

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 9, 2012

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

Mr. Neal Hall thanked everyone who had been asking and praying for his wife during her recent extended hospital stay. Mr. Hall stated that all the prayers were appreciated. Mr. Hall stated he was happy to report she was currently at home recuperating.

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

Commissioner Ham presented a Resolution commending EMA Director Kathy Raines for her service during the recent tornadoes in Lee County. Commissioner Ham presented the following Resolution from the Secretary of the Senate Patrick Harris.

RESOLUTION

Commending Kathy Raines
for outstanding Achievement and Dedicated Service

WHEREAS, Kathy Raines is the Director of the Lee County Emergency Management Agency and has worked in the field of Emergency Management since 2003, beginning as a planner with the Russell County Emergency Management Agency; and

WHEREAS, Ms. Raines has worked through several federally declared disasters, including Hurricanes Ivan and Katrina, experiencing the human and socioeconomic impact of disasters firsthand, and is passionate about the planning efforts involved in reducing vulnerability and supporting the recovery effort in stricken communities; and

WHEREAS, she is certified as an Emergency Manager by the International Association of Emergency Managers, the Alabama Association of Emergency Managers, and the Alabama Emergency Management Agency; and

WHEREAS, as a member of the Alabama Association of Emergency Managers (AAEM), Ms. Raines serves as Chair of the IT Committee, exploring various methods to improve the level of preparedness through modern technology; she also serves as a member of the Legislative Committee for AAEM, working with our political bodies to enhance preparedness through legislation; and

WHEREAS, prior to moving to the field of Emergency Management, Ms. Raines was a Tactical Medic serving in support of Law Enforcement Tactical Operations, and she also served as a Medic for the Seale Volunteer Fire Department; and

WHEREAS, during the tornadoes of 2011, Ms. Raines worked diligently for the benefit of Lee County, putting aside family and personal concerns to ensure that all citizens of Lee County were served, protected, and assisted without warning, protection, and recovery from the devastating tornado damage; and

WHEREAS, before the tornadoes struck, Ms. Raines worked tirelessly to plan a recovery of this nature, and her prior planning led to the immediate and highly effective response by the Lee County Emergency Management Authorities; she has earned respect for her selfless acts of steel courage as well as her service and dedication to Lee County, Alabama; now, therefore.

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BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That it is a privilege to honor and commend Kathy Raines for her outstanding achievements and unwavering commitment to her community and state, and this resolution is offered in highest tribute and deepest gratitude to her, along with best wishes in future endeavors.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: a listing of claims, procurement card transactions and first reading of Michael Andress to the Beulah Utilities District, first readings of Mr. E. L. "Moose" Godwin, Jeanette Smith, and John Johnson to the Lee County Recreation Board and minutes of the December 12 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Holt and passed unanimously.

Judge English presented a Resolution for the Waste Management contract extension which was discussed at the last meeting. Waste Management Account Executive Dana Jenkins was in attendance to address any questions by the Commission. Commissioner Holt made a motion to authorize the Chairman to sign the Resolution as presented, seconded by Commissioner Harris and unanimously carried.

RESOLUTION

BE IT RESOLVED, by the Lee County Commission of Opelika, Alabama ("the County"), as follows:

- 1) That in accordance with applicable provisions of law and Section 3 of the contract between the County and Waste Management, Inc. ("Contractor") dated March 1, 2009 ("the Contract") the term of the Contract shall be extended for one year from the current date of expiration (March 1, 2012) to March 1, 2013.
- 2) That the terms and conditions of the Contract shall remain in effect for the term of the extension hereby approved, as further set forth in correspondence dated December 2, 2011 from Dana Jenkins, Waste Management Account Executive, to Lee County Commission Chairman Bill English, which correspondence is incorporated herein by reference.
- 3) That the Chairman is hereby authorized and directed to execute such contractual documents or instruments as may be necessary and appropriate to give effect to this Resolution.

