the road. Commissioner Ham stated after looking at the map presented by Mr. Hardee that it appeared to be a driveway. Commissioner Harris stated that the road had not been accepted for county maintenance and stated he had talked to Mr. Hardee about the situation. Mr. Hardee stated that the road was not assigned a 911 number. Judge English stated that if there was no 911 number then it was not considered a road, but a driveway, by the E-9-1-1 board. Commissioner Harris stated the Commission needed to do something for these people who were taxpayers too. Commissioner Eckman questioned the benefit for the county to maintain the road. Commissioner Harris invited each Commissioner to take a look at the road before the next meeting.

Judge English stated the packets contained the results of the evaluations of the County Engineer Justin Hardee and County Administrator Roger Rendleman. Judge English further stated that neither Mr. Hardee nor Mr. Rendleman had been given merit raises last year as other county employees received due to the fact that their reviews had not been finished yet.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 24, 2014

Commissioner Lawrence thanked Judge English for establishing the process to evaluate the engineer and administrator in areas reflective of their work. Commissioner Lawrence made a motion to give both the engineer and administrator a 4% merit increase. The motion was seconded by Commissioner Eckman and carried unanimously.

Upon consideration of the evaluation for the county engineer, Commissioner Eckman made a motion for a five-year renewal on the engineer's contract. The motion was seconded by Commissioner Harris and carried unanimously.

Commissioner Lawrence made a motion to add an agenda item concerning expenses for the Commissioners to attend the upcoming legislative conference in Montgomery. The motion was seconded by Commissioner Long to add the item to the Agenda and unanimously carried. Next, Commissioner Lawrence made a motion to approve registration and travel expenses for each Commissioner wishing to attend the ACCA Legislative Conference next week on December 3rd and 4th in Montgomery, Alabama. The motion was seconded by Commissioner Long and unanimously carried.

Commissioner Harris questioned the legislation discussion held at the last meeting. Wendy Swann stated that she had sent each Commissioner an email asking them if they had any legislative items for consideration to present them to her before the December 8 meeting. The consensus was to meet with the members of the delegation during a "Coffee at the Courthouse" type event in January or February.

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:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 8, 2014

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 8, 2014 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Ms. Gerri Young appeared during citizen communications. Ms. Young presented a statement which included pictures of several different railroad crossings in Loachapoka. Her statement made requests for improvements at the railroad crossings mentioned in the pictures. Additionally, the statement included the following three questions: 1) what road in Loachapoka area has been paved?; 2) when will Lee Road 57 be repaved?; and 3) will there be any more dirt road paving in Lee County? Ms. Young provided the information to Mrs. Fitzgerald for the Commission files.

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) in attendance: Sheriff Jay Jones.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions and minutes of the November 24 meeting. Commissioner Long made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Ham and unanimously carried.

Judge English opened a Public Hearing at approximately 5:05 on the Solid Waste Management Plan. Judge English stated that since the Public Hearing was advertised for 4:00 p.m., due to the change in the meeting times after advertising, he and Chris Bozeman were available in the Commission chambers at the posted time to take any comments. Judge English stated that one person was in attendance. Further, Judge English recognized Mr. Dale Story and City of Auburn Representative Tim Woody who were in attendance. One citizen, Ms. Judy Lockhart, stated that she lived in Loachapoka and wanted to commend the Environmental Services Department for their upkeep of the dumpster site on Lee Road 61. Judge English thanked Ms. Lockhart for her comments. Judge English closed the Public Hearing at 5:06 p.m, since there were no additional comments. Commissioner Eckman asked Judge English to share the comments received earlier. Judge English stated that Sybil Kornman appeared and questioned if reference was in the plan for pyrolysis as an alternative. Judge English answered in the affirmative. Commissioner Lawrence questioned if pyrolysis was the only potential alternative. Judge English answered "no". Environmental Services Director Chris Bozeman thanked Mr. Dale Story for his help in putting the plan together. Judge English stated that the plan done 10 years ago had not gone as smooth as this one had. Mr. Story expressed his appreciation for the opportunity to work with Lee County and included Mr. Woody of the City of Auburn and Mr. White of the City of Opelika. Mr. Story stated he appreciated their assistance in the process. Judge English thanked Mr. Story & Mr. Woody for their service.

Commissioner Long questioned the application of Act #2005-210 and asked why there was no action by the Commission after the referendum passed. County Administrator Roger Rendleman stated that his recollection was that former Commissioner Harry Ennis pushed for the referendum and wanted to try to beef up penalties for roadside littering. Commissioner Lawrence stated he remembered that the fine for littering was set around \$250-\$300 and the Commission wanted to make the fine hefty to discourage it, but a consensus of the Commission was never reached so discussion was finally dropped.

