

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 11, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 11, 2016 at 5:00 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 Loachapoka Mayor Jim Grout. News media in attendance: Opelika Observer reporter Fred Woods and Opelika-Auburn News reporter Sara Falligant.

Judge English welcomed Troop #356 of Beauregard. Those in attendance included: Leaders Bill Meadows, Tamara Meadows, Trisha Woods, and Scouts Jason Woods, Michael Newman, Cole Gilmer, Charles Gilmer, Brandon Parker, Michael Morgan, Dakota Knowles, Benjamin Meadows and Jacob Meadows. Bill Meadows stated the Scouts were in attendance for either: 1) the citizenship merit badge or citizenship of community; or 2) the communication merit badge. Commissioner Lawrence questioned if any of them were working towards their Eagle Scout. Mr. Meadows stated they currently have five working toward their Eagle Scout. Judge English thanked them for their attendance.

Judge English recognized Meredith Davis who is a member of the 2015-2016 Class of "20 under 40" Program under the direction of the Opelika Chamber of Commerce. Judge English thanked her for her attendance.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, Procurement Card transactions from December, an updated listing of claims for payment and minutes of the December 14 meeting. Commissioner Ham made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Harris and carried on a vote of 4-0-1, with Commissioner Long abstaining.

Commissioner Harris questioned the reason his agenda request concerning giving the Commissioners an update on a thing he is working on was left off the Agenda. Judge English stated the item would have been added if there had been enough information included in his email to identify the subject. Commissioner Harris stated he would have presented additional information if it had been requested, but he had not been contacted to provide it. Commissioner Harris stated that he was currently working on forming a partnership with the City of Opelika and Jimmy Wright. Commissioner Harris explained that the City of Opelika donated 10 lots of which five are located in Ward 1 and five are located in Ward 2. Additionally, Commissioner Harris stated there will be a community garden near the lots. Next, Commissioner Harris mentioned that he had gotten the voter stuff straightened out. As he mentioned at a previous meeting, there are 27,500 Auburn University students and only 4,000 are registered to vote in Lee County. Commissioner Lawrence stated that is because most are registered in their home county, not Lee County. Commissioner Harris stated that it is because no one has been willing to work with the students to let them know that they can register in Lee County and stated he is willing to work with the students. Further, Commissioner Harris stated he has been talking to Senator Whatley about registering the students and stated Senator Whatley is willing to support his efforts. Next, Commissioner Harris discussed setting a work session to discuss funding for road paving and for fixing drainage issues. Commissioner Harris stated he works as a consultant with other counties and they have been able to come up with innovative ways to address these needs. Commissioner Lawrence questioned which counties he is helping. Commissioner Harris stated Columbus, Mississippi, by working with a solar farm and other things such as green energy. Commissioner Ham asked Commissioner Harris to attend the upcoming ACCA District

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 11, 2016

Meeting before setting a work session to look at what the ACCA is trying to do and to support their efforts. Commissioner Harris agreed to support the ACCA and attend the District Meeting and further agreed to wait until the first meeting in February to discuss setting a work session.

County Administrator Roger Rendleman stated that the Public Building Authority had not been active since 2006 when they were activated to issue bonds for the construction of the Department of Human Resources building. Mr. Rendleman explained that the access road that is being constructed by the City of Opelika crosses the DHR property and therefore will need the Public Building Authority's approval. Therefore the Commission needs to appoint three members who are citizens of Lee County. Judge English stated the last time the members were appointed they were comprised of the following: one member from Opelika; one member from Auburn; and one member from Smiths Station. Commissioners Ham and Harris stated they each had a person willing to serve on the authority.

Environmental Services Director Chris Bozeman presented an Equipment Agreement with the City of Opelika for three recycling trailers valued at \$15,000 each. Mr. Bozeman stated the cost to the county is zero and is a great deal. Commissioner Lawrence made a motion to authorize Judge English to sign the agreement as presented. The motion was seconded by Commissioner Eckman and unanimously carried.

PERSONAL PROPERTY LEASE AGREEMENT

THIS PERSONAL PROPERTY LEASE AGREEMENT (hereinafter the "Agreement") is made the 11th day of January, 2016, by and between the City of Opelika, Alabama, a municipal corporation (hereinafter referred to as the "LESSOR") and Lee County, Alabama, a political subdivision of the State of Alabama (hereinafter referred to as the "LESSEE").

For and in consideration of the terms, conditions and mutual covenants contained herein and other good and valuable consideration received by each party the sufficiency of which are hereby acknowledged, the LESSOR and LESSEE agree as follows:

1. Leased Personal Property. LESSOR hereby leases to LESSEE and LESSEE hereby leases from LESSOR the following described tangible personal property (the "Leased Property"):

- (a) One (1) Pro-Trailer 10-Bin Recycling Trailer,
VIN: 1P9RB2626AA371171 Opelika ID #87002665
- (b) One (1) Pro-Trailer 10-Bin Recycling Trailer,
VIN: 1P9RB2421DA277464 Opelika ID #87002821
- (c) One (1) Pro-Trailer 10-Bin Recycling Trailer,
VIN: 1P9RB2423DA277465 Opelika ID #87002822

2. Term and Termination.

(a) The term of this Agreement shall be for a term of three (3) years, beginning January 1, 2016 and ending on December 31, 2018.

(b) Either party may terminate this Agreement without cause by giving thirty (30) days written notice to the other party. The parties shall deal with each other in good faith during the thirty-day period after which such notice has been given. Upon any such early termination, LESSEE will relinquish possession of the Leased Property to LESSOR.

3. Rent. The Leased Property is leased to LESSEE as an accommodation and shall be rent free.

4. Use. LESSEE will exercise due care in the use, operation and maintenance of the Leased Property and will not use, operate or maintain the Leased Property improperly, carelessly, in violation of any applicable law or for any purpose or any manner contrary to that contemplated by this Agreement.

5. Maintenance. LESSEE shall provide for the service, repair and maintenance of the Leased Property, at its own expense, so as to keep the Leased Property in as good condition, repair, appearance and working order as when delivered to LESSEE hereunder, ordinary wear and tear expected. LESSEE shall, at its own expense, replace any and all parts and devices

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 11, 2016

which may from time to time become worn out, lost, stolen, destroyed, damaged beyond repair or rendered unfit for use for any reason whatsoever.

6. Damage to or Destruction of Leased Property. LESSEE shall be responsible for any loss of the Leased Property from any cause whatsoever, whether or not insured, from the effective date of this Agreement. If the Leased Property is lost, stolen or damaged, LESSEE will promptly notify LESSOR of such event. In no event shall such loss or damage relieve LESSEE of its obligations under this Agreement. In the event of such loss or damage, LESSEE at its option shall:

- (a) Promptly repair the Leased Property to return it to good working order; or
- (b) Replace the Leased Property with like property, in good condition and working order, free and clear of all liens and encumbrances; or
- (c) Pay LESSOR the replacement value of the Leased Property.

7. Indemnity. To the fullest extent permitted by law, LESSEE shall and does hereby agree to indemnify, protect, defend and hold harmless LESSOR and its officers, elected officials, employees, representatives and agents from and against all damages, losses, liens, causes of action, suits, judgments, expenses (including reasonable attorney's fees) and other claims of any nature, kind or description by any person or entity, arising out of, caused by, or resulting from LESSEE's use, possession, maintenance and operation of the Leased Property.

8. Ownership. The Leased Property is and shall remain the exclusive property of LESSOR.

9. Liens and Encumbrances. LESSOR shall keep the Leased Property free and clear of any liens or other encumbrances and shall not permit any act where LESSOR's title or rights may be negatively affected. LESSEE shall be responsible for complying with and conforming to all laws and regulations relating to the possession, use or maintenance of the Leased Property.

10. Surrender. Upon the expiration or earlier termination of this Agreement, LESSEE shall return the Leased Property to LESSOR in good repair, condition and equal working order as was received, with exception of ordinary wear and tear resulting from proper use thereof, by delivering the Leased Property at LESSEE's cost and expense to such place as LESSOR shall specify within the incorporated area of the City of Opelika.

11. Assignment. Neither this Agreement nor LESSEE's rights hereunder are assignable except with LESSOR's prior, written consent.

12. Binding Effect. The covenants and conditions contained in this Agreement shall apply to and bind the parties and their successors and permitted assigns of the parties.

13. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama.

14. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any prior understandings or representations of any kind preceding the date of this Agreement. There are no promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Agreement. This Agreement may be modified in writing and must be signed by both LESSOR and LESSEE.

15. Cumulative Rights. LESSOR's and LESSEE's rights under this Agreement are cumulative, and shall not be construed as exclusive of each other unless otherwise required by law.

16. Waiver. The failure of either party to enforce any provisions of this Agreement shall not be deemed a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

County Engineer Justin Hardee and EMA Director Kathy Carson presented a PowerPoint presentation showing the effects of the December floods in the county to the transportation infrastructure and the community. Mr. Hardee stated that ten Highway Department employees worked 9-15 hours on Christmas Eve and six employees worked 5-8 hours on Christmas Day putting up barricades to close roads and delivering dirt to several locations where the rains had washed out drainage pipes and/or entire roadways. Ms. Carson stated that between 10"-12" of rainfall fell over a two-day period in many areas of the county. Ms. Carson commended Mr. Hardee and his entire department for their dedication and working during this time. The entire Commission thanked both Mr. Hardee and Ms. Carson for keeping them informed during the

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 11, 2016

entire time. Mr. Hardee especially wished to recognize Engineer Technician Dale Luck for putting out barricades/flashing lights during the two-day weather event. Further, Mr. Hardee stated that even though Lee County was hit hard with 7 closures, Macon County had 23 roads and bridges that were completely washed out during the rain event. He also reported that only 3 were still closed in Lee County, Lee Roads 001, 182 & 188. He informed the Commission that the materials have been ordered and equipment is already on-site for those repairs, and they hope to have them open soon.

At approximately 6:00 p.m., Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Ham and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 25, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, January 25, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

Mr. Peter Byrd appeared during citizens communications concerning being on the Agenda on February 29. Commissioner Lawrence stated he had received an email and had sent it through the proper channel for the item to be placed on the agenda as requested by Mr. Byrd.

Rev. Perry of New Hope Church in Salem presented several pictures of the condition of Lee Road 749 and questioned how soon the road could be made presentable. Rev. Perry stated the gas company indicated they were unable to work on the Church because of the road conditions. Commissioner Harris requested that Rev. Perry bring the item before the Commission at its next meeting on February 8.

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. News media in attendance: Opelika Observer reporter Fred Woods and Opelika-Auburn News reporter Sara Falligant.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and minutes of the January 11 meeting. Commissioner Long made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Ham and carried unanimously.

Judge English mentioned that a Citizen Interest form for Randy Price had been placed on the Commissioners' desks prior to the meeting. After review, Commissioner Long made a motion to appoint Randy Price and Adam Littleton to the Public Building Authority. The motion was seconded by Commissioner Ham. The motion passed unanimously. Further, Judge English mentioned that representatives from the city were in attendance and that they need the Public Building Authority to take action as soon as possible on the new Justice Center intersection.

Mr. Vance Rutherford addressed the resurfacing project on Lee Road 54 and questioned if there was a problem with the paving design since the project had been stopped. Commissioner Harris stated he had talked to County Engineer Justin Hardee and deferred comments to Mr. Hardee. Mr. Hardee stated that the project is an ALDOT ATRIP Project with an 80/20 match. Mr. Hardee stated the project had been underway when issues had come up. Mr. Hardee stated a meeting with the contractor, ALDOT and Lee County had been held to discuss how to move forward. Mr. Hardee stated that once construction resumes the project should take about three weeks to complete. Mr. Rutherford questioned if the asphalt had been approved. Mr. Hardee answered in the affirmative. Then Mr. Rutherford questioned if there had been a change in the contract price. Mr. Hardee stated that discussions were currently being held on that issue. Commissioner Ham then asked Mr. Rutherford for his contact information and stated he would update Mr. Rutherford once he receives updates from Mr. Hardee.

Next, Mr. Stan Thomas and approximately 12 residents were in attendance concerning the condition of Lee Road 250. Mr. Thomas stated that safety was an issue since cars, trucks and school buses were riding down the middle of the road to dodge all the potholes in the road. Mr. Thomas presented the Commission pictures of the condition of the road. Further, Mr. Thomas stated he had contacted Highway Administrator Debra Brooks about the situation on

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 25, 2016

Lee Road 250. Next, Casey Fox discussed the issue of the road on the south side of US 280 and the traffic from Lee Road 179. Mr. Fox stated that the road is in terrible condition and stated that the county fills the pot holes, but once it rains the material is washed out. Judge English questioned Mr. Hardee about the road. Mr. Hardee stated that even before the storms at Christmas, Lee Road 250 has been bad for some time. Mr. Hardee further discussed the road grading system and stated the traffic count is approximately 1,900 vehicles per day north of US 280. Mr. Hardee stated that Lee Road 250 is the worst road on the list that does not already have funds earmarked. He then explained the process for allocating local or county funding for resurfacing every year. Mr. Hardee explained that a 1.3 mile portion of Lee Road 250 going north from US 280 and the entire 0.8 mile portion south of US 280 are scheduled to be resurfaced in late spring or early summer. Commissioner Ham questioned if the roadwork would be done by full-depth reclamation. Mr. Hardee answered in the affirmative. Mr. Hardee stated the potholes would be addressed as soon as possible.

Next, Commissioner Harris recognized Pastor Vaughn concerning the condition of Lee Road 665. Pastor Vaughn said Lee Rd 665 had not been scraped since before Christmas, and questioned the road equipment that sits on the side of the roadway. Mr. Hardee stated that the equipment is sitting because his employee that uses that piece of equipment is on the other side of the county running a similar piece of equipment. Pastor Vaughn stated that since the flooding no one has been out to look at the road issue. Commissioner Harris stated he had talked to Mr. Hardee about the issue with the equipment and stated it was the Commission's responsibility to give the engineer the tools and employees to run his department effectively.

Pastor Anthony Shealey gave a PowerPoint presentation on the Loachapoka Family Enrichment Center. Pastor Shealey asked the Commission to consider funding \$22,922 for the following short-range goals to enrich the youth in the Loachapoka area. Pastor Shealey stated these goals are: 1) Creating Minds computer lab-\$18,097; 2) Youth Leadership Academy-\$2,010; 3) Basketball and Mentoring Program-\$2,815. In the presentation, Pastor Shealey shared the future of the Loachapoka Family Enrichment Center. Pastor Shealey stated their long-range goals are to build a New Life Center, at an approximate cost of \$830,469, and would like some Commission support on that as well. Commissioner Harris stated since he represented this district along with Commissioner Eckman he would like the Commission to be consistent in funding like they have been in other areas of the county. Commissioner Lawrence reminded Commissioner Harris that in some areas grant funds have been used and he would ask that grants for senior centers be looked into for this area. Commissioner Eckman stated that a study session may be necessary to determine what the Commission can do in this situation since it has a religious component to it. Pastor Shealey stated that the building is owned by the Church, but that the church loans space to the Family Enrichment Center, which is a separate entity from the Church. Commissioner Lawrence thanked Pastor Shealey for his presentation.

Commissioner Lawrence stated that since the ACCA was asking for Commission support for legislation such as the fuel tax, he would ask the Commission to approve travel to support their efforts and also to approve travel to any ACCA conferences in Alabama this year. Commissioner Lawrence made a motion to approve travel for local legislation and upcoming ACCA Conferences for any members of the commission wishing to attend. The motion was seconded by Commissioner Harris and carried unanimously.

Sheriff Jones presented a retail beer/retail table wine license application for Dollar General 16260 located on Lee Road 240 in District 3. Sheriff Jones stated that no objections had been noted on the proposed issuance of this license. Commissioner Long made a motion to approve the following Resolution. The motion was seconded by Commissioner Ham. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 25, 2016

BE IT RESOLVED, the Lee County Commission does hereby approve the retail beer/retail table wine license application for **Dollar General Store 16260** located at 7333 Lee Road 240, Phenix City, AL.

County Administrator Roger Rendleman noted that the educational reimbursement requests presented had been approved by the appointing authorities and satisfied the requirements for preapproval for EMA Planner Rita Smith and Administrative Assistant Monica Holloway. Commissioner Lawrence made a motion to approve the educational reimbursement requests as presented. The motion was seconded by Commissioner Ham and the motion carried unanimously.

Mr. Hardee and IT Director Tim Parson asked the Commission to approve three job classifications. The three positions are: 1) a GIS Coordinator for the IT Department; 2) a GIS Analyst for the Engineering Department; and 3) a Herbicide Applicator for the Highway Department. Mr. Parson stated that the two GIS positions; one for the IT Department and one for the Engineering Department, will allow county departments to manage and share data. Mr. Hardee stated the herbicide applicator classification for the Highway Department is necessary due to the complexity and the hazardous nature of the chemicals being used in the herbicide program. Commissioner Lawrence made a motion, seconded by Commissioner Ham to approve the three job classifications as presented. The motion carried unanimously.

Chief Building Official Joel Hubbard presented the following agreement and Resolution for consideration to authorize the county to perform building inspection services within the town limits of Loachapoka. Commissioner Eckman made a motion, seconded by Commissioner Harris to approve the resolution and authorize the Chairman to execute the agreement as presented. The motion carried unanimously.

RESOLUTION

WHEREAS, the public health, safety and general welfare of the citizens of Lee County are served by having uniform building and safety codes, and

WHEREAS, the Lee County Commission has adopted such building codes and promulgated other rules, regulations, policies, and procedures; and

WHEREAS, the Lee County Commission has established a Building Inspections Department to enforce the building codes and carry out the related policies in all unincorporated areas of the County and in those parts of the County lying within the corporate limits of municipalities which have not adopted and are not enforcing municipal building codes, when a request, in the form of a resolution is sent to the Lee County Commission by the governing body of such municipality; and

WHEREAS, the Town Council of the Town of Loachapoka has submitted to the Lee County Commission such a resolution requesting services.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission that the Lee County Building Inspections Department is authorized to provide inspection services within the town limits of the Town of Loachapoka in accordance with the Department's Enabling Act; and

BE IT FURTHER RESOLVED, that said services shall be effective on the date that an Agreement for services is signed by Mayor James Grout and Lee County Commission Chairman Bill English.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 25, 2016

AGREEMENT FOR SERVICES

**STATE OF ALABAMA LEE
COUNTY**

WITNESSETH, this Agreement entered into this 25th day of January, 2016, by and between Lee County, Alabama (hereinafter referred to as "County") and the Town of Loachapoka, Alabama, a municipal corporation (hereinafter referred to as "Municipality") (collectively, County and Municipality are hereinafter referred to as the "Parties"):

RECITALS

WHEREAS, County has adopted the International Code Council (ICC) International Building Code and International Residential Code and companion codes on plumbing, gas, and mechanical, all produced and promulgated by the International Code Council and the National Electrical Code (NEC) of the National Fire Protection Association, all pursuant to ALABAMA CODE § 41-9-166 (1975), and

WHEREAS, Municipality has adopted a Resolution on the 1st day of December, 2015 (a copy of which is attached hereto as "Exhibit A"), requesting County to apply and enforce building codes within the municipal limits of the Municipality;

WHEREAS, Mayor James Grout of Municipality has been duly authorized and empowered to bind Municipality to the terms of this Agreement;

WHEREAS, County has adopted Resolution #2016-0125 on the 25th day of January 2016 (a copy of which is attached hereto as "Exhibit B"), authorizing the Lee County Building Inspections Department to provide inspection services to Municipality;

WHEREAS, Chairman Bill English of the Lee County Commission has been duly authorized and empowered to bind County to the terms of this Agreement;

NOW, THEREFORE, in consideration of the above premises and the mutual covenants and agreements contained herein, the parties do hereby agree, covenant, and contract as follows for each of the services so indicated below:

ARTICLE 1- INSPECTION SERVICES

1.1 The International Building Code, International Residential Code, and companion codes on plumbing, gas, and mechanical, all as produced by the International Code Council, and the National Electrical Code of the National Fire Protection Association, together with all applicable administrative regulations and supplemental codes heretofore and hereafter adopted by the County, are hereby made applicable and shall apply to all land located within the municipal limits of the Municipality.

1.2 Municipality shall, within thirty (30) days of the effective date of the Agreement, adopt the International Building Code, International Residential Code and companion codes on plumbing, gas, and mechanical produced and promulgated by the International Code Council (ICC) and the National Electrical Code (NEC) of the National Fire Protection Association and any subsequent amendments, changes, or upgrades thereto which are adopted and approved by the Lee County Commission for use in the unincorporated areas of the County. In the event the Lee County Commission shall in the future adopt for use in the unincorporated areas of the County updated editions of the building, construction, and related codes known collectively as the International Codes, promulgated and published by the International Code Council (ICC) and the National Electrical Codes, then and in that event Municipality shall, within thirty (30) days of receiving written notice that the Lee County Commission has adopted updated editions of

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 25, 2016

building, construction, and related codes, adopt said updated codes for application within the municipal limits of said Municipality.

1.3 Building and/or construction projects lying within the municipal limits of Municipality shall be assessed and charged a permit fee equal to the fee schedule (attached hereto as "Exhibit C") adopted by the Lee County Commission in Resolution 2016-0125 on January 25, 2016. Permit fees shall be collected and retained by the Lee County Building Inspections Department to offset the cost of providing services within the Municipality. Municipality acknowledges and expressly agrees that County shall have the authority to alter and adjust its fee schedule during the life of this Agreement, and any such alteration or adjustment to the County's fee schedule will be automatically incorporated into this Agreement. Fees collected by the Municipality related to zoning, planning, or other special fees shall be retained by the Municipality.

ARTICLE 2 -ADMINISTRATION

2.1 The initial term of this Agreement shall be two (2) years, with one (1) year automatic renewals unless one party requests termination by giving written notice to the other party at least ninety (90) days before the date of the automatic renewal. The effective date of the Agreement shall be the date that the Agreement is signed by Mayor Grout and Chairman English. County shall have no duty to perform under this Agreement until the Municipality performs its duties under Paragraph 1.2 of this Agreement.

2.2 County and Lee County Building Inspections Department are hereby authorized and empowered to do all which is necessary to enforce the regulations referenced in this Agreement, including, but not limited to, pursuing legal, equitable, and/or injunctive relief.

2.3 County and its agents, servants, or employees shall not be liable for damages to any person, firm, corporation, or other entity, including governmental entities, arising out of a defect or an alleged defect, negligence, alleged negligence, or failure to inspect or adequately inspect any improvement or building on any property or structure inspected pursuant to the provision of this Agreement or for any other violation or alleged violation of any of the terms or provisions hereof. Nothing contained in this Agreement shall create any rights in favor of any third person, firm, corporation, entity, or individual, and no terms, provisions, or conditions hereof may be enforced against County or Municipality by any such other person, firm, or entity other than the Parties actually entering into this Agreement.

2.4 Municipality shall, within thirty (30) days of the effective date of this Agreement, adopt ordinances and such resolutions as are necessary and/or constructive to executing and enforcing the terms, provisions, and conditions of this Agreement. Municipality shall, within thirty (30) days after receiving written notice from County of the necessity of additional legislation to facilitate the execution and enforcement of the terms, provisions, and conditions of this Agreement, also adopt ordinances and such resolutions which become necessary and/or constructive to executing and enforcing the terms, provisions, and conditions of this Agreement at any point in the future.

2.5 Any and all legal expenses, costs of defense, settlements, and/or payments of Judgments or claims incurred or suffered by County in the course of applying, enforcing, or otherwise administering the requested services within the Municipality shall be the responsibility of and be borne by the Municipality. Any such expenses, costs, or payments incurred by County shall be reimbursed within thirty (30) days of Municipality receiving written request from County. Municipality, thus, agrees to fully defend, indemnify, and hold County harmless from any and all claims of any sort arising out of or

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 25, 2016

related to County providing inspection services pursuant to this Agreement.

2.6 County shall supply the necessary forms and provide procedural guidance to Municipality personnel for purposes contemplated by this Agreement.

ARTICLE 3 -MISCELLANEOUS

3.1 Municipality shall at its sole cost and expense obtain liability insurance which shall provide liability insurance to County, Lee County Building Inspections Department, the Lee County Commission, and any County's Commissioners, officials, agents, servants, employees, or other representatives in connection with County's inspection services to Municipality as set forth in this Agreement. If Municipality has such liability insurance in place insuring Municipality, Municipality shall have County, Lee County Building Inspections Department, the Lee County Commission, and any of County's Commissioners, officials, agents, servants, employees, or other representatives added as additional named insureds under said policy . Said liability insurance shall be in an amount not less than \$1,000,000.00 (one million dollars), and Municipality shall provide County with a Certificate of Insurance signed by the authorized representative of the insurer evidencing the insurance required by this Agreement.

3.2 Any written notice or written request required by this Agreement shall be sent by certified mail, returned receipt requested, or by hand delivery to the following addresses: Lee County, Alabama c/o Lee County Building Inspections Department, Post Office Box 362, Opelika, Alabama 36803 and Town of Loachapoka, Alabama, Post Office Box 10, Loachapoka, Alabama 36865.

3.3 The Parties hereto agree that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be applied in the construction or interpretation of this Agreement.

3.4 This Agreement is the entire agreement between the parties and supersedes all earlier and simultaneous agreements regarding this subject matter. This Agreement may be amended only in a written document, signed by both Parties.

The Parties have caused this Agreement to be executed for them and on their behalf on the date first given above.

At approximately 6:35 p.m., Commissioner Ham made a motion to adjourn. The motion was seconded by Commissioner Harris and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 8, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 8, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Harris.

Mr. Peter Byrd appeared during citizens' communications concerning public records he requested and stated he hoped to receive them before the next meeting since he is scheduled to be on the Agenda concerning Lee Road 106 once again. Judge English confirmed that the request had been received and has been given to the appropriate department.

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: Revenue Commissioner Oline Price and Loachapoka Mayor Jim Grout. News media in attendance: Opelika Observer reporter Fred Woods and Opelika-Auburn News reporter Sara Falligant.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from January and minutes of the January 25 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Long and carried unanimously.

Rev. Perry of New Hope CME Church appeared before the Commission to further discuss the closing of the railroad crossing on Lee Road 749 near the Church. Rev. Perry stated that the crossing was their only access to the Church and stated the Church had been in existence at that location for nearly 130 years. Rev. Perry stated to his knowledge no accidents had occurred at that crossing in over 50 years. Rev. Perry further stated he had not been notified that the crossing was closing and stated his concern was if fire trucks and/or emergency personnel would travel down Lee Road 749, if necessary. Rev. Perry stated that tree limbs were hanging over the roadway which made it unsafe to travel. Presiding Elder James Q. Smith representing the Church voiced his concern especially since no one had received notice prior to the closing of the railroad crossing, especially since the Church has been in existence for almost 130 years in that same location. Elder Smith suggested that a notice should have been placed at the Church, and was upset that nothing had been done. Further, he questioned what plans the county had for the road and whether it would be paved or not. Elder Smith stated that the Church plays a vital role in the community and stated it provides bible study, Church services on Sunday and funeral services when necessary. He stated the members must travel up and down a dirt road which has no proper drainage; having to dodge potholes; and having to avoid the limbs hanging over the roadway. Commissioner Ham stated he would take responsibility for not placing a notice on the Church. Commissioner Ham stated he knocked on a number of homes in the area and no one objected to closing the railroad crossing at that location. He further stated he worked with Commissioner Long in providing a safe crossing near the Smiths Station High School for young, inexperienced drivers who would be traveling near the school on a daily basis. Commissioner Ham stated he had worked three years on this project and stated the railroad, in exchange for protecting the crossing near the school, wanted a trade-off by closing a number of dangerous crossings which included this particular one. Elder Smith questioned why in three years someone had not notified the Church of their intent to close the railroad crossing. Commissioner Long injected that the project had been in the works for over three years, but the inclusion of this particular crossing had only been involved for maybe a year. Elder Smith then added if they even thought how the closing of the crossing may affect the members of the Church. Commissioner Ham stated that he was not even sure the Church was still open. Rev. Perry questioned why Commissioner Ham didn't find out whether or not it was open and stated it would be easy to find out. Commissioner Ham then stated hindsight is 20/20. Rev. Perry then questioned County Engineer Justin Hardee concerning the road and asked if two cars would be

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 8, 2016

able to pass and if there the drainage could be addressed. Mr. Hardee stated that they would use the prescriptive right-of-way to improve the road and ditches within it, but he would be unable to commit that two cars would be able to pass in some sections. Then Rev. Perry questioned if the road would be safe enough for emergency vehicles including fire trucks. Mr. Hardee answered in the affirmative. Ms. Christine _____ questioned why the Commission had not made any consideration for the Church before closing the railroad crossing. Ms. Smith stated that the Church members had to go 5-10 minutes around a dirt road not easily traveled. Further, Ms. Smith stated that if it had been a white Church further down the road then this would not have happened to them. Commissioner Harris interjected that he hoped the Commission would work with the Church on this roadway. Further, Commissioner Harris stated he would work on obtaining the necessary right-of-way on the road so that two cars would be able to travel it. Elder Smith spoke once again asking the Commission to come up with a plan and a solution to this problem. He further stated the problem is not going away. Further, he stated he appreciated the opportunity to speak with the Commission and stated he would keep them all in his prayers. Commissioner Ham told Elder Smith he would work with him.

Mr. Alvin Huston was not in attendance on the Agenda item about litter on Lee Road 146. Judge English asked Environmental Services Director Chris Bozeman to address it. Mr. Bozeman stated that according to his records the litter on this road had been picked up about five times last year, and stated the average is about once a quarter or four times a year. Commissioner Lawrence stated that within 24 hours of picking up the litter in this area it normally looks no different because of it being a heavily travelled county road. Commissioner Ham concurred.

Beulah Utilities District Director Lamar Sims was in attendance to present the following Resolution for Commission consideration. Mr. Sims explained that the directors pay had increased but they had not documented it and stated the Resolution would correct it. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Long and carried unanimously.

RESOLUTION

BE IT RESOLVED by the Lee County Commission that, in addition to the reimbursement of expenses as required by Alabama Code §11-89-6, the compensation for the Board of Directors of the Beulah Utilities District be set as follows:

- | | |
|-----------|---|
| Directors | \$125 per regular monthly meeting attended and \$25 for any additional meetings attended. |
| Chairman | \$175 per regular monthly meeting attended and \$25 for any additional meeting attended. |

County Engineer Justin Hardee presented a request for assistance for Loachapoka School in the repair of a gravel drive that leads up to the softball fields. Mr. Hardee reported that the Highway Department had looked at the gravel drive and determined that the drive will need a few loads of material and should not take half a crew more than a day or so to assist the school with the request. Commissioner Lawrence asked if the property was school-owned, and Mr. Hardee replied it was. Commissioner Ham made a motion to allow the Highway Department to make the necessary repairs to the gravel drive as described by Mr. Hardee. The motion was seconded by Commissioner Harris and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 8, 2016

Revenue Commissioner Oline Price presented three service agreements for Commission consideration. First, Mrs. Price asked the Commission to consider entering into a two-part contract with a private investigation firm to provide manufactured home registration inspection and secure logistics services. Mrs. Price noted that the number of citations issued have decreased by 60% in the last 5 years indicating a need for more professional, regularly scheduled inspections. Additionally, Mrs. Price asked the Commission to allow her to contract with a licensed, insured private investigation firm to inspect manufactured homes for registration/assessment decals in 148 identified manufactured home parks in Lee County as well as newly set-up and established manufactured homes located in non-park sites. Mrs. Price stated that a monthly fee of \$1,500 will be paid from the MH Trust Fund and once fees are collected the money will be deposited back into the MH Trust fund. Further, Mrs. Price stated not only is revenue being lost on manufactured home fees but other areas are affected like garbage fees and volunteer fire department fees. Commissioner Ham made a motion to authorize Mrs. Price to enter into the two agreements as presented. The motion was seconded by Commissioner Harris and unanimously carried.