City of Opelika Economic Development Director Lori Huguley appeared before the Commission to ask for their assistance to grub and clear 60 acres for "Project Thunder", an economic development project the City is currently negotiating. Mrs. Huguley stated that if the project does not choose Opelika, then the Commission would not be asked to do anything to the property. After much discussion during the pre-meeting, Commissioner Ham made a motion during the meeting that Lee County would provide 1) equipment and 2) manpower, with no overtime hours, to clear and grub a 60 acre site in Opelika's industrial park for "Project Thunder", if Opelika successfully secures the prospect. The City of Opelika would either provide or pay all other out-of-pocket expenses to the County, including fuel, lubricants, silt fencing, stone (for entry) and debris fans (to assist in burning), ADEM permits and inspections. The motion was seconded by Commissioner Lawrence and unanimously approved.

Commissioner Harris asked the Commission to consider meeting with the local delegation to talk about any local legislation that the Commission may want them to consider during the upcoming session. During the pre-meeting, Commissioner Harris indicated he had some issues he wanted to discuss with the delegation including recreation and safety issues in the community. Commissioner Harris stated during the meeting he would get with Legislative

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Coordinator Wendy Swann to discuss scheduling a meeting.

During the pre-meeting, Commissioner Long discussed providing additional chainsaws to the seven Lee County Volunteer Fire Departments that are funded with the fire fee.

Commissioner Long suggested the Commission provide two chainsaws, one spare chain and one spare bar for each department. Commissioner Long made a motion, during the meeting, to purchase and distribute the chainsaws to the Lee County Volunteer Fire Departments as discussed, seconded by Commissioner Holt and unanimously carried.

Next, Commissioner Long asked Sheriff Jay Jones to research a software program that would give the Sheriff's Office the ability to send a text message to the volunteer fire departments when an emergency is dispatched. Sheriff Jones indicated that his department periodically researches new and improved communication devices, and his department would look into such a program. Further, he stated that he would not favor adding additional duties to the dispatchers, but if a program is available that could add text and voice together, then he would be in favor of such. Commissioner Long requested that Sheriff Jones research the subject and report back to the Commission at a later date on those findings.

Smiths Station Mayor LaFaye Dellinger and Recreation Manager Tom Kubik both appeared before the Commission to request permission to install a new wastewater system at the Lee County Park at Smiths Station. Mr. Kubik stated that after researching various systems, he would recommend the City of Smiths Station be approved to install a drip system at the park. Commissioner Holt questioned the capacity and efficiency of the system for the park. Mr. Kubik explained that the engineering firm had indicated this drip system would be sufficient for all the areas at the park including future expansion. Judge English questioned the cost of the system. Mr. Kubik responded that the system is approximately \$80,000 with an additional \$15,000 for engineering costs. Commissioner Lawrence questioned whether they had considered the potential issue of rock under the selected site. Mr. Kubik responded that the engineering firm had done some test boring in various areas, and they did not hit any rock in those areas. After more discussion, Commissioner Long made a motion to allow the City of Smiths Station to proceed with the wastewater system as presented. The motion was seconded by Commissioner Ham and unanimously carried.

Commissioner Lawrence suggested that the Commission consider working on a 2012 strategic plan. Commissioner Lawrence stated the last plan completed in 2005 needs to be updated to give guidance to staff and for development in Lee County. Commissioner Lawrence stated he would like to continue the work done by the Planning Commission. Commissioner Lawrence suggested that the Commission meet in a work session to start discussion on the plan. Then, Commissioner Lawrence made a motion to set a work session for Monday, January 30 immediately following the regular meeting. The motion was seconded by Commissioner Harris and unanimously carried.

Commissioner Harris presented the following Resolution for a retail beer and retail table wine (off premise) license for The Store. The motion was seconded by Commissioner Lawrence and passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED, the Lee County Commission approve the retail beer and retail table wine (off premise) License for The Store located at 11940 Highway 169, Salem, Alabama.

