

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 14, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 14, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During citizens' communications, several residents of Lee Road 292 appeared to voice their concerns on the one-way designation. Mr. Luther Williams stated he had lived on this road over 40 years and he would like to see that Lee Road 292 be a two-lane road. In addition, he stated that the one-way was an inconvenience. Ms. Pamela Dykes stated that she had a petition with 101 names asking that the road be open as a two-lane road like it was when it was dirt. She said that no accidents had occurred. Mr. Rodger Dykes stated that he had been living on this road for 49 years and he wanted the road to be two-lane. Mr. Rodgerick Dykes stated that the one-way was an inconvenience and he stated that the only thing done right was lowering the speed limit from 35 m.p.h. to 25 m.p.h. and he requested that the speed limit stay at 25 m.p.h.

Tractor and Equipment Company Store Manger Joe Patton spoke concerning Bid #9 on the bulldozer for the Highway Department. He stated that his company had bid \$208,510, which is a \$41,590 savings compared to the recommended vendor's bid. Additionally, he stated that even though his product did not meet three of the specifications, he felt that his company exceeded many of the requirements with a full machine warranty and a GPS system. He also stated that his bid was for a new piece of equipment, not a used bulldozer. Mr. Patton asked that the bid be awarded to Tractor and Equipment Company.

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

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the December 10 meeting, two listings of claims, Bid #3 for re-roofing and HVAC for the new Highway Dept. building, application for a lounge retail liquor license for **Outta Bounds Sports Bar** and a retail beer license for **Grigg's 109**. Bid #9 for a bulldozer was removed from the consent agenda and moved under new business. County Administrator Roger Rendleman requested that the Commission accept the low bid of **Nation's Roof** at \$101,475 for the re-roofing portion of Bid #3. In addition, Mr. Rendleman requested that the HVAC portion of the bid be moved to new business for discussion.

**Be It Resolved**, the Lounge Retail Liquor License (Class I) for Outta Bounds Sports Bar located at 2102 Alabama Highway 169, Opelika, Alabama be approved.

**Be It Resolved**, the retail beer (off premises only) for Grigg's 109 located at 10780 Lee Road 240, Phenix City, Alabama be approved.

The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items and resolutions be approved. Commissioner Smith stated that she had talked to the owner of Outta Bounds Sports Bar before the meeting and he assured her that any concerns of the Commission would be addressed and asked that he be notified of any problems.

Under old business, Commissioner Holt made a motion to approve the following resolution on second reading of Mr. Arthur Lee Jones to the Cemetery Preservation Commission, seconded by Commissioner Harris and unanimously carried.

**Be it Resolved**, the Lee County Commission hereby appoints Mr. Arthur Lee Jones to the Cemetery Preservation Commission until September 30, 2008 to fulfill the unexpired term of Robert McNutt, deceased.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 14, 2008**

Legislative Coordinator Wendy Swann recommended the date of Wednesday, January 23, 2008 to meet with the legislative delegation, stating that that was when the largest number of legislators could attend. Commissioner Lawrence made a motion, seconded by Commissioner Holt, to set Wednesday, January 23, 2008 at 5:00 p.m. in the Commission chambers to meet with the delegation to discuss the Commission's desired legislation for the upcoming session. During the pre-meeting the Commission reviewed the proposed legislation which will be presented to the delegation during the meeting. Those included: (1) Taxation Authority (2) County-Wide Chairman (3) Sheriff's Salary (4) Planning Commission Amendment and (5) Planning Commission Amendment (term lengths).

County Engineer Neal Hall recommended that the Commission adopt the Right-of-way Policy that he had enclosed in the Commissioners packets. After discussion in the pre-meeting and the regular meeting, Commissioner Holt made a motion to adopt the following Right-of-way Policy, seconded by Commissioner Ennis and unanimously carried.

**DIRT ROAD PAVING PROGRAM RIGHT-OF-WAY POLICY**

1. By October of each year the County Commission shall adopt a Dirt Road Paving List which authorizes the Highway Department to begin acquiring the Right-of-Way for each dirt road on the Paving List.
2. Property owners desiring to have their dirt road paved shall so indicate by voluntarily donating and executing a Right-of-Way deed as prepared by the Highway Department. The Highway Department shall be responsible for procuring and recording the executed Right-of-Way deeds for all the property owners on the dirt road.
3. All such donated property shall be sufficient to establish a minimum Right-of-Way width of twenty (20) feet up to a maximum width of forty (40) feet on each side of the existing dirt road centerline for a total minimum Right-of-Way width of forty (40) feet or a total maximum width of eighty (80) feet depending on roadway characteristics. The minimum and/or maximum Right-of-Way width may be subject to an exception where the County Engineer utilizes professional engineering judgment to determine that an adjustment to the minimum and/or maximum Right-of-Way width is necessary to accommodate the paving of the dirt road.
4. When a dirt road has been selected for paving that incorporates a NBIS Bridge/Approaches, all such donated property shall be sufficient to establish a minimum Right-of-Way width of forty (40) feet on each side of the existing NBIS Bridge/Approaches centerline for a total minimum Right-of-Way width of eighty (80) feet. The minimum Right-of-Way width may be subject to an increase where the County Engineer utilizes professional engineering judgment to determine that an increase to the minimum Right-of-Way width is necessary to accommodate the replacement of the NBIS Bridge/Approaches.
5. If the Highway Department acquires 90% of the Right-of-Way (defined as multiplying the total number of parcels of property by 90% and utilizing the whole number portion of that product number as the 90% requirement) through voluntary donation and meets resistance with the remaining property owners; then, the County Engineer will try and negotiate the purchase of the remaining property with the owners. If the negotiated price is unsuccessful, then the County Engineer will bring the remaining parcels of property before the Commission for their consideration in beginning condemnation proceedings. If the property owners do not voluntarily donate 90% of the Right-of-Way as outlined above, then paving of that dirt road will be abandoned unless the above criteria has been satisfied prior to the end of each fiscal year.
6. The Highway Department may begin construction on the dirt road after the Right-of-Way has been acquired in conformance with the above policy.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 14, 2008**

Environmental Services Director Jack Marshall requested that the Commission pursue attachment and execution of the property of Ms. Mattie Hinkle due to the fact that the county incurred over \$20,000 in clean-up costs removing 314 tons of debris from her property. Mr. Marshall stated he and County Attorney Stan Martin had discussed this issue, but Mr. Martin requested that it be presented to the Commission. Mr. Martin stated that he was waiting on the direction of the Commission before he did any research on the property. Mr. Martin stated he had not performed a title search or any other search on the property. Judge English questioned the value of the property and asked Mr. Bobby Armstrong to retrieve that information from property records. Upon more discussion, Judge English requested that this item be moved to the next agenda so Mr. Marshall could further research the property.

Mr. Howard Hopson and ten other residents of Lee Road 124 requested that the Commission correct their problem with the one-way road. Mr. Hopson stated that most people were confused when they tried to turn onto Lee Road 124, due to the one-way signs. Mr. Hopson asked that the signs be removed and stated that before the roadway was paved that two-way traffic was allowed. Mr. Hopson stated that he and all the land owners on this road would have given the right-of-way before the road was paved, but that no one had asked. He stated there was miscommunication between officials and the citizens. Commissioner Harris stated that he would like to see the county fix the problem to be fair to the residents of this road. Mr. Harris stated he did not foresee this problem, but would like to correct it now. During the pre-meeting, Mr. Hall stated there were 11 other dirt roads that were paved in this same manner with less than 16 ft. of pavement and he had requested that the Commission authorize one-way signs due to safety concerns on those roads as well. Commissioner Harris stated that these roads should be addressed on a case-by-case basis, and felt that this issue should be addressed first since these residents were in attendance. After much discussion, Commissioner Harris made a motion to allow Mr. Hall to acquire the necessary additional right-of-way then go in and correct the problem on Lee Road 124, seconded by Commissioner Holt and unanimously carried.

Due to the nature of current discussion, Commissioner Ennis made a motion to add Lee Road 292 to the agenda, seconded by Commissioner Holt and unanimously carried. Commissioner Ennis stated that the residents of Lee Road 292 want the one-way signs currently erected taken down to make the road open to two-way traffic. Commissioner Ennis made a motion to authorize Mr. Hall to take down the one-way signs, seconded by Commissioner Holt and unanimously carried.

During the pre-meeting, Ms. Vessie Felton presented information on property on Lee Road 14 purchased by her grandfather in 1919. Ms. Felton stated that originally her grandfather purchased approximately 168 acres and in 1960 the county condemned a portion of the property to build a road. Later, the county deemed it necessary to straighten and widen the road and took more of his land, and did not pay for it. Ms. Felton stated that the county only gave her father the old roadway in exchange. Ms. Felton stated that the county had taken more land than they had given. She stated that currently there are only 130 acres of the original 168 acres. Ms. Felton asked for payment for land taken from her dad in the 1960's. In addition, she stated that the Loachapoka Water Authority had placed water meters on this land and wanted to ask for compensation for their usage. Ms. Felton stated she was petitioning the county to research this issue and to compensate her and her family for land taken over the years. During the meeting, Commissioner Lawrence asked the county attorney and county engineer to research the issue. Judge English questioned an action taken on the property by Probate Court. Ms. Felton asked for the records, and Judge English gave her the book and page number in the Probate Minutes so that she may obtain the information. No action was taken by the Commission.

Commissioner Lawrence made a motion to approve travel expenses for himself, Commissioner Holt, Commissioner Smith and Commissioner Harris to attend the 2008 NACo Legislative Conference on March 1-5 in Washington, DC. The motion was seconded by Commissioner Holt and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 14, 2008**

During the pre-meeting, Judge English told the Commission that Lee County has a need for the appointment of some person as General County Guardian/Conservator or else begin planning for the routine appointment of the Sheriff to these type cases. Judge English stated that the Code requires that the Sheriff be appointed if no fit person is appointed and qualifies, and the role attaches to the office of sheriff. Judge English stated that this need has arisen due to the death of the individual who was frequently appointed guardian/conservator in the past and that several cases were now being presented where no family or other fit person was available to be appointed. Currently, the Sheriff has been appointed in about six of these cases. Judge English was concerned that several additional pending cases may need to be directed to the Sheriff and he and the Sheriff wanted to bring this to the attention of the Commission because the unanticipated workload on the Sheriff and his staff was increasing as a result. Judge English stated that one possible solution may be to appoint the Sheriff to them and hire an additional employee in the Sheriff's Department to handle these guardian/conservator cases. Commissioner Lawrence asked how this position would have to be funded, and whether that person would need to be employed by the Sheriff or the Probate Judge. Probate Chief Clerk Becky Freeman stated that she felt it would be a conflict of interest for the Probate Office to employ that person. Circuit Judge Jake Walker was in attendance and he agreed that it would probably be a conflict of interest for the Probate Office and he felt that Lee County may be approaching a point where an outside attorney could handle this like they do in Montgomery, Jefferson and Shelby counties. Commissioner Smith questioned the salary and volume of work. Judge English explained that the volume of work fluctuates according to the specifics of each case and the volume of cases that come from the Department of Human Resources. Judge English further explained that there are actually two separate roles: 1) a guardian, where medical or other decisions are made on behalf of the protected person but there is no money involved; and 2) a conservator, where the appointee is responsible for handling the funds of the protected person. He added that often one person fills both roles for the individuals in need of such assistance. Commissioner Lawrence asked Roger Rendleman and Sheriff Jones to return with some options.

Sheriff Jones made a request for the Commission to grant a starting salary adjustment for a potential employee for an open LPN position at the Detention Center. Sheriff Jones requested that the Commission allow the starting salary for the potential employee to be set at Grade 14 Step E, instead of Step C due to this potential employee's experience in home health and corrections. Upon this recommendation, Commissioner Smith made a motion to set the starting salary of this particular potential employee in the LPN Position at Grade 14 Step E, seconded by Commissioner Harris and unanimously carried.

Chief Appraiser Bobby Armstrong requested that the Commission consider allowing him to hire a certified appraiser with nine years experience for the Real Property Appraiser position at a starting salary of Grade 16 Step J. Mr. Armstrong reminded the Commission that this matter was discussed during budget work sessions and stated that the funds are budgeted. Upon this recommendation, Commissioner Smith made a motion to authorize the Real Property Appraisal starting salary for this potential employee at Grade 16 Step J, seconded by Commissioner Lawrence and unanimously carried.

County Engineer Neal Hall requested that the Commission accept Rolling Hills and The Woodlands subdivisions for county maintenance. Both subdivisions have completed their one-year maintenance to the satisfaction of the Highway Department. Commissioner Smith made a motion, seconded by Commissioner Ennis and unanimously carried, to accept Rolling Hills and The Woodlands for county maintenance,

County Administrator Roger Rendleman read the following Sales & Use Tax Resolution in its entirety before the Commission. Commissioner Ennis questioned whether Smiths Station should also be excluded. Mr. Rendleman stated that it was his understanding that Smiths Station did not have a one cent sales tax and the point was to bring it to one uniform sales tax of eight cents county-wide. Commissioner Ennis stated that he thought that Smiths Station did impose a one cent sales tax. After discussion, Commissioner Lawrence made a motion to approve the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 14, 2008**

following Resolution, seconded by Commissioner Smith and unanimously carried.

**Resolution authorizing a  
Sales & Use Tax Referendum**

**WHEREAS**, the Alabama Legislature adopted Act 2007-399 authorizing the Lee County Commission to conduct a sales tax referendum election outside the corporate limits of Auburn, Opelika and Phenix City; and

**WHEREAS**, Act 2007-399 authorizes an additional sales and use privilege license tax of one cent with proceeds from said sales tax to be distributed with 75 percent allocated for funding parks and recreation and the remaining 25 percent allocated to funding the School Resource Officer program in the county schools; and

**WHEREAS**, the Lee County Commission desires to submit this issue to a vote of the qualified electors of that area of Lee County outside the corporate limits of Auburn, Opelika and Phenix City.

**NOW THEREFORE, BE IT RESOLVED**, by the Lee County Commission that the Probate Judge of Lee County is hereby requested to add said sales and use tax referendum to the official ballot and to hold said referendum election on June 3, 2008 in conjunction with the Primary.

Next, Mr. Rendleman presented the renewal agreement with the Lee County Humane Society and asked the Commission to authorize the Chairman to sign the agreement. Commissioner Lawrence made a motion to authorize the Chairman to sign the one-year agreement with the Lee County Humane Society, seconded by Commissioner Holt and unanimously carried.

Next, Mr. Rendleman asked the Commission to authorize the financing of 8 patrol vehicles and 2 garbage trucks for environmental services with general obligation warrants rather than lease purchases. Mr. Rendleman explained that this type financing would not use the vehicles as collateral but would only pledge the good faith and credit of the county. Mr. Rendleman requested the following Resolution for approval.

**RESOLUTION AUTHORIZING AND APPROVING GENERAL OBLIGATION  
WARRANTS WITH FIRST AMERICAN BANK**

**WHEREAS**, the Lee County Commission (the "Governing Body") of Lee County, Alabama (the "County"), acting for and on the behalf of the County hereby finds, determines and adjudicates as follows:

1. The County desires to issue General Obligation Warrants to First American Bank in substantially the same form as attached hereto as Exhibit "A" (the "Warrants") to First American Bank for the purpose of obtaining financing as authorized by Chapter 41-16A of the Code of Alabama, 1975 for the purchasing of equipment.
2. The County deems the equipment to be eligible property as defined by Section 41-16A-3 of the Code of Alabama, 1975 necessary for conducting County functions.
3. It is in the best interest of the residents served by the County that the County acquire the Equipment pursuant to and in accordance with the terms of the General Obligation Warrants;
4. It is necessary for County to approve and authorize the issuance of the Warrants.
5. The County desires to designate the Warrants as a qualified tax-exempt obligation of County for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 14, 2008**

**NOW, THEREFORE, BE IT RESOLVED** by this Governing Body for and on behalf of the County as follows:

Section 1. The Warrants and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by the County are hereby approved, and the Chairman of the County Commission is hereby authorized and directed to execute and issue the Warrants on behalf of the County.

Section 2. The Warrants are being issued in calendar year 2008.

Section 3. No portion of the gross proceeds of the Warrants shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. County hereby designates the Warrants as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code.

Section 5. In calendar year 2008, County has designated \$469,819 of tax-exempt obligations (including the Warrants) as qualified tax-exempt obligations. Including the Warrants herein so designated, County will not designate more than \$10,000,000 of obligations issued during calendar year 2008, as qualified tax-exempt obligations.

Section 6. County reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by County during calendar year 2008 will not exceed \$ 10,000,000.

Section 7. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from County or by an entity subject to substantial control by County as provided in Section 265(b)(3) of the Code.

Section 8. The Authorized Officer is further authorized for and on behalf of the Governing Body and the County to do all things necessary in furtherance of the obligations of the County pursuant to the Warrants, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the reading of the foregoing resolution, Commissioner Smith moved that the resolution be adopted. Commissioner Lawrence seconded the motion for its adoption.

The Chairman put the question to a roll call vote and the result was as follows:

District 1 Commissioner Holt – Yes  
District 2 Commissioner Lawrence – Yes  
District 3 Commissioner Ennis – Yes  
District 4 Commissioner Smith – Yes  
District 5 Commissioner Harris – Yes

The, motion having received the affirmative vote of all members present, the Chairman declared the motion carried and the resolution adopted this the 14<sup>th</sup> day of January, 2008.

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

The next item was moved to New Business from the Consent Agenda. Mr. Rendleman requested that the Commission authorize him to accept proposals from various vendors on the HVAC and installation for the Highway Department building since no bids were received on this portion of the bid. During the pre-meeting Commissioner Lawrence questioned if the roofing and the HVAC system installations would need to be scheduled in a coordinated manner. Mr.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 14, 2008**

Rendleman answered affirmatively and stated that that is the reason he would like to move forward with the project. Mr. Rendleman stated that perhaps this project was too big for a small company, but too small for a large company and possibly that was the reason that no bids were received on the HVAC portion of the project. Mr. Rendleman stated that he, Architect Randy Wilson and Maintenance Director Jerry Lynch had looked back over the specifications and felt that there was no problem with them. Therefore, he felt that if he contacted several vendors and got quotes, then they could proceed as planned. After discussion, Commissioner Holt made a motion to authorize Mr. Rendleman to receive quotes on the HVAC project and negotiate an HVAC package within the budget and proceed with the project. The motion was seconded by Commissioner Lawrence and unanimously carried.

The next item was also moved to New Business from the Consent Agenda. County Engineer reported on Bid #9 during the pre-meeting and stated that only 3 bids were received out of 5 bid invitations sent out. Mr. Hall recommended that the Commission accept the bid of Thompson Tractor Company for \$250,100 for a bulldozer. Mr. Hall reported that the Tractor & Equipment and Metrac bids and fact sheets did not meet county specifications on the engine, the transmission or the undercarriage. Upon this recommendation, Commissioner Lawrence made a motion to accept the bid of \$250,100 from Thompson Tractor Company, seconded by Commissioner Ennis and unanimously carried.

Commissioner Harris made a motion to add an item to the agenda, seconded by Commissioner Smith and unanimously carried. At Mr. Hall's request, Commissioner Harris made a motion to go ahead and change the flow of traffic on Lee Road 124 from one-way to two-way traffic on the existing width of the paved road, prior to the acquisition of the additional right-of-way referred to in the previous discussion on this road. The motion was seconded by Commissioner Holt and unanimously carried.

With no further business to come before the Commission, Commissioner Smith made a motion, seconded by Commissioner Lawrence, at approximately 7:40 p.m., that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 28, 2008**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, January 28, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

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

Commissioner Lawrence made a motion to add an item to the agenda, seconded by Commissioner Smith and unanimously carried. Commissioner Lawrence made a motion to recognize Travis Rabren for his contribution to the community and send condolences to his family and thank them for sharing Travis over the last two years on the jail project. The motion was seconded by Commissioner Smith and unanimously carried. Additionally, Commissioner Lawrence asked Mr. Randy Wilson to help in the wording of the Resolution. Mr. Wilson agreed to help in this remembrance.

Judge English recognized EMA Director Deedie Matthews on her recognition as a Certified Local Emergency Planner by the standards established in the Code of Alabama Section 31-9-61 (1975) as amended. County Administrator Roger Rendleman stated that thanks to Ms. Matthews' certification, an additional \$12,000 of federal funds has been granted to Lee County for local mitigation, planning and program purposes. Ms. Matthews recognized Mr. Johnny Langley for obtaining the Intermediate Level of Emergency Manager Certification and Mrs. Mary Moore for obtaining the Basic Level of Emergency Manager Certification. The Commission thanked each individual for these accomplishments.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the January 14 meeting, two listings of claims, Bid #10 for two batwing rotary cutters and announcement of a vacancy on the Lee County Industrial Development Authority. Mr. Hall presented the results of bid #10. Mr. Hall stated that out of 28 invitations to bid sent out only 3 responses were received. Mr. Hall recommended the bid of **SunSouth LLC** for **\$11,555**/each. Mr. Hall stated that SunSouth LLC met all specifications, which included a dome deck and a category 5 connecting driveshaft. Mr. Hall stated that due to the anticipated use of the machinery for right-of-way cutting the Highway Department needed the most heavy-duty equipment available and upon research found that this machinery held up the best under the conditions expected.

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

After a lengthy discussion during the pre-meeting, Commissioner Lawrence requested that the agenda item concerning in-county mileage be moved to the next agenda for further discussion with all Commissioners present. Judge English made several suggestions for items to be included on the in-county mileage form that was presented at the pre-meeting. Commissioners Lawrence and Holt suggested that Judge English and Mr. Rendleman work together to come up with something for the next meeting.

County Engineer Neal Hall presented a new set of draft subdivision regulations to the Commission for consideration. In addition, Mr. Hall asked the Commission to consider adopting a proposed Access Management Policy when the subdivision regulations are accepted. Mr. Hall stated that access management is used to determine access to county roadways during development of a subdivision or other development. Mr. Hall asked each Commissioner to review the policies as presented and provide any feedback to the Highway Department.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 28, 2008**

County Administrator Roger Rendleman presented Phase II of the renovation of the vacated Sheriff's Office and front entrance of the Justice Center. Mr. Rendleman reminded the Commission of the approximately \$600,000 that had been allocated to the Capital Improvement Fund in November 2006 for some of the funding of the renovation on the old Sheriff's Office. Mr. Rendleman stated that the original amount of \$1.4 million included the remodel of one of the district courtrooms, which has been found to cause too many logistical problems. Mr. Rendleman stated that replacement of some mechanical systems in this phase would be more beneficial. Mr. Rendleman stated that the demolition has been completed and HDR is ready to revise the original architectural plans and complete a bid package for this phase. Mr. Rendleman asked the Commission to approve the proposed services from HDR in accordance to Article 2.0 Additional Modifications of the original agreement and approve a project budget of \$1,245,000 for the south-end and front entrance renovation of the Justice Center. Mr. Rendleman stated that a five-year general obligation warrant would be needed to finance the rest of the project above the \$600,000 in the Capital Improvement Fund. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Holt and unanimously carried to proceed with the project as presented by Mr. Rendleman.

Legislative Coordinator Wendy Swann presented the following updated Resolutions to be sent to the legislative delegation for consideration. Commissioner Lawrence made a motion to adopt the following Resolution:

**Planning Commission  
Amendment to Act 2007-477**

**WHEREAS**, the Alabama Legislature at the request of the Lee County Legislative Delegation passed Act 2007-477 authorizing the Lee County Commission to create a Planning Commission; and

**WHEREAS**, Act 2007-477 authorized the Planning Commission to be comprised of 11 members; and

**WHEREAS**, the legislation took into consideration the initial term lengths of only seven of the eleven planning commissioners to be appointed, the Lee County Commission wishes to address the minor discrepancy and stipulate initial term lengths for the remaining four commissioners.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act for Lee County amending Act 2007-477 and stipulating that members of the Planning Commission will serve initial terms as follows: three commissioners initial terms will expire in two years, four commissioners initial terms will expire in four years and four commissioners initial terms will expire in six years.

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

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

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

and the Chairman declared the resolution adopted by majority vote on January 28, 2008.

Commissioner Lawrence made a motion to adopt the following Resolution:

**Sales & Use Tax Referendum  
Amendment to 2007-399  
Excluding Corporate Limits of Smiths Station**

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

**WHEREAS**, Act 2007-399 authorized the referendum to exclude the corporate limits of Auburn, Opelika and Phenix City; and

**WHEREAS**, the tax ratio within the municipality of Smiths Station currently is equal to that of Auburn, Opelika and Phenix City; and

**WHEREAS**, if the referendum passes the businesses within the corporate limits of Smiths Station would face a competitive disadvantage due to a disproportionate tax percentage.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act for Lee County amending Act 2007-399 to exclude the corporate limits of Smiths Station.

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

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

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

and the Chairman declared the resolution adopted by majority vote on January 28, 2008.

The Commission discussed three other pieces of proposed legislation. Commissioner Lawrence stated that he would like Sheriff Jones to discuss the issue with the delegation before the Commission pursued legislation on the Sheriff's salary. Mr. Rendleman stated that there were several concerns by the delegation on the Chairman issue that needed to be discussed. Commissioner Lawrence stated Senator Little asked to identify the duties of a full-time Chairman. Commissioner Holt stated he would like to take out non-partisan. After further discussion, no action was taken by the Commission.

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 28, 2008**

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, February 11, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

During citizens' comments, Mr. Buddy Goolsby questioned whether the Commission was going to have the authority to levy and raise taxes like the City of Opelika if the legislation that was being advertised passed. Commissioner Lawrence stated that only by referendum would the county be able to levy taxes.

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

Judge English reported that the Bleeker Ruritan Club asked him to express their appreciation to Mr. Hall and Mr. Marshall on the recent clean-up of the nuisance violation on US 280 near the flea market.

During staff reports, County Administrator Roger Rendleman presented the Chairman and each Commissioner a copy of the "unaudited" 2007 Financial Report. Additionally, Mr. Rendleman stated that it was available for viewing on the county website. Mr. Rendleman explained that there were 4 parts to the statements 1) Financial Comparison 2) Entity-wide statement 3) Notes to the Financial Statements and 4) Budget to Actual/Narrative of differences. Mr. Rendleman stated that overall the county was in a strong financial position.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the January 28 meeting, two listings of claims, and an updated listing of claims for payment. The Chairman asked if there were any questions about the consent agenda items. Commissioner Smith made a motion, seconded by Commissioner Harris and unanimously carried, that the consent agenda items be approved.

During the pre-meeting, County Engineer Neal Hall presented several items to the Commission concerning Ms. Mattie Hinkle's property. Mr. Hall stated that an appraisal of the property valued it at \$28,000. Mr. Hall stated that currently there were other liens against the property, but the county would expect to recover all expenses if the property was sold. Commissioner Lawrence stated that he felt the Commission needed to follow through with policy. During the meeting, Commissioner Lawrence made a motion to execute the judgment against Ms. Hinkle's property to cover the nuisance violation clean-up costs of over \$20,000. The motion was seconded by Commissioner Smith and passed on a 4-1 vote with Commissioner Harris voting "No".

After discussion during the pre-meeting, Commissioner Lawrence made motion during the meeting to request that the Lee County Legislative Delegation approve the following Resolution for an expense allowance for the members of the County Commission, the Revenue Commissioner and the Probate Judge.

**WHEREAS**, Lee County is seeking to address the issue of mileage reimbursement; and

**WHEREAS**, the current policy in place does not allow the County Commissioners to adequately address citizen needs; and

**WHEREAS**, the implementation of an in-county expense allowance would allow Commissioners and other elected officials to address that situation.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act creating an in-county expense allowance in the amount of \$300 per month including but not limited to mileage for use of a personal vehicle for members of the County Commission, Revenue Commissioner and Probate Judge. This allowance shall be in lieu of any and all previously adopted or authorized allowances for mileage expenses, travel expense allowances, mileage allowances or reimbursements, per diem allowances or any other allowances for travel whether the allowance was provided by Resolution of the Lee County Commission, local law, general law or any other applicable law. Specifically, this allowance of \$300 per month shall be the only legally authorized allowance. However, this allowance will be in addition to the salary of officials.

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

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

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

and the Chairman declared the resolution adopted by unanimous vote on February 11, 2008.

Next, Commissioner Lawrence made a motion to adopt the following resolution.

**WHEREAS**, Lee County is considered one of the fastest growing counties in the state and the Lee County Sheriff is responsible for the safety and security of its estimated 125,000 citizens; and

**WHEREAS**, the Sheriff is the county's highest elected law enforcement officer and is currently drawing a salary less than that of his chief deputy; and

**WHEREAS**, the salary of the Lee County Sheriff can be set by local bill.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act setting the Lee County Sheriff's salary at \$87,650.

**BE IT FURTHER RESOLVED** that a copy of this resolution and a copy of the Sheriff's Salary amendment proposal be transmitted to each of the nine members of the Lee County Legislative Delegation.

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

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

and the Chairman declared the resolution adopted by unanimous vote on February 11, 2008.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

Next, Commissioner Ennis made a motion to adopt the following Resolution.

**WHEREAS**, Lee County is considered one of the fastest growing counties in the state of Alabama and is experiencing an increased need for improving quality-of-life services; and

**WHEREAS**, the projected growth rate due to BRAC at Ft. Benning, GA and the KIA plant in West Point, GA is causing the Lee County Commission to seek additional revenue streams; and

**WHEREAS**, the Lee County Commission is seeking taxation authority similar to that of other counties and subject to a vote of the people.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act granting the Lee County Commission the ability to have referendum authority for revenue initiatives authority and enact or increase ad valorem, occupational license taxes, sales and use taxes and motor vehicle fees through a referendum by the citizens of the county. Any tax increase would be limited to specific uses and time periods as outlined in the authorizing referendum. Notice of any successful revenue referendum increase would be provided to citizens no more than 90 days following a Commission-adopted resolution. The legislation would not apply to any charges or fees enacted prior to the effective date of the act nor does the legislation prohibit or exclude any action by the State Legislature.

**BE IT FURTHER RESOLVED** that a copy of this resolution and a copy of the Referendum Authority for Revenue Initiatives proposal be transmitted to each of the nine members of the Lee County Legislative Delegation.

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

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

and the Chairman declared the resolution adopted by unanimous vote on February 11, 2008.

Last, Commissioner Holt made a motion to adopt the following Resolution.

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

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

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

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

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act for Lee County allowing the citizens of Lee County to vote during the November 2008 general election to separate the responsibilities and authority of the Probate Judge and the Chairman of the County Commission and provide for the election of a full-time county-wide Chairman of the Lee County

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

Commission. The election of the full-time county-wide Chairman would take place during the general election of 2010 with the Chairman taking office at the same time as other members of the Commission elected during that election cycle and serve a four-year term. Upon the election of 2010 all responsibilities and authority of the Chairman of the Lee County Commission shall be separated from the Probate Judge. The salary of the full-time county-wide Chairman will be equal to that of the Probate Judge or the Revenue Commissioner dependent upon whichever is higher and the responsibilities of said Chairman would include promoting economic development in the county, establishing intergovernmental partnerships, serving as the county's representative on appropriate boards and committees as well as any other duties as determined by a majority vote of the County Commission.

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

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

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

and the Chairman declared the resolution adopted by majority vote on February 11, 2008

Mr. Bob Young presented a report to the Commission on the county's credit rating. Mr. Young reported that Moody's Investor Service had recently rated the county with an AA-3 Rating. Mr. Young stated that the rating service mainly looked at two things 1) finances of the county and 2) economics and demographics of the county. Mr. Young stated that Lee County was doing an excellent job on both sides, therefore the excellent rating. Mr. Young thanked Judge English, Roger Rendleman and Oline Price for their help in providing him the information as needed during the evaluation process.

During the pre-meeting, Lee-Russell Council of Governments Representative Barbara Scott presented the following Intergovernmental Agreement and Resolution for Commission consideration. During the meeting, Commissioner Ennis made a motion to adopt the following Intergovernmental Agreement and Resolution and authorize the Chairman to sign the documents as presented, seconded by Commissioner Smith and unanimously carried.

*Intergovernmental Agreement of Understanding by and between the Lee County Commission and the City of Smiths Station*

Whereas the **City of Smiths Station**, hereinafter referred to as **City**, and the **Lee County Commission**, hereinafter referred to as **County**, on February 11, 2008 are entering into this **Intergovernmental Agreement of Understanding** for the purpose of clarifying responsibilities concerning the Lee County Commission's 2007 Land and Water Conservation Fund (LWCF) Project (07-LW-905), hereinafter referred to as project, for the construction of one 330' radius baseball field at Lee County Park in Smiths Station. This AGREEMENT will continue until all project close out documents have been submitted and approved in accordance with the rules and regulations of the Alabama Department of Economic and Community Affairs (ADECA) Recreation Program.

1. The **County** and **City** will be responsible to ADECA for carrying out the project in accordance with LWCF regulations. This responsibility includes administration and expenditure of LWCF and local funds. Furthermore, the **County** agrees to comply with ADECA's bookkeeping and financial accounting requirements respecting use of LWCF funds and related local matching funds. The **County** and **City** will also maintain accounting records to adequately account for all LWCF and local matching funds.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

2. The **County** will engage the services of Lee-Russell Council of Governments to assist the County in administering the project in accordance with ADECA regulations. The **City** agrees to work with Lee-Russell Council of Governments in all aspects of the project to ensure compliance with LWCF rules, regulations, record keeping requirements and guidelines. These services will be rendered under an agreement between the **County** and Lee-Russell Council of Governments (LRCOG), and the **County** will approve payment for these services.
3. The **City** agrees to provide LRCOG with all required documentation to ensure compliance with the record keeping requirements of LWCF. Additionally, the **City** agrees to allow accessibility of its records and files for inspection by the **County**, State Examiners Office, ADECA, HUD, LRCOG, and other monitoring agencies.
4. As required by LWCF guidelines, the **County** and **City** will retain all records for this project for at least three years from the date of the final accepted audit.
5. The **County** must maintain the original of all records.
6. Architectural Services have been removed from the scope of the LWCF grant. The **County** agrees that the **City** shall procure and enter into an architectural services contract for the project. It is agreed mutually that any change to the project design or service area, or any need for modification of any contract for construction service proposed by the architect will, require notification and approval by the **County**. The **City** agrees to provide such notification in writing within two weeks.
7. The **City** agrees to pay 100% (\$10,800) of the Architect's fee and any changes in scope of services requiring additional payment.
8. Architectural invoices will be submitted to the **City**. The **City** will approve or disapprove the submitted invoice, pay the architect, and forward a copy of the invoice, check, and journal transaction to LRCOG for inclusion in the project files.
9. Contractor invoices will be submitted first to the Architect. The Architect will approve the work of the contractor and then forward the approved invoices to the **City** for approval. The **City** will approve contractor invoices and forward them to LRCOG for approval and submission to the **County** for payment.
10. The **City** has committed to provide 59%, or \$71,800, of the local cash match for the project.
11. The **County**, has committed to provide 41%, or \$50,000, of the local cash match for the project through the **County's** Recreation Advisory Board.
12. After a payment request is submitted and approved by ADECA Recreation Programs, LWCF funds will be sent to the **County**. The **County** will utilize LWCF funds, **County** funds through the Recreation Advisory Board, and the local match from the **City** to disburse payment to the contractor, and/or grant administrator.
13. The **City** and **County** agree to be responsible for any cost overruns of this project and agrees to provide these funds to complete the project.
14. The **City** agrees to provide copies of all contracts, pay estimates, change orders, invoices, and other relevant project correspondence to the **County**.
15. The **County** will open and maintain a separate fund for this project. All funding pertaining to the project will be tracked through this designated fund.
16. The **County** will journalize all financial transactions on this project in its books and have proper source documentation.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

17. In the event that a cash penalty is assessed by ADECA due to failure of the *City* to follow LWCF rules, regulations, record keeping requirements and guidelines, the *City* agrees to pay any assessed penalty to ADECA.

**WHEREAS**, the Lee County Commission has received a grant from the Land and Water Conservation Fund (07-LW-905) for the construction of one 330' radius baseball field at Lee County Park in Smiths Station; and

**WHEREAS** the City of Smiths Station is working in partnership with the Lee County Commission to assure matching funds for the project; and

**WHEREAS**, the County wishes to enter into an Intergovernmental Agreement of Understanding with the City of Smith's Station for the purpose of clarifying responsibilities regarding this project.

**NOW, THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Commission Chairman is hereby authorized to sign an Intergovernmental Agreement of Understanding with the City of Smiths Station on behalf of the County.

Coroner Bill Harris stated that he had secured grant funds from the Department of Public Health for a mobile mortuary unit which would need to be purchased through the Lee County Emergency Management Agency for future reimbursement from FEMA in disaster circumstances. Mr. Harris stated that \$150,000 for a mobile unit and \$50,000 for supplies was available for the Lee County area. Mr. Harris stated that currently only Cullman and Mobile counties have mobile mortuary units. Mr. Harris further stated that if there was a pandemic flu or a mass fatality incident a unit would have to be sent from another area. He stated that this would be a "feather in our hat" to have this set-up in Lee County. Mr. Harris stated that it would be available to other areas if an emergency arose. Mr. Harris stated that there would be no expenses incurred, because the Commission was self-insured. He further stated that if the unit was deployed, all expenses would be reimbursed by FEMA. Mr. Harris stated that within two years the Coroner's Association would take-over the expenses of the unit. Mr. Harris had talked to Sheriff Jones who stated that the unit could possibly be housed at the Justice Center in the old sally port and had talked to Dan Goslin who stated that it could possibly be housed at EAMC. Judge English questioned if there were any other expenses that would be incurred. County Administrator Roger Rendleman stated that he would like to provide a separate rider on the unit for insurance purposes which cost around \$2,500-\$2,600 per year. After much discussion, Commissioner Holt made a motion to authorize Mr. Harris to proceed with the purchase of a mobile mortuary unit, seconded by Commissioner Harris and unanimously carried.

During the pre-meeting, Revenue Commissioner Oline Price asked the Commission to authorize her office to hold a yard sale in the back parking lot of the Courthouse on Saturday, February 26 as a fundraiser for the Lee County Red Cross Heroes Campaign. Upon this request, Commissioner Holt made a motion during the meeting to allow the Revenue Commissioner's office to hold a yard sale in the Courthouse parking lot, seconded by Commissioner Harris and unanimously carried.

Commissioner Lawrence gave an update on the ACCMA Winter Conference that he attended. Commissioner Lawrence stated that several areas including elections, leadership and networking opportunities were available. Commissioner Lawrence thanked the Commission for the opportunity to attend the conference.

County Engineer Neal Hall presented a proposal for county maintenance on US Highway 29 in District 4. Mr. Hall stated that due to the proposed re-routing of US Highway 29, the City of Opelika was asking that the county assume maintenance of approximately 0.92 mile. Commissioner Holt questioned if the county would maintain the portion until it was annexed into the City of Opelika. Mr. Hall stated that little or no maintenance would be necessary or had been

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

necessary since the road was built by federal standards. Commissioner Ennis addressed City of Opelika Engineer Doc Dorsey, who was in attendance, and questioned why the city would not go ahead and maintain the road since the city would annex the area in the future. Mr. Dorsey responded and said he would have to address City Attorney Guy Gunter, but he felt that the city could not work on property outside the city limits. Mr. Dorsey acknowledged that he had inspected the culverts on the road. Upon this discussion, Commissioner Smith made a motion to authorize the Chairman to sign the agreement with ALDOT, seconded by Commissioner Holt and the motion passed on a 3-2 vote with Commissioners Lawrence and Ennis voting "No".

Next, Mr. Hall presented an agreement with Chambers County on County Road 025. Mr. Hall stated that Lee County had never maintained this portion of the road in the past, as it starts and ends in Chambers County. Upon this request, Commissioner Smith made a motion to authorize the Chairman to sign the agreement, seconded by Commissioner Lawrence and unanimously carried.

**TRANSFER AND MAINTENANCE AGREEMENT**

This Transfer and Maintenance Agreement, made and entered into on this the \_\_\_\_\_ day of January, 2008, by and between Lee County, Alabama, hereinafter referred to as Lee County, and Chambers County, Alabama, hereinafter referred to as Chambers County.

**STATEMENT OF BACKGROUND INFORMATION**

1. Chambers County Road 1025 is a public road located in Chambers County; however, a portion of County Road 1025 is in Lee County. County Road 1025 is a dirt road, and Chambers County has received a grant to pave County Road 1025. Chambers County wishes to pave the entire County Road 1025, including that portion which lies in Lee County. Chambers County has, thus, requested Lee County to execute and deliver to Chambers County a Quit Claim Deed to that portion of County Road 1025 which lies in Lee County. Lee County has agreed to execute said Quit Claim Deed. A copy of the proposed Quit Claim Deed is attached hereto as Exhibit "A."

2. Lee County and Chambers County have agreed that Chambers County shall assume the ownership, maintenance, repair, and upkeep of the portion of County Road 1025 which lies in Lee County, as well as all paving, striping, drainage systems, ditches, bridges, culverts, and any other appurtenances incidental or related to maintaining the integrity of the roadway within the 60 feet, as shown on the Plans for Project CCP 09-01-06. Specifically, Chambers County has agreed to take over the ownership, liability, and the authority to control, manage, supervise, repair, maintain, and

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

improve any portion of County Road 1025 which lies in Lee County.

3. There shall be no payment by Chambers County to Lee County or by Lee County to Chambers County for this Transfer and Maintenance Agreement concerning this portion of County Road 1025 in Lee County. Lee County has not maintained the portion of this road which lies in Lee County; however, in consideration of being relieved of the burden and any future or possible burden of the control, management, supervision, maintenance, and improvement of said road, Lee County is willing to execute this Transfer and Maintenance Agreement.

4. Lee County adopted a Resolution on \_\_\_\_\_, 2008 agreeing to this Transfer and Maintenance Agreement and authorized the Chairman of the Lee County Commission to execute this Transfer and Maintenance Agreement and further authorized the Chairman to execute the Quit Claim Deed. Chambers County adopted a Resolution on \_\_\_\_\_, 2008 authorizing the Chairman to execute this Transfer and Maintenance Agreement.

**STATEMENT OF AGREEMENT**

NOW, THEREFORE, for and in consideration of the above recitations and the mutual covenants and agreements contained herein, Lee County and Chambers County do hereby agree as follows:

1. Lee County agrees to execute the Quit Claim Deed attached hereto as Exhibit "A."
2. After the execution and delivery of said Quit Claim Deed, Chambers County shall own, assume, and be responsible and liable for all further control, management, supervision, repair, maintenance, improvement, and inspection of County Road 1025 which lies in Lee County and the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

right-of way, including, but not limited to, paving, striping, drainage systems, ditches, bridges, culverts, and any other appurtenances incidental or related to maintaining the integrity of the roadway.

3. Upon execution and delivery of said Quit Claim Deed, Lee County shall be fully and finally relieved of the burden, responsibility, duty, and liability of the ownership, control, management, supervision, repair, maintenance, improvement, and inspection of County Road 1025 which lies in Lee County, the right-of way, and the paving, striping, drainage systems, ditches, bridges, culverts, and any other appurtenances incidental or related to maintaining the integrity of the roadway.