Next, Mrs. Price asked Commission approval to enter into contract with a private service to collect checks returned by the bank for non-payment. Mrs. Price stated this contract will replace the existing contract with a \$100 reduction in monthly cost to the county. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to authorize Mrs. Price to enter into a contract with a private collection service for returned checks. The motion carried unanimously.

County Engineer Justin Hardee presented an agreement for outside construction engineering and inspection services on various ATRIP projects. Mr. Hardee stated that the Highway Department had been working diligently to schedule the ATRIP and Federal Aid projects so that the department can manage the construction engineering and inspection themselves, but due to delays of construction, seasonal limitations and outside decisions of others, projects are beginning to overlap one another; therefore, there is a need to outsource the services. Mr. Hardee requested the Commission authorize the Chairman execute an agreement for construction engineering and inspection once County Attorney Stan Martin has had an opportunity to review and approve the agreement. Commissioner Ham made a motion, seconded by Commissioner Harris to authorize the Chairman to execute the agreement once reviewed and approved by Mr. Martin. The motion carried unanimously.

Major Jeff Pitts reported on Bid #4 for uniform dry cleaning and stated only one bid had been received from Fifth Avenue Cleaners. Major Pitts noted that the Sheriff's Office had been pleased with the service they provided and would recommend that the Commission approve the bid. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Harris to award Bid #4 for uniform dry cleaning to Fifth Avenue Cleaners. The motion carried unanimously.

Major Jeff Pitts noted that Sheriff Jones had no objections to the issuance of the restaurant retail liquor license for Pizza D located in District 4. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED the Lee County Commission hereby approves the restaurant retail liquor license application for **Pizza D** located at 8018A Lee Road 379, Salem, Alabama.

At approximately 6:10 p.m. County Attorney Stan Martin stated the Commission needed to go into executive session concerning a potential real estate transaction. Mr. Martin stated the following needed to attend: County Engineer Justin Hardee, Environmental Services Director

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 8, 2016

Chris Bozeman, County Administrator Roger Rendleman and Chief Appraiser Richie LaGrand. Further, Mr. Martin indicated that it would last approximately 30 minutes and official action by the Commission may be necessary at the conclusion of the executive session. Commissioner Ham made a motion to go into executive session. The motion was seconded by Commissioner Lawrence and carried unanimously.

Upon reconvening at approximately 6:30 p.m., Commissioner Lawrence made a motion to authorize Mr. Hardee to enter into a potential real estate transaction not to exceed a maximum dollar amount discussed in executive session. The motion was seconded by Commissioner Eckman and carried unanimously.

At approximately 6:32 p.m., Commissioner Lawrence made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 29, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, February 29, 2016 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, Loachapoka Mayor Jim Grout and Councilman Zack Holmes, and Opelika Councilperson Patsy Jones. News media in attendance: Opelika Observer reporter Fred Woods and Opelika-Auburn News reporter Sara Falligant.

Ms. Elaine Burton gave a PowerPoint presentation on Black History Month. Ms. Burton thanked the Commission for letting her make the presentation. Ms. Burton's presentation gave an overview of the prominent black men of the Opelika community including: Dr. John Wesley Darden-known as "The Good Doctor"; Dr. W. F. Clark-Dentist for over 50 years; Ghee H. Stitt-established the Rock-Ola music system; William Harper-business owner and civic leader; Mr. Hardin Jackson-well-known tailor, business owner and civic leader. The Commission thanked Ms. Burton for her presentation.

Environmental Services Director Chris Bozeman introduced Girl Scout Mary Margaret who is working on her Bronze Award. Mr. Bozeman stated that she has chosen a community service project at the Loachapoka disposal site near Loachapoka High School. Mr. Bozeman shared that the Girl Scouts' project includes: painting the curbing yellow; planting azaleas; and picking-up trash around the site. Mr. Bozeman further stated that the Scouts would be under adult supervision and would follow safety precautions by wearing safety vests while working on the community service project. The Troop Leader stated there were a total of 45 members but only 6-7 junior members ranging in age from 10-11 would be participating in this project. Further, Mr. Bozeman stated the target completion date is April 22.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and minutes of the February 8 meeting. Commissioner Long made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Harris and carried unanimously.

County Administrator Roger Rendleman stated that since first reading of two members had been made to the Lee County Public Building Authority, an additional person has stepped forward and volunteered to be the third member. Mr. Rendleman stated of the two members already appointed one is from Opelika and the other is from Smiths Station. He stated this person is from the Auburn area and would complete the appointments. Mr. Rendleman stated he assumes his wife is tired of hearing him discuss the project and stated his wife, Julie Rendleman, has volunteered to be serve in the third seat, if the Commission so desires. Mr. Rendleman stated he feels that the City of Opelika Engineering Department will be happy to see three members are finally appointed and hopefully action would soon take place so that the project can move forward.

Commissioner Harris stated he would like to set a date for a work session to bring a solution to the table and to dialog with the Commissioners to address the problem of dirt roads. Commissioner Lawrence questioned if Commissioner Harris would agree to hold the work session at the conclusion of the next meeting on March 14. Commissioner Harris agreed and made a motion to hold a work session on dirt roads immediately following the next Commission meeting. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 29, 2016

Commissioner Eckman questioned if the proposal from Loachapoka could be added to the work session. Judge English asked Commissioner Eckman to add the item when it is addressed on the Agenda.

Mr. Peter Byrd gave a 10 page presentation to the Commission (*copy available in the Commission office*) on Lee Road 146 and Lee Road 106, raising four major issues that he contends were handled wrong in the connecting of the East Lake subdivision to Lee Road 106, and then to Lee Road 146. In his presentation, Mr. Byrd questioned several decisions of the County Engineer that he said violate the Lee County Access Management Policy and the Lee County Subdivision Regulations. Commissioner Harris referred the question to Mr. Hardee and County Attorney Stan Martin. Mr. Hardee responded that he had explained it all before and as County Engineer has shown the reasons for his decisions to the Commission. Mr. Hardee stated if he has made an error he would ask for clarity but that he has not heard from any Commissioner that anything has been done unsatisfactorily. Commissioner Harris stated that Mr. Byrd was questioning the policy and that Mr. Byrd's research is different and stated if done wrong then it needs to be corrected. Mr. Byrd interjected that he gave his opinion and stated we all make mistakes and he would ask for clarity if his presentation is wrong. Commissioner Eckman referred to the language at the beginning of the policy and said we defer to the County Engineer, he has made the decisions, and we understand them. Mr. Byrd disagreed and stated it was the Commission's responsibility. Commissioner Eckman then responded and stated that the Commission has no problem with what the county engineer did in this situation. Mr. Byrd again responded that the county engineer is wrong. Judge English interjected and questioned if any of the Commissioners feels that Mr. Hardee did anything wrong, and most answered "no". Judge English then asked if any of the Commissioners want Mr. Hardee to do anything different in this situation, and again, most answered "no". Commissioner Harris then responded and stated with a citizen taking exception, then Mr. Martin should respond to the questions in a letter to address his questions. After more discussion by Mr. Byrd, Commissioner Lawrence responded Mr. Hardee based his decision on what the Commission approved. No action was taken by the Commission.

Elder James Smith of New Hope CME Church once again appeared before the Commission to discuss the closing of the railroad crossing near the Church. Elder Smith thanked Ms. Burton for setting the stage stating that New Hope Salem CME Church was established in 1877 which was seven years after the establishment of the CME Church. He stated at the last meeting it was established that the road was closed without letting people know and that by closing two railroad crossings that it also closed access to a church. Elder Smith stated that he had walked Lee Road 749 and stated he did not want to drive it at night and stated that there are three creek branches on the road that need guardrails on them. Elder Smith stated the reason he was back before the Commission was to ask that the road be opened back up at the railroad crossing because people have stopped coming to Church because of the closure at the railroad crossing. Elder Smith stated the Church has been penalized. Commissioner Harris stated that he is a Christian and stated he wanted to be on record that no criteria was set for the closing of this railroad crossing or at the others. Commissioner Harris stated that if we need to open that road we need to open it up. Commissioner Harris questioned County Engineer Justin Hardee why of the three railroad crossings was that one closed. Elder Smith stated that the minutes gave several Commissioners accolades for getting the railroad crossing lights and arms at the school crossing, but stated it never mentions in the minutes the actual crossings that are to be closed. Commissioner Lawrence stated that Commissioner Ham took responsibility for not contacting the Church at the last meeting. Commissioner Ham questioned Elder Smith what they had discussed in their phone conversation on Friday. Elder Smith refused to answer because he stated that Commissioner Ham was only trying to pick him and stated that normally he would welcome him, but not on Friday afternoon at sundown after the roadway has already been closed. Then Commissioner Ham explained that it was up to Norfolk Southern to place a notice of the closing of the railroad crossing, but he himself had taken the blame since it was in his district, but further stated it ultimately is the legal responsibility of the railroad. Commissioner Lawrence

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 29, 2016

questioned Mr. Hardee what prevails when a county road and a railroad intersect. Mr. Hardee answered the railroad right-of-way. Commissioner Lawrence then questioned if the railroad could have closed the crossing without the county's blessing. Mr. Hardee stated that the closing of the railroad crossing was between Lee County, Lee County Board of Education, Norfolk Southern and the Alabama Department of Transportation. Further, Mr. Hardee stated the State DOT was the entity that handled the public notice on the closing of the railway and of how it was supposed to be handled. Commissioner Long interjected that there was not a crossing more dangerous than these two in the area. Commissioner Harris disagreed and stated that he had asked people in the community who stated that there were two other more dangerous intersections. Commissioner Ham questioned Commissioner Harris and stated he thought that Commissioner Harris had voted in favor of the closings. Commissioner Harris stated he voted for the one located at the school, but not the other two. Commissioner Harris further stated the closure of the railroad crossing at Lee Road 749 needed to be corrected. Commissioner Lawrence stated once a crossing is closed then the county cannot go back and undo it. Bobby Sanks questioned several other dangerous crossings in the area. Judge English stated that the railroad company looked at the crossings and made their decision, not Lee County. Mr. Sanks then stated that they should have looked at the crossing at the fire station instead of the one near the Church. After more discussion, Commissioner Harris made a motion to contact the railroad about re-opening the railroad crossing at Lee Road 749. The motion was seconded by Commissioner Lawrence. The motion failed on a vote of 2-3 with Commissioners Eckman, Long and Ham voting "No". Judge English indicated to Commissioner Harris that he was free to contact the railroad on his own.

Pastor Anthony Shealey appeared again concerning the Loachapoka Family Enrichment Center. Pastor Shealey stated he had returned to once again ask the Commission to consider the request of the Family Enrichment Center during the annual budget requests, and clarified that the structure is owned by the Church, and operated by a separate non-profit organization. Pastor Shealey stated he understands the Commission offered support for the Beauregard and Smiths Station areas and he just wanted the same support for the Loachapoka community. Pastor Shealey stated that senior activities are currently being held two days a week but with support he would hope that those activities could be increased to five days a week. Commissioner Lawrence stated that he and Judge English serve on the Lee-Russell Council of Governments Board and he would suggest Pastor Shealey get in touch with Jackie Pinkard of the Area Agency on Aging. Commissioner Harris interjected that the problem with that is the grant funds are tied up for the Beulah project and any new project would have to wait at least two years before a new application could be submitted. Commissioner Harris stated since the Commission spent \$373,000 on the Beulah project he would ask the Commission to consider setting aside the same amount for this project. County Administrator Roger Rendleman reminded the Commission that the Commission has ownership of the property in the other two projects, Smiths Station and Beulah, and this is not the same since the Church owns the property where the Enrichment Center is located. Pastor Shealey stated they have the building. Commissioner Lawrence questioned the source of funds for the ongoing operational costs. Once again, Commissioner Harris asked the Commission to do the same as was done for the Beulah Senior Center. Judge English stated that the Bridge Church donated the land for the senior center in Beulah, and asked Pastor Shealey if the church in Loachapoka was interested in donating the land or building to the County. Commissioner Eckman asked the Commission to add discussion of this item to the work session with Commissioner Harris' item after the meeting on March 14.

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 2016-2017. Judge English stated there were no changes and no increases to the current county license fees, and that this is done every year. The following Resolution was offered by Commissioner Ham, seconded by Commissioner Lawrence and carried unanimously;

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 29, 2016

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, 2016 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

Mr. Hardee presented the following Resolution for the Federal Aid Agreement for bridge replacement on Lee Road 150 over Phelps Creek. Mr. Hardee stated the project totals \$445,710 of which 80% or \$356,568 is from Federal ATRIP funds and the other 20% or \$89,142 is paid by county funds. Commissioner Ham made a motion, seconded by Commissioner Long to authorize the Chairman to sign the Federal Aid Agreement and approve the following Resolution. The motion carried unanimously.

RESOLUTION 2292016

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 24'@40'@24' span precast bridge replacement on CR-150 over Phelps Creek. BIN#004530. Length – 0.016 miles
Project #ACBRZ61971-ATRP(016); LCP#41-130-13; ATRIP #41-05-33
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 FOR
ALABAMA TRANSPORTATION REHABILITATION
AND IMPROVEMENT PROGRAM (ATRIP) PROJECT
BETWEEN THE STATE OF ALABAMA AND
LEE COUNTY, ALABAMA**

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 29, 2016

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

WITNESSETH

Whereas, the State and the County desire to cooperate in the construction of a 24'@40'@24' span precast bridge replacement on CR-150 over Phelps Creek.

BIN#004530. Length – 0.016 miles

Project#ACBRZ61971-ATRP(016); LCP#41-130-13;ATRIP#41-05-33

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 (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 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 the 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. Any shortfall in funding or overrun in construction costs shall be borne by the COUNTY from Federal ATRIP funds, if available, 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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 29, 2016

outlined as follows:

Federal ATRIP Funds	\$356,568.00
County Funds	<u>\$ 89,142.00</u>
Total (Including E & I)	\$445,710.00

- (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 prorata 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 agreement.
- (13) The COUNTY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period will not be eligible for payment.
- (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) To the extent permitted by law, the COUNTY shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees, in both their official and individual capacities, from and against claims, damages, losses, and expenses, including but not limited to attorney fees, arising out of or resulting from performance of the work or maintenance of the roadway and/or shoulders by the COUNTY, provision of any services or expenditures of funds required, authorized or undertaken by the COUNTY pursuant to the terms of this agreement, or any damage, loss, expense, bodily injury or death, or injury or destruction of tangible property (other than the work itself), including loss of use resulting therefrom, caused in whole or in part by the deliberate, intentional, wanton, reckless, fraudulent or negligent acts of the COUNTY, or the misuse, misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement by the COUNTY, its agents, servants or employees, or anyone whose acts the COUNTY may be liable.
- (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 23-1-63, 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 available at the Lee County Highway Department and hereby

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 29, 2016

made a part of this agreement.

- (22) This agreement is made and expressly executed in the names of the parties hereto by their respective officers, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.
- (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.

IN WITNESS WHEREOF, the parties hereto cause this agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

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

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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 29, 2016

effect 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 recommendations of the Governor and Attorney General, when considering 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 change order #1 for an addition of \$22,835.55 in the demolition contract with Steward Construction Company, Inc. Mr. Rendleman stated that once the demolition was done there were three areas that were not marked on the original demolition plans that needed the ceiling removed for the HVAC project. Commissioner Ham made a motion to authorize the Chairman to sign change order #1 for \$22,835.55. The motion was seconded by Commissioner Harris and carried unanimously.

Mr. Rendleman presented an updated lease agreement with the City of Smiths Station for the increase in square footage as a result of the new space occupied by the Revenue Commissioner's Office. Mr. Rendleman stated that County Attorney Stan Martin was currently in the process of reviewing the agreement. Commissioner Long made a motion to authorize Judge English to sign the Agreement once approved by Mr. Martin. The motion was seconded by Commissioner Lawrence and carried unanimously.

Environmental Services Director Chris Bozeman presented the following Resolution for Commission consideration. Mr. Bozeman stated it was for the East Alabama Recycling Coalition to continue pursuing funds for county-wide recycling efforts. Judge English questioned who the designated host is for the year. Mr. Bozeman stated it is the City of Auburn. Commissioner Eckman made a motion, seconded by Commissioner Ham to approve the following Resolution and authorize Judge English to sign the necessary paperwork. The motion carried unanimously.

Resolution

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

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

WHEREAS, the grant application will primarily focus on the purchase of equipment and/or training materials for recycling.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 29, 2016

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

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

Mrs. Swann presented a request from the Lee County Master Gardeners Association (LCMGA) for use of a meeting room at the Lee County Meeting Center for monthly meetings, and to have the fee waived. Commissioner Lawrence questioned Mr. Rendleman if the meeting center would be used to accommodate offices for use during the Courthouse renovation. Mr. Rendleman answered in the affirmative and reminded the Commission that requests have been made from other groups such as the scouts wanting to utilize the building for monthly meetings. Commissioner Eckman suggested that once the renovations are complete the request may be considered in the future, but not at this time.

Commissioner Ham reported that a couple of weeks ago he, along with Commissioner Eckman, Auburn Mayor Bill Ham, Opelika Mayor Gary Fuller, and Opelika City Administrator Joey Motley had met with Columbus Mayor Teresa Tomlinson concerning their animal control program and its success. Commissioner Ham reported that Mayor Tomlinson shared with those in attendance the success rate of Columbus' spay and neuter program. Commissioner Ham shared that Mayor Tomlinson stated their program had a 79% euthanasia rate in 2010 compared to a 50% rate in 2012 and a 20% euthanasia rate in 2015. Commissioner Ham further shared that if a dog was eligible for euthanasia, then they were being picked up by a certified agency and sent to other states in need of animals such as: New York, New Jersey, even Colorado. Further, Commissioner Ham stated one of the local veterinarians had indicated that he had successfully shipped 14 animals to New York today. Further, Commissioner Ham stated he wanted to see our euthanasia rates decrease as they did in Columbus. Commissioner Ham stated he hopes to report back in six months with an even lower euthanasia rate.

Judge English reminded all in attendance to vote in the Primary Election tomorrow.

At approximately 6:45 p.m., Commissioner Eckman made a motion to adjourn. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 14, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 14, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

Judge English recognized Tony O’Fanning who is a member of the 2015-2016 Class of “20 under 40” Program under the direction of the Opelika Chamber of Commerce.

John Sophocles appeared during citizens’ communications and thanked Judge English for his work during the elections. He also asked the county engineer what segment of the code was used when painting lines on Lee Road 106. He stated he wanted to go on record that he asked for this information for an article he was writing.

Marshall Carter spoke during citizens’ communications as well discussing the Car Club he was a part of and asking for publicity from the media for several of the group’s upcoming events. Commissioner Harris stated that the OA New and the Opelika Observer could help him and Commissioner Eckman offered to send Mr. Carter a listing of publicity contacts.

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. News media in attendance: Opelika Observer reporter Fred Woods and Opelika-Auburn News reporter Lindy Oller.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from February and minutes of the February 29 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Long and carried unanimously.

Judge English presented second reading of Adam Littleton, Randy Price and Julie Rendleman to the Public Building Authority. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the following Resolution. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints Adam Littleton, Randy Price and Julie Rendleman to the Lee County Public Building Authority.

Commissioner Eckman requested the Lee County Department of Archives and History local legislation issue be removed from the agenda.

Mr. Hardee requested the Commission reduce the current speed limit from 45 mph to 30 mph on Lee Road 265. Mr. Hardee stated that a traffic study confirmed the need to reduce the speed limit. Upon this request, Commissioner Ham made a motion to reduce the speed limit from 45 mph to 30 mph on Lee Road 265. The motion was seconded by Commissioner Harris and carried unanimously.

Mr. Hardee also presented a request to accept a portion of Lee Road 313 into the county road maintenance system. He stated the department had been contacted by Mr. Randy Boyette regarding the maintenance of Lee Road 313. He said it appears that in 1995 both portions of the road were paved and a plat from 2001 exists showing the 60’ right-of-way. Mr. Hardee said he spoke to two employees of the Highway Department who had been here the longest and they

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 14, 2016

both remember paving the entire road. However, when the Highway Reference Guide and Maintenance map was assembled in 2004, the southern portion of 313 from Lee Road 312 was not included. He requested that the Commission accept the 0.2 mile southern portion into the maintenance system. Commissioner Lawrence asked if there was a statement on the plat of ownership for right-of-way. Mr. Hardee stated the plat showed the right-of-way was not a problem in 2001. Commissioner Long made a motion to accept the 0.2 mile portion of Lee Road 313 that lies south of Lee Road 312 into the maintenance system. Commissioner Ham seconded and the motion passed unanimously.

Environmental Services Director Chris Bozeman made a request for the county to sign another ADEM Scrap Tire Fund contract. He stated the contract was similar to what had been in effect for the last three years, but the new contract did contain a few differences. The new version would allow the county to collect scrap tires from the rights-of-way, store them and take them to a properly permitted tire landfill and receive payment. The three year contract is for up to \$125,000. Commissioner Lawrence asked where the scrap tires go now and Mr. Bozeman responded that they go to a tire landfill in Hayden, AL where they are cut up for use in sidewalks, playgrounds, ballfields, etc. Commissioner Ham stated that he felt this was a positive move for the county and he appreciated Mr. Bozeman staying on top of the situation. Commissioner Ham made a motion to authorize the Chairman to sign the contract. The motion was seconded by Commissioner Lawrence and passed unanimously.

Mr. Hardee provided a status update on the county's ATRIP projects. He stated the county has 23 total projects with 20 awarded in round three of the funding. The county has completed three of the eight resurfacing projects and two of the 15 bridge projects. Of the resurfacing projects, 23.183 of the 41.56 miles have been completed. The resurfacing project on Society Hill Road, which is approximately 5.61 miles, is currently under construction. Mr. Hardee said he had spoken to ALDOT and they had made a determination on the supplement issue on that project, so construction would hopefully resume soon. Four bridges are also currently under construction on Lee Roads 27, 156, 206 and 375. The Lee Road 27 bridge is closest to completion, Lee Roads 206 and 156 are in the middle stages of construction, and Lee Road 375 was closed today. The resurfacing of Lee Roads 430 and 230 in District 3, which together is over seven miles, is set to be let by ALDOT by the end of March and the bridge on Lee Road 150 has been awarded but is just awaiting construction. There are two resurfacing projects and eight bridge projects remaining under ATRIP after these projects.

At approximately 5:30 p.m., Commissioner Lawrence made a motion to adjourn into a work session. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, March 28, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Governmental Relations Coordinator Wendy Swann stated Executive Director Bridget Woodyard of the Foster Grandparent Program requested the Commission participate in the Day of Recognition for National Service. Mrs. Swann stated the link was highlighted on the information sheet and stated Ms. Woodyard wants the Chairman and each Commissioner to register to show support of the Resolution. Commissioner Ham made a motion to authorize the Chairman to sign the following Resolution. The motion was seconded by Commissioner Harris and carried unanimously.

RESOLUTION

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet county needs; and

WHEREAS, participants in AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, including 15 in Lee County, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our country's economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with city and county officials nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 5, 2016.

THEREFORE, BE IT RESOLVED that I, Bill English, Commission Chair of Lee County, Alabama do hereby proclaim April 5, 2016, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our community and thank those who serve; and to find ways to give back to their communities.

Next, Lee-Russell Council of Governments Representative Barbara Scott asked the Commission to recognize April as Fair Housing Month. Commissioner Ham made a motion, seconded by Commissioner Harris to authorize the following Resolution. The motion carried unanimously.

Proclamation

Whereas, the month of April is recognized throughout the United States of America and the State of Alabama as Fair Housing Month; and

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

Whereas, Title VIII of the Civil Rights Act of 1968, as amended, set forth a national policy of fair housing without regard to race, color, national origin, religion, gender, familial status, or disability; and

Whereas, the Lee County Commission wishes to continue to affirmatively further fair housing for its citizens and believes ongoing education and outreach are key to raising awareness of fair housing principles, practices, rights and responsibilities.

Now, Therefore, Be It Resolved, the Lee County Commission does hereby proclaim April, 2016 as Fair Housing Month in Lee County and encourages all citizens to observe and support both the letter and spirit of the Fair Housing Law as an expression of the individual rights guaranteed by the United States Constitution and the Constitution of the State of Alabama.

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. News media in attendance: Opelika Observer reporter Fred Woods and Opelika-Auburn News reporter Lindy Oller.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, and minutes of the March 14 meeting. Judge English thanked Mrs. Swann for taking notes and preparing the minutes from the last meeting. Commissioner Lawrence made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Ham and carried unanimously.

Commissioner Ham discussed the Spay and Neuter Agreement with the Commission. Commissioner Ham explained that the version included in the packets may need additional tweaking. Commissioner Eckman questioned why Smiths Station was not included in the Agreement. Commissioner Ham stated they had agreed to be included and they would be added. County Administrator Roger Rendleman stated the Agreement included in the Commission packets was just a rough draft and indicated that portions were still incomplete. County Attorney Stan Martin stated he would be happy to complete the Agreement once he received the necessary information to finalize it. After further discussion, Commissioner Ham agreed to provide Mr. Martin with the pertinent information and bring it back to the Commission at a later date for approval.

Sheriff Jones stated that no objections had been noted on the proposed issuance of the retail liquor license for the Docks Restaurant located in District 4. Commissioner Ham stated he had talked to the owner of the restaurant and stated there were no churches located nearby. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Lawrence and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the restaurant retail liquor license for the **Docks** Restaurant located at 9883 Lee Road 379, Valley, Alabama.

Sheriff Jones presented a letter stating no objections were noted regarding the proposed issuance of the license for a one-time event at The Hoot Yard in Beulah. Sheriff Jones' letter further stated that beer will be served at the event and the venue is an outdoor open area with a stage and three tents on the premises. Commissioner Ham stated that he talked with the owner who had informed him it will be held May 7 as a "beer tasting" event and that a limited amount of beer will be available. Further, the owner stated that a portion of the proceeds would benefit

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

the BigHouse Foundation, which is a non-profit ministry meeting the needs of children in foster care. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Lawrence and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve a one-day special event retail license for **The Hoot Yard** located at 554 Lee Road 799, Opelika, Alabama.

County Administrator Roger Rendleman presented the National Voter Registration Act Agreement and Resolution from Secretary of State John Merrill. Mr. Rendleman explained that the Secretary of State's Office acts as the county's agent for purposes of paying postage required for the mailing of NVRA voter notices for voter file maintenance as required by Code of Alabama 1975, section 17-4-30. Further, he explained that the next mailing will take place in January 2017. Further, Judge English explained that the voter mail-outs are done once every four years and cost roughly \$30,000. Commissioner Eckman made a motion to approve the Agreement and Resolution as presented. The motion was seconded by Commissioner Harris and carried unanimously.

RESOLUTION

WHEREAS, Code of Alabama 1975, section 17-4-30 requires the Lee County Board of Registrars to implement a voter file maintenance process, and

WHEREAS Code of Alabama 1975, section 17-4-31 requires the Lee County Commission to pay the cost of postage necessary to mail certain notices to voters and to subsequently apply for and receive reimbursement for such costs from the State of Alabama, and

WHEREAS the Alabama Secretary of State has indicated that his office is willing to serve as the agent for the Lee County Commission for purposes of paying postage costs necessary and collecting reimbursements for such costs from the State Election Expenses Account as provided for in Code of Alabama 1975, Section 17-4-31, now therefore

BE IT RESOLVED by the Lee County Commission that it hereby agrees to appoint the Secretary of State to serve as its agent for the purposes of paying postage costs necessary for the mailing of certain notices to voters as required by Code of Alabama 1975, section 17-4-30 and collecting reimbursements for such costs from the State of Alabama Election Expenses Account as provided by Code of Alabama 1975, section 17-4-31 and now

BE IT FURTHER RESOLVED that the Chairman of the Lee County Commission is authorized to execute an agency agreement to be entered into between this county and the Office of the Alabama Secretary of State.

AGREEMENT

The Lee County Commission hereby authorizes the Alabama Secretary of State to act as its agent for the purposes of paying postage necessary for the mailing of certain notices to voters as required by Code of Alabama 1975, Section 17-4-30, and collecting reimbursements from the State Election Expenses Account associated with compliance with Code of Alabama 1975, section 17-4-31.

The County Commission understands that the Secretary of State will be paying postage on the voter notifications required by Code of Alabama 1975, section 17-4-30(a), for which the Commission will be obligated to reimburse the Secretary of State by this agreement and that such reimbursement shall occur from monies the County is entitled to for such costs from the State Election Expenses Account pursuant to Code of Alabama 1975, section 17-4-31.

The Lee County Commission also agrees that the business reply mail account fee and business reply mail postage charges will remain its responsibility for which it may be reimbursed by the State of Alabama under normal operation of Code of Alabama 1975, section 17-4-31.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

EMA Director Kathy Carson discussed the Updated Mutual Aid Agreement between Lee County and the Lee County Firefighters Association. Copies of the Agreement were placed on the Commissioners desk prior to the meeting. Judge English questioned signatures on the Agreement which were dated as far back as January 2015. Ms. Carson stated that it has taken that long to work out mutual aid details such as: scope of authority, liability insurance and workers compensation. Commissioner Lawrence questioned liability and personal injury. Ms. Carson stated that would usually be the responsibility of the home agency. Judge English questioned if Mr. Martin had reviewed the Agreement. Mr. Martin responded that he received it earlier today and was waiting to hear the direction of the Commission. Judge English asked the Commission to allow Mr. Martin time to review it. Commissioner Ham thanked Ms. Carson for presenting the Agreement because it would be helpful in the ISO rating by decreasing insurance rates once it is in place. Commissioner Lawrence agreed. The Commission agreed to move the item forward.

Assistant County Engineer Patrick Harvill presented a request from the Broadway Group, LLC for a variance to the *Lee County Access Management Policy*. Mr. Harvill stated that the Broadway Group, LLC is the developer of a proposed commercial development on Lee Road 379, between the intersections of U.S. Highway 280 and Lee Road 430. Specifically, the owner is requesting variance to Section 4(g) of the *Lee County Access Management Policy*, which states the following: development generating greater than 100 vehicles per day shall require a right and left-turn lane. As required in Section 8-1, of the *Lee County Subdivision and Land Development Regulations* in which the *Access management Policy* is incorporated by reference, the County Engineer shall review the variance application and the circumstances, and make a recommendation in writing to the Commission. The engineer for the project presented a drawing of the discussed turn lane and presented it to the Commission. The engineer stated that they are requesting just a driveway and no turn lane; they feel another turn lane will cause more congestion from the traffic coming off Highway 280. Commissioner Lawrence stated this is similar to the Dollar General location on US 29 South, where the turn into the store is located off the subdivision road and not off the main highway. Judge English asked whether ALDOT had any say so, since the right-of-way of Hwy 280 is within ALDOT's jurisdiction, not the county's. The project engineer then showed an alternate drawing that he felt would be more conducive to best traffic flow with less change to the ALDOT portion. After more discussion on various turn lane issues, Judge English suggested the item be moved to the next Agenda to give Mr. Harvill time to discuss the issue with ALDOT, Mr. Hardee and Commissioner Long. No action was taken by the Commission.