Sheriff Jones asked the Commissioner to table Bid #3 for dry cleaning. Sheriff Jones stated Captain Craig Meadows wants to try to negotiate downward since only one bid was received out of five bids sent.

On Bid #4, out of 12 bids sent, three bids were received for patrol vehicles, Sheriff Jones

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recommended the Commission award the bid to Vic Bailey Ford of Spartanburg, South Carolina. Sheriff Jones explained that these are new 2011 Ford Crown Victoria's that were still sitting on the lot and are the same vehicles currently being used by the Sheriff's Office for patrol vehicles. After discussion, Commissioner Ham made a motion to accept the low bid from Vic Bailey Ford for five patrol vehicles at \$23,900/each. The motion was seconded by Commissioner Holt and unanimously carried.

Judge English explained that Corinne Hurst has elected not to serve as the Absentee Election Manager for the 2012 election cycle, and the Code authorizes the County Commission to set the location for absentee voting when the Circuit Clerk is not serving in that role. Judge English recommended that the location be kept at the Justice Center, since people are used to going to that location for absentee voting. He added that absentee voting was moved to the Courthouse the last time the Circuit Clerk recused herself, and that it created significant confusion for absentee voters. Judge English stated that a location has been arranged upstairs which will be available 45 days preceding each election this year and it will not interfere with the operations at the Justice Center. Commissioner Harris stated he thought it would run smoother and be more impartial if it were moved to the Courthouse. Judge English indicated his preference that it not be at the Courthouse to avoid any appearance of impropriety since he was in a contested primary race. Mr. Rendleman was asked by Commissioner Lawrence whether we had space available in the Courthouse and he said we did not with all the renovations going on upstairs. After the explanation, Commissioner Lawrence made a motion to authorize the use of the old adult probation room (B-219) upstairs at the Justice Center for absentee voting for the 2012 election cycle. The motion was seconded by Commissioner Holt and unanimously carried.

County Administrator Roger Rendleman asked the Commission to designate him as the administrator to sign all forms as required by the new E-verify system. Mr. Rendleman stated that Lee County is trying to comply with the new immigration law which goes into effect for state contractors on January 1, 2012 and for all employers and business entities on April 1, 2012. The law requires all employers to enroll in and verify employment eligibility through E-Verify. The new law prohibits all Alabama employers, public and private, from knowingly employing unauthorized aliens. Additionally, the law prohibits state government entities from awarding contracts or providing grants or other incentives to employers that fail to enroll in and verify employment eligibility through E-Verify. After discussion, Commissioner Holt made a motion to appoint Roger Rendleman as the administrator to sign all forms required by the E-verify system. The motion was seconded by Commissioner Ham and unanimously carried.

Wendy Swann appeared before the Commission to request that the Junior League of Lee County be allowed to use the Johnson Gallery building for their annual rummage sale to be held on March 24, 2012. Additionally, Mrs. Swann requested the Commission allow the building to be used beginning March 21 prior to the sale date for drop-offs. Judge English reminded the Commission that they need to name the County as additional insured. Mrs. Swann stated they would provide it as they did last year. After consideration, Commissioner Holt made a motion to allow the Junior League of Lee County to use the Johnson Gallery building on March 21-24, and require they provide proof of liability insurance as requested, the motion was seconded by Commissioner Ham and unanimously carried.

Commissioner Holt made a motion at approximately 6:15 p.m. to adjourn, seconded by Commissioner Lawrence and passed unanimously, so those that desired could leave to watch the 2012 BCS National Championship football game.

Minutes approved:

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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 30, 2012

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, January 30, at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

Judge English informed the Commission that Mr. Halls' wife was back in the hospital for another procedure. Judge English asked everyone to continue to remember them in your prayers.