4. Chambers County shall not make any payment or contribution of any sort to Lee County, and Lee County shall not make any payment or contribution of any sort to Chambers County.

5. Lee County and Chambers County understand and agree that Lee County is executing the Transfer and Maintenance Agreement in order to be fully and finally relieved of any responsibility or liability of any sort for the portion of County Road 1025 which lies in Lee County, the right-of way, and all parts described hereinabove. Chambers County acknowledges that it is fully assuming the liability for County Road 1025, the right-of way, and all parts described hereinabove. Chambers County further agrees that in the event there are any claims of any sort made against Lee County arising out of the ownership, control, management, supervision, repair, maintenance, improvement, inspection, or anything else having to do with County Road 1025, the right-of way, the paving, striping, draining systems, ditches, bridges, culverts, or any other appurtenances incidental or related to the integrity of the roadway, as described hereinabove, Chambers County shall defend and fully indemnify Lee County from any such claim.

County Administrator Roger Rendleman requested that the Commission approve entering into an agreement with ICS Inc. for professional services for the installation of a Voice Over Internet Protocol (VOIP) phone system for the Courthouse, EMA building and Smiths Station Satellite office. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried that the Commission pursue a Voice Over Internet Protocol phone system for those buildings.

Judge English presented the annual levy of taxes and fees for 2008. Commissioner Lawrence made a motion to adopt the following resolution, seconded by Commissioner Harris and unanimously carried.

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

taxes required for the County for other purposes, now therefore,

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

1. That a tax, at the rate of 6 ½ mills on each \$1.00 or sixty-five cents on each one hundred dollars worth of taxable property in the County, be and the same is hereby levied for the general use of Lee County for the tax year beginning October 1, 2007.

2. That a tax, at the rate of 3 mills on each \$1.00, or thirty cents on each one hundred dollars worth of taxable property in the County, be and the same is hereby levied for the construction and maintenance of public buildings, roads and bridges in Lee County for the tax year beginning October 1, 2007.

3. That, pursuant to the provisions of Section 269 of the Constitution of Alabama 1901, and approval of the electors of Lee County, Alabama at an election held March 17, 1992, a County-wide tax at the rate of 1 mill on each \$1.00, or ten cents on each one hundred dollars worth of taxable property in the County, be and the same is hereby levied for the tax year beginning October 1, 2007 for the support of public school purposes (See Commission Volume 8, Pages 83-86 inc.).

4. That, pursuant to the provisions of Amendment 3 and Amendment 373 to the Constitution of Alabama 1901, and approval of the electors of Lee County, Alabama, at an election held March 17, 1992 (See Commission Minutes Volume 8, Pages 83-86 inc.), a special County-wide tax of 4 mills on each \$1.00 or forty cents on each one hundred dollars worth of taxable property in the County is hereby levied for the tax year beginning October 1, 2007 for public school purposes.

5. That, pursuant to the provisions of Amendment 3 to the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama at a special tax election held October 13, 1992 (See Commission Minutes Volume 8, Pages 12-17 inc.), there is hereby levied for the tax year beginning October 1, 2007, in addition to all other taxes authorized by law, a special District tax at the rate of 3 mills on each \$1.00 or thirty cents on each one hundred dollars worth of taxable property in the Lee County School District and Auburn and Opelika for public school purposes.

6. That, pursuant to the provisions of Amendment 147 to the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama, at a special Lee County School District school property tax election held in said District on October 13, 1992 (See Commission Minutes Volume 8, pages 10-12 inc.) there is hereby levied for the tax year beginning October 1, 2007 in addition to all other taxes authorized by law, a special school property tax at the rate of 5 mills on each \$1.00 or fifty cents on each one hundred dollars worth of value of the taxable property in the territory of the Lee County Board of Education.

7. That, pursuant to the provisions of Amendment 309 of the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama at a special Lee County School District school property tax election held in said District on March 9, 1993 (See Commission Minutes Volume 8, page 83, et seq.) there is hereby levied for the tax year beginning October 1, 2007 in addition to all other taxes authorized by law, a special school property tax at the rate of 5 mills on each \$1.00 or fifty cents on each one hundred dollars worth of taxable property in the school tax District of Lee County, Alabama being all of the territory in Lee County, Alabama outside the corporate limits of the cities of Opelika and Auburn as established by the Lee County Board of Education.

8. That, pursuant to the provisions of Amendment 3 and Amendment 373 of the Constitution of Alabama 1901, and authority conferred on the governing body of Lee County, Alabama at a special Lee County School District property tax election held in said District on February 26, 2002 (See Commission Minutes Volume 10, Pages 359-360), there is hereby levied for the tax year beginning October 1, 2007 in addition to all other taxes authorized by law, a special school property tax at the rate of 3 mills on each \$1.00 or thirty (30) cents on each one hundred dollars worth of taxable property in the territory of the Lee County Board of Education.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

9. That, pursuant to authority conferred on the governing body of Lee County at a special tax election held in said County on December 13, 1949 and ordered increased on July 31, 1979 by authority of Amendment 373 to the Constitution of Alabama 1901 (See Commission Minutes Volume 2, Page 184) there is hereby levied for the tax year beginning October 1, 2007, in addition to all other taxes authorized by law, a special county tax of 2 ½ mills on each \$1.00 or twenty-five cents on each one hundred dollars worth of taxable property in Lee County, to be used solely for acquiring by purchase, lease or otherwise, constructing, operating, equipping or maintaining County hospitals, non-profit hospitals and public health facilities (See Commission Minutes Volume I, Pages 508-510, inc., and Page 546).

10. That, pursuant to authority conferred on the governing body of Lee County, Alabama, at an election held on October 14, 1991, (See Commission Minutes Volume 7, Page 319) there is hereby levied for the tax year beginning October 1, 2007, in addition to all other taxes authorized by law, a special County ad valorem tax at the rate of 1 ½ mills on each \$1.00 or fifteen cents on each one hundred dollars worth of taxable property in Lee County as assessed for state taxation, the proceeds of which shall be used for the purpose of improving the enforcement in Lee County, Alabama, of laws relative to neglected, delinquent and dependent children and enlarging and improving and providing new services to and facilities for handling neglected, delinquent and dependent children.

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

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

13. That, pursuant to the provisions of Act No. 89-390 enacted at the Regular Session of the Legislature of Alabama and election held on May 30, 1989 in Fire Districts Nos. 1, 2, 4, 7 and 8 in Lee County, and an election held on May 22, 2001 in Fire District No. 5 in Lee County, as established and the boundaries fixed by the Lee County Commission, there is hereby levied: in Fire District No. 1 served by the Friendship Volunteer Fire Department, in Fire District No. 2 served by the Beauregard Volunteer Fire Department, in Fire District No. 4 served by the Plainview Volunteer Fire Department, in Fire District No. 5 served by the Salem Volunteer Fire Department, in Fire District No.7 served by the Southwest Lee County Fire Protection Authority and in Fire District No. 8 served by the Farmville Volunteer Fire Department for the fiscal year of the County that began on October 1, 2006 a financial charge of \$25.00 with respect to each Unit of Property (as defined in Act No. 89-390) in such District, unless such Unit of Property is exempted from such financial charge as provided in Act No. 89-390. The financial charge hereby levied shall become due and payable on October 1, 2007 and delinquent if not paid before January 1, 2008 and shall be collected by the Revenue Commissioner at the same time as ad

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

valorem taxes are collected.

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

Judge English presented a letter from the State Alcoholic Beverage Control Board asking that the County levy county beer, liquor and wine licenses for the fiscal year 2008-2009. The following Resolution was offered by Commissioner Lawrence, seconded by Commissioner Harris and unanimously carried;

**BE IT RESOLVED** by the Lee County Commission that the County license levies for the sale of liquor, beer and wine for the fiscal year beginning October 1, 2008 to be set in the following amounts:

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

Judge English announced that Daewon would hold a ribbon cutting on Wednesday, February 20 at 2:30 p.m. at the Northeast Opelika Industrial Park. Additionally, Judge English announced that Congressman Mike Rogers will be in town to meet with the Commission at 3:45 p.m. on this same date.

Commissioner Lawrence reminded everyone in attendance of the Chocolate Tasting at Eight and Rail on Valentine’s Day as a fundraiser to support the Lee County Chapter of the Red Cross.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 11, 2008**

With no further business to come before the Commission, Commissioner Ennis made a motion, seconded by Commissioner Smith, at approximately 7:30 p.m., that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 25, 2008**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, February 25, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

EMA Director Deedie Matthews announced the promotion of Mr. Johnny Langley as Deputy Director effective March 1, 2008. Ms. Matthews stated that Mr. Langley was unable to attend the meeting tonight due to the fact that he was attending a training course out of town.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the February 11 meeting, two listings of claims, and an updated listing of claims for payment. The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried, that the consent agenda items be approved.

Judge English requested that the Commission revoke the Sales and Use Tax Referendum Resolution that was previously adopted at the meeting on January 14, 2008, to cancel the request that it be placed on the June 3 ballot. Mr. Rendleman reminded the Commission that this sales tax issue was one of the housekeeping items that had recently been sent to the local delegation for consideration. After discussion, Commissioner Lawrence made a motion to revoke the Resolution presented at the January 14 meeting concerning the Sales and Use Tax Referendum Resolution, seconded by Commissioner Ennis and unanimously carried.

Commissioner Holt presented a request from Dr. Richard Baker of the Loachapoka Water Authority concerning expanding the service area. Commissioner Holt presented a map of the location. Judge English stated that he remembered a map that divided the entire county into water district service areas, and asked in whose service area this property is currently located. Dr. Baker, who was in attendance at the meeting, stated he was aware of the map, but that this particular property owned by Auburn University had not been included to his knowledge. Upon discussion, Commissioner Holt made a motion to extend the Authority's service area to include Section 36 in Township 20 North, Range 25 East, seconded by Commissioner Harris and unanimously carried.

Revenue Commissioner Oline Price appeared before the Commission with a potential legal issue. County Attorney Stan Martin stated the matter warranted an executive session. Before going into executive session, Commissioner Ennis requested that the Commission continue with the last agenda item, and then adjourn into executive session. The Commission unanimously agreed to finish the agenda before they adjourned into executive session.

During the pre-meeting much discussion was held on a proposed federal funding request for infrastructure needs. The Commission debated on which items warranted inclusion in the top five and the priority of these items. Commissioner Lawrence, during the meeting, made a motion to send requests for funding to Congressman Rogers and Senators Sessions and Shelby for the first four roads on Mr. Hall's proposed list, which include: improvements on Lee Road 248, 427, 240 and 236 with estimated costs totaling over \$6,500,000 and to show Commission support of the request for FAA funding of the Auburn-Opelika Airport Project. The motion was seconded by Commissioner Smith for discussion. Commissioner Holt questioned if that was the complete request. Commissioner Lawrence stated that the other options discussed in the pre-meeting were separate issues. Commissioner Ennis called for the question, seconded by

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 25, 2008**

Commissioner Harris and unanimously carried. Upon the call for the question the Chairman ended discussion, called for the vote and the motion passed unanimously.

Upon advice of County Attorney Stan Martin, Commissioner Lawrence at approximately 6:15 p.m. made a motion to recess into two executive sessions with the first concerning potential litigation and the second concerning current litigation, seconded by Commissioner Smith and unanimously carried. Mr. Martin announced that the following needed to attend the first executive session: Revenue Commissioner Oline Price, Chief Appraiser Bobby Armstrong and County Administrator Roger Rendleman. Mr. Martin requested that County Engineer Neal Hall and Solid Waste Director Jack Marshall attend the second executive session. Judge English stated that the first executive session would last approximately 30 minutes and the second one would last approximately five minutes. No formal action would be expected after either executive session.

Upon reconvening after the executive session, with no further business to come before the Commission, Commissioner Ennis made a motion at approximately 7:03 p.m., seconded by Commissioner Smith, that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 10, 2008

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 10, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

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

Sheriff Jones recognized Deputy Mike Conway on his recent honor of being named “Deputy of the Year” by the Opelika Exchange Club. Sheriff Jones nominated Deputy Conway to represent the Lee County Sheriff’s Office. Sheriff Jones stated that Deputy Conway joined the Lee County Sheriff’s Office in October 2005 and graduated from the Jefferson County Sheriff’s Office Sheriff’s Academy in April 2006. During his time at the academy he was elected vice-president of his class, won the Physical Fitness award, the Staff Excellence award and was runner-up for Valedictorian. Further, in 2007 Deputy Conway ranked number 3 among all deputy sheriffs in Alabama on DUI arrests. Sheriff Jones commended Deputy Conway on his recognition.

Commissioner Lawrence thanked Sheriff Jones and his staff for the outstanding work they performed in the recent high-profile case in Auburn and for the cooperation among the state, local and federal law enforcement agencies.

Paige Moeller introduced the new Miss Auburn-Opelika Area Melanie Reese, a junior at Auburn University majoring in Apparel Merchandising. Ms. Reese shared her platform which is Teens Getting Involved in the Future or TGIF, which is geared toward 10<sup>th</sup> -12<sup>th</sup> grade students and focuses on character building. Miss Lee County Outstanding Teen Payton Moeller, a freshman at Opelika High School, was introduced who shared her platform which is Diabetes Awareness. Miss Moeller competed in the State Pageant on March 1<sup>st</sup> and 2<sup>nd</sup>. Miss Reese will compete in the Miss Alabama Pageant in June. Judge English congratulated each on their accomplishment.

County Engineer Neal Hall made a presentation on bio-diesel feasibility in response to Commissioner Holt’s request. Mr. Hall contacted Thompson Tractor representative Todd Cowan and questioned how bio-diesel would affect the warranty on county vehicles. Mr. Cowan sent Mr. Hall a copy of the warranty information. Mr. Hall stated that the warranty stated that only use of “acceptable bio-diesel”, which meet ASTM D975 or EN590 (professional grades of bio-diesel fuel), would not affect the warranty. Commissioner Lawrence questioned how other counties are able to use these type products in their trucks and equipment. Commissioner Lawrence suggested that Mr. Hall contact Hoover and Gadsden to see how they are able to use these products. Additionally, Mr. Hall stated that Mr. Cowan would be glad to come and give a presentation on bio-diesel feasibility. Commissioner Lawrence suggested that other companies be invited so the Commission can look at additional options. Mr. Hall stated he would look into it and report back to the Commission.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the February 25 meeting, two listings of claims, and Bid #12 to rebuild the platform and building at the Mott’s compactor site in Smiths Station. Mr. Marshall stated that out of four bids sent only two vendors responded. Mr. Marshall recommended the Commission accept the low bid of **Hudmon Welding and Machine** for \$38,793. The Chairman asked if there were any questions about the consent agenda items. Commissioner Smith made a motion, seconded by Commissioner Lawrence and unanimously carried, that the consent agenda items be approved.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 10, 2008**

Mr. David Cruise of Brentwood mobile home subdivision questioned when this subdivision would be resurfaced. Mr. Cruise had attended a previous meeting and stated he had been told his subdivision would be resurfaced. Mr. Hall stated that currently 25% of resurfacing funds will be used to resurface subdivisions and the resurfacing priority is based on the condition of all subdivision roads in the county. Judge English and Commissioner Smith stated they had ridden through the subdivision over the weekend. No action was taken by the Commission.

During the pre-meeting, Lee County School Superintendent Steven Nowlin made a presentation on the school system's building program. Dr. Nowlin stated that he would request that the county help by either cutting a road to the proposed new Smiths Station High School or to help in paving access lanes or a connector road if necessary, help in obtaining a grant for sewer, and/or help in financing the proposed building project. Dr. Nowlin stated he wanted to approach the Commission and let them be aware of the upcoming projects. No action was taken by the Commission.

Commissioner Harris made a report to the Commission on the NACo Conference that he attended last week. Commissioner Harris stated that it was a very informative conference. He said he was informed that ADECA would get an \$800 million cut in funding, and Homeland Security would be getting an increase of \$50 million, but the Homeland Security funds would only be available to the 50 largest cities. Additionally, he was informed of a \$250,000 grant available from NACo for innovative programs. Last, he informed the Commission of a prescription drug program that is available for citizens to get prescriptions at a discounted rate. He stated that 955 counties currently participate in this program.

Commissioner Holt made a motion to add an agenda item concerning Loachapoka Water and the project on Lee Road 10, seconded by Commissioner Lawrence and unanimously carried to add the item to the agenda. Commissioner Holt presented a possible partnership with Loachapoka Water Authority on the Lee Road 10 project. Commissioner Holt stated that due to the widening of Lee Road 10, Loachapoka Water has asked the Commission to partner with them and the City of Auburn in replacing two existing water lines on the roadway, and make one system with larger pipe to accommodate the widening of the roadway. Derrick Gregory of Loachapoka Water and Greg Heartsill of their engineering firm were present and responded to questions from the Commission. Commissioner Holt reported that the cost estimate was \$350,000 and that Loachapoka Water had agreed to pay the first \$50,000 of the project, the City of Auburn had committed to 50% of the remainder, and he was requesting the Commission to commit to the remaining 50%. Discussion ensued about whether the Commission would support this and where the money could come from. After much discussion, Commissioner Smith requested that a representative from the City of Auburn attend the next meeting to discuss this issue. Commissioner Lawrence requested that a representative from Loachapoka Water also be invited. The item was moved to the next agenda for discussion.

Judge English recognized approximately 25 college students in attendance, and asked what program they were with. Spokesperson Krista Hood identified them as members of the Auburn University SGA "Politics and Leadership" program for freshmen. Judge English thanked them for attending.

Upon much discussion in the pre-meeting, Governmental Relations Coordinator Wendy Swann asked the Commission during the meeting to approve the RFP for the Comprehensive Land Use Plan. Upon this request, Commissioner Lawrence made a motion to approve the release of the RFP for the Comprehensive Land Use Plan, seconded by Commissioner Smith and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 10, 2008**

County Administrator Roger Rendleman asked to add an item to the agenda for pre-approval of an educational reimbursement, so Commissioner Lawrence made a motion to add the item to the agenda, seconded by Commissioner Smith and unanimously carried. Mr. Rendleman stated that Corrections Officer Charolette Moore had presented all the necessary paperwork for pre-approval of an educational reimbursement which has been approved by the proper officials within the Sheriff's Department. Upon this request Commissioner Smith made a motion to pre-approve the educational reimbursement for Corrections Officer Charolette Moore, seconded by Commissioner Lawrence and unanimously carried.

Upon advice of County Attorney Stan Martin, Commissioner Lawrence at approximately 6:50 p.m. made a motion to recess into executive session concerning current litigation, seconded by Commissioner Smith and unanimously carried. Mr. Martin announced that the following needed to attend the executive session: Administrator Roger Rendleman and Engineer Neal Hall. Judge English stated that the executive session would last approximately 10 minutes and no formal action would be expected after the executive session.

Upon reconvening after the executive session, with no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 7:00 p.m., seconded by Commissioner Smith, that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 31, 2008**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, March 31, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

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

County Administrator Roger Rendleman presented the following Resolution recognizing County Government Week in Lee County.

**WHEREAS**, Alabama's 67 counties provide a variety of essential public services to their communities and take seriously their responsibility to protect and enhance the health, safety and welfare of our citizens in sensible and cost-effective ways; and

**WHEREAS**, many of Alabama's local government initiatives directly touch the lives of Alabama's citizens on a daily basis, but many residents do not realize the impact of many local government programs; and

**WHEREAS**, the Lee County Commission provides value-added services to all its local residents through its dedicated employees; and

**WHEREAS**, the Lee County Commission provides not only essential services to its residents, but also programs such as road and bridge programs for the safety of our motorists, litter control for the beautification of our county, parks and recreation programs for the enjoyment of our citizens and education and welfare programs for our elderly citizens through community partnerships.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that April 6-12, 2008 is declared to be County Government Week in Lee County and a copy of this resolution is to be forwarded to the Association of County Commissions of Alabama.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the March 10 meeting, two listings of claims, and Bids #13-#16 and #18 for the Sheriff's Office and a beer license for The Landing located in District #4 and a beer, wine and lounge liquor license for Delta Foods/Delta Package located in District #3. Sheriff Jones presented and recommended that the low bidders be awarded the following:

- Bid #13 for min. 7 light bars - **Law Enforcement Supply** @ \$1,400/each = \$9,800.
- Bid #14 for min. 10 Mobile Radar Units/Single Antenna-**Interceptor** @ 1,255/each = \$12,550
- Bid #15 for 26 min. Glock Pistols w/nightsights-**Craig's Firearm Supply**  
\$409/each=\$10,634 w/Used Pistol Trade-in credit @\$260/each
- Bid #16 for min. 10 Bushmaster AR-15 Rifles-**GT Distributors** \$474.59/each=\$7,475.90

Sheriff Jones stated that Bid #18 for 11 laptops were for the Investigation Unit and would be paid out of grant funds. Sheriff Jones recommended that the low bid from **Dell Inc.** for \$20,712.89 be awarded.

**Be it Resolved**, that the Lee County Commission approve a retail beer license (off premises only) for **The Landing**, located at 9825 Lee Road 379, Valley, Alabama.

**Be it Resolved**, that the Lee County Commission approve a retail beer license (off premises only) for **Delta Foods**, located at 9870 Lee Road 240, Phenix City, Alabama.

**Be it Resolved**, that the Lee County Commission approve a retail table wine license (off premises only) for **Delta Foods**, located at 9870 Lee Road 240, Phenix City, Alabama.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 31, 2008**

**Be it Resolved**, that the Lee County Commission approve a lounge retail liquor license (package) for **Delta Foods Package**, located at 9870 Lee Road 240, Phenix City, Alabama.

Commissioner Lawrence made a motion to approve the consent agenda items, seconded by Commissioner Holt and unanimously carried.

Both items under old business for the Lee Road 10 issue and Subdivision Regulations were requested to be moved to next agenda due to the absence of two Commissioners. Commissioner Holt requested that the full Commission be in attendance for the items.

Dan Reynolds of SAIC gave a Power-Point presentation on the BRAC Regional Growth Management Plan to keep the Commission informed on the growth issues in the County.

Mr. David Williams appeared before the Commission during the pre-meeting and questioned Lee Road 866 which appears in the wrong location on the E911 Map Book. His concern seemed to be whether the road might be vacated in the future. Judge English referred to the newest map book and the road was shown in the correct location. During the meeting, Mr. Williams stated that he would like for the county engineer to come up with a plan for paving dirt roads rather than the Commissioners. No action was taken by the Commission.

Commissioner Lawrence stated that he would like to see interaction between the utility companies and Lee County about their use of the county's right of way on county roads. Commissioner Lawrence asked Mr. Hall to come up with guidelines which would benefit Lee County and to present them at the next meeting. After that Commissioner Lawrence asked that the Commission conduct a worksession on this issue.

Revenue Commissioner Oline Price asked the Commission to make three recommendations to the State for a Lee County appointment to the Board of Equalization. Mrs. Price stated that the City of Auburn and the Lee County Board of Education had already made their recommendations. Commissioner Holt asked to move this item to the next agenda. No objections were made to this request.

County Engineer Neal Hall presented a High Risk Rural Road Project Agreement and asked the Commission to authorize the Chairman to sign the agreement as presented. Commissioner Ennis made a motion to authorize the Chairman to sign the High Risk Rural Road Project Agreement as follows, seconded by Commissioner Lawrence and unanimously carried.

**Be it Resolved**, by the Lee County Commission of Lee County, Alabama, that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

Guardrail and end anchor enhancements @ various sites and intersection improvements @ CR54 and Gateway Drive. Length – 0.224 miles. Proj#HRRR-CN08(256), LCP 41-00-07. CPMS Ref #100051239;

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 and execution of the agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

**Agreement for High Risk Rural Roads (HRRR) 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 guardrail and end anchor enhancements @ various sites and intersection improvements @ CR54 and Gateway Drive. Length – 0.224 miles. Proj#HRRR-CN08(256), LCP 41-00-07. CPMS Ref#100051239.

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

- (1) The STATE and COUNTY have identified this location(s) for a HRRR Project hereinafter the “PROJECT”) as established by the Federal Highway Legislation “The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” (SAFETEA-LU).
- (2) The COUNTY or its representative, if applicable to the PROJECT, agree to adjust and/or relocate all utilities on the PROJECT without cost to the STATE or this PROJECT.
- (3) The COUNTY or its representative, will provide the required surveys, complete the plans and perform all other preliminary engineering duties for the PROJECT at no cost to the STATE or the PROJECT.
- (4) The COUNTY will acquire any additional right-of-way, if needed, for the PROJECT at no cost to the STATE or this PROJECT.
- (5) 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.
- (6) The Construction for this PROJECT will be performed by the COUNTY, or at the unit prices specified in the low bid contract(s).
- (7) 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.
- (8) The STATE will furnish the necessary inspection and testing of materials with STATE forces when needed as part of the PROJECT costs. 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 within.
- (9) The COUNTY will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction (latest edition) on the PROJECT and will ensure that alignment and grades on this PROJECT meet the standards of the Alabama Department of Transportation and that the PROJECT will be constructed in accordance with the approved plans.
- (10) This agreement is made and expressly executed in the names of the parties hereto by their respective officers, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.
- (11) Funding for this agreement is subject to availability of Federal Aid funds at the time of authorization. The STATE will not be liable for Federal HRRR Funds in any amount. Federal HRRR funds on this PROJECT will not exceed \$60,000.00. Any deficiency in Federal HRRR funds, or overrun in construction costs will be borne by the COUNTY from COUNTY funds. In the event of an under-run in construction costs, the amount of Federal HRRR Funds will be the amount stated below, or 100% of eligible costs, whichever is less.
- (12) This PROJECT will be financed, when eligible for Federal participation, on the basis of

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 31, 2008**

- 90 percent Federal HRRR funds, and 10 percent COUNTY funds.
- (13) The estimated cost of construction of this PROJECT will be provided from the funds outlined as follows:
- |                         |                     |
|-------------------------|---------------------|
| Federal HRRR Funds      | \$60,000.00         |
| County Funds            | <u>75,270.00</u>    |
| Total (Including E & I) | <u>\$135,270.00</u> |
- (14) The STATE will be responsible for advertisement and receipt of bids, and the award of the contract. Following the receipt of bids and prior to the award of the contract, the STATE will invoice the COUNTY for its prorata share of the estimated cost, and the COUNTY will pay this amount to the STATE no later than 30 days after the date bids are opened. Payment must be received prior to award of the contract.
- (15) A final audit will be made of all PROJECT records after completion of the PROJECT and a copy will be furnished to the Alabama Department of Examiners of Public Accounts, in accordance with Act. 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this agreement.
- (16) The COUNTY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period will not be eligible for payment.
- (17) Upon completion and acceptance of the work by the STATE, the COUNTY will assume full responsibility for maintenance of that part of the improvements which are not a part of the Alabama Highway Maintenance System. Upon completion and acceptance of the work by the STATE, the COUNTY will maintain the PROJECT in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.
- (18) The performance of the work covered by this agreement will be in accordance with the current requirements of the STATE and the FHWA.
- (19) Each party will provide, without cost to the other, information available from its records that will facilitate the performance of the work.
- (20) Nothing will be construed under the terms of this agreement by the STATE or the COUNTY that will cause any conflict with Section 23-1-63, Code of Alabama (7/24<sup>th</sup> law)
- (21) It is agreed that the terms and commitments contained in this agreement shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of the agreement, be enacted, then the conflicting provision in this agreement shall be deemed null and void.
- (22) Exhibits M and N are attached and hereby made a part of this agreement.
- (23) The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (24) This agreement shall terminate on November 7, 2008, as to any work provided herein for which funding has not been authorized, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination. The COUNTY agrees that the STATE may unilaterally extend the time of the agreement.

**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.

County Administrator Roger Rendleman presented the results of the bids on the Justice Center south-end remodel. Mr. Rendleman reported that the low bid was received from Jimenez & Associates of Mobile, Alabama for \$780,295 with Alternate #1 for \$103,745 for a total bid of \$884,040. Mr. Rendleman stated that he and Mr. Randy Wilson had discussed the bids and felt that this was the lowest responsible bidder and recommended that the Commission accept this bid. Mr. Rendleman stated that a performance and material bond would have to be obtained before the company could begin work on the project. Additionally, Mr. Wilson stated that if the alternate was added that the company would not be able to perform the work in 130 days as

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 31, 2008**

stated on the bid. Upon the recommendation, Commissioner Lawrence made a motion to accept the bid and alternate #1 to Jimenez & Associates for \$884,040. The motion was seconded by Commissioner Holt and passed unanimously.

Last, Mr. Rendleman presented a handout during the pre-meeting concerning the Capital Improvement Project fund and some proposed projects. Mr. Rendleman stated that several projects were already in progress, but other projects were under consideration that needed to be funded. Mr. Rendleman requested an additional \$68,000 to move forward on the Highway Administrative Building and an additional \$600,000 for the Justice Center south-end remodel. Upon Mr. Rendleman's recommendation, Commissioner Holt made a motion to amend the budget by \$68,000 for the Highway Administrative Building, seconded by Commissioner Lawrence and unanimously carried. Next, Commissioner Lawrence made a motion to authorize the financing of \$600,000 for the south-end remodel project at the Justice Center, seconded by Commissioner Holt and unanimously carried.

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

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, April 14, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

EMA Deputy Director Johnny Langley introduced the newest EMA Planner, Rita Smith. Judge English welcomed Mrs. Smith to Lee County.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the March 31 meeting, two listings of claims, and an updated listing of claims for payment. The Chairman asked if there were any questions about the consent agenda items. Commissioner Smith made a motion, seconded by Commissioner Lawrence and unanimously carried, that the consent agenda items be approved.

Mr. David Williams again appeared before the Commission and made a statement concerning the Lee Road 10 issue. Mr. Williams stated that the Loachapoka Water Authority had the authority to issue bonds or the ability to acquire a short-term loan to provide for the water lines necessary for the Lee Road 10 project. Mr. Williams stated that he did not believe that the county should be in the water business. Judge English stated that County Administrator Roger Rendleman advised the Commission on how the county money could be spent legally on projects.

Commissioner Holt recognized the attendance of Mayor Ham and other members of the Auburn Council including Dick Phelan, Tom Worden, Brent Beard and Gene Dulaney during the pre-meeting. They were there to discuss the need to relocate a water line in the joint city/county project on the widening of Lee Road 10. The proposed financing of the water line relocation is that Loachapoka Water will pay \$50,000, and the City of Auburn will pay half of the remainder. The project's estimated budget is approximately \$250,000. During the meeting, Commissioner Holt made a motion to advance the county's portion of the needed funds, not to exceed \$100,000, from the District 1 dirt road paving allotment immediately and advance the funds to Loachapoka Water Authority as needed. Additionally he requested some consideration in the FY2008-2009 budget for the possible replacement of those funds to the District 1 dirt road paving budget. The motion was seconded by Commissioner Lawrence and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

After discussion in the pre-meeting, Commissioner Lawrence during the meeting, made a motion to adopt the Subdivision Regulations and Access Management Plan, effective June 1, 2008, seconded by Commissioner Smith and unanimously carried.

**LEE COUNTY SUBDIVISION AND  
LAND DEVELOPMENT REGULATIONS**

**FOREWORD**

A subdivision is defined as the development and division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease, or building development of the lot or lots. Further explanation of the definition and any exemptions from these subdivision regulations can be found in Section 2-1-58 of these regulations.

Any individual who plans to develop and/ or divide a parcel of land in the County should consult with the County Engineer early in the planning phase of the development to assure compliance with these regulations.

**TABLE OF CONTENTS**

<u>ARTICLE I</u>	<u>PURPOSE AND POLICY</u>
<u>ARTICLE II</u>	<u>DEFINITIONS</u>
<u>ARTICLE III</u>	<u>APPROVAL OF SUBDIVISION PLATS</u>
<u>ARTICLE IV</u>	<u>PLAT AND PLAN REQUIREMENTS</u>
<u>ARTICLE V</u>	<u>DEVELOPMENT STANDARDS</u>
<u>ARTICLE VI</u>	<u>INSTALLATION OF PERMANENT REFERENCE POINTS</u>
<u>ARTICLE VII</u>	<u>GUARANTEE OF CONSTRUCTION</u>
<u>ARTICLE VIII</u>	<u>VARIANCES</u>
<u>ARTICLE IX</u>	<u>CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS</u>
<u>ARTICLE X</u>	<u>LEGAL PROVISIONS</u>
<u>APPENDIX I</u>	<u>SAMPLE CERTIFICATES</u>
<u>APPENDIX II</u>	<u>SUBDIVISION FLOWCHART AND SAMPLE FORMS</u>
<u>APPENDIX III</u>	<u>AMENDMENTS</u>
<u>APPENDIX IV</u>	<u>APPLICABLE STATE LAWS</u>
<u>APPENDIX V</u>	<u>ACCEPTANCE OF ROADS AND STREETS FOR COUNTY MAINTENANCE</u>
<u>APPENDIX VI</u>	<u>TYPICAL SECTIONS</u>
<u>APPENDIX VII</u>	<u>ACCESS MANAGEMENT POLICY</u>

**ARTICLE I**

***PURPOSE AND POLICY***

- 1-1 PURPOSE AND POLICY
- 1-2 TITLE
- 1-3 FEES
- 1-4 ENFORCEMENT AND VIOLATIONS

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

1-5 AMENDMENTS

**SECTION 1-1 PURPOSE AND POLICY**

The subdivision regulations set out herein have been adopted pursuant to authority granted by Code of Alabama 1975, § 11-24-1(b) to establish procedures and standards for the design and development of proposed subdivisions or additions to existing subdivisions within the subdivision jurisdiction of Lee County, Alabama. These regulations shall be applicable to the development of any subdivision within the county's subdivision jurisdiction, and shall include, at a minimum, the minimum size of lots, the planning and construction of all public streets and roads, drainage structures, and proper placement of public utilities to be located in a subdivision. Additionally, unless waived by the Lee County Commission, these regulations shall also apply to the county's plat approval for developments within the territorial jurisdiction of a municipal planning commission; provided, however, that in such instance, the County's approval shall be limited to the approval required in Code of Alabama 1975, § 11-52-30(b) regarding approval of plats, and shall not include enforcement.

By resolution of the Lee County Commission adopted on the 14 day of April, 2008, and pursuant to the powers and jurisdiction granted by Code of Alabama 1975, § 11-24-1 et seq., the Lee County Commission does hereby set a policy to exercise the power and authority to review, approve, and disapprove plats for all subdivisions within the subdivision jurisdiction of Lee County, Alabama. The Lee County Commission further does hereby exercise the authority to inspect any development within its subdivision jurisdiction to ensure that there are no violations of its rules and regulations, to charge fees for said inspection as set out in Section 1-3 of these regulations and authorized under Code of Alabama 1975, § 11-24-3, and to enforce these regulations as provided in Section 1-4 and authorized in Code of Alabama 1975, § 11-24-3.

The regulations set out herein shall be in force and applicable to the development of all subdivisions in the subdivision jurisdiction of the Lee County Commission from and after the date of adoption by resolution. Subdivision regulations previously in place in Lee County are hereby repealed and rescinded.

These regulations shall be in effect and shall apply to the development of any subdivision within the subdivision jurisdiction of Lee County as defined in Section 2-1-59 from and after thirty (30) days from the date of the County's filing a certified copy of these regulations with the Probate Judge. No street or road shall be accepted and maintained by the County, nor shall any utilities or county services be extended to the subdivision, unless and until the requirements set forth in these regulations have been complied with and the subdivision has been given final approval by Lee County.

It is not the purpose of these regulations to govern the acceptance of roads or streets for maintenance by the County Commission. The current policy for acceptance of roads and bridges by the Lee County Commission is located in Appendix V.

**SECTION 1-2 TITLE**

The regulations shall hereafter be known, cited and referred to as the Subdivision and Land Development Regulations of Lee County, Alabama.

**SECTION 1-3 FEES**

Lee County has established the following schedule of fees, as authorized under Code of Alabama 1975 Section

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

11-24-3, to cover costs associated with the inspection and review of subdivision developments. The total fee is dependent on the size and type of subdivision. The schedule below is a **guide** to the charges that will be incurred by the developer at a minimum. The developer is responsible for **all** charges, including inspection and testing, incurred by the county during the subdivision approval process. The fee schedule is as follows:

Proposed Plat Review Fee	\$500 per submission of proposed plat
Lot Fee	\$25 per lot, site, or unit
Road Fee	\$0.75 per linear foot of road to be constructed and inspected

**SECTION 1-4 ENFORCEMENT AND VIOLATIONS**

Pursuant to authority granted under Code of Alabama 1975, § 11-24-3(d), the Lee County Commission shall enforce the provisions of these regulations by the issuance of citations issued by a county license inspector appointed by the Lee County Commission to enforce these regulations. Acting under authority granted in Code of Alabama 1975, § 11-24-3(d) and § 40-12-10, the county license inspector may issue a citation for the failure to properly obtain the permit to develop required under Section 3-6 and/or for any other violations of these regulations or of Code of Alabama 1975, § 11-24-1 *et seq.*

As authorized by Code of Alabama 1975, § 11-24-3(a), the fine for noncompliance of any provisions of these regulations shall be \$1000 per lot that has been sold, offered for sale, transferred, or leased. A separate citation shall be issued for each violation.

All fines shall be paid to the office of the judge of probate within thirty (30) days of the issuance of a citation by the county license inspector, and all fines shall be doubled upon the failure to remit the fine within thirty (30) days of the issuance of the citation.

In addition to the issuance of citations for violation of these regulations, the Lee County Commission retains the right to seek an injunction against any developer or owner who fails to comply with these regulations as provided in Code of Alabama 1975, § 11-24-3(b), and may bring action against a developer or owner to compel compliance with these regulations in the event that work on the subdivision has been completed in violation of these regulations and the requirements of Code of Alabama 1975, § 11-24-1 *et seq.*

**SECTION 1-5 AMENDMENTS**

The Lee County Commission may adopt amendments to these regulations. Procedures to adopt amendments are detailed in Section 10-4.

**ARTICLE II**

**DEFINITIONS**

**2-1 DEFINITION OF TERMS**

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

**SECTION 2- 1      DEFINITION OF TERMS**

**ACCESS:** Deeded portion of property or lot that provides travel way to a city, county, or state road. All access must have sixty (60) foot minimum width from the city, county, or state road to the building site. {Exclusions to this requirement can be found in section 5-6.}

**ADMINISTRATIVE SUBDIVISION:** A division of one lot from a larger parcel of which the original parcel has been under the ownership of the developer (or subdivider) for a minimum of 2 consecutive years immediately prior to the date of the proposed division. The developer shall be required to submit a survey detailing the proposed division along with a vesting deed to the County Engineer for his approval prior to filing of such deed or survey. This type of development shall be exempt from the approval process required in Article III of these regulations. The submitted survey shall meet the minimum technical standards for the State of Alabama and include a certification as shown in Appendix I for Administrative Subdivisions. The development shall be subject to all guidelines in these regulations and policies referenced herein such as the County's Access Management Policy and Flood Damage Prevention Ordinance.

An administrative subdivision shall also include any replat of lot lines that does not affect the integrity of a approved development. Replats shall be submitted to the County Engineer and follow the same guidelines as provided for a single lot division. A letter of concurrence from the affected landowners shall accompany the request for consideration. An administrative subdivision shall be exempt from the normal subdivision fee schedule and shall be subject to a \$100 fee per occurrence.