Next, Mr. Harvill presented the following Resolutions for two Federal Aid Projects for Lee Roads 430 and 230. First, Mr. Harvill presented the Resolution and Agreement for the resurfacing of Lee Road 430. Mr. Harvill stated the project was let this past Friday and came in under estimate. The Lee Road 430 project totals \$2,084,240 of which 80% or \$1,667,392 is from Federal ATRIP funds and the other 20% or \$416,848 is paid by county funds. Commissioner Lawrence made a motion, seconded by Commissioner Ham to authorize the Chairman to sign the Federal Aid Agreement and approve the following Resolution. The motion carried unanimously.

RESOLUTION

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

The planing, widening and resurfacing on CR-430 from SR-1 (US-431) to the Russell County Line. Length – 5.86 miles

Project #ACAA61133-ATRP(011); LCP#41-123-13; ATRIP #41-05-26

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.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

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 FOR
ALABAMA TRANSPORTATION REHABILITATION
AND IMPROVEMENT PROGRAM (ATRIP) PROJECT
BETWEEN THE STATE OF ALABAMA AND
LEE COUNTY, ALABAMA**

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

WITNESSETH

Whereas, the State and the County desire to cooperate in the planing, widening and resurfacing on CR-430 from SR-1 (US-431) to the Russell County Line. Length – 5.86 miles. Project#ACAA61133-ATRP(011); LCP#41-123-13;ATRIP#41-05-26

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 (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 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 the 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. Any shortfall in funding or overrun in construction costs shall be borne by the COUNTY from Federal ATRIP funds, if available, from COUNTY Federal funds, if available, and from COUNTY funds. In the event of an under-

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

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 follows:

Federal ATRIP Funds	\$1,667,392.00
County Funds	<u>\$ 416,848.00</u>
Total (Including E & I)	\$2,084,240.00

(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 prorata 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 agreement.

(13) The COUNTY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period will not be eligible for payment.

(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) The COUNTY shall be responsible at all times for all of the work performed under this agreement and, as provided in Alabama Code § 11-93-2 (1975), the COUNTY shall protect, defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officials, officers, and employees, and their agents and/or assigns.

(16) For all claims not subject to Alabama Code § 11-93-2 (1975), the COUNTY shall indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers and employees, and their agents and/or assigns from and against any and all actions, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to the (1) work performed under this agreement, (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the COUNTY pursuant to the terms of this agreement, or (3) misuse, misappropriation, misapplication or misexpenditure of any source of funding, compensation or reimbursement by the COUNTY, its agents, servants, representatives, employees or assigns.

(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 23-1-63, 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 available at the Lee County Highway Department and hereby made a part of this agreement.

(22) This agreement is made and expressly executed in the names of the parties hereto by their respective officers, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.

(23) The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

(24) This agreement may be terminated by either party upon the delivery of a thirty (30) day notice termination.

IN WITNESS WHEREOF, the parties hereto cause this agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

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

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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

ADR CLAUSE

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering 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.

Next, Mr. Harvill presented the Resolution and Agreement for the resurfacing of Lee Road 230. The Lee Road 230 project totals \$526,270 of which 80% or \$421,016 is from Federal ATRIP funds and the other 20% or \$105,254 is paid by county funds. Commissioner Lawrence made a motion, seconded by Commissioner Ham to authorize the Chairman to sign the Federal Aid Agreement and approve the following Resolution. The motion carried unanimously.

RESOLUTION

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

The widening and resurfacing on CR-230 from CR-240 to CR-246.

Length – 1.40 miles

Project #ACAA61131-ATRP(011); LCP#41-121-13; ATRIP #41-05-24

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 FOR
ALABAMA TRANSPORTATION REHABILITATION
AND IMPROVEMENT PROGRAM (ATRIP) PROJECT
BETWEEN THE STATE OF ALABAMA AND
LEE COUNTY, ALABAMA**

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

WITNESSETH

Whereas, the State and the County desire to cooperate in the widening and resurfacing on CR-230 from CR-240 to CR-246. Length – 1.40 miles. Project#ACAA61131-ATRP(011); LCP#41-121-13; ATRIP#41-05-24

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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

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 (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 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 the 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. Any shortfall in funding or overrun in construction costs shall be borne by the COUNTY from Federal ATRIP funds, if available, 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 follows:

Federal ATRIP Funds	\$421,016.00
County Funds	<u>\$105,254.00</u>
Total (Including E & I)	\$526,270.00

(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 prorata 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 agreement.

(13) The COUNTY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period will not be eligible for payment.

(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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

the requirements of the Alabama Department of Transportation.

(15) The COUNTY shall be responsible at all times for all of the work performed under this agreement and, as provided in Alabama Code § 11-93-2 (1975), the COUNTY shall protect, defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officials, officers, and employees, and their agents and/or assigns.

(16) For all claims not subject to Alabama Code § 11-93-2 (1975), the COUNTY shall indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers and employees, and their agents and/or assigns from and against any and all actions, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to the (1) work performed under this agreement, (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the COUNTY pursuant to the terms of this agreement, or (3) misuse, misappropriation, misapplication or misexpenditure of any source of funding, compensation or reimbursement by the COUNTY, its agents, servants, representatives, employees or assigns.

(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 23-1-63, 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.

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(24) This agreement may be terminated by either party upon the delivery of a thirty (30) day notice termination.

IN WITNESS WHEREOF, the parties hereto cause this agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

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(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the 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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 28, 2016

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

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EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

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ADR CLAUSE

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

AMENDED ALABAMA IMMIGRATION LAW:

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

Last, Mr. Harvill presented an Adopt-A-Mile application from Alabama PALS for Boy Scout Troop 128 of Phenix City. Mr. Harvill stated Boy Scout Troop 128 wishes to adopt Lee Road 243 (Chicken Farm Road), in District 3, across from Smiths Station High School. Mr. Harvill stated that if the Commission accepts the application, then it would go to Alabama Department of Transportation (ALDOT) for final acceptance. Mr. Harvill explained that ALDOT purchases the signs and the Lee County Highway Department is responsible for installing the signs. Commissioner Ham made a motion to approve the Adopt-A-Mile Application for Boy Scout Troop 128. The motion was seconded by Commissioner Harris and unanimously carried.

At approximately 6:00 p.m., Commissioner Eckman made a motion to adjourn. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 11, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, April 11, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

Commissioner John Andrew Harris wished to speak during citizens' communication because he stated his agenda item had purposely been left off. Commissioner Harris stated he had called and requested to be placed on the Agenda, but he is not listed on it. Commission Harris wished to let the citizens know what he is dealing with and how this Commission operates. Commissioner Harris stated he had contacted the ACCA and they told him that if he submitted an item on time, then the item should be placed on the Agenda. Commissioner Harris stated he had attended several meetings and he wanted to report back to the Commission on each of them. First, he wanted to report about his meetings with Alabama Council of Government and the Board of Education. Second, he wanted to report about a meeting with the Opelika Police Department and ways they want to work with the youth in the community. Judge English stated that Commissioner Harris' email did not identify any of the subject matter he just described, or include any information for the packets. Further, on the Agenda issue, Commissioner Harris stated he had talked to members of both the Chambers and Macon County Commission who each stated they did not have any problems getting an item on the Agenda for discussion. Commissioner Harris stated that if a person don't like you and turns other Commissioners against you, then that is when it becomes a problem. Commissioner Harris stated he did not want to stop nobody. Commissioner Harris then asked Mrs. Fitzgerald to place an item on the next agenda dealing with jobs and young people. Judge English interjected and stated Commissioner Harris' three minutes had expired. Then Judge English stated for an item to be added to the Agenda, Commissioner Harris or any other commissioner would need a specific subject and some kind of documentation for the packets so the other members of the Commission will have some idea of the subject matter to be discussed. Commissioner Harris stated other Commissioners did not have a problem when he asked for an item to be on the Agenda. Judge English stated three Commissioners had responded back after Commissioner Harris' last email Agenda request was sent without documentation.

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. Additionally, Judge English recognized Attorney Ken Webb of Webb & Eley, who represents Lee County in litigation through our coverage with ACCA. News media in attendance: Opelika Observer reporter Fred Woods and Opelika-Auburn News reporter Lindy Oller.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from March, and minutes of the March 28 meeting. Commissioner Ham made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Eckman and carried on a vote of 4-0-1 with Commissioner Long abstaining.

County Engineer Justin Hardee once again brought up the discussion on the access management policy variance request from Broadway Group LLC from the previous meeting. Mr. Hardee stated that another proposal had been presented for entrance into the development. Mr. Hardee stated that ALDOT had looked at the two proposals as far as traffic and speed conditions and determined that 85% of traffic will be traveling at 25 mph or slower and would be able to negotiate the turn. ALDOT preferred the 75 ft radius option. Mr. Hardee stated the Highway Department concurs with ALDOT and agreed to amend their recommendation as to the original request. Judge English questioned if this was the drawing on page 2. Mr. Hardee stated "no", and stated the drawing he had should have been in the packets and apologized that it was

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 11, 2016

not included for the Commissioners to review. Commissioner Long stated Broadway Group had sent the drawings to him and stated he is in agreement with Mr. Hardee. Commissioner Long made a motion, seconded by Commissioner Ham to approve the Access Management Policy variance request presented by Broadway Group LLC. The motion carried unanimously.

Mr. Hardee presented a right-of-way agreement for Lee Road 65. Mr. Hardee stated that County Attorney Stan Martin had been working with the property owners on the rights-of-way. Judge English questioned how far it would move the project. Mr. Hardee stated from the centerline it would be approximately 6-10 ft. north upstream. Commissioner Eckman made a motion, seconded by Commissioner Lawrence to approve the right-of-way Agreement for Lee Road 65 as presented. The motion carried unanimously.

County Administrator Roger Rendleman stated after reviewing mid-year balances he would recommend the following budget adjustments for Commission consideration. First, Mr. Rendleman recommended the following budget adjustment to adjust Fund 100 for Act 2013-325 for two additional deputy/school resource officers. Commissioner Lawrence made a motion to approve the budget adjustment as follows. The motion was seconded by Commissioner Ham and carried unanimously.

<u>Fund 100 – Act 2013-325</u>		
Revenue (Sales Tax)		\$142,000
Expenditures (Deputy-SRO)	\$142,000	

Second, Mr. Rendleman asked the Commission to allow the Revenue Commissioner's Office two additional Customer Service Representative positions in the General Fund. Mr. Rendleman explained that during budget work sessions, all appointing authorities agreed that the five percent adjustment to the pay scale was top priority, but Revenue Commissioner Oline Price requested if there was additional revenue available by mid-year to support two positions she had requested in the 2016 Budget, such consideration be made first. The two additional positions would put the department close to pre-recession budgeted positions and in-line with most of the General Fund departments. Additionally, Mr. Rendleman stated the ad valorem numbers associated particularly with motor vehicles are on pace to exceed the budget projections which could be utilized to cover the positions. Upon this recommendation, Commissioner Lawrence made a motion to authorize the following adjustment as presented. The motion was seconded by Commissioner Ham and carried unanimously.

<u>Fund 001 – General</u>		
Revenue (Property Taxes)		\$75,950
Expenditures (RC Personnel)	\$75,950	

Last, Mr. Rendleman stated that Mr. Hardee had done an excellent job on selling the surplus equipment and therefore, would like to recognize the gain so the department can go ahead and invest in additional needed capital equipment. Mr. Rendleman stated the proceeds were \$229,600 higher than expected. Commissioner Lawrence made a motion, seconded by Commissioner Ham to recognize the proceeds with the following adjustment. The motion carried unanimously.

<u>Fund 111 and 117 – Highway Funds</u>		
Revenue (Sales of Surplus Property)		\$229,600
Expenditures (Capital Equipment)	\$229,600	

Next, Mr. Rendleman presented the following results concerning the bids for the Lee County Recycling Building. Mr. Rendleman stated that five bids were received on March 22, 2016. Mr. Rendleman stated the project was advertised and bid in accordance with the Alabama

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 11, 2016

Public Works Law. Further, Mr. Rendleman stated there was a 17.5% spread between the lowest and highest bid, and only a 1.3% spread among the three lowest bidders. Generally, this means that this is a good bid number and there is a good understanding of the specifications by the vendors. Mr. Rendleman stated the Commission must first consider the funding for the project which needs to be ironed out prior to action on the bid. Mr. Rendleman explained that \$190,500 in designated fund balance from garbage fees has been identified for the facility. Approximately \$70,000 can come from designated fund balance in the highway funds for utility work that will benefit the entire parcel in the future. The total project budget is \$900,000, so an additional \$639,500 is still needed. Mr. Rendleman explained that the funds could either be: 1) borrowed and paid back through the Environmental Services budget, which could be difficult since they run on a tight budget; or 2) utilize funds on hand that have been designated for the Courthouse annex. Further, Mr. Rendleman explained that if the Commission chooses to use the funds designated for the Courthouse annex then that project could be delayed and/or the debt issue for it could need to be increased. Commissioner Ham questioned if recycling revenues would increase once housed in a better building. Mr. Rendleman stated in theory it would lower the cost, but by how much is the question. Mr. Rendleman further stated that since the recycling market fluctuates it would be too hard to determine. Commissioner Ham further questioned if the funds for the recycling project were taken from the Courthouse annex funds would it delay the Courthouse project. Mr. Rendleman answered in the affirmative. Judge English questioned, by how long? Mr. Rendleman stated he did not know. Commissioner Lawrence stated he would like for the debt to be paid from the resources that created it. Commissioner Lawrence stated 7 years of debt for Environmental Services versus more money but a lot longer debt period for the annex project. Judge English asked if the money could be taken out of the Capital Improvement fund and then let the Environmental Services Department pay back the fund with no interest, an in-house loan, so to speak. After further discussion, Mr. Rendleman stated he felt it would be better to utilize the money that has been set aside for the Courthouse annex project and loan the money to the Environmental Services Department and have them pay it back as they can, so that way we can control it better internally. Mr. Rendleman stated in the grand scheme of things there will probably be other delays and issues more than just the \$690,000. Judge English questioned Mr. Wilson on the timeframe in the bid, noting that the lower bids anticipated completing the construction sooner. Mr. Wilson stated he had cross-examined the company and they stated they were able to perform the project as specified. Commissioner Lawrence questioned if it was calendar or working days. Mr. Wilson responded calendar days. Mr. Hardee wished to personally thank Mr. Rendleman and Mr. Wilson for their work on this project and thanked the Commission for moving forward with it. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to make the following adjustments for the funding of the Recycling Center.

<u>Fund 210 – Capital Projects</u>		
Expenditures (Recycle Facility)	\$900,000	
Operational Transfer In		\$900,000
<u>Fund 001 – General</u>		
Operational Transfer Out	\$190,500	
Fund Balance (Designated)		\$190,500
<u>Fund 111 & 117 – Highway Funds (\$70,000 Total)</u>		
Operational Transfer Out	\$35,000	
Fund Balance (Designated-Central Facility)		\$35,000
<u>Fund 116 – Capital Improvement Fund</u>		
Operational Transfer Out	\$639,500	
Fund Balance (Designated-Central Facility)		\$639,500

Last, Commissioner Eckman made a motion to award the Recycling Building Project to Don Allen Development with the low bid of \$787,900 and authorize the Chairman to execute the construction contract. The motion was seconded by Commissioner Long and carried on a vote of 3-0-2, by Commissioners Lawrence and Ham abstaining.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 11, 2016

Mr. Rendleman stated that according to a recent email received from Lee-Russell Council of Governments Grant Representative Barbara Scott, a new survey is necessary for the Beulah Senior Center property, since one conducted in 2014 was insufficient. Mr. Rendleman stated that he asked Mrs. Swann to obtain three quotes from local vendors. Mr. Rendleman stated the three quotes were as follows: 1) Barrett Simpson Civil Engineering & Land Surveying, \$1,975; 2) Precision Surveying LLC, \$1,750; and 3) McCrory Surveying, \$3,200. Mr. Rendleman recommended that the Commission utilize the Contingency Fund to cover the un-budgeted grant item. Commissioner Lawrence asked Barbara Scott if we could use this as part of our match, and she replied that we already had a large overmatch. Commissioner Ham questioned if Mr. Jim Miller was contacted to submit a quote, since he had done the survey in 2014, but had never been paid for it. Mr. Rendleman stated Mr. Miller originally presented a bill for his services in 2014, but it was prior to the award of the grant and it was an unauthorized expenditure. Commissioner Ham explained that Senator Dial indicated that a survey was necessary and Mr. Miller had performed it. Further, Commissioner Ham stated that Mr. Miller was willing to update the survey for an additional \$500 and Commissioner Ham asked the item to be moved to next meeting. Mr. Rendleman stated the item is for professional services and the Commission has the discretion to do what they wish to do and do not have to accept the lowest quote. Commissioner Ham questioned once again why Mr. Miller was not given an opportunity to submit a quote. Commissioner Eckman questioned the amount of the original bill from Mr. Miller. Commissioner Ham stated it was approximately \$3,500. Commissioner Eckman then asked that if he wants an additional \$500, wouldn't he be requesting a total of \$4,000. Commissioner Ham stated he was unsure. Commissioner Lawrence questioned Mrs. Scott about waiting another two weeks. Mrs. Scott responded that two weeks is two weeks, but understands the Commission needs to comply with county policy. Judge English responded it would be up to the pleasure of the Commission. Commissioner Lawrence questioned Mr. Rendleman. Mr. Rendleman stated it was his understanding that Mr. Miller was not still in business and stated he himself had Googled land surveyors and the three who submitted quotes appeared in his search. Mr. Rendleman agreed to contact Mr. Miller to see if he was still in business. Judge English asked that the item be moved to the next Agenda.

Sheriff Jones stated that no objections had been noted on the proposed issuance of the restaurant retail liquor license for the CJS Steakhouse and Spirits located in District 3. Commissioner Lawrence questioned if there was a church or school in the vicinity. Sheriff Jones stated there was a Phenix City elementary school down the road. Commissioner Long stated the establishment already has a liquor license at the location. Commissioner Long made a motion to approve the following Resolution. The motion was seconded by Commissioner Ham and carried unanimously.

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

Mr. Hardee gave an update to the Commission on the Highway Department's ongoing response to storm damage. Mr. Hardee stated that the Highway Department was still repairing roads and cross-drains from the December 2015 storms. Mr. Hardee stated the following roads had recently been opened, they include: Lee Roads 001, 42, 393, 182, 188 with large culverts. The following with small culverts, recently re-opened, include: Lee Roads 651 and 58. Mr. Hardee reminded the Commission that these repairs were in addition to addressing routine maintenance and the ongoing ATRIP projects. He acknowledged that some routine maintenance has been delayed due to the resources being needed to get closed roads re-opened, which he felt was a higher priority. Mr. Hardee further recognized Ms. Debra Brooks and Mrs. Carrie Luck for their work on the reimbursement paperwork on these projects. Mr. Hardee also reported that Lee Road 346 in District 4 had just been closed last week, and should be re-opened by the end of next week.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 11, 2016

Last, Environmental Services Director Chris Bozeman presented the Alabama PALS Spring Cleanup Day flyer to the Commission. Mr. Bozeman stated April 16 through April 23 are the official clean-up days and indicated that Highway 29 South would once again be the focus for the clean-up day.

At approximately 6:05 p.m., Commissioner Lawrence made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 25, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, April 25, 2016 at 5:00 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: Loachapoka Mayor Jim Grout. News media in attendance: Opelika Observer reporter Fred Woods and Opelika-Auburn News reporter Lindy Oller.

Judge English recognized Angela George who is a member of the 2015-2016 Class of "20 under 40" Program under the direction of the Opelika Chamber of Commerce.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and minutes of the April 11 meeting. Commissioner Ham made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Long and carried unanimously.

Commissioner Ham stated the packets contained a draft copy of the proposed Spay and Neuter Agreement and a new Pilot Program. Commissioner Ham stated that County Administrator Roger Rendleman suggested a pilot program be implemented first to test the program to ensure the goal has been met and is successful. Further, the pilot program agreement is a shorter version of the draft agreement, so some of the changes may be in the pilot program agreement. Commissioner Long questioned why the "clinic" would be the only one to provide insurance. Mr. Rendleman explained that the Opelika Animal Hospital and Animal Health Center, jointly as the "clinic", would oversee the entire program as a way to centralize the administration of it. Commissioner Ham stated that the Commission will be the oversight committee whenever any changes are made to income limits or any increases or decreases in the rates. Chris Bozeman said there would one set price for male dogs, one for female dogs, another for male cats, and another for female cats. Commissioner Eckman questioned what any veterinarian that wanted to participate should do to join, and Commissioner Ham answered they would only need to contact the clinic. Mr. Rendleman agreed. Judge English questioned if a customer would be able to go thru their own veterinarian. Commissioner Ham stated yes. Commissioner Eckman questioned what the rates will be. Commissioner Ham stated the rates had not been set. Judge English questioned how the rates would be set. Environmental Services Director Chris Bozeman stated the rates would be set according to the "pet wagon" and the average of what other veterinarians spay and/or neuter fees are currently. Commissioner Ham stated the price would be the same for all participating veterinarians. Commissioner Long questioned the process and asked if the clinic approves a procedure, then a voucher is issued and the customer then would take the voucher to their own veterinarian to perform the procedure. Commissioner Ham agreed. Commissioner Eckman stated she was uncomfortable that the amounts are not included in the proposed Agreements. Commissioner Lawrence questioned if Lee County was the only participant in the Pilot Program. Mr. Rendleman answered in the affirmative. Commissioner Ham stated that both Opelika and Auburn wished to participate. Judge English then questioned why the rates to be charged are unknown if Lee County is going to commit \$5,000. Commissioner Lawrence stated that under Item #10 it states the rates are to be established. Commissioner Ham stated he did not know, but that he, Mr. Bozeman and Dr. Bruce and Dr. Hunt would all sit down and establish the rate at the same as the "pet wagon" currently charges. Commissioner Lawrence then questioned whether it would be a monthly type payment voucher system or pay ahead. Mr. Rendleman stated there would be no paying ahead. Commissioner Ham stated it would be Mr. Bozeman's decision on how the payment system is handled. Mr. Rendleman stated the Pilot Program would be funded by the Contingency Fund, not the Animal Control budget. Commissioner Ham stated that an adoption program has already

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 25, 2016

been put into place by putting this program together, which is definitely a positive thing. Commissioner Eckman stated she has seen the sign "Animals for Adoption" on the signs in front of the offices. Commissioner Ham made a motion to move forward with the Pilot Program and allocate \$5,000 from the Contingency fund. The motion was seconded by Commissioner Lawrence and passed on a vote of 4-1 with Commissioner Eckman voting "No".

Mr. Rendleman presented the Beulah Senior Center land survey and suggested that \$2,000 be allocated from the Contingency fund to pay for the service. Commissioner Lawrence questioned why it was being allocated from the Contingency fund. Mr. Rendleman explained that even though this grant includes a contingency allowance, this is separate. Commissioner Ham made a motion, seconded by Commissioner Harris to approve \$2,000 from the Contingency fund for the land survey for the Beulah Senior Center. The motion carried unanimously.

Next, Mr. Rendleman stated two updated job descriptions had been included in the Commissioners' packets due to the recent resignation of Mrs. Kim Oas, the current Human Resources/Safety Manager. Mr. Rendleman further thanked Mrs. Oas for her 12 years of dedicated service and further stated she would be sorely missed by him and it would be difficult to replace her, but stated he understood because she was leaving for family reasons. First, Mr. Rendleman stated he was requesting the Safety portion be moved from the Human Resources to the Governmental Relations position and rename it Governmental Relations/Safety Coordinator. Further, Mr. Rendleman stated other changes, including: workers' compensation and insurance, the county newsletter and meeting center scheduling. Second, the HR position would change from Human Resources/Safety Manager to Human Resources Director. Mr. Rendleman stated that removing the items from the Human Resources position does not take out the complexity or the amount of federal regulations that must be kept up with. Mr. Rendleman further explained that this only involved moving responsibilities and there is no change in pay grades. Commissioner Lawrence thanked Mrs. Oas for her hard work but stated he understood that family comes first. Commissioner Eckman made a motion to approve the two job descriptions as presented. The motion was seconded by Commissioner Harris and carried unanimously.

Commissioner Harris updated the Commission about the Alabama Council on Human Relations summer youth program. Commissioner Harris stated that there is a program for youth 17-24 years of age who qualify and is offered through the Alabama Employment Office, like the CETA Program offered years ago.

Next, Commissioner Harris introduced local realtor Selena Daniel concerning a piece of property she has located in the Loachapoka area for recreation purposes. Mrs. Daniels stated she was given the task to locate a piece of property for recreation purposes in the Loachapoka area at a cost of \$4,000-\$5,000 per acre and she has found such a property. Further, Mrs. Daniels stated she had been told she needed to talk to Mr. Southwell about the property and now she was informed she needed to bring it before the Commission for consideration. Mrs. Daniels questioned what the next step would be. Commissioner Harris stated that at a community meeting him and Commissioner Eckman had attended that a proposal asked if the citizens wanted recreation on the school grounds or off school grounds. Commissioner Harris stated that the majority wanted it off school grounds; therefore, he feels it necessary that the Commission consider purchasing the tract of land that has been located for recreation. Then, Commissioner Harris recognized some citizens in the audience who wished to discuss several issues related to Loachapoka recreation. First, Ms. Evans stated that her students at Loachapoka Elementary School had questioned her about a basketball recreation league. Commissioner Lawrence questioned if it was held at the school gym in the past. Ms. Evans stated yes, but they wanted to get a league back together. Mr. Rendleman stated he had talked to Lee County Recreation Board member Wendy Simpson who indicated that there was not enough interest to start-up a basketball program. Ms. Evans then stated that a meeting had been set-up and parents and volunteers had registered, but suddenly Mrs. Simpson had cancelled the meeting without

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 25, 2016

warning. Mrs. Jerri Young commented that this was not hurting the adults, but it was hurting the children and stated a community meeting needed to be held to address these issues. Judge English stated the Commission does not have a lock on it, nor does Mrs. Simpson, the District 1 representative or Ms. Frazier, the District 5 representative. Commissioner Eckman stated she felt they were missing leadership and stated she was not sure what had happened with Mrs. Simpson. Commissioner Eckman stated she and Commissioner Harris would meet with them briefly after the meeting. Mr. Rendleman again stated that the local areas need to address their own issues, since Lee County does not have its own recreation department. Commissioner Harris indicated that there was no accountability for the funds in the Loachapoka area. Judge English and Mr. Rendleman then discussed the allocation of the Recreation funds.

At approximately 5:50 p.m., County Attorney Stan Martin stated the Commission needed to adjourn into an executive session concerning a potential land purchase. Mr. Martin stated Mr. Rendleman needed to attend. Mr. Martin stated action may be necessary and the executive session will last approximately 30 minutes. Commissioner Lawrence made a motion to adjourn into executive session at approximately 6:00 p.m. The motion was seconded by Commissioner Long and carried unanimously.

Upon reconvening the Executive Session, no action was taken by the Commission. At approximately 6:20 p.m. Commissioner Lawrence made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 9, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, May 9, 2016 at 5:00 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 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. News media in attendance: Opelika Observer reporter Fred Woods and Opelika-Auburn News reporter Lindy Oller.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from April and minutes of the April 25 meeting. Commissioner Long made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Ham and carried unanimously.

Antonio Carter who had previously requested to be on the Agenda concerning garbage pick-up was not in attendance.

Foresite Group asked to present a little further down the agenda, without objections.

Sheriff Jones stated that no objections had been noted on the proposed issuance of the retail beer license for Bobbers Bait and Tackle located in District 4. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Harris and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the retail beer license for Bobbers Bait and Tackle located at 9825 Lee Road 379, Valley, Alabama.

Commissioner Long wished to share the revised Smiths Station Fire and Rescue ISO rating with the Commission. Commissioner Long stated the rating is a two-point jump from a 7/9 to a 5/5x. Commissioner Long stated the fire department worked hard to increase the fire fee and in return has been able to build a new fire station and purchase new equipment, including a ladder truck, with the increased revenue. These improvements have been a significant reason for the lowering of the ISO rating. The score is determined by numerous factors: the number of calls, the available equipment and other items. Commissioner Long stated he was curious so he called his insurance carrier who stated this rating change would save him approximately \$200 per year, considerably more than the increase in the fire fee was costing him. Commissioner Long questioned Commissioner Lawrence about Auburn's rating which he heard had been reduced to a Class 2. Commissioner Lawrence stated that was correct. Commissioner Ham reported that the Beulah Volunteer Fire Department had been reviewed and had received a new ISO rating but stated he wanted to report it to the Commission at a later date.

Commissioner Ham asked Environmental Services Director Chris Bozeman to give the latest update on the Spay and Neuter Program. Mr. Bozeman stated they had been compiling information to determine the fees for the Spay and Neuter Program. Mr. Bozeman stated his department had called 10 veterinarians across the county and then averaged the cost to spay/neuter both cats and dogs, including the cost that the "pet wagon" charges. The following rates have been determined: \$110 to spay a female cat; \$115 to spay a female dog; \$80 to neuter a male cat, and \$110 to neuter a male dog. Mr. Bozeman explained there would be an additional

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 9, 2016

fee of \$5 for cats and \$10 for dogs to be paid directly by the qualified citizens. Commissioner Lawrence questioned the process. Mr. Bozeman stated first a citizen gets a voucher and takes an animal to be spayed or neutered, then once complete, the veterinarian presents the voucher to the County for reimbursement. Commissioner Lawrence then questioned how many veterinarians have shown an interest in participating in the program. Commissioner Ham stated all that had been contacted.

Russ Lassiter and Jason Weckerly of Foresite Group were in attendance to discuss the Recreation Master Plan and schematic cost estimates of each recreation facility with the Commission. Mr. Lassiter stated he had met previously with the Lee County Recreation Board who liked the concept and stated they wished to move forward with development. Before the Foresite Group representatives could begin their presentation, Commissioner Harris brought up the property issue in Loachapoka. Commissioner Harris requested that the gentlemen from Foresite Group take a look at the property presented by Mrs. Selena Daniel and ask that they bring back a recommendation to the Commission. Commissioner Lawrence questioned Commissioner Harris on the location of the land because of its proximity to the Auburn city limits and not near the Loachapoka community. Commissioner Harris proceeded in stating that since the other areas had land, Loachapoka should be given the same consideration first. Judge English agreed with the need to acquire property in that area, but questioned whether the Loachapoka community needed a full 40 acres, since the school enrollment there is only 10% of that in Smiths Station. After more discussion, County Administrator Roger Rendleman asked the Commission to allow the gentlemen from Foresite Group an opportunity to make their presentation. Landscape Architect Jason Weckerly presented sketches of proposals for the three current parcels and a possible proposal for Loachapoka involving property currently owned by the Lee County School Board.

First, Mr. Weckerly discussed the Beauregard property. Mr. Weckerly discussed that the park must be entered thru a neighborhood subdivision, which was viewed as less than ideal by the Lee County Recreation Board members. Further, Mr. Weckerly stated significant retaining walls would have to be utilized on portions of the property to build the fields proposed. Mr. Rendleman stated that if the Commission is not interested in the proposal, they may wish to sell the parcel if it is not conducive to construction, and purchase another, more suitable parcel. Commissioner Lawrence indicated he was not a fan of retaining walls, since he had seen too many failures in the area. Commissioner Ham stated if they are built correctly then there are no problems. Commissioner Lawrence questioned if all 40 acres were usable. Mr. Weckerly stated that 80% of the land was suitable, with a one-mile walking trail through the wetland for passive recreation. The proposal showed seven baseball/softball fields and one multi-purpose football/soccer field, with four retaining walls. Commissioner Lawrence questioned if a Senior Center is proposed for the land in Beauregard. Mr. Rendleman stated there is nowhere to put one. Further, Mr. Rendleman stated the only reason one was in Smiths Station was because they had 78 acres, but it had nothing to do with recreation. Commissioner Harris stated he was aware that the citizens do wish to have a Senior Center in Beauregard.