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

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, bid #5 for a truck for building maintenance, first reading of John Hoar and Deneice Holder as Board Members to the SW Lee County Fire Protection Authority and minutes of the January 9 meeting. On bid #5, Maintenance Director Jerry Lynch recommended the Commission accept the low bid of \$30,465 from Team Chevrolet of Alpharetta, Georgia. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and passed unanimously.

Commissioner Lawrence presented the following resolution on second reading of Michael Andress to the Beulah Utilities District, seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED, that Lee County Commission hereby reappoints Michael Andress to the Beulah Utilities District for a four-year term from December 1, 2012 to December 1, 2016.

Commissioner Lawrence presented the following resolution on second reading of Jeanette Smith and John Johnson to the Lee County Recreation Board, seconded by Commissioner Harris and unanimously carried. Commissioner Long asked that the re-appointment of Mr. E. L. "Moose" Godwin to the Recreation Board be carried forward.

BE IT RESOLVED, the Lee County Commission hereby appoints Jeanette Smith and John Johnson to the Lee County Recreation Board. Ms. Smith replaces LaTarsha Billingsly as the Beauregard representative for District 5 and will fulfill her unexpired term until October 14, 2016. Mr. Johnson will replace Mr. Tracy Simpson's unexpired term until October 14, 2014 as the Loachapoka representative for District 5.

Sheriff Jones reported that Captain Craig Meadows had negotiated downward with Fifth Avenue Cleaners on bid #3 for laundry and dry cleaning. Sheriff Jones reported that even though they were the lone bidder, Captain Meadows was successful in negotiating a lower price. Sheriff Jones recommended the Commission accept bid #3 as negotiated. Upon this recommendation, Commissioner Harris made a motion to accept the negotiated bid from Fifth Avenue Cleaners. The motion was seconded by Commissioner Long and unanimously carried.

During the pre-meeting, Revenue Commissioner Oline Price appeared before the Commission asking for approval to enter into a vendor agreement for certified mailings. Mrs. Price stated that she could work directly with the vendor on this item if the Commission approved this agreement. Mrs. Price further agreed to obtain their E-Certify documentation as

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required. During the meeting, Commissioner Lawrence made a motion to grant the Revenue Commissioner approval to enter into an agreement with Future Computer Systems Inc. of Birmingham, Alabama to mail certified late notices to citizens. The motion was seconded by Commissioner Holt and unanimously carried.

Commissioner Lawrence requested that the Commission grant travel approval to any Commissioner wishing to attend the upcoming Disaster Relief 101 training. The training is being sponsored by the Association's County Government Education Institute on March 21-22, 2012 in Prattville at the Marriott Legends Hotel. Commissioner Lawrence made a motion for travel approval for any Commissioner who wishes to attend the upcoming CGEI disaster training. The motion was seconded by Commissioner Ham and unanimously carried.

During the pre-meeting much discussion was had concerning the issue of water draining onto a residents' driveway on Lee Road 751. Assistant County Engineer Justin Hardee stated that he and several other employees had taken a look at the situation and they all agreed that the issue was not caused by the county, but by the natural topography of the area. Commissioner Ham stated that the resident stated the county had year's prior put material on the roadway causing the water to drain down his driveway and causing the driveway to wash away. Further, Commissioner Ham indicated that the county should place gravel on the driveway to reestablish it the way it was prior to the washing of the driveway so that in the event that emergency vehicles were called they would be able to access the home. Commissioner Holt questioned County Attorney Stan Martin on the issue. Mr. Martin indicated that he would be happy to look at the pictures provided by Mr. Hardee and do necessary research on the issue. Mr. Martin further stated it sounded borderline to him. Mr. Hardee stated that according to their records the county does maintain Lee Road 751, but had no record where the resident had ever called the Highway Department on this situation. Mr. Hardee further advised the Commission that a county crew had gone out and done a few minor repairs on county right-of-way near the driveway and stated he felt it may alleviate part of the problem with water running into the driveway. Commissioner Ham agreed that the problem was on private property and not on the county's right-of-way. Commissioner Lawrence asked Mr. Martin to look into the situation and this was concurred by Commissioners Ham and Harris. During the meeting, Commissioner Ham agreed to move the agenda item concerning Lee Road 751 to the next agenda for further review by Mr. Martin.