- 2-1-3 **ADT (AVERAGE DAILY TRAFFIC):** total volume of vehicles during a given time period, in whole days, as measured during a non-holiday weekday.
- 2-1-4 **APPLICANT:** The owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.
- 2-1-5 **APPLICATION ASSEMBLY:** The packet of materials that the developer is required to submit with his or her application for proposed plat approval.
- 2-1-6 **ARTERIAL:** A term used to describe a road or street whose primary purpose is to connect areas that produce a large amount of trip generation. These routes have a dual function to move traffic and to provide access to land uses, particularly the high trip-generating commercial activities.
- 2-1-7 **BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or other boundary lines.
- 2-1-8 **BUILDING:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

- 2-1-9 BUILDING SETBACK LINE: A line parallel to the property over which no structure may be erected.
- 2-1-10 COLLECTOR: A route whose primary function is to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land use, and which typically does not have extensive continuity.
- 2-1-11 CONSTRUCTION PLANS: Plans detailing the design and requirements for the construction of public improvements. These plans shall detail such items as the location of all existing and proposed roads, plan and profiles of all roads, curve data, hydraulic data, etc. (See Section 4-2 for complete list of items required.)
- 2-1-12 CORNER LOT: A lot which occupies the interior angle at the intersection of street lines.
- 2-1-13 COUNTY: The County of Lee, Alabama.
- 2-1-14 COUNTY ADMINISTRATOR: The duly designated Administrator or Clerk of Lee County, Alabama.
- 2-1-15 COUNTY COMMISSION: The County Commission of the County of Lee, Alabama.
- 2-1-16 COUNTY ENGINEER: The duly designated Engineer of the County of Lee, Alabama.
- 2-1-17 COUNTY SPECIFICATIONS: All construction specifications which are included in these regulations and any special specifications required by the County Engineer or other state or local entity based upon the particular development.
- 2-1-18 CUL-DE-SAC: A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 2-1-19 DAY: A calendar day.
- 2-1-20 DEDICATION: The transfer of property from private to public ownership.
- 2-1-21 DEVELOPER: The owner of land proposed to be subdivided or a person designated in writing by the legal owner as his or her representative.
- 2-1-22 DEVELOPMENT: The design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets and public roads, and the placement of utilities, and any other applicable construction or improvement required or included in a certain subdivision project.
- 2-1-23 DEPTH OF LOT: The mean horizontal distance between the front and rear lot lines.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

- 2-1-24 **DOUBLE FRONT LOT:** A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 2-1-25 **EASEMENT:** A grant by the property owner of use, by the public, a corporation, or person(s) of a strip of land for specified purposes or as created by operation of law.
- 2-1-26 **EXPRESSWAY OR FREEWAY:** Facilities that accommodate a high volume of traffic through the prohibiting of ingress and egress except at controlled intervals. Freeways involve complete control of access while expressways permit at grade intersections at infrequent intervals. The expressway or freeway has only one function - to carry traffic.
- 2-1-27 **ENGINEERING PLAN:** A post construction record giving details of construction and locations of improvements as they were built or installed.
- 2-1-28 **FINAL PLAT:** A plat of a tract of land which meets the requirements of these regulations and is in form for recording in the Office of the Probate Judge of Lee County, Alabama.
- 2-1-29 **FLOODPROOFING:** Any combination of structural or nonstructural additions, changes, or adjustments which reduce or eliminate flood damage to real property, or improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.
- 2-1-30 **FLOODWAY:** The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of flood-waters in order to prevent an increase in upstream flood heights of more than one (1) foot above the predevelopment conditions. For the purpose of these regulations, floodways shall be defined and governed by the County's Flood Damage Prevention Ordinance.
- 2-1-31 **LAND SUBJECT TO FLOODING:** For the purpose of these regulations, land subject to flooding shall be defined in the County's Flood Damage Prevention Ordinance.
- 2-1-32 **FLOOD, ONE HUNDRED (100) YEAR:** A flood that has, on the average, a one (1) percent chance of being equaled or exceeded in any given year.
- 2-1-33 **FLOOD, TEN (10) YEAR:** A flood that has, on average, been equaled or exceeded at a frequency of once every ten (10) years.
- 2-1-34 **FLOOD, TWENTY-FIVE YEAR:** A flood that has on average been equaled or exceeded at a frequency of once every twenty-five (25) years.
- 2-1-35 **GROUP DEVELOPMENT:** A subdivision of land consisting of two or more buildings, sites, or units which is not subdivided into customary lots, blocks or streets and thus is contained on one common parcel. This type of development shall not only be on a common parcel but shall also have a common owner who shall be responsible for all infrastructure and drainage within the development. A building footprint shall be the maximum boundary allowed to be transferred, sold or leased in this type of development.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

- 2-1-36 **HARDSHIP:** An unusual situation on the part of an individual property owner which will not permit the full utilization of property. A hardship exists only when it is not self-created.
- 2-1-37 **HEALTH DEPARTMENT:** Alabama State Department of Public Health or Lee County Health Department.
- 2-1-38 **IMMEDIATE FAMILY MEMBER:** As defined in *Black's Law Dictionary*, a person's parents, spouse, children, and siblings.
- 2-1-39 **LICENSED ENGINEER:** An engineer properly licensed and registered in the State of Alabama in good standing with the Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- 2-1-40 **LICENSE INSPECTOR:** The person or persons appointed by the County Commission to enforce the county's subdivision regulations pursuant to Code of Alabama 1975, § 11-24-3, utilizing the authority granted to a license inspector under Code of Alabama 1975, § 40-12-10.
- 2-1-41 **LICENSED LAND SURVEYOR:** A land surveyor properly licensed and registered in the State of Alabama in good standing with the Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- 2-1-42 **LOT:** A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, lease or rental, or for building development.
- 2-1-43 **MARGINAL ACCESS:** A service road or other treatment used to provide adequate protection of properties in cases where an arterial runs through or near a subdivided area.
- 2-1-44 **MINOR ROAD OR STREET:** A route used to connect collector roads in a road system and service only the residents of that road.
- 2-1-45 **MONUMENT:** A permanent object serving to indicate a limit or to mark a boundary.
- 2-1-46 **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
- 2-1-47 **OWNER ' S ENGINEER:** The licensed engineer who is the agent of the owner or developer of land which is proposed to be subdivided or which is in the process of being subdivided.
- 2-1-48 **PERMANENT REFERENCE POINTS:** As defined by the Minimum Technical Standards set out and required by the Alabama Society of Professional Land Surveyors.
- 2-1-49 **PERMIT TO DEVELOP:** An instrument issued by the County Engineer following the approval of a proposed plat by the County Commission and which authorizes the developer to proceed with the development of the subdivision.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

- 2-1-50 PROPOSED PLAT: A plan for a subdivision of land which is submitted for approval to develop the subdivision as required in Article III of these subdivision regulations and Code of Alabama 1975, § 11-24-2.
- 2-1-51 PROBATE JUDGE: The Judge of Probate of Lee County, Alabama.
- 2-1-52 RESUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Lot line changes may be addressed through the administrative subdivision process.
- 2-1-53 ROAD OR STREET: A right-of-way for vehicular traffic that affords the principal means of access to abutting property.
1. CITY ROAD: Public road maintained by the city.
  2. COUNTY ROAD: Public road which has been accepted into the county road system through construction by the county, dedication and formal acceptance by the county commission, or prescription and is maintained by the county. A road which has been dedicated to the public and is used by the public is not a county road, unless it has been accepted into the county road system through construction, acceptance or prescription as set out herein.
  3. PUBLIC ROAD: A street or road that has been constructed for public use, established by statutory proceedings, or dedicated for public use. A public road may or may not be a county road.
  4. PRIVATE ROAD: Road which has not been dedicated to the public and is not owned or maintained by the city, county, or state whether or not it has public access.
  5. STATE ROAD: Public road owned or maintained by the state of Alabama.
- 2-1-54 SETBACKS: A setback is synonymous to "building setback line". See Section 2-1-9.
- 2-1-55 SINGLE TIER LOT: A lot which backs upon a street, a railroad, a physical barrier, or a residential or non-residential use, and to which access from the rear of the lot is usually prohibited.
- 2-1-56 SKETCH PLAN: Drawing submitted prior to the preparation of the Proposed Plat to enable the applicant to save time and expense in reaching general agreement with the County Engineer as to the form of the plat and the objectives of these regulations.
- 2-1-57 SUBDIVIDER: Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2), directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) is employed by or directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

2-1-58 SUBDIVISION: As defined in Code of Alabama 1975, § 11-24-1(a)(4), the development and division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease, or building development of the lot or lots.

EXCLUSIONS: A subdivision shall not include any of the following:

- a. The construction or development of roads or buildings on private property to be used for agricultural purposes. See, Code of Alabama 1975, § 11-24-1(a) (4);
- b. The public acquisition by purchase or donation of strips of land for the widening or opening of streets;
- c. Property divided between immediate family members as provided in Code of Alabama 1975, § 11-24-2(d);
- d. The division of land into parcels greater than five (5) acres wherein all of the following criteria are met and shown on a plat to be filed in the judge of probate with a certificate on the plat stating that all criteria are met:
  - (i) frontage on existing city, county, or state roads of each parcel is at least 60 feet,
  - (ii) the extension of public utilities is not required , and
  - (iii) in the opinion of the developer's licensed engineer, there will be no additional storm water runoff created.
  - (iv) Parcels which qualify for exemptions from subdivision criteria and rules and regulations imposed by the State Board of Health pursuant to Code of Alabama 1975, § 22-26-7 provided they also meet all of the criteria set out in (d)(i), (ii), and (iii) above;
- e. Administrative Subdivision as defined in Section 2-1-2

2-1-59 SUBDIVISION JURISDICTION: All areas outside the corporate limits of any municipality in Lee County, except areas within the territorial jurisdiction of a municipal planning commission presently organized and functional or which shall become organized and functional within six months of the date Lee County first assumes such jurisdiction by publishing and adopting notice of these regulations.

2-1-60 SURETY: Any bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantee as approved by the Lee County Commission or their authorized agent.

2-1-61 TERRITORIAL JURISDICTION OF MUNICIPAL PLANNING COMMISSION: As provided in Code of Alabama 1975, § 11-52-30(a), all land located in the municipality and all land lying within five miles of the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

corporate limits of the municipality and not located in any other municipality. In the case of any such nonmunicipal land lying within five miles of more than one municipality having a planning commission, the jurisdiction shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities.

- 2-1-62 VARIANCE: Permission to depart from the literal requirements of these subdivision regulations by virtue of unique hardship due to special circumstances regarding property to be developed. A waiver of the strictest letter of the regulations upon substantial compliance without sacrificing the spirit and purpose of the regulations.
- 2-1-63 WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and defined banks. The definition shall also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.
- 2-1-64 WIDTH OF LOT: The mean horizontal distance between the two side lot lines.

**ARTICLE III**

**APPROVAL OF SUBDIVISION PLATS**

- 3-1 APPROVAL OF SUBDIVISION PLATS**
- 3-2 SKETCH PLAN**
- 3-3 PROPOSED PLAT SUBMISSION**
- 3-4 REVIEW BY COUNTY ENGINEER**
- 3-5 COUNTY COMMISSION APPROVAL OF PLAT**
- 3-6 PERMIT TO DEVELOP**
- 3-7 CONSTRUCTION OF PROPOSED SUBDIVISION**
- 3-8 FINAL PLAT APPROVAL**

**SECTION 3-1 APPROVAL OF SUBDIVISION PLATS**

This section details the **general** steps necessary to achieve approval of a subdivision in Lee County. A flow chart is included in Appendix II further outlining this process.

**SECTION 3-2 SKETCH PLAN**

Whenever the subdivision of a tract of land is proposed within the jurisdiction of these regulations, the developer, or subdivider, is urged to consult early and informally with the County Engineer. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity along with the proposed layout and development of the subdivision. The purpose of this sketch plan review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the County Engineer in order to facilitate the subsequent preparations and approval of plans.

**SECTION 3-3 PROPOSED PLAT SUBMISSION**

Following sketch plan review or in the event the subdivider does not submit a sketch plan for review, the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

subdivider shall submit a **complete** Application Assembly to the County Engineer for review of the proposed plat. The application shall be submitted at least 30 days prior to any consideration for proposed plat approval by the County Commission. The Proposed Plat Application Assembly shall include each of the following:

- (1) A letter stating that the proposed plat is being submitted for review. This letter shall state the developer's intent as to the final ownership of any new roads included on the proposed plat, if applicable. (The developer is reminded to refer to Appendix V for the County's Road Acceptance Policy);
- (2) Application for Proposed Plat Review (Appendix II);
- (3) At least two (2) copies of the proposed plat **prepared in accordance with the requirements** detailed in Section 4-1 of these regulations;
- (4) One set of Construction Plans for all required improvements **prepared in accordance with the requirements** detailed in Section 4-2 of these regulations;
- (5) A copy of the Health Department application requesting field review for the general lot layout;
- (6) Any variances requested accompanied by detailed supporting documentation;
- (7) The names and addresses of each adjoining landowner and utility entitled to notice pursuant to Code of Alabama 1975, §11-24-2(b);
- (8) **Proposed plat review fee** - \$500 (nonrefundable);
- (9) Most recent vesting deed or deeds accompanied by a Certificate of Title prepared and submitted by a licensed Alabama attorney which certifies the status of the title.

Failure to submit a complete Proposed Plat Application Assembly initially shall delay the consideration of such plat for approval by the County Engineer and the County Commission.

**SECTION 3-4 REVIEW BY COUNTY ENGINEER**

The County Engineer shall use the minimum thirty (30) day period to review the submitted Application Assembly and ensure its compliance with these regulations. In the event the Application Assembly does not meet these regulations, the County Engineer shall notify the developer that it is deficient. No further action will be taken by the County Commission or County Engineer until and unless the developer shall correct the deficiencies and resubmit the corrections to the County Engineer for his approval.

If upon completion of the review the County Engineer determines that the Application Assembly complies with these regulations, he or she shall notify the developer in writing to that effect. The County Engineer shall send proper notice of his/her recommendation for approval, as required in Code of Alabama 1975, § 11-24-2(b), to each of the adjoining landowners and the affected utilities submitted by the developer. At this point the developer will

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

be notified as to the date of the meeting at which the County Commission shall take action on the proposed plat.

**SECTION 3-5 COUNTY COMMISSION APPROVAL OF PROPOSED PLAT**

Once the County Engineer verifies that the Application Assembly meets the County Regulations, the Proposed Plat shall be submitted to the County Commission for their approval at the next regularly scheduled County Commission meeting. Pursuant to Code of Alabama 1975, § 11-24-2(b), the County Commission shall approve the proposed plat in the event that the County Engineer has determined that the proposed plat meets these regulations.

**SECTION 3-6 PERMIT TO DEVELOP**

Following the approval of the Proposed Plat by the County Commission, the County Engineer shall issue a Permit to Develop for the Proposed Plat. The Permit to Develop allows the developer to proceed with construction of the development in compliance with these regulations. Additionally, the developer may **offer** lots in the proposed subdivision for sale, transfer, or lease ; **provided, however, that no sale, transfer, or lease may be completed or recorded until after the final plat has been recorded in office of the Probate Judge pursuant to the requirements of Code of Alabama 1975, § 11-24-2(c).**

**SECTION 3-7 CONSTRUCTION OF PROPOSED SUBDIVISION**

Once the permit to develop has been issued, the developer may proceed with construction of the proposed subdivision in accordance with these regulations.

The developer shall have one (1) year from the date of issuance of the permit to develop to begin substantial work on the proposed development. If work does not begin within the one (1) year time frame, the proposed plat must be resubmitted to the County Engineer and County Commission for approval as if the plat had never been submitted.

If any changes in the development plans of the approved proposed plat are required for any reason, the developer shall submit the proposed changes to the County Engineer **prior** to construction or implementation of the proposed changes. Approval of the County Engineer shall be required before any changes are constructed. Any changes or deviations from the approved proposed plans prior to the County Engineer's approval shall be in violation of these regulations and shall be subject to removal or correction at the expense of the developer.

Changes to the proposed subdivision construction plans that do not change the overall layout of the subdivision may be reviewed and approved by the County Engineer without the requirement of the proposed plat having to be resubmitted for approval by the County Commission. Any changes that do change the overall layout (i.e. addition of lots and/or addition of roads) of the subdivision shall require the proposed plat to be resubmitted for approval by the County Commission.

**SECTION 3-8 FINAL PLAT APPROVAL**

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

A final plat shall be submitted to the County Engineer for approval of the proposed subdivision after:

- (1) All infrastructure construction or required improvements are complete for a subdivision ;
- (2) An acceptable surety is provided to the county as detailed in Article VII to cover the expense of the required infrastructure / improvements. The amount of the surety shall be as detailed herein for roads seeking county acceptance.

At the point that the final plat is submitted for approval, the developer shall remit and submit each of the following:

- (1) All testing and inspection charges required under Section 1-3 of these regulations as authorized in Code of Alabama 1975, § 11-24-3;
- (2) A final as-built set of plans or certification from the owner's engineer that there were no changes to the approved construction plans;
- (3) One (1) copy of the Final Plat as approved by the County Engineer prepared on a suitable permanent reproducible mylar; to include all necessary signatures except the County Engineer, County Commission Chairman, and Probate Judge;
- (4) A letter from the Health Department detailing field review for the general lot layout has been completed;
- (5) A digital copy of the plat in an acceptable format as deemed by the Lee County Revenue Commissioner.

Final plat approval does not include the acceptance of roads. If the developer desires to have the roads accepted into the county road system by the county commission, he or she shall comply with the procedures for road acceptance set out in Appendix V. Subdivisions seeking county acceptance for infrastructure shall be required at this point to submit an acceptable performance bond or surety in the amount of 150% of the cost of any improvements not in place at the time of final plat application and an acceptable surety in the amount of 5% of the total construction costs to serve as a maintenance bond. Estimates for bond calculation shall be submitted and approved by the County Engineer prior to bond submittal.

Once the final plat has been signed and recorded pursuant to these regulations and Code of Alabama 1975, § 11-24-2(c), the developer may proceed with the actual sale, transfer, or lease of any lots, sites, etc. No building development shall take place until the final plat has been recorded in the office of the Judge of Probate pursuant to these regulations and Code of Alabama 1975, § 11-24-2(c).

**ARTICLE IV  
PLAT AND PLAN REQUIREMENTS**

- 4-1 PROPOSED PLAT REQUIREMENTS**
- 4-2 CONSTRUCTION PLAN REQUIREMENTS**
- 4-3 FINAL PLAT REQUIREMENTS**

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

**SECTION 4-1 PROPOSED PLAT REQUIREMENTS**

The Proposed Plat shall be prepared by a licensed land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge. The Proposed Plat shall include the following:

- (1) Name and addresses of owners of record;
- (2) Proposed name of subdivision, date, north point, scale and location;
- (3) Name and seal of licensed land surveyor;
- (4) Vicinity map showing location of the subdivision;
- (5) Exact boundaries of the tract of land being subdivided, shown with bearings and distances;
- (6) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved, including the radius, central angle, point of tangency, tangent distance, and arcs and chords; the relation of the land so platted to the Government Survey of Lee County; and "Point of beginning" as referred to in the written description;
- (7) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as the names appear on the plats in the County Tax Assessor or Revenue Commissioner's office;
- (8) Wetlands or any other conditions affecting the site;
- (9) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on and adjacent to the tract being subdivided;
- (10) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
- (11) Proposed rights-of-way or easements including locations, widths, purposes, and street numbers;
- (12) Proposed lot lines with bearings and distances and lot and block numbers;
- (13) Proposed minimum building setback lines;
- (14) Proposed parks, school sites, or other public open spaces, if any;

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

- (15) Size of required drains for each lot and location (if limited by site conditions or the Lee County Access Management Policy);
- (16) Site data, which includes:
  - a. Acreage in total tract;
  - b. Smallest lot size;
  - c. Total number of lots;
  - d. Linear feet in streets;
  - e. Applicable flood zone for land proposed in subdivision with FIRM reference.
- (17) Any area within or adjacent to the proposed subdivision subject to inundation by the flood projections as defined by the County Flood Damage Prevention Ordinance; 100-year
- (18) The following endorsements and certificates shall be submitted with and placed on the Proposed Plat (see Appendix I for sample certificates):
  - a. Licensed Engineer's Certificate of Engineering Design and Construction;
  - b. Licensed Land Surveyor's Certificate and Description of Land Platted;
  - c. Dedication by owner;
  - d. A notary's Acknowledgment of the Dedication Certificate referred to in "c";
  - e. A Certificate of Approval by the appropriate electric utility distributor;
  - f. A Certificate of Approval by the appropriate water and sewer utility;
  - g. A Certificate of Approval by the County Engineer of Lee County;
  - h. Certificate of Approval by the Lee County Commission;
  - i. A Certificate of Approval by the Lee County Health Department (if septic tanks and/or wells are necessary).
  - j. A certificate of Approval by the Lee County E-911 Board.

**SECTION 4-2 CONSTRUCTION PLAN REQUIREMENTS**

At the time of submission of a Proposed Plat, the applicant shall also submit Construction Plans for all required improvements as part of the Proposed Plat Application Assembly required under Section 3-3. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

forth in these regulations. Construction Plans shall be drawn at a scale of not less than one (1) inch equals one hundred (100) feet, and map sheets shall be of the same size as the Proposed Plat. Construction Plans shall be prepared by a licensed engineer. The following construction plans shall be included:

- (1) Street plan containing all of the following information:
  - a. Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision;
  - b. Width of existing and proposed rights-of-way and easements;
  - c. Road numbers/names;
  - d. Plan and profile of all proposed streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical;
  - e. Cross sections of proposed streets at a minimum of 50' stations or as required by the County Engineer;
  - f. Curve data for the centerline of each street: Delta, Tangent, and Radius;
  - g. Location of all required sidewalks and crosswalks;
  - h. Location of all proposed utilities.
  - i. Size and location of side drains required for each lot (if limited by site conditions or the Lee County Access Management Policy);
- (2) Storm Drainage Plan containing all of the following information:
  - a. Location of proposed drainage ways, streams, and ponds in the subdivision;
  - b. Topography at suitable contour intervals, as approved by the County Engineer, to show proposed drainage;
  - c. Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details on Drainage Plan, including conduit schedule;
  - d. Construction details of typical manholes, connections, and other drainage structures proposed;
  - e. Area of land contributing run-off to each drainage structure along with run-off calculations

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

and applicable coefficients depending on method used [i.e. Rational method: runoff coefficient (C), rainfall intensity (I), catchment area (A), and the discharge at the structure (Q)].

- f. Location of easements and rights-of-way for drainage ways and maintenance access thereof;
  - g. Typical cross-sections of each drainage way;
  - h. Direction of water flow throughout subdivision and compatibility with existing drainage.
- (3) Sanitary Sewer Plan, if applicable, containing the location of all existing and proposed sewers, location of sewer laterals, location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, and treatment plants, and the plan and profile of the sewage system. Construction details of typical manholes, connections, and other proposed sewage structures should also be shown.
  - (4) Water Distribution Plan containing the location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
  - (5) Electric Distribution Plan containing the location of all poles or subsurface facilities as necessary to serve each lot or parcel of land the subdivision. If this plan is not available at the time of proposed plat submission, it shall be so noted in the application assembly and be required to be submitted to the County Engineer for approval prior to any work related to this plan commencing in the new development;
  - (6) Gas Distribution Plan, if applicable, containing the location of all above ground and subsurface facilities as necessary to serve each lot or parcel of land in the subdivision. If this plan is not available at the time of proposed plat submission, it shall be so noted in the application assembly and be required to be submitted to the County Engineer for approval prior to any work related to this plan commencing in the new development;
  - (7) Traffic Control Plan (for construction activities);
  - (8) Signage Plan detailed in Section 5-4-4 (14);
  - (9) Landscaping and Lighting Plan if proposed;

**SECTION 4-3 FINAL PLAT REQUIREMENTS**

The final plat shall contain the same information as required on the proposed plat.

**ARTICLE V  
DEVELOPMENT STANDARDS**

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

- 5-1 MINIMUM STANDARDS**
- 5-2 GENERAL REQUIREMENTS**
- 5-3 ROAD OR STREET PLAN**
- 5-4 DESIGN STANDARDS**
- 5-5 BLOCKS**
- 5-6 LOTS**

**SECTION 5-1 MINIMUM STANDARDS**

In addition to the requirements established herein, the following minimum requirements are established for all subdivision plats:

- (1) All applicable statutory provisions;
- (2) The special requirements and rules of the Health Department and/or appropriate state agencies;
- (3) The rules and standards of the Alabama Department of Transportation if the subdivision or any lot contained therein abuts a state highway;
- (4) The rules and standards of the Alabama Department of Environmental Management (ADEM) and any other appropriate state or federal agencies;
- (5) The standards and regulations adopted by all boards, commissions, agencies, and officials of Lee County;
- (6) The standards, specifications and rules of appropriate utility companies.

Plat approval may be withheld if the subdivision is not in conformity with the above guidelines or the policy and purpose of these regulations as established in Article I of these regulations.

**SECTION 5-2 GENERAL REQUIREMENTS**

**5-2-1 CHARACTER OF THE LAND**

Development of any land within the floodplain shall be governed by the Lee County Flood Damage Prevention Ordinance. This ordinance shall supplement these regulations to govern floodplain/ floodway issues.

**5-2-2 SUBDIVISION NAME**

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The County Engineer shall have final authority to reject the name of the subdivision. Such rejection shall be made at the Proposed Plat Review stage.

**5-2-3 WATERBODIES AND WATERCOURSES**

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among adjacent lots. The County Engineer may approve an alternative plan provided the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a County responsibility. No public roadways will be approved which provide access across dams nor will any part of a lake dam be allowed on the public road right-of-way, unless suitable safety measures are provided.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

**SECTION 5-3 ROAD OR STREET PLAN**

The arrangement, character, extent, location, and grade of all roads shall be laid out according to good land planning principles and shall be integrated with all existing and planned roads. Consideration for the planning of new roads shall include topographical conditions, orientating to vistas, public convenience and safety, and the proposed uses of land to be served by them. All lots must have access to a city, county, or state road as defined in Section 2-1-1.

**5-3-1 CONTINUATION OF ADJOINING ROAD SYSTEM**

Proposed new roads shall extend existing roads or their projections at the same or greater width, but in no case less than the minimum required width, unless for reasons of topography or design, the County Engineer deems variations necessary.

**5-3-2 MARGINAL ACCESS ROADS**

Where, in the opinion of the County Engineer, development which abuts or has included within the proposed subdivided area any arterial, the County Engineer may require a marginal access road or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.

**5-3-3 ADDITIONAL WIDTH ON EXISTING ROADS:**

Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street width requirements:

- (1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street;
- (2) When the subdivision is located on only one side of an existing street, a minimum of one-half (1/2) of the required right-of-way, measured from the centerline of the existing street, shall be provided.

**5-3-4 ROAD NUMBERS/ NAMES**

Proposed roads, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing roads. The County Engineer and the Lee County 911 Board shall approve road names.

**5-3-5 VACATING A ROAD OR EASEMENT**

Vacation of a road or easement shall be in accordance with the procedures set out in Code of Alabama 1975, § 23-4-1 et seq., if by the county, and Code of Alabama 1975, § 23-4-20 et seq., if by abutting land owners.

**5-3-6 FRONTAGE ON IMPROVED ROADS**

No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from an existing state, county or city road.

Any such street or highway may be required to be improved at the developer's expense to meet requirements as set out in these regulations.

**5-3-7 TOPOGRAPHY AND ARRANGEMENT**

- (1) All proposed roads shall be properly integrated with the existing system of roads.
- (2) All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.
- (3) Minor roads as defined in Section 2-1-44 shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (4) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

curvilinear streets, cul-de-sacs, or U-shaped roads shall be encouraged where such use will result in a more desirable layout.

- (5) Proposed roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the County Engineer, such extension is not necessary or desirable for the coordination of the layout of the subdivision or with the existing layout of the most advantageous future development of adjacent tracts.
- (6) In business and industrial developments, the roads and other access ways shall be planned in connection with the grouping of buildings, location of rail and port facilities, and the provision of alleys, truck loading and maneuvering area, and walks and parking areas so as to minimize conflict of movement among the various types of traffic, including pedestrian.

**5-3-8 ACCESS TO COUNTY ROADS**

The Lee County Commission has established access requirements for various types of highway facilities. These requirements may be found in the Lee County Access Management Policy. If there is a conflict between these regulations and the Lee County Access Management Policy, the County Engineer shall determine which requirement shall be enforced.

**5-3-9 EXCESS RIGHT-OF-WAY OR EASEMENTS**

Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three horizontal to one vertical. In lieu of additional right-of-way requirements, countermeasures may be submitted in the Proposed Plat Application Assembly to the County Engineer for his consideration. Appropriate engineering data shall accompany the submittal to justify any request to minimize additional right-of-way.

**5-3-10 RAILROADS, ARTERIALS, AND MAJOR THOROUGHFARES**

Railroad rights-of-way, arterials, and expressways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (1) In residential districts, a buffer strip at least 20 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way, arterial, or expressway. This strip shall be part of the platted lots and shall be designated on the plat with the statement, "This strip is reserved for screening. The placement of structures hereon is prohibited";
- (2) In areas proposed for business, commercial, or industrial uses, the nearest road extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites;
- (3) Roads parallel to the railroad when intersecting a road that crosses the railroad at grade shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

**5-3-11 CUL-DE-SACS**

Permanent dead end streets shall be provided with a turnaround having a roadway radius of at least forty (40) feet to back of curb and a right-of-way radius of at least fifty (50) feet. Temporary dead end streets shall be provided with a turnaround having a fifty (50) foot radius. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of a major street. Landscaped islands within a cul-de-sac may require increased radii.

**5-3-12 INTERSECTIONS**

Road intersections shall be laid out as follows:

## **MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

- (1) Adequate sight distance shall be provided at all intersections. For Average Daily Traffic (ADT) less than 2500, the Alabama Department of Transportation's (hereinafter "ALDOT") "County Road Design Policy" shall be used. For roads with ADT over 2500, the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets" shall be used.
- (2) Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique road should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) roads shall intersect at any one point unless specifically approved by the County Engineer;
- (3) Proposed new intersections along one side of an existing road shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Road jogs with centerline offsets of less than 125 feet shall not be permitted except where the intersected road has separated dual drives without median breaks at either intersection. Where minor roads intersect collectors or arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart. Where a road intersects a state highway, the design standards of the Alabama Department of Transportation shall apply;
- (4) Minimum curb radius at the intersection of two (2) minor roads shall be at least thirty (30) feet; and minimum curb radius at an intersection involving a collector road shall be at least thirty-five (35) feet;
- (5) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection where a stop condition is required, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of fifty (50) feet, measured from the nearest edge line of pavement of the intersecting road. ;
- (6) The cross-slopes on all roads, including intersections, shall be five percent (5%) or less;
- (7) Property lines at road intersections shall be rounded with a minimum radius of thirty (30) feet or a right-of-way miter of twenty-five (25) feet back from right-of-way intersections.

### **SECTION 5-4 DESIGN STANDARDS**

These design standards shall be the minimum allowable standards for all developments with the exception of group developments. Standards above the minimum may be required by the County Commission or County Engineer depending on location and type of development. The County Commission shall not grant any variance, modification or waiver of the requirements for design unless recommended by the County Engineer. Regardless of whether or not the developer intends to seek county acceptance of roads in the subdivision, the following design standards shall be considered minimum requirements for all subdivisions. It is the responsibility of the developer to communicate and schedule with the County Engineer prior to initiating any and all steps of the road building process. In addition to other penalties prescribed by law and by these regulations, any road construction performed without the knowledge and inspection of the County Engineer will not be considered for acceptance by the county. Refer to Section 5-4-4 (1) for notification of work requirements and Section 1-1 regarding acceptance of roads and streets for county maintenance.

A group development which consists of multiple buildings, sites, or units on a common parcel of land shall be required to be approved by the County Commission. These types of developments are defined in Section 2-1-35 and are subject to the county's access management policy, the county's flood damage prevention ordinance and the storm drainage policies as set forth herein at a minimum. The County may require additional items to be

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

addressed depending on the scope and size of the development. Documentation shall be provided showing common ownership and maintenance responsibilities for these types of developments.

**5-4-1 RIGHT-OF-WAY WIDTHS**

Minimum street right-of-way widths shall be as follows:

<b>Projected ADT</b>	<b>ROW</b>
< 500 vpd	50' w/ 15' utility easement on both sides
> 500 and < 2500 vpd	60' w/ 15' utility easement on both sides
> 2500 vpd	80' w 15' utility easement on both sides

**5-4-2 PAVEMENT WIDTHS**

Curb and gutter roads shall have a minimum pavement width of twenty-seven (27) feet (31' from back of curb to back of curb) with a minimum shoulder width of two (2) feet back of curb. Allowable ditch section roads as specified in section 5-6 (7) shall have a minimum pavement width of twenty (20) feet with a minimum shoulder width of four (4) feet.

**5-4-3 GEOMETRIC DESIGN**

**(1) TYPICAL SECTIONS**

Curb Section - See Appendix VI

Ditch Section- See Appendix VI

**(2) ROADS WITH LESS THAN 2500 ADT**

All streets shall be designed to conform to the Alabama Department of Transportation "County Road Design Policy, Design Criteria for New and Reconstructed Roadways and Bridges with less than 2,500 ADT". Minimum design speed 20 mph unless otherwise approved by the County Engineer.

**(3) ROADS WITH GREATER THAN OR EQUAL TO 2500 ADT**

All streets shall be designed to conform to AASHTO's "A Policy on Geometric Design of Highways and Streets". Minimum design speed 45 mph unless otherwise approved by the County Engineer.

**(4) STREET GRADES**

Maximum street grades shall not exceed the following:

<b>Projected ADT</b>	<b>Maximum Grade allowed</b>
< 2500 vpd	Refer to the Alabama Department of Transportation "County Road Design Policy, Design Criteria for New and Reconstructed Roadways and Bridges with less than

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

	2,500 ADT
> 2500 vpd	12%

Any specifications for geometric design not covered by these regulations shall be governed by the applicable publication listed above.

**5-4-4 ROAD CONSTRUCTION REQUIREMENTS**

Construction of all roads shall meet the following minimum requirements and conform to the Alabama Department of Transportation's "Standard Specifications for Highway Construction". Best Management Practices for erosion control shall be used throughout construction and development. The developer shall be responsible for all erosion control in accordance with ADEM regulations and for securing any permits required by ADEM.

- (1) Notification of Work: It shall be the duty and responsibility of the developer or his designee to give written notice to the County Engineer or his authorized agent, one working day prior to starting any phase of construction. The developer or contractor shall notify the County Engineer or his authorized agent in writing the day work is resumed after a delay of more than five (5) working days. This includes all phases of construction, clearing, grading, drainage, gutters, inlets, base, surfacing and any work that pertains to the street, road or development. **FAILURE TO NOTIFY AS SPECIFIED SHALL BE GROUNDS FOR NONACCEPTANCE.**
- (2) Testing: The County Engineer shall determine which tests shall be scheduled and performed. The tests normally consist of, but are not limited to: gradation; moisture; compaction; and asphalt analysis of road building materials. The developer, or his designee, shall notify the County Engineer, or his designee, twenty-four hours prior to any required tests. The County Engineer shall select a testing firm to complete all necessary tests. The developer may employ its own testing company, but all testing costs performed on behalf of the county shall govern acceptance and shall be reimbursed to the county before final plat approval is given or considered.
- (3) All testing shall be conducted by an independent testing laboratory selected and employed by the County Engineer and Lee County. Copies of all test reports are to be provided to the County Engineer before additional construction occurs. In the event problems exist that require remedial actions or design, the developer shall be required to submit appropriate engineering plans to the County Engineer before construction will be allowed to proceed.
- (4) Clearing and Grubbing: All roads shall be cleared and grubbed to their full right-of-way width. All areas shall be cleared of all vegetation, trees, stumps, large rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the County Engineer;
- (5) Slope Paving: Slope paving shall be required in ditches as determined necessary by the County Engineer. At a minimum, all ditches with slopes less than one (1) percent or greater than six (6) percent shall include slope paving. Other alternatives may be approved by the County Engineer;
- (6) Embankment Sections: The County Engineer will have the right to approve all borrow sources; however this does not relieve the developer from full responsibility for the quality of material used. Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding eight inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. Compaction tests shall be run at the frequency and location

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

as directed by the County Engineer. Additional layers of fill shall not be added until directed by the County engineer. For all density requirements refer to Section 210 and Section 306 of the "Alabama Department of Transportation Standard Specifications for Highway Construction";

- (7) Subgrade: The subgrade shall be compacted and properly shaped prior to the placing of base materials. Developer shall submit a profile or verify the subgrade elevations before approval will be considered for placing any base materials. The top six (6) inches of the roadbed shall be modified, with the work being performed under Section 230 Roadbed Processing, of the "Alabama Department of Transportation Standard Specifications for Highway Construction". It shall be full width of regular section and extend eighteen (18) inches outside of curb and gutter and/or valley gutter sections. The embankment or subgrade shall be inspected by proofrolling, under the supervision of the County Engineer or his/her designee, with a fully loaded tandem axle dump truck to check for soft or yielding areas. Any unsuitable materials shall be removed and replaced with a suitable material compacted to density requirements in accordance with Section 5-4-4(6) of these regulations. Suitable material shall be determined by the County Engineer.
- (8) Base: Base course shall meet the requirements for crushed aggregate as set forth in section 301 Type 825 A or B, plant mixed with water, according to the Alabama Department of Transportation Standard Specifications for Highway Construction. Base course shall have a minimum thickness of six (6) inches compacted thickness, full width of regular section and shall extend eighteen (18) inches outside of curb sections. The density requirements for compaction shall be in accordance with Section 306 of the Alabama Department of Transportation Standard Specifications for Highway Construction. Developer/Engineer may submit an alternate base design method for approval by the County Engineer. Design should be based on a proven and accepted engineering test or method.
- (9) Roadway Pavement: All roads and/or streets shall be paved and comply with the following:
  - a. Prior to the placement of pavement, a bituminous treatment A (prime) shall be placed and approved by the County Engineer.
  - b. The minimum pavement width shall be not less than twenty (20) feet on standard sections and twenty-seven (27) feet for curb sections. Type of curb to be used shall be approved by the County Engineer. Valley or standard curb section shall be used unless otherwise approved.
  - c. Bituminous pavement requirements shall be two hundred twenty five pounds per square yard (225 LBS/SY) of bituminous concrete plant mix, binder, 429, or 424, and one hundred pounds per square yard (100 LBS/SY) of bituminous concrete plant mix, wearing surface, type 429, 424. The mix shall be approved by the County Engineer and be covered in the latest memorandum recommendation from the office of the ALDOT County Transportation Engineer or as specified by the ALDOT Standard Specifications for Highway Construction, latest edition. The placement of this bituminous pavement does not relieve the developer of meeting the current policy for acceptance of roads and streets by the Lee County Commission. As covered in Section 1-1, the current policy for acceptance of roads and streets is located in Appendix V of these Regulations. Any amendments to these regulations will be on file at the Lee County Engineer's Office.
- (10) Roadbed Width: The minimum roadbed width for curb sections shall be thirty-four (34) feet and shall be twenty-eight (28) feet for standard sections.
- (11) Drainage Easements: Where a subdivision is traversed by a watercourse, drainage way,

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose.

- (12) Storm Drainage: An adequate storm drainage system based on a minimum twenty-five (25) year design storm including curb, pipes, culverts, headwalls, and ditches shall be provided for the drainage of surface water. All crossdrains shall have sufficient length for required typical section and shall be installed according to ALDOT specifications. Minimum diameter of all drainage structures shall be eighteen (18) inches. All drainage structures shall be a minimum Class III, wire reinforced, concrete pipe and shall meet or exceed the current ALDOT specifications. Pipe grades should be designed to be self-cleansing at a minimum. Exit velocities of pipes/ storm drains shall not exceed ten (10) feet per second (fps). Dependent upon the storm water requirements in the area of the proposed subdivision, storm water detention shall be required unless otherwise approved by the County Engineer. The storm water detention system must assure that post-development discharge rates do not exceed pre-development runoff rates.
- (13) Installation of Utilities: After grading is completed and approved by the County Engineer and before any roadbed processing of the subgrade is performed all of the underground utilities within the roadway prism shall be installed completely and approved by the County Engineer throughout the length of the street and across the section. Once pavement is placed, it shall not be open cut except with written permission of the County Engineer. Any utility desiring to cross the road shall go over the road or dry bore under the road. All water lines located under pavement shall be encased. Backfill placed in utility trenches shall be as covered in Section 5-4-4 (6) of these regulations. All utilities shall be placed in the provided utility easements.
- (14) Signage of Subdivision: Proper signage in accordance with the "Manual of Uniform Traffic Control Devices" (MUTCD) shall be required and maintained in all subdivisions. Sign type and materials shall be approved by the County Engineer.
- (15) Topsoil and Grassing: When all construction is completed, all slopes and shoulders shall be covered with a sufficient amount of topsoil and shall have a stand of permanent grass to prevent undue erosion, either by sprigging, seeding, mulching, or sodding. The developer shall implement Best Management Practices to prevent erosion.
- (16) Driveways: Where a drainage ditch construction is allowed, the developer should refer to the geometric design in Section 5-4-3. Developers shall install all driveways prior to final plat approval at locations and sizes as submitted to and approved by the County Engineer (A surety may be provided in lieu of installation of driveways provided the surety meets the requirements found in Section 3-8). Driveway side drains shall be a minimum of twenty (20) feet long and a maximum of forty (40) feet long. No more than two (2) driveways will be allowed per lot. Where a lot has two (2) driveways, they must be separated by at least thirty (30) feet unless approved by the County Engineer. All driveway pipes shall be Class III wire reinforced concrete pipe or corrugated metal pipe and shall meet or exceed the current ALDOT specifications.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

**SECTION 5-5 BLOCKS**

Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways where single-tier lots are required to separate residential development from through vehicular traffic or non-residential uses;

- (1) Blocks shall not exceed fifteen hundred (1500) feet nor be less than five hundred (500) feet in length except as approved by the County Engineer
- (2) In long blocks, the County Engineer may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (3) Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the County Engineer through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- (4) Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the County Engineer for prospective use.

**SECTION 5-6. LOTS**

Lots shall comply with the following requirements:

- (1) The minimum lot size shall be determined by the regulations of the Health Department.
- (2) The subdivision plat shall provide each lot with satisfactory access as defined in Section 2-1-1. Subdivisions which are developed under these regulations but do not meet the county acceptance policy shall be allowed to have access off the dedicated right-of-way which is required herein;
- (3) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future roads and logical further re-subdivision;
- (4) Depth and width of properties reserved for commercial and industrial purposes shall be adequate to provide for off-road parking and loading for the use contemplated;
- (5) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages to topography and orientation;
- (6) Each lot in a subdivision shall contain a flood-free building site as defined in the Lee County Flood Damage Prevention Ordinance.
- (7) Where all lot areas within a subdivision are three quarters (3/4) of an acres or greater and **all** lots shall have a minimum road frontage of one hundred and 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'.
- (8) Lots which are located within a cul-de-sac shall be exempt from the 60' access requirement. A minimum access for these type lots shall be 30' provided the proposed lot cannot be further subdivided for the purpose of providing an additional building site. A note shall be required on the plat restricting the further subdivision of lots meeting this exemption.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

- (9) A flag lot shall be exempt from the 60' access requirement provided the proposed lot shall meet a minimum 30' access width, the flag lot cannot be further subdivided to provide an additional building site, and the minimum distance between flag lots shall be the Stopping Sight Distance for the road which the flag lot fronts or 250' whichever is greater. This exemption shall not relieve the developer or engineer from meeting the county's or state's access management policy for entrance onto a county or state maintained road.

**ARTICLE VI**

**INSTALLATION OF PERMANENT REFERENCE POINTS**

**6-1 PERMANENT REFERENCE POINTS**

**SECTION 6-1 PERMANENT REFERENCE POINTS**

Prior to the signing of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements and the Current Standards of Practice for Land Surveying in the State of Alabama:

**6-1-1 SUBDIVISION CORNER TIE**

At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Lee County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distances from the Government Survey corner.

**6-1-2 MONUMENTS**

Concrete monuments four (4) inches in diameter or four (4) inches square and two (2) feet long with a flat top shall be set at all exterior corners of the subdivision and on the right of way lines at the point of curvature (PC) and point of tangency (PT). The top of the monument shall have identifying cap of surveyor. Alternate monuments may be approved by the County Engineer.

**6-1-3 PROPERTY MARKERS**

All lot corners not marked with a monument shall be marked with an iron pin not less than one-half (1/2) inch in diameter or in width, and eighteen (18) inches long, and driven so as to be flush with the finished grade. The top of the marker shall have identifying cap of surveyor.

**ARTICLE VII**

**GUARANTEE OF CONSTRUCTION**

**7-1 SURETY**

**7-2 CONSTRUCTION, INSPECTION AND CERTIFICATION**

**7-3 RELEASE OF GUARANTEE**

**SECTION 7-1 SURETY**

The developer or subdivider shall be responsible for all required infrastructure construction related to the subdivision. The developer shall be required to complete the full installation of all required infrastructure prior to the signing of the Final Plat along with providing financial guarantee of performance under conditions set out in these regulations prior to approval of the Proposed Plat.

The guarantee of performance by the subdivider shall be a surety in a form approved by the County Engineer and in the amount detailed in Section 3-8 of these regulations. If within twelve (12) months after filing said surety, the subdivider has not completed all necessary construction or if, in the opinion of the County Engineer, said construction have not been satisfactorily installed, the County may take such steps as may be necessary to

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

require performance under the bond. Extension of this time frame may be approved by the County Engineer upon request and for valid cause.

**SECTION 7-2 CONSTRUCTION, INSPECTION AND CERTIFICATION**

The County Engineer or his designee shall monitor and periodically inspect for defects in the construction of the required improvements. The developer shall pay to the County the inspection fee as set out in Section 1-3 and authorized by Code of Alabama 1975, § 11-24-3, and the County Engineer shall not sign the final plat unless such fees have been paid at the time of application for final plat approval. If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the County 's adopted construction standards and specifications, the developer shall be responsible for correcting any deficiencies prior to final plat approval. Wherever the cost of improvements is covered by a surety, the developer and the Surety Company shall be severally and jointly liable for completing or paying the cost of the improvements according to specifications.