Second, Mr. Weckerly discussed the Beulah site, which he stated was the most challenging. Mr. Weckerly stated the land would need several 10 ft. retaining walls and would include a one-mile walking trail. The proposal showed seven baseball/softball fields and one multi-purpose football/soccer field, with four retaining walls.

Next, Mr. Weckerly presented the Loachapoka concept, which was portrayed on existing school board property. Mr. Weckerly stated it would include a ¼ mile walking trail. Judge English questioned whether or not the school board wanted it located on school property. The proposal showed two baseball/softball fields, with no retaining walls. Mr. Rendleman stated it was a conceptual approach since currently no suitable property has been identified in Loachapoka. Once again, Commissioner Harris discussed the property issue in Loachapoka. Judge English questioned Mayor Grout if he knew of any other available property. Mayor Grout stated a parcel across from the school may be available but it was well under 40 acres. Commissioner Lawrence tried to reason that maybe less is more in this situation, if able to find a suitable piece of property to fit the actual needs.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 9, 2016

Last, Mr. Weckerly discussed Smiths Station, which he stated was the easiest, since there was an existing recreation park, and no retaining walls needed. The proposal showed five baseball/softball fields to be added to the current eight fields, and it would add an additional $\frac{3}{4}$ mile to the current walking trail.

After the presentation, Mr. Rendleman asked for guidance from the Commission. Mr. Rendleman explained the cost estimate is \$27 million and with existing revenue it would take 55 years to build-out the Master Plan as presented. Mr. Rendleman asked the Commission to first move forward with Smiths Station, second to decide about the Beauregard and Beulah parcels, and third, to continue to seek suitable property in Loachapoka. Further, Mr. Rendleman reminded the Commission that as the cities annex, the county loses some of this revenue source. Mr. Rendleman asked the Commission to move forward with some or all of the master plan. Judge English suggested the Commission identify land in Beauregard, Beulah and Loachapoka that is fairly flat to reduce sitework costs and the \$745,000 expense for retaining walls in these proposals. Commissioner Lawrence questioned the 40 acre tracts in Beulah and Beauregard and questioned how many acres are needed to build the parks in those areas. Judge English questioned whether the criteria should be how many acres, or how many ball fields, were needed in each community. Ms. Swann stated that the initial requests from the recreation board were for even more fields than what is being proposed. Mr. Weckerly stated he would have to do an evaluation before he could answer that question. Commissioner Lawrence stated he wanted to be equitable, but he also would like to identify other pieces of property before moving forward. After more discussion, Commissioner Lawrence questioned Mr. Rendleman on what was needed tonight. Mr. Rendleman stated earthwork in Beauregard and Beulah would be the next step if the Commission is satisfied with the current parcels and the necessary retaining walls, and land acquisition in Loachapoka. Judge English explained to the Foresite representatives that the Commission appreciates the work they've done and then stated it was more of a Commission issue now, since we don't know what to tell them yet about proceeding.

At approximately 6:15 p.m., Commissioner Harris made a motion to adjourn. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 31, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Tuesday, May 31, 2016 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: Revenue Commissioner Oline Price, Sheriff Jay Jones and Loachapoka Mayor Jim Grout. News media in attendance: Opelika Observer reporter Rebekah Martin, Opelika-Auburn News reporter Lindy Oller and photographer Todd Van Emst.

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

Johnny Black appeared before the Commission concerning the dirt portion of Lee Road 246. Mr. Black stated he was promised about 8-9 years ago that the road was going to be black-topped. Mr. Black stated someone from the state department had come out and pulled a tape at the center-line of the road, but the paving was never done. Mr. Black further stated that a road which only had two houses on it had been black-topped and he did not understand, and he further complained about the dust on the road. Judge English explained that in 2010 the Commission adopted a policy not to pave any more dirt roads, since they could not keep up with the maintenance on the paved roads already in existence. Judge English questioned how many people were in attendance concerning Lee Road 246 and about 13 people raised their hands. Mr. Stanley Smith stated safety was an issue since the school bus has gotten stuck on the road. County Engineer Justin Hardee questioned where the bus had gotten stuck. Jon Cockrell stated the bus had gotten stuck on 246 where Lee Rd 198 forks off. Markita Smith stated the road in that area is not wide enough for the bus to turn around. Mr. Hardee stated he would talk to someone at the school board about it. Further, Mr. Black discussed bushes scratching vehicles and the trees right along the roadway. Mr. Hardee explained that on that portion of the roadway the county only has prescriptive right-of-way and the county is not able to cut the bushes or the trees because they belong to the property owners, not the county. Ms. Ridley asked the Commission to consider the safety of the children on the school buses and to consider the elderly if emergency vehicles are called for assistance. Judge English asked the citizens to allow Mr. Hardee to show the video he made of the road today. Mr. Hardee reminded everyone in attendance that there are 183 miles of dirt roads in Lee County that he must be concerned about and not just this portion of Lee Road 246. After viewing the video and numerous comments from the audience, Mr. Hardee stated would talk to the property owners on either side of the roadway where the bushes and trees are located close to the road to see if they would be willing to give the county additional right-of-way to take care of those problems. Discussion was also held concerning the feasibility of closing the southern portion of the road where there are no homes.

Commissioner Lawrence welcomed Command Sergeant Major Bennie Adkins, Retired, to the Commission meeting. Further, Commissioner Lawrence asked the Commission to consider naming the Lee County Meeting Center in honor of Sgt. Major Bennie Adkins, a recent recipient of the Congressional Medal of Honor. Commissioner Lawrence stated that the mission of the green berets was twofold, one as a warrior and another to teach local communities to protect themselves. First, Commissioner Lawrence questioned Command Sgt. Major Bennie Adkins if he would like to share any words with those in attendance. Command Sgt. Major Bennie Adkins first stated he appreciated the invitation and introduced his family. His wife of 60 years Mary, daughter Mary Ann, son Keith, and daughter-in-law Jamie. Sgt. Major Adkins stated Memorial Day is a day to honor those that made the ultimate sacrifice and gave their life

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 31, 2016

and that those are the real heroes. He stated the State of Alabama has 440,000 veterans, and 2 living Medal of Honor recipients of the approximately 76 recipients alive today. Last, he stated that is what memorial services are about and he appreciated the invitation. Commissioner Lawrence made a motion to name the Lee County Meeting Center the Bennie Adkins Meeting Center. The motion was seconded by Commissioner Ham and carried unanimously.

Commissioner Ham made a motion to approve the following Resolution to name the bridge on Lee Road 375 the Robert E. "Eddie" Bland Bridge. The motion was seconded by Commissioner Lawrence and carried unanimously.

RESOLUTION

WHEREAS, Mr. Robert E. "Eddie" Bland has operated Bland's Discount Warehouse on Lee Road 375 for over 30 years, and supported the Beulah community and schools; and

WHEREAS, Mr. Bland donated property for the utility relocation to facilitate the bridge replacement over a tributary to Osanippa Creek on Lee Road 375; and

WHEREAS, the Lee County Commission is proud to recognize Mr. Robert E. Bland and his family for his unselfish acts by naming the bridge in his honor; and

WHEREAS, we pause to honor and praise the family of Mr. Robert E. Bland for the positive impact his actions have made to the citizens of Lee County, and especially those who travel Lee Road 375;

NOW THEREFORE, BE IT RESOLVED, that the Lee County Commission formally names the bridge over a tributary to Osanippa Creek on Lee Road 375 the "Robert E. "Eddie" Bland" in appreciation of Mr. Robert E. "Eddie" Bland and his family.

Revenue Commissioner Oline Price gave her annual Report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2015 and Uncollected Insolvencies and Taxes in Litigation for previous years, as required by Code of Alabama 1975, Sections 40-5-23 & 40-5-29. Commissioner Ham then made a motion to adopt the following resolution, seconded by Commissioner Harris, and unanimously carried:

BE IT RESOLVED by the Lee County Commission that the reports filed by Oline W. Price, Lee County Revenue Commissioner, of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2015 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.

Board of Registrars Chairman Leigh Reed appeared before the Commission to request additional funding for the office. Registrar Becky Bailey, with 2 years, thanked the Commission for the opportunity and introduced those in attendance, including: Dorothy Burton-20 years; Registrar Leigh Reed-3 years; and Registrar Susan Fillippeli-6 weeks. Ms. Reed stated that due to new State requirements and Registrar turnover, they are behind on scanning voter registration documents. Ms. Reed further stated that new voter registration procedures have meant more workload for the office, due to the fact that if a person registers at different locations more than once, the office must process each registration, which puts an extra burden on the staff. Additionally, two registrars must review each form to approve or deny it. Further, she explained that there is normally an increase in the number of people registering to vote in a presidential election. Ms. Fillippeli stated they were requesting three items: 1) to grant the Registrars 30-additional days as provided by Code §17-3-8(a); 2) to hire a temporary clerk to scan documents; and 3) to allocate additional funding for postage and supplies. Judge English reminded the

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 31, 2016

Commission that the “extra” 30-days are funded completely by county funds. Commissioner Eckman questioned County Administrator Roger Rendleman where the additional funds would come from. Mr. Rendleman explained that every 4 years he budgets for the additional 30 days, in presidential election years. Ms. Reed stated that it may not be necessary that each registrar may utilize the full 30 additional days. Commissioner Lawrence questioned how much they will need for temporary clerical assistance. Ms. Reed stated she would have to calculate that amount. Commissioner Ham asked Ms. Reed to get with Mr. Rendleman once those amounts are determined and then a request could be presented at the next meeting. Mr. Rendleman stated there should be enough in the budget to cover the additional postage and supply needs. Commissioner Lawrence thanked the registrars for the work they do. Dr. Susan Fillipeli informed the Commission of a statewide commission currently reviewing the way the Boards of Registrars are appointed and supervised.

Mr. Rendleman presented a request from Lee-Russell Council of Governments to give them a 40-foot strip of land to maintain and landscape for a screen between them and the new “Bush Road”. Mr. Rendleman further explained that Lee County has no purpose for the piece of land. Commissioner Harris stated that he had attended the meeting when the right-of-way was given for Bush Road. Further, Commissioner Harris stated that a serious problem had occurred at the LRCOG Board meeting and a lady was terminated and discriminated against. Commissioner Lawrence questioned Commissioner Harris and stated he was not in attendance for the Board meeting but was in attendance for the hearing on a personnel matter, which has been resolved. Commissioner Harris stated it was concerning people at Lee-Russell. Commissioner Lawrence stated the personnel issue Commissioner Harris was trying to address was not connected to the property issue on the commission agenda. Commissioner Eckman made a motion to approve giving the 40-foot strip of land to Lee-Russell Council of Governments. The motion was seconded by Commissioner Long and passed on a vote of 3-1-1 with Commissioner Harris voting “No” and Commissioner Lawrence abstained.

Sheriff Jones stated that no objections had been noted on the proposed issuance of the lounge retail liquor license for The Rockin Robin Bar and Grill located in District 4. Commissioner Ham stated the location has been a problem in the past and stated that the location was one reason he had looked into the enforcement of a noise ordinance. Commissioner Long then questioned Sheriff Jones if the building had been inspected like had been performed at the Buck Wild Saloon. Sheriff Jones stated that was a new establishment, not one already in existence like The Rockin Robin. Commissioner Long stated it is a big concern and he would like to see all establishments inspected prior to the issuance of a license. Commissioner Ham suggested that the Commission move the item to the next Agenda to allow the Building Inspection Department an opportunity to inspect the building prior to making a decision on whether or not to approve the application.

Assistant County Engineer Patrick Harvill presented a subdivision variance request from Mike Marsh, the owner of the proposed Haley Woods, Phase 5. Mr. Harvill stated the owner is requesting a variance to Section 5-6(7) of the *Lee County Subdivision and Land Development Regulations*, which states the following: “where all lot areas within a subdivision are three quarters (3/4) of an acre or greater and **all** lots shall have a minimum road frontage of one hundred twenty-five (125) feet, the developer shall not be required to construct curb and gutter. However, a wider right-of-way shall be required to accommodate the open ditch drainage system. The minimum right-of-way for this type of development shall be 60’.” As required in Section 8-1, of the *Lee County Subdivision and Land Development Regulations*, the County Engineer shall review the variance application and the circumstances, and make a recommendation in writing to the Commission at the regularly scheduled meeting. The six-page report contained information including that the Haley Woods, Phases 1 through 4 consist of 151 lots. The first phase was platted in January of 2001. The most recent phase constructed was platted in January of 2010, with plans being approved prior to the effective date of the 2008 Lee

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 31, 2016

County Subdivision and Land Development Regulations. The roads were constructed without curb and gutter and the average lot size in the previously constructed phases is $\frac{1}{3}$ to $\frac{1}{2}$ acre. On average the lots are approximately 90 ft. wide by 190 ft. deep. The remaining parcel that has yet to be developed is approximately 64 acres and it is currently wooded with no structures located on the property. The parcel has access to Lee Road 2087 at two different locations with paved road frontage and a third location with right-of-way available to construct a roadway. The property also has paved road frontage on Lee Road 2191. Phase 5 is proposed to be developed along the western boundary of the parcel. Commissioner Long stated Mr. Marsh lives in his district and stated when he constructed Phase 4 the economy took a downturn and at the time Engineer Neal Hall had given Mr. Marsh a variance, but Mr. Marsh had not gotten it in writing. Further, Commissioner Long stated that since it meets the health department requirements for lot size, he recommends letting Marsh finish out the property that he owns as it was done previously. Further, Mr. Harvill referred to the recommendation of Mr. Hardee on page 6 which states: "If the County Commission does not require the developer to install 27-foot paved roadway and curb and gutter, then it is my recommendation that the developer be required to provide each lot in all remaining phases of Haley Woods with 125 feet of road frontage to allow the Highway Department greater spacing between driveways to maintain the open roadside ditches. By waiving the $\frac{3}{4}$ acre minimum lot size requirement, the road frontage requirement would only reduce the amount of lots in Phase 5 from 39 to approximately 33." Upon this recommendation, Commissioner Harris made a motion to allow the variance as recommended by the County Engineer. The motion was seconded by Commissioner Long and carried unanimously.

Next, Mr. Harvill presented an Alabama PALS Adopt-A-Mile Program application from Anderson Trash Removal. They are wishing to adopt a mile of Lee Road 240, in District 3, where the Environmental Services site is located. Judge English questioned if Anderson Trash Removal is located in Lee County. Mr. Harvill stated they are located in Columbus, Georgia. Commissioner Long made a motion to approve the application from Anderson Trash Removal for the county road adoption. The motion was seconded by Commissioner Lawrence and carried unanimously.

Mrs. Wendy Swann presented the results of the RFP for ATM Services. Mrs. Swann stated that only one response was received from Cardtronics LLC, who is the current provider. They provide ATM services currently at the Courthouse, Auburn Satellite Office, Justice Center and the Lee County Jail. Mrs. Swann stated the two most utilized sites are the Courthouse and the Auburn Satellite Office. Commissioner Lawrence made a motion to approve Cardtronics LLC for ATM Services. The motion was seconded by Commissioner Ham and carried unanimously.

Judge English stated the last item on the Agenda concerning a proposed tree removal policy was for review purposes only, and would be considered for adoption at the next meeting.

At approximately 6:55 p.m., Commissioner Lawrence made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 13, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 13, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

During citizens' communications Peter Byrd stated it had been three months since he had submitted a public document request and questioned if there was any way the Commission could expedite his request. Judge English questioned if this was a request between he and County Engineer Justin Hardee. Mr. Harvill responded that the Highway Department had been in contact and were currently waiting on documentation from the State. Mr. Byrd questioned if Mr. Harvill was referring to ALDOT. Mr. Harvill answered in the affirmative.

John Sophocleus stated he wanted to publically commend Judge Jacob Walker's handling of the trial of House Speaker Mike Hubbard. Further, he stated Sheriff Jones had publically proclaimed his belief in Mr. Hubbard and he would like the Commission to give Sheriff Jones an opportunity to address his statement, and for the Commission to censure the Sheriff if he doesn't explain. Further, he discussed the fact that Sheriff Jones was given a retroactive raise by the delegation when normally an elected official's salary adjustment is made at the beginning of a term. Further, Mr. Sophocleus asked the Commission to consider passing a Resolution to take the sign off Mike Hubbard Boulevard and other nameplates.

Reverend Perry and Mr. Sanks appeared before the Commission concerning Lee Road 749. Rev. Perry questioned the timetable for the work that was discussed on the road. Judge English deferred to Assistant County Engineer Patrick Harvill. Rev. Perry asked that Mr. Harvill talk to a railroad representative to see if they would be willing to open up another crossing along the road for easier access to the Church. Next, Mr. Sanks questioned Commissioner Long whether or not a safety committee looked at the railroad crossing without crossing arms in Smiths Station at the proposed high school location before construction. Commissioner Long stated the Commission did no study and did not ask the Board of Education to do a study, the location was the decision of the school board and the Commission had no say so in the matter. Commissioner Lawrence stated that the Board of Education was asked specifically to look at traffic patterns and asked to work with the County Engineer. Mr. Rendleman interjected that the School Board purchased the land and preliminary engineering had begun before the Commission was even aware of the purchase. The Commission asked the school board to look at those items mentioned by Commissioner Lawrence later. Judge English stated the School Board is elected separately from the County Commission. Mr. Sanks further stated that the 4th Sunday of this month they will be hosting 150-year celebration at the Church and wanted to know if they could place signs to direct people to the Church off Highway 280 and the main road. Mr. Harvill stated that the county allows signs on county roads, but stated he is not aware of the State's policy for signs. Rev. Perry further stated that he could no longer hold revival at night because the ladies of the Church refuse to drive down the road at night time since the road is so dark. Rev. Perry questioned the Commission on when they could make the road safer, and said he would appreciate anything they could do.

Judge English wished County Administrator Roger Rendleman a happy birthday and an audience member started singing Happy Birthday, so everyone joined in. An audience member questioned his age and Mr. Rendleman replied he was 47 years old.

Mr. Rendleman introduced Erica Norris the new Human Resources Director. Mr. Rendleman stated she has several years of experience in Human Resources including her last 5 years as Human Resource Director for the City of Tuskegee, but stated she currently resides in Opelika. Mr. Rendleman stated he has high expectations of Ms. Norris. Judge English and the entire Commission welcomed Ms. Norris.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 13, 2016

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. News media in attendance: Opelika Observer reporter Fred Woods, Opelika-Auburn News Reporter Jim Little.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from May, and minutes of the May 31 meeting. Commissioner Lawrence made a correction on the May 31 minutes on page 2 during the discussion of the number of Medal of Honor recipients from 36 to 76 recipients. Commissioner Long made a motion to approve the consent agenda items with the noted correction. The motion was seconded by Commissioner Lawrence and carried unanimously.

County Administrator Roger Rendleman discussed the Board of Registrars' request for additional assistance. Mr. Rendleman stated that Registrar Leigh Reed had stated the office will need additional help at 25 hours a week until August 1st, then 40 hours a week until the election in November. Mr. Rendleman stated based on this information the office would need \$7,193 to cover personnel cost from now until the end of the current fiscal year. In addition, another \$2,272 is needed for equipment, which means a total of \$9,465 is needed for the current fiscal year. Commissioner Lawrence questioned if this was budgeted. Mr. Rendleman stated it was not and the contingency fund is tapped out, but he would recommend utilizing funds from the Election budget, since the last election was 100% reimbursable since there were no local elections on the ballot. Commissioner Ham made a motion to authorize Mr. Rendleman to move \$9,465 from the Election budget to the Board of Registrars budget for temporary assistance of \$7,193 and \$2,272 for necessary equipment. The motion was seconded by Commissioner Lawrence and carried unanimously.

Sheriff Jones stated that the Building Inspection Department had done an onsite inspection of The Rockin Robin Bar and Grill and had noted that certain safety standards had not been met. Sheriff Jones asked the Commission to hold off until those issues can be addressed. Commissioner Eckman questioned the occupancy. Sheriff Jones stated the State Fire Marshal is responsible for inspecting those requirements. Commissioner Ham stated no action is needed.

Daphane Farley was not in attendance for the agenda item concerning an issue with Lee-Russell Council of Governments. Commissioner Harris stated he had talked to Ms. Farley who wished to move the item forward.

Sheriff Jones presented the following Interlocal Agreement for Commission consideration for computers. Commissioner Lawrence made a motion, seconded by Commissioner Long to enter into and authorize Judge English to sign the following Agreement. The motion carried unanimously.

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF AUBURN, CITY OF OPELIKA AND COUNTY OF LEE, AL
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

This agreement is made and entered into this 21st day of June 2016, 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 to as CITIES acting by and through its governing body, the City Council, both of Lee County, State of Alabama, witnesseth:

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 13, 2016

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

WHEREAS, the total amount of the grant application is \$27,977, the CITIES and COUNTY agrees to equally share grant funds.

WHEREAS, the City of Auburn, City of Opelika, and Lee County believe it to be in their best interest 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 \$9,325.66 and agrees to pay the City of Opelika a total of \$9,325.66 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 furnishings of the services by the other party.

SECTION 4.

The parties to 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.

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

BE IT RESOLVED, the Lee County Commission does hereby approve the club liquor license for the Del Ranch Bar and Grill located at 4920 Lee Road 430, Smiths Station, Alabama.

Judge English noted that County Engineer Justin Hardee was out of town but he had previously included a proposed tree removal policy in the May 31st Commission packets for Commission review. Judge English stated the policy had been implemented unofficially for years, but Mr. Hardee wanted to put something more formal in writing. Commissioner Lawrence questioned when a tree falls due to weather conditions and/or age and then a Volunteer

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 13, 2016

Fire Department member removes the tree and cuts it up and places it on the right-of-way, would the county dispose of the tree. Mr. Harvill answered in the affirmative that the county would remove it completely from the right-of-way. Commissioner Long questioned paragraph #3 which states: "trees deemed to be dead or dying"; and questioned erosion issues like one near Mill Creek Subdivision on Lee Road 246 where trees are leaning towards the right-of-way. Mr. Harvill stated that if a tree is leaning towards the right-of-way then it will be addressed according to the proposed policy. Commissioner Ham stated the policy addresses "endangering the traveling public". After more discussion, Commissioner Long made a motion, seconded by Commissioner Ham to approve the Tree Removal Policy as presented. The motion carried unanimously.

Mr. Rendleman presented three corrective deeds for the "Bush Road" project. Mr. Rendleman explained that during research of the project it was discovered that property transfers associated with the Justice Center property made March 25, 2988; July 18, 1997 and August 31, 1998 were technically not proper. Two were right-of-way transfers and a third was the land donated for the Lee-Russell Council of Governments. All three were executed by the Lee County Commission based on the premise that the property had been re-conveyed to the Commission by the Lee County Public Building Authority upon the retirement of the warrant issue for the construction of the original Justice Center. This re-conveyance did not occur at the intended time. The Lee County Public Building Authority re-conveyed the Justice Center property to the Lee County Commission on March 24, 2016. Mr. Rendleman requested the Commission authorize the Chairman to execute the three corrective quit-claim deeds as presented. Commissioner Harris questioned how this could happen since he had been on the Commission and further stated he was not aware of any issues with any deeds. Commissioner Harris said he didn't understand this issue and was afraid we were making a mistake. Commissioner Ham said he had read the deeds and understood them. Mr. Rendleman stated he had asked County Attorney Stan Martin and Attorney Crawford Melton to review the deeds since Mr. Melton's office had been responsible for the title search in the past. Commissioner Harris said he had heard from Mr. Rendleman, but he wanted to hear from Mr. Martin. Mr. Martin stated he had written the corrective deeds which are before the Commission today. Judge English suggested that Commissioner Harris could vote "no" to relieve him from liability for this act if he thinks it is improper. Upon further discussion, Commissioner Eckman ended discussion by making a motion to approve the three corrective deeds as presented. The motion was seconded by Commissioner Long and carried on a vote of 4-1 with Commissioner Harris voting "No".

Maintenance Director Jerry Lynch reported that 2 bids were returned out of 6 bids sent out on Bid #5 for a maintenance department vehicle. Judge English asked if his was for the vehicle known as the "mail car", and Mr. Lynch replied yes. Mr. Lynch recommended acceptance of the bid of \$13,250 for a Nissan Versa Note from Sutherlin Nissan Mall of Georgia. Mr. Lynch further reported this was a budgeted item. Commissioner Ham made a motion to approve the lowest responsive bid from Sutherlin Nissan Mall of Georgia. The motion was seconded by Commissioner Eckman and carried unanimously.

At approximately 5:45 p.m., Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Harris and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, June 27, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During citizens' communications Reverend Nathaniel Pickett of New Hope CME Church appeared to discuss on Lee Road 749. Rev. Pickett questioned when the railroad crossing would be reopened so that Church members would come back. Judge English stated he had not heard of any plans for it to open back up. County Engineer Justin Hardee explained that in order to get protection at the railroad crossing across from Smiths Station High School, the two crossings at Lee Roads 749 and 195 were closed for corridor safety improvements. Further, Mr. Hardee stated at this time there has been no discussion of re-opening them. Commissioner Harris stated he had talked to railroad representatives in Atlanta who stated they will be willing to work with the community, once he is provided with the crossing number, to reopen it. Further, Commissioner Harris stated the representative from Atlanta stated there were procedures that should have been followed to close a crossing, including notification and a public hearing. Mr. Hardee stated that railroad representatives, ALDOT Officials and Lee County met and traveled from Opelika down to the county-line concerning upgrades at other crossings and safety enhancements at the high school. Mr. Hardee further stated he was not familiar with a process that was not followed. Commissioner Lawrence questioned who Commission Harris has talked to. Commissioner Harris stated he had talked to people in Atlanta, the main office of Norfolk Southern Railroad. Commissioner Long stated he thought they were out of Montgomery. Commissioner Harris stated he was informed he needed to call Atlanta. Commissioner Ham agreed with Commissioner Long and stated they had dealt with representatives from Montgomery. Further, Rev. Pickett stated he did not care, but the Church was not notified. Mr. Hardee stated that ALDOT was responsible for printing the notice prior to the public hearing. Rev. Pickett then questioned which newspaper. Mr. Hardee stated he was not sure, but he would give Rev. Pickett the contact information for ALDOT. Last, Mr. Hardee stated that the Highway Department had widened the culvert at the creek and the brush cutter had gone down and cut back limbs on Lee Road 749. Rev. Pickett thanked Mr. Hardee for that.

Bobby Sanks then asked the Commission if there is a scheduled time to pave Lee Road 749 to the church. Mr. Hardee stated that Lee Road 749 is not scheduled to be paved due to the suspension of the dirt road paving policy by the Commission. Judge English then explained to Mr. Sanks that in early 2010 the Commission as a body said "No" to paving dirt roads by adopting a policy to that effect, except for special circumstances. Mr. Sanks stated the closing of the railroad crossing on Lee Road 749 has created a problem for the New Hope CME Church family because the road at times is un-drivable. Second, Mr. Sanks addressed Commissioners Long and Ham and questioned why they came all the way to Smiths Station to work with the Board of Education. Commissioner Long stated this did not have to do with the Board of Education. Commissioner Ham stated he and Commissioner Long went to the Board of Education for payment of the agreement with Norfolk Southern. Commissioner Long further stated it was a corridor project of the railroad of deficiencies and dangerous crossings. Commissioner Long stated he was there alongside ALDOT officials and Norfolk Southern officials at their request to look at the crossings because they felt the crossings were dangerous. Mr. Sanks stated the Church just celebrated 150 years and to his knowledge there have been no accidents in many years. Commissioner Long stated it was not his decision, but what the railroad company saw. Commissioner Harris interjected that he did not vote to stop paving roads.

Mrs. Talitha Norris questioned if a decision had been made regarding taking down Mike Hubbard street signs. Judge English stated that the Commission never made that decision, and that she should contract the City of Auburn about Mike Hubbard Boulevard and Auburn University about the buildings on the campus.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2016

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, out of town. Elected Official(s) in attendance: Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Fred Woods, Opelika-Auburn News Reporter Jim Little.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and minutes of the June 13 meeting. Commissioner Ham made a motion to approve the consent agenda items as received. The motion was seconded by Commissioner Harris and carried unanimously.

County Administrator Roger Rendleman discussed the Recreation Master Plan as presented to the Commission on May 9 by the Foresite Group. Mr. Rendleman stated that Foresite Group is currently waiting on direction from the Commission. Mr. Rendleman discussed several options: 1) move forward with the plans as presented; 2) start over with Beulah and/or Beauregard by buying better suited land and selling the current properties; 3) start design and development on additional fields at the current Smiths Station Park as presented in the master plan. Commissioner Ham stated he had looked over the plans, and the retaining walls at Beulah and Beauregard would cost more than a new piece of property would cost. Commissioner Ham stated he would like to put both Beulah and Beauregard on hold, but would like to see the projects in Smiths Station move forward. Commissioner Lawrence agreed with Commissioner Ham with a few additions. Commissioner Lawrence stated he would like to see plans drawn to meet the needs of the property available and to be sure to meet needs of any programs already in place. Further, Commissioner Lawrence stated in Beauregard and Beulah he would like to see that the amount of land located is appropriate for the size of the programs necessary in each area and then see how much land is necessary. Last, Commissioner Lawrence stated he sees no problem to move forward in Smiths Station if the plans as presented are adequate. Commissioner Ham agreed with Commissioner Lawrence in that the plans may need to be reshaped to fit the needs of each area along with potential growth needs. Commissioner Lawrence questioned Mr. Rendleman on direction. Mr. Rendleman stated direction needs to be given as to whether to try and develop the existing land or seek other property. Mr. Rendleman stated not much forethought went into the original purchase of the land in Beauregard and/or Beulah. Mr. Rendleman stated there is a need to at least to find something better suited and better laid out for its purpose than what is currently on-hand. Commissioner Harris stated he agreed to go ahead with Smiths Station, but he disagreed with the discussion of the other two areas. Commissioner Harris stated he wants every community to grow the same. Further, he stated he had attended the Lee County Recreation Board meetings and he had even heard Mr. Southwell regret that Loachapoka had not been able to purchase any land. Further, Commissioner Harris once again stated the Loachapoka community does not want the recreation program located on school property as has been indicated in past discussion. Once again, Commissioner Harris indicated that Mayor Grout may have located a piece of land suitable for recreation in Loachapoka. Commissioner Ham agreed that Commissioner Harris should hold a public meeting in Loachapoka to determine the consensus of the citizens.

Daphane Farley appeared before the Commission to discuss an issue she has with the Lee-Russell Council of Governments. First, Ms. Farley stated she wished to address Judge English and Commissioner Lawrence, since they serve on the Lee-Russell Council of Governments Board, concerning a complaint letter that was sent concerning the Executive Director Suzanne Burnette. Further, Ms. Farley stated there was a whole lot of lying going on on the Commission and on the Lee-Russell Council of Governments Board and she stated it will bite the agency and it will come back to bite you all. Ms. Farley referred to an in-house investigation of her termination which was done by a retired Judge who was paid by taxpayer money. Ms. Farley stated that she let the Department of Transportation know about it too. Judge English suggested that Ms. Farley was dissatisfied with the post-termination hearing given

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2016

her by LRCOG. Commissioner Harris interjected stating that he served on the LRCOG Board from 1986-1994 when he served on the Opelika City Council. Commissioner Harris stated that Ms. Farley was terminated and further stated that two people had caused her to lose her job. Further, Commissioner Harris stated they used "At Will" Law stating Ms. Farley had never been written up since she had been with LRCOG over 10 years, but had transferred and was on a new job less than 6 months and had been wrongfully terminated. Commissioner Harris further stated that Mrs. Burnette had paid a special judge \$600, taxpayer dollars, after Lee County had given the money to LRCOG. Commissioner Harris stated after two people had resigned and they got rid of this one lady, he stated after she told him this he was hurt. Ms. Farley further stated that Russell County Commission is not happy about it and Phenix City Councilman Arthur Day is not happy, further she stated her attorney is involved in it. Ms. Farley continued to state that this was not a six-month termination, because she had been in this same position, but at part-time status. She further stated that she was not happy, because wrong is wrong. Judge English stated she had clearance to file an EOC claim. Ms. Farley stated the Commission will hear from her again. No action was taken by the Commission.