Commissioner Harris asked the Commission to allow him to attend the NACo Legislative Conference in Washington, D.C. on March 3-7, 2012 so he may attend a board meeting of the Rural Steering Committee of which he is a member. Commissioner Harris made a motion to allow him to attend the upcoming NACo Legislative Conference, seconded by Commissioner Long and unanimously carried.

County Administrator Roger Rendleman presented the annual policy review for Commission consideration. Mr. Rendleman stated that Human Resource/Safety Manager Kim Oas had provided a breakdown of the changes in the information presented in the Commission packets. Mr. Rendleman further stated these changes are to clarify, update, bring into compliance with State or Federal regulations, and remove any unnecessary processes or information. Additionally, a majority of this year's changes were a result of the creation of the Alternative Sentencing Board and how employees under this Board are defined in the policies; the redefining of employment related tasks regarding the Sheriff's Office employees due to the creation of the Sheriff's Personnel Manager position; and bringing policies such as FMLA, Military Leave and EEO in compliance with new regulations. Upon Mr. Rendleman's recommendation, Commissioner Lawrence made a motion to adopt the necessary changes to the Policies and Procedures as presented, seconded by Commissioner Holt and unanimously carried.

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Mr. Rendleman requested that the Commission approve the central plant expansion change order #2 for a reduction of \$37,800 in the construction contract with Parker Construction. This amount represents a credit in the remaining contingency allowance that was not utilized. Additionally, Mr. Rendleman requested that the Commission close out the contract since Parker Construction has met all the requirements of the contract. Mr. Rendleman further shared that the outstanding issue with the chiller are with the manufacturer as a warranty issue; since the unit was in full operation for a few months after substantial completion and the punch list items with Parker were independent of the chiller problem. Commissioner Holt made a motion to approve change order #2 for a reduction of \$37,800 in the contract from \$1,152,999 to \$1,115,199 and close out the contract with Parker Construction. The motion was seconded by Commissioner Long and the motion passed on a vote of 4-0-1 with Commissioner Lawrence abstaining.

Mr. Rendleman presented paperwork for the pre-approval of educational reimbursements for Deputy Pam Revels and Revenue Commissioner Administrative Assistant Cheryl Whitlock. Mr. Rendleman stated that each had completed the necessary paperwork and proper authorization had been obtained for approval. Commissioner Long made a motion to pre-approve the educational reimbursements as presented, seconded by Commissioner Holt and unanimously carried.

Next, Mr. Rendleman explained that upon review of bid #6 for receptacle and disposal services he would recommend the Commission reject the bid. Mr. Rendleman explained that an alternate in the bid was to rent a compactor and a 40 yard receptacle at the Detention Center site, but after review with Mr. Lynch and discussion with Mr. Marshall it was determined that the county could invest the money to purchase a compactor and haul the container and trash by county staff for an additional savings of approximately \$1,522 per month in disposal costs for the detention facility. Mr. Rendleman stated that there are sufficient funds available and budgeted in Capital Improvement Fund to cover the capital investment; therefore, he recommended the Commission reject the bids for Receptacle and Disposal Services, and proceed with installing a compactor and providing disposal services with our own forces at the Justice Center Detention location. Upon this recommendation, Commissioner Lawrence made a motion to reject the bids for Receptacle and Disposal Services, seconded by Commissioner Holt and unanimously carried. Further, Commissioner Lawrence questioned whether the compactor could be the sole disposal site for that facility. Jerry Lynch explained that the Sheriff's Office utilized the open container for their own disposal of certain items. Mr. Rendleman stated he would look into this situation to see if the compactor can be utilized at the entire Justice Center facility.