Upon completion of the improvements, the applicant shall file with the County Engineer a statement stipulating the following:

- (1) That all required infrastructure construction is complete;
- (2) That these improvements are in compliance with the minimum standards specified by the County and the County Engineer for their construction;
- (3) That the developer knows of no defects in these improvements; and
- (4) That these improvements are free and clear of any encumbrances or liens.

**SECTION 7-3 RELEASE OF GUARANTEE**

Upon satisfactory completion of all improvements and approval by the County Engineer, the County Commission shall authorize the release of the improvement surety bond.

**ARTICLE VIII  
VARIANCES**

**8-1 GENERAL**

**8-2 CONDITIONS**

**8-3 EXPERIMENTAL SUBDIVISIONS**

**SECTION 8-1 GENERAL**

A variance may be granted in circumstances where the developer demonstrates that extraordinary hardships or practical difficulties, such as commercial development, may result from strict compliance with these regulations. The initial application for variance shall be made to the county engineer as part of the application for proposed plat approval. The County Engineer shall review the application and the circumstances, and make a recommendation in writing to the County Commission, with a copy provided to the developer, as to whether or not the variance should be granted. The engineer's report shall set out in detail the basis for the recommendation.

If the County Engineer recommends that the variance be granted, he or she may recommend that it be conditioned upon the developer complying with special requirements as set out in the variance approval. Where the County Engineer has recommended granting the variance, the County Commission shall vote on the proposed plat approval.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

If the County Engineer recommends that the request for variance be denied, the developer may appeal that recommendation to the County Commission, which shall consider the issue at the next regularly scheduled County Commission meeting following notice of the recommendation. The County Engineer or his or her designee shall be present at the County Commission meeting and shall present his or her reasons for recommending that the variance not be granted. The developer shall also be given an opportunity to be heard. A decision to grant the variance shall be made by recorded vote and shall require a majority of the membership of the County Commission.

In determining whether to grant the variance, the County Engineer and the County Commission shall make findings based upon the evidence presented to it in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (b) The conditions for which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner, as distinguished from a mere inconvenience, would result if the strict letter of these regulations are carried out;
- (d) The variance will not in any manner vary the provisions of other adopted policies and regulations of Lee County.

**SECTION 8-2            CONDITIONS**

In approving variances, the County Commission may require such conditions as will, in its judgment, secure substantially the objectives, standards or requirements of these regulations.

The County Commission shall not grant any variance within the floodway unless the developer submits a study prepared by a registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development.

**SECTION 8-3            EXPERIMENTAL SUBDIVISIONS**

The County Commission may waive, vary or modify the standards and requirements of these regulations, upon recommendation by the County Engineer, for a development which is termed an experimental subdivision. An experimental subdivision shall contain characteristics which prove to be of merit or benefit to the County. This may include use of unusual materials or new and unusual design concepts. For a development to be considered as an experimental subdivision, the following criteria must be met at a minimum:

- (1) A detailed written and oral presentation shall be made to the County Engineer and County Commission. A sketch plan and written documentation shall be required to be submitted to the County Engineer prior to the presentation to the County Commission. The written documentation and oral presentation shall outline the benefits and nature of the experimental subdivision;
- (2) The developer shall submit documentation detailing the method that the infrastructure to be placed in the experimental subdivision shall be maintained. Homeowner Associations shall be discouraged as the mechanism for maintenance versus quasi-governmental boards such as development or improvement districts. Maintenance of these type developments shall not fall under the County

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

- Commission as these developments do not meet the County Acceptance Policy; and
- (3) The developer shall detail past developments in the County. The quality and quantity of past developments shall be a factor in the approval of such a development.

The County Commission may grant permission to proceed with the development upon completion of these minimum criteria and the recommendation by the County Engineer. This type development shall not be approved if the County Engineer does not recommend the development be allowed to proceed. Once permission to proceed is granted, the developer shall complete all required steps as detailed in these regulations to receive proposed and final plat approval.

**ARTICLE IX**

**CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS**

**9-1 PUBLIC PROVISIONS**

**9-2 PRIVATE PROVISIONS**

**SECTION 9-1 PUBLIC PROVISIONS**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, the provisions of which are more restrictive or impose higher standards shall control.

**SECTION 9-2 PRIVATE PROVISIONS**

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, however, that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. To the extent that any easement, covenant, or private agreement is not inconsistent with these regulations or any determinations made by the County Commission in approving a subdivision or in enforcing these regulations, such private provisions shall be operative and supplemental to these regulations; provided, however, that neither the County Commission nor the County Engineer shall be responsible for enforcing, regulating, or ensuring compliance with any such easement, covenant, or other private agreement or restriction.

**ARTICLE X**

**LEGAL PROVISIONS**

**10-1 SEVERABILITY**

**10-2 SAVINGS PROVISION**

**10-3 INCORPORATION BY REFERENCE**

**10-4 AMENDMENT PROCEDURE FOR COMMISSION**

**SECTION 10-1 SEVERABILITY**

If any part or provision of these regulations is judged invalid by any court of competent jurisdiction, such judgment

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

shall be confined to its terms and shall not affect or impair the validity of the remainder of these regulations or their application to other persons or circumstances.

**SECTION 10-2 SAVINGS PROVISION**

Except as expressly provided in these regulations, these regulations shall have prospective application only and shall not be construed as abating, modifying, or altering any action, including any penalty, pending under any subdivision regulations in existence on the effective date of these regulations. These regulations shall not affect the rights or liability of any person, firm, or corporation, nor operate as a waiver of any right of the County under any section or provision existing at the time of adoption of these regulations. Notwithstanding the foregoing, any application for plat approval made after the County Commission's adoption of these regulations which is pending on the effective date of these regulations shall be reviewed, approved, or disapproved in accordance with these regulations, provided that the owner or developer was given written notice at the time of application that these regulations would be utilized in the approval of the subdivision's design and development.

**SECTION 10-3 INCORPORATION BY REFERENCE**

Code of Alabama 1975, § 11-24-1 et seq., Code of Alabama 1975, § 11-52-30, and Code of Alabama 1975, § 40-12-10 are attached hereto as Appendix IV, and are hereby specifically incorporated by reference and made a part of these regulations.

**SECTION 10-4 AMENDMENT PROCEDURE FOR COMMISSION**

The County

Commission may adopt amendments to these regulations at a regularly scheduled meeting of the County Commission. In addition, the amendments shall not take effect for thirty (30) days after the action of the County Commission. Amendments adopted by the County Commission shall not apply to any plat submitted prior to the date that the amendments take effect.

**APPENDIX I**

*SAMPLE CERTIFICATES* Example A

**CERTIFICATE OF ENGINEERING DESIGN BY A PROFESSIONAL ENGINEER**

I, \_\_\_\_\_, a professional engineer licensed in the State of Alabama, License Number \_\_\_\_\_, do hereby certify that the streets and drainage system for \_\_\_\_\_ Subdivision have been designed under my supervision.

I further certify that the drainage system has been designed to meet the \_\_\_\_\_ year storm criteria. This design meets the requirements of the Lee County Subdivision Regulations for stormwater detention.

I further certify that the streets are designed for a design speed of \_\_\_\_\_ to meet applicable design criteria for safety, geometry, profile, and typical sections according to the Alabama Department of

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**  
Transportation ' s "County Road Design Policy."\*\*

NAME \_\_\_\_\_

P.E. # \_\_\_\_\_

TITLE \_\_\_\_\_

FIRM \_\_\_\_\_

DATE \_\_\_\_\_

\*\* Refer to Section 5-4-3 for correct design criteria depending on ADT.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

Example B

**SURVEYOR'S CERTIFICATE AND DESCRIPTION OF LAND PLATTED**

STATE OF ALABAMA  
COUNTY OF \_\_\_\_\_

I, (name of surveyor), a Licensed Professional Land Surveyor in the State of Alabama, for (Survey Company) state that this is a plat of an actual field survey of lots through \_\_\_\_\_, inclusive of (Name of Subdivision), more particularly described as follows:

**DESCRIPTION**  
(Out boundary Description)

I further state that this survey and plat meets the Current Standards of Practice as set forth by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors in Rule 330-X-14-.05 (G) on March 31, 1990 (or most current revised rule) to the best of my knowledge, information and belief.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_ (Signature of Surveyor) \_\_\_\_\_

\_\_\_\_ (Typed Name of Surveyor) \_\_\_\_\_

Alabama License # \_\_\_\_\_

**Note:** One of the following notary's acknowledgments must appear for each Surveyor's Certificate (see example D-2). Surveyor's name should be used in the Acknowledgement. Example C

**DEDICATION**

I, \_\_\_\_\_, the owner(s) of said lands surveyed by \_\_\_\_\_, do hereby certify that title was and is vested in said owner(s) and join in the foregoing statement made by said \_\_\_\_\_, and as stated in Code of Alabama 1975, § 35-2-50 et seq., do hereby certify that it was and is my (our) intention to divide said lands into lots as shown by said plat and do hereby dedicate, grant, and convey for public use the streets, alleys and public grounds as shown on said plat.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

Signed and sealed in the presence of:

\_\_\_\_\_  
Property Owner

**Note:** One of the following notary's acknowledgments must appear for each Dedication Certificate (see example D-1 and D-2). Owner's name should be used in Acknowledgement.

In cases where a subdivision is to remain private, the above dedication (Example C) shall state that "hereby the streets as shown on said plat shall be privately owned and maintained".

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

Example D-1

**ACKNOWLEDGMENT**

STATE OF ALABAMA)  
COUNTY OF LEE)

I, \_\_\_\_\_, Notary Public in and for said County, in said State, hereby certify that (corporate officer's name), whose name as (title) of the (corporation name), is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, he/she as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

Example D-2

**ACKNOWLEDGMENT**

STATE OF ALABAMA)  
COUNTY OF LEE)

I, \_\_\_\_\_, Notary Public in and for said County, in said State, hereby certify that (owner's or surveyor's name), whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the content of the instrument, executed the same voluntarily.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

Example E

**CERTIFICATE OF APPROVAL BY THE (insert name of electric utility)**

The undersigned, as authorized by the (name of electric utility) hereby approved the within plat for the recording of same in the Probate Office of Lee County, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Electric utility authorized signature)

---

Example F

**CERTIFICATE OF APPROVAL BY THE  
(Insert name of water and sewer, if available, utility)**

The undersigned, as authorized by the (name of water and sewer utility) hereby approved the within plat for the recording of the same in the Probate Office of Lee County, Alabama, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Water and Sewer Utility authorized signature)

Example G-1 (Development located outside jurisdiction of any municipality)

**CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER**

The undersigned, as County Engineer of the County of Lee Alabama, hereby certifies that the Lee

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

County Commission approved the within plat for the recording of same in the Probate Office of Lee County, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
County Engineer  
County of Lee, Alabama

---

Example G-2 (Development located within jurisdiction of any municipality)

**CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER**

The undersigned, as County Engineer of the County of Lee Alabama, hereby certifies as evidence by certificate and required by state law, that the \_\_\_\_\_ Planning Commission approved the within plat for the recording of same in the Probate Office of Lee County, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
County Engineer  
County of Lee, Alabama

---

Example H

**CERTIFICATE OF APPROVAL BY THE COUNTY COMMISSION**

The within plat of \_\_\_\_\_ Lee County, Alabama, is hereby approved by the County Commission of Lee County, Alabama, this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Chairman, County Commission  
County of Lee, Alabama

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

Example I

**CERTIFICATE OF APPROVAL BY THE LEE COUNTY HEALTH DEPARTMENT**

The undersigned, as authorized by the Lee County Health Department, Alabama, hereby certifies this subdivision meets the approval of the Lee County Health Department subject to certain conditions of approval and/or lot deletions on file with the said health department, which conditions are made a part of this approval as if set out hereon. I hereby approve the within plat for the recording of same in the Probate Office of Lee County, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Health Officer

Example J

**CERTIFICATE OF APPROVAL BY THE E-911 BOARD**

The within plat of \_\_\_\_\_, Lee County, Alabama, is hereby approved by the E-911 Board of Lee County, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
E-911 Chairman

Example K

**CERTIFICATE OF APPROVAL FOR ADMINISTRATIVE SUBDIVISIONS**

This survey meets all requirements for an administrative subdivision as defined in Section 2-1-2 of the Lee County Subdivision and Land Development Regulations.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

\_\_\_\_\_  
Owner or Developer

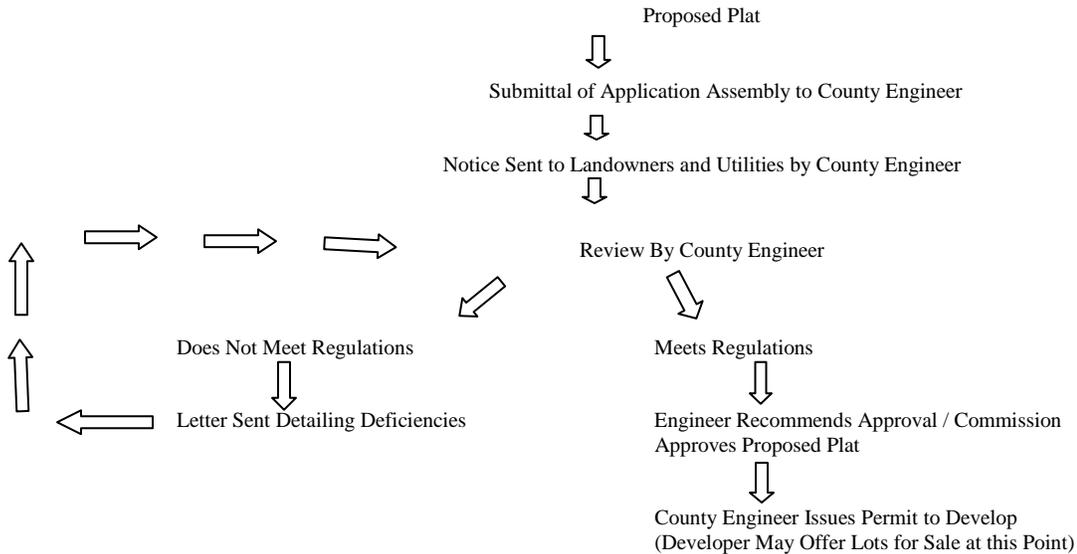
\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
County Engineer

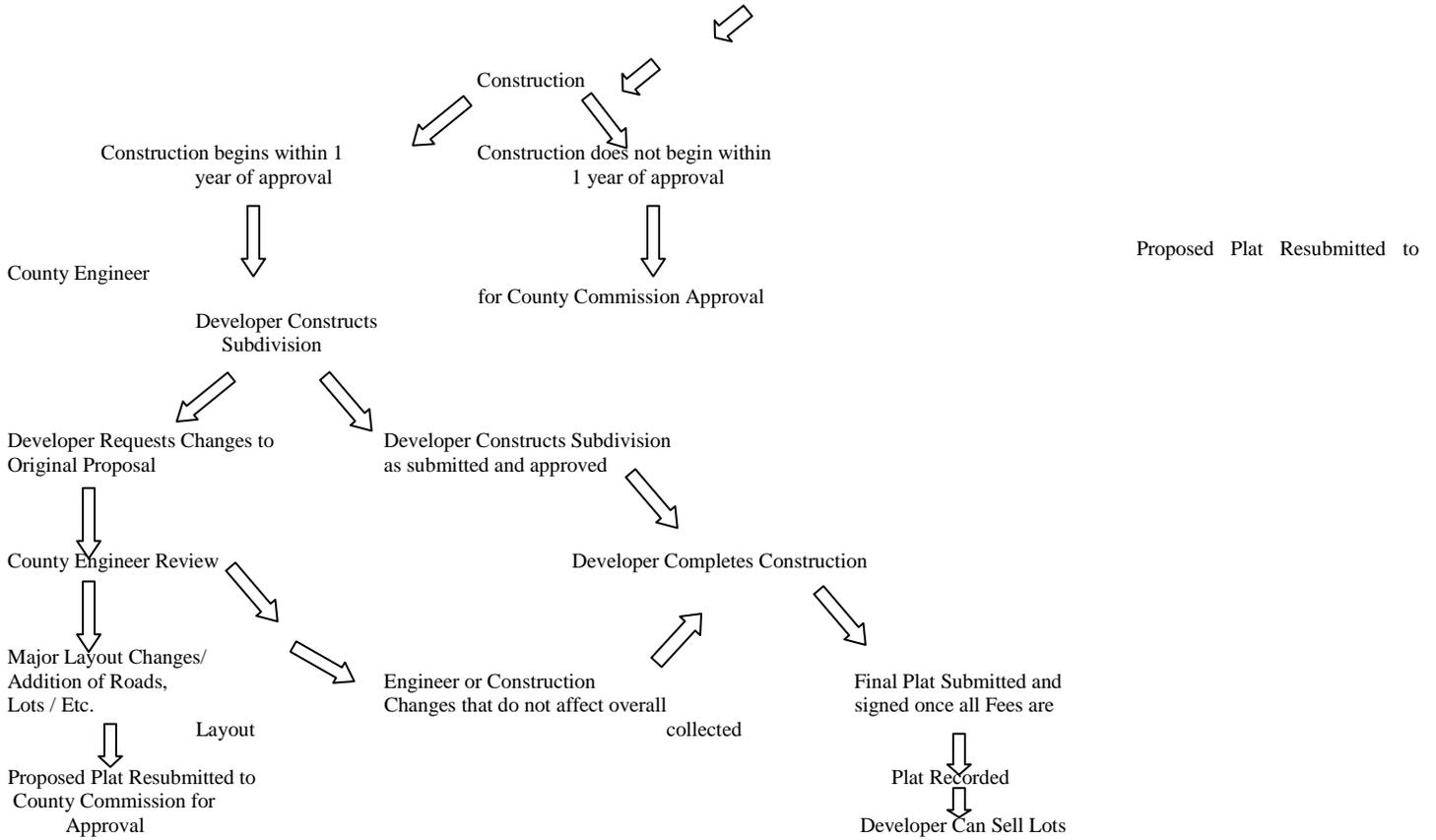
**APPENDIX II**

***SUBDIVISION FLOWCHART  
SAMPLE FORMS***

**2007 SUBDIVISION FLOWCHART**



**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**



**APPLICATION FOR PROPOSED PLAT REVIEW**

DATE: \_\_\_\_\_

1. Name of Subdivision \_\_\_\_\_

2. Name of Applicant \_\_\_\_\_ Phone \_\_\_\_\_

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

Address \_\_\_\_\_

3. Owner of Record \_\_\_\_\_  
Address \_\_\_\_\_

4. Engineer \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_

5. Land Surveyor \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_

6. Attorney \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_

7. Subdivision Location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Acreage \_\_\_\_\_ Number of Lots / Units \_\_\_\_\_

9. Has this plan been before the Commission in the past? \_\_\_\_\_ If yes, have any changes been made since this plan was last before the Commission? \_\_\_\_\_

If so, describe the changes \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Attach list of all adjacent property owner(s) name and addresses.

11. Attach two (2) copies of proposed plat.

12. Attach one (1) copy of construction plans.

**APPENDIX III**

**AMENDMENTS**

**APPENDIX IV**

**APPLICABLE STATE LAWS**

**COUNTY SUBDIVISION REGULATIONS LAW**

§ 11-24-1 -- Definitions; regulation of lots, streets, drainage, utilities, etc.; developer to reimburse utility for uneconomical placement.

When used in this chapter, the following words shall have the following meanings:

(1) COUNTY. A political subdivision of the state created by statute to aid in the administration of government.

(2) COUNTY COMMISSION. The chief administrative or legislative body of the county.

(3) STREETS. Streets, avenues, boulevards, roads, lanes, alleys, viaducts, and other roads.

(4) SUBDIVISION. The development and division of a lot, tract, or parcel of land into two or more lots, plats, sites, or otherwise for the purpose of establishing or creating a subdivision through the sale, lease, or building development. Development includes, but is not limited to, the design work of lot layout, the construction of drainage structures, the construction of buildings or public use areas, the planning and construction of public streets and public roads, and the placement of public utilities. A subdivision does not include the construction or development of roads or buildings on private property to be used for agricultural purposes.

(b) The county commission or like governing body of each county in the state shall be authorized to regulate the minimum size of lots, the planning and construction of all public streets, public roads, and drainage structures and require proper placement of public utilities to be located in proposed subdivisions of land or in proposed additions to subdivisions of land existing at the time of the enactment of this chapter where the subdivisions are situated outside the corporate limits of any municipality in the county. The placement of public utilities shall not be inconsistent with the requirements of the Southern Standard Building Code, state and federal laws, and regulations of state and federal regulatory agencies. If the county commission or like governing body of any county shall require the placement of public utility facilities in any subdivision or addition thereto in a manner which is other than the most economical method available from an engineering standpoint, then the developer of the subdivision or addition shall reimburse the utility for the difference in cost between the method so required by the county governing body and the most economical method available.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

(c) The county commission or like governing body of each county in the state may establish a board of developers to make suggestions to the commission regarding the development and division of subdivisions. The board may advise the commission on the contents of the regulations, revisions that need to be made to the regulations, and assist in resolving disputes between the commission and developers.

§ 11-24-2 -- Developer to conform with chapter, post bond, submit plat for approval, etc.; county engineer and utility to review plat before approval.

(a) It shall be the duty of the owner and developer of each subdivision to have all construction completed in conformity with this chapter and, prior to beginning any construction or development, to submit the proposed plat to the county commission for approval and obtain a permit to develop as required in this section. The permit to develop shall be obtained before the actual sale, offering for sale, transfer, or lease of any lots from the subdivision or addition to the public, it must include a plan to deliver utilities including water, and shall only be issued upon approval of the proposed plat by the county commission. As a condition for the issuance of a permit, the county commission may require any of the following for approval of the proposed plat:

(1) The filing and posting of a reasonable surety bond with the county commission by the developers of the proposed subdivisions or proposed additions to guarantee the actual construction and installation are in accordance with approved plans for public streets, public roads, drainage structures, and public utilities.

(2) The names and addresses of each adjoining landowner and utility subject to the notice as provided in subsection (b).

(3) A permit fee, which shall not exceed twenty-five dollars (\$25).

(b) No proposed plat shall be approved or disapproved by the county commission without first being reviewed by the county engineer or his or her designee. Following the review, the county engineer or his or her designee shall certify to the commission whether the proposed plat meets the county's regulations. If the proposed plat meets the regulations, it shall be approved by the commission. Should the proposed plat be determined by the county engineer to be deficient in any regard, the county engineer shall detail the deficiency to the county commission along with a recommendation that it be disapproved. Notice of the recommendation of the engineer shall be sent to the owner or developer whose name and address appears on the submitted proposed plat by registered or certified mail at least 10 days before the recommendation shall be presented to the county commission for action. A similar notice shall be mailed to the owners of land immediately adjoining the platted land as their names appear upon the plats in the office of the county tax assessor and their addresses appear in the directory of the county or on the tax records of the county and to each utility affected thereby. Each utility notified in writing by the commission shall be given at least 10 days to review the proposed plat and submit a written report to the commission as to whether all provisions affecting the service to be provided by the utility are reasonable and adequate. If any utility affected by the proposed plat is not properly notified then the approval or disapproval by the county commission shall not be valid until the affected utility has been given at least ten days' notice prior to such approval or disapproval as provided by this subsection.

(c) In addition to the foregoing, once the owner or developer of all proposed subdivisions or proposed additions

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

to existing subdivisions of land situated outside the corporate limits of any municipality in the county has met all requirements of the county's regulations, he or she shall submit the final plat of the developed subdivision or addition to existing subdivision to the county engineer for signature verifying that the subdivision or additions to existing subdivision meets the county's regulations. After the final plat has been signed by the county engineer, it shall be filed for record or received for filing in the office of the judge of probate. Subject to the penalties set out in Section 11-24-3, it shall be a violation of this chapter for the developer to file or to have filed any plat, deed, property description, or document of property transfer without full compliance with this section.

(d) Notwithstanding the provisions of subsections (a), (b), and (c), this section shall not apply to the sale, deed, or transfer of land by the owner to an immediate family member, except that, in the event that there is any sale, deed, or transfer of land by the owner or an immediate family member to someone other than an immediate family member, this chapter shall then apply to any subdivision of property as defined in subdivision (4) of Section 11-24-1.

§ 11-24-3 -- Fines; county to enjoin action, employ inspectors/charge inspection fees.

(a) Any owner or developer failing to comply with the permitting requirement or otherwise violating this chapter or any rule or regulation made pursuant to this chapter shall be fined one thousand dollars (\$1,000) per lot that has been sold, offered for sale, transferred, or leased to the public.

(b) In the event that the developer or owner fails to comply with this chapter, the county commission shall have the right to enjoin action of the developer or owner by a civil action for the injunction brought in any court of competent jurisdiction or, in the event that work on the subdivision has been completed, to bring action to compel the developer or owner to comply with this chapter. In addition to injunction, the county commission may recover the penalty as provided by this section in any court of competent jurisdiction.

(c) The county commission may employ inspectors and may request the county license inspector to see that its rules and regulations are not violated and that the plans and specifications for the minimum size of lots, the planning and construction of public streets, public roads, and drainage structures, and the placement of public utilities are not in conflict with the rules and regulations of the county. The county commission may charge inspection fees, not to exceed actual costs, to be paid by the owners of the property inspected.

(d) This chapter may be enforced by the county license inspector under Section 40-12-10, including issuing citations as provided in subsection (j) of Section 40-12-10 for failure to properly obtain the permit to develop required pursuant to subsection (a) of Section 11-24-2. The license inspector may issue subsequent citations for failure to properly obtain a permit to develop if, after 30 days following the issuance of the previous citation for the same violation, the owner or developer of the subdivision has not made proper application for a permit pursuant to the requirements of this chapter. The applicable fines set out in subsection (a) shall be doubled and separately assessed against the owner or developer of the subdivision for each subsequent citation issued by the license inspector as provided herein."

§ 11-24-4 Chapter not to impair utilities right of eminent domain, etc.

This chapter shall not be construed to impair the right of eminent domain granted heretofore or hereafter by the laws of this state to utilities, whether public or private, or their right to exercise authority conferred by statutes,

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

franchises, certificates of convenience and necessity, licenses or easements.

§ 11-24-5 -- No jurisdiction within organized municipal planning commission.

No county shall exercise jurisdiction under provisions of this chapter within the jurisdiction of any municipal planning commission presently organized and functional or which shall become organized and functional within six months of the date the county assumes such jurisdiction by publishing and adopting notice thereof.

§ 11-24-6 -- County and municipality agreement as to exercise of jurisdiction.

It is the intent of the legislature that all proposed subdivisions be subject to regulation, and counties and municipalities affected by provisions of this chapter shall have authority to reach and publish agreement as to exercise of jurisdictional authority over proposed subdivisions, which agreement shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county and affected municipality and such agreement shall thereafter have the force and effect of law.

§ 11-24-7 -- Chapter cumulative; not to repeal any local laws.

The provisions of this chapter are cumulative and shall not repeal any local law or general law of local application granting similar or additional duties and authority to any county commission.

**TERRITORIAL JURISDICTION OF MUNICIPAL PLANNING COMMISSION**

§ 11-52-30 -- Territorial jurisdiction of municipal/county planning commissions and county commissions as to subdivisions; approval of maps or plats of subdivisions.

(a) The territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within five miles of the corporate limits of the municipality and not located in any other municipality; except that, in the case of any such nonmunicipal land lying within five miles of more than one municipality having a planning commission, the jurisdiction of each such municipal planning commission shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities; provided further, that in all counties having a population of 600,000 or more according to the 1950 federal census or any succeeding decennial federal census, the county planning and zoning commission shall be invested with such authority, except and unless the municipality or municipalities in question is/are actively exercising zoning jurisdiction and control within said police and/or five mile jurisdiction or, in the case of a municipality subsequently incorporated, within 180 days from the date of its incorporation; provided, further, that in all counties having a population of 600,000 or more inhabitants according to the 1950 federal census or any succeeding decennial federal census, the county commission of such county shall have the right and power to establish minimum specifications and regulations governing the lay-out, grading and paving of all streets, avenues and alleys and the construction or installation of all water, sewer or drainage pipes or lines in any subdivision lying wholly or partly in areas outside the corporate limits of any municipality in such counties and relating to subdivisions lying within the corporate limits of any municipality in such counties which has declined or failed to exercise zoning jurisdiction and control as provided in this section.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

(b) No map or plat of any subdivision shall be recorded, and no property shall be sold referenced to such map or plat, until and unless it has been first submitted to and approved by the county engineer or, in his absence, by the acting county engineer of such county, who shall examine same for compliance with the specifications and regulations of the county commission of such county and, if it is in compliance, shall note his approval on such map or plat by noting thereon "approved," giving the date of such approval and signing same in his official capacity.

Where any subdivision lies within the extraterritorial planning jurisdiction of any municipality having exercised said extraterritorial jurisdiction, the requirement for approval of improvements in said subdivision by the county engineer shall in no way diminish, waive or otherwise lessen the requirements of such municipality. The more strict requirements, whether of the municipality or of the county, must be complied with by the developer. Approval by the county engineer shall in no way constitute approval in lieu of or on behalf of any municipality with respect to subdivisions lying within its extraterritorial planning jurisdiction. All such maps or plats must be first submitted to and approved by the municipal planning commission or other appropriate municipal agency exercising jurisdiction over any subdivision lying within the extraterritorial planning jurisdiction and, following such approval by such municipal planning commission, must then be approved by the county engineer or, in his absence, by the acting county engineer.

**VACATION OF ROADS**

§ 23-4-1 -- Application.

Streets, alleys and other highways, or portions thereof, may be closed and vacated upon the application of the municipality in which they are situated and, where not situated in a municipality, upon the application of the county in which they are situated in the manner provided for in this article.

§ 23-4-2 -- Procedure.

(a) Whenever the governing body of a municipality or county proposes to vacate a public street, alley, or highway, or portion thereof, the governing body shall schedule a public hearing prior to taking final action and shall publish notice of the proposed hearing on the vacation in a newspaper of general circulation in the portion of the county where the street, alley, or highway lies once a week for four consecutive weeks in the county prior to deciding the issue at a regularly scheduled meeting of the governing body. A copy of the notice shall be posted on a bulletin board at the county courthouse and shall also be served by U.S. mail at least 30 days prior to the scheduled meeting on any abutting owner and on any entity known to have facilities or equipment such as utility lines, both aerial or buried, within the public right-of-way of the street, alley, or highway to be vacated. The notice shall describe the street, alley, highway, or portion thereof proposed to be vacated and also give the date, time, and location of the meeting of the governing body at which the proposed vacation is scheduled to be addressed. Any citizen alleging to be affected by the proposed vacation may submit a written objection to the governing body or may request an opportunity to be heard at the public hearing held as required herein.

(b) If the governing body elects to vacate, it shall adopt a resolution which shall describe with accuracy the street, alley, or highway, or portion thereof, to be vacated and shall give the names of the owner or owners of

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

the abutting lots or parcels of land and also the owner or owners of such other lots or parcels of land, if any, which will be cut off from access thereby over some other reasonable and convenient way. The resolution shall further set forth that it is in the interest of the public that such street, alley, or highway, or portion thereof, be vacated and shall be filed in the probate court of the county. In counties which elect the members of the county commission by single-member districts, the motion to approve the vacation shall be made by the commissioner in whose district the portion of the public street, alley, or highway to be vacated is located. The vacation shall not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property, and if that right is not afforded by the remaining streets and alleys, another street or alley affording that right must be dedicated. The filing of the resolution as required herein shall operate as a declaration of the governing body's vacation and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in that part of the public street, alley, or highway vacated. Title and all public rights, including the right to close the street, alley, or highway vacated, shall vest in the abutting landowners. Entities with utility lines, equipment, or facilities in place at the time of vacation, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred. Notice of the governing body's action shall be published once in a newspaper in the county no later than 14 days after its adoption.

§ 23-4-5 -- Appeals.

Any party affected by the vacation of a street, alley, or highway pursuant to this chapter may appeal within 30 days of the decision of the governing body vacating the street to the circuit court of the county in which the lands are situated, and upon such appeal, the proceeding shall be tried de novo, either party having the right to demand trial by jury when and as demand is authorized in civil actions. The appeal shall not suspend the effect of the decision of the governing body unless the appealing party shall give bond, with sureties, in an amount to be determined by the circuit judge. From the judgment of the circuit court, an appeal may be taken within 42 days by either party to the Court of Civil Appeals or the Supreme Court in accordance with the Alabama Rules of Appellate Procedure.

§ 23-4-6 -- Article deemed cumulative.

The provisions of this article shall not be held to repeal any existing statute relating to the closing, changing or vacating of streets and highways, but shall be cumulative.

§ 23-4-20 -- Vacation of street or alley.

(a) Subject to the conditions set out in this subsection, any street or alley may be vacated, in whole or in part, by the owner or owners of the land abutting the street or alley or abutting that portion of the street or alley desired to be vacated by following the procedures set out herein. The owner or owners of the land abutting the street or alley to be vacated shall join in a written petition requesting that the street or alley be vacated and shall file the petition with the governing body with jurisdiction over the street or alley, or portion thereof, requesting the governing body's approval of the vacation. Following receipt of the written request for assent, the governing body shall act upon the request applying the same notice, hearing, voting, and appeal procedures as set forth in Sections 23-4-2 and 23-4-5, and if the governing body approves the vacation, it shall have the same effect as

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

provided therein, including that the vacation shall not deprive other property owners of any right they may have to convenient and reasonable means of ingress and egress to and from their property, and if that right is not afforded by the remaining streets and alleys, another street or alley affording that right must be dedicated.

(b) The provisions of this section shall not be held to repeal any existing statute relating to the vacation of roads, streets, or alleys, or parts thereof, and shall not be held to limit or expand any civil causes of action available under the law.

**COUNTY LICENSE INSPECTOR**

§ 40-12-10 -- License inspectors generally; when taxes due and payable; collection and distribution of penalties and citation fees on delinquent licenses.

(a) The county commission of each county is hereby authorized and empowered to appoint a license inspector.

(b) It shall be the duty of the license inspector to scrutinize the records and stubs kept in the office of the probate judge and also to examine the license records of each city or town located in the county or counties of which he has been appointed license inspector; and, if it shall be reported to any license inspector or come to his knowledge that any person, persons, firms, or corporations have failed or refused to take out a license for a business or occupation for which a license is required by the state or have failed or refused to take out a license for operating any motor vehicle or trailer for which a license is required by law, the license inspector shall thereupon cite such delinquent to appear before the license inspector at the courthouse of the county in which such citation is issued and to show cause why the license or privilege tax required by law has not been paid and, at the same time, shall file with the probate judge of the county a copy of such citation showing service on the delinquent.

(c) If the license inspector shall discover any motor vehicle being operated without a proper or legal license, he shall cite the operator of the motor vehicle; and, in filing copy of such citation with the probate judge, he shall show on such citation the particular motor vehicle operated without legal license, as well as the operator thereof.

(d) The probate judge must in all cases, in addition to the other penalties required to be collected by him, collect the citation fee, if any, before issuing any license; and, in case of a motor vehicle where a license is taken out in the name of person not cited, the citation fee shall be collected if the citation filed shows the motor number of such vehicle. When any license is due the license inspector shall cause the delinquent to appear before the probate judge of the county and take out the same, but such probate judge shall not have the authority to determine the liability of such delinquent for such license and shall in each case issue a license to the applicant upon the payment by him of the amount or amounts prescribed by this title. If such delinquent shall fail or refuse to take out a license, the license inspector shall institute or cause to be instituted criminal proceedings against such delinquent before any court having jurisdiction of such offense. In case of emergency the license inspector must commence the criminal proceedings in the first place.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

(e) All license taxes levied by this title, except as otherwise provided, shall be due and payable as of October 1 of each year and shall be delinquent November 1 thereafter. Where any license issuable by the probate judge or commissioner of licenses shall be delinquent, the same shall be subject to a penalty of 15 percent of the amount of the license, which penalty must be collected by the probate judge or commissioner of licenses when the license is taken out together with interest at six percent from the date of delinquency; provided, that the penalty for delinquency in payment of motor vehicle licenses shall in no case be less than \$1.50.

(f) It shall be unlawful for any probate judge or other officer to fail to collect such penalties when issuing such license.

(g) The probate judge, in remitting such penalties, shall file report with the county commission, Comptroller, and with the Department of Revenue showing the amount of such penalties collected, from whom, and for what collected, and he shall remit to the county general fund all penalties collected. The probate judge shall remit to the county general fund all citation fees collected where the citation was served by the license inspector or his deputy.

(h) If a criminal prosecution shall be commenced either by affidavit and warrant, or information or indictment, 44 percent of the fine or penalty thereafter imposed in the case shall be paid to the county general fund. The remainder shall be paid to the Treasury of the state.

(i) The county commission may appoint deputy license inspectors, and the acts of such deputies shall be recognized as the acts of the license inspector.

(j) All citations to delinquents shall be served by any lawful officer or by the license inspector or his deputy for which a fee of \$1.50 for each citation served shall be taxed against the delinquent.

(k) License inspectors shall have the same power to arrest persons violating the revenue laws of the state as is now vested in the sheriffs of the state and shall receive the same fees for such service.

(l) The Department of Revenue shall keep a record by counties in which, each month, shall be entered the number of licenses issued by the probate judge for each and every business or occupation for which a state license tax is required, and such record may be compared each month with the number of licenses issued by cities and towns for the same business or occupation.

(m) The license inspector shall be required to report to the Department of Revenue the reason for the failure to collect any licenses due the state which may be evidenced by the comparison of the report of the probate judge and the report made of licenses issued by cities or towns.

(n) It shall be the duty of the county commissions of the several counties to supply the license inspector with necessary citation blanks and other necessary forms to be paid for by the county.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**

(o) The county commission shall fix and pay the salary of the license inspector and his deputies and the expenses of his office.

(p) The provisions of this section shall not repeal, modify, or prohibit any presently existing or future local act or general act of local application affecting the office of license inspector or which establishes any office or position which encompasses the duties of license inspector in any county.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**  
**APPENDIX V**

**ACCEPTANCE OF ROADS AND STREETS FOR COUNTY MAINTENANCE**

As stated in Section 1-1, the purpose of these regulations is not to provide acceptance of roads into the county maintenance system, but rather to provide approval of the design and layout of a proposed subdivision as required by Code of Alabama 1975, 11-24-1.

The Lee County Commission, by adoption of these regulations, has adopted the road design standards of these Subdivision Regulations as part of their acceptance policy for roads and streets.

In addition, the roadway pavement layer shall be two hundred and twenty-five pounds per square yard (225 LBS/SY) of bituminous concrete plant mix, binder, type 429 or 424 and one hundred pounds per square yard (100 LBS/SY) of bituminous concrete plant mix, wearing surface, type 429 or 424. Wearing surface shall be placed at the end of the maintenance period.

After the Subdivision receives Final Plat Approval, all construction is complete, and the roadway pavement meets these acceptance requirements, the developer or owner may request, in writing, to the County Engineer for the start of a maintenance period (Submission of the required surety shall be deemed a request by the developer). After Final Plat Approval, the developer shall maintain this road(s) for the maintenance period. The maintenance period shall be defined as a period of two (2) years or shall be the period of time that seventy (70) percent of home construction is complete in the subdivision, whichever is greater. At the end of this maintenance period, the County Engineer shall conduct an inspection of the roadway and any deficiencies shall be corrected by the developer. After deficiencies have been corrected to the satisfaction of the County Engineer, the developer shall be required to place one hundred pounds per square yard (100lb/sy) wearing surface.

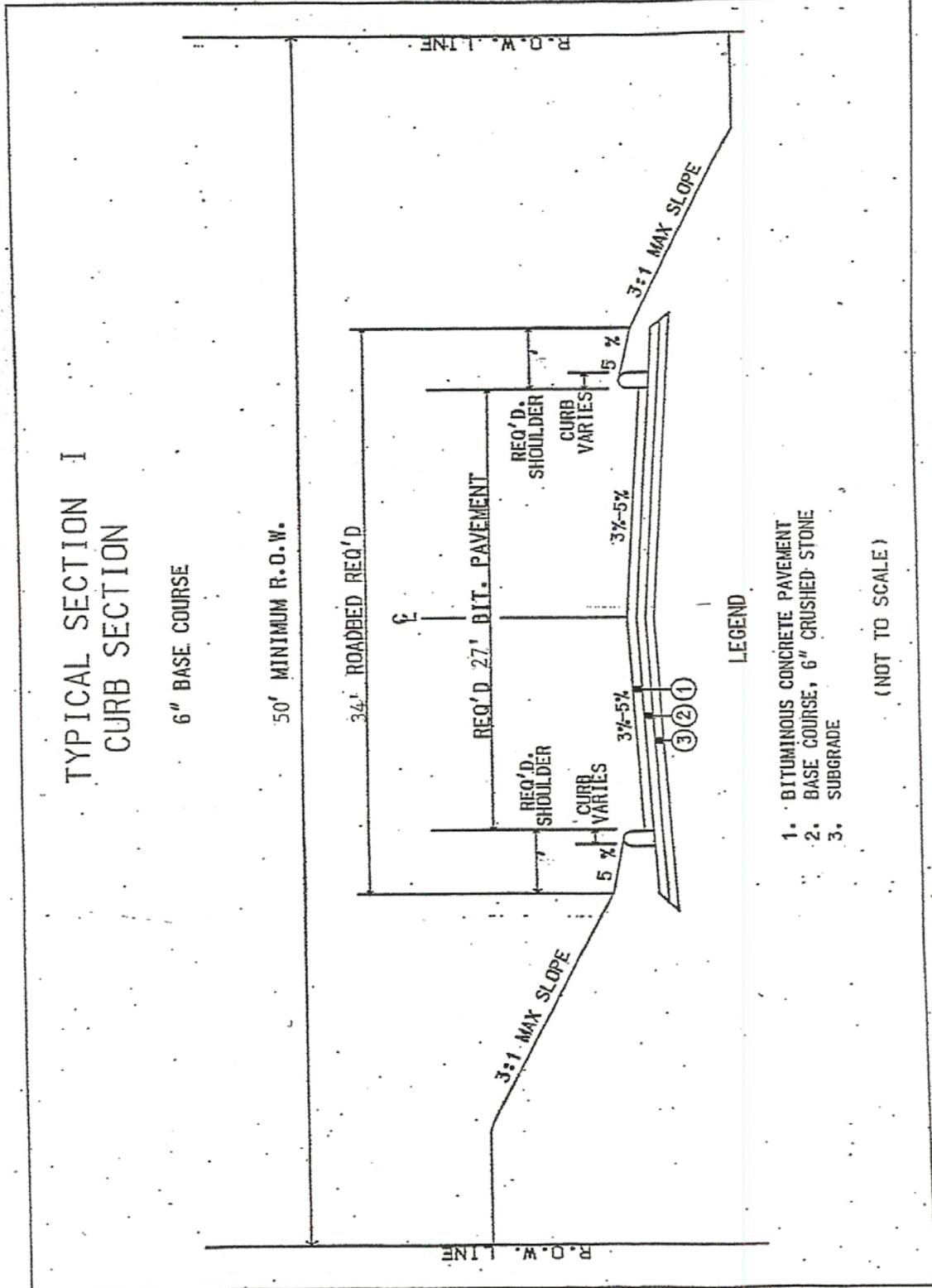
Subdivisions seeking county acceptance for infrastructure shall be required to submit an acceptable performance bond or surety in the amount of one hundred and fifty percent (150%) of the cost of any improvements not in place at the time of final plat application and an acceptable surety in the amount of five percent (5%) of the total construction costs to serve as a maintenance bond. Estimates for bond calculation shall be submitted and approved by the County Engineer prior to bond submittal.