Marcus Clark appeared before the Commission to ask for support of Global Community Outreach, a non-profit organization, headed by his father Abraham Clark, who was unable to attend today. Mr. Clark stated that he had attended Auburn University and was involved in an on-campus fraternity involved with local youth. Mr. Clark stated he was involved with teens and the platform of this organization is to ask for no violence for 365 days, which is reason it is called, 365 Nonviolence Initiative. Mr. Clark stated the organization is requesting a \$2,000 donation to help with start-up costs for a first-time event scheduled on August 27 at the Life Center at Greater Peace Baptist Church for mothers who have lost their sons to gun violence. Mr. Clark stated a song challenge for any songwriters is being promoted for the initiative and to give the youth a challenge and to give them something constructive to do. Further, he said to promote unity during the event they will hold seminars, social gatherings and small group events. Mr. Clark stated his hometown is Union Springs and he has been involved there and had recently held the 4th Annual Event which was a Stop the Violence Basketball Tournament involving older kids mentoring to younger kids for accountability and to showcase positive events in the community. Commissioner Lawrence questioned if they were a 501C(3) organization and questioned if their headquarters were located on Highway 51. Mr. Clark responded in the affirmative and stated it is an old church building. Next, Commissioner Harris questioned Mr. Clark on where he had been since a senseless killing had just occurred in Opelika over the weekend and something was needed to curtail the violence. Further, Commissioner Harris stated Sheriff Jay Jones would be willing to support what Mr. Clark is trying to do in the community. Commissioner Harris also stated he would be willing to help Mr. Clark with grants if Mr. Clark would contact him. Commissioner Ham thanked Mr. Clark for what he is doing.

County Engineer Justin Hardee presented the following Federal Aid Agreement for Lee Road 27. Mr. Hardee requested the Commission adopt the Resolution for the bridge on the dirt portion of Nixon Steel road. Mr. Hardee stated this is an 80/20 Federal Aid project totaling \$427,800 with \$342,240 State funds and \$85,560 county funds. Commissioner Ham made a motion to pass the Resolution and authorize Judge English to sign the Federal Aid Agreement as presented. The motion was seconded by Commissioner Lawrence and unanimously carried.

RESOLUTION

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

The construction of a 3@40' span precast bridge replacement on CR-027 over Chewacla Creek.

BIN#001166. Length-0.03 miles

Project#ACBRZ61134-ATRP(015);LCP#41-124-13;ATRIP#41-05-27

which agreement is before this Commission, and that the agreement be executed in the name of

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2016

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 FOR ALABAMA TRANSPORTATION REHABILITATION
AND IMPROVEMENT PROGRAM (ATRIP) PROJECT
BETWEEN THE STATE OF ALABAMA
AND LEE COUNTY, ALABAMA**

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

WITNESSETH

WHEREAS, the STATE and the COUNTY desire to cooperate in the construction of a 3@40' span precast bridge replacement on CR-027 over Chewacla Creek. BIN#001166. Length-0.03 miles Project#ACBRZ61134-ATRP(015);LCP#41-124-13;ATRIP#41-05-27

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 (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 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 the 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. Any shortfall in funding or overrun

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2016

in construction costs shall be borne by the COUNTY from Federal ATRIP funds, if available, 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 follows:

Federal ATRIP Funds	\$342,240.00
County Funds	<u>\$ 85,560.00</u>
Total (Including E & I)	\$427,800.00

(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 prorata 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 agreement.

(13) The COUNTY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period will not be eligible for payment.

(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) The COUNTY shall be responsible at all times for all of the work performed under this agreement and, as provided in Alabama Code § 11-93-2 (1975), the COUNTY shall protect, defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officials, officers, and employees, and their agents and/or assigns.

(16) For all claims not subject to Alabama Code § 11-93-2 (1975), the COUNTY shall indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers and employees, and their agents and/or assigns from and against any and all actions, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to the (1) work performed under this agreement, (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the COUNTY pursuant to the terms of this agreement, or (3) misuse, misappropriation, misapplication or misexpenditure of any source of funding, compensation or reimbursement by the COUNTY, its agents, servants, representatives, employees or assigns.

(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 23-1-63, 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 available at the Lee County Highway Department and hereby made a part of this agreement.

(22) This agreement is made and expressly executed in the names of the parties hereto by their respective officers, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2016

(23) 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.

(24) The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.

(25) This agreement may be terminated by either party upon the delivery of a thirty (30) day notice termination.

IN WITNESS WHEREOF, the parties hereto cause this agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

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

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all 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 effect or which may, during the course of this agreement, be enacted, then the conflicting provision in the agreement shall be deemed null and void.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2016

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.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS:

The STATE and CONSULTANT acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the STATE, CONSULTANT, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The CONSULTANT agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subjected to its provisions.

County Engineer Justin Hardee presented the following Federal Aid Project Resolution for Lee Road 279. Mr. Hardee requested the Commissioner adopt the Resolution for the resurfacing of Lee Road 279 from Lee Road 270 to the Lee/Chambers county line for a distance of 2.18 miles. He stated that once the Resolution has been adopted, the Highway Department will be able to initiate the project through the Federal Aid System, in order to spend the funding within the established deadline. Commissioner Ham made a motion to pass the Resolution as presented and authorize Judge English to sign the Agreement. The motion was seconded by Commissioner Long 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, resurface, traffic stripe and other safety improvements on Lee Road 279, from its intersection with Lee Road 270, thence North approximately 2.18 miles to the Lee/Chambers County Line, utilizing Alabama Transportation Rehabilitation and Improvement Program (ATRIP) funding.

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

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

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

Mr. Hardee stated the Highway Department wished to participate in the Southeast Region Joint Bid Program. Mr. Hardee stated this is a purchasing alliance made up of twenty counties in the southeast region of Alabama. He stated this program is similar to the ACCA Joint Bid Program which the county currently participates in for large equipment, but this includes more annual maintenance type items. Those items include items like: corrugated metal pipe, concrete pipe, traffic signs, traffic stripe, erosion control materials, grader blades, hydro-seeding, etc. Further, Mr. Hardee stated participation in this program should help to reduce administrative efforts and costs of the bidding process for multiple competitive bids. Judge English echoed the fact that it takes a great effort in the number of maintenance items that are bid each year, which is quickly approaching. Commissioner Lawrence made a motion to authorize Judge English to sign the agreement as presented. The motion was seconded by Commissioner Harris and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2016

Mr. Hardee presented an assistance request from Kreher Preserve and Nature Center Outreach Administrator Jennifer Lolley in repairing a gravel parking lot. Mr. Hardee stated the gravel parking lot has suffered erosion issues due to the recent rains. Mr. Hardee stated the Highway Department has gone out and looked at the parking area and determined it will need a dump-truck load of material and should only take approximately ½ day to assist with the request. Upon discussion, Commissioner Lawrence made a motion, seconded by Commissioner Long to allow the Highway Department to perform the work as presented. The motion carried unanimously.

Mr. Hardee presented the following Resolution for the removal of some local roads from our state graded road inventory. Mr. Hardee explained that these roads meet ALDOT's requirements to be removed from their annual inspection list. ALDOT has been consulted on this, and are expected to approve their removal. Mr. Hardee explained that these roads are no longer eligible for state or Federal funding, as they are classified as local roads, but Lee County is currently required to have them inspected by ALDOT annually because state or Federal funds were used on them previously. They could now jeopardize our Federal funding for other projects if they receive a failing grade from ALDOT, so their removal from State inspection is clearly in our best interest. Lee County will continue to inspect them to the same grading system, but using County personnel, and will continue to prioritize them with our other local resurfacing needs. Mr. Hardee explained that only 25% of 670 miles of paved roads in Lee County qualify for ALDOT Federal funds, which leaves 75% of county roads that must use county resurfacing funds. After much discussion, Commissioner Lawrence made a motion, seconded by Commissioner Long to authorize the Chairman to sign the Resolution as presented. The motion carried on a vote of 3-1 with Commissioner Harris voting "No".

RESOLUTION

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

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

WHEREAS, the projects shown on the attached list are included on the Annual Maintenance Inspection Reports and Lee County is responsible for the maintenance of the roadways which fall within the County's jurisdiction; and,

WHEREAS, this request should in no way be considered as an attempt to remove the County from its maintenance responsibility for the routes and limits of the projects, and the County will continue to maintain the routes within the limits of these projects in accordance with the policies and procedures established by the County for routes of this type,

WHEREAS, ALDOT has established Guidelines for Removing Projects from the ALDOT Annual Maintenance Inspections,

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission that the projects shown on the attached list be considered by ALDOT for removal from the Annual Maintenance Inspections.

ROUTES TO BE REMOVED FROM ANNUAL MAINTENANCE INSPECTION

PROJECT NO.	ROUTE(S)	LOCATION
S-1162-C	Catherine & Fletcher Drive	Entire Roads
SACP-4140-A	Lee Road 266	From US 29 to Chambers CL
IA-041-000-002	Lee Road 009	Entire Road
SACP-4285-A	Lee Road 274	From Lee Road 275 to US 29
SACP-4235-F	Lee Road 272	From US 29 to Lee Road 275
S-1162-A	Lee Road 651	From LR 71 to Tallapoosa CL
SACP-4284-A	Lee Road 334	From LR 379 to Bartlett's Ferry
SACP-4235-D	Lee Road 374	From LR 375 to LR 270
SACP-4140-B	Lee Road 270	From LR 266 to US 29
SACP-4283-A	Lee Road 268 & 271	From LR 266 to Chambers CL

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 27, 2016

SACP-4285-B	Lee Road 263 & 262	From US 29 to LR 270
SACP-4345-A	Lee Road 188	From AL Hwy 14 to Macon CL
SACP-4156-B	Lee Road 188	From LR 81 to Loblockee Creek
SACP-470-C	Lee Road 182 & 183	From US 280 to LR 390
SACP-4329-A	Lee Road 177	From US 29 to Chambers CL
SACP-4307-C	Lee Road 170 & 129	From LR 401 to Russell CL
SACP-4328-B	Lee Road 157	From LR 11 to Macon CL
SACP-4306-A	Lee Road 084	From LR 72 to US 280
S-1127 & SPUR	Lee Road 126 & 169	From LR 165 to LR 170
S-1162-B	Lee Road 136	From LR 401 to AL 169
FAS-595(1)	Lee Road 073	From LR 72 to Tallapoosa CL

County Administrator Roger Rendleman noted that the two educational reimbursement requests presented had been approved by the appointing authorities and satisfied the requirements for preapproval for EMA Planner Rita Smith and Probate Office Clerk Christina Awbrey. Commissioner Lawrence made a motion to approve the educational reimbursement requests as presented. The motion was seconded by Commissioner Long and carried unanimously.

Governmental Relations/Safety Coordinator Wendy Swann presented the Commission a draft ADA Transition Plan. Mrs. Swann explained that in order to comply with the Americans with Disabilities Act of 1990, ALDOT has tasked all MPOs and their member governments with drafting an ADA Transition Plan. The Transition plan includes a self-evaluation of pedestrian right-of-ways, a schedule for corrective measures if necessary, public involvement and a complaint/grievance process. At this time, ALDOT and the MPOs are only concerned with the transportation aspect of compliance. Mrs. Swann stated the draft ADA plan included in the packets will be open for public comment for two weeks and the final plan will be presented for Commission action at the last meeting in July. No Commission action was necessary.

Commissioner Ham gave an update on the Beulah Utilities District and was happy to report that significant changes had taken place over the last two years. First, he reported that there has been no rate increase to citizens over the last two years because they have been doing a better job of managing their resources. Further, Commissioner Ham stated Beulah Utilities had built a new building in a better location to serve its customers. Additionally, they hired Clearwater Solutions, LLC to manage the water system. Further, he stated a website had been created for the citizens and stated the meetings are posted on the website. Commissioner Ham stated all board members had been replaced except for one member who has been a member for over 30 years. Commissioner Ham further stated the development fee had been decreased from \$2,800 for meter installment to \$700 which he believes has helped with home development since it has become more affordable. Further a new agreement for water has been negotiated with Opelika Water, who is a great partner. He stated the financial position of the district remains strong and has a bond rating of A+. He stated there has been significant improvements in the districts water system in both water pressure and water volume around the Lake Harding area. Commissioner Ham stated the ISO Rating missed a rating of three by only 4 points. He stated their current rating went from a 6/9 to a 4/9 and passed the water shudder test. Commissioner Ham stated this information would be included in the next billing and that customers need to contact their insurance company to see if they qualify for a better insurance rate. Further, Commissioner Ham stated the strong leadership of the Board is what has made the difference and he wished to stress to the Commission the importance of appointing qualified board members.

At approximately 6:40 p.m., Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 11, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, July 11, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

During citizens' communications Mr. Peter Byrd questioned several documents he had requested in an open records request several months ago from County Engineer Justin Hardee. Mr. Byrd stated he had received unsigned and undated documents. Further, Mr. Byrd stated he received a document which referenced another document, a Crossing Agreement, which he says apparently does not exist. Further, Mr. Byrd requested to be on the next Agenda to address the Norfolk rail line in Salem. Judge English questioned Mr. Byrd he could be placed on the next agenda, but stated he still may not get the information he wants to receive. Mr. Byrd then questioned where he goes for transparency, because he had requested certified documents but they were not signed. Further, he stated he was trying to resolve the matter at this level. Commissioner Harris stated this was the first he had heard of the issue about an open document request. Commissioner Harris questioned if it was an ethics violation and further questioned if the documents are available to give them to Mr. Byrd, but if not available, then tell Mr. Byrd they are not available, but tell the truth. Mr. Byrd once again questioned the Minutes where it stated Commissioner Ham indicated the School Board would pay \$25,000 for the crossing arms and a year later the Minutes reflected the board was going to pay \$75,000. Commissioner Ham spoke up and stated the School Board had sent the money today. Mr. Hardee spoke and indicated he would not be in attendance at the July 25 meeting, but would be back first August meeting. Judge English questioned Mr. Byrd and Mr. Byrd said he preferred to wait until the August 8 meeting on his issue.

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. News media in attendance: Opelika Observer reporter Fred Woods, Opelika-Auburn News Reporter Jim Little.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from June and minutes of the June 27 meeting. Commissioner Ham made a motion, seconded by Commissioner Lawrence to approve the consent agenda items as received. The motion passed on a vote of 4-0-1 with Commissioner Long abstaining. Judge English realized he did not mention the announcement for the following Board Appointments under Consent Agenda: 1) Communications District (E911)-2 vacancies; 2) East Alabama Health Care Authority-3 vacancies; and 3) Lee County Cemetery Preservation Committee-5 vacancies. Judge English apologized, and Commissioner Long indicated he preferred to vote on the items separately. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the Announcement of the board openings as presented. The motion carried on a vote of 4-0-1 with Commissioner Lawrence abstaining.

Mr. Hardee presented an update on Lee Road 246 to the Commission. Mr. Hardee stated that he pulled the maintenance activity on the road over the last 10 years and had talked to Transportation Director Lee Lindsay who supervises the Lee County buses. Mr. Hardee stated the information he would review was included in the Commission packets. Mr. Hardee stated that the 10-year maintenance review shows that the road has been bladed, the brush cut many times thorough those years. The road was capped with crusher run in 2007. Further, Mr. Hardee stated the report shows the road has been scraped at least 8 times per year, which is more than normal for most dirt roads in the county, because in the past some roads have not been scraped at all. Further, Mr. Hardee stated in the last 5 years the brush cutter had cut twice per year because of the number of complaint calls received in the office. In 2009, the county tried to acquire 60 ft. right-of-way on 18 parcels which the county needed to acquire to widen and/or pave the road. County policy at that time required 90% of the necessary right-of-way to be donated or the

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 11, 2016

project was shelved. Of those responding: 6-yes; 1-no; 5-no responses; 4-responded, but asked the county to reduce the 60 feet to 40 feet, and 2-refused with no forwarding information. Additionally, Mr. Hardee stated he had talked to Mr. Lindsay who indicated he is not aware of any Lee County school bus getting stuck on this road in the last five years. Ms. Christine Washington presented a picture taken on her cell phone of the washboard road conditions to the Commission. Ms. Washington stated she has to keep her truck in the shop for repairs due to the conditions of the road. Commissioner Ham questioned Mr. Hardee on the last time the road was graded. John Cockrell stated the road had not been scraped this year. Commissioner Ham stated according to Mr. Hardee's records the road has been scraped five times already in 2016. Mr. Cockrell spoke up and stated he heard Mr. Hardee say at the last meeting that his department was behind on road maintenance. Mr. Hardee stated he had talked to the foreman in this area and that many roads in the county were not getting scraped, but this road had been getting more attention than average. Mr. Cockrell once again spoke stating that the citizens are out there and are able to see if they are scraping the roads, but there is no proof it has been done, such as the rocks being on the side of the road or in the ditches. Commissioner Ham questioned if the same amount of traffic was traveling the road. Calvin Bellamy stated he believes there is an increase in traffic due to elderly citizens having their children and siblings coming to check on them; loggers; hunters; regular traffic; and more people riding the road to enjoy the scenery. Jason Mitchell questioned the report from Mr. Lindsay on the buses and questioned if the report that each bus driver must check on road conditions could be looked at. Mr. Hardee stated it may be another type bus and not a Lee County school bus, perhaps a Head Start bus. Mr. Mitchell questioned the right-of-way issue on the ones that did not give it and questioned if those individuals did not live on the road. Mr. Hardee apologized and stated he was unsure because he did not have the information available at the meeting, but that it is county policy not to identify specific individuals who decline to donate right-of-way. Mr. Johnny McCoy stated he owns property down there and pays taxes and further stated that something should be done to the road so that his expensive cars would not be torn up. Commissioner Ham asked Mr. Hardee if he would be available to go out on the road with him in the morning to see what he can do to fix it. Stanley Smith stated they have been looking at it for over 30 years. One man stated that approximately 6-7 years ago the state people came and pulled a tape to the center of roadway and stated they never came back to do anything. Commissioner Harris interjected and stated that they have the Commission trying to work with them and asked the citizens to let Commissioner Ham work with the community to see what he can do. Further, Commissioner Harris stated if they are not satisfied then they can return and appear back before the Commission. No action was taken by the Commission.

County Attorney Stan Martin stated the Commission needed to adjourn into Executive Session concerning a potential real estate transaction and to discuss pending litigation. Mr. Martin stated Mr. Hardee and Environmental Services Director Chris Bozeman needed to attend. Further, Mr. Martin indicated it may take approximately 45 minutes on both items and action may be necessary on one or both items at the conclusion of the Executive Session. At approximately 5:30 p.m., Commissioner Eckman made a motion, seconded by Commissioner Lawrence to adjourn into Executive Session. The motion carried unanimously.

After reconvening, Commissioner Ham made a motion to authorize Judge English and Mr. Hardee to negotiate a deal to purchase, at the same price per acre, either one of two parcels being considered for a solid waste location, at the discretion of the Chairman and the Engineer. The motion was seconded by Commissioner Harris and carried unanimously.

Secondly, Commissioner Ham made a motion to allow Attorney Ken Webb to make an offer of settlement in a matter of pending litigation. The motion was seconded by Commissioner Long and carried unanimously.

At approximately 6:05 p.m., Commissioner Lawrence made a motion to adjourn. The motion was seconded by Commissioner Eckman and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 25, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, July 25, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

During citizens' communications, Mr. Mike Davis of Lee Road 707 appeared to discuss the use of Tannerite by a neighbor. Mr. Davis stated he served as a U. S. Marine from 1974 – 1978 and clarified that due to this, he knew a little of the use of this explosive which he stated can be used to ignite gunpowder. Mr. Davis read the entire description on the bottle of Tannerite that he had brought to the meeting. Judge English stated the Commission has no authority to pass an ordinance addressing this since the Commission only has the authority given to them by the Legislature. Mr. Davis stated then he may have to go to the Legislature on this issue. Further, Mr. Davis stated he had addressed the Lee County Sheriff's Office several times who told him that the neighbor can use the substance legally. Mr. Davis further questioned if the noise ordinance that had been addressed by the Commission was progressing. Commissioner Ham stated he had a problem with the noise ordinance last year in trying to enforce it because there was no way to monitor the noise level. Commissioner Ham further stated until enough citizens come forward, nothing can be done for it to progress forward. Commissioner Ham encouraged Mr. Davis to contact Senators Whatley and Dial on the issue. Judge English questioned whether he had tried talking to the neighbor. Mr. Davis stated he and others had tried to no avail.

Next, Mrs. Lisa Harmon, who is a neighbor to Mr. Davis on Lee Road 707, appeared before the Commission. Mrs. Harmon stated that her children and grandchildren are scared to go outside because of the noise and activity of the neighbor using this substance. Mrs. Harmon further stated that these sounds are much worse than the rock quarry, which is nearby. Mrs. Harmon questioned the Commission on leadership on where to go from here. Judge English questioned if it was only this issue. Mrs. Harmon stated there were other issues as well, with semi-automatic guns and machine guns being fired on the adjoining property. Mrs. Harmon stated her family used to live in peace and quiet, and now her family has to live in what sounds like a war zone.

Last, Mrs. Shirley Wilson of Lee Road 707 appeared and stated she lives across the street from the neighbor who does the noisy activity and stated she was scared to go outside or even to sit on her porch because of it.

Mr. Davis questioned the printed information on the Tannerite can that stated it complied with 27-CFR-555.11. County Administrator Roger Rendleman stated that was federal regulations. Mr. Davis stated it may be necessary to go further than Montgomery with his issue.

Next, Mr. Peter Byrd thanked the Commission because he had received some more of the documents he had requested. Mr. Byrd requested that his item be moved from the August 8 meeting to the last meeting in August.

Commissioner Ham asked to move the Agenda item recognizing the Opelika Chiefs to later in the meeting when more players would be in attendance, since most of the players hold full-time jobs and are coming later.

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. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News Reporter Jim Little.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 25, 2016

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

Governmental Relations/Safety Coordinator Wendy Swann presented the ADA Transportation Transition Plan for Commission consideration. Mrs. Swann stated in order to ensure compliance with the Americans with Disabilities Act of 1990, the ALDOT has tasked all the MPOs and their member governments with drafting an ADA Transition Plan. The transition plan should include a self-evaluation of pedestrian right-of-ways, a schedule for corrective measures if necessary, public involvement and a compliant/grievance process. At this time, ALDOT and the MPOs are only concerned with the transportation aspect of compliance. Mrs. Swann stated the plan was available for a two-week public comment period with no comments received. Mrs. Swann requested the Commission adopt the final ADA Transportation Transition Plan. Commissioner Lawrence questioned if he could approve it since he serves on the MPO Board. Judge English stated it would be acceptable. Commissioner Lawrence made a motion to approve the ADA Transition Plan as presented. The motion was seconded by Commissioner Ham and carried unanimously.

Pastor Shealey was not in attendance on the Agenda item concerning the Loachapoka Family Enrichment Center, however Ms. Gerri Young addressed the item for him. She introduced Olivia Durant, a student worker, and two participants of the summer camp which was held at the Family Enrichment Center. First, Olivia Durant, a recent Auburn High School graduate, a volunteer who worked with the youth at the camp. Miss Durant stated she helped teach simple life skills, such as getting along with others and being an encouragement to the students to perform well in school. Two campers were in attendance at the meeting and shared their experience and how it benefited them. First, Amira Thomas shared about her experience at the Shiloh School in Notasulga. Next, Brittany Oliver shared about the visit to the Rosenwald School and stated how blessed we are to live in a time of technology. Ms. Young stated that the participants visited the Tuskegee Airmen Museum in Tuskegee during their last week of camp. Further, Ms. Young invited all the Commissioners to a groundbreaking ceremony for the new building scheduled for August 7th at 2:30 p.m. with Rev. Clifford Jones as the speaker.

Barbara Scott appeared before the Commission on two necessary actions for the Beulah Senior Center project to move forward. First, Mrs. Scott asked the Commission to accept the two-acre land donation from the Bridge Church along with an easement. Commissioner Ham made a motion, seconded by Commissioner Harris to accept the land donation from the Bridge Church for the Beulah Senior Center and authorize the Chairman to sign the necessary documents. The motion carried unanimously.

RESOLUTION

WHEREAS, the Lee County Commission has been awarded a CDBG Community Enhancement Grant from the Alabama Department of Economic and Community Affairs in the amount of \$250,000 for the purpose of constructing a new Senior Center in the Beulah Community (Grant Number CY CE PF 15 006); and

WHEREAS, the Bridge Church wishes to donate two acres of land for the new Beulah Senior Center (Parcel Number 43 0205 16 0 000 001.002; Lot 2), and has waived any and all rights and benefits accruing to them under the Uniform Act freely and without duress; and

WHEREAS, County is acquiring the land in accordance with the guidelines of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 25, 2016

NOW THEREFORE BE IT RESOLVED, the Lee County Commission hereby accepts the land donation of the Bridge Church for the purpose of constructing the new Beulah Senior Center.

BE IT FURTHER RESOLVED, the Lee County Commission intends to create a public access easement on the property.

Next, Mrs. Scott presented the following Resolution for architectural services with Stacy Norman Architects, LLC for \$40,000. Commissioner Ham made a motion, seconded by Commissioner Eckman to approve the following Resolution and authorize the Chairman to sign the contract with Stacy Norman Architects, LLC. The motion carried unanimously.

RESOLUTION

WHEREAS, the Lee County Commission has been awarded a Community Development Block Grant from the Alabama Department of Economic and Community Affairs to construct a new Senior Center in the Beulah Community to meet the needs of the large number of seniors residing in northeast areas of the County (Grant Number CY CE PF 15 006), and;

WHEREAS, the Lee County Commission issued a Request for Qualifications and wishes to enter into an agreement with Stacy Norman Architects, LLC for architectural design and inspection services associated with Beulah Senior Center Project.

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Commission hereby authorizes its Chairman to execute a contract with Stacy Norman Architects, LLC in the amount of \$40,000 for architectural design and inspection services for the Beulah Senior Center.

Commissioner Eckman presented the following Resolution for Commission consideration. Commissioner Eckman explained the Town of Loachapoka had been working with Jamie Oakes of Farmscape Solutions in Notasulga and would like the Commission to support their efforts. After discussion, Commissioner Eckman made a motion, seconded by Commissioner Harris to authorize Judge English to sign the Resolution as presented. The motion carried unanimously.

RESOLUTION

SUPPORTING THE TOWN OF LOACHAPOKA IN ITS DEVELOPMENT OF A COMPREHENSIVE FARM AND RETAIL INITIATIVE

WHEREAS, the Town of Loachapoka is desirous of creating economic and health-related opportunities for its citizens and for the residents of the outlying community, many of whom are low-income, and

WHEREAS, *Farmscape Solutions* is a non-profit, community-based organization working to improve the health and success of farms and farmers' markets, and

WHEREAS, *Farmscape Solutions* can provide expertise promoting local small-scale production of produce and foods, providing methods to aggregate and locally distribute such goods, and

WHEREAS, *Farmscape Solutions* can provide leadership to educate the Town as to opportunities for the establishment of a sustainable Farmers' Market, expanded marketing of local produce and food, and enhanced use of the Community Center for both teaching, preparation, and distribution of food, and

WHEREAS, the Town believes, along with the full support of the Lee County Historic

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 25, 2016

Society, that the creation of such a comprehensive plan will lead toward the revitalization and development of a Loachapoka economic initiative that will impact the success of established business and corporate entities such as the Lee County Historic Society and that entity's programs and museum, as well as the retail merchants and professional offices within the Town's limits and the outlying community of merchants by attracting shoppers, and

WHEREAS, The Town believes that this development will provide food access within what is now essentially a "food desert," and

WHEREAS, the Lee County Commission supports the Town of Loachapoka in its farming, economic, and retail development efforts.

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission, that it supports the Town of Loachapoka in its quest to improve its economic future through the creation of a comprehensive plan for food availability, food preparation/preservation, education, and retail development.

Mr. Rendleman presented the results of Bid #6 for the HVAC replacement at the Justice Center in Building "B". Mr. Rendleman stated that the jail was built in 1983 and the 1st phase of this project was the demolition and removal of the old duct work and now this is the 2nd phase which includes the main portion of the central plant. Mr. Rendleman stated that three responses were received and overall the bids were acceptable. Mr. Rendleman recommended the Commission accept the lowest responsive bid from Associated Mechanical of Montgomery, Alabama for \$422,479. Commissioner Ham questioned when the company would begin the project. Mr. Rendleman stated he believes they will start as soon as the performance and material bonds are received and the contract is signed. Commissioner Lawrence questioned why it would take 180 days to complete the project. Mr. Rendleman stated they need that lead time since the unit must be manufactured, and it not just standard equipment. Commissioner Harris made a motion, seconded by Commissioner Lawrence to accept the bid of \$422,479 from Associated Mechanical. The motion carried unanimously.

Next, Mr. Rendleman proposed the following dates for budget work sessions: August 8, 29 and September 12 immediately following the Commission meetings. Further, he suggested considering scheduling September 13 and 14 at 5:00PM, if case they are necessary. Commissioner Lawrence questioned the structure of the work sessions. Mr. Rendleman stated he would like to present the Highway Department first, then the Sheriff's Office since they comprise over 80% of the total budget, and then discuss overall goals. Next, Mr. Rendleman stated he could schedule meetings with those county departments or outside agencies the Commission wishes to hear from. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to schedule the following budget work sessions: August 8, 29 and September 12, following the Commission meetings and September 13 and 14, if necessary. The motion carried unanimously.

Assistant County Engineer Patrick Harvill presented an Adopt-A-Mile request from Alabama PALS on behalf of Ms. Holly Macintire, in memory of Daniel Specker. Mr. Harvill explained that the request is to adopt a 0.3 miles of Lee Road 173, in District 4, from U. S. 431 north to the Chambers County line. Commissioner Ham made a motion, seconded by Commissioner Harris to authorize Judge English to approve the Alabama PALS application request as presented. The motion carried unanimously.

EMA Director Kathy Carson presented a Hazard Mitigation Grant funding request for Commission consideration. Ms. Carson stated Lee County had been allocated up to \$70,000 for Hazard Mitigation as a result of the Presidential Declaration (DR4251) resulting from the

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 25, 2016

December 2015 flooding event. In order to qualify for this funding, the project must be selected and supported by the Hazard Mitigation Committee. The Lee County Hazard Mitigation Committee voted unanimously to support the sole project proposal, put forth by Ms. Carson, for the placement of up to four public tornado shelters in selected areas throughout the county. This project is in alignment with the Governor's suggested priorities. Ms. Carson stated the possible communities for the tornado shelters include: Loachapoka, Beauregard, Smiths Station and Beulah. The Hazard Mitigation has a 75/25 community match. The funding match can either be cash or in-kind labor and materials (such as site set-up). Land values may also be used in some circumstances. In order to move forward, a Letter of Intent (LOI) must be submitted by July 26, 2016. Ms. Carson stated the LOI does not commit the Lee County Commission to proceeding with any project at this time, it only indicates planning direction. The official grant deadline is September 2016. Further, Ms. Carson stated there are many details that need to be worked out on this project as it develops and she only wished to inform the Commission of the funding. Lee County's other FEMA rated public tornado shelter is located at Southern Union Community College and has a capacity of up to 1500 individuals. The shelters being considering for this grant would be smaller, with a capacity of 25-50 individuals. Commissioner Lawrence made a motion, seconded by Commissioner Harris to move forward with the Letter of Intent (LOI) for the Hazard Mitigation Grant. The motion carried unanimously.