Last, Mr. Rendleman recommended the Commission authorize the Sheriff to sign his own Memorandum of Understanding with the E-Verify system. Mr. Rendleman explained that this is an issue of concern since the Sheriff is responsible for all aspects of his personnel and since there are components of the E-Verify regulations that could cause the Commission concern if the Sheriff and/or his designee misused the system. Therefore, it would be beneficial for the Commission to grant the Sheriff the authority to sign on behalf of the Sheriff's Office with the E-Verify system. Upon the recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Long to authorize the Sheriff to sign his own Memorandum of Understanding with the E-Verify system and passed unanimously.

Mr. Jack Marshall presented the following Resolution for Commission consideration for the Recycling Partnership that was formed in 2009 and had been successful in obtaining recycling grants. Commissioner Holt made a motion to approve the following Resolution, seconded by Commissioner Long and unanimously carried.

RESOLUTION

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

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

WHEREAS, this grant application focus' on purchasing equipment to further our recycling efforts.

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

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

Deputy Administrator Alice Fitzgerald asked the Commission to approve a budget revision for the Appraisal Department. Mrs. Fitzgerald said the department needs additional shelving for personal property records and needed repairs to the plotter are necessary. Therefore, the request is to reallocate \$8,622 from postage to office equipment and furniture and \$1,000 to repairs and maintenance of data processing equipment for a total reallocation of \$9,622. Commissioner Harris made a motion to reallocate the funds as requested, seconded by Commissioner Ham and unanimously carried.

After discussion, Commissioner Holt made a motion to move the application for a retail beer license for Archers Get N Go to the next agenda for further review. The motion was seconded by Commissioner Harris and passed on a vote of 4-0-1 with Commissioner Long abstaining.

Commissioner Holt made a motion to approve the following Resolution to approve the application for a retail beer and retail table wine license for Lucky Stop and Shop. The motion was seconded by Commissioner Harris and passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED the Lee County Commission approves the application for a retail beer (off premise) and retail table wine license (off premise) for the Lucky Stop and Shop located at 7152 Stage Road, Loachapoka, Alabama.

County Attorney Stan Martin stated the Commission needed to adjourn into Executive Session to discuss threatened litigation. Mr. Martin stated that Sheriff Jay Jones needed to attend. He stated the session would last approximately 20 minutes, and no official action was anticipated afterward. Commissioner Harris made a motion to adjourn into executive session at approximately 6:20 p.m. and seconded by Commissioner Lawrence.

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Upon reconvening from the executive session, Commissioner Long made a motion at approximately 6:45 p.m. to adjourn into a work session on strategic planning, seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 13, 2012

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

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

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

Commissioner Long requested that the agenda item concerning second reading of the reappointment of Mr. E. L. "Moose" Godwin to the Lee County Recreation Board be moved forward to the next agenda.

Commissioner Holt presented the following resolution for second reading of John Hoar and Deneice Holder to the SW Lee County Fire Protection Authority Board, seconded by Commissioner Lawrence and unanimously carried.

BE IT RESOLVED, that Lee County Commission hereby appoints John Hoar and Deneice Holder as board members of the SW Lee County Fire Protection Authority for a term of six years.