By adoption of this policy, the County Engineer shall determine when the subdivision roads meet the County's acceptance policy and qualify for county maintenance.

**APPENDIX VI**

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 14, 2008**  
**TYPICAL  
SECTIONS**

CURB AND GUTTER  
6" BASE COURSE





**APPENDIX VII**

**ACCESS MANAGEMENT POLICY**

**LEE COUNTY HIGHWAY DEPARTMENT**

**D. Neal Hall, P.E.**  
County Engineer  
1111 Auburn Street  
P.O. Box 1007  
Opelika, AL 36803-1007



Lee County, Alabama Est. 1866

**Wilber R. Harrelson, Jr.**  
Highway Superintendent

**Bobbie Hammock**  
Highway Department Administrator

**Access Management Policy**

The Lee County Commission adopts the following access management policy. This policy is deemed necessary in order to accomplish the following objectives:

1. Lee County Commission, acting through its County Engineer and Highway Department, is charged with the responsibility to protect the traveling public in Lee County and maintain the public right-of-ways therein; The County Commission is also charged to protect the general welfare, health, and safety of its citizens and the traveling public using the public highways, roads, rights-of-ways and highway system within Lee County; and
2. It is the responsibility of the Lee County Commission to ensure proper design, construction, maintenance, and operation of its streets, roads, utilities, driveways, highways, bridges, points of access thereto, and other associated user activities connecting to, using, and/or occurring within these public rights-of-ways; and
3. The Lee County Commission has and does hereby find that in order to protect and provide for the general welfare and safety of the traveling public and to protect the public highway and road system within Lee County, it is necessary to provide criteria and conditions which must be met by any person, firm, corporation, or entity seeking to access or connect roads, streets, highways, or any part thereof, to any Lee County public road, highway, highway system, to any part thereof, and to prohibit any access or connection to the Lee County highways, streets, roads or the highway system, which do not meet with and conform to proper engineering design and which do not have approval of the Lee County Engineer or his designee:

**The following guidelines are hereby set forth and adopted by the Lee County Commission to serve as the Lee County Access Management policy. This policy shall be administered and interpreted by the Lee County Engineer, or his/ her designee. The policy is as follows:**

1. No person, firm, corporation, or other entity, public or private, shall construct or cause to be constructed or allow any driveway, highway, road, alley, street, other roadway, or any aspect or part thereof, to connect to or otherwise access or allow motor vehicle traffic on or onto any part of the Lee County public road system including the Lee County rights-of-ways, without first applying for and obtaining an access permit from the Lee County Commission, acting by and through the Lee County Engineer or his designee;

2. All access and access permits to Lee County maintained roads shall be subject to the approval by the Lee County Engineer. No access permit will be granted or approved which does not properly address drainage, sight distance, and other safety criteria including but not limited to proper lane widths, guardrail, front and back slopes, right-of-way encroachments, or pavement buildup to support anticipated future traffic on the

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

- e. Turn lane requirements shall apply to residential and commercial developments. The guidelines for these turn lanes are as follows:
- f. Turn lanes shall be 12' minimum width. Right lanes constructed with no center or left turn must be constructed with a minimum of 6' additional width to accommodate a future need for a center turn lane. Curb and gutter shall be the preferred method of drainage in turn lane areas;

g. Turn lane requirements	Rt lane required*	Lt turn lane required
<b>Local Road</b>		
Development generating < 500 vpd	NO	NO
Development generating > 500 vpd	Yes	*Depending on Location
<b>Minor Collector</b>		
Residential Development generating < 100 vpd	No	No
100 vpd < Development generating < 500 vpd	Yes	No*
Development generating >500 vpd	Yes	Yes
<b>Major Collector or higher</b>		
Residential Development generating < 100vpd	No	No
Commercial Development generating < 100	Yes	No
Development generating > 100	Yes	Yes

See driveway location requirements in 4(a) which applies to spacing & locations.

\*If in the opinion of the County Engineer a left turn lane serves a more direct function, a left turn lane may be required or allowed in lieu of a right turn lane.

- 5. Existing drainage structures including culverts, bridges, and ditches, may be required to be upgraded or replaced as determined by the Lee County Engineer;
- 6. Any utility installation that is required to serve the subdivision or development that must be relocated as a result of the required roadway or drainage improvement is the responsibility of the owner or developer thereof. Utility installation or relocation must be performed in accordance with the requirements of the Lee County Engineer. All costs associated with the installation or relocation of utilities must be borne by the developer or owner;
- 7. Additional right-of-way may be required by Lee County in order to be able to properly construct the required roadway and drainage improvements or utilities. The developer, traffic generator, or applicant for an access permit is not necessarily entitled to exclusive use of any excess capacity of the existing roadway or any right-of-way that may be available and suitable for construction or any right-of-way in excess of that which is necessary to construct improvements required by the Lee County Engineer. The developer, owner, or applicant for an access permit is responsible for all costs associated with acquiring additional right-of-way;

8. Design and construction plans which show all of the proposed access and improvement must be submitted to the Lee County Engineer for review and approval. All such plans shall bear the signature and seal of a professional engineer licensed to practice in the State of Alabama;
9. Prior to approval, an estimate of all costs of the proposed improvements shall be submitted by the applicant to the Lee County Highway Department for review and approval. Upon approval by the Lee County Engineer, a bond in form and substance as approved by the Lee County Commission, with an acceptable surety, in the amount not less than 150 % of the approved cost, must be made and posted by the access permit applicant with the Lee County Highway Department to assure proper and timely completion of the improvements specified. Construction of any public improvement or any construction in the right-of-way must not commence until written approval has been granted by the Lee County Engineer. Construction notification and inspection requirements shall be in accordance and consistent with the Lee County Subdivision Regulations;
10. If construction is not substantially commenced within one (1) year from the date of the issuance of an access permit, or if commenced applicant fails to continuously and satisfactorily work toward completion of the project according to the approved construction plans, the application and approval thereof will be void and application for an access permit must be resubmitted. Any resubmitted application for an access permit and approval or rejection thereof would take into consideration any additional improvements or change in construction or design based on conditions which the County Engineer deems necessary;
11. No building permits or development permits will be issued by Lee County without access approval from the Lee County Highway Department in cases where the driveway or roadway providing ingress and egress accesses or connects to an Lee County maintained road;
12. Regardless of any provisions contained herein to the contrary, an individual seeking access for the purpose of ingress and egress to only one (1) single family residence shall be required to obtain an access permit to be issued by the County Engineer allowing same, but shall not be required to present engineering studies and detailed construction plans unless the County Engineer determines that such is necessary due to particular safety, engineering, or other concerns associated with that specific point of intended access;
13. In the event any person or entity shall gain, establish, allow access to or otherwise connect or allow connection of any public or private highway, street, alley or road or other public or private way / facility to any part of the Lee County maintained road system, in violation of any part of this resolution or without first obtaining an access permit as herein provided, and without the express written permission of the Lee County Engineer. The Lee County Engineer, acting on behalf of the Lee County Commission, shall have the additional right to place impassable barricades between the traveled portion of the county road or right-of-way and the point of unpermitted access, thus preventing entry onto the Lee County Highway System and ingress and egress thereto. The Lee County Commission also realizes that the County Engineer may in some cases be required to remove items placed on the right-of-way without permission that pose a safety threat to the traveling public;

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

14. Any person, firm, corporation or entity who or which violates any part or portion of this resolution or otherwise connects or allows the connection to any Lee County public road or right-of-way of any portion of the Lee County Road System in violation of the aforementioned requirements, or any portion, section or aspect thereof without first obtaining a written access permit to access the same as provided herein, shall in addition to all other remedies available to Lee County, including but not limited to injunction and assessment of damages, be subject to and liable for the payment of civil penalties and reimbursement to Lee County in an amount equal to all costs or damages incurred by Lee County, the Lee County Highway Department or the Lee County Engineer in order to bring said access point and use of the Lee County public road system into compliance with the provisions hereof and the costs, including, but not limited to, the cost of design, construction and installation of all necessary improvements to comply with the requirements herein, and for the cost of physically preventing ingress and egress to and from the Lee County Road System. Nothing contained herein shall, however, be interpreted to limit Lee County to any one or more available legal remedies, and the provisions herein providing for remedies shall be cumulative to all other remedies available now or in the future;
15. The requirements hereof shall be cumulative to any other legally imposed conditions and requirements provided by law or by Lee County and/or the Lee County Engineer;
16. The provisions of this resolution are severable. If any portion hereof shall be declared invalid by any court of competent jurisdiction, such declaration shall not effect the remaining portions hereof;
17. The provisions hereof shall become effective immediately upon the adoption by the Lee County Commission, and all municipalities in Lee County shall be advised of the adoption hereof and be requested to withhold any and all permits for developments accessing Lee County public highways and roads until such Access Permits have been adopted and issued by Lee County acting by and through Lee County Engineer or other designee of the Lee County Commission.

During the pre-meeting Revenue Commissioner Oline Price asked the Commission to make recommendations to the Governor for an appointment to the Lee County Board of Equalization. During the meeting, Commissioner Smith made a motion to submit the following recommendations to the Governor: Colonel G. D. Dorman and Dr. Keith Ward, seconded by Commissioner Lawrence and unanimously carried.

Ms. Geri Young appeared during the pre-meeting asking that the Commission complete the paving of Lee Road 393. Ms. Young stated that Commissioner Harris had promised that the road would be paved, but so far it has not. No action was taken during the meeting.

Commissioner Lawrence made a motion to approve the travel expenses for himself and Commissioner Smith to attend the ACCMA Conference on June 29 to July 2, 2008 in Point Clear, Alabama, seconded by Commissioner Holt and unanimously carried.

County Engineer Neal Hall presented a proposed Utility Right-of-Way Agreement for review. Commissioner Lawrence asked that the Commission review the agreement and then have a meeting with the various utility agencies to initiate the process. Commissioner Holt

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

questioned if the policy could be adopted tonight. Commissioner Lawrence reiterated that it is only an agreement, something that the agencies agree to for coordination and cooperation. Mr. Hall stated that the intent is to get the utility agencies to voluntarily cooperate. Mr. Hall asked the support of the Commission to be involved and talk with the agencies beforehand about the agreement. Judge English additionally requested that Mr. Hall send the proposed agreement to the utility companies, Alabama Power Company, Tallapoosa River Electric Cooperative, water authorities, natural gas companies and the phone company. No action was taken by the Commission.

Mr. Hall recommended that Scott Bridge Company, Inc. be awarded the bid for bridge replacement on Beehive Road. He stated that three bids went out, and that all three responded. Mr. Hall added that this bridge replacement was being funded by the City of Auburn. Upon this recommendation, Commissioner Lawrence made a motion to accept the low bid of Scott Bridge Company for \$272,796.00, seconded by Commissioner Smith and unanimously carried.

Commissioner Smith made a motion to authorize the county engineer to enter into a contract with a geotechnical engineer for consultation on the sinkhole repair project on Lee Road 148, seconded by Commissioner Lawrence. Commissioner Smith questioned whether this was in the budget and when repairs would begin on the project. Mr. Hall stated that as soon as the plans were approved, then Oldcastle would begin repairing the road, and that he expected that to happen in the next couple of months. Commissioner Holt questioned the cost of the consultant. Mr. Hall stated that he would hire the consultant on an hourly basis or as needed, plus travel and expenses. Commissioner Holt questioned if the money would come out of this year's budget and where would he get the money to pay for the consultant. County Administrator Roger Rendleman stated that he would have to move some funds around. Judge English stated that we needed to provide the County Engineer with this access to independent geo-technical expertise to protect our interests in the sinkhole repair project. After discussion, the motion carried unanimously.

Roger Rendleman made a presentation during the pre-meeting concerning the issuance of general obligation warrants for the Justice Center south-end remodeling project. Commissioner Lawrence made motion to authorize five-year general obligation warrants with RBC Bank, seconded by Commissioner Holt and unanimously carried.

Roger Rendleman reported that only one bid was received on Bid #17 for the replacement of the cooling tower at the Justice Center. Mr. Rendleman requested that since only one bid was received that the Commission reject the bid and allow for negotiations. Upon the recommendation, Commissioner Holt made a motion to reject Bid #17 for the cooling tower at the Justice Center, and negotiate. The motion was seconded by Commissioner Smith and passed unanimously.

Upon advice of County Attorney Stan Martin, Commissioner Lawrence at approximately 6:30 p.m. made a motion to recess into executive session concerning a matter of current litigation and a matter of threatened litigation, seconded by Commissioner Smith and unanimously carried. Mr. Martin announced that the following needed to attend the executive session: County Administrator Roger Rendleman, County Engineer Neal Hall, Environmental Services Director Jack Marshall and Solid Waste Enforcement Officer Chad Leverette. Judge English stated that the executive session would last approximately one hour. No formal action would be expected to be taken by the Commission after the executive session.

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

Upon reconvening after the executive session, with no further business to come before the Commission, Commissioner Smith made a motion at approximately 7:15 p.m., seconded by Commissioner Ennis, that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 28, 2008**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, April 28, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

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

During the pre-meeting County Administrator Roger Rendleman presented an updated revenue per capita comparison the mid-year financial overview. Mr. Rendleman stated that on the per capita comparison that Lee County is 66<sup>th</sup> out of 67 counties when it comes to revenues per person for all services provided by the county commission to its citizens; however, Lee County has moved up one spot on the primary services to 65<sup>th</sup>. In his overview, Mr. Rendleman stated that actual revenues appear to be on target to meet the official budget, however they will fall short of expected revenues. Mr. Rendleman stated that this was due to the fact that interest revenues were down 40%, building permits were down by 10%, quarry tax was down about 19% and the video rental fee was down 20% from past estimates. Mr. Rendleman stated that the greatest area of concern is the overall operational budget due to increased fuel prices and increased medical expenses in the jail. Additionally, Mr. Rendleman stated that based on trends the following may be limited in next year's budget: limited equipment purchases, little or no funding for the Capital Improvement Program and little or no excess funds to be redirected to the resurfacing program. Mr. Rendleman stated that he was more concerned about the future, and he wanted this to be an early warning of the situation. Commissioner Holt stated that he would like Mr. Rendleman to present the Commission with options once the situation necessitates action by the Commission.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the April 14 meeting, and two listings of claims. The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion to approve the consent agenda items, seconded by Commissioner Smith and unanimously carried.

Brian Lewis of Eastwood Christian School appeared before the Commission during the pre-meeting and invited the Chairman and each Commissioner to attend an Alternative Energy Demonstration at the school on May 19. Mr. Lewis asked that each Commissioner contact him if they were planning to attend the demonstration.

Additionally, during the pre-meeting, Mr. Thomas Mitchell, who lives at Lake Harding, appeared before the Commission to voice his concerns about Charter Cable. Mr. Mitchell stated that he had been promised services that had not been fulfilled. Mr. Mitchell was asking the Commission's help in resolving this issue. Judge English explained that the Commission has no regulatory authority over Charter Cable. No action was taken by the Commission.

County Engineer Neal Hall asked the Commission to consider applying for federal aid funds to replace the bridge over Wacochee Creek. He stated that the bridge was functionally obsolete, and would require a detour of about six months duration to be replaced. After discussion, Commissioner Holt made a motion to approve the following Resolution, seconded by Commissioner Harris and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Lee County Commission, Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 28, 2008**

the Lee County Road System and described as follows:

Replacement of a 120.0 foot bridge and approaches over Wacoochee Creek on Lee Road 379 located 4.6 miles North of the intersection of US Highway 280 and Lee Road 379. Structure No. 0 C01379 41 0000003X 00, Bin No. 004429, Sufficiency Rating=39.1, Status 2. Location Map Located at the Lee County Highway Department.

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

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

County Administrator Roger Rendleman presented a renegotiation offer from AT&T on our current lease regarding an equipment building on the Justice Center property. Mr. Rendleman stated that AT & T was proposing to convert the current remaining 11 years on the lease from \$340 annually into a permanent easement with an offer to pay a one-time lump sum of \$5,575. After discussion, the Commission agreed to leave the lease at its current status.

After discussion in the pre-meeting, Commissioner Ennis made a motion in the regular meeting to add the dirt road paving list to the agenda, seconded by Commissioner Smith, and unanimously carried to add the item to the agenda. Commissioner Ennis then made a motion to add 2.6 unpaved miles on Lee Road 298 to the FY2007-2008 proposed paving list, seconded by Commissioner Smith for discussion. Commissioner Lawrence questioned the fact that this raises the total mileage on the current list to 13.25 miles, which is 3.25 miles over the 10 miles that is budgeted for paving this year. Commissioner Ennis stated that there are some roads that will not be paved, so there will be leftover for this road or any other road that is on the list. Commissioner Lawrence stated he was under the assumption that he could carryover his .2 miles allocation each year, but Mr. Hall stated that the Highway Department stopped keeping up with this "carryover" calculation several years ago. Mr. Rendleman stated that the county road crew is only physically able to pave about 10 miles of road each year, and that anything beyond that is an unrealistic goal. Commissioner Holt questioned how the Commission is going to pay for any more paving when the \$675,000 that has been budgeted has been exhausted. Mr. Hall asked Commissioner Ennis if it was still possible that the developer would participate in this project as had been discussed, and Commissioner Ennis responded yes. Commissioner Ennis explained that there were six roads on the list that no right-of-way had been obtained, which would mean that those roads would not get paved anyway. Mr. Hall explained that the NO in that column simply meant that the rights-of-way on those roads had not been acquired yet. The Chairman called for the vote and the motion passed unanimously.

The Chairman asked if the Commission wanted to hear from Mr. Hoyt Walker, who was in attendance. Mr. Walker stated that he was trying to get Lee Road 132 paved. Mr. Walker stated that he had talked to Mr. Hall concerning the 60 ft. right-of-way requirement, and he stated that the county would not be able to get 60 ft. right-of-way on the road. Mr. Walker asked how the roads were being put on the list, especially ones that did not have 60 ft of right-of-way. Commissioner Holt stated that it is his opinion that all roads the Commission paves should be safe according to Mr. Hall's standards.

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

Minutes approved:

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 28, 2008**

---

Chairman

---

Commissioner, District 1

---

Commissioner, District 2

---

Commissioner, District 3

---

Commissioner, District 4

---

Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 12, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, May 12, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

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

Judge English informed the Commission that due to the General Election in November, the Commission meeting scheduled for Monday, November 10 would have to be moved to Wednesday, November 12, due to a recent change in Alabama election law.

The following Resolution was presented by Judge English. Commissioner Lawrence made a motion, seconded by Commissioner Holt, and unanimously carried that the following resolution be passed and sent to the Mobile County Commission to show Lee County's support.

**RESOLUTION**

**WHEREAS**, The U.S. Air Force recently awarded the contract for its new refueling tanker to Northrop Grumman and EADS; and

**WHEREAS**, Northrop Grumman's KC-45 tanker was selected following the most rigorous, transparent acquisition process in the history of the U.S. Department of Defense; and

**WHEREAS**, The men and women of the United State Air Force deserve the most efficient and safe tanker; and

**WHEREAS**, The American taxpayer deserves a quality product, at a fair price, selected in a transparent and equitable manner; and

**WHEREAS**, The KC-45 will be manufactured at Brookley Field in Mobile, Alabama, by 1,500 hard-working, patriotic Americans; and

**WHEREAS**, The KC-45 program will improve the economy of the entire Gulf Coast region and benefit an area and its people still recovering from Hurricanes Katrina and Ivan; and

**WHEREAS**, The KC-45 tanker program will create a new aerospace manufacturing corridor in the southeast; and

**WHEREAS**, The workers of Mobile County have a long and decorated past of protecting freedom, both in time of war, and in peace; and

**WHEREAS**, EADS has committed to build, not just the KC-45, but also its commercial A-330 commercial freighters in Mobile;

**WHEREAS**, Work is already being done in Mobile on a state-of-the-art military vessel the U.S. Navy's Littoral Combat Ship being constructed by General Dynamics and the Australian firm Austal; and

**WHEREAS**, Mobile, with more than 300 years of history as an international city, encourages worldwide economic cooperation and is proud to be home to the aforementioned Austal, Germany's ThyssenKrupp Steel which is building a four billion-dollar facility here, and EADS – all firms creating American jobs in Mobile, Alabama;

**NOW, THEREFORE, LET IT BE RESOLVED**, The Lee County Commission urges members of Congress to consider the needs of the American war fighter, to affirm the selection process of the U.S. Air Force, and to support the creation of American jobs by moving with all deliberate speed to fund and implement the KC-45 tanker project.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the April 28 meeting, and two listings of claims. Sheriff Jones requested that Bid #21 for tactical vests be moved to the next meeting. The Chairman asked if there were any questions about the consent agenda items. Commissioner Smith made a motion to approve the consent agenda items, seconded by Commissioner Lawrence and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 12, 2008**

During the pre-meeting, County Administrator Roger Rendleman and Architect Randy Wilson addressed the Commission on the Auburn Satellite Office. First, Mr. Rendleman stated that the proposed construction budget is \$1.4 million. Mr. Rendleman stated he would like to move \$96,000 which was budgeted in this year's budget for computers and furniture for this project from the General Fund to the Capital Improvement Budget for the funding of this project. Next, Mr. Rendleman presented three items for consideration in reducing the cost of the project: 1) self-performing some of the site preparation work; 2) eliminating the skeletal structure for a second floor and 3) utilizing a 'keystone' dry stack wall rather than a more expensive type wall. Commissioner Lawrence and Holt had concerns about that type wall. Mr. Wilson stated that at the highest point the wall would be approximately 6-7 ft. high, and the majority of the wall would be around 5 ft high. Mr. Wilson stated he felt a dry stack wall would work in this situation. Commissioner Holt questioned Mr. Wilson on the slope of the roof which appeared on the drawing to be a flat roof. Mr. Wilson stated that it was designed with a low-slope metal roof. Commissioner Lawrence questioned the time-frame on the project. Mr. Wilson stated it would take approximately ten months to complete. Commissioner Ennis questioned the square footage on the office space. Mr. Rendleman stated that the mezzanine area was approximately 3,814 sq. ft., which would be utilized as storage space, and the total floor space was approximately 6,780 sq. ft. for a total of over 10,500 sq. ft. for the entire building. During the meeting, Commissioner Holt made a motion to set the project budget for the Auburn Satellite Office at \$1.4 million and to amend the budget accordingly; to reallocate \$96,000 from the General Fund to the Capital Improvement Fund and amend the budget accordingly; and to ask the Highway Department to evaluate the feasibility of self-performing the site work. The motion was seconded by Commissioner Smith and unanimously carried.

The agenda item concerning Lee Road 223 was removed since no one was present to speak on the issue, including the party that asked for it to be on the agenda.

Sheriff Jones provided a handout to the Commission concerning a Corrections Nurse position currently open in the Sheriff's Office. Sheriff Jones stated that due to the successful applicants' previous experience and qualifications, he would request that the Commission consider approving a starting salary variance from entry level 14A to 14E. Upon this request, Commissioner Lawrence made a motion, seconded by Commissioner Harris that the salary variance from a 14A to a 14E be granted for this Corrections Nurse position. The Commission unanimously agreed.

Mr. Rendleman stated that Corrections Officer Charolette Moore had presented all the necessary paperwork for pre-approval of an educational reimbursement which has been approved by the proper officials within the Sheriff's Department. Upon this request Commissioner Smith made a motion to pre-approve the educational reimbursement for Corrections Officer Charolette Moore, seconded by Commissioner Holt and unanimously carried.

Environmental Services Director Jack Marshall requested that the Commission reject Bid #19 for open-top containers, since out of five bids sent, no bids were received, and that they reject Bid #20 for closed-top containers since only one response was received out of three bids sent, and it did not meet bid specifications, since the vendor bid on a 40-yard container instead of a 44-yard container as specified in the bid. Mr. Marshall stated that he would negotiate with the lone bidder for the best price on the containers. He felt that the reason no vendors are interested in bidding on these containers is due to the fluctuation in steel prices. Commissioner Lawrence made a motion, seconded by Commissioner Smith to reject the bids. The Commission unanimously agreed.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 12, 2008**

With no further business to come before the Commission, Commissioner Smith made a motion at approximately 6:08 p.m., seconded by Commissioner Lawrence, that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 27, 2008**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Tuesday, May 27, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

County Administrator Roger Rendleman, during the pre-meeting, presented a draft copy of the Policy, Procedure and Regulation Manual for the Commission's review. Mr. Rendleman stated that there were several policies that needed to be repealed, modified or followed more appropriately. He stated that this is non-personnel related policies, procedures and regulations that need to be cleaned up and adopted. Additionally, Mr. Rendleman recommended that the Commission take a look at his recommendations and either set a work session or to adopt the policy, procedure and regulation manual as a starting point for all the non-personnel policies. Judge English suggested that the Commission take 30 days to look over the manual, readdress the issue at a Commission meeting and then decide which direction to take after the review is completed. The Commission agreed to reconsider this at a later date.

In the pre-meeting, Governmental Relations Coordinator Wendy Swann presented a Legislative update. Ms. Swann stated that five of the six bills passed. Ms. Swann stated that the local initiative tax referendum legislation did not pass. The four bills that passed "as is" include: the Sheriff's salary increase, the Planning Commission terms, the Sales & Use bill to exclude the City of Smiths Station, and the expense allowance bill for the Commissioners, the Probate Judge and the Revenue Commissioner. The chairmanship bill passed with changes, making the proposed position part-time rather than full-time, and setting the salary at \$10,000 more than the salary of the county commissioners. Mr. Rendleman stated that the expense allowance and the sheriff's salary would go into effect August 1.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the May 12 meeting, and two listings of claims. The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion to approve the consent agenda items, seconded by Commissioner Smith and unanimously carried.

During the pre-meeting, Commissioner Lawrence introduced David James and Brian Lewis of Eastwood Christian School concerning the recent fuel summit. Commissioner Lawrence attended the fuel summit and stated that he believed there is a lot of potential in this process. Mr. James explained how to process algae, into three different types of fuels, using a gasification process. Mr. James explained that gasoline, diesel and biodiesel can all be produced from the same algae feedstock. Mr. James stated that a pilot plant will be opening in Mobile in approximately two weeks, which is a two million dollar investment and will employ three people. Commissioner Holt questioned how the county could get involved in a private enterprise. Mr. James stated that the process was developed here in Lee County and he would like to see Lee County participate in the promotion of the process. Commissioner Ennis questioned the cost to invest in one of the machines that processes the product into fuel. Mr. James stated it would cost under five million dollars. Judge English questioned the reason Mr. James would not promote it and produce the product himself. Mr. James stated he was only interested in his ministry, and he wanted to take the profits and develop his school. Mr. James presented Gary ?, the President of Unified Fuels to the Commission. Commissioner Lawrence thanked all the Commissioners for listening to the presentation, and stated he would keep them informed of any further developments.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 27, 2008**

Commissioner Lawrence made a motion to add an item to the agenda to authorize the Chairman to send a letter of thanks to the delegation, seconded by Commissioner Smith and unanimously carried. Upon adding this item to the agenda, Commissioner Lawrence made a motion authorizing Judge English to thank the delegation for their support in passing most of the legislative packet that was presented by the Lee County Commission this year, seconded by Commissioner Smith and unanimously carried.

Commissioner Lawrence made a motion to approve the travel expenses for any Commissioner who is planning to attend the EDAA Conference to be held on June 22-25 and the ACCA Annual Convention on August 19-21, both at the Perdido Beach Resort in Orange Beach, Alabama, seconded by Commissioner Holt and unanimously carried.

Revenue Commissioner Oline Price gave her annual report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2007 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 Smith made a motion to adopt the following resolution, seconded by Commissioner Holt, and unanimously carried:

**BE IT RESOLVED** by the Lee County Commission that the reports filed by Oline W. Price, Lee County Revenue Commissioner, of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2007 and Uncollected Insolvencies and Taxes in Litigation for previous years, be and the same are hereby approved, and that the Chairman is hereby authorized to sign same; and that said Revenue Commissioner be and she is hereby allowed credit for taxes listed in these reports.

Judge English asked the Commission to whether they wanted to purchase the advertisement for the Alabama National Fair to be paid out of the contingent fund as done in years past. Commissioner Lawrence made a motion to pay \$125 out of the contingent fund for the Alabama National Fair advertisement, seconded by Commissioner Holt and unanimously carried.

During the pre-meeting, County Engineer Neal Hall informed the Commission that a County License Inspector would need to be appointed to fulfill the requirements for the Subdivision and Land Development Regulations that were adopted by the Commission on April 14, 2008, in accordance with the Code of Alabama 1975, Section 11-24-3(d). Mr. Hall told the Commission that several counties have already done this, and several were appointing the County Engineer. During the meeting, Commissioner Holt made a motion to appoint County Engineer Neal Hall as the County License Inspector as it pertains to the Subdivision and Land Development Regulations, seconded by Commissioner Lawrence and unanimously carried.

Sheriff Jones requested that Bid #21 for tactical vest be rejected. He requested that he be allowed to reissue this bid with revised specifications, since the specifications that were issued were not in conformance with the latest technology. Upon this recommendation, Commissioner Smith made a motion to reject Bid #21, seconded by Commissioner Lawrence and unanimously carried.

Upon advice of County Attorney Stan Martin, Commissioner Lawrence at approximately 6:11 p.m. made a motion to recess into two executive sessions concerning current litigation, seconded by Commissioner Smith and unanimously carried. Mr. Martin announced that the following needed to attend the first executive session: Revenue Commissioner Oline Price and Administrator Roger Rendleman. Mr. Martin announced that the following needed to attend the second executive session: Administrator Roger Rendleman, County Engineer Neal Hall and Assistant Engineer Justin Hardee. Judge English stated that the first executive sessions would last approximately 5 minutes and formal action would be expected after the executive session.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 27, 2008**

He added that the second executive session would last approximately 15 minutes and that no formal action would be expected after the second executive session

Upon reconvening, Commissioner Smith made a motion to authorize Mr. Martin to negotiate a settlement as necessary in the case Tangent, Inc. v. Oline Price, Revenue Commissioner, seconded by Commissioner Lawrence and unanimously carried.

With no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 6:28 p.m., seconded by Commissioner Smith, that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 9, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

During the pre-meeting, Governmental Relations Coordinator Wendy Swann presented the Commission with considerations for the appointment of members to the Planning Commission. Mrs. Swann asked that the Commissioners begin considering their appointees to the Commission. She suggested that the Planning Commission be in place early so that they can be involved in the development of the Comprehensive Plan. Commissioner Lawrence questioned the timeframe of the appointments. County Administrator Roger Rendleman stated that he and Mrs. Swann were currently going thru the RFP's, but he could not give a timeframe on when it would be completed to present to the Commission. Judge English stated that this is just the announcement required by Commission policy. Mr. Rendleman stated that interested citizens may obtain an interest form from the Commission Office and each form will be forwarded to the Commissioners as they are received. Commissioner Lawrence questioned the wording in the legislation concerning the two nominations made by each Commissioner and if the nominees had to live in the respective Commission districts. During the meeting, clarification on the two appointments by each Commissioner was discussed. Mr. Rendleman stated that it says "may", which in his opinion means the Commissioners may but are not required to appoint a person residing in their district. Since no consensus was reached, Judge English suggested that the Commission seek either a clarification from the legislative delegation on the intent of the legislation, or asked if the Commissioners would like for him to ask for an informal oral opinion from the Attorney General's Office. Commissioner Harris stated that an oral opinion from the Attorney General's Office would be sufficient and other commissioners agreed.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the May 27 meeting, two listings of claims, and Bid #22 for a hardware storage unit for the Information Services Department. IT Director Tim Parson stated that out of 24 requests for bids sent only one bid was received. Mr. Parson requested that the low bid of \$19,385 from Computer Discount Warehouse be awarded. The Chairman asked if there were any questions about the consent agenda items. Commissioner Ennis made a motion to approve the consent agenda items, seconded by Commissioner Lawrence and unanimously carried. Additionally, Judge English gave the Commissioners copies of the draft minutes of the Emergency Meeting held on June 6, 2008 and asked them to review them before the next Commission meeting.

During the pre-meeting, Governmental Relations Coordinator Wendy Swann presented an update on local legislation. Mrs. Swann reported that the Chairmanship bill that was thought to have been passed was pocket vetoed by the Governor. Mrs. Swann stated that the Governor's legal advisor felt the bill as passed was changed substantially from the original bill as advertised, so he advised the Governor not to sign the bill. Commissioner Lawrence questioned available options on whether to wait until the next session or try to get it into a special session, if one is called. Mrs. Swann stated that she would suggest waiting until the next session, due to the tight time frames, the cost of advertising, and the fact that a special session is called for specific items. Commissioner Harris stated that he would like to see the bill reintroduced in the Special Session. Commissioner Harris stated he would like to see this issue on the ballot in November since the majority of the people will be voting because it is a presidential election. Mrs. Swann reminded the Commission that the bill would first have to go to Legislative Reference Service before advertising could begin, which could take a couple of weeks. Mrs. Swann stated the bill would then have to be advertised again for four consecutive weeks, and that there may not be enough time to do all of that before the possible Special Session, the date of which is unknown at this

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2008**

time. She added that the Governor could limit what is put into the call of a special session. Commissioner Lawrence, during the meeting, suggested that the legislative issue be placed on the next agenda, but, in the meantime, he would ask that each Commissioner talk to the local delegation and try to get their view on the issue.

County Administrator Roger Rendleman presented the bids for a ball field at the Lee County Park at Smiths Station. Mr. Rendleman stated that the budgeted construction cost of \$166,000 had been prepared for this project over two years ago, which included \$50,000 from the Land and Water Conservation grant, and the remainder being paid by the City of Smiths Station and the Lee County Recreation Board. Mr. Rendleman stated that the lowest base bid was received from Grant Environmental Contractors, Inc. of Columbus, Georgia for \$325,700, which is almost double the amount budgeted. Additionally, he stated that the lowest overall bid was received from Jimmy O. Rollo, d/b/a Valley Nursery of Phenix City, Alabama for \$348,160, which is 110% over-budget. Landscape Architect Kevin Carpenter stated that he felt the bids were over-budget due to the increased cost of fuel and building materials since the time the bid estimate was calculated. Mr. Carpenter stated the bids received, in his view, were in-line according to the specifications. Upon discussion during the pre-meeting with Smiths Station City Clerk Jerry Bentley, he conveyed the message that Mayor LaFaye Dellinger stated that she felt the City of Smiths Station would be willing to pay the additional cost to award the bid today, but had to take that before the Smiths Station City Council. Commissioner Ennis stated that the Recreation Board may be willing to commit additional funds to the project. Mr. Bentley stated that the Lee County Recreation Board had already committed to fund a portion of the project. Mr. Carpenter reminded the Commission that the bids were only good for 30 days. Upon much discussion, Commissioner Ennis made a motion to authorize County Administrator Roger Rendleman to sign the contract for the lowest total bid from Jimmy O. Rollo, d/b/a Valley Nursery, for \$348,160, which includes all three alternates, contingent upon the City of Smiths Station and the Recreation Board being responsible for any additional funding needs in excess of the amount previously budgeted. The motion was seconded by Commissioner Lawrence and unanimously carried. Mr. Rendleman stated that his understanding is that the total Recreation Board commitment is \$80,000 and the City of Smiths Station would be responsible for the remainder of approximately \$102,160.

Mr. Ron Calloway made a presentation on Gold Hill Plantation to the Commission during the pre-meeting. Mr. Calloway stated that he would like to develop the proposed Gold Hill Plantation, which will be a true Active Adult Retirement Community (AARC), and will be targeted to residents aged 50 and older, since there are 78 million baby boomers born between 1946-1964. He stated that active adult communities place a premium on health and wellness and promote organized clubs, hobbies, activities and trips. He stated retirees enjoy living near others their own age without children in a quiet, secure atmosphere. Additionally, he stated that the development would be built using "green" building methods, which means that the local resources would be utilized in this development. Mr. Calloway asked that the Commission consider allowing the development to be a Development District. Mr. Calloway stated that a portion of the property is in the county, and a portion is in the city limits of Auburn. Mr. Pfil Hunt explained the financial side of a development district and the county's role in the creation of a development district for this project. Commissioner Lawrence questioned the number of units. Mr. Calloway stated approximately 750 units on 350 acres. During the meeting, Commissioner Holt stated since this development lies within the Auburn planning jurisdiction, he would like to see what the Auburn does for this development before the county moves forward. He stated that they would have to get the approval from Auburn before the county could allow them to create an improvement district. Judge English stated that the City of Auburn had already learned a lot about development districts from the coming development at the intersection of US Highway 29 and I-85. He suggested that the Commission may want to obtain a legal advisor who is familiar with these type developments before committing to the project. Mr. Rendleman advised that the Commission would need to consider setting up a board to address this development method. Commissioner Lawrence stated that the Commission needs to get prepared because this is just the first of these, there are more out there, and this will set our precedent on these type developments in the area. Commissioner Holt stated that this is good for economic growth in the community and if the Commission is not comfortable, then the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2008**

Commission needs to retain someone so they can move ahead. Commissioner Harris agreed and stated that as Mr. Rendleman explained, it is a simple process and will help bring in other developments for economic growth. Mr. Rendleman clarified his comment that it was simpler to establish a development district, but that didn't mean it was simple. Mr. Rendleman suggested that the Commission would need to obtain a lawyer or law firm that is familiar in this type development. Judge English stated he would like County Attorney Stan Martin to discuss this with the City of Auburn's attorney. Commissioner Ennis suggested that Mr. Rendleman contact Mobile County about this type development. Commissioner Lawrence made a motion that County Attorney and County Administrator research and come up with a recommendation of legal counsel for this and an estimate of the costs, seconded by Commissioner Holt and unanimously carried.

During the pre-meeting, Judge English informed the Commission that the Lee County Board of Education was inquiring if the Commission would consider issuing the bonds for the proposed new school in the Smiths Station area. Judge English advised that the Board of Education could issue the bonds themselves, however they would be limited in what resources they could pledge if they self-issued, but would not be so limited if the Commission would issue the bonds. Commissioner Lawrence asked that the Commission or the Board of Education put out an RFP for the bond issue. Commissioner Holt stated that the bonds were for the Board of Education, they would have to repay them and that the Commission should let them handle them the way they wanted. Judge English stated that the Board of Education could do what they wanted, because they will be responsible for the bond issue, not the Commission. Mr. Rendleman stated that if the Commission issues the bonds, then the Commission would own the building, but that the Board of Education would make lease payments to the County in the amount of the bond premiums and essentially pay for the building. This item was informational only, and no action was taken during the meeting.

County Engineer Neal Hall presented the following resolution concerning the HRRR Project for this year. Mr. Hall explained the process and the difference in the projects that were awarded last year and this year. Mr. Hall stated that only Lee County and 16 other counties were awarded funding this year. Commissioner Smith made a motion to authorize the Chairman to sign the following resolution, seconded by Commissioner Lawrence and unanimously carried.

**RESOLUTION**

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

Installation of Guardrail and Guardrail End Anchors to a portion of Lee Road 010 located between Lee Road 022 and Lee Road 023. Also, striping and signage to the section of roadway between Lee Road 022 and Lee Road 023.

Map located at the Lee County Highway Department.

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

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

Emergency Management Director Deedie Matthews presented the following mutual assistance agreement as a result of lessons learned after the hurricane in Enterprise last year. After discussion, Commissioner Lawrence made a motion to adopt the following South Alabama Mutual Assistance Agreement, seconded by Commissioner Harris and unanimously carried. The Agreement was signed by all members of the Commission.

**SOUTH ALABAMA MUTUAL ASSISTANCE AGREEMENT**

**I. PURPOSE**

To provide an understanding between and among the counties, towns and cities (“Political Entity”) of the South Alabama Mutual Assistance Compact in providing and receiving mutual aid as a result of fire, flood, storm, epidemic, technological failure or accident, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, explosion, terrorism, or man-made disaster, or other conditions (“Disasters”).

**II. AUTHORITIES AND REFERENCES**

- A. The basic authority for each county, town or city to enter into this Agreement is Code of Alabama, Title 31, Chapter 9, Sections 31-9-1 through 31-9-24, as amended (the “Alabama Emergency Management Act”) and more specifically Section 31-9-9.
- B. Provisions of this Agreement are based on the various sections and paragraphs of the Alabama Emergency Management Act.

**III. SCOPE**

This Agreement encompasses the area represented by the South Alabama Mutual Assistance Compact whose membership consists of the Emergency Management Directors of the counties listed on Appendix A, and an authorized representative of the city, town and county governing officials listed on Appendix B.

**IV. SITUATION**

Response to Disasters can exhaust all resources of a city, town, or county and deplete certain types of manpower, equipment, or supplies. When these conditions exist, the affected entity must rely on the next higher level of government, a neighboring entity, volunteer agencies, and/or the private sector for the necessary resources to save or sustain life, health, and property. Such assistance must be provided or received within the proper legal framework as outlined in the Alabama Emergency Management Act and with a clear understanding of the conditions under which such assistance is given or received.

**V. MUTUAL AID AGREEMENT**

**Article 1.** The purpose of this Agreement is to provide mutual aid among the parties to this Agreement in meeting any Disaster. The prompt, full, and effective utilization of the resources of the respective counties, towns or cities, including such resources that may be available from the state or federal governments or any other source, are essential to the safety, care and welfare of the people and property thereof in the event of a Disaster. All available resources including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid. The Emergency Management Directors of the respective county members shall be voting members of the South Alabama Mutual Assistance Compact. The voting members of the South Alabama Mutual Assistance Compact shall establish a committee to formulate plans and take all necessary steps for the implementation of this Agreement which shall be voted on by the voting members. All authorized representatives of the city, town, and county governing officials listed on Appendix B, as may be amended from time to time, shall be associate members and shall not be entitled to voting rights.

**Article 2.** It shall be the duty of each Political Entity that is a member of the South Alabama Mutual Assistance Compact to formulate plans and procedures for implementation of this Agreement including, but not limited to, the authorization of the County Emergency Management Director in their jurisdiction to deploy their resources and free exchange of information and plans, including inventories of personnel, materials, supplies, equipment and other resources available for carrying out provisions of this Agreement. Each participating Political Entity shall bear the risk of its own actions, as it does with its day to day operations, and determine for itself what kinds of insurance and, in what amounts, it should carry. Each assisting Political Entity shall be solely responsible for determining that its insurance is current and adequate prior to providing assistance under this Agreement.