Commissioner Long stated that he wanted it to be known for the record that an individual had called him about an incident where he threw a dead potted plant into the dumpster in front of

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a deputy and the deputy gave him a ticket and once he realized the ticket is classified as a Class C Misdemeanor, which put it on his criminal record, he was really concerned. Commissioner Long further asked that the Commission revisit the Act and take that part out where it is classified as a misdemeanor. Further, he stated he had contacted Sheriff Jones who stated that not everyone has a conviction on the record in the system. Judge English stated Commissioner Long's phone call initiated the discussion, and that Act 2005-210 authorized a referendum which (when passed) became a local Constitutional Amendment, and therefore couldn't be changed without more legislation and another vote of the citizens. Judge English questioned Sheriff Jones if a misdemeanor ticket is written for criminal littering. Sheriff Jones stated "yes" if unauthorized dumping occurs. Judge English stated that Code of Alabama section 22-27-7 is a general state law and is not something Lee County can change, nor can the Commission tell the Sheriff to stop enforcing something which is controlled by State law. Commissioner Long then questioned Sheriff Jones if he has authority to allow for a written warning on the first offense rather than issue a ticket for littering. Further, he stated he felt it was too harsh for it to be a misdemeanor. Commissioner Lawrence stated the Commission needed to develop a policy to issue a citation/monetary fine and on the second offense then have State law apply. Commissioner Lawrence questioned if the signs located at each dump site included the word "misdemeanor". Environmental Services Director Chris Bozeman stated "no" and indicated that he would need to put up a sign that directs citizens to "read the sign". Commissioner Long stated he did not believe it would help because each citizen in the area feels they are entitled to dump at the site because they live in Lee County. Commissioner Long further stated those individuals are usually Phenix City or Smiths Station residents.

Commissioner Lawrence asked if the Commission could allow currently ineligible Lee County residents to pay the county fee also and dump in the county system. Judge English stated that the Commission office had done that years ago, and it was difficult for enforcement officers to determine who had paid the additional fee if they did not pay a garbage fee on their property tax bill. He said an expensive solution which would be to hire 3-4 full-time personnel to man each site and be able to patrol them. Commissioner Lawrence stated the he has seen a system in Tennessee which has fenced areas with cameras posted to protect the sites. Mr. Bozeman stated if fences were erected tomorrow, then the problem with roadside dumping would once again become prevalent in the county, along with piles of trash in front of the gates every morning. Commissioner Long stated he was all for getting into people's pockets with a ticket, but the criminal record part was disturbing to him. Mr. Bozeman asked if he would be allowed to have time to get with the two cities and have time to try to educate the citizens in each area. Commissioner Lawrence suggested that after the first of the year he would like to set up a meeting with Tim Woody and Terry White to discuss other solutions. Judge English once again mentioned the warning ticket concept. Commissioner Eckman agreed. Sheriff Jones stated he had checked and warnings are issued sometimes and stated the software could track the warnings, if issued. Judge English suggested allowing Sheriff Jones a chance to look at software and also let the Environmental Dept. put the criminal issue on the signage at each dump site in the county. Commissioner Harris stated he liked the nature of a first warning citation, but asked that there be consistency, if this is done.

Judge English stated that the Commission has traditionally cancelled the last meeting in December and he had previously talked to the Sheriff, the Administrator, the Engineer and the Environmental Services Director who all indicated they had no items pressing for a last December meeting. Commissioner Lawrence questioned Mr. Rendleman concerning bill paying. Mr. Rendleman stated the current process could be followed for any pressing items. Upon this answer, Commissioner Lawrence made a motion to cancel the 2nd December meeting. The motion was seconded by Commissioner Harris and carried unanimously.

County Engineer Justin Hardee presented the Federal Aid Agreement for the bridge replacement on Lee Road 10. Mr. Hardee stated these are ATRIP funds with the standard 80/20 match. Commissioner Long questioned Mr. Hardee on the total mileage of the detour.

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Mr. Hardee stated approximately 15.7 miles for normal vehicles. Mr. Hardee stated that truck traffic would be posted to travel up Society Hill Road all the way to Gateway Drive to avoid sending them into Auburn residential streets. Commissioner Harris made a motion to approve the following Resolution and authorize Judge English to sign the necessary paperwork. The motion was seconded by Commissioner Lawrence and carried unanimously.

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

The construction of a 115' span AASHTO Girder Replacement Bridge on CR-10 over Chewacla Creek. BIN#005202. Length – 0.021 miles.
Project# ACBR61143-ATRP(008); LCP#41-133-13;ATRP#41-05-36

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

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

Mr. Hardee discussed the status of Bid #1 for a forklift. Mr. Hardee stated out of 6 invitations to bid mailed, only one response was received, and it was a “no bid”. Mr. Hardee stated after talking with potential bidders the Thanksgiving holiday was the main reason no one bid, not the bid specifications. Therefore, Mr. Hardee stated the Highway Department wishes to rebid the item.

Before adjourning into a work session on roads, Commissioner Harris recognized several in attendance concerning a water situation. Linda Gaston of Lee Road 159 stated that her mother, her sister and her brother all were trying to get water in their area, but had been unable to do so. Commissioner Harris stated he would like the Commission to authorize for him to get with Lee-Russell Council of Governments to apply for a grant for the situation. Commissioner Ham questioned which water system it was. Commissioner Harris answered Beauregard Water Authority. Commissioner Harris stated, “they don’t know how to apply for a grant, they don’t know the process.” Commissioner Ham suggested he get with Mr. Harry Lazenby about the situation. Commissioner Lawrence suggested Commissioner Harris get with Beauregard Water to let them know if a grant is possible for their situation, and that a match may be required. Commissioner Harris again suggested the Commission allow him to work with Lee-Russell Council of Governments to look at possible grants and present the information to the water authority. No action was taken by the Commission.

At approximately 6:10 p.m., Commissioner Lawrence made a motion to adjourn into the work session on roads. The motion was seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

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Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5