Mr. Marvin Smith of 20 Lee Road 751 appeared before the Commission during the pre-meeting to discuss an issue with his driveway. Mr. Smith stated that Lee County caused damage to his driveway when Commissioner Huey Long built the road up 30-35 years ago turning excess water runoff onto his property, ultimately causing him to have to reroute the driveway. He stated that the county stopped general maintenance on the ditches years ago, and that his driveway culvert was completely stopped up. Recently he had a propane truck get stuck in his driveway, and he became concerned about the accessibility of emergency vehicles to his property due to his age and health concerns. Mr. Smith asked the county to bring in material and fill and pack approximately 100 feet of his driveway (to the curve), and tilt it a little so the excess water would go into his pasture. Commissioner Harris questioned whether Mr. Smith was supposed to pay for the driveway pipe under county policy, and Mr. Hall said no. Mr. Smith responded that the County paid for it when it was installed 42 years ago. Commissioner Lawrence asked County Attorney Stan Martin about the propriety of the county performing this work on private property. Mr. Martin responded that the county should be okay working on this case based upon Mr. Hall's statement that the county contributed to the problem, and that the Commission should make a finding that acknowledges that the county contributed to the damage to private property. After much discussion, Commissioner Ham made a motion to authorize the Lee County Highway Department under the direction of County Engineer Neal Hall to make the necessary repairs to Mr. Smith's driveway on Lee Road 751 and bring the driveway back up to the way it was before the county rebuilt the road. The agreed upon plan was for the county to replace the driveway culvert and ensure adequate ditching, and then repair the remainder of the driveway after we get a big rain and can be sure that the ditch and pipe will handle the volume of water. The motion was seconded by Commissioner Holt and passed unanimously.

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Discussion from the last meeting continued on the retail beer (off premise) application for Archer's Get N Go. County Administrator Roger Rendleman stated that the Commission should have a policy in place which specifies certain criteria to be able to reject an application. Commissioner Lawrence questioned if the application could be denied based on an incomplete application. Judge English stated that it had to be an objective reason for denial. Commissioner Holt suggested that the item be tabled. Commissioner Harris stated he had reviewed the application and stated that the inaccurate information was put on there by the ABC Board, not the applicants. He further stated that he knew from personal experience that the ABC Board was responsible for completing the application. Commissioner Lawrence stated he felt that the information was inaccurate and he would suggest that the application be rejected and ask the applicants to reapply. Commissioner Harris stated the ABC Board should complete the information correctly. Commissioner Lawrence stated that the applicant signed and verified that the information was true and correct. Commissioner Lawrence made a motion to reject the application, seconded by Commissioner Holt for discussion. Commissioner Harris asked that the item be tabled. After more discussion, Commissioner Holt made a motion to call for the question, seconded by Commissioner Lawrence. Judge English proceeded to ask for the vote on the call for the question and it passed on a vote of 4-1 with Commissioner Harris voting "No." Next, the vote on the underlying motion to deny the issuance of the beer license for Archer's Get N Go on Lee Road 240 based on an incomplete application passed on a vote of 4-1 with Commissioner Harris again voting "No".

Judge English stated that he had received a proposed amendment to renew a fifteen year lease with the Alabama Department of Conservation and Wildlife for the public boat ramp at Po' Boys Landing on Lake Harding. Commissioner Lawrence made a motion to authorize the Chairman to sign the agreement, seconded by Commissioner Holt and unanimously carried.

Judge English presented the annual levy of taxes and fees for 2012. He emphasized that this was the annual action necessary to assess the existing taxes, and that it involved no new taxes or fees. Commissioner Lawrence made a motion to adopt the following tax levy, seconded by Commissioner Long and unanimously carried.

TAX LEVY 2012

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, 2011.

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, 2011.

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, 2011 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, 2011 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

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levied for the tax year beginning October 1, 2011, 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, 2011 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, 2011 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, 2011 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.

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, 2011, 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, 2011, in addition to all other taxes authorized by law, a special County ad valorem tax at the rate of 1 ½ mills on each \$1.00 or fifteen cents on each one hundred dollars worth of taxable property in Lee County, the proceeds of which shall be used for the purpose of improving the enforcement in Lee County, Alabama, of laws relative to neglected, delinquent and dependent children and enlarging and improving and providing new services to and facilities for handling neglected, delinquent and dependent children.