Commissioner Ham wished to recognize the Opelika Chiefs, a pro-development football team, for their last two seasons. Opelika Observer reporter Fred Woods stated the Opelika Chiefs were national runners-up to the Oklahoma City Bounty Hunters in the league's championship game (17-14), a 2015-2016 record of 21 wins and a single loss and 21 wins in a row. Commissioner Ham recognized the owner of the team, Randy Price and the General Manager, Jason Dunson. Also in attendance were Head Coach Hunter Price and players DeAngelo Adams, Robert Cattage, Tae Eubaire, Ladecker Johnson, Terrance Moore, Justin Plog and Jimmy Prater. Coach Price explained that 3 types of football players participate on an "Amateur to Professional Developmental Football League" team, they include: 1) those that are college eligible; 2) those that have used up their college eligibility; and 3) "older guys" who just love to play the game. Commissioner Ham thanked them for their attendance.

Chief Building Official Joel Hubbard requested permission from the Commission to update the Lee County Building and Administrative Codes to the 2015 I-codes to be effective September 1, 2016. Mr. Hubbard stated that the mandatory Alabama Residential Building and Energy Codes will be updated to the 2015 I-codes effective October 1, 2016. Mr. Hubbard stated Commission approval is necessary in order to meet the effective dates for the following: 1) approve the posting of the obligatory 4-week public notice; 2) schedule a public hearing prior to the August 29th meeting; and 3) adopt a resolution signifying the update during the August 29th meeting. Mr. Hubbard said he would provide the Commission a copy of the proposed updated Administrative Code, a summary of the changes and a copy of the proposed Resolution for Commission review prior to that meeting. Judge English reminded the Commission no official action is necessary tonight, because Mr. Hubbard only needed to inform the Commission before the notice was posted in the newspaper. Commissioner Ham thanked Mr. Hubbard for being proactive.

Commissioner Harris thanked the community for the calls and well wishes when he announced he was running for Mayor of Opelika. Commissioner Harris stated the citizens showed him an outpouring of love. Additionally, he wanted to thank all his supporters and stated he would continue to serve as Commissioner until he won.

At approximately 6:05 p.m., Commissioner Lawrence made a motion to adjourn. The motion was seconded by Commissioner Eckman and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 8, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 8, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Harris.

During citizens' communications, Mrs. Norris of Lee Road 54 appeared to discuss the policy of trees on the rights-of-way as presented by Commissioner Lawrence at a previous meeting. Mrs. Norris stated a tree that had fallen near Commissioner Lawrence's home was thrown into the ditch and recently a truck went into the ditch and landed on the tree. Mrs. Norris was concerned and stated the Commission needs to consider a policy for downed trees. Commissioner Ham stated that the Commission had previously donated chainsaws to the volunteer fire departments for this purpose and reminded the other Commissioners it is time to do it again since it has been over four years since they donated them originally. Commissioner Lawrence indicated that in some instances it is a manpower issue because a downed tree may be reported to the EMA Department or the Highway Department and the department tries to make it as safe as possible when a situation like this occurs.

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 Officials in attendance included: Sheriff Jay Jones, Loachapoka Mayor Jim Grout. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News Reporter Jim Little.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, July procurement card transactions, and minutes of the July 25 meeting. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to approve the consent agenda items as received. The motion passed on a vote of 4-0-1 with Commissioner Long abstaining.

First reading of two Board Appointments were presented. First, the following three names for the East Alabama Health Care Authority were offered: for reappointment Lucinda Cannon and Wayne Alderman; and Dr. Steve Lock to replace Dr. Bill Garrett, who is ineligible for reappointment. Commissioner Eckman made a motion, seconded by Commissioner Long for first reading to the East Alabama Health Care Authority of the appointees as presented. The motion passed on a vote of 4-0-1 with Commissioner Lawrence abstaining.

Next, the following appointees to the Lee County Communications District (E911) Board were offered: Mary Henry for reappointment and a new appointee Assistant Chief Robert L. Holley to replace retired Opelika Police Chief Tommy Mangham. Commissioner Lawrence made a motion, seconded by Commissioner Eckman for first reading to the Lee County Communications District (E911) Board of the appointees as presented. The motion passed unanimously.

Commissioner Ham stated that the same names keep appearing for reappointment and suggested he would like to see some "new blood" on these boards. Commissioner Ham further stated he knows that the ones being reappointed are capable, but he still would like to see others given an opportunity to serve. Judge English stated that of the five appointments, two were new appointees.

Pastor Anthony Shealey appeared with an update on the Loachapoka Family Enrichment Center. Pastor Shealey gave a brief background of the organization which began with a vision night held in 2009, became a 501(c)(3) in 2011, had a sign unveiling in 2012 and a groundbreaking ceremony in 2015. Now in 2016, Pastor Shealey was happy to extend an

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 8, 2016

invitation to the Grand Opening of the Family Enrichment Center at 2:00 p.m. Sunday to the Chairman and the Commissioners. Pastor Shealey stated they were very proud of the facility and further stated the construction is 99.9% complete. Pastor Shealey shared that the mission of the Family Enrichment Center is to offer recreational, educational, social, health and human service programs which are designed to foster independence, fellowship and community involvement, for the entire family. Pastor Shealey once again asked the Commission to consider allocating funds to the Family Enrichment Center. Commissioner Harris stated he was impressed with the presentation by Pastor Shealey and liked that they were trying to save the children before they get into the community. Pastor Shealey ended by thanking the Commissioners in advance for any amount of support they may contribute to the Center. Commissioner Ham thanked Pastor Shealey for his leadership.

At approximately 5:30 p.m., Commissioner Long made a motion to adjourn into a budget work session. The motion was seconded by Commissioner Ham and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, August 29, 2016 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 Officials in attendance included: Sheriff Jay Jones and Coroner Bill Harris. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News Reporter Jim Little.

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 approval and the minutes of the August 8 meeting. Commissioner Ham made a motion, seconded by Commissioner Long to approve the consent agenda items as received. The motion passed unanimously.

Commissioner Eckman offered the following Resolution for two reappointments and one new appointment to the East Alabama Health Care Authority to serve six-year terms. The motion was seconded by Commissioner Harris and carried on a vote of 4-0-1 with Commissioner Lawrence abstaining.

BE IT RESOLVED, the Lee County Commission hereby reappoints Lucinda Cannon and Dr. C. Wayne Alderman and appoints Dr. Steven Lock (to replace Dr. Bill Garrett, who is ineligible for reappointment) to the East Alabama Health Care Authority board to serve six-year terms beginning October 1, 2016.

Commissioner Lawrence made a motion to approve the following Resolution to appoint the following to the Lee County Communications District (E911) Board. Commissioner Harris seconded the motion and the motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Mrs. Mary Henry and appoints Opelika Assistant Police Chief Robert "Bob" Holley (to replace retired Opelika Police Chief Tommy Mangham) to the Lee County Communications District (E911) Board to serve four-year terms ending July 24, 2020.

Peter Byrd appeared and read nine pages of a 36-page statement to the Commission. Mr. Byrd talked about three issues in his presentation, including: 1) the protection or lack thereof at the Norfolk Southern crossing in front of Smiths Station High School; 2) the closing of two other railroad crossings in that corridor; and 3) Lee Road 106 and its access to Moore's Mill Road and a subdivision. Mr. Byrd raised several issues concerning copies of agreements with ALDOT, Lee County and the Lee County Board of Education, and the response time in receiving the requested documents. Mr. Byrd questioned why some documents were not signed or even in the possession of the proper agency when he requested them. Further, Mr. Byrd repeatedly stated the Commission and the Engineer did not follow processes or procedures properly and/or stated he was given false or misleading information by the Commission or by the County Engineer. Commissioner Lawrence questioned Mr. Byrd as to what he was looking for. Mr. Byrd responded that he wanted the Commission to follow the law, to follow the process because to him it seemed that the same pattern of malfeasance was happening over and over again. Further, Mr. Byrd stated if something is not changed, then he will request the bond information on every Commissioner and the County Engineer. He stated he feels this has been going on too long. Last, Mr. Byrd asked the Chairman to include the documentation in the Commission Minutes. Judge English stated he would add the entire documentation to the meeting notes, but would not put the pages in the minutes. No action was taken by the Commission.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2016

Jimmy Wright, President of the Opelika Community Development Corporation, asked the Commission to consider donating the old Lee County Board of Education property on South Railroad Avenue to the corporation for a medical clinic for underserved citizens. Mr. Wright explained that the corporation is working to provide medical, dental and eye care for people who fall into the coverage gap. According to documentation presented to the Commission, one in four people live in poverty in Lee County and fall into a coverage gap where they make too much money to be enrolled in Medicaid but not enough money to qualify for subsidies on the healthcare marketplace. Further, Mr. Wright stated that as reimbursements from Medicaid drop, some physicians are no longer accepting Medicaid. The clinic would be available to those that fall into this category. The Alabama Medicaid Agency announced in July it was stopping supplemental payments to primary care physicians to save \$14 million. Those cuts went into effect on August 1. Mr. Wright stated that the corporation has received a startup grant from the Casey Foundation and the clinic could open within 120 days of securing the property. Further, Mr. Wright stated the facility could take care of both adult and pediatric patients and stated the three buildings and the location are ideal. Commissioner Harris was supportive of the proposal. Commissioner Ham suggested the Commission allow County Attorney Stan Martin to research what they can do and come back to the Commission with options for Mr. Wright at the next meeting. Further, Commissioner Ham thanked Mr. Wright for what he does for the entire community. Judge English also thanked Mr. Wright for his attendance and stated Mr. Wright not only “talks the talk, but walks the walk”.

Ms. Eddream Lawrence came before the Commission asking the County to complete the paving of Lee Road 140. Ms. Lawrence stated she appeared before the Commission approximately 10 years ago and asked the Commission to complete the paving, but nothing had been done. Ms. Lawrence presented a petition containing eight signatures representing landowners, residents and concerned citizens of Lee County and Russell County and the Pleasant Hill African Methodist Episcopal Church. Ms. Lawrence stated the bus travels the road. Further, she stated it is hard to see because the tree limbs are hanging so low. Ms. Lawrence stated she had been informed that the county was not paving any dirt roads, but that since then Lee Road 143 had been paved. Commissioner Harris stated that she was correct, that the Commission had voted to discontinue paving dirt roads, but he had not been in favor of it. Ms. Lawrence made an appeal to 3 or 4 Commissioners to vote with Commissioner Harris to complete the paving of Lee Road 140. County Engineer Justin Hardee stated that only the portion of Lee Road 140 up to the Church was approved by the Commission for paving, and was done in 1996. For the remaining 1.1 miles of dirt road, as described with trees on both sides, the county only has prescriptive right-of-way. Additionally, the county would need to acquire the necessary right-of-way to maintain the appropriate drainage, and would cost approximately \$120,000 to pave. Further, Ms. Lawrence stated she could not even access her property. Mr. Hardee stated he would ask the Highway Superintendent to go out and look at it and get her access point fixed.

County Engineer Justin Hardee presented the following Federal Aid Resolution to resurface Lee Road 011 for Commissioner consideration. Commissioner Ham made a motion to authorize the Chairman to approve the following Resolution. The motion was seconded by Commissioner Harris and carried unanimously.

RESOLUTION

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

Full depth reclamation with Cement, Widen, Resurface, traffic stripe and other safety improvements on Lee Road 011, from its jurisdiction with Lee Road 039, then northerly approximately 3.263 miles to its junction with Alabama Highway 51.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2016

WHEREAS, the County agrees to pay 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 projects, and

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

THEREFORE, BE IT RESOLVED by the Lee County Commission that the Highway Department is authorized to enter into Project No. LCP-41-143-16 with the State.

County Administrator Roger Rendleman presented a request to allocate \$140,990 in the FY2017 Budget for capital renovations at the Agriculture Extension Building. Mr. Rendleman explained he currently is working with the USDA on a long term lease for their Service Center located in the building. In doing so, it is necessary to move forward with an established budget in order to finalize the lease with USDA. Additionally, in the process a few minor renovations of \$63,645 and facility updates of \$77,345 were requested. Mr. Rendleman stated the requested costs of the update could be recovered through negotiations in the long-term lease. The funding would come from next year's unallocated available fund balance which is in excess of reserves and designations. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Harris to allocate \$140,990 for capital renovations at the Agriculture Extension Building in the FY2017 Budget. The motion carried unanimously.

Judge English opened the floor at 5:53 p.m. to hold a **Public Hearing** on the proposed updated Building Codes. No one was in attendance or signed in to speak so Judge English closed the Public Hearing at 5:53 p.m. Chief Building Inspector Joel Hubbard presented the following Resolution for Commission consideration. Commissioner Long made a motion to accept the following Resolution on the updated Building and Administrative Codes 2015 Version. The motion was seconded by Commissioner Harris and carried unanimously

RESOLUTION

WHEREAS, it is the desire of Lee County to adopt in all respects the various International Building and Residential Codes and special provisions related to building, such as, mechanical, plumbing, electrical and energy, and

WHEREAS, the adoption of these codes is done to facilitate proper inspection activities by Lee County relating to construction and relating to public safety, health and general welfare, and

WHEREAS, heretofore the Lee County Commission did conduct a public hearing in accordance with Code of Alabama 1975 41-9-166, after due notice of said public hearings by publication in a newspaper published and of general circulation in such county published for more than ten (10) days prior to said hearing, all in accordance with the requirements of law.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission as follows:

1. That Lee County and the Lee County Commission do hereby adopt by reference and provide for the enforcement of, separately and severally, each of the following codes, and any update and replacement editions thereof as the same may be adopted by the published, which as aforesaid, are adopted by reference as fully completely as though they were copied herein fully:

International Building Code	2015 Edition
International Residential Code, including Appendix G, J, and M	2015 Edition
International Plumbing Code	2015 Edition

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2016

International Mechanical Code 2015 Edition
International Fuel Gas Code 2015 Edition
International Existing Building Code 2015 Edition
International Swimming Pool and Spa Code 2015 Edition
NFPA 70, National Electrical Code 2014 Edition
International Energy Conservation Code,
with State of Alabama Amendments 2015 Edition
Lee County Building Inspections Administrative Code
Lee County Storm Water Management Plan, Construction Site Runoff
Lee County Flood Damage Prevention Resolution

2. Be it further resolved that the above Codes shall apply to and govern in all unincorporated areas of the County and also in those parts of the County lying within the corporate limits of municipalities which have not adopted and are not enforcing municipal building codes, when a request, in the form of a resolution is sent to the County Commission by the governing body of such municipality.
3. Be it further resolved that administrative provisions for each of the above codes are hereby adopted.
4. Be it further resolved that the Lee County Commission does hereby prescribe and exact fees and charges to be paid for inspections and other administrative services and for the issuance of building permits as shown in the Administrative Code.
5. Be it further resolved by the Lee County Commission that any matters in the Administrative Code which are contrary to the above International Codes, the Administrative Code shall prevail.
6. Be it further resolved that the provisions of this Resolution and separately and severally, the provisions of the above Codes are each severable. In the event any part or parcel of this Resolution or, separately and severally, any part of the Codes referred to above are declared invalid, illegal or unconstitutional, such declaration shall not affect the part which remains. It is anticipated that each of the above Codes will be updated as necessary.
7. Be it further resolved that exclusions apply for certain agricultural structures not intended for human occupancy and that nothing in the Codes herein adopted shall apply to any building or project authorized or licensed by the Nuclear Regulatory Commission, the Federal Energy Regulatory Commission or the Alabama Public Service Commission.
8. Be it further resolved that all prior Resolutions or parts of prior Resolutions which conflict with this Resolution are hereby repealed to the extent of such conflict, and
9. Be it further resolved that the above Codes and the provisions of this Resolution shall take effect September 1, 2016.

Environmental Services Director Chris Bozeman presented a proposed solid waste disposal contract extension with Advanced Disposal Services, LLC for Commission consideration. Mr. Bozeman stated the Commission has two options: 1) sign the contract extension as presented with no material changes; or 2) send out an RFP. Mr. Bozeman recommended the Commission extend the contract with Advanced Disposal for another three years on the same terms. Judge English stated if option #2 is chosen then the RFP would be based on the county tonnage only, because both the City of Auburn and City of Opelika have already renewed their contracts with Advanced Disposal. Commissioner Lawrence made a motion to extend the contract with Advanced Disposal as presented. The motion was seconded by Commissioner Eckman and carried unanimously.

Mr. Rendleman stated the FY2015 Audit, October 1, 2014 to September 30, 2015, had been completed and he was happy to report that once again it was a clean audit. Mr. Rendleman stated that for over 10 years the Commission has had a clean audit. Mr. Rendleman stated it was an honor to report it to the Commission and he wanted to thank all the department heads and he

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 29, 2016

wanted to especially thank the entire Commission staff, including Deputy Administrator Alice McCall Fitzgerald, who has been with the Commission staff that entire decade and then some.

Meadowbrook Attorney Ken Webb stated the Commission needed to adjourn into Executive Session concerning a matter of current litigation. Mr. Webb stated Mr. Rendleman and County Attorney Stan Martin needed to attend in addition to the Commission. Further, Mr. Webb stated it would last approximately 15 minutes and official action is anticipated after the conclusion. Commissioner Lawrence made a motion at approximately 6:00 p.m. to adjourn into Executive Session. The motion was seconded by Commissioner Harris and carried unanimously.

Upon reconvening after the Executive Session at approximately 6:20 p.m., Mr. Webb advised the Commission of action necessary due to the matter of litigation. Mr. Webb requested the Commission to authorize him to make the following settlement proposal in a joint motion to the Circuit Court: 1) allow the court to grant the liquor license to the Iron Horse Saloon based on the following terms and conditions: a) The Iron Horse Saloon may only serve alcoholic beverages Monday through Thursday from 4:00 p.m. to 11:00 p.m.; Friday from 4:00 p.m. to 12:00 a.m. (midnight); and Saturday from 12:00 p.m. (noon) to 12:00 a.m. (midnight). No alcoholic beverages will be permitted to be sold on Sunday; and b) If any problems develop with respect to criminal activity relating to the sale or use of alcoholic beverages on the premises, the Lee County Commission shall have the authority to require, as a part of retaining the lounge retail liquor license, that the Iron Horse Saloon hire an off-duty officer during times alcoholic beverages are sold or such lesser times as may be approved by the Commission. The Commission may revoke the lounge retail liquor license if the Iron Horse Saloon fails to comply with this provision or may seek an order from this Court revoking same. Commissioner Ham made a motion, seconded by Commissioner Harris to approve the recommendation as stated by Attorney Ken Webb. The motion carried unanimously.

At approximately 6:30 p.m., Commissioner Long made a motion to adjourn into a budget work session. The motion was seconded by Commissioner Ham and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 12, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 12, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

During citizens' communication, Ms. Eddream Lawrence once again appeared before the Commission and presented another petition containing 43 individual signatures (*discounting duplicates*) requesting that the county complete the paving of Lee Road 140. She also requested assistance from the Highway Department, and Mr. Hardee said they would coordinate that. Judge English reminded the Commission that only the portion of Lee Road 140 up to the Church was approved by the Commission for paving, and that was done in 1996.

Next, Peter Byrd appeared to question the Commission what, if any, action would be taken to address the 27-page presentation he made at the last meeting. Judge English asked the Commission if anyone wished to comment, and no one responded. Mr. Byrd again requested copies of the bond information on each Commissioner. Judge English informed Mr. Byrd the bond information could be obtained in the Commission Office.

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 Officials in attendance included: Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News Reporter Jim Little.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from August, the minutes of the August 28 meeting and the announcement of three vacancies on various boards. The three vacancies include: Janice P. Frazier's (resigned position) unexpired term ending October 14, 2019 on the Lee County Recreation Board; Iris Batchelor's term ending October 1, 2016 on the Horseshoe Bend Regional Library; and Dan O. Roberts term ending December 1, 2016 on the Beulah Utilities District. Judge English reminded the Commission that these would come back in 30 days for first reading. Commissioner Long made a motion, seconded by Commissioner Harris to approve the consent agenda items as received. The motion passed unanimously.

Commissioner Ham recognized Jimmy Wright who was in attendance to address the County property he would like to see used as a medical clinic for underserved citizens. Mr. Wright stated he wished to clarify that the Opelika Community Development Corporation would hold or possess any property and that corporation would lease the property out for medical purposes. Mr. Wright reported those that have shown an interest in providing services include the following: adult & children services, eye and dental services. Mr. Wright stated the downtown buildings owned by the County would be ideal for the proposed services. Mr. Wright further stated whatever the County could do at this time would be greatly appreciated. County Attorney Stan Martin recommended the Commission obtain an AG's Opinion to be sure the County can legally transfer property to a corporation wishing to provide these services. Judge English stated the Commission would need to submit a Resolution for this purpose. Judge English further reminded the Commission and Mr. Wright that the County plans to utilize at least two of the three buildings over the next two years for displaced staff while the Courthouse undergoes renovation and the new annex is constructed. Commissioner Ham stated Mr. Wright is clear on the County's situation and further stated Mr. Wright is willing to work with the County on working something out with the use of the buildings. Mr. Wright stated that EAMC, Mercy Medical, local dentists and private partners would like to see something done in the community for those underserved citizens. After more discussion, Commissioner Ham made a motion authorizing Judge English to submit a Resolution to the AG's Office for an opinion on

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 12, 2016

the County giving, leasing or otherwise allowing the property to be used by the Opelika Community Development Corporation. The motion was seconded by Commissioner Harris and carried unanimously.

An educational reimbursement request for EMA Planner Rita Smith was presented. County Administrator Roger Rendleman stated all requirements had been met and authorized by the appointing authority. Commissioner Ham made a motion, seconded by Commissioner Eckman to approve the educational reimbursement on Rita Smith as presented. The motion carried unanimously.

Environmental Services Director Chris Bozeman presented an equipment lease agreement with the City of Opelika for a vertical (cardboard) baler. Mr. Bozeman stated it was for use of the equipment for three years, from October 1, 2016 to September 30, 2019, at no cost to the county. Further, the county agrees to return the equipment to the city at the end of the agreement. Commissioner Eckman made a motion to authorize the Chairman to sign the agreement as presented. The motion was seconded by Commissioner Ham and carried unanimously.

Commissioner Ham asked Mr. Bozeman to update the Commission on the Spay & Neuter Program. Mr. Bozeman stated all contracts were signed and vouchers have been made and the program is ready to start tomorrow. Judge English suggested that Mr. Bozeman email all the Commissioners the specifics. Commissioner Ham reminded the Commission that the program is still operating under the pilot program but will begin full operation on October 1.

Governmental Relations Coordinator Wendy Swann placed a funding request in the Commission packets for the upcoming employee health and benefits fair. Mrs. Swann made the request for up to \$1,200 out of the contingent fund for food, decoration, and supplies, as well as cover the cost of any potential overtime incurred by the committee members. Commissioner Ham made a motion, seconded by Commissioner Long to approve the request as presented. The motion carried unanimously. Commissioner Ham complimented the committee on the job they have done on past health fairs.

Commissioner Harris recognized Mr. Willie Philpott, who arrived late after citizens' communications were over, but wished to speak to the Commission. Mr. Philpott explained to the Commissioners that his business had been granted permission by the Commission to provide garbage pickup service to residents in the county. Mr. Philpott stated that he felt he was being harassed by Deputy Warren Jones, who told him he is dumping illegally. Further, Mr. Philpott stated he not only collects trash from those rural residents, but he also has another commercial disposal service which he disposes of at the transfer station in Opelika. Mr. Philpott stated that Deputy Jones stated several people had seen Mr. Philpott dump trash in the county dumpsters over the weekend. Mr. Philpott explained that he was doing nothing illegal since he was dumping trash belonging to his rural residents that he holds contracts with. Judge English explained that the Commission assigned solid waste enforcement duties to the Sheriff's Office, and that he would need to address that issue with their office. Commissioner Lawrence questioned if Sheriff Jones wished to comment on the issue. Sheriff Jones stated he could not comment because it involved an ongoing investigation.

At approximately 5:25 p.m., Commissioner Long made a motion to adjourn into a budget work session. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 26, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, September 26, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During citizens' communication, Domestic Violence Intervention Center Executive Director Lisa Stephens appeared before the Commission to thank them for their support over the years. Ms. Stephens also wished to stress to the Commission how much the agency relies on the funding received from the county for emergency client aid. Ms. Stephens stated the funds help their clients become more productive in their employment and also it helps the children thrive once they are able to move beyond the situation. Ms. Stephens thanked the Commission for the opportunity to speak and asked them to consider at least level funding.

Next, Twin Cedars Child Advocacy Center Project Coordinator Tina Evans appeared to thank the Commission for their support and stated the funds help over 300 kids in the area. Ms. Evans stated the agency works with area law enforcement to serve children with forensic interviews. Ms. Evans stated that the kids are able to stay in the area and are not being shipped off to Birmingham for counseling. Further, Ms. Evans stated that with only four employees the center is open 24 hours a day, seven days a week to provide these services to area children.

Next, Salvation Army Board Chairman Paul West appeared to thank the Commission for the continued support and stated the Salvation Army provides direct services to the homeless and indigents in Lee County. Mr. West stated they also provide over 700 meals for the elderly in Lee County as well as provide support for domestic violence victims in the area. Mr. West asked the Commission to at least consider level funding, but ask that funding not be cut for the services. Mrs. Tracey West also spoke against a reduction in funding. Mrs. West stated she had made phone calls to each Commissioner and stated the homeless population has increased and the number of people requesting bus tickets home has risen over the years. Mrs. West pleaded with the Commission to at least provide level funding to the agency and not a 20% cut across the board for most of the agencies.

Last, Peter Byrd once again asked the Commission to be placed on the next Agenda to address the railroad issue since Judge English indicated Mr. Byrd must have a Commissioner sponsor his item for placement on the Agenda. Mr. Byrd questioned if Judge English disagreed with his earlier presentation. Judge English reiterated what was necessary for the item to be added to the Agenda. Mr. Byrd then stated Commissioner Lawrence had stated he wished to review the allegations and Mr. Byrd again asked to be placed on the Agenda to address the comments. Judge English once again stated Mr. Byrd would need a Commissioner to sponsor his Agenda item.

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 Officials in attendance included: Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News Reporter Jim Little.

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 September 12 meeting. Commissioner Lawrence made a motion, seconded by Commissioner Ham to approve the consent agenda items as received. The motion passed unanimously.

First reading of four openings on the Lee County Recreation Board were presented. Commissioner Eckman made a motion, seconded by Commissioner Long for the following appointments: Alice Buchanan, Loachapoka School District (Commission District 1) appointee;

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 26, 2016

Rex Barr, Smiths Station School District (Commission District 3) appointee; John Johnson, Loachapoka School District (Commission District 5) appointee; and Steven Holley Beauregard School District (Commission District 5) appointee to fulfill the unexpired term ending October 14, 2019, of Janice Frazier, who resigned August 30, 2016. The motion carried unanimously.

Commissioner Harris introduced Kevin Elam and Shane Wahner, who were in attendance representing SOKO Health and Wellness which is a National Health and Wellness Fair provider. Mr. Wahner gave a PowerPoint presentation on the company showing the many services they provide such as allergy and biometric testing services, at no cost to the employees, as stated by Mr. Wahner. Mr. Rendleman stated he would check with the Local Government Health Insurance Program board to see if the services could be added, at no cost to the employees, and if so, Mr. Rendleman would contact them in time to be included in the health fair on October 26. Mr. Elam thanked Mr. Rendleman for the consideration.

Sheriff Jones stated that no objections had been noted on the proposed transfer of the retail beer and retail table wine license for The Store 2 located in District 4. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Long and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the retail beer and retail table wine license for The Store 2 located at 14001 Lee Road 379, Valley, Alabama.

Sheriff Jones stated that no objections had been noted on the proposed transfer of the lounge retail liquor license for The Store 3 located in District 4. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Long and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the lounge retail liquor license for The Store 3 located at 14001A Lee Road 379, Valley, Alabama.

Sheriff Jones stated that no objections had been noted on the proposed issuance of the retail beer and retail table wine license for Pizza D Action located in District 4. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Long and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the retail beer and retail table wine license for Pizza D Action located at 8018A Lee Road 379, Valley, Alabama.

Sheriff Jones stated that no objections had been noted on the proposed transfer of the retail beer and retail table wine license for Speed Zone located in District 3. Commissioner Long made a motion to approve the following Resolution. The motion was seconded by Commissioner Ham and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the retail beer and retail table wine license for Speed Zone located at 17693 HWY 280, Smiths Station, AL.

County Engineer Justin Hardee presented the results of the annual Highway Maintenance Bids #s 07-14. Mr. Hardee recommended the following vendors be awarded the maintenance bids for FY 2016-2017:

Bid#07–Full-depth Reclamation-----D & J Enterprises, Inc.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 26, 2016

Bid#08–Bulk Cement-----Reject bid & negotiate
Bid#09–Hydro Seeding & Mulching-----No bids received
Bid#10–Guardrail-----Reject all bids
Bid#11–Maintenance Stone-----Reject bid & negotiate
Bid#12–Cold Mix-----Chris Clark Grading & Paving
Bid#13–Ready Mixed Concrete-----Reject bid & negotiate
Bid#14–Seeding & Mulching and Bales of Hay Grass-Reject bid & negotiate

The following vendors be awarded a one (1) year extension as stated in the bids under Section 2.1:

First Extension (FY15-16)
Bid#09-Delivered Bituminous Treatment & Temporary Traffic Stripe-East Al Paving Co
Bid#10-Picked up at the Plant Bituminous Treatment-----East Al Paving Co
Bid#12-Emulsified Asphalt-----Ergon Asphalt & Emulsions, Inc.
Bid#13-Traffic Stripe-----Hornsby Striping
Bid#14-Thermoplastic Traffic Control Markings, Legends, and-----Hornsby Striping
Raised Pavement Markers
Bid#17-Gasoline and Diesel Fuel-----Petroleum Purchasing dba: Petro South

Commissioner Ham made a motion, seconded by Commissioner Eckman to award the maintenance bids and extensions as presented. The motion carried unanimously.

Mr. Rendleman presented a budget adjustment for architect and engineering services for the Courthouse Annex Project. Mr. Rendleman explained that the design, development and construction documents are about ninety (90%) complete and to cover the remaining architecture and design cost incurred during this year some fund balance in the Capital Improvement fund needs to be recognized. Mr. Rendleman requested the Commission adjust the budget accordingly and recognize \$100,000 in designated fund balance in Fund 116 Capital Improvement Fund for the Courthouse Annex Project. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the budget adjustment as presented. The motion carried unanimously.