**Article 3.** All mutual aid assistance should be requested by and through the county Emergency Management Agency in which the requesting Political Entity is located. Political Entities that deploy without having received a request may or may not be reimbursed for their expenses. Any party Political Entity requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2008**

by this Agreement in accordance with the terms hereof; provided, however, that the Political Entity rendering aid may withhold resources to the extent necessary to provide reasonable protection for such Political Entity. Each party to this Agreement shall extend to the Emergency Management employees of any assisting Political Entity, while operating within the requesting jurisdiction under the terms of this Agreement, the same powers, duties, rights, privileges and immunities as if they were performing their duties in the Political Entity in which normally employed or rendering services. Emergency Management forces will continue under the command and control of their normal leaders, but the organizational units will come under the operational control of Emergency Management authorities of the Political Entity receiving assistance.

**Article 4.** Wherever any person holds a license, certificate or other permit issued by any Political Entity evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party Political Entity to meet a Disaster, and such Political Entity shall give due recognition to such license, certificate or other permit as if issued in the Political Entity in which aid is rendered.

**Article 5.** Each Political Entity and each emergency management worker is granted immunity from liability for the death of or injury to persons, or for damages to property as a result of attempting to respond according to this Agreement as provided by law.

**Article 6.** Nothing herein contained shall preclude any party Political Entity from entering into supplementary agreements with any other Political Entity as otherwise provided by law.

**Article 7.** While assisting a requesting Political Entity, the assisting Political Entity shall continue to pay its employees according to its then prevailing ordinances, rules, and regulations. The requesting Political Entity shall from any available source, reimburse at a rate of 100% the assisting Political Entity for all direct and indirect payroll costs and expenses incurred in responding to the Disaster, including, but not limited to, employee pensions and benefits, and the pro rata portion of the cost for workers' compensation insurance, as determined by Generally Accepted Accounting Principles (GAAP). The requesting Political Entity is prohibited from granting reimbursement for overtime payroll costs; unless such compensation is in accordance with payroll policies previously established for normal day to day non-disaster activities of the assisting Political Entity. While providing services to the requesting Political Entity, employees of the assisting Political Entity shall remain as employees of their respective agency while responding to, or performing an emergency mutual aid function on behalf of the requesting Political Entity and until which time the emergency management worker is relieved of further emergency mutual aid responsibility by a duly authorized official.

**Article 8.** Each party Political Entity shall provide for the payment of compensation and death benefits to full-time employees of such Political Entity who are members of the Emergency Management forces of that Political Entity, and who sustain injuries or are killed while rendering aid pursuant to this Agreement, in the same manner and on the same terms as if the injury or death were sustained in the Political Entity where they are employed. Each party Political Entity agrees to furnish a copy of this Agreement to its workers' compensation insurance carrier.

**Article 9.** Any party Political Entity rendering aid in another Political Entity pursuant to this Agreement shall be reimbursed by the party Political Entity receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid and for the cost incurred in connection with such requests unless such damage is caused by gross negligence, willful and wanton misconduct, or intentional misuse of the assisting Political Entity's personnel.

**Article 10.** The assisting Political Entity shall be reimbursed for all materials and supplies used or damaged during the period of assistance unless such damage is caused by gross negligence, willful and wanton misconduct, or intentional misuse of the assisting Political Entity's personnel. The assisting Political Entity's personnel shall use reasonable care under the circumstances in the operation and control of all materials and supplies used by them during the period of assistance. The measure of reimbursement shall be determined in accordance with 44 CFR 206.228. In the alternative, the parties may agree that the requesting Political Entity will replace, with like kind and quality as determined by the assisting Political Entity, the materials and supplies used or damaged.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2008**

**Article 11.** This Agreement shall be operative immediately upon its ratification by any Political Entity as between it and any other Political Entity so ratifying. Ratification is indicated by the signature of the Chief Executive of the Political Entity and the Emergency Management Director of that respective jurisdiction after being approved by the governing body of the Political Entity. Duly authenticated copies of this Agreement will be deposited with each government entity ratifying this Agreement, the Emergency Management Agency represented by the entity, and the Alabama Emergency Management Agency.

**Article 12.** This Agreement shall continue in force and remain binding on each party Political Entity until the governing body of a Political Entity takes appropriate action to withdraw therefrom. Such action shall not be effective until notice thereof has been sent by the Chief Executive of the party Political Entity desiring to withdraw to Secretary of the South Alabama Mutual Assistance Compact.

**Article 13.** This Agreement shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this agreement is declared unconstitutional or unlawful, or the applicability thereof to any person, entity or circumstance is held invalid, the constitutionality or legality of the remainder of this Agreement and the applicability thereof to other persons, entities and circumstances shall not be affected thereby. Nothing contained in this Agreement shall be construed as a limitation on the powers of participating counties, towns or cities to enter into other agreements relating to emergency management in an emergency or impairing in any respect the force and effect thereof.

**VI. RATIFICATION**

This Agreement shall become binding and obligatory when it shall have been signed by the Chief Executive Officer (Mayor, Commission Chairperson, Probate Judge, etc.) of the participating county, town and/or city after approval by the governing body of the county, town and/or city authorizing such signature.

**Appendix A**

Autauga County Larry Davis, Director	Henry County Paul Brown, Director
Baldwin County Leigh Anne Ryals, Director	Houston County Clarke Matthews, Director
Barbour County Webster Hugh Boyd, Director	Lee County Deedie Matthews, Director
Butler County Bob Lumen, Director	Marengo County Kevin McKinney, Director
Choctaw County Jimmy Cowan, Director	Mobile County Walt Dickerson, Director
Clarke County Roy Waite, Director	Monroe County Billy Mims, Director
Coffee County John Tallas, Director	Montgomery County Steve Jones, Director
Conecuh County Heather Walton, Director	Perry County DeAndrea Kimbrough, Director
Covington County Kristi Stamnes, Director	Pike County Larry Davis, Director
Crenshaw County Jessica Tomlin, Director	Sumter County Margaret Bishop, Director
Dallas County Pam Cook, Director	Washington County Stewart Jackson, Director
Geneva County Margaret Mixon, Director	Wilcox County Joyce Williams, Director

**Appendix B**

Town of Orrville (Dallas County) Gene McHugh, Mayor
Town of Valley Grande (Dallas County) Tom Lee, Mayor

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 9, 2008**

County Attorney Stan Martin stated that no executive session was necessary as was anticipated when the agenda was printed.

Commissioner Lawrence encouraged all present to attend the homecoming of the 206<sup>th</sup> Transportation Group, Alabama National Guard, who will be returning home from their tour of duty in Iraq which will be held Saturday evening between 6:00–7:00 p.m. at Opelika City Hall.

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

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 30, 2008**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, June 30, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Harry Ennis and Annell Smith and John Andrew Harris. Absent: Commissioner Johnny Lawrence who was attending the Alabama City/County Management Conference in Point Clear, Alabama.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the June 6 and June 9 meetings, two listings of claims, first reading of the opening on the Lee County Recreation Board and the announcement of three openings on the East Alabama Health Care Authority Board. Judge English stated he had received a letter from EAMC which stated that two individuals on the Health Care Authority Board are eligible for reappointment. First reading on the appointment for the Lee County Recreation Board was given by Commissioner Harris of LaTarsha Buckhonon Billingsley, since the opening is in his district. The Chairman asked if there were any questions about the consent agenda items. Commissioner Holt made a motion to approve the consent agenda items, seconded by Commissioner Ennis and passed on a vote of 3-0-1, with Commissioner Smith abstaining since she was not present at the meetings for which minutes were being voted.

As stated in the pre-meeting, Judge English reported that the Attorney General's office had given an oral response to the question of whether the appointments to the Planning Commission had to live in the respective Commission districts or not. Judge English reported that they stated that their review showed no residence requirement in the bill for the appointees. Therefore, the appointee is not required to live in the Commissioner's district to be appointed.

After discussion in the pre-meeting, Commissioner Holt during the meeting stated that no action should be taken on the Chairmanship legislation at this time. Commissioner Holt stated that he wanted to wait and see what happens during the Special Session. Additionally, he stated he would like to include this for future discussion with the legislative delegation.

During the pre-meeting, Mr. Rendleman discussed the proposed Policy, Procedure, and Regulation Manual. During the meeting, Commissioner Smith made a motion to set a work session on the proposed manual for Monday, July 21 at 4:00 p.m. in the Commission chambers, seconded by Commissioner Harris and unanimously carried. Commissioner Smith questioned if any staff member could attend the work session. Mr. Rendleman stated in the affirmative, that any staff member who wanted to could attend.

Mr. Robert Sawyer questioned the reason that cats could no longer be picked up for him after he had trapped the animals with his cage. He stated that in the past the cats were picked up and his cage returned. Mr. Sawyer questioned why Lee County could not get a law passed to pick-up cats. During the pre-meeting, Environmental Services Director Jack Marshall stated that Alabama Code §3-1-5 only addresses dogs and farm animals, but not cats. Mr. Marshall stated that in addition to lacking statutory authority, his department does not have the manpower to pick up cats in the county nor does the Lee County Humane Society have space for additional cats. Upon further discussion, Commissioner Ennis stated he would like to ask County Attorney Stan Martin to look into the law and determine whether Lee County can or cannot pick-up cats. Commissioner Ennis additionally stated that the Commission could look at local legislation which would allow Lee County to pick-up cats. Judge English questioned Mr. Sawyer if the City of Smiths Station had passed an ordinance on cats. Mr. Sawyer stated no. Mr. Sawyer said he felt that the county is responsible for picking up animals in the county, not Smiths Station.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 30, 2008**

Mrs. Susan May appeared before the Commission asking that the Commission repay her for damages incurred to her vehicle when her daughter ran off Lee Road 82. Mrs. May requested that the county repay her \$769.11 for the replacement of two tires and two rims. Mrs. May stated that she had talked to County Engineer Neal Hall and had filed a claim with Meadowbrook Insurance Company which had been denied. Mrs. May stated that the road was deficient because it snatched her daughter off the roadway. In addition, Mrs. May said she had talked to the City of Auburn about the road. Mrs. May said that she wants folks to do the right thing and repay her for her damages and to fix the road. Mrs. May stated that the Lee County Highway Department had attempted to fill the potholes and repair the shoulders after she reported it, but she felt this was a temporary fix, the situation needed a permanent fix before someone is killed on Lee Road 82. Assistant County Engineer Justin Hardee stated that the Highway Department had sent the claim to Meadowbrook which is standard procedure. Mr. Hardee stated that the road was inspected once the report was made and the highway department took care of the necessary repairs as deemed necessary. Commissioner Ennis questioned if Mrs. May had filed a police report. Mrs. May stated she had not since it was a one vehicle accident. Commissioner Ennis then questioned the reason her daughter had run off the road. Mrs. May stated that a car was following her daughter too close and her daughter went to adjust her rearview mirror and then she stated "she got too close to the edge of the road and ran off the edge." Commissioner Harris stated that he worked at Yarbrough School and that a lot of people travel the road and safety is the number one concern of the Commission. Commissioner Harris stated that Mrs. May had a valid complaint. Judge English explained that the roads are inspected every year and that a grade is given to each road from worst to best and that the highway department spends the available road repair funds in that priority order. Mrs. May questioned what is her next step from here. County Attorney Stan Martin stated that she could file a verified claim with the Lee County Commission. Commissioner Harris stated that when she asked to be placed on the agenda, that makes it a claim. Mr. Martin stated that a verified claim is a statement which is notarized. County Administrator stated that he would talk with Meadowbrook and look into the matter further. Mrs. May stated that she called the county the day after the incident. Mr. Rendleman stated that Mrs. May had followed the necessary procedures and the decision would be up to the Commission to override the denial of the claim. Commissioner Harris stated that he would ask Mr. Rendleman to follow-up with Meadowbrook and report back at the next meeting.

During the pre-meeting, Mrs. Margaret Chadwick presented her case concerning a ticket for a public nuisance violation. Mrs. Chadwick stated that there she was not the only one in the county who had cars and other stuff in their yard and she felt that it was unfair that they had not been given a violation. Commissioner Harris stated that he felt the fine, which was over \$1,100, was excessive. Commissioner Harris stated that Mrs. Chadwick had been sick and her sons lived out of state. Mr. Marshall stated that the case was closed since the property had been sold. Additionally, he stated that there was a default judgment, not a fine, and that a lien had been placed on her property. Mrs. Chadwick stated that the fine was \$800 plus court fees. Commissioner Holt questioned Mr. Martin. Mr. Martin explained the history and stated that at one point he told Mrs. Chadwick that she could make payments to the Lee County Commission. Mrs. Chadwick again stated that if she should clean-up her property, then everyone should have to clean-up their property. Mr. Martin said that the closing attorney who handled the sale of Mrs. Chadwick's property was holding a check to Lee County for \$1,067.62. Upon discussion in the meeting, Commissioner Harris made a motion to waive ½ of the amount being held by the attorney for payment to the Commission, and the default judgment would be satisfied upon payment of \$533.50. The motion was seconded by Commissioner Ennis and unanimously carried.

Mr. David Williams again appeared before the Commission to make a statement about the Planning Commission makeup. He asked if there were any limit on real estate agents appointed. He also stated that the Commission should hold public hearings on each issue. He stated that Shelby County's Planning Commission was limited to one real estate agent and that Baldwin County's Planning Commission was limited that only 25% of the Commission could be real estate agents. Additionally, he questioned the tax referendum local bill and stated that the Resolution the Commission passed was different from the legislation that was introduced. Again, no comment was made nor action taken on Mr. Williams' comments.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 30, 2008**

Commissioner Harris moved the NACo Prescription Drug Plan to a future agenda for discussion and a possible work session on the matter. Mr. Rendleman presented a report during the pre-meeting that upon County Attorney Stan Martin's review of the 30 page contract, he had found that it contained two potential problems which were: administrative fees (if certain things occurred) and an exclusive agreement clause. Mr. Rendleman stated that if a contract contained an exclusive agreement then it would have to bid under Alabama law. Additionally, he stated that Governmental Relations Coordinator Wendy Swann had since received two other proposals from other companies on prescription drug plans.

County Administrator Roger Rendleman presented the bid results on the Auburn Satellite Office which were received on Wednesday, June 25. Mr. Rendleman stated that seven bids were received and the low bid was received from Whatley Construction of Opelika for \$1,655,964 which includes all four alternates, but is \$265,000 over budget. Mr. Rendleman stated that he would look at ways to reduce the cost of the project or to look at potential funding of the additional costs. One possible option would be to delete Alternate #1 which is for site work and let the highway department prepare the site. The item was moved to the next agenda.

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

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

## MINUTES OF THE LEE COUNTY COMMISSION, EMERGENCY MEETING, JUNE 6, 2008

The Lee County Commission convened in an emergency meeting at the Courthouse in Opelika, Alabama, Friday, June 6, 2008 at 4:00 p.m. Pursuant to §11-3-8(b), Code of Alabama, the Chairman called the emergency meeting at approximately 4:00 p.m. Wednesday, June 4, 2008, after a meeting in the County Attorney's office concerning an impending Sheriff's execution of judgment sale in a case in which Lee County is the judgment creditor. That meeting included Judge English, Stan Martin, Chris Bazzell, Roger Rendleman, Bobby Armstrong, Neal Hall and Jack Marshall.

The meeting was announced by the Chairman telephoning each of the members of the Commission and speaking with Commissioners Lawrence, Smith and Harris. He left messages for Commissioners Holt and Ennis. Commissioner Smith advised that she would be out of town, and Commissioner Ennis left a message in the Commission office on Friday morning that he would not be in attendance. The meeting notice was emailed to the members of the Commission and others who have requested such notification via email at approximately 5:15 p.m. on Wednesday, June 4, 2008, and was also posted on the Courthouse bulletin board. Commissioner Harris' email was the only one returned, indicated as "mailbox full", but he was reached by telephone.

At 4:00 p.m. on June 6, 2008, the Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt and Johnny Lawrence. Commissioner Harris arrived approximately 5 minutes later.

Others present at the meeting included County Administrator Roger Rendleman, County Engineer Neal Hall, Environmental Services Director Jack Marshall, Chief Appraiser Bobby Armstrong, County Attorney Stan Martin and an attorney from his office, Chris Bazzell. William White from the Opelika-Auburn News was also present.

Shortly after the discussion began, Commissioner Harris raised the issue of whether the emergency meeting was legal or not. He stated that this was not an emergency in his opinion. Judge English explained that the Sheriff's execution of judgment sale of the Mattie Hinkle property was going to occur at noon Monday, June 9, 2008, before the regularly scheduled Commission meeting and that the Commission needed to give County staff some direction as to the position they wanted the County to take at the sale, specifically whether they wanted the County to bid on the property or not, and if so, how much. He also indicated that no one from the County would bid at the sale unless given guidance to do so by the Commission. Commissioner Harris persisted in claiming that the meeting was not legal, and Judge English gave his opinion that any Commissioner who felt that the meeting was not legal should not remain in attendance. Judge English said that he declared this an emergency due to the timing of the Sheriff's sale, and Commissioner Harris said that in his opinion, things like the air conditioning going out were an emergency, but that this was not. County Attorney Stan Martin expressed his opinion that the meeting was an emergency and that he wanted Commissioner Harris' participation on this subject, since he and the entire Commission had been involved throughout the process. Commissioner Harris asked when we knew the date of the Sheriff's sale, and why this discussion could not have been on a regular Commission meeting agenda. Judge English replied that we legally had notice of the sale on the date the Judge signed the order. We did not have actual notice of the date of the sale, which was determined by the Sheriff, until Mr. Martin's office received an affidavit in the mail from the Opelika-Auburn News mailed May 20, 2008, proving the publication of the required legal advertisement. Judge English added further that we did not know the current condition of the property or the additional costs to clean the property up until Wednesday, June 4, 2008. In any event, Commissioner Harris remained in attendance throughout the meeting and participated in the discussion concerning the county's nuisance law, the Hinkle property and the impending Sheriff's sale. He did not raise the issue concerning the legitimacy of the meeting again until the call for the motion and vote.

**MINUTES OF THE LEE COUNTY COMMISSION, EMERGENCY MEETING, JUNE 6, 2008**

After a lengthy discussion by all members present, Commissioner Lawrence made a motion to authorize Commissioner Holt to attend the Sheriff's sale at noon Monday, June 9, 2008 as the agent for the County Commission, and authorized him to bid up to a maximum of \$15,000 to purchase the Hinkle property. The motion further stated that should Commissioner Holt fail to appear at the sale, County Attorney Stan Martin was authorized to act as the County's agent in his stead. The Chairman asked Commissioner Harris if he would second the motion, and the Commissioner declined. The motion was then seconded by Commissioner Holt and carried by a majority of those present and voting, with Commissioners Lawrence and Holt voting "Aye" and Commissioner Harris not speaking at all. When asked by Judge English how he was voting or whether he was abstaining, Commissioner Harris responded by stating that he was not abstaining, just that he was "just a spectator" and that "he wanted no part of this". There were no "Nay" votes. Commissioner Harris' vote was recorded as an abstention, with these minutes reflecting his objection.

With no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 5:30 p.m., seconded by Commissioner Holt, that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 14, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, July 14, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Harry Ennis and Annell Smith. Absent: Commissioner John Andrew Harris who was attending the NACo Annual Conference in Kansas City, Missouri.

Judge English reminded the Commission that the Lee County Planning Commission appointments were ready for first reading if the Commissioners were ready. Commissioner Holt stated that he would like to wait until the next meeting on the appointments, and the other Commissioners agreed.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the June 30 meeting and two listings of claims. The Chairman asked if there were any questions about the consent agenda items. Commissioner Ennis made a motion to approve the consent agenda items, seconded by Commissioner Smith and passed on a vote of 3-0-1, with Commissioner Lawrence abstaining since he was not present at the meeting for which minutes were being voted.

In the absence of Commissioner Harris, Commissioner Holt made a motion to approve the following Resolution on the second reading on the appointment for the Lee County Recreation Board of LaTarsha Buckhonon Billingsley, seconded by Commissioner Lawrence and unanimously carried.

**Be it Resolved**, that the Lee County Commission appoint LaTarsha Buckhonon Billingsley to the Lee County Recreation Board to fill the unexpired term of William “Bubba” Dupree beginning July 14, 2008 until October 14, 2011 for the District #5 appointment.

County Attorney Stan Martin presented a draft of a request to the Attorney General for an opinion on the issue of picking up stray cats. After much discussion in the pre-meeting, Commissioner Ennis during the meeting stated that no action should be taken to request an attorney general’s opinion on the animal control issue. Instead, Commissioner Ennis made a motion on the following Resolution to consider limited self-governance which would give the Commission authority to pick up cats in the unincorporated areas, seconded by Commissioner Lawrence and unanimously carried.

**RESOLUTION CALLING FOR REFERENDUM  
ON HEALTH AND SAFETY POWERS**

**WHEREAS**, during the 2005 Regular Session, the Alabama Legislature passed “The Limited Self-Governance Act” (*Code of Alabama 1975, § 11-3A-1 et seq.*), authorizing the county commission to exercise certain health and safety powers in the unincorporated areas of the county related to the abatement of weeds, the control of animals, the control of litter, the control of junkyards, and the abatement of noise nuisances, unsanitary sewage, or pollution upon approval of the qualified voters in the unincorporated areas of the county in a local referendum on the question of allowing the exercise of these powers; and

**WHEREAS**, a local referendum may be called for by the county commission upon resolution adopted by a majority of its members; and

**WHEREAS**, if *Code of Alabama 1975, § 11-3A-1 et seq.* becomes effective in the county by approval of a majority of the qualified electors in the unincorporated areas of the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 14, 2008**

county at a local referendum on the question, the county commission will be authorized to adopt ordinances on health and safety issues set out above; and

**WHEREAS**, the Lee County Commission believes that it is in the best interests of the county that the county commission be authorized to address some or all of the important health and safety issues set out in the Act; and

**WHEREAS**, the Lee County Commission desires to grant its citizens in the unincorporated areas of the county an opportunity to vote on whether to grant the county commission the authority to address these health and safety concerns within the unincorporated areas of the county; and

**WHEREAS**, based upon the foregoing, the Lee County Commission has adopted this resolution calling for a local referendum on this issue by a majority of the county commission.

**WHEREFORE BE IT RESOLVED BY THE LEE COUNTY COMMISSION**, that it does hereby call for a local referendum to be held during the general election on November 4, 2008 on the question of whether the health and safety powers authorized in *Code of Alabama 1975, § 11-3A-1 et seq.* shall be effective in Lee County.

**BE IT FURTHER RESOLVED** that copies of this resolution be immediately forwarded to the judge of probate and sheriff's office with instructions to include this local referendum on the ballot for the general election to be held on November 4, 2008.

Roger Rendleman presented a recommendation to the Commission that the Commission deny Mrs. May's claim for damage to her vehicle based on the facts that Meadowbrook Insurance denied the claim and that Mrs. May herself stated that her daughter ran off the road. Mrs. May rebutted by stating that she felt her claim was improperly denied. Mrs. May stated that the county knew that the road was deficient and that now the county was only putting a band-aid on the problem. Mrs. May threatened to sue the county for damages to her daughter's car. Mrs. May again stated that even though the county knows that Lee Road 82 is a deficient road, no action was taken on her claim. Commissioner Lawrence made a motion to follow Mr. Rendleman's recommendation and deny the claim made by Mrs. Susan May for \$769.11 for the replacement of two tires and two rims. The motion was seconded by Commissioner Holt and unanimously carried.

During the pre-meeting, there was much discussion on funding for the Auburn Satellite office, since the low bid leaves the project budget short by about \$540,000. Roger Rendleman presented several options for the Commission to consider. During the meeting, Commissioner Ennis made a motion to award the bid to Whatley Construction for \$1,626,829 which includes alternates #2 and #4 and omits alternates #1 and #3. The motion was seconded by Commissioner Smith and unanimously carried. Commissioner Ennis additionally made a motion to approve the following budget amendments for funding the project: 1) Reduce the south-end Justice Center remodel budget by \$172,000 and apply the funds to the Auburn Satellite office; 2) Increase the Fund 210 revenue budget to recognize additional interest in the amount of \$5,485 and adjust the budget for the Auburn Satellite office by the same amount; and 3) Recognize \$152,638 of received revenue in Fund 116, transfer said amount to Fund 210, and adjust the budget for the Auburn Satellite office in the same amount. The motion was seconded by Commissioner Smith and unanimously carried.

Judge English was presented an easement request from Alabama Power Company. After discussion, Commissioner Ennis made a motion to authorize the Chairman to make the change from Lee Road 288 to Lee Road 439 and sign the easement request, seconded by Commissioner Holt and unanimously carried.

Mr. Rendleman presented three educational reimbursement requests. The first two requests came from Corrections Officer Charolette Moore and one came from Revenue Taxpayer

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 14, 2008**

Services Representative Cheryl Whitlock, both of whom had presented all the necessary paperwork for pre-approval of the educational reimbursements, which have also been approved by the proper appointing authorities. Upon this request Commissioner Smith made a motion to pre-approve the educational reimbursements for Ms. Moore and Mrs. Whitlock, seconded by Commissioner Lawrence and unanimously carried.

Governmental Relations Coordinator Wendy Swann presented the Commission with a list of the 16 Comprehensive Plan proposals that have been submitted and indicated the 4 companies that she and Mr. Rendleman had both selected independently as good candidates for presentations. She recommended that the Commission hold work sessions for their top four companies to make proposals before the entire Commission. She said that a decision could then be made whether to interview other companies or not. Upon this recommendation, Commissioner Lawrence made a motion to invite the top four candidates to provide a 30 to 45 minute presentation beginning at noon before the regularly scheduled Commission meeting on July 28. The motion was seconded by Commissioner Ennis and unanimously carried.

Commissioner Lawrence reported on the EDAA Conference and the ACCMA Conference. Commissioner Lawrence stated that several interesting subjects were presented. His top interests were: developing a 311 call center for all governmental related questions; an A-Z guide of local government services; consideration of a four-day flex schedule to expand county services, and the use of the county buildings as exhibit halls for local artists. Commissioner Lawrence stated that he would like to discuss these items in detail at a later date.

Judge English encouraged everyone in attendance to vote tomorrow. He reminded everyone that the polls are open from 7:00 a.m. to 7:00 p.m. central time.

Judge English reminded the Commission of the upcoming work session on Monday, July 21 at 4:00 p.m. to discuss the Policy, Procedure and Regulation Manual.

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

Minutes approved:

\_\_\_\_\_

Chairman

\_\_\_\_\_

Commissioner, District 1

\_\_\_\_\_

Commissioner, District 2

\_\_\_\_\_

Commissioner, District 3

\_\_\_\_\_

Commissioner, District 4

\_\_\_\_\_

Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 28, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, July 28, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

During public comments, Mr. Vance Rutherford presented pictures of road-side spraying done by the County on Society Hill Road. Mr. Rutherford questioned the Commission about their policy of spraying the rights-of-way. Mr. Rutherford stated that he personally had requested that an area not be sprayed and his request had been obeyed until this year. Mr. Rutherford stated that the chemicals used kill the grass and the weeds and stated that unfortunately the weeds come back, but the grass does not. Commissioner Harris stated he had asked Mr. Rutherford to come before the Commission on this issue. Mr. Hall stated that he was currently reviewing the policy on spraying. Judge English stated that Mr. Hall had addressed this issue during the pre-meeting, but stated that grass mowing costs \$95,000 per cycle while spraying only costs about \$15,000. Mr. Rutherford asked that the county discontinue the spraying program, citing that more than money was involved.

Mr. David Williams questioned the 2006 litter law and the Planning Commission Resolution that was passed by Lee County. Mr. Williams questioned the difference between the Resolution and the Commissioners compliance with the Resolution. He also took issue with the Commissioners' appointments to the County Planning Commission. Judge English stated that the citizens' communications portion of the agenda was a period for citizens to make the Commission aware of certain subjects, not for citizens to require answers to their questions when they disagree with Commission actions.

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

County Engineer Neal Hall presented an update during the pre-meeting on grass mowing by the Lee County Highway Department. Mr. Hall stated that the last time the County paid a private vendor to do the grass mowing, it cost \$125,000 per cycle. After purchasing our own mowing equipment, last year it cost his department \$103,000 to mow the first cycle and this year the first cycle cost \$95,000. Mr. Hall stated that it appeared that the Highway Department was getting better at grass mowing, and was saving the County money. Commissioner Holt questioned the herbicide spraying on the county rights-of-way. Mr. Hall stated that his department sprays twice a year before the grass mowing crew begins a cycle of mowing. Mr. Hall stated that they were using Roundup Pro to kill weeds and Oust to retard grass growth. Mr. Hall stated that he and the Highway Superintendent had been talking recently about possibly mowing three times per year and doing away with the spraying program. Commissioner Holt stated that he had received complaints from individuals that keep their grass cut on the right-of-way, and stated that the spray kills everything where it is sprayed. Commissioner Holt stated that he told the individuals to place signs on the area that they did not want sprayed. Mr. Hall stated that he has instructed the crew to skip areas around streams or where the grass is maintained to the road, but that may not always be followed correctly.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the July 14 meeting, two listings of claims, first reading of some of the Lee County Planning Commission appointments, a restaurant retail liquor license for Max's in District 3 and a lounge retail liquor license for Osanippa Creek Lounge in District 4. The Chairman asked if there were any questions about the consent agenda items. Commissioner Smith made a motion to approve the consent agenda items and the following resolutions, seconded by Commissioner Lawrence and passed unanimously.

**BE IT RESOLVED**, that the Lee County Commission approve a Restaurant Retail Liquor License for **Max's** located at 5409 Summerville Road, Suites 1-3, Phenix City, Alabama.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 28, 2008**

**BE IT RESOLVED**, that the Lee County Commission approve the Lounge Retail Liquor License (Class 1) for **Osanippa Creek Lodge, Inc.** located at 1400 Lee Road 379, Valley, Alabama.

County Administrator Roger Rendleman made a presentation on the Policy, Procedure and Regulation Manual during the pre-meeting and questioned if the Commission wanted to review the remainder of the policies or move forward and adopt the manual during the meeting. Commissioner Holt asked if the Commission would defer this discussion until the end of the agenda, and see if they could conclude this item during the meeting or would need a worksession. There were no objections. During the regular meeting, Commissioner Lawrence made a motion to adopt the Policy, Procedure and Regulation Manual as amended at the previous worksession, with the only additional change being that a sentence in the Environmental Programs Section about uncovered haulage being a violation was removed. The motion was seconded by Commissioner Holt and unanimously carried.

Commissioner Harris asked that the agenda item concerning his report of the NACo Convention be moved to the next agenda. No objections were made to his request.

Judge English presented a letter from the City of Opelika asking for Commission support designating the Northeast Opelika Industrial Park as an AdvantageSite. The definition of an AdvantageSite is as follows: a voluntary industrial site preparedness program created in order to make the state more competitive for companies considering a location in Alabama. The AdvantageSite program requires that the community economic development organizations provide documentation specific to a proposed industrial site, including a set of standard data related to ownership/control, environmental and geotechnical conditions, as well as infrastructure status. Sites must also meet size, zoning and accessibility requirements. Commissioner Smith made a motion to authorize the Chairman to write a letter of support for the City of Opelika on this designation, seconded by Commissioner Lawrence and unanimously carried.

Mr. Hall presented a Resolution on the High Risk Road Rehabilitation (HRRR) Project on Lee Road 10. Commissioner Lawrence made a motion to authorize the Chairman to sign the following Resolution, seconded by Commissioner Ennis and unanimously carried.

**RESOLUTION**  
PROJECT NO. LCP 41-00-08  
FUNCTIONAL CLASSIFICATION NO. 09

**WHEREAS**, the Lee County Commission, 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:  
Installation of Guardrail and Guardrail End Anchors to a portion of Lee Road 010 located between Lee Road 022 and Lee Road 023. Also, striping and signage to the section of roadway between Lee Road 022 and Lee Road 023.  
Map located at the Lee County Highway Department.

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

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

Mr. Hall presented an agreement for the Federal Aid Bridge Project on Lee Road 252. Commissioner Smith made a motion to authorize the Chairman to sign the agreement, seconded by Commissioner Lawrence and unanimously carried.

**AGREEMENT**

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

**WITNESSETH**

**Whereas**, the State and County desire to cooperate in the construction of a 5 @ 45' span AASHTO girder bridge and approaches on CR252 @ Halawakee Creek. Bin No. 003868. Length – 0.256 miles. Proj #BRZ-4100(212), LCP 41-90-01. CPMS Ref#100050979;

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

A. The County will furnish all Right-of-Way for project without cost to the State or this Project.

B. The County will adjust and/or relocate all Utilities on the project without cost to the State or this project.

C. The County will make the survey, complete the plans and furnish all preliminary engineering for the project with County forces without cost to the State or this Project. The plans will be subject to the approval of the State and the project will be constructed in accordance with the plans approved by the State and the terms of this Agreement.

D. The County will furnish all construction engineering for the project with County forces or with a consultant selected by the State or with State forces as a part of the project cost.

E. The County will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Notice of Registration (NOR) (Code Chapter 335-6-12) for this project without cost to the State of this project. The County will be the permittee of record with ADEM for the permit. The contractor shall be a co-permittee with the County for the permit, and shall comply with all requirements of the permit. The County and the contractor will be responsible for compliance with the permit and the State will have no obligation regarding the permit. The County will furnish the State (Division) a copy of the permit prior to any work being performed by the contractor.

F. Funding for this Agreement is subject to availability of Federal Aid funds at the time of authorization. The State will not be liable for Federal Aid funds in any amount. Any deficiency in Federal Aid or overrun in construction costs will be borne by the County from County Federal Aid funds, if available, and from County funds. In the event of an underrun in construction costs, the amount of Federal Aid funds will be the amount stated below, or 80% of eligible costs, whichever is less.

G. The estimated cost of construction of this project payable by the parties is the amount set forth below:

FA Funds (2006)	\$370,500.53
FA Funds (2007)	488,395.47
County Funds	<u>214,724.00</u>
Total (Incl. E&I)	<u>\$1,073,620.00</u>

H. The State will be responsible for advertisement and receipt of bids, and the award of the Contract. Following the receipt of bids and prior to the award of the Contract, the State will invoice the County for its prorata share of the estimated cost as reflected by the bid of the successful bidder plus E&I, and the County will pay this amount to the State no later than 30 days after the date bids are opened.

I. The County will submit reimbursement invoices for work performed under the terms of this Agreement to the Alabama Department of Transportation within six (6) months after the completion and acceptance of the project. Any invoices submitted after this six (6) month period will not be eligible for payment.

J. The County will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, 2006 Edition, on this project and will ensure that alignment and grades on this project meet the standards of the Alabama Department of Transportation and the project will be built in accordance with the approved plans.

K. An audit report must be filed with the Department of Examiners of Public Accounts, upon receipt by the County, for any audit performed on this project in accordance with Act No. 94-414.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 28, 2008**

L. Upon completion and acceptance of this project, the County will maintain the project in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.

M. Exhibit M is available at the Lee County Highway Department.

N. Exhibit N is available at the Lee County Highway Department.

O. This agreement shall terminate on May 15, 2009, as to any work provided herein for which funding has not been authorized, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination. The County agrees that the State may unilaterally extend the time of the agreement.

**IN WITNESS WHEREOF**, the parties hereto have caused 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.

**RESOLUTION**

**Be it Resolved**, by the Lee County Commission of Lee County, Alabama that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

Construction of a 5 @ 45' span AASHTO girder bridge and approaches on CR252 @ Halawakee Creek. Bin No. 003868. Length – 0.256 miles. Proj #BRZ-4100(212), LCP 41-90-01. CPMS Ref#100050979;

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

**Be it Further Resolved**, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept of record by the County Clerk.

Mr. Rendleman presented change order #1 for the ballfield at the Lee County Park at Smiths Station. Mr. Rendleman stated that it was a deductive change order for \$22,845, offered by the contractor after some value engineering. Commissioner Ennis made a motion to authorize the deductive change order for \$22,845, seconded by Commissioner Holt and unanimously carried.

Mr. Rendleman presented the final Position Classification and Pay Plan for approval by the Commission. After much discussion in the pre-meeting concerning the participation of the employees in the new job descriptions, Commissioner Lawrence made a motion during the regular meeting to adopt the Position Classification and Pay Plan as presented, seconded by Commissioner Smith and unanimously carried. Mr. Rendleman expressed his appreciation and commended Mrs. Oas' efforts on this project to the Commission.

Commissioner Smith made a motion to add an item to the agenda on the transfer of a retail beer license in District 4, seconded by Commissioner Holt and unanimously carried. Commissioner Smith then made a motion to approve the following resolution, seconded by Commissioner Lawrence and unanimously carried.

**BE IT RESOLVED**, that the Lee County Commission approve the retail beer license for **Alice Faye's Grocery** located at 2028 Lee Road 166, Opelika, Alabama.

Commissioner Lawrence made a motion to add an item to the Agenda to set a work session on the selection of a vendor to provide the Comprehensive Plan document. The motion was seconded by Commissioner Smith and unanimously carried. After discussion, Commissioner Lawrence moved to set Monday August 11 at 3:00 p.m., prior to the regular meeting, to discuss the selection of a vendor to provide the County's Comprehensive Plan. The motion was seconded by Commissioner Smith and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 28, 2008**

Upon advice of County Attorney Stan Martin, Commissioner Smith made a motion at approximately 6:20 p.m. to recess into executive session concerning a matter of current litigation, seconded by Commissioner Lawrence and unanimously carried. Mr. Martin announced that the following needed to attend the executive session: County Administrator Roger Rendleman, County Engineer Neal Hall, Assistant Engineer Justin Hardee and Deputy Administrator Alice Hodge. Judge English stated that the executive session would last approximately one hour. No formal action would be expected to be taken by the Commission after the executive session.

Upon reconvening after the executive session, with no further business to come before the Commission, Commissioner Ennis made a motion at approximately 7:00 p.m., seconded by Commissioner Smith, that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 11, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 11, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

During public comments, Ms. Gerri Young appeared before the Commission representing the residents of Lee Road 393 who are once again asking that their road be paved. Ms. Young stated that the residents would like to believe in Commissioner Harris, but since they have had to take a detour route for six years, she would ask that the Commission as a body consider placing this road on the paving list and help the residents get the road paved. Commissioner Harris stated he had previously talked to Ms. Young and stated that he was currently trying to put his paving list together.

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

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the July 28 meeting, two listings of claims, first reading of two Lee County Planning Commission appointments, first reading of 2 reappointments and 1 new appointment to the East Alabama Health Care Authority Board, and a lounge retail liquor license for Circle W Bar & Grill in District 4. The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion to approve the consent agenda items and the following resolution, seconded by Commissioner Smith and passed unanimously.

**BE IT RESOLVED**, that the Lee County Commission approve the Lounge Retail Liquor License (Class 1) for **Circle W Bar & Grill** located at 13855 Lee Road 379, Valley, AL.

Commissioner Lawrence made a motion to approve the second reading on the following eight appointments to the Lee County Planning Commission, seconded by Commissioner Holt and unanimously carried.

District #1 - Dr. Bob Juster  
Kimberlee Harrison  
District #2 - Scotty Lett  
Beth Witten  
Chairman - Kevin Flannagan  
District #4 - Robert Ham  
District #5 - Christine Berry-Bradshaw  
Dr. Paulette Patterson Dilworth

After much discussion in the pre-meeting and during the work session prior to the meeting, Commissioner Holt made a motion during the meeting to select Goodwyn, Mills and Cawood as the vendor to develop the Comprehensive Plan for Lee County, at a cost not to exceed \$250,000, seconded by Commissioner Smith and upon vote taken passed on a 3-1-1 vote with Commissioners Holt, Lawrence and Smith voting "Yes", Commissioner Harris voting "No" and Commissioner Ennis abstaining.

Robert and Amanda Bass and Tim Stevens appeared before the Commission concerning flooding issues in Phase I of the Mallard Creek Subdivision. Mrs. Bass presented pictures of the recent flooding. Mrs. Bass stated that due to the torrential rains in the last four months several lots had almost flooded. Mr. Tim Stevens stated that he had lived in the subdivision for three years and had never encountered this problem until recently. Mr. Stevens felt that the drainage off Auburn Road and insufficient driveway drainage was the cause for the flooding, and possibly the building of Phase II in the subdivision was contributing to the problem. Mr. Hall stated that

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 11, 2008**

Lee County does maintain Mallard Creek Subdivision Phase I. Judge English questioned who had built the subdivision. Mr. Bass stated Bowden Construction, and he stated that he had tried to contact the builder but had gotten no response. Commissioner Harris questioned if Mr. Hall had looked at the situation. Mr. Hall stated that he would look into the situation. Mr. Stevens stated that he had seen county trucks out after the last rains and stated he saw the crew scrape the ditch and clean the culverts. Mr. Stevens stated that he had looked at the Corps of Engineers' Study and it appeared that the subdivision was in a flood zone and he had made several phone calls but had not gotten a response. Mr. Hall stated that the Highway Department had unclogged the pipes and created a ditch to help move the water. Mr. Stevens questioned Mr. Hall if other residents could be required to put in additional drains for each driveway. Mr. Hall stated that he had not looked into the driveway situation. Mr. Bass additionally stated that possibly the creek off Auburn Road was a contributor to the problem. Commissioner Holt requested that Mr. Hall look into the matter and report back to the Commission.

Commissioner Harris gave a report on his attendance at the NACo Convention held in Kansas City, Missouri. Mr. Harris stated that he met with the Alabama delegation and that road and bridges are their main concern. Commissioner Harris stated that the Commission should put pressure on Congress to fund road and bridge projects for Alabama counties. Additionally, he learned of the FCC signal conversion which will take place on February 17, 2009, which will change the television signal from analog to digital. Commissioner Harris announced that there is a toll free number a person can call for a \$30 coupon to be used to purchase a converter box. Commissioner Harris stated he was impressed with a vendor display of a solar powered compactor for recreational parks. Last, Commissioner Harris talked about a liquid material that can be used to keep dust down on county roads that the county may consider using on dirt roads until they can be paved.

During the pre-meeting, Commissioner Lawrence proposed a change to the Courthouse hours of operation to 8:00am until 6:00pm and to change employee work hours to a "flex-time" work schedule to facilitate the change. Commissioner Lawrence asked Mr. Rendleman and other department heads to look into the feasibility of the proposal and report back at the next meeting. Commissioner Lawrence also requested that the proposal be considered during the budget process.

Governmental Relations Coordinator Wendy Swann stated she had been contacted again this year concerning placing an ad in an upcoming edition of Business Alabama that would feature Lee County. Mrs. Swann stated that to place a ½ page color ad would cost \$1,611. The Commission purchased a ½ page color ad in the magazine last year. After discussion, Commissioner Holt made a motion to purchase a ½ page color ad at a cost of \$1,611, to be paid out of the Contingent Fund, seconded by Commissioner Ennis and unanimously carried.