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

12. That, pursuant to authority conferred on the Lee County Commission by Act No. 81-737, 1981 Regular Session of the Alabama Legislature, to levy and provide for the collection of a solid waste disposal fee on residents of Lee County, a solid waste disposal fee at the rate of \$16.22 per month (adjusted to include the CPI each year as passed by Resolution on July 13,

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2009) is levied on each residential unit not exempt as set out in Paragraphs 4, 5, 6 and 7 in Resolution passed by the Lee County Commission on January 9, 1984, and recorded in Commission Minutes Volume 4, Pages 362-363, including mobile homes and residences located on real property. A solid waste disposal fee as \$48.67 per month (adjusted to include the CPI each year as passed by Resolution on July 13, 2009) is hereby levied upon any user of solid waste disposal services who is not included in the levy on residential units; provided that the levies herein made affect only those areas in Lee County, Alabama outside the municipal limits of the cities of Opelika, Auburn and Smiths Station and shall not affect any user who has a contract for private garbage disposal service. Additionally, the Commission passed a Resolution at its meeting of July 13, 2009 which authorized a yearly adjustment, beginning October 2011, based on the Consumer Price Index table for All Urban Consumers (CPI-U), South Urban region, Size B/C (pop. 50,000-1,500,000) as of October 2010. Beginning October 1, 2009 and each October 1 thereafter, the fee shall become a fixed charge against the property for the succeeding 12 months and shall be collected between October 1 and December 31 of each succeeding year by the Revenue Commissioner of Lee County, Alabama at the same time that ad valorem taxes are collected.

13. That, pursuant to the provisions of Act No. 89-390 enacted at the Regular Session of the Legislature of Alabama and election held on May 30, 1989 in Fire Districts Nos. 1, 2, 4, 7 and 8 in Lee County, and an election held on May 22, 2001 in Fire District No. 5 in Lee County, as established and the boundaries fixed by the Lee County Commission, there is hereby levied: in Fire District No. 1 served by the Friendship Volunteer Fire Department, in Fire District No. 2 served by the Beauregard Volunteer Fire Department, in Fire District No. 4 served by the Plainview Volunteer Fire Department, in Fire District No. 5 served by the Salem Volunteer Fire Department, in Fire District No.7 served by the Southwest Lee County Fire Protection Authority and in Fire District No. 8 served by the Farmville Volunteer Fire Department for the fiscal year of the County that began on October 1, 2009 a financial charge of \$25.00 with respect to each Unit of Property (as defined in Act No. 89-390) in such District, unless such Unit of Property is exempted from such financial charge as provided in Act No. 89-390. The financial charge hereby levied shall become due and payable on October 1, 2011 and delinquent if not paid before January 1, 2012 and shall be collected by the Revenue Commissioner at the same time as ad valorem taxes are collected.

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

Sheriff Jones presented an equipment lease with Blossman Gas for a propane tank and a propane dispenser to be located at the Sheriff's Office to serve his new dual fuel vehicles. Upon discussion, Commissioner Holt made a motion to allow Sheriff Jones to sign the equipment lease with Blossman Gas. The motion was seconded by Commissioner Ham and unanimously carried.

Sheriff Jones requested that the Commission allow the Sheriff to retain and manage the funds collected under the sex offender notification law in accordance with Act 2011-640, and spend the same for the required purposes. After discussion, Commissioner Holt made a motion to approve the following Resolution, seconded by Commissioner Lawrence and passed unanimously.

RESOLUTION

WHEREAS, the Alabama Legislature adopted Act 2011-640 Alabama Sex Offender Registration and Community Notification Act; and

WHEREAS, Act 2011-640 revises the current system for registration by adults and juveniles convicted of certain sex offenses. The act provides a system of notification to victims

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and other members of the general public or information pertaining to certain sex offenders; and

WHEREAS, the act also repeals Sections 13A-11-200, 13A-11-201, and 13-11-202, as well as Sections 15-20-1 to 15-20-38, inclusive, Code of Alabama 1975, relating to certain registration procedures and other laws governing sex offenders and became effective July 