Last, Mr. Rendleman presented a proposed \$39M Budget for FY2016-2017 for Commission consideration. Mr. Rendleman stated the operations budget is more than last year; operations budget is \$37,191,250 compared to last year's \$35,615,422. Mr. Rendleman noted this will be the second year of 4.4% growth in the area of ongoing operations. Funding for the ongoing operations is based on the ongoing revenues; which means we are getting close to the 5% annual revenue growth needed for meaningful sustainability of current services. From a perspective of expanding services, the rate would need to be in the seven to eight percent range annually. Mr. Rendleman noted that merit raises are included for the first time in three years and only the second time in the last eight years. In addition, a new Recycling Facilities Manager for the new Recycling Facility is included, along with restoring three positions in the Highway Department. Last, Mr. Rendleman explained the Commission made a commitment last year to improve the pay scale plan after falling behind the Southern Urban CPI by almost eight percent since the adoption of the current pay and classification plan in 2007. The Commission agreed last year to provide an across the board adjustment to the pay scale of five percent. Currently, no adjustment was included to close the remaining three percent gap, as the consensus of the Commission was to address the merit situation first. However, there is enough funding included to grant a mid-year 3.35% across the board adjustment to the pay scale as long as revenue projections prove to be correct and an adjustment will likely be considered in February 2017.

Before further discussion on the budget, Commissioner Harris recognized Judge Fellows who had arrived too late for Citizens' Communications. Judge Fellows thanked the

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 26, 2016

Commission for allowing him an opportunity to voice his concerns over the proposed funding cut to the appropriation for the Juvenile Volunteer Program. Judge Fellows stated in 2011 he voluntarily decreased his allocation by 25% because he wanted to be a good steward of county funds. Judge Fellows stated everyone knows the state has been underfunding many of their programs, which puts a burden at the local level. Further, he stated Lee County is growing by leaps and bounds which is a good thing, but when funds are being cut, it turns into not a good thing when trying to juggle programs and budget cuts. Judge Fellows stated that during these times he relies more heavily on the volunteer programs to help his staff. Therefore, Judge Fellows asked the Commission not to cut funding for the Judicial Volunteer Program.

Following Judge Fellows’ request, Commissioner Harris passed out a new Appropriation distribution list to each Commissioner for their review. The proposal placed all of the current appropriations to level funding, except the Horseshoe Bend Library (which decreased their funding from \$23,592 to \$8,502) and the Lee County Historical Society (decreased from \$9,410 to \$2,500), and allocating the difference of \$22,000 to the Loachapoka Family Enrichment Center, which brings their total appropriation to \$25,000 (\$22,000 + \$3,000 level funding). Commissioner Ham supported Commissioner Harris’ proposal. Commissioner Lawrence questioned whether Mr. Rendleman could find additional funding and not have to remove any funds from the Lee County Historical Society or the Horseshoe Bend Regional Library or would Mr. Rendleman need further direction from the Commission. Mr. Rendleman stated he would need further direction from the Commission. After additional discussion, Commissioner Ham made a motion to approve the budget with the adjusted Appropriations according to Commissioner Harris’ proposal. The motion was seconded by Commissioner Harris. Commissioner Lawrence questioned if the Appropriation included the following reallocation of funds: 1) Family Enrichment - \$22,000; 2) Horseshoe Bend Regional Library - \$8,502 and 3) Lee County Historical Society-\$2,500. Commissioner Ham answered in the affirmative. Commissioner Eckman stated she could not support the reallocation. After vote on the motion, it carried on a vote of 4-1 with Commissioner Eckman voting “No”.

**Fiscal Year 2016-2017
County Commission Budget**

<u>Commission Funds</u>	Carryover**	<u>Revenues</u>	<u>Expenditures</u>	Operating Transfers In / (Out)	Increase/ (Decrease)
General Fund	266,283	29,956,431	26,237,619	(3,985,095)	0
Gasoline Tax Fund	757,000	2,193,610	5,456,610	2,506,000	0
RRR Gasoline Tax Fund	225,000	2,867,348	3,092,348		0
Reappraisal Fund	228,522	1,279,600	1,508,122		0
Capital Improvement Fund	500,000	350,000	850,000		0
Judicial Facilities Fund		420,000		(420,000)	0
Operational	<u>1,976,805</u>	<u>37,066,989</u>	<u>37,144,699</u>	<u>(1,899,095)</u>	<u>0</u>
Debt Service					
2004 Debt Service - Jail Expansion		723,147	1,272,858	549,711	0
2010 Debt Service - Bridge Program			689,820	689,820	0
2013 Debt Service - Justice Center Expansion			659,565	659,565	0
Total County Commission Funds:	<u><u>1,976,806</u></u>	<u><u>37,790,136</u></u>	<u><u>39,766,942</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 26, 2016

Next, Commissioner Ham made a motion to authorize Judge English to execute the following Service Contracts and Appropriation List for Fiscal Year 2017 for the amounts shown. The motion was seconded by Commissioner Harris and carried on a vote of 3-2 with Commissioners Eckman and Lawrence voting “No”.

Contract Agencies:

Lee-Russell Council of Governments	\$140,300
EAMC Emergency Medical Services	<u>\$289,476</u>
Total Contract Agencies:	<u>\$429,776</u>

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	\$2,572
Lee County Firefighters Association	\$4,000
Valley Haven School	\$7,144
Horseshoe Bend Library	\$8,502
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	\$11,973
Community Market	\$2,650
Auburn Daycare Association	\$5,557
Museum of East Alabama	\$2,650
Lee County Historical Society	\$2,500
Jean Dean RIF Kiwanis	\$1,588
Family Enrichment Center of Loachapoka	\$25,000
The Salvation Army of Lee County	<u>\$2,500</u>
Total Appropriation Agencies:	<u>\$544,647</u>

TOTAL OUTSIDE APPROPRIATIONS \$970,338

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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 11, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 11, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

During citizens' communication, Debra McCord spoke about the funding cut to the Lee County Historical Society. Mrs. McCord stated the organization represents all of Lee County and provides a service that no other agency provides. Mrs. McCord stated that she feels that the Lee County Historical Society and the Horseshoe Bend Regional Library funds were unfairly reduced. Mrs. McCord asked the Commission to reconsider the funding for the two agencies. Mrs. McCord stated she and her husband both help during school field trips which serve over 800 local school children and they participate in the Second Saturday activities at the Museum, which teach and preserve a portion of our local history.

Next, Mrs. Carol Story, a retired educator, spoke on behalf of the Lee County Historical Society. Mrs. Story stated she volunteers for the field trips and stated she enjoys seeing the children's eyes light up when they hear the stories and when the children get to experience "hands-on" learning. Mrs. Story stated she loves that history because she grew up here in Lee County.

Next, Charles Mitchell thanked the Commission for their past support of the Lee County Historical Society and asked that funding be restored. Mr. Mitchell explained that otherwise they depend on contributions to fund them. Mr. Mitchell said that he has membership cards for anyone who is not a member of the Historical Society. Further, Mr. Mitchell reminded everyone in attendance of Pioneer Day coming up in three weeks on October 29.

Commissioner Lawrence questioned how many were in attendance for the Lee County Historical Society. Judge English counted six in attendance. Commissioner Harris stated he appreciated the job that the Historical Society performs but he also appreciates the job the county administrator performs and explained to those in attendance that the Commission was tasked with a limited budget for the appropriations. Commissioner Harris explained that after budget hearings the Commission had to make needed cuts to meet the shortfall. Commissioner Harris offered that he would join the Historical Society and he would encourage others to join too. Commissioner Eckman stated that the vote to cut the funding for the two agencies was not a unanimous vote of 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 Officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News Reporter Jim Little.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, Procurement Card transactions from September, and the minutes of the September 26 meeting. Judge English presented first reading to the Lee County Cemetery Preservation Commission of the following: Edna Ward, Arthur Lee Jones, Thomas E. Peterson, III and Talitha E. Norris. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to approve the consent agenda items as received. The motion passed unanimously.

Second reading of four openings on the Lee County Recreation Board were presented. Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Harris and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 11, 2016

BE IT RESOLVED, the Lee County Commission does hereby reappoint Rex Barr as the Smiths Station School District (Commission District 3) appointee and John Johnson as the Beauregard School District (Commission District 5) appointee; appoint Alice Buchanan as the Loachapoka School District (Commission District 1) appointee; and Steven Holley as the Loachapoka School District (Commission District 5) appointee; all to serve four-year terms.

Horseshoe Bend Regional Library Executive Director Susie Anderson was in attendance to discuss the cut in funding to that agency. Ms. Anderson presented some background information and stated the Lee County Commission had been providing support to the Horseshoe Bend Regional Library since 1950. Ms. Anderson stated that over the years the bookmobile has changed and that books have changed, but the bookmobile takes books to those that can't go to a library. Ms. Anderson stated they need local dollars to match state dollars to provide these services to local citizens. Further, Ms. Anderson stated that local dollars affect the amount of State funds received and additionally the State money has certain limitations. Ms. Anderson requested the Commission consider restoring the funding to the library.

Becky Stillwell was in attendance to ask the Commission to prayerfully reconsider restoring the funding for the Horseshoe Bend Regional Library. Mrs. Stillwell stated that in 2013, Lee County was named one of the Best 100 Places to Retire because the community does a lot for our seniors, have great hospitals and doctors, and because it offers great golfing. Mrs. Stillwell stated for her sister, three things were at the top of her list, they were: 1) Church, 2) doctors, and 3) library. Mrs. Stillwell stated her sister was able to find the first two and fortunately was able to find out about the bookmobile offered through the Horseshoe Bend Regional Library, and the books would be brought to her door, because her sister is unable to drive due to neuropathy. Mrs. Stillwell explained that the bookmobile driver delivers the books to her sister's door and takes the books that she has read back out for her. Mrs. Stillwell stated the bookmobile goes into private homes and into daycares since not all parents are able to take their children to a library. Mrs. Stillwell asked the Commission to reconsider also.

Next, Martha McCarley, Mrs. Stillwell's sister, spoke of the benefit she receives each month by the bookmobile. Mrs. McCarley stated she is an avid reader and reads between 20-25 books each month. She stated the bookmobile comes on the 2nd Monday of each month and she looks forward to the visit. Mrs. McCarley stated she resides at the Ease House and she is one of many residents that utilizes their valuable service for those residents that can't drive to a local library.

Horseshoe Bend Regional Library Board member Roberta Green spoke to the Commission in support of the restoring the funding. Ms. Green stated she retired as Librarian of the Opelika library 19 years ago and stated books are a tool to the future. Ms. Green stated she began working on the bookmobile at 18 years old. Additionally, she thanked the Commission for their support over the years. Further, Ms. Green stated that senior citizens especially rely on the bookmobile, because sometimes that is the only communication they receive in a month.

Next, Effie Kirby who resides at Monarch Estates spoke on the importance of the bookmobile. Ms. Kirby stated she is in her 80's and spends a great deal of her time reading, since there is nothing worth watching on television. Further, she stated the bookmobile is a wonderful service and she pleaded with the Commission to restore the funding to keep the library in operation.

Next, Peggy Tuck, bookmobile driver, addressed the Commission and asked them to reconsider their funding decision. Ms. Tuck stated she drives the bookmobile two days a week and two days she does outreach. She stated when the bookmobile visits the daycares they teach the children the importance of books, how to treat the books, how to pick a book and the joy of reading a book. Also, she reaches out to the elderly and lets them know that someone cares about them. Ms. Tuck stated she loves what she does by bringing happiness to others.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 11, 2016

Librarian Roseanna McGinnis of the Lewis Cooper Memorial Library stated they rejoined the Horseshoe Bend Regional Library, which makes the city library accessible to over 8,000 Lee County residents outside the City of Opelika. Without that membership, the Opelika library would not be able to allow rural residents access to the city library.¹

Auburn Public Library Director Chris Warren addressed the Commission and stated the service with the Horseshoe Bend Regional Library allows Lee County residents free access to all the city library services. Further, Mr. Warren stated the service provided by Lee County was a fraction of the cost it would cost the City of Auburn if they had to provide these same services.

Mildred Patillo called the Commission Office and asked that her concerns over the funding reduction be presented to the Commission since she was unable to attend. Ms. Patillo stated she lived at the Ease House and would like to see that the monthly services continue to be provided. Ms. Patillo asked the Commission to reconsider full funding to the Horseshoe Bend Regional Library.

Last, Ms. Susie Anderson asked the Commission to restore the funding to last year's amount. Commissioner Ham questioned how much is received from the State. Ms. Anderson stated \$255,000. Commissioner Eckman questioned how many home-schoolers were served. Mrs. Tuck stated the Commission should have received letter from parents that home school their children. Commissioner Lawrence questioned if they still serve the public schools. Ms. Anderson stated they serve head start programs, but more daycares. Commissioner Harris thanked everyone for the comments and stated the Commission since 2007 has committed \$23,592 each year. Commissioner Harris stated he would be willing to work with the library to submit for grant money and help raise funds for the library. Further, Commissioner Harris stated there was a shortfall in the budget and unfortunately this was one area that was cut. Commissioner Eckman stated it was not a unanimous vote on the two significant cuts. Ms. Anderson reiterated that Lee County appoints two members to the Horseshoe Bend Regional Library Board. Further, Ms. Anderson stated they can apply for grant funds, but they need a base amount of local funds to match them. Further, Ms. Anderson stated it is the duty of local governments to support libraries and she respectfully asked the Commission to reconsider restoring level funding to the Horseshoe Bend Regional Library. Commissioner Eckman stated that unfortunately nothing can be done tonight.

Commissioner Ham introduced Mr. Howard Porter who was in attendance concerning a tax abatement application submitted for his development located in the county on Highway 29 south of Auburn. Commissioner Ham then directed the discussion of the abatement process to Revenue Commissioner Oline Price. Mrs. Price explained that the application process includes the Commission considering the following Resolution. Further, Mrs. Price stated the tax abatement does not abate educational, dependent children or hospital taxes, only state and local non-educational property taxes. Commissioner Ham stated it is a \$4 million-dollar project and will create approximately 30 new jobs in the area. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Harris and the motion carried unanimously. Commissioner Eckman questioned the type of warehouse being built. Mr. Porter stated it will be a distribution warehouse for automotive and non-automotive products. Commissioner Harris thanked Mr. Porter because it will be located in Commissioner Harris' district. In addition, Commissioner Harris thanked Mr. Alfred Davis with Workforce Development too. Commissioner Lawrence questioned Mrs. Price the total taxes that would be abated. Mrs. Price stated approximately \$10,000 per year would be abated over the 10- year period.

RESOLUTION NUMBER 2016-001

This Resolution is made this 11th day of October, 2016 by the Lee County Commission (the Granting Authority), to grant a tax abatement to Spring House Farm, LLC (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or major addition to their existing facility (the Project), located within

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 11, 2016

the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama, 1975) (the Act) the Company has requested from the Granting Authority an Abatement of (check all that apply):

all state and local non-educational property taxes, excluding hospital and dependent children taxes

all construction related transactions taxes, except those local construction-related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes; and

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

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

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

WHEREAS, the construction of the project will involve a capital investment of \$4,000,000; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

all state and local non-educational property taxes, excluding hospital and dependent children taxes

all construction related transaction taxes, except those local construction-related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3 (a) (12) of the Act.

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

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

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

Commissioner Ham asked that the next item concerning a variance for that same distribution warehouse project be taken off the agenda, since it had been worked out with the City of Auburn.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 11, 2016

Next, Mr. Rendleman presented change order #1 for the Lee County Recycling Facility. Mr. Rendleman explained that it is a change order for a reduction of \$45,699.00 in the construction contract with Donald H. Allen Development, Inc. The amount represents credits for the contingency allowance of \$30,699 and a landscaping allowance of \$15,000, which were not utilized. Additionally, Mr. Rendleman noted that the closeout documents have been received and Donald H. Allen Development, Inc. has met the requirements necessary to close out the contract. Upon this recommendation, Commissioner Ham made a motion to approve Change Order #1 for a reduction of \$45,699 and to close out the contract on the Lee County Recycling Facility with Donald H. Allen Development, Inc. for \$742,201. The motion was seconded by Commissioner Long and carried unanimously.

Mr. Rendleman presented the USDA lease documents for the county's agricultural building for consideration. Mr. Rendleman reminded the Commission he received their approval to move forward with the building renovations a few meetings ago so the lease renewal could be negotiated. Mr. Rendleman stated the long-term lease will be beneficial to both Lee County and the USDA. Further, Mr. Rendleman stated it is a 10-year lease at \$16/square foot with the annual rent of \$80,640.10. Mr. Rendleman stated the amount was determined by recouping the renovation costs associated specifically with their area over the first five years of the lease and to cover inflation costs with the remaining five years. Upon this explanation, Commissioner Lawrence made a motion to authorize the County Administrator Roger Rendleman to execute the lease documents with USDA. The motion was seconded by Commissioner Harris and carried unanimously.

Mr. Rendleman presented the Commission copies of Revisions to the Personnel Policies. Mr. Rendleman explained that over the last five years, federal regulations have become more cumbersome and reporting requirements more complicated and many of the revisions are necessary due to them; however, some are to simplify the overall administrative burden. Mr. Rendleman stated this is the first major revision since the policies were adopted in 2004. Mr. Rendleman further stated that all of the appointing authorities along with Robbie Hyde, our employment legal counsel, have reviewed and provided input on the changes before presenting them to the Commission. Mr. Rendleman asked the Commissioners to take time to review the draft copy and contact either him and/or Personnel Manager Erica Norris regarding any questions on the revised personnel policies. Last, Mr. Rendleman stated no action is needed tonight, but it will be brought back before the Commission at the October 31st meeting for adoption consideration.

Mr. Rendleman explained that during the policy revision project, the role of the Sheriff's Office Personnel Manager has changed since the inception of the position five years ago. Originally, the position was targeted to fulfill a purely administrative role with the processing of payroll and personnel paperwork. Mr. Rendleman explained that the position has evolved into a more professional role with active involvement in the development of Sheriff's Office policies and procedures. In addition, the position now has a very active advisory role with all the supervisors in various aspects of personnel management from hiring to termination. Mr. Rendleman stated Sheriff Jones submitted the job description changes and they have been reviewed and he concurred with the proposed changes. Mr. Rendleman requested the Commission approve the changes to the Personnel Manager classified position at a Range 17 (\$40,456-\$61,256) from a Range 14 (\$34,870.80-\$52,852.80). Upon this recommendation, Commissioner Eckman made a motion, seconded by Commissioner Harris and the motion carried unanimously.

Governmental Relations and Safety Coordinator Wendy Swann presented the following Resolution for Commission consideration, at the request of the ACCA, in support of the proposed Constitutional Amendment 14. Mrs. Swann explained that there are several

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 11, 2016

Constitutional Amendments on the November ballot but Amendment 14 not only impacts Lee County, but all counties. Amendment 14 corrects a technical issue that occurred during the legislative voting process over the last three decades which could adversely affect hundreds of local laws in every county of the state. She stated Lee County could be severely impacted in the way it operates should Amendment 14 not pass. Challenges could arise that would jeopardize many local laws because of a minor legislative procedural issue, without regard to the validity or merit of the laws themselves. Commissioner Lawrence made a motion, seconded by Commissioner Ham to pass the following Resolution. The motion carried unanimously.

RESOLUTION

WHEREAS, the Lee County Commission routinely partners with its State Legislators in Montgomery to pass local legislation for the benefit of the citizens residing in the County, and;

WHEREAS, the Lee County Commission has supported the passage and enactment of countless local bills that have contributed to a higher quality of life for the residents of the County by providing much needed support for critical public services including, but not limited to, local school systems, volunteer firefighter departments, county sheriffs' offices, workforce development programs, community health organizations, and many more, and;

WHEREAS, a technical issue related to a routine procedural vote in the House of Representatives stands to threaten the execution of thousands of local laws, which would have detrimental and long-term consequences for the citizens of Lee County and the millions of other Alabamians residing all across this great state, and;

WHEREAS, Act 2016-430 passed during the 2016 Regular Session of the Alabama Legislature proposes a constitutional amendment to ratify and confirm the validity of the procedural vote in question, thereby approving any and all local laws passed by the Alabama Legislature in accordance to the rules of the House or Senate in place at the time of the vote, and;

WHEREAS, ratification of this proposed constitutional amendment would safeguard the communities of Lee County by preserving the local laws that support the vitally important public services and institutions that the children, senior citizens, small business owners, and hard-working residents of Lee County have come to utilize on a daily basis, and;

WHEREFORE, BE IT HEREBY RESOLVED by the Lee County Commission that it does hereby urge all registered voters of the County to vote in favor of the constitutional amendment proposed by Act 2016-430, which will appear on the November 2016 General Election Ballot as Amendment 14.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairs of the Senate and House Rules Committee.

Mrs. Swann updated the Commission on the ACCA Safety Incentive Discount Program. Mrs. Swann explained that the ACCA instituted the program for the members of the Liability and Worker's Compensation funds to improve safety efforts by establishing basic standard control losses. For qualifying members, this represents a 5% discount up to \$6,000 for the Liability fund and \$7,500 for the Worker's Compensation fund. Further, to qualify for the discount the ACCA has tasked the members to meet ten guidelines for the coverage year including: 1) appoint a Safety Coordinator, create a Safety Committee, complete Safety Coordinator Training and maintain documentation; 2) establish and maintain drug/alcohol program; 3) conduct employee orientations for all employees; 4) establish and maintain a return-to-work/modified duty policy; 5) implement and enforce a written seat belt policy; 6) implement and enforce a written cell phone policy; 7) complete public officials and or administrative staff loss prevention training; 8) complete Sheriff's Office ACCA-sponsored training program:

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 11, 2016

sending two correctional officers to three of four AJTA courses; 9) completed road and bridge department training-R&B Safety Director and one road supervisor attend supervisor training; and 10) cooperate with Fund's Risk Management Program. Mrs. Swann informed the Commission that all requirements necessary to qualify for the SIDP discount have been met by Lee County this year. Further, Mrs. Swann stated the Safety Committee continues to meet on a regular basis and addresses items including departmental safety concerns, trainings, quarterly reviews of accidents/losses and discusses any findings from the yearly walkthrough review by Meadowbrook. Mrs. Swann requested the Commission grant the Chairman the authority to sign the Safety Incentive Verification form for the current year. Upon this request, Commissioner Ham made a motion, seconded by Commissioner Long to authorize Judge English to sign the necessary documents for the Safety Incentive Verification form. The motion carried unanimously.

At approximately 6:35 p.m., Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Harris and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 31, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, October 31, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

Sheriff Jones recognized Deputy Adalberto Rosa who received the James Anderson Award by the Smiths Station City Council. Sheriff Jones stated the award is presented to an employee of the Sheriff's Office who exemplifies the qualities that Deputy James Anderson displayed. Sheriff Jones stated he felt that no one better deserved the award than Deputy Rosa, who was also Deputy Anderson's friend. Deputy Rosa stated each year a motorcycle ride is held from Smiths Station to Opelika's Rosemere Cemetery to lay a wreath at Deputy Anderson's grave to keep his memory alive. Deputy Rosa stated he first wanted to thank God for the honor and also he was thankful to have known James Anderson as a friend and fellow deputy.

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 Officials in attendance included: Sheriff Jay Jones and Loachapoka Mayor Jim Grout. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News Reporter Jim Little.

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 October 11 meeting. Commissioner Ham made a motion, seconded by Commissioner Long to approve the consent agenda items as received. The motion passed unanimously.

Tom Coker addressed the Commission concerning the closure of the railroad crossing on Lee Road 749. Mr. Coker stated he was in attendance on behalf of the New Hope CME Church and three other churches that use the adjacent cemetery. Further, Mr. Coker stated he had received information from others who stated there had been no accidents at this particular crossing. Mr. Coker stated he had talked to John Cooper with the State Highway Department who directed him to make his plea before the Lee County Commission. Mr. Coker stated that some of his facts may not be correct, but he would ask the Commission to prayerfully reconsider their decision in closing this railroad crossing. Commissioner Ham thanked Mr. Coker for his attendance.

Commissioner Eckman stated she wished to revisit the funding of the Lee County Historical Society and the Horseshoe Bend Regional Library. Commissioner Eckman stated she has been in public office for 14 years and she has had more phone calls and emails on this issue than any other issue. Commissioner Eckman made a motion to amend the budget to bring the Lee County Historical Society and the Horseshoe Bend Regional Library up to level funding from fund balance. Commissioner Lawrence seconded the motion for discussion. Commissioner Eckman then questioned Mr. Rendleman if it would be possible to take the amount from fund balance. Mr. Rendleman stated he wished to discuss the designated fund balance and reserves later on the Agenda. Mr. Rendleman further stated he does not normally like spending one-time funds but when talking about \$29,000 out of a \$30M budget, not talking about a lot of money. Mr. Rendleman stated it would be up to the Commission. Commissioner Ham questioned where the funds would come from. Mr. Rendleman stated from fund balance. Commissioner Eckman then questioned those in the audience how many were in attendance on the two issues. Judge English counted 28 individuals. First, Mr. Mitchell spoke concerning the Lee County Historical Society stating their funds had been cut the most. Mr. Mitchell stated the Historical Society was founded by Dr. Alexander Nunn and was the first museum in Lee County. Further, Mr. Mitchell the grounds have 11 buildings on the site that must be maintained

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 31, 2016

including Pioneer Park. Mr. Mitchell stated during Pioneer Day they will have over 200 volunteers working and the men making the syrup are the only people that are paid. Last year over 10,000 people attended the event.

Next, Mr. Zack Sprayberry, a licensed surveyor, stated he has been a Trustee of the Historical Society for over 20 years, thanks to Mrs. Ruth Speake. Mr. Sprayberry stated the Historical Society does a great service for Lee County by preserving the past. Further, the Historical Society hosts school children and shows them the way people used to do things. Mr. Sprayberry thanked the Commission for their support over the years.

Lee County Historical Society Vice President Teresa Paglione stated there are 11 buildings on 6½ acres and they expect approximately 12,000 visitors for Pioneer Day with several from out of town bringing in additional revenue to the surrounding areas. Further, Mrs. Paglione stated 50-100 people attend 2nd Saturdays to experience the events held on the grounds. Mrs. Paglione stated it is the history and heritage of not only Lee County, but all of Alabama.

Auburn Public Library Director Chris Warren was in attendance to support funding of the Horseshoe Bend Regional Library. Mr. Warren stated the bookmobile is crucial for the outlying areas of the county. Mr. Warren stated county's participation with the Horseshoe Bend Library allows rural Lee County residents to receive library cards without charge from both the Auburn and Opelika municipal libraries. Mr. Warren stated the Horseshoe Bend Regional Library contributes to literacy and quality of life, and would hate to see our rural residents lose that access.

Mr. Jim Witte, a local blacksmith, spoke in support of the Lee County Historical Society. Mr. Witte stated the Society is able to preserve the heritage of this county with a small amount of funding.

Commissioner Harris questioned if the Lee County Historical Society had presented a budget to the Commission. Commissioner Eckman stated their budget had been included in the Commission budget packets. Commissioner Harris stated that it was not a detailed budget, and further stated the Commission had to cut somewhere. Commissioner Lawrence interjected and stated the Commission was given the opportunity to see each agency's budget, but no one asked to see any one agency's particular budget. Commissioner Harris stated the reason he was asking because of the Historical Society's taking over Pioneer Day and possibly receiving additional funds from that event.

After further discussion, Judge English called for the vote on the underlying motion. The motion passed on a vote of 4-1 with Commissioner Harris voting "No."

Commissioner Ham stated that as a group the Commission needs to look at all of the outside appropriations and decide where the Commission priorities are. Commissioner Ham stated there may be some agencies the Commission no longer wishes to fund. Commissioner Ham addressed Mrs. Anderson and stated he wished he had heard from her concerning the Horseshoe Bend Library over 5 years ago. Further, Commissioner Ham stated he would like to find a better way to look at each agency next year. Commissioner Lawrence stated he would like to look at the process after the first of the year and try to develop a good process or policy.

Horseshoe Bend Regional Library Director Susie Anderson stated she would send an itemized written request each year. Mrs. Anderson stated that where the bookmobile stops is constantly changing. Further, Mrs. Anderson stated that they have had so many cuts, that they can't go any lower and provide the same services they have provided in the past. Mrs. Anderson apologized and stated she should have been more proactive, but she understood incidental cuts each year, but this year she could not go with a 64% decrease. Mrs. Anderson thanked the Commission for their reconsideration.

Sheriff Jones stated that upon action of the Circuit Court (Case #43-CV2014-900674.00),

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 31, 2016

special action needs to be taken on the proposed issuance of the lounge retail liquor license for Iron Horse Saloon located in District 4. Commissioner Ham made a motion to approve the following liquor license application based upon the following conditions. The motion was seconded by Commissioner Long and carried unanimously.

The license is approved based on the following terms and conditions:

a.) The Iron Horse Saloon may only serve alcoholic beverage Monday through Thursday from 4:00 p.m. to 11:00 p.m.; Friday from 4:00 p.m. to 12:00 a.m. (midnight); and Saturday from 12:00 p.m. (noon) to 12:00 p.m. (midnight). No alcoholic beverages will be permitted to be sold on Sunday.

b) If any problems develop with respect to criminal activity relating to the sale or use of alcoholic beverages on the premises, the Lee County Commission shall have the authority to require, as a part of retaining the lounge retail liquor license, that the Iron Horse Saloon to hire an off-duty officer during times alcoholic beverages are sold or such lesser times as may be approved by the Commission. The Commission may revoke the lounge retail liquor license if the Iron Horse Saloon fails to comply with this provision or may seek an order from this Court revoking same.

BE IT RESOLVED, the Lee County Commission does hereby approve the lounge retail liquor license based on the terms and conditions above, for Iron Horse Saloon located at 11186 Alabama Highway 51, Opelika, Alabama.

Commissioner Ham added an item to the Agenda. The motion to add was seconded by Commissioner Long and carried unanimously. Commissioner Ham added the lounge retail liquor license for Rockin Robin Bar and Grill. Sheriff Jones stated the building code deficiencies had been addressed at this establishment and upon further examination no objections had been noted on the issuance of the lounge retail liquor license as presented. Commissioner Ham made a motion to approve the following Resolution. The motion was seconded by Commissioner Lawrence and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the lounge retail liquor license for The Rockin Robin Bar and Grill located at 2102 Alabama Highway 169, Opelika, Alabama.

Mr. Rendleman presented the personnel policies revision that he passed out at the meeting on October 11 to the Commissioners for their review. Mr. Rendleman stated he had not received any calls concerning the revisions and noted that no changes have been made and now they are ready for adoption. Mr. Rendleman stated the new policies should take effect on January 1, 2017 with the following exceptions:

- The compensation time transition plan to take effect December 24, 2016
- Section 6.3.1 A. – identifying pay ranges at and below a level twenty as non-exempt to take effect December 24, 2016
- Section 5.5.0 B. – requiring all new hires to either have direct deposit or an electronic pay-card to take effect March 1, 2017

One area Mr. Rendleman would also like to consider is requiring existing personnel still receiving a paper check to select direct deposit or an electronic pay-card by some date in the future.

Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Eckman to approve the policies as noted above. The motion passed unanimously.

Commissioner Lawrence made a motion to approve the following Resolution. The motion was seconded by Commissioner Long and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby appoint Talitha E. Norris and reappoints Edna Ward, Arthur Lee Jones and Thomas E. Peterson, III to the Lee County

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 31, 2016

Cemetery Preservation Commission to serve four-year terms ending September 30, 2020.

Commissioner Lawrence asked to remove the Agenda item concerning the Christmas holiday adjustment without objection.

Judge English stated that the next Commission meeting needs to be rescheduled from Monday, November 14 to Wednesday, November 16 due to it being the first meeting after the election of commissioners as mandated Code of Alabama §11-3-1. Upon this explanation, Commissioner Lawrence made a motion, seconded by Commissioner Long to reschedule the next meeting for Wednesday, November 16, 2016. The motion carried unanimously.