EMA Director Deedie Matthews asked that the Commission authorize the Chairman to sign an agreement between EMA and the Emergency Response Training System (ERTS) for a disaster exercise. Commissioner Lawrence made a motion to authorize the Chairman to execute the agreement as presented, seconded by Commissioner Smith and unanimously carried.

**AGREEMENT FOR PROFESSIONAL SERVICES**

**THIS AGREEMENT** made this 10<sup>th</sup> day of July, 2008 by and between the Lee County Commission ("County") and Emergency Response Training Systems, LLC, ("Consultant").

**WITNESSETH:**

**WHEREAS**, the Consultant has an extensive background in emergency operations planning, response, recover, training, and exercising, Homeland Security Planning and Risk Assessments, Hazardous Materials, Emergency Planning, E-911 development, planning and implementation and based on this background, is capable of providing professional consulting

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 11, 2008**

services for conducting a training/exercise for the Lee County Commission, and

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

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

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

1. **DESCRIPTION OF SERVICES.** The Consultant will conduct one DOT Hazardous Materials Full Scale Exercise to include the following tasks:
  - a. Organize and meet with an exercise development committee consisting of local responders and city/county officials
  - b. Plan, conduct and evaluated exercise
  - c. Complete written After Action Report, to include recommendations for Improvement Plan
  - d. Specific Exercise Deliverables include:
    - Planning Conference Materials
    - Master Task Lists
    - Exercise Plan (EXPLAN)
    - Controller-Evaluator Handbook
    - Evaluation Plan including EEGs (may be included in C/E Handbook)
    - Master Scenario Events List (MSEL)
    - Exercise Executive Summary
    - Player Handbook or Fact Sheet
    - Participant Exercise Feedback Forms
2. **PAYMENT AND EXPENSES.** The County will pay a minimum fixed fee of \$18,206.00. This amount will be billed as follows: \$9,103.00 upon completion of the mid-planning conference and \$9,103.00 upon completion of all exercise deliverables/services listed above.
3. **TERM/TERMINATION.** This Agreement shall terminate automatically upon completion by the Consultant of the services required by this Agreement. The County may terminate the Consultant's services at any time by giving the Consultant written notice of termination by letter, fax, or email. Likewise, the Consultant may terminate this Agreement by giving written notice to the County. All charges incurred until time of termination will be paid to the Consultant.
4. **RELATIONSHIP OF PARTIES.** It is understood by the parties that the Consultant is an independent contractor with respect to the County, and not an employee of the county. The County will not provide fringe benefits, including health insurance benefits, paid vacation, or any other employee benefits, for the benefit of the Consultant.
5. **USE OF AGENTS OR ASSISTANTS.** To the extent reasonably necessary to enable the Consultant to perform the duties under this Agreement, the Consultant is authorized to engage the services of any agents or assistants that the Consultant may deem proper and further to employ, engage, or retain the services of such other persons, businesses, or corporations to aid or assist the Consultant in the proper performance of the duties. Such agents and assistants, if any, who perform services for the Lee County Commission and funded by the consultant under this Agreement shall also be bound by the provisions of this Agreement.
6. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement of the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties.
7. **AMENDMENT.** This agreement may be modified or amended if the amendment is made in writing and is signed by both parties.
8. **SEVERABILITY.** If any provisions of this agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of the agreement is invalid or unenforceable, but that by limiting such provision it would become valid and

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 11, 2008**

enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

9. **WAIVER OF CONTRACTUAL RIGHT.** The failure of either party to enforce any provision of the Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

10. **EFFECTIVE DATE.** This Agreement shall become effective upon its execution.

11. **APPLICABLE LAW.** The laws of the State of Alabama shall govern this Agreement.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the 11<sup>th</sup> day of August, 2008.

EMA Director Deedie Matthews presented the results of Bid #23 on a portable mortuary unit. Ms. Matthews stated that out of 22 bids sent out, seven bids were received and one no bid. On the truck portion of the bid, Ms. Matthews made a recommendation that the Commission accept the low bid from Ken Boggs Ford of Opelika, Alabama for \$40,484 on a 2009 Dodge truck. Ms. Matthews stated that the low bidder was not interested in providing the truck only, they were interested in the total package, but the bids specified in part or in whole. Commissioner Holt made a motion to accept the bid of Ken Boggs Ford for \$40,484, seconded by Commissioner Lawrence and unanimously carried.

On the trailer portion of Bid #23, Ms. Matthews made a recommendation that the Commission accept the low bid of Odyssey Automotive Specialties of Wharton, New Jersey for \$97,413. After the bid opening, the Commission office called Odyssey Automotive to get a clarification about the math in their bid. Odyssey had made a clerical error in their combined bid and asked if we could correct their combined bid price downward to \$93,165. Ms. Hodge replied that the bid would have to stand as submitted, but that their bid was the low bid. Commissioner Ennis made a motion to accept the bid from Odyssey Automotive Specialties for \$97,413 or less, seconded by Commissioner Holt and unanimously carried. Ms. Matthews stated that this was 100% funded by a Homeland Security Grant.

Commissioner Lawrence made a motion to add an item to the Agenda concerning the airport expansion project. The motion was seconded by Commissioner Holt and unanimously carried. Bill Hutto appeared before the Commission and presented drawings of the proposed terminal building which will be an approximately 26,000 square foot two-story building with an estimated cost of \$5.7 million. He stated that construction is expected to begin in January 2009 with completion in early 2010. The Commission had previously approved County participation in this project. Mr. Hutto asked that the Commission authorize the Chairman to sign the Memorandum of Agreement documenting the County's participation so they may proceed with the project. Mr. Hutto expressed his appreciation to the Commission for committing to this partnership. Commissioner Harris asked about the bond issue, and Judge English explained that Auburn University would be responsible for a bond issue of over \$93 million which incorporated the Airport project along with other items. Commissioner Lawrence made a motion to authorize the Chairman to sign the agreement as presented, seconded by Commissioner Smith and unanimously carried.

Judge English announced that a Candidate's Forum was being held tonight at 7:00 p.m. at the Opelika Middle School.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 11, 2008**

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

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 25, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 25, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During public comments, Mr. Barry Johnson and Mr. Demetrious Ligon, residents of Lee Road 722, appeared before the Commission asking that updates be done to this dirt road. Mr. Johnson stated that during the recent rains it was hard for residents to get in and out because of the condition of the road. Judge English explained that the Highway Department maintains the dirt roads in the county and that each Commissioner has the discretion as to what roads they chose to pave with their allotment of the approximately 10 miles paved a year. Commissioner Harris explained that the road was a private road, and the county does not maintain the dirt road. County Engineer Neal Hall confirmed that the county maintains the paved portion of Lee Road 722, but does not maintain the dirt portion. Commissioner Lawrence questioned if the county had the rights-of-way on the dirt portion of the road. Mr. Hall stated that he did not know at this time, but he would research the road and report his findings back to the Commission.

During the pre-meeting, County Administrator Roger Rendleman updated the Commission on the employee survey that was requested at the last meeting. Mr. Rendleman commended Human Resource/Safety Manger Kim Oas and Governmental Relations Coordinator Wendy Swann on their work in preparing the survey and reviewing the results. Mr. Rendleman stated that 147 surveys were returned out of 167 surveys sent out, or an 88% return, which he thought was good. Mr. Rendleman stated that there had not been enough time for the results to be ready to discuss yet. He stated that a full report would be ready for the next meeting. Mr. Rendleman stated that the comments were interesting, and that some ideas presented may be helpful in looking at ways to improve access to the Courthouse with the least cost.

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

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the August 11 meeting, two listings of claims, first reading of an appointment to the Lee County Planning Commission, and the announcement of board openings on the Lee County E911 Board, the Cemetery Preservation Committee and the Horseshoe Bend Regional Library Board. The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence asked to make a change to the minutes of the August 11 meeting as sent out. Upon discussion, Judge English moved the minutes of the meeting of August 11 from the consent agenda to new business. Commissioner Smith made a motion to approve the remaining consent agenda items, seconded by Commissioner Lawrence and carried unanimously.

Commissioner Ennis made a motion to approve the following Resolution on the second reading of Mr. Jason Flowers and Mr. Adam Littleton to the Lee County Planning Commission, seconded by Commissioner Smith and unanimously carried.

**BE IT RESOLVED**, that the Lee County Commission appoint Mr. Jason Flowers and Mr. Adam Littleton to the Lee County Planning Commission to serve a four-year term.

Second reading was made to the East Alabama Health Care Authority board for the reappointment of Mr. Ken McKemie and Dr. Paul Waddy and a new appointment of Mr. Bob Dumas to replace E. L. Spencer, Jr. who is not eligible for reappointment. Commissioner Lawrence made a motion to adopt the following resolution, seconded by Commissioner Holt and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 25, 2008**

**BE IT RESOLVED**, that Lee County Commission hereby reappoints Dr. Paul Waddy and Mr. Ken McKemie and appoints Mr. Bob Dumas to the East Alabama Health Care Authority Board to serve six-year terms beginning October 1, 2008 and ending September 30, 2014.

Lee-Russell Council of Governments Representative Lisa Sandt asked that the Commission write a letter to Mayor Dellinger of Smiths Station showing the Commission's support for a walking trail at the Lee County Park at Smiths Station for which the City was applying. Commissioner Ennis made a motion to authorize the Chairman to send a letter supporting the walking trail, seconded by Commissioner Harris and unanimously carried.

After much discussion on dirt road paving allocations, and the changes in policies over time related to the carrying-over or other use of those unused paving funds, Commissioner Lawrence made a motion to carry-over his unused dirt road paving money in the approximate amount of \$23,000 from this year to the FY2008-2009 Budget. The motion was seconded by Commissioner Smith for discussion. Commissioner Holt questioned the availability of those unused dirt road paving funds for other projects. Commissioner Ennis questioned Neal Hall concerning a change in previous policy related to the carrying over of those funds. After further discussion, Commissioner Ennis called for the question, seconded by Commissioner Smith and unanimously carried to end debate and vote the motion under consideration. Judge English immediately read the motion and called for a vote. After vote, the motion carried unanimously.

During the pre-meeting, Dr. Will Vanoy of The Alabama Aquarium made a Power-Point presentation on a proposed aquarium project to be located in Lee County. Dr. Vanoy stated that an aquarium of this magnitude would be beneficial to the area, not only being a tourism attraction, but an educational facility as well. Dr. Vanoy stated that by associating with Auburn University, the facility would focus on education, research and conservation. Additionally, he stated that there will be exhibits, an amphitheatre, a gift shop, a restaurant and a cafe along with the aquarium. Commissioner Harris questioned whether the partnership with the University would restrict public access to the facility. Auburn University Dean of Agriculture Dr. Richard Guthrie stated that the University is a public University and therefore the facility would be open to the public. Dr. Vanoy stated that the facility would be operated by a non-profit, private organization and that any excess proceeds would go back into the facility. He stated that they hoped corporate sponsors would become big supporters. Commissioner Lawrence requested that the Commission consider partnering with Auburn University and the City of Auburn to conduct a feasibility study for The Alabama Aquarium project. Commissioner Lawrence proposed that the cost of \$75,000 be shared among the three agencies. Upon discussion, Judge English questioned whether anyone had contacted the City of Opelika for them to partner on the project as well. Dr. Guthrie stated that the property would be adjacent to the City of Opelika and that they had not been approached, but that he was willing to contact the City of Opelika concerning participation in the project. No action was taken by the Commission, and Commissioner Lawrence stated that he would like to include this for consideration in the upcoming budget discussions.

Mr. Rendleman stated each Commissioner should have received in their packet a letter from the Retirement Systems of Alabama concerning a one-time lump sum payment of \$1.00 per month for each year of service for retirees who have retired prior to October 1, 2008. Mr. Rendleman stated that the Commission would have to submit a Resolution by December 1 to the Retirement Systems if the Commission wanted to grant the one-time lump sum payment. Commissioners Lawrence and Holt asked that this item be included in budget discussions. No action was taken by the Commission at this time.

Mr. Rendleman explained that several problems had been uncovered in the renovation project on the south-end of the Justice Center which were not included in the contract and too large to be paid for with the original \$10,000 contingency budget. He stated that these would require approximately \$20,000 additional. Mr. Rendleman requested that the project budget be amended to include a \$40,000 contingency allowance in order to fix these problems and be

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 25, 2008**

prepared to deal with any additional issues that might arise. Mr. Rendleman stated that since the bid came in way under budget, the money is available and already budgeted for this project. Commissioner Smith made a motion to allow for a \$40,000 contingency allowance on the south-end remodel of the Justice Center, seconded by Commissioner Lawrence and unanimously carried.

Mr. Rendleman requested that since it was budget time again, he would ask that the Commission set some days aside for budget work sessions. Upon his request, Commissioner Smith made a motion to set Tuesday, September 2<sup>nd</sup>, Tuesday, September 9<sup>th</sup>, and Tuesday-Thursday, September 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup>, at 2:30 p.m. for budget work sessions to discuss the upcoming FY2008-2009 budget. The Commission agreed that the last three sessions would be contingent upon need for same. These meetings are to be held in the Commission chambers. The motion was seconded by Commissioner Lawrence and unanimously carried.

The minutes of the August 11 meeting that were moved from the consent agenda were discussed under new business. Commissioner Lawrence made a motion to change the draft wording from "*Commissioner Lawrence asked Mr. Rendleman and other department heads to look into the feasibility of the proposal and report back at the next meeting*". to "*The Commission asked Mr. Rendleman and other department heads to look into the feasibility of the proposal and report back at the next meeting*". The motion was seconded by Commissioner Holt and unanimously carried.

Commissioner Lawrence made a motion to add an item to the agenda, seconded by Commissioner Holt and unanimously carried. Commissioner Lawrence gave an update on his recent trip to the ACCA Annual Convention held in Orange Beach, Alabama on August 19-22. Commissioner Lawrence stated that discussion on Juvenile Justice reform was a hot topic. Next he stated that there was an interesting video on Constitutional Reform. In addition, Todd Strange and Neal Wade discussed the pros and cons of tax abatements. Commissioner Lawrence thanked the other Commissioners for their support in allowing him to attend the convention.

Commissioner Harris also gave a report on his attendance at the ACCA conference. Commissioner Harris stated that he was impressed with the Clarke County Commission who had provided more revenue for their county by implementing their own cable company. He stated that perhaps Lee County could look into this in the future for a revenue stream. Commissioner Ennis asked about the nature of the cable franchise that Charter Communications has from Lee County. He indicated that AT&T has proposed to offer cable service to some residents in the southeastern corner of the county, depending on whether the Commission has or can give them the authority to do so. Commissioner Ennis agreed to follow-up and report back to the Commission.

Before the Commission went into executive session, Commissioner Lawrence thanked Ms. Deedie Matthews and her staff for their hard work during the past few days with the recent warnings and watches being issued from Hurricane Fay.

Upon advice of County Attorney Stan Martin, Commissioner Lawrence made a motion at approximately 7:15 p.m. to recess into executive session concerning a matter of current litigation, seconded by Commissioner Ennis and unanimously carried. Mr. Martin identified that the following needed to attend the executive session: County Administrator Roger Rendleman, County Engineer Neal Hall, and Assistant Engineer Justin Hardee. Judge English stated that the executive session would last approximately one hour or less. No formal action would be expected to be taken by the Commission after the executive session.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 25, 2008**

At the conclusion of the executive session, with no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 8:00 p.m., seconded by Commissioner Smith, that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 8, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 8, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

During staff reports, Judge English congratulated Ms. Deedie Matthews and her staff on the letter he had received from Mr. Jim Walker of the Department of Homeland Security commending Lee County EMA on a recent review of the grant program for fiscal years 2003-2007 and their superior rating. Ms. Matthews wanted to publicly thank her staff for the hard work they put into the grant program.

During the pre-meeting, County Administrator Roger Rendleman gave an update on the employee surveys on extending the Courthouse hours. Mr. Rendleman reported that the results were all over the map, but that the majority of the responders were opposed to making any changes. Additionally, Mr. Rendleman commended Mrs. Kim Oas and Mrs. Wendy Swann for their work on compiling the surveys. Commissioner Ennis stated that any changes would cost the county more money, and as Mr. Rendleman has stated there is no extra money this year, therefore, he would suggest putting this idea aside for the time being.

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

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the August 25 meeting, two listings of claims, an updated listing of claims for payment, a lounge retail liquor license for T-N-T's Tiki Tavern located in District #4, and a proposal to move the meeting of November 10 to November 12, since the Code requires the first Commission meeting to be one week after an election, and that day falls on Veteran's Day. The Chairman asked if there were any questions about the consent agenda items. Commissioner Lawrence made a motion to approve the following resolution and the consent agenda items as received, seconded by Commissioner Smith and carried unanimously.

**BE IT RESOLVED**, that the Lee County Commission approve the lounge retail liquor license for T-N-T's Tiki Tavern located at 8018 Lee Road 379, Salem, Alabama.

Under old business, second reading was made to the Lee County Planning Commission of Mr. Hugh Dicks. Commissioner Smith made a motion to adopt the following resolution, seconded by Commissioner Lawrence and unanimously carried.

**BE IT RESOLVED**, that Lee County Commission hereby appoints Mr. Hugh Dicks to the Lee County Planning Commission.

During the pre-meeting, Mr. Gary Duncan presented pictures of a right-of-way problem on Lee Road 313. The pictures depicted a utility pole located behind a locked fence. Mr. Duncan stated that the last time the power went off the power company had to wait on the property owner to allow them access to the power pole before they could restore power to the area. Mr. Duncan stated that due to the right-of-way being on that side of the road, he would ask that the Commission write a letter to the property owner asking the property owner to relocate his fence off the county right-of-way. Mr. Hall stated he had written a letter to property owner, but the letter had been returned undeliverable. During the meeting, Commissioner Ennis stated that he would visit the property owner about the situation. No action was taken by the Commission.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 8, 2008**

Since all the members of the Lee County Planning Commission have officially been appointed, Judge English stated that the next step in the process would be to set a date for an organizational meeting of the Planning Commission. Mrs. Swann had previously contacted each member and each had indicated their preference or availability on meeting times. After discussion, Commissioner Lawrence made a motion to set Monday, October 13 at 6:30 p.m. at the Lee County EMA building for the Lee County Planning Commission's organizational meeting. The motion was seconded by Commissioner Smith. Ms. Matthews stated that a conference room would be available for the Planning Commission meeting.

Lee County School Superintendent Dr. Stephen Nowlin and Bob Young of The Frazer Lanier Company were in attendance to address any questions concerning the bond issue for the Lee County Board of Education. Commissioner Smith made a motion to approve the following resolution, seconded by Commissioner Ennis and unanimously carried.

**BE IT RESOLVED**, by Lee County (the "County") that

(i) the Judge of Probate, as Chairman of the County Commission, is hereby authorized to sign a Warrant Purchase Agreement between the County and The Frazer Lanier Company Incorporated, with respect to the issuance by the County of approximately \$30,000,000 Lee County, Alabama, Limited Obligation School Warrants, Series 2008 (the "Warrants"). The Warrant Purchase Agreement shall contain, among other things, the principal amount of Warrants to be issued, the maturity schedule, the interest rates, call provisions and ratings, and

(ii) the Warrants will not constitute an indebtedness of, or give rise to, a pecuniary liability or charge against the general credit or taxing powers of Lee County,

(iii) the Lee County Board of Education is responsible for all expenses related to the issuance of the Warrants.

(iv) the Chairman shall sign the Warrant Purchase Agreement after it is signed by the Superintendent of the Lee County Board of Education.

County Administrator Roger Rendleman made a request for two budget amendments. Mr. Rendleman requested to amend the RRR Fund budget by \$411,000 and to transfer those funds to the Gasoline Tax Fund budget, which would be in compliance with Code of Alabama, 1975, Title 11, Chapter 8, Section 3. These amendments are necessary due to two special projects that were funded out of the Gasoline Tax Fund and the rapid run-up on fuel costs and materials cost through-out the budget year. Mr. Rendleman stated that in the past, the Gasoline Tax Fund was able to absorb these costs or the costs were reimbursed. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Harris and unanimously carried that the budget amendments be approved as presented.

County Engineer Neal Hall requested that the Commission accept Yorktown Subdivision for county maintenance. The owner of the subdivision completed the one-year maintenance to the satisfaction of the Highway Department. Commissioner Ennis made a motion, seconded by Commissioner Smith and unanimously carried, to accept Yorktown Subdivision for county maintenance, which includes Lee Roads 2137, 2138, 2139, 2140, 2141, 2142, 2143 and 2144.

Environmental Services Director Jack Marshall presented a proposal from Engineering Service Associates, Inc. for engineering services to assist the City of Auburn, City of Opelika, City of Valley, Auburn University and Lee County with procurement for solid waste services at a cost of \$41,882.40 or \$8,375.36 per entity. Mr. Marshall asked the Commission for approval for ESA, Inc. to proceed. Upon discussion, Commissioner Lawrence made a motion for Mr. Marshall to try to negotiate the price of services with ESA, Inc., seconded by Commissioner Ennis and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 8, 2008**

Upon advice of County Attorney Stan Martin, Commissioner Lawrence made a motion at approximately 6:20 p.m. to recess into executive session concerning a matter of current litigation, seconded by Commissioner Smith and unanimously carried. Mr. Martin identified that the following needed to attend the executive session: County Administrator Roger Rendleman, County Engineer Neal Hall, and Assistant Engineer Justin Hardee. Judge English stated that the executive session would last approximately thirty minutes or less. No formal action would be expected to be taken by the Commission after the executive session.

At the conclusion of the executive session, with no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 6:40 p.m., seconded by Commissioner Smith, that the meeting be adjourned.

Judge English reminded the Commission of the upcoming budget work session scheduled for Tuesday, September 9 at 2:30 p.m. in the Commission chambers.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 29, 2008**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, September 29, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

During comments from citizens, Lee County Red Cross Representative Beth Whitten thanked the Commission for their past support of the Lee County Red Cross. Ms. Whitten again asked the Commission for their continued support by passing the budget during the meeting.

Commissioner Harris thanked Ms. Whitten for the work that the Lee County Red Cross performs for the people of Lee County. Additionally, he thanked Ms. Whitten for their assistance to the victims of the recent hurricane.

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

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the September 8 meeting, two listings of claims, an updated listing of claims for payment, report on annual maintenance bids #24-#28 and #30-#35 (as follows), a retail beer license for Kiser's Backroad Grocery located in District #4, an announcement of various board openings, and first reading of the Lee County E-911 Board on the reappointment of Tommy Mangham and Mary Henry, and the reappointment of Iris Batchelor to the Horseshoe Bend Regional Library, and reappointment of the Lee County Cemetery Preservation Committee. The Chairman asked if there were any questions about the consent agenda items as presented. Commissioner Holt asked that the first reading of the reappointment of the members of the Lee County Cemetery Preservation Committee be taken off the Consent Agenda and placed under New Business. Commissioner Lawrence made a motion to approve the following resolution and the remaining consent agenda items as received, seconded by Commissioner Smith and carried unanimously.

**BE IT RESOLVED**, that the Lee County Commission approve the retail beer license for Kiser's Backroad Grocery located at 2683 Lee Road 158, Opelika, Alabama.

Highway Department: Maintenance Bids FY 2008-2009

Bid No. 24 – Grader Blades

Recommendation: Accept low bid of Thompson Tractor, Opelika, AL

Bid No. 25 – Herbicide Treatment

Recommendation: Accept low bid of UAP Distribution, Auburn, AL

Bid No. 26 – Ready Mix Concrete

No Recommendation/No Bids Received

Bid No. 27 – Corrugated Metal Pipe & Bands

Recommendation: Accept low bid of Contech Construction Products, Pinellas Park, FL

Bid No. 28 – Permanent Traffic Stripe

No Recommendation/No Bids Received

Bid No. 30 – Sign Material & Sign Post

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

Bid No. 31 – Silt Fence

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

Bid No. 32 – Guardrail

Recommendation: Accept sole bid of C & H Construction, LLC, Daphne, AL

Bid No. 33 – Maintenance Stone

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

Bid No. 34 – Concrete Pipe

Recommendation: Accept low bid of Vellano Brothers, Inc., Montgomery, AL

Bid No. 35 – Retread Tires Cap/Casing Cap Only

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 29, 2008**

**Bid Extensions:**

**Bid #33-Regular Unleaded Gasoline & Low Sulfur #2 Diesel Fuel**

- R. K. Allen, Talladega, AL (FY 07/08)

Recommendation: Extend 1-year

**Bid #34-BCCM Bituminous Coated Corrugated Metal Pipe**

- Harvey Culvert, Cleveland, AL (FY 06/07)

Recommendation: Extend 1-year

**Bid #35-Virgin Tire Filler** – McGriff Tire, Montgomery, AL (FY 07/08)

Recommendation: Extend 1-year

**Bid #36-Bituminous Treatment & Temporary Traffic Strip**

- East Alabama Paving, Opelika, AL (FY 07/08)

Recommendation: Extend 1-year

**Bid #38-Seeding & Mulching & Bales of Hay Grass**

- Parker Grassing, Opelika, AL (FY 06/07)

Recommendation: Extend 1-year

**Bid #39-CRS (Liquid Asphalt)** – Vulcan Refining Co, Cordova, AL (FY 06/07)

Recommendation: Extend 1-year

\*New tires and tubes will be purchased from the State Bid List.

Under old business, Environmental Services Director Jack Marshall stated that as requested in the last meeting, the ESA cost proposal had been renegotiated and reduced from \$8,375.36 to \$6,695. Mr. Marshall stated that the reason of the lower cost last time was due to the fact that Lee County came into the negotiations at a later date and most of the cost had been incurred by the Cities of Auburn and Opelika. Now Lee County is in at the beginning of the process, therefore the costs are divided equally among the participating entities. Additionally, Mr. Marshall stated that Opelika had joined along with the City of Auburn and Auburn University. Judge English encouraged the Commission to enter into the agreement with ESA. Commissioner Holt questioned the scope of work. Judge English stated that ESA would produce the bid package from beginning to end and that ESA would attend the public hearing and defend Lee County if any issues arise. Additionally, Judge English stated that our current contract with Waste Away Group, Inc. ends in February. Mr. Marshall stated that this agreement has an extension clause. After discussion, Commissioner Smith made a motion to authorize the Chairman to sign the agreement for \$6,695 with ESA, seconded by Commissioner Holt and unanimously carried.

Judge English stated that due to the next regular Commission meeting falling on Columbus Day, a county holiday, the Commission should reschedule the organizational meeting of the Lee County Planning Commission from October 13 to October 14. Upon this clarification, Commissioner Lawrence made a motion to change the organizational meeting date of October 13 to October 14 at 6:30 p.m. at the Lee County Emergency Management Agency building. The motion was seconded by Commissioner Smith and unanimously carried.

Commissioner Ennis made a motion to add an agenda item concerning Lee Road 313, seconded by Commissioner Holt and unanimously carried to add the item to the agenda. Commissioner Ennis had stated at the last meeting that he would talk to the owner whose fence was in question concerning the installation of a water line along Lee Road 313. Further, Commissioner Ennis reported that he had talked to Mr. Wayne Bell, the owner of the fence and felt the issue had been reconciled. Commissioner Ennis received a signed statement between Mr. Bell and the Phenix City Department of Utilities stating that the fence may remain without affecting the water line installation along Lee Road 313. Commissioner Ennis made a motion that the county take no formal action in regard to Mr. Duncan's request made at the meeting on September 9 concerning the right-of-way encroachment on Lee Road 313. The motion was seconded by Commissioner Lawrence and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 29, 2008**

Upon recent news that Martin Marietta had requested a water quality permit to open a new quarry west of Loachapoka, Commissioner Holt proposed a Resolution to ADEM requesting a public hearing in Lee County on the quarry permit application. The motion was seconded by Commissioner Lawrence and unanimously carried. *(The Chairman received telephone notification and written confirmation on September 30, the morning following the meeting, that Martin Marietta had withdrawn their permit request from ADEM, therefore, no Resolution was actually submitted to ADEM.)*

Mrs. Rita Grub thanked the Commission for passing the Resolution to request a public hearing in Lee County. Mrs. Grub also expressed her concerns about Lee Road 64. Mrs. Grub stated that she had heard that if Martin Marietta was granted a permit, then they would want to close Lee Road 64. Mrs. Grub questioned whether anyone had contacted Commissioner Holt on closing the road. Commissioner Holt stated that nobody as of this date had contacted him and asked for the road to be closed. Mrs. Grub stated that Martin Marietta had closed a road in the City of Auburn near the quarry. Judge English clarified and stated that the road in Auburn had been closed by condemnation proceedings, not by Martin Marietta. Mrs. Grub also requested that the Commission issue another Resolution against this quarry if Martin Marietta is granted a permit in this area. No further action was taken by the Commission.

Also in attendance on the quarry issue, Mrs. Maggie Lawrence, President of the Lee County Master Gardener's Association, thanked the Commission for passing the Resolution in support of a public hearing in Lee County. Additionally, Mrs. Lawrence wanted to note that the Master Gardener's Association is concerned about water and air quality if a quarry is issued a permit to operate at this location. Mr. Corley has a vegetable garden that has been nationally recognized near this location.

The next agenda item for a residential solid waste collection service has been moved to the next agenda at the request of Mr. Charles Linton, who was unable to attend tonight's meeting.

County Engineer Neal Hall informed the Commission that the owner of Sweet Magnolia Subdivision, located in District 3, had completed the required one-year maintenance and the road had satisfactorily met inspection. Mr. Hall recommended that the Commission accept Lee Road 115 in this subdivision for permanent maintenance by the Highway Department. Upon this recommendation, Commissioner Ennis made a motion to accept Sweet Magnolia Subdivision, Lee Road 115, for permanent maintenance, seconded by Commissioner Holt and unanimously carried.

Mr. Hall stated that during the recent fuel shortage, R. K. Allen, the low bidder, could not get fuel from their supplier, and Mr. Hall had to purchase fuel from an alternative source. He asked for approval from the Commission for the purchase. Mr. Hall stated that Highway and Solid Waste had no fuel to run the fleet, therefore, he felt the emergency purchase was necessary. Upon this explanation, Commissioner Ennis made a motion to approve the recent emergency fuel purchase, seconded by Commissioner Smith and unanimously carried.

County Administrator Roger Rendleman presented a lease agreement with the City of Smith Station for the Lee County Park at Smiths Station. The City of Smiths Station requested the lease agreement for insurance and audit purposes, to show that they have a vested interest in the park. Mayor Dellinger asked the Commission for permission to explore alternate opportunities to replace the septic holding tank currently in use at the park. The Mayor also asked the Commission for permission to install batting cages and a basketball court at the park. Commissioner Ennis made a motion to approve the proposed improvements and authorize the Chairman to sign the lease agreement, seconded by Commissioner Holt and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 29, 2008**

County Administrator Roger Rendleman presented a proposed \$35.5 Million budget for FY 2008-2009 for Commission consideration. The budget contains a 3% cost-of-living adjustment for eligible employees, a one-time lump sum for retirees, and a 3% salary increase for the Lee County Coroner.

**Fiscal Year 2008-2009  
Budget**

<u>Commission Funds</u>	<u>Carryover*</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Operating Transfers In / (Out)</u>	<u>Increase/ (Decrease)</u>	
General Fund	750,000	18,416,200	18,717,083	(449,117)		0
Gasoline Tax Fund	531,508	1,970,000	6,949,270	446,000	(4,001,762)	
Public Building Road and Bridge Fund	0	4,471,250	128,000	(599,488)	3,743,762	
Public Highway and Traffic Fund	70,000	376,000		(446,000)	0	
RRR Gasoline Tax Fund	798,492	2,691,150	3,273,017	(381,625)	(165,000)	
Environmental Services Fund	560,000	2,437,210	2,997,210			0
Emergency Management Agency (EMA) Funds	68,000	277,403	536,520	191,117		0
Reappraisal Fund	100,000	972,996	1,072,996			0
Capital Improvement Fund	61,500	333,200	100,000	0	294,700	##
1998 Debt Service			381,625	381,625		0
2004 Debt Service		758,210	1,357,698	599,488		0
<b>Total County Commission Funds:</b>	<b>2,939,500</b>	<b>32,703,619</b>	<b>35,513,419</b>	<b>(258,000)</b>	<b>(128,300)</b>	

\* = Funds carried over from prior year. These are attributed to Officials and department heads operating consistently within their budgets and/or budgeted projects which were not completed in the 2008 Fiscal Year. Carryover is utilized for one time projects or capital purchases; since, these funds are not ongoing revenues. Although the budget is **\$35.5** million, Lee County's financial capability of funding ongoing annual operations is **\$32.7** million for Fiscal Year 2009.

##= Funds designated for a Capital/Infrastructure Program. (Contingent on actual revenues for 2009 Fiscal Year.)

Commissioner Lawrence raised a concern that funding \$25,000 to the Alabama Aquarium for a feasibility study was not included in the proposed budget, and asked Sheriff Jones if he could delay hiring his new positions long enough to accumulate \$25,000 for the sought after funds. Commissioner Holt stated that he thought it was a small investment that could produce large dividends in the future. Commissioner Smith stated that there was not \$25,000 to spend on this. Commissioner Harris felt the Commission didn't have enough information to make this appropriation at this time. Commissioner Holt questioned Mr. Rendleman. Mr. Rendleman stated that even though it may be a worthwhile project, and that it is true that the Sheriff's deputy positions would not be filled right away, he felt that the money could be utilized in other areas, but, that the funds could be moved to fund this project if the Commission so desired. Commissioner Smith questioned if the City of Opelika was going to participate. Commissioner Lawrence stated that they did not express an interest in participating on the project. Commissioner Smith stated that she felt the City of Opelika should participate since it would be a county-wide project. After discussion, Commissioner Holt made a motion to approve the FY 2008-2009 Budget as presented, with the inclusion of \$25,000 to the Aquarium project. The motion was seconded by Commissioner Smith, and unanimously carried. Commissioner Smith further stated that she wanted the record to reflect her opposition to funding the \$25,000 to the Aquarium project, since there were several agencies requesting appropriation increases that were not being funded.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 29, 2008**

Additionally, Mr. Rendleman asked that since the budget reflected a 3% cost-of-living increase he would request that the Commission amend the Pay and Classification Plan to reflect the increase. Upon this recommendation, Commissioner Lawrence made a motion to amend the Pay and Classification Plan by 3% for the cost-of-living increase, seconded by Commissioner Smith and unanimously carried.

Commissioner Lawrence made a motion to approve the following Resolution concerning the Lee County Coroner's salary increase, seconded by Commissioner Holt and unanimously carried.

**RESOLUTION**

**BE IT RESOLVED**, pursuant to Alabama law, that the Lee County Commission approves a salary increase for the Lee County Coroner, as budgeted for in fiscal year 2008-2009, in the same percentage increase as the Revenue Commissioner and Probate Judge, effective November 1, 2008.

Commissioner Smith made a motion to approve the following Resolution concerning a one-time lump sum payment to certain retired members and beneficiaries. The retiree must have retired and be receiving a monthly retirement benefit from the Employees' Retirement System prior to October 1, 2008. The Act provides for the retiree or beneficiary to receive a one-time lump sum payment of \$1.00 per month for each year of service credited to the retiree's account.

**RESOLUTION**

**BE IT RESOLVED**, that the Lee County Commission elects to come under the provisions of Section 2 of Act 555 of the First Special Session of the 2008 Legislature.

The Lee County Commission agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the one-time lump sum payment as provided for by said Act for those eligible employees retired from Lee County Commission with the aforementioned increase being paid on or about December 15, 2008.

Mr. Rendleman explained the process of procuring the firm of Goodwyn, Mills and Cawood for the Planning Agreement. Mr. Rendleman stated that he sent out RFP's for a planning agreement. Mr. Rendleman stated that 16 responses were received, and that he and Wendy Swann narrowed the field down to 4 finalists. The Commission heard presentations from each of their top four firms. After the presentations, a majority of the Commission chose the firm of Goodwyn, Mills and Cawood at the August 11, 2008 meeting. Mr. Rendleman stated that County Attorney Stan Martin had reviewed the agreement. Mr. Rendleman further stated that the scope of service can be expanded or reduced according to the needs of the county. Commissioner Harris asked the Commission to delay the awarding of the agreement until he could meet with the firm and then the Commission could move forward as a body. Upon further discussion, Commissioner Harris made a motion to table this item until the next Commission meeting. The motion was seconded by Commissioner Lawrence for discussion. Commissioner Holt stated that he would like to help Commissioner Harris, but he felt the Commission needed to move forward. Commissioner Harris stated that two weeks should not make a difference. Commissioner Lawrence stated that any discussion would not change the scope and he felt that they needed to move forward. Commissioner Smith stated that all the Commissioners were in the work sessions and all agreed to hire this firm. Judge English stated that three agreed, Commissioner Harris voted "No", and Commissioner Ennis abstained. Commissioner Harris questioned the minority representation in that firm. A representative of Goodwyn, Mills and Cawood stated that their firm did have an African-American team member. He stated that they pay close attention to diversity. Commissioner Holt called for the question, seconded by Commissioner Lawrence. The Chairman immediately called for a vote to end debate. Upon vote to call for the question, it passed on a vote of 4-1 with Commissioner Harris voting "No."

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 29, 2008**

After the successful call for the question, and upon vote, the motion to table this item failed on a vote of 1-4, with Commissioner Harris voting "Yes" and Commissioners Holt, Lawrence, Ennis and Smith voting "No." After this discussion, Commissioner Smith made a motion this authorize the Chairman to sign the agreement with Goodwyn, Mills and Cawood for planning not to exceed \$210,000, seconded by Commissioner Holt. Upon vote the motion passed on a vote of 4-1 with Commissioner Harris voting "No".

Judge English presented the Emergency Response, Rescue and Ambulance Service Agreement to the Commission from EAMC and asked for authorization to renew the agreement for the coming year with no changes. Commissioner Lawrence made a motion to authorize the Chairman to sign the Emergency Response, Rescue and Ambulance Service Agreement, seconded by Commissioner Holt, and unanimously carried.

Mr. Rendleman made a recommendation that the Commission amend the Classification Plan to create a Human Resource Technician at a Grade 10 for the Commission Office. Mr. Rendleman stated that this position was contained within the approved budget. Mr. Rendleman stated that the position was needed due to increased paperwork due to FMLA and worker's compensation cases, along with an increased number of employees. Upon this recommendation, Commissioner Smith made a motion to amend the job classification as presented, seconded by Commissioner Lawrence and unanimously carried.

Commissioner Lawrence made a motion to authorize the following Resolution to allow County Attorney Stan Martin to request an Attorney General's opinion on Act 2008-441, seconded by Commissioner Smith and unanimously carried.

**RESOLUTION**

**BE IT RESOLVED** by the Lee County Commission that the County Attorney is authorized to request the Attorney General to issue an opinion concerning Act 2008-441, specifically the provision of an expense allowance of \$300.00 per month for the performance of any in-county duties by the Judge of Probate, the Revenue Commissioner, and each member of the Lee County Commission, and the ramifications thereof.

EMA Director Deedie Matthews presented a service agreement with Mr. Archie Reach for the maintenance of outdoor warning sirens and generators. Commissioner Ennis made a motion to authorize the Chairman to sign a service agreement as presented, seconded by Commissioner Lawrence and unanimously carried.

Mr. Rendleman stated that Corrections Officer Charolette Moore had presented all the necessary paperwork for pre-approval of an educational reimbursement which has been approved by the proper officials within the Sheriff's Department. Upon this request Commissioner Lawrence made a motion to pre-approve the educational reimbursement for Corrections Officer Charolette Moore, seconded by Commissioner Holt and unanimously carried

Commissioner Holt made a motion to table the first reading of the Lee County Cemetery Preservation Committee until the next Commission meeting, seconded by Commissioner Smith and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 29, 2008**

Commissioner Harris stated that he would like to add the NACO Prescription Drug Plan to the next agenda since the program would help a lot of people in the community. Judge English stated that the investigation by Mrs. Swann indicated that the program was probably a violation of the Alabama Constitution. Commissioner Lawrence suggested that it be placed on the next agenda for discussion.

With no further business to come before the Commission, Commissioner Smith made a motion at approximately 7:25 p.m., seconded by Commissioner Lawrence that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 14, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 14, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

Judge English presented the members of the Lee County Planning Commission in attendance, including: Dr. Bob Juster, Kimberlee Harrison, Beth Whitten, Scotty Lett, Adam Littleton, Jason Flowers Hugh Dicks, Robert Ham, and Kevin Flannagan. Dr. Paulette Dilworth and Christine Berry-Bradshaw were not present. Each Commissioner thanked the group for their participation in this endeavor and their willingness to serve in this capacity. Judge English stated that tonight was an organizational meeting to elect a Chairman among the members and to set additional meeting dates. Judge English turned the group over to EMA Director Deedie Matthews to show them to the EMA Building for their first meeting.

Judge English stated that he had received an e-mail from a citizen stating her appreciation to Coroner Bill Harris, a copy of which was emailed to the Commissioners. Commissioner Lawrence stated that the coroner's office deals with people in less than ideal circumstances and often does not receive praise for this service. Commissioner Lawrence offered his thanks to Mr. Harris for his service as the Lee County Coroner.

Judge English presented the following Resolution on behalf of the Lee County Commission commending Matthew Beck on his attaining the rank of Eagle Scout.

**WHEREAS**, noted with highest commendation is the attainment of the rank of Eagle Scout, the highest rank in the Boy Scouts of America, by Matthew Beck of Opelika, Alabama; and

**WHEREAS**, the Eagle Scout Award involves completion of an Eagle Project and represents many years of diligence in pursuit of a worthy goal which brings honor to the scout, his family, and his troop; and

**WHEREAS**, a member of Troop 15 in Auburn, Alabama; Matthew began his scouting career as a Tiger Cub and progressed through the levels of scouting, meeting the demanding requirements for achieving this coveted award; and

**WHEREAS**, Matthew's Eagle Project consisted of the design and construction for the Cornerstone United Methodist Church playground to provide landscaping and shade structures and also to help with making the playground ADA accessible; and

**WHEREAS**, through the years Matthew has exhibited those hard-won characteristics of self-discipline, good citizenship, and honorable conduct, all components of the scouting program; with the guidance and support of his scout leader Andrew Baird, he has earned the esteem of his community, fellow scouts, and all Alabamians;

**NOW THEREFORE**, be it resolved that in recognition of his outstanding accomplishment in attaining the rank of Eagle Scout, Matthew Beck, is heartily congratulated, and this resolution is provided in tribute along with the warm personal regards of the citizens of the State of Alabama.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the September 29 meeting, two listings of claims, a lounge retail liquor license for The Lodge, LLC in District 4, the White House Restaurant in District 4 and Billy's Barn Restaurant in District 5. Bid #29 for dump trucks for the Lee County Highway Department was moved to New Business. Commissioner Smith made a motion to approve the following resolutions and the consent agenda items as received, seconded by Commissioner Ennis and carried unanimously.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 14, 2008**

**BE IT RESOLVED**, that the Lee County Commission approve a lounge retail liquor license for The Lodge, LLC located at 13998 Lee Road 379, Valley, Alabama.

**BE IT RESOLVED**, that the Lee County Commission approve a lounge retail liquor license for White House Restaurant, located at 10040 US Highway 29 N, Valley, Alabama.

**BE IT RESOLVED**, that the Lee County Commission approve a lounge retail liquor license for Billy's Barn Restaurant located at 25250 US Highway 80, Opelika, Alabama.

Under old business, Commissioner Holt made a motion, seconded by Commissioner Lawrence to approve the following Resolutions on second reading for the following board appointments.

**Be it Resolved**, that the Lee County Commission reappoint Thomas Mangham and Mary Henry to the Lee County Communications District (E911) for four-year terms beginning 7/24/2008 until 7/23/2012.

**Be it Resolved**, that the Lee County Commission reappoints Iris Batchelor to the Horseshoe Bend Regional Library Board for a four-year term beginning 10/1/2008 until 9/30/2012.

The NACo prescription drug plan was discussed at length during the pre-meeting. The Commission took no action at the regular meeting.

During the pre-meeting, Environmental Services Director Jack Marshall stated that he would recommend that the Commission grant approval to Mr. Ralph Daniel for a garbage pick-up service, since Mr. Daniel had presented his department will all the necessary paperwork and permits to provide this service. This permission was previously granted to Mr. Timothy McCool on December 11, 2006 for residents in the backwater area and Mr. McCool's business has been sold to Mr. Daniel. Upon this recommendation, Commissioner Holt made a motion to grant approval to Mr. Ralph Daniel for garbage pick-up service in Lee County, seconded by Commissioner Ennis and unanimously carried.

Since he was recently appointed to serve on the ACCA Board of Directors, Commissioner Lawrence requested that the Commission approve his travel expenses for the coming year to attend various ACCA meetings. Commissioner Holt made a motion to approve Commissioner Lawrence's travel expenses to all ACCA Board meetings, seconded by Commissioner Smith and unanimously carried.

Commissioner Lawrence requested that the Commission approve travel expenses for any Commissioner wishing to attend the ACCA Legislative Conference which will be held in December in Birmingham. Commissioner Holt made a motion to approve travel expenses for any Commissioner that attends the ACCA Legislative Conference, seconded by Commissioner Smith and unanimously carried.

County Administrator Roger Rendleman presented the third annual revision of the Personnel Policies and Procedures Manual. Mr. Rendleman commended Mrs. Kim Oas for her work on this revision. Mr. Rendleman stated that of the 38 changes on the annual review, six items were actual policy changes, three items were a result of FMLA regulation changes, and the other 29 items were for housekeeping or for clarification of existing policies. Mr. Rendleman asked that the Commission approve the changes as presented in the third document which identifies the changes. Upon this recommendation, Commissioner Lawrence made a motion to accept the changes as presented, seconded by Commissioner Holt and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 14, 2008**

After much discussion during the pre-meeting, the Commission during the meeting asked Mrs. Swann to consult with the Legislative Delegation to set up a meeting after November 5 to discuss the legislative packet. Mrs. Swann stated that the two considerations at this time are: licensing of dogs and cats in the county and the chairmanship. Mrs. Swann also discussed the timeframe for the upcoming session. Mrs. Swann stated that if the Commission meets with the delegation in November, then any issues could be sent to the Legislative Reference Service for drafting and then be advertised before the session in February. Mrs. Swann stated that if the legislation is introduced at the beginning of the session, it would have a greater chance of being passed than if introduced later in the session.

County Engineer Neal Hall recommended that the Commission reject all bids on Bid #29 for dump trucks for the Highway Department, due to the current market conditions in the construction business. Commissioner Ennis made a motion to reject Bid #29, seconded by Commissioner Smith and unanimously carried.

With no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 6:14 p.m., seconded by Commissioner Ennis that the meeting be adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 27, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, October 27, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

During citizens' communication, Mrs. Delores Trimble on behalf of the Ridge Grove Missionary Baptist Church family and herself, stated she would like to personally thank Commissioner Smith and County Engineer Neal Hall and staff on the completion of the road work on Lee Road 155. Judge English stated that the Commission usually only receives complaints, and wanted to personally thank Mrs. Trimble for taking the time to come before the Commission and offer her appreciation personally.

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

Judge English recognized Mayor Fuller and the City of Opelika Light and Power Department for the fiber-optic cable project that had been performed for the County by the City. The county needed a connection between the Courthouse and the Johnson Galleries building for election night efforts, and the City completed it in a very timely manner. Judge English reported that Mr. Tim Parson stated that it would have cost the county several thousand dollars to do that. Judge English stated that he would write a letter to Mayor Fuller to express our thanks on this project.

Next, Judge English read the following Proclamation to recognize Commissioner Ennis for his service to Lee County.

**WHEREAS**, Harry Ennis began his Lee County career in 1974 as Lee County Engineer, a position he held until 1996, during which time he was instrumental in adopting, at both the local and state level, the "unit system" for the efficient maintenance of Lee County roads; and

**WHEREAS**, Commissioner Ennis also furthered the education of children in the county by serving on the Lee County School Board for 20 years; and

**WHEREAS**, Commissioner Ennis has served with distinction as the County Commissioner for District Three since November of 2000, and is now retiring after a total of 34 years of dedicated service to Lee County; and

**WHEREAS**, Commissioner Ennis held the positions of Secretary, Vice President and President of the Association of County Engineers of Alabama from 1994-1996; during his tenure as ACEA President and committee member he helped create the "Alabama Rural Access Program" which was adopted by not only the ACEA and the Association of County Commissions in Alabama, but also by the Alabama Department of Transportation in 1996; and

**WHEREAS**, Commissioner Ennis also assisted Lee County's neighbors, serving as County Engineer for Russell County from 1999-2000, 2005 and 2007-2008; and

**WHEREAS**, Commissioner Ennis' leadership and dedication have benefited the citizens of Lee County, East Alabama and the State of Alabama;

**NOW THEREFORE BE IT RESOLVED** that the Lee County Commission hereby proclaims Monday, October 27, 2008, as Harry Ennis Day in Lee County; and

**BE IT FURTHER RESOLVED** that the Lee County Commission and the citizens of Lee County express their heartfelt appreciation to Harry Ennis for his many contributions to our County, area and State.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 27, 2008**

After the reading of the Proclamation, Commissioner Ennis stated that he had been raised in Lee County and that he had worked beside many individuals over the years. He stated that the reason Lee County is so strong is because of good government. He further stated that he was proud to be from Lee County.

Judge English presented the Commission with charts representing the new voter registration figures since the June primary, including the last twenty years of Presidential elections for comparison. Additionally, he announced that the election results would be held at the Johnson Galleries Building behind the Courthouse on Election Night rather than in the Courthouse. He stated that Sheriff Jones would provide food for the evening. Judge English encouraged everyone in attendance to go vote on Tuesday, November 4.

Governmental Relations Coordinator Wendy Swann stated that she had only received feedback from two members of the local delegation, Senator Kim Benefield and Representative Pebblin Warren. The Commission requested that she continue to make contact with the members to set-up a meeting with the delegation between now and December.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the October 14 meeting, two listings of claims, an updated listing of claims to be paid, and first reading of Bill English, William Parker and LaFaye Dellinger to the East Alabama Mental Health Board, and first reading of Dan Roberts to the Lee-Chambers Utilities District. After much discussion about the county's board appointment policy, Commissioner Lawrence made a motion to approve the consent agenda items as received, seconded by Commissioner Holt and carried unanimously. Commissioner Holt asked that the Commission's Board Appointment policy be reviewed and modified in the near future.

Under old business, Commissioner Holt made a motion, seconded by Commissioner Lawrence for first reading of the following to the Lee County Cemetery Preservation Committee. The members include: Arthur Lee Jones, Zack Sprayberry, Faye Ross, John Ross and Edna Ward.

During the pre-meeting, Jerry Southwell asked the Commission to consider helping with the purchase of forty acres in the Beulah area for recreation. Mr. Southwell stated that they have been offered a 40-acre tract at \$5,000 per acre within 3 miles of the School. Mr. Southwell stated that \$100,000 is available from the Beulah allocation and would like the Commission to contribute a matching \$100,000. He added that the Recreation Board has a Special Projects fund that could cover the additional \$100,000 right now, if the Commission is not able to participate immediately. After the discussion, Commissioner Smith made a motion to commit the funds, seconded by Commissioner Ennis for discussion. Judge English asked if the Commission wanted to consider delaying this decision until the results of the county sales tax equalization measure on the Nov 4 ballot are known, which would be partially earmarked for recreation. Judge English asked Mr. Southwell if the Recreation Board would approve use of the additional \$100,000 in the Special Projects fund to go ahead and make the purchase, and Mr. Southwell replied that he felt that they would do so if they had some assurance that the money would be replaced by the County Commission. Commissioner Smith reworded the motion to state that if the Recreation Board approves funds for the land purchase, the Commission "will replenish the \$100,000 taken out of the Special Projects fund at such time as the County has funds available", but added that the Commission was not committing to purchase the property at this time. At that point, Commissioner Ennis withdrew his second. The motion was subsequently seconded by Commissioner Lawrence and the motion passed on a vote of 4-0-1, with Commissioner Ennis abstaining.

Commissioner Lawrence made a motion to approve the following agreement for access to the Smiths Station Senior Center, seconded by Commissioner Holt and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 27, 2008**

**AGREEMENT**

The Lee County Commission agrees to allow the City of Smiths Station the use of the Smiths Station Senior Center as an alternate city hall should an emergency situation arise and the Smiths Station City Hall is severely damaged.

Upon execution of this agreement, the Lee County Commission will provide the City of Smiths Station a key for emergency access only.

Sheriff Jay Jones presented an agreement for a records management system for the Lee County Sheriff's Office with HDI Solutions, Inc. of Auburn, Alabama. Sheriff Jones stated that the agreement is for \$75,000 for the initial development and an annual fee of \$60,000 for the operation of the system. After discussion, Commissioner Smith made a motion to authorize the agreement with HDI Solutions, Inc., seconded by Commissioner Lawrence and unanimously carried.

County Administrator Roger Rendleman asked the Commission to authorize entering into an agreement with Regions Bank for the implementation of a purchasing card program. Mr. Rendleman stated that RFP's were received on August 15, 2008 and that he and Mrs. Barbara Howard had reviewed each independently. After hearing presentations from the top three, Mr. Rendleman felt that Regions proposal would best suit our needs at this time. Mr. Rendleman explained that he was going to test the procurement card program on several departments before utilizing it county-wide in all departments. Upon this recommendation, Commissioner Lawrence made a motion to authorize the Chairman to sign the agreement with Regions Bank for the implementation of a purchasing card program, seconded by Commissioner Holt and unanimously carried.

Mr. Rendleman stated that Corrections Officer Charolette Moore had presented all the necessary paperwork for pre-approval of an educational reimbursement which has been approved by the proper officials within the Sheriff's Department. Upon this request Commissioner Lawrence made a motion to pre-approve the educational reimbursement for Corrections Officer Charolette Moore, seconded by Commissioner Harris and unanimously carried

With no further business to come before the Commission, Commissioner Ennis made a motion at approximately 6:40 p.m., seconded by Commissioner Smith and upon unanimous consent the meeting was adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Wednesday, November 12, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

Judge English opened the meeting by swearing in Commissioner Gary D. Long, with his wife Brenda and mother Jenine participating in the ceremony.

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

During the awards and presentations portion of the meeting, Judge English reported to the Commission that Miss Jessica Brookshire recently won the title of Miss Auburn-Opelika area 2009 and will represent Lee County at the Miss Alabama pageant next year. Miss Brookshire was unable to attend the meeting.

Judge English recognized Commissioner Lawrence concerning the donation of equipment to the Volunteer Fire Departments. Commissioner Lawrence stated that County Engineer Neal Hall had approached him about purchasing chain saws for each Volunteer Fire Department. Commissioner Lawrence explained that this donation would help the Lee County Highway Department during storms or inclement weather due to downed trees on the roadway, and since the Volunteer Fire Departments were usually first on the scene, then they could remove debris and trees from the roadway, thereby saving the Highway Department time and expense. Judge English questioned if the purchase was budgeted. Commissioner Lawrence affirmed that it was a budgeted item in the highway department and that the saws had already been purchased. Commissioner Lawrence thanked the firefighters in attendance for their hard work. Those departments in attendance included: Beauregard, Crawford, Farmville, Friendship, Lee-Chambers, Oakbowery, Plainview, Salem, and Southwest Volunteer Fire Departments. Commissioner Lawrence distributed chainsaws, including an extra bar and chain, to a representative of each Volunteer Fire Department after the meeting.

Emergency Management Director Deedie Matthews recognized the members of the CERT team that were involved in the search for missing Auburn University student Brandon Cofer. EMA Planner Chris Tate explained that the volunteers were called and assembled for the search within a twelve hour window after a missing person bulletin for Mr. Cofer was released by the Auburn Police Department. Upon the call from Chief deGraffenried, the EMA Staff called the CERT members to prepare for the search. Later the individual was located in good condition near the search site. In addition, Ms. Matthews thanked her entire staff for their hard work and dedication. Chief deGraffenried stated that local law enforcement officials had searched all day Friday, and late Friday afternoon he called the local EMA Office for assistance. Chief deGraffenried stated that the volunteers did an excellent job and he was impressed with their quick response to the situation. Judge English read a certificate of appreciation and recognized each volunteer during the meeting. Those included: Mike Watkins, Ralph Teague, Jeremy Day, Tammie Justice, Elijah Justice, James Bond, Debra Ward, Danny Dennis, Tony Smith, Justin Webster, Rhett Duke, Susan McAlister, Jim Wright, Scott Pridgen, Dan Foy and Tom Moore.

Sheriff Jones and Randy Arrington of Protective Apparel Corporation of America (P.A.C.A.) presented Deputy Leon Aaron with a framed "Survivor Recognition Award", which is given to individuals who were "saved" by P.A.C.A. manufactured body armor. Deputy Aaron was shot at during an armed encounter while on patrol and the P.A.C.A. protective vest may have saved his life.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2008**

County Engineer Neal Hall reported that he had received information from his crew that several pieces of county equipment which had been left on county right-of-way on Lee Road 156 were used inappropriately over the weekend. Mr. Hall stated that when his crew returned to the equipment on Monday morning they noticed that topsoil was encased in the tires of the equipment, and began their investigation. The crew noticed that a backyard of a house located near the site had been graded recently. They reported the incident and the Sheriff's Office is investigating to determine whether to file charges or not. The Commission asked Mr. Hall to take any action he felt necessary to address the situation.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the October 27 meeting, two listings of claims, and two updated listing of claims to be paid. The Chairman moved two liquor licenses from the consent agenda to new business at Commissioner Long's request. Commissioner Smith made a motion to approve the remaining consent agenda items as received, seconded by Commissioner Harris and carried unanimously. Commissioner Long abstained since he was not present at the previous meeting.

After discussion in the pre-meeting on the board appointment policy, Commissioner Holt made a motion during the meeting to amend the policy as follows, seconded by Commissioner Lawrence and unanimously carried.

**Lee County Commission  
Board Appointment Policies and Procedures**

The Lee County Commission wishes to encourage and facilitate public participation in local governance especially with the various boards appointed by the Commission. The Commission has established the following policies in an effort to increase such participation:

- All board appointments shall be publicly announced and advertised at least a month prior to an appointment or reappointment.
- Although most boards have certain requirements specified in general and/or local law, the following will be the minimum requirements for all boards:
  - the appointee must be a Lee County resident
  - the appointee must be a registered voter

Regardless of the above policies, the general and/or local law will supercede on specific requirements; for example, boards that require the chairman or a commissioner to serve on (if any) will not require advertisement.

General Procedures will be:

1. The Commission Office will take board request forms on an ongoing basis from citizens who express interest in serving on a County appointed board.
2. Two regular meetings prior to the first reading of a board appointment, the Chairman will announce the pending appointment and whether or not the individual is eligible for reappointment during the Commission Meeting. In addition, a written notice will be sent to the board of the pending appointment and request any recommendation by said board to be submitted by a specific date. Names and information of interested citizens received by the Commission office will be forwarded to the board for consideration.
3. The pending board appointment will be advertised at least once in the paper announcing such appointment and instructing interested citizens wishing to serve how to communicate their interest.
4. The pending board appointment will also be posted on the courthouse bulletin board and additional notification means can be utilized if such may increase public awareness and participation (i.e., website). Any forms received will also be forwarded to the board for consideration.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2008**

5. Commission members will be sent a list of those citizens interested in the board appointment with the relevant information regarding meeting the various requirements *in their packets* prior to the first reading. For applicable appointments, the recommendation from the board and/or interest entity (~~i.e. cities with the hospital board~~) will also be forwarded. The Lee County Commission may interview each candidate at a Commission meeting prior to the first reading of the board appointment.

Upon second reading of the East Alabama Mental Health Board, Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

**BE IT RESOLVED**, that the Lee County Commission appoint Bill English, William Parker and LaFaye Dellinger to the East Alabama Mental Health Board to serve a six-year term.

Upon second reading of the Lee-Chambers Utilities District, Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

**BE IT RESOLVED**, that the Lee County Commission reappoint Dan Roberts to the Lee-Chambers Utilities District to serve a four-year term beginning December 1, 2008 until December 1, 2012.

The reappointments to the Lee County Cemetery Preservation Committee were carried forward to the next agenda at the request of the Commission to allow time to research and see if the terms could be staggered in some way rather than all being appointed at once.

Judge English stated that according to Act No. 2004-384, the Commission had to set its regular meeting schedule at its first meeting following the election of county commissioners. After discussion in the pre-meeting, Commissioner Holt made a motion during the meeting to set the Commission meetings as they are presently with the Commission meetings on the second and last Monday of each month unless such is a legal holiday, and to hold the pre-meeting at 4:00 p.m. and the regular meeting at 6:00 p.m., seconded by Commissioner Smith and unanimously carried.

County Administrator Roger Rendleman presented the following Court Fee Resolution. Commissioner Lawrence made a motion to approve the Resolution as received, seconded by Commissioner Holt and unanimously carried.

**RESOLUTION**

**WHEREAS**, Act 2007-400 passed by the Alabama State Legislature authorizes the Lee County Commission to impose, by resolution, an additional court cost not to exceed fifty dollars (\$50); and

**WHEREAS**, the additional cost will be assessed and taxed as costs in all civil and criminal cases filed in the circuit and district courts of Lee County, including all appeals from any municipal court in Lee County; and

**WHEREAS**, the additional cost shall not apply to small claims or to any case where the cost has previously been assessed, including de novo appeals from the district court; and

**WHEREAS**, the collected court cost shall be paid by the clerks or other collection officers of the courts to the Lee County Commission and deposited into the Lee County Judicial Facilities Fund to be used for the planning, designing, financing, furnishing, equipping, maintaining, renovating, expanding and operating of all existing Lee County Judicial Facilities located on property owned by the Lee County Commission at the corner of Gateway Drive and Frederick Road in Opelika, Alabama.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2008**

**THEREFORE BE IT RESOLVED** by the Lee County Commission, that as authorized by Act 2007-400 an additional court cost of fifty dollars (\$50) shall be implemented and applied to all civil and criminal cases in the circuit and district courts, including all appeals from any municipal court in Lee County, except for any small claims cases or cases where the cost has previously been assessed, including de novo appeals from district court.

Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Holt and passed on a 4-0-1 vote with Commissioner Long abstaining.

**BE IT RESOLVED**, that the Lee County Commission approve the transfer of a restaurant retail liquor license for Kokomo's located at 9883 Lee Road 379, Valley, Alabama, and a retail beer license for the Landing located at 9825 Lee Road 379, Valley, Alabama.

Judge English reported that Lee County had a record voter turnout of 64% for the General Election on November 4, 2008, with almost 55,000 voters going to the polls.

With no further business to come before the Commission, Commissioner Smith made a motion at approximately 6:55 p.m., seconded by Commissioner Lawrence and upon unanimous consent the meeting was adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 24, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, November 24, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

During the awards and presentations portion of the meeting, Judge English introduced Miss Jessica Brookshire who recently won the title of Miss Auburn-Opelika Area 2009 and will represent Lee County at the Miss Alabama pageant next year. Miss Brookshire stated that her platform is breast cancer awareness for women ages 20 to 35. Miss Brookshire stated that early education is the key in finding a cure for the disease. The Commission congratulated Miss Brookshire on her accomplishment and wished her well in the Miss Alabama pageant. Judge English recognized Ms. Tina Jones who heads the Miss Auburn-Opelika Area pageant.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the November 14 meeting, two listings of claims, an updated listing of claims to be paid, Bid #1 for uniform rental and Bid #2 for a heavy duty truck for the county's recycling effort. County Engineer Neal Hall reported that of 4 invitations sent only two bids were received for uniform rental. Mr. Hall recommended the Commission accept the low bid of G&K Services, which is a budgeted item. Environmental Services Director Jack Marshall reported that of 16 invitations sent, only one bid was received for the heavy duty truck for recycling. Mr. Marshall recommended that the Commission accept the bid from Gulf Coast Truck & Equipment for \$54,030.00, which is a budgeted item. Commissioner Lawrence made a motion to approve the consent agenda items as received, seconded by Commissioner Harris and carried unanimously.

After discussion in the pre-meeting on the Cemetery Preservation Committee, Commissioner Holt requested that the agenda item be moved to the next meeting.

Upon the absence of Dr. Ferne Garrett, Commissioner Lawrence stated that an upcoming conference is going to be held in Lee County concerning poverty issues. Commissioner Lawrence stated that he would ask the Commission to endorse the conference and to consider a financial contribution. Commissioner Lawrence stated he would be happy to invite Dr. Garrett to attend the next meeting to address any questions by the Commission on the material. No action was taken by the Commission.

During the pre-meeting, Mr. Wiley Cochran presented a cemetery application for Pleasant View Missionary Baptist Church. Mr. Cochran presented an application and a letter of approval from the Lee County Health Department. Commissioner Smith made a motion during the meeting to approve the cemetery application from Pleasant View Missionary Baptist Church located at 205 Lee Road 193, Salem, Alabama. The motion was seconded by Commissioner Lawrence and unanimously carried. Judge English explained that Mr. Wiley could obtain the license from the Commission Office for a fee of fifty cents.

Judge English presented a proposed FY2009 holiday schedule for consideration. After discussion, Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried to approve the holiday schedule for FY2009 as follows:

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 24, 2008**

New Year's Day	Thursday, January 1, 2009
	Friday, January 2, 2009
Martin Luther King, Jr. Day	Monday, January 19, 2009
Presidents' Day	Monday, February 16, 2009
Memorial Day	*Monday, May 25, 2009
Independence Day	Friday, July 3, 2009
Labor Day	Monday, September 7, 2009
Columbus Day	*Monday, October 12, 2009
Veterans' Day	Wednesday, November 11, 2009
Thanksgiving	Thursday, November 26, 2009
	Friday, November 27, 2009
Christmas	Thursday, December 24, 2009
	Friday, December 25, 2009

\* Normal Commission Meeting Day

Note: Monday, May 25 meeting moved to Tuesday, May 26, 2009  
Monday, October 12 meeting moved to Tuesday, Oct. 13, 2009

Judge English requested that the Commission authorize up to \$2,000 out of the contingent fund for the purchase of Christmas decorations for the Courthouse, to include a pre-lighted artificial Christmas tree. Judge English stated that it had been several years since any items had been purchased for decorating the Courthouse. Upon this request, Commissioner Smith made a motion to approve up to \$2,000 out of the contingent fund for the purchase of Christmas decorations for the Courthouse, seconded by Commissioner Harris and unanimously carried.

Mr. Jack Marshall requested that the Commission authorize his department to clear the county land previously owned by Mattie Hinkle due to the potential liability posed to the county by the presence of a hazardous situation on the property. County Attorney Stan Martin suggested that the department consider waiting a year to do any work, since the property owner has a one-year period in which to redeem the property. Mr. Martin reported that the only reason to go ahead at this time would be due to health and safety reasons. Discussion was held concerning whether to ask the volunteer fire department to burn the property or to clear it off with a bulldozer and dump truck. After more discussion, Commissioner Smith made a motion to allow the environmental services department to clean-up the property due to health and safety concerns, and to perform the clean-up in the most economical way possible. The motion was seconded by Commissioner Holt and unanimously carried.

Governmental Relations Coordinator Wendy Swann stated that she had contacted the legislative delegation and the consensus of the majority of those contacted is for a meeting with the Commission on December 16 at 6:00 p.m. Mrs. Swann further asked that the Commission let her know of any further items for discussion with the delegation by the Commission meeting on December 8. The following are the items tentatively to be discussed: animal control licensing fees, Commission Chairmanship, taxation referendums, drug court, sentencing fee and sales and use tax for recreation and school resource officers. Upon further discussion, Commissioner Lawrence made a motion and seconded by Commissioner Holt with unanimous consent to set the meeting with the delegation to discuss legislative issues on December 16 at 6:00 p.m. in the Commission chambers.

Commissioner Lawrence encouraged everyone to attend the conference "Bridges out of Poverty" on December 8 and 9 from 8:30 a.m. to 3:30 p.m. at the EAMC Health Resource Center.

With no further business to come before the Commission, Commissioner Smith made a motion at approximately 6:25 p.m., seconded by Commissioner Holt and upon unanimous consent the meeting was adjourned.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 24, 2008**

Minutes approved:

---

Chairman

---

Commissioner, District 1

---

Commissioner, District 2

---

Commissioner, District 3

---

Commissioner, District 4

---

Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 8, 2008**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 8, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence

During citizens' comments, Mrs. Faye Ross expressed her concern on the reappointment of the Cemetery Preservation Commission. Mrs. Ross stated that the Board members were originally appointed in 2004. Mrs. Ross further stated that the Board has various duties from manual labor to fund raising. Mrs. Ross stated that the Board had opposition to one interested citizen being appointed to the Cemetery Preservation Commission due to the fact that the person was currently serving on the Alabama Historical Commission. Judge English thanked Mrs. Ross for her comments.

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

During reports from staff, Judge English reported that Ms. Deedie Matthews had indicated that she would be retiring from her position as Emergency Management Agency Director soon. Judge English presented a plan of action to follow in finding a replacement for Ms. Matthews. During the pre-meeting, Commissioner Lawrence and Commissioner Harris questioned the proposed process at length. Judge English stated that Commissioner Harris had questioned the process the last time EMA candidates were interviewed, and Judge English assured him that the decision would be made by the entire Commission this time. The Commissioners agreed to proceed with the proposed process and the posting of the vacancy. No formal action was taken by the Commission.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the November 24 meeting, two listings of claims, and Bid #5 for a data storage unit for the Information Technology Department. Bid #3 for picked up bituminous treatment was moved to new business. Information Technology Director Tim Parson reported that of 24 invitations sent, two bids were received for the data storage units. Mr. Parson recommended that the Commission accept the bid from Computer Discount Warehouse for \$41,412.00, which is a budgeted item. Commissioner Smith made a motion to approve the consent agenda items as received, seconded by Commissioner Harris and carried unanimously.

Commissioner Holt made a motion that the following Resolution be approved to reappoint the members of the Cemetery Preservation Commission for four-year terms. The motion was seconded by Commissioner Lawrence and carried unanimously.

**Be It Resolved**, that the Lee County Commission re-appoint the following: Arthur Lee Jones, Faye Ross, John Ross, Zack Sprayberry, and Edna Ward to the Lee County Cemetery Preservation Commission to serve four-year terms beginning 10/1/2008 to 10/1/2012.

During the pre-meeting, Governmental Relations Coordinator Wendy Swann once again asked the Commission if there were any other items that the Commission would like to present to the legislative delegation at the upcoming work session on December 16. Since there were no additional requests, Mrs. Swann reminded the Commission that the work session is set for December 16 at 6:00 p.m. in the Commission chambers.

Robbie Gordon, a representative of Nucor Steel addressed the Commission and asked that they support the Resolution that was presented in their packets. Ms. Gordon stated that she was asking Commission support of the steel industry to keep jobs in America and to recycle. Judge English questioned the last Whereas statement that mentions state tax policies. Ms.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 8, 2008**

Gordon stated that there were no underlying motives, as far as she knew. Commissioner Harris stated that the last paragraph did not concern him, and that the Resolution is asking the Commission to support keeping jobs in America. Commissioner Harris thanked Ms. Gordon for attending the meeting. Commissioner Holt stated that if that one line was left off he would support the Resolution. Commissioner Harris stated he would support this Resolution as an encouragement to keep jobs in America. Upon further discussion, Commissioner Harris made a motion to support the following Resolution, seconded by Commissioner Smith and the motion passed on a 4-0-1 vote with Commissioner Holt abstaining.

**RESOLUTION**

**Whereas**, it is the policy of the State of Alabama to safeguard the health, general welfare, and physical property of the people and to protect the environment by encouraging the reduction in solid waste generation and the proper management of solid waste, including disposal and processing to extract usable materials or energy; and

**Whereas**, the several state Legislatures have found that technologies exist to separate usable material from solid waste and to convert solid waste to energy, and that it will benefit Alabama to work in cooperation with private business, nonprofit organizations, and public agencies that have acquired knowledge, expertise, and technology in the fields of energy production and recycling, reuse, reclamation, and collection of materials; and

**Whereas**, recycling performed at facilities in Alabama and nationwide reduces energy consumption in steel manufacturing by more than 300 percent when compared to virgin production and disposal, thus significantly easing the burden on our country's electrical power grid; and

**Whereas**, the energy saved by steel recycling each year is enough to meet the annual electrical needs of 18 million or one-fifth of American households; and

**Whereas**, using less energy reduces the cost of producing Alabama's products and enables the company to trade competitively in the U.S. and abroad, which translates into better jobs and greater income for Alabamians and other Americans; and

**Whereas**, more than 4.2 million manufacturing jobs in the U.S. have been lost since 1998 with more than 79,100 being lost in Alabama alone, while manufacturing in Alabama continues to employ 285,500; and

**Whereas**, conserving valuable energy resources reduces the impact of manufacturing to our global climate by minimizing the emission of greenhouse gases, such as carbon dioxide, nitrous oxide and sulfur dioxide; and

**Whereas**, reducing the demand for electricity also eases the burden on the state's electrical grid and helps ensure a consistent, stable supply of electricity; and

**Whereas**, much of Alabama's manufactured steel comes from recycled scrap metal, such as junked cars, discarded appliances and other steel refuse that would otherwise clog our landfills and deface our landscape, and recycling creates a steady supply of materials ready for manufacturing; and

**Whereas**, state tax policies can encourage desirable corporate behavior.

**Now, Therefore, Be It Resolved** by the Lee County Commission:

That the County of Lee, on behalf of Alabama's citizens and businesses, by this resolution, encourage Alabama's federal and state elected officials to take a strong position on behalf of recycling and energy conservation.

Judge English presented a Resolution from the Secretary of State to designate the State of Alabama as our agent for the voter file maintenance program. Judge English explained that this process had been used for several years. Commissioner Lawrence made a motion to adopt the following Resolution, seconded by Commissioner Smith and unanimously carried.

**RESOLUTION**

**Whereas**, Act 95-769 requires the Lee County Board of Registrars to implement a voter file maintenance process, and

**Whereas**, Act 95-769 also 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 her office is willing to serve as the agent for the Lee County Commission for the purpose of paying postage costs and collecting reimbursements for such costs from the State Elections Fund as provided for in Act 95-769, and

**Whereas**, the Alabama Secretary of State served as the agent for the Lee County

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 8, 2008**

Commission in 1997, 2001 and 2005, for the purposes of paying postage costs and collecting reimbursements from the State Elections Fund as provided for in Act 95-769.

**Now Therefore, Be it 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.

Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Harris and passed on a 4-0-1 vote with Commissioner Long abstaining.

**BE IT RESOLVED**, that the Lee County Commission approve the transfer of a retail beer license for River Road Shopette located at 12589 Lee Road 379, Valley, Alabama.

County Administrator Roger Rendleman presented a budget adjustment for the airport terminal project. Mr. Rendleman requested to amend the FY2009 General Fund Budget by increasing the overall budget by \$500,000 and reducing the General Fund's designated fund balance by the same amount. Commissioner Lawrence made a motion, seconded by Commissioner Holt and unanimously carried to authorize the budget adjustment as presented.

County Engineer Neal Hall reported on Bid #3 for picked-up bituminous treatment. Mr. Hall explained during the pre-meeting that APAC was the low bidder, but they are located in Childersburg and that would require additional expense because the Highway Department would have to drive there to pick-up the material, which is a 1½ hour one-way drive. Mr. Hall further stated that the Highway Department is currently paying East Alabama Paving \$85/ton for them to supply and install bituminous treatment. Therefore, Mr. Hall recommended that Bid #3 for picked-up bituminous treatment be rejected. Upon this recommendation, Commissioner Holt made a motion to reject Bid #3 for picked-up bituminous treatment, seconded by Commissioner Smith and unanimously carried.

With no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 6:30 p.m., seconded by Commissioner Smith and upon unanimous consent the meeting was adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, DECEMBER 29, 2008**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, December 29, 2008 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During citizens' comments, Mr. David Williams expressed concern about the legislation to change the Chairman position. Mr. Williams referred to a federal court decision in the 1980's when some counties changed their form of government. Mr. Williams stated that the Commission should determine if federal approval is required due to the federal mandate before any change is made to the Chairmanship position. In addition, he stated that the duties of the Chairman must be defined.

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

During reports from staff, Commissioner Lawrence presented an update on the ACCA Legislative Conference he recently attended. Commissioner Lawrence stated that there were two main items of discussion. First, was a compromise that the Association of County Commissions had worked out with the Alabama Department of Transportation for administrative costs and second, was from President-elect Obama and his staff concerning infrastructure projects to stimulate the economy. Commissioner Lawrence stated that discussion was also held on regional consideration of a light rail system which would possibly run between Montgomery and Atlanta. County Engineer Neal Hall stated that he had identified and submitted about \$5,000,000 worth of infrastructure projects that would meet the criteria presented, approximately \$2.5M in bridge projects and \$2.5M in resurfacing projects.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the December 8 meeting, two listings of claims, an updated listing of claims to be paid, Bid #4 for a patrol vehicles and Bid #6 for uniform cleaning for the Sheriff's Office. Captain Meadows stated that on Bid #4 for patrol cars that the low bidder was Chuck Stevens Automotive of Bay Minette, Alabama for \$22,702/per vehicle. Captain Meadows recommended that the Commission consider the 3% local preference allowance in the Alabama bid law and award the bid to Ken Boggs Ford of Opelika, Alabama, a local vendor, for \$22,969/per vehicle. Captain Meadows recommended that on Bid #6 for uniform cleaning that Downtown Cleaners, the low bidder, be awarded the bid. Commissioner Lawrence made a motion to approve the consent agenda items as received, seconded by Commissioner Smith and carried unanimously.

Legislative Coordinator Wendy Swann presented resolutions for Commission consideration. She requested approval to send those that had unanimous support to Legislative Reference Service to draft the bills. Mr. Rendleman suggested that the Commission wait and vote on the actual resolutions at the next meeting when all Commissioners are present. Mrs. Swann added that if the official vote is taken at the meeting on January 12, there would be time for advertisement of the bills. Commissioner Lawrence questioned when the session started. Mrs. Swann stated that the first day of the upcoming session is February 3. After discussion, Commissioner Lawrence made a motion to authorize Mrs. Swann to move forward on the sales and use tax equalization, and the revenue referendum initiative and send the resolutions to Legislative Reference Service for drafting and to move the item to the next agenda for a vote, seconded by Commissioner Smith and unanimously carried.

Judge English stated that a joint RFP had been sent out by the City of Auburn on behalf of four local government entities for solid waste services. Judge English stated that the City of Opelika had agreed to enter into the joint process along with Lee County, City of Auburn and Auburn University. Judge English explained that this was just an update on the process, and he stated that two bidders attended the mandatory pre-bid conference. Judge English announced

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, DECEMBER 29, 2008**

that the bids would be opened on Tuesday, January 6 at 2:00 p.m. at the City of Auburn. Judge English further stated that he would place this item on the next agenda, but no action was necessary tonight.

County Engineer Neal Hall presented the following resolution concerning the HRRR Project. Mr. Hall explained that there were strict criteria and only one site currently met the criteria for eligibility. He further stated that only 17 counties in the State met the eligibility requirements. Commissioner Lawrence made a motion to authorize the Chairman to sign the following resolution, seconded by Commissioner Long and unanimously carried.

**RESOLUTION**

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

Installation of guardrail, warning signs, striping and pavement markers on CR 10 from CR22 to CR23. Length-1.539 miles. Proj#HRRR-4129(200), LCP 41-00-08. CPMS Ref#100052362;

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.

County Engineer Neal Hall presented the first, for Commission approval, preliminary plat for Sentinel Hills Subdivision Phase A. Mr. Hall stated that the preliminary plat and proposed construction plans for Sentinel Hills Subdivision, Phase A have been reviewed and meet the minimum requirements for the *Lee County Subdivision and Land Development Regulations*. The proposed development is located in the City of Opelika's Planning Jurisdiction. The adjacent property owner(s) were notified of the development on August 26, 2008 via public hearing held by the City of Opelika Planning Commission. Upon this recommendation, Commissioner Smith made a motion to approve the preliminary plat for Sentinel Hills Subdivision, Phase A, seconded by Commissioner Holt and unanimously carried.

County Administrator Roger Rendleman requested that the Commission authorize the Chairman to execute the Participation Agreement with the Association of County Commissions of Alabama Liability Self-Insurance Fund. Upon this recommendation, Commissioner Holt made a motion, seconded by Commissioner Lawrence to authorize the Chairman to sign the Participation Agreement, and the motion carried unanimously.

Next, Mr. Rendleman included a letter from Mr. Jerry Southwell to the Commission in their packets. Mr. Southwell is requesting that the Commission authorize the purchase of approximately 43 acres of land from Mr. Ray Prather and Mr. Malcolm Prather at a purchase price of \$190,000. Mr. Southwell further stated that the Lee County Recreation Board has allowed the Beulah District to utilize \$100,000 from the Boards' Special Projects Fund along with \$90,000 from the Beulah District allocation for the purchase. Additionally, County Engineer Neal Hall stated that he had examined the property and stated that in his professional opinion, the gentle sloping of the property is conducive for the construction of a recreational park and the soil characteristics are suitable for an On-site Sewage Disposal System. Mr. Rendleman asked the Commission to authorize the county administrator to execute the purchase contract on behalf of the County Commission for the proposed property in the amount of \$190,000 to be funded from the Recreation Fund. Upon this recommendation, Commissioner Smith made a motion to authorize the county administrator to execute the purchase contract on behalf of the County Commission for the proposed property in the amount of \$190,000, to be funded from the

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, DECEMBER 29, 2008**

Recreation Fund, seconded by Commissioner Holt and unanimously carried.

Next, Mr. Rendleman stated that the overall budget of the Justice Center solar project is \$250,000, with a grant from the State of Alabama funding \$200,000 of the project. The remaining \$50,000 is coming from funds that were set aside for projects in the jail in the Capital Improvement Fund. Mr. Rendleman asked that \$50,000 be moved from the Capital Improvement fund to the Grants Fund and that the proper accounts be established in the Grants Fund for the solar power project. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Smith to approve the budget adjustments as presented for the Justice Center Solar Power Installation Grant Project. The motion carried unanimously.

Next, Mr. Rendleman stated that due to the recent enactment of the court fee earmarked for the Justice Center Complex, he would request that the Commission establish the Lee County Justice Facilities Fund in the amount of \$450,000. Mr. Rendleman explained that the new revenue source would be used to address various critical maintenance needs at the existing complex, especially those that are safety, security and health issues. Upon this recommendation, Commissioner Lawrence made a motion to establish the Lee County Justice Facilities Fund in the amount of \$450,000, seconded by Commissioner Smith and unanimously carried.

Last, Mr. Rendleman requested that the Commission approve a budget adjustment to reflect the reduction of Alabama Trust Fund resources to Lee County. Mr. Rendleman stated that Lee County can expect to receive about \$200,000 less than last year. Mr. Rendleman reminded the Commission that half the money goes to capital projects and half to resurfacing. Mr. Rendleman stated that the capital funds have not been allocated in the current budget, but the resurfacing allocation have been included in the current budget, therefore, the request is to reduce the RRR Gasoline Fund by \$100,000 and to adjust the Capital Improvement fund in the amount of \$200,000. Commissioner Lawrence made a motion to approve the budget adjustments as presented to reflect the reduction in the Alabama Trust Fund resources to Lee County, seconded by Commissioner Smith and unanimously carried.

Mr. Rendleman reported that Corrections Officer Charolette Moore had presented all the necessary paperwork for pre-approval of an educational reimbursement which has been approved by the proper officials within the Sheriff's Department. Upon this request Commissioner Holt made a motion to pre-approve the educational reimbursement for Corrections Officer Charolette Moore, seconded by Commissioner Smith and unanimously carried

Before discussion of the next agenda item on the East Alabama Mental Health Group Home, County Attorney Stan Martin advised the Commission to go into an executive session to discuss the impact of this item on a matter of current litigation. Mr. Martin requested that Ms. Deedie Matthews, Ms. Erin Stephens, Mr. Neal Hall, Mr. Roger Rendleman and Mr. Justin Hardee attend the executive session. Judge English advised that the executive session would last approximately fifteen minutes and action was expected to be taken after the executive session. Commissioner Smith made a motion to go into executive session, seconded by Commissioner Lawrence and unanimously carried.

Lee Russell Council of Governments Representative Erin Stephens explained that East Alabama Mental Health has a residential group home located on Lee Road 148 that has been mandated to install a sprinkler system at the location. The facility cannot install the necessary water line for the sprinkler system because it has been experiencing safety issues as a result of soil instability and sinkhole related issues on their property and also adjoining property, roads and land. Due to these conditions, the staff at EAMH is also concerned about the longevity of the structure due to its location. Therefore, Lee County Emergency Management Agency is asking the Commission to apply for a FEMA Hazard Mitigation Grant which would replace the facility with another structure at another location. As part of the grant, the applicant would be required to take ownership of the property at the current site, and guarantee future maintenance and that no development would occur on the parcel in the future. Judge English was concerned about Lee County taking title to this property due to current litigation involving sinkhole related

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, DECEMBER 29, 2008**

damage in the vicinity, and did not want this action to potentially jeopardize the County's position in the current litigation. After discussion after the executive session, Commissioner Smith made a motion to authorize Lee-Russell Council of Governments and Lee County Emergency Management Agency to pursue the FEMA Hazard Mitigation Grant. Additionally, the county attorney is requested to write a qualifying statement to go along with the letter of intent. The motion was seconded by Commissioner Lawrence and unanimously carried.

With no further business to come before the Commission, Commissioner Smith made a motion at approximately 6:45 p.m., seconded by Commissioner Lawrence and upon unanimous consent the meeting was adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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