Sheriff Jones stated that no objections had been noted on the proposed issuance of the retail beer license for Dollar General Store 9253 located in District 3. Commissioner Long made a motion to approve the following Resolution. The motion was seconded by Commissioner Ham and carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby approve the retail beer license for Dollar General Store 9253 located at 61 Lee Road 379, Smiths Station, Alabama.

Assistant County Engineer Patrick Harvill presented a speed limit reduction request for Sessions Subdivision in District 3. Mr. Harvill stated a citizen had approached the Highway Department about decreasing the speed limit in the subdivision. Mr. Harvill stated the Highway Department conducted a traffic study and recommends the speed limit be reduced from 45 mph to 25 mph for Lee Roads 215, 216, 218, 485, 495 and 526. The Highway Department recommends this as a reasonable and safe maximum speed limit. Upon this recommendation, Commissioner Long made a motion to reduce the speed in Sessions Subdivision from 45 mph to 25 mph. The motion was seconded by Commissioner Ham and carried unanimously.

Mr. Harvill stated the final inspection of Holland Creek Subdivision, Phase II was conducted on October 5, 2016. The subdivision completed the two-year maintenance period by the owner on October 13, 2016. Mr. Harvill recommended the Commission accept Lee Road 2200 and Lee Road 2212 for permanent maintenance by the Highway Department. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Ham to accept Lee Road 2200 and Lee Road 2212 for permanent maintenance by the Highway Department. The motion carried unanimously.

Mr. Rendleman presented the results of Bid #1 for electrical panels, conduit and wiring replacement for the jail in conjunction with the HVAC replacement. Mr. Rendleman stated only one bid was received from Steward Construction Company and was over the budgeted amount of \$200,000. Mr. Rendleman stated he would recommend the Commission reject the bid. Commissioner Lawrence made a motion, seconded by Commissioner Ham to reject the bid to allow for negotiations. The motion carried unanimously.

Next, Mr. Rendleman presented the FY2017 capital budget for the General Fund for Commission consideration. Mr. Rendleman stated as usual there are more requests than available funds. Mr. Rendleman explained that there is \$2.1M in the General Fund above reserves, which is partially attributed to department heads coming in under budget.

First, Mr. Rendleman discussed two funds that are basically self-contained and actually help with specific areas that are a part of the General Fund. First, there is just enough unrestricted, undesignated fund balance in the Justice Center Fund that can be utilized to remodel

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 31, 2016

the public restrooms in the original Justice Center. In addition, Fund 100 which accounts for the sales tax proceeds has enough remaining dedicated to the Sheriff's Office to purchase needed equipment.

Mr. Rendleman stated that the designated fund balance of \$394,933 will be used for capital purchases and one-time type costs associated with the environmental services program.

Mr. Rendleman explained that the Bush Road project is well underway and will likely be completed during the current fiscal year; therefore, it is necessary to recognize \$250,000 commitment to the City of Opelika with fund balance for Lee County's share of the project.

Next, Mr. Rendleman discussed the Beulah Senior Center bid which came in \$360,000 higher than expected. Mr. Rendleman stated of the three bids received they were within \$750 of each other. Mr. Rendleman explained that federal requirements pertaining to Davis-Bacon wage requirements and requirements of the safe room contributed to some of the increased costs. Mr. Rendleman asked the Commission to allow him to review the construction documents and see if ADECA will give an extension on the grant. Commissioner Lawrence questioned if the whole project needed to be rejected, since the grant requirements drove the price up beyond expectations. Commissioner Ham asked the Commission to give Mr. Rendleman an opportunity to look at some other options before any action is taken.

Next, Mr. Rendleman discussed the Courthouse Annex project and stated the projected cost at this time is approximately \$11.1M. He stated costs are up especially in our area because of our unique situation because of our proximity to Auburn University.

Last, Mr. Rendleman recommended the Commission fund everything listed on the sheet except the Beulah Senior Center and the HVAC replacement, and allocate the remainder to the on-going HVAC replacement in the original jail.

Commissioner Harris made a motion to amend the FY2017 budget with the following budget adjustments as discussed by Mr. Rendleman. The motion was seconded by Commissioner Lawrence and carried unanimously.

General Fund

Expenditure	\$2,524,359	
Restricted Fund Balance (Sheriff's Office)		\$225,644
Committed Fund Balance (Joint Road Project Opelika)		\$250,000
Designated Fund Balance (Environmental Services)		\$394,933
Carryover Fund Balance (Committed Projects)		\$635,293
Unassigned Fund Balance		\$1,018,489

Justice Center Fund

Expenditure	\$101,500	
Restricted Fund Balance		\$101,500

Commissioner Ham asked to add an Agenda item for the next meeting to discuss scheduling a work session for December 12 at 6:30 p.m. to discuss funding of outside agencies.

At approximately 6:30 p.m., Commissioner Ham made a motion to adjourn. The motion was seconded by Commissioner Lawrence and carried unanimously.

Judge English reminded all in attendance to remember to vote on Tuesday, November 8.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 16, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Wednesday, November 16, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Harris.

Judge English opened the meeting with a swearing-in ceremony for newly re-elected Commissioner Gary Long.

During citizens' communication, Mr. Peter Byrd presented a three-page Statement of Claim levied against the Lee County Engineer and all Commissioners but Commissioner Harris, and requested that it be put in the minutes.

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 Officials in attendance included: Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News Reporter Jim Little.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from October and the minutes of the October 31 meeting. Included in the packets were letters from the Smiths Water and Sewer Authority concerning the Boards' recommendation to reappoint Kenneth Vann and Richard Terry. On the Commissioner's desk two Citizen Interest forms from Jason Flowers and Adam Littleton were presented for consideration for the same positions. Upon discussion, Commissioner Ham suggested the first reading of the Smiths Water and Sewer Authority be moved to the first meeting in January. Judge English removed the item from the Consent Agenda without objection and stated it would be moved to the Agenda on January 9, 2017. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the consent agenda items as amended. The motion passed unanimously.

Commissioner Ham made a motion to hold a work session to discuss outside agency funding at the conclusion of the meeting on December 12, 2016. The motion was seconded by Commissioner Lawrence and carried unanimously.

County Administrator Roger Rendleman discussed the results of the bid opening for the Beulah Senior Center. Mr. Rendleman stated a meeting was held last week at Lee-Russell Council of Governments to gather information about the contract and discuss redesign options about keeping the storm shelter or taking it out and whether to keep the grant or not or build it solely with local funds. After discussion, the consensus was to redesign the building to include the storm shelter and apply for a three-month grant extension with ADECA. Mr. Rendleman presented a Resolution for Commission consideration to submit for the grant extension. Commissioner Ham thanked Mr. Rendleman for his work on the process. Mr. Rendleman stated if the Commission wished to proceed, they must first reject the bids and then authorize Judge English to sign the following Resolution to submit to ADECA for the extension request. Judge English questioned Lee-Russell Council of Governments Grant Specialists Lisa Sandt if she thought ADECA would grant the extension. Mrs. Sandt stated she felt they would approve an extension if the project proceeds within 6 months. Further, Judge English questioned if Mrs. Sandt thought it would hurt Lee County on future grants. Mrs. Sandt stated she could not say how it would affect future ADECA grants, but since it appears Lee County is trying to be a good steward of grant funds, then she felt it would not hurt. Commissioner Ham made a motion to pass the following Resolution and authorize Judge English to request a grant extension and reject

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 16, 2016

the bids. The motion was seconded by Commissioner Lawrence and carried unanimously.

RESOLUTION

WHEREAS, the Lee County Commission solicited bids for the construction of the Beulah Senior Center (CY-CE-PF-15-006) and a letting was held at 10:00 AM on October 27th, 2016; and

WHEREAS, all three responsive bids exceeded the architect's estimate and the County finds that it is the best interest of the Lee County Commission to reject all bids; and

WHEREAS, the County has recommended that the project be re-advertised and invitations for bid be reissued; and

WHEREAS, the Lee County Commission agrees to request a grant extension to include amending the implementation schedule for the project.

NOW THEREFORE BE IT RESOLVED, that the Lee County Commission hereby rejects all bids and agrees to re-advertise and authorizes the Chairman to request a grant extension from the Alabama Department of Economic and Community Affairs.

Next, Mr. Rendleman presented two educational reimbursement requests that had been approved by the appointing authorities and satisfied the requirements for preapproval for Probate Office Clerk Christina Awbrey and Deputy EMA Director Johnny Langley. Commissioner Ham made a motion to approve the two educational reimbursement requests as presented. The motion was seconded by Commissioner Long and carried unanimously.

Judge English presented the following proposed FY2017 Holiday Schedule (with Commission meeting changes, as needed) for Commission consideration. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the FY2017 Holiday Schedule as presented. The motion passed unanimously. Commissioner Lawrence once again gave his anti-Columbus Day speech, stating he is not a big fan of Christopher Columbus.

FY2017 Holiday Schedule

New Year's Day	Monday, January 2, 2017
Martin Luther King, Jr. Day	Monday, January 16, 2017
Presidents' Day	Monday, February 20, 2017
Memorial Day	*Monday, May 29, 2017
Independence Day	Tuesday, July 4, 2017
Labor Day	Monday, September 4, 2017
Columbus Day	*Monday, October 9, 2017
Veterans' Day	Friday, November 10, 2017
Thanksgiving	Thursday, November 23, 2017
	Friday, November 24, 2017
Christmas	Monday, December 25, 2017

*Normal Commission Meeting Days

Note: Monday, May 29 meeting moved to Tuesday, May 30, 2017

Monday, October 9 meeting moved to Tuesday, Oct. 10, 2017

At approximately 6:20 p.m., Commissioner Harris made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 28, 2016

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, November 28, 2016 at 5:00 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 Officials in attendance included: Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News Reporter Jim Little.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, first reading of Teresa Paglione to the Lee County Cemetery Preservation Commission and minutes of the November 16 meeting. Commissioner Lawrence made a motion, seconded by Commissioner Harris to approve the consent agenda items as presented. The motion passed on a vote of 3-0-1, with Commissioner Long abstaining since he did not receive a packet prior to the meeting.

Johnny Black appeared before the Commission again to discuss the condition of Lee Road 246. Mr. Black stated the road is very dusty since the gravel has been scraped away from it. Mr. Black asked if the Highway Department could wet the road with the water truck to keep the dust down. Judge English asked County Engineer Justin Hardee to address the issue. Mr. Hardee stated that Mr. Black is not exaggerating about the dust. Mr. Hardee stated he had ridden on the road last Tuesday and stated since a car was traveling ahead of him, and he had to slow down to see because of the dust. Mr. Hardee stated the water truck had not been out, but hopefully, with rain in sight, it will not be necessary. Christy Southwell, of Lee Road 246, questioned if the road, which is only about 2.5 miles, could be paved. Mr. Hardee stated that the Commission had suspended the Dirt Road Paving Program in 2010 due to funding issues. Judge English questioned Mr. Hardee how much it would cost to pave 2.5 miles. Mr. Hardee stated approximately \$200,000. Commissioner Harris interjected that he had been doing research, and the figure is correct, but he would ask to be placed on the Agenda to bring some people from Atlanta who are willing to come up with some money if county is willing to do some things. Commissioner Harris stated that it could mean billions of dollars into our economic development. Commissioner Harris stated they have been approved, but the Commission would need to offer some incentives to bring them here. Commissioner Harris asked to schedule a work session and invite them down, without any news media, to discuss land and other stuff. Commissioner Harris further stated that the Commission will never be able to help because there is never going to be enough money. Someone questioned how much it cost to grade the road. Mr. Hardee stated that the cost to grade the road is basically the cost of fuel and an operator and the cost to maintain the motor grader, which is nominal when comparing to paving the road. Mr. Hardee stated the maintenance records show that the road was graded at the end of May and again in June. The road was bladed in July, September and on November 15. Commissioner Lawrence questioned whether there is adequate right-of-way. Mr. Hardee stated the county must maintain it based off prescriptive right-of-way. Mr. Hardee explained that the county was unable to obtain the proper right-of-way before stopping the dirt road paving program. Commissioner Harris questioned the number of residents on the road. Mr. Calvin Bellamy stated there are about 50 residents. Mr. Bellamy questioned how much right-of-way is necessary, because he stated it is plenty wide enough to be paved. Ms. Southwell stated that other smaller roads have been paved and gave a few examples such as Lee Road 678. Mr. Black stated several years ago, he was promised that Lee Road 246 would be the next road that would be blacktopped, but it has yet to be paved. He stated he was promised right here in this Courthouse it would be paved, but still no asphalt has been seen.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 28, 2016

Mr. Rendleman discussed a one-year lease renewal for use of the Tyner Building for both The Genealogical Society of East Alabama and the Lee County Cemetery Preservation Commission. Mr. Rendleman stated he did not see a problem since there is a 60-day notice to vacate in the agreement, if necessary. Mr. Rendleman stated at the current rate, possibly letting bids in February, it may be necessary to vacate the building in June of next year. Mr. Rendleman stated he did not see any reason not to let them renew once more. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner Lawrence to renew a one-year lease agreement to use the Tyner Building with The Genealogical Society of East Alabama. The motion carried unanimously.

Next, Commissioner Ham made a motion, seconded by Commissioner Lawrence to renew a one-year lease agreement for use of the Tyner Building with the Lee County Cemetery Preservation Commission. The motion carried unanimously.

Mr. Hardee presented a Federal Aid Agreement for the bridge replacement on Lee Road 376 over a tributary to Osanippa Creek. Commissioner Ham made a motion to approve the following Resolution and to authorize Judge English to sign the agreement as presented. The motion was seconded by Commissioner Long and carried unanimously.

RESOLUTION

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

the construction of a 1@40' span precast bridge replacement on CR-376 over a tributary to Osanippa Creek. BIN#010908. Length – 0.007 miles
Project #ACBRZ61139-ATRP(016); LCP#41-129-13; ATRIP#41-05-32

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 FOR ALABAMA TRANSPORTATION REHABILITATION
AND IMPROVEMENT PROGRAM (ATRIP) PROJECT
BETWEEN THE STATE OF ALABAMA
AND LEE COUNTY, ALABAMA**

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

WITNESSETH

WHEREAS, the STATE and the COUNTY desire to cooperate in the construction of a 1@40' span precast bridge replacement on CR-376 over a tributary to Osanippa Creek. BIN#010908. Length-0.007 miles Project#ACBRZ61139-ATRP(016);LCP#41-129-13;ATRIP#41-05-32

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.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 28, 2016

(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 (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 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 the 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. Any shortfall in funding or overrun in construction costs shall be borne by the COUNTY from Federal ATRIP funds, if available, 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 follows:

Federal ATRIP Funds	\$229,357.00
County Funds	<u>\$ 57,339.00</u>
Total (Including E & I)	\$286,696.00

(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 prorata 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 agreement.

(13) The COUNTY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period will not be eligible for payment.

(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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 28, 2016

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) The COUNTY shall be responsible at all times for all of the work performed under this agreement and, as provided in Alabama Code § 11-93-2 (1975), the COUNTY shall protect, defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officials, officers, and employees, and their agents and/or assigns.

(16) For all claims not subject to Alabama Code § 11-93-2 (1975), the COUNTY shall indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers and employees, and their agents and/or assigns from and against any and all actions, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to the (1) work performed under this agreement, (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the COUNTY pursuant to the terms of this agreement, or (3) misuse, misappropriation, misapplication or mis-expenditure of any source of funding, compensation or reimbursement by the COUNTY, its agents, servants, representatives, employees or assigns.

(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 23-1-63, 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 available at the Lee County Highway Department and hereby made a part of this agreement.

(22) This agreement is made and expressly executed in the names of the parties hereto by their respective officers, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.

(23) 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.

(24) The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.

(25) This agreement may be terminated by either party upon the delivery of a thirty (30) day notice termination.

IN WITNESS WHEREOF, the parties hereto cause this agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

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 participant/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 participant/recipient as

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 28, 2016

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

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all 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 effect or which may, during the course of this agreement, be enacted, then the conflicting provision in the agreement shall be deemed null and void.

When considering settlement of controversies arising from or related to the work covered by this agreement, the parties may agree to use appropriate forms of non-binding alternative dispute resolution.

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.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS:

The STATE and CONSULTANT acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the STATE, CONSULTANT, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The CONSULTANT agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subjected to its provisions.

Mr. Hardee stated the preliminary plat for Loretta Henderson Subdivision has been reviewed and meets the minimum requirements for the *Lee County Subdivision and Land Development Regulations*. The proposed subdivision is located adjacent to Lee Road 126. The adjacent property owner(s) were properly notified of the development. Upon this recommendation, Commissioner Harris made a motion, seconded by Commissioner Ham to

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 28, 2016

approve the plat for Loretta Henderson Subdivision as presented. The motion carried unanimously.

Last, Mr. Hardee presented a proposed speed limit reduction on Lee Road 106. Mr. Hardee explained that a citizen had approached the Highway Department about decreasing the speed limit. The Highway Department conducted a speed study and recommends the speed be reduced from 45 mph to 25 mph for Lee Road 106. The Highway Department recommends this is a reasonable and safe maximum speed limit. Upon this recommendation, Commissioner Lawrence made a motion to reduce the speed from 45 mph to 25 mph on Lee Road 106. The motion was seconded by Commissioner Harris and carried unanimously.

At approximately 5:25 p.m., Commissioner Lawrence made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 12, 2016

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 12, 2016 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Eckman.

Judge English opened the meeting with a swearing-in ceremony for newly re-elected Commissioner Sheila Eckman.

Mike Ward of Lee Road 395 appeared to thank the Commission during this season. Next, Mr. Ward stated he owned an RV Park on Lee Road 395 and wanted to address an issue of damage to the road from a water leak, which was repaired by Loachapoka Water. Mr. Ward stated the road was rough and there were long stretches in it. Mr. Ward stated that large RV's traveled the road to get to his RV Park and the main complaint he received was about the condition of the road. Mr. Ward asked the Commission to look at the road to see how the condition may be addressed. County Engineer Justin Hardee stated he would address the water board's patches and would follow-up with the Loachapoka Water Board on the issue.

Next, Mr. Peter Byrd appeared concerning public safety and Green Chapel Church. Mr. Byrd stated approximately two weeks ago, a vehicle was hit at the Smiths Station crossing and no action has been taken. Mr. Byrd stated that three accidents had happened there since 2011. Mr. Byrd asked why \$125,000 of incentive money had been transferred out of the Salem district to the Smiths District. Mr. Byrd stated he was asking the Commission to place the issues back on the agenda concerning his presentation made in February and again in August.

Sheriff Jay Jones recognized four corrections officers for completing training offered by the Alabama Jail Training Academy (AJTA). Sheriff Jones explained that this training is in addition to the agency specific training. The training is elective and is offered in four phases that requires approximately two years to complete. The training is certified by the National Institute of Jail Operations. Sheriff Jones was honored to recognize four Corrections Deputies that recently completed the training and received their certificates signifying this accomplishment. They are: Corrections Officers Natasha Sims, Timothy Bond, Christopher Patrick and Sergeant Sheila Thomas. The only one in attendance was Correction Officer Timothy Bond, along with his wife Ashley.

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 Officials in attendance included: Sheriff Jay Jones and State Representative Rev. George Bandy. News media in attendance: Opelika Observer reporter Fred Woods, and Opelika-Auburn News reporter Cynthia Williford.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from November, announcement of a vacancy on the Beulah Utilities Board and minutes of the November 28 meeting. Commissioner Ham made a motion, seconded by Commissioner Long to approve the consent agenda items as presented. The motion passed unanimously.

Commissioner Ham made a motion to approve the following Resolution to appoint Teresa Paglione to the Lee County Cemetery Preservation Commission. The motion was seconded by Commissioner Harris and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 12, 2016

BE IT RESOLVED, the Lee County Commission does hereby appoint Teresa Paglione to the Lee County Cemetery Preservation Commission to serve a four-year term ending September 30, 2020.

Attorney Nick Greenwood and Frazer-Lanier representative Bob Young were in attendance to present the following two Resolutions for Commission consideration. Mr. Young explained that the first Resolution authorizes the call of the Refunded Series 2009 Warrants for redemption on February 1, 2018. Further, the second Resolution ratifies the levy of the countywide sales tax under Section 40-12-4, et. Se., and the county agrees to continue to levy the tax until the Board's Series 2016 Warrants have been retired. Mr. Young thanked Judge English for his work in researching the county educational taxes issue. Judge English questioned the lease to the Board of Education. Mr. Young stated that once the bonds are paid then ownership of the buildings would revert back to the Lee County Board of Education. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolutions and to authorize Judge English to sign the necessary paperwork as presented. The motion carried unanimously.

**A RESOLUTION AND ORDER
CALLING FOR REDEMPTION A PORTION OF THE
LIMITED OBLIGATION SCHOOL WARRANTS,
SERIES 2009, OF LEE COUNTY, ALABAMA**

BE IT RESOLVED AND ORDERED by the Lee County Commission (herein called "the Commission"), the governing body of Lee County (herein called "the County") as follows:

Section 1. Findings. The Commission has ascertained and does hereby find and declare as follows:

(a) The County has heretofore issued its Limited Obligation School Warrants, Series 2009 (herein called "the Series 2009 Warrants"), which were originally issued in the aggregate principal amount of \$25,745,000 and are presently outstanding in the aggregate principal amount of \$18,625,000;

(b) The Series 2009 Warrants were issued pursuant to a Trust Indenture dated as of February 1, 2009 (herein called "the 2009 Indenture") between the County and Regions Bank (herein called "the Trustee");

(c) The proceeds of the Series 2009 Warrants were applied to provide funds to pay the costs of acquiring and constructing various improvements to two existing elementary school buildings which are owned by the County and leased to the Lee County Board of Education (herein called "the Board") pursuant to a Lease Agreement between the County and the Board dated as of February 1, 2009 (herein called "the 2009 Lease");

(d) Those of the Series 2009 Warrants maturing in 2019 and thereafter are subject to redemption and payment, at the option of the County, on February 1, 2018, and on any date thereafter, as a whole or in part, at and for a redemption price equal to the principal amount of each Series 2009 Warrant to be redeemed plus accrued interest to the redemption date;

(e) Under the provisions of Section 5.5 of the 2009 Lease, the Board is granted the option of prepaying directly to the Trustee, for the account of the County, such amount as will enable the County to redeem and retire, in advance of maturity, any or all of the Series 2009 Warrants in accordance with their terms and the terms of the 2009 Indenture, in which case the County is required to take

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 12, 2016

all action necessary under the provisions of the Indenture to effect such redemption;

(f) The County has been requested by the Board to call \$1,400,000 of those of the Series 2009 Warrants maturing in 2025 and all those of the Series 2009 Warrants maturing in 2026 and thereafter (herein called "the Refunded Series 2009 Warrants") for redemption on February 1, 2018;

(g) The Board has notified the County that, in order, inter alia, to provide the funds necessary to pay all interest maturing with respect to the Series 2009 Warrants on and before February 1, 2018, and to effect the redemption on February 1, 2018, of the Refunded Series 2009 Warrants, it is issuing its Capital Outlay Refunding Warrants, Series 2016 (herein called "the Series 2016 Warrants");

Section 2. Call for Redemption of Refunded Series 2009 Warrants. The County hereby calls for redemption on February 1, 2018, all of the Refunded Series 2009 Warrants. The Trustee is hereby requested to take all action necessary under the 2009 Indenture to effect said redemption on such date.

Section 3. Authorization of Escrow Trust Agreement. The Chairman of the Commission is hereby authorized and directed to execute and deliver, for and in the name and behalf of the County, an Escrow Trust Agreement in substantially the form presented to the meeting at which this Resolution and Order is adopted (which form shall be attached to the minutes of such meeting as Exhibit I and which is hereby adopted in all respects as if set out in full herein). The Clerk of the Commission is hereby authorized and directed to affix the seal of the County to the said Escrow Trust Agreement and to attest the same by signing the said Escrow Trust Agreement.

Section 4. Authorization of Additional Actions. The Chairman and the Clerk of the Commission are hereby authorized to take all such additional action as may be necessary to carry out the intent of this Resolution and Order and the said Escrow Trust Agreement.

**A RESOLUTION AND ORDER AMENDING, CONFIRMING
AND RATIFYING THE LEVY OF A COUNTYWIDE
SALES TAX IN LEE COUNTY**

BE IT RESOLVED AND ORDERED by the Lee County Commission (herein called "the Commission"), the governing body of Lee County (herein called "the County"), as follows:

Section 1. Findings. The Commission hereby finds and declares that

(a) there is now being levied in the County, pursuant to Sections 40-12-4 through 40-12-7 of the Code of Alabama of 1975, as amended (herein called "the Code") and a Resolution adopted by the Commission on March 29, 1993, a special privilege license or excise tax (herein called "the Sales Tax"), a portion of the proceeds of which are allocated and apportioned to the Lee County Board of Education (herein called "the Board"), in accordance with said Section 40-12-4;

(b) that the proceeds of the Sales Tax are authorized to be used for public school purposes, including capital improvements and the payment of debt service on obligations issued therefor; and

(c) that the Board proposes (i) to issue its Capital Outlay School Refunding Warrants, in the approximate principal amount of \$8,955,000 (herein called "the Refunding Warrants"), for the purpose of refunding a portion of the County's Limited Obligation School Warrants, Series 2009, issued for the purpose

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 12, 2016

of providing the funds to pay the costs of acquiring and constructing certain capital improvements to two elementary schools owned by the County and leased to the Board, and (ii) to pledge, for the payment of the principal of and interest on the Refunding Warrants, that portion of the proceeds of the Sales Tax presently being allocated, apportioned and paid to the Board, subject to the prior pledge thereof for the benefit of the Board's Refunding Warrant, dated January 15, 2013.

Section 2. Continuation of Sales Tax. The County hereby agrees that it shall continue to levy and provide for the collection of the Sales Tax until the final retirement of the Refunding Warrants, now expected to occur on or before February 1, 2029.

ADOPTED this 12th day of December, 2016.

Judge English presented a memorandum in the packets asking whether the Commission wished to cancel the second December meeting. Judge English stated he had talked to County Engineer Justin Hardee and Mr. Rendleman and both had stated there were no pressing items at this time that would necessitate a second December meeting. He also asked Sheriff Jones if it would interfere with his operations. Commissioner Long made a motion, seconded by Commissioner Lawrence to cancel the second December meeting. Further, Judge English stated he would call an emergency meeting if the need arises. The motion carried unanimously.

Commissioner Ham asked for permission for the Lee County Kiwanis Club to use the large room at the Lee County Meeting Center on December 22nd and 23rd to distribute their Christmas gifts to needy families. Commissioner Lawrence made a motion to allow the Lee County Kiwanis Club to use the Meeting Center on December 22nd and 23rd without a fee. The motion was seconded by Commissioner Long and carried unanimously.

Next, Commissioner Ham asked the Commission to allow a Beulah "Friends of the Community" group to provide landscaping in four to six road triangles in the Beulah community. Commissioner Ham stated no county funds would be used, he would only ask Mr. Hardee to provide guidance on the parameters of what they could do at each location and to provide rip-rap for the borders if needed. Commissioner Ham stated the work was at four triangles locations and a 4-way stop on Lee Road 390. Commissioner Lawrence made a motion, seconded by Commissioner Long to allow the "Friends of the Community" to landscape six triangle locations in Beulah and for the Highway Department to monitor the project. The motion carried unanimously.

Ms. Sybil Kornman made a presentation concerning the Green City Development Group and a proposed power supply contract with 360 Recycling. Ms. Kornman explained the development group would provide consultants to work together to convert waste to energy, and allow the County to sell the energy.

Commissioner Lawrence stated he was interested in what was being proposed, but he had not had time to study it. Commissioner Lawrence questioned who would control the waste, since Lee County currently has a disposal contract in place. Ms. Kornman stated their company would have to bid for it once they were up and running with their operations. Commissioner Harris asked Mr. Nick to come before the Commission to discuss the issue. Mr. Nick stated he sees it as a "no brainer". He stated the customer must be secured before the plant is built. He stated it is an investment in the county with guaranteed returns. Commissioner Eckman questioned where it is currently in use in another county. Commissioner Harris stated it has been approved for 1,000 mega-watts in Alpharetta, GA. Commissioner Lawrence stated the money comes from the electric rates that are charged to the customers. Mr. Nick stated that the county will be the purchaser of the power and will be able to sell it to others. Judge English referred to Section J on page 2 of the proposed agreement which refers to a rate of 14 cents per kilowatt, and Section 2

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 12, 2016

on page 3, which obligates the County to purchase a guaranteed minimum of “400MW per day”. He stated that if his math was accurate, we would be committing to a minimum of \$56,000/day, or approximately \$20M/year. Mr. Rendleman stated they may need to talk to the City of Opelika instead, and try to sell to Opelika Power Services. Commissioner Lawrence stated he would like someone from Green City Project here to answer the hard questions. Judge English questioned how Lee County with a \$33M total budget can agree to purchase \$20M in electricity. Mr. Rendleman stated he did limited research and stated this pertains to power districts or municipalities under Code Section 31-5-1. Commissioner Lawrence once again stated he is interested in innovative ways, but questioned how the process works to generate power and he questioned where it was currently in place. Ms. Kornman stated it was in place in South Korea. Commissioner Eckman stated she does not see where lobbyists for Alabama Power Company would allow this. Commissioner Harris once again stated it is a county partnership and the county would only need to secure land. Commissioner Lawrence questioned how much land. Commissioner Harris stated 5,000 acres. Judge English interjected that Lee County is not in the energy sales business. Commissioner Ham suggested that Green City Development Group needs to make a presentation to the Commission and stated it seems more suited for the City of Opelika. Commissioner Harris disagreed because Opelika is already a grid city and stated it would not cost Lee County a dime, except to buy 5,000 acres. Commissioner Ham stated he would not obligate future citizens. Commissioner Lawrence stated he would like to continue to look at this. Commissioner Eckman asked Commissioner Harris to let the Commission know once Alpharetta is online. No action was taken by the Commission.

County Administrator Roger Rendleman presented a proposed fueling agreement with Lee-Russell Council of Governments. Mr. Rendleman stated that since the buses for Lee-Russell Council of Governments had switched over to propane (alternative fuel), the need for a fueling agreement is being presented for consideration. Mr. Rendleman stated the agreement is necessary since there is a little more risk when dealing with propane over regular gasoline. Further, Mr. Rendleman stated it would hold them accountable and allow them to continue to use the county fueling system. Judge English questioned Sheriff Jones if it interfered with his office. Sheriff Jones stated it allowed him to expand the system. Upon further discussion, Commissioner Lawrence made a motion, seconded by Commissioner Ham to authorize the Chairman to sign the Agreement as presented. The motion carried unanimously.

Mr. Rendleman presented a request to upgrade the access control and CCTV system at the Detention Center. Mr. Rendleman explained that the majority of the system was over 7 years old. Mr. Rendleman stated three quotes were received for upgrades to the programmable logic controller access control system and the closed circuit TV monitoring system within the Detention Center. Of the three, only two were able to perform both components of the project. The two quotes are \$282,000 from CML and \$225,515 from DPS. The lower quote even includes an upgrade from 22” monitors to 32” monitors. Mr. Rendleman requested the Commission authorize him to sign a contract with DPS for the upgrades to the PLC Access Control and CCTV Systems in the Lee County Detention Center for \$225,515. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner Eckman to approve the contract with DPS for \$225, 515. The motion carried unanimously.

Last, Mr. Rendleman presented an educational reimbursement request that has been approved by the appointing authority and satisfied the requirements for preapproval for Corporal Pam Revels. Commissioner Lawrence made a motion to approve the educational reimbursement request as presented. The motion was seconded by Commissioner Ham and carried unanimously.

At approximately 6:00 p.m., Commissioner Lawrence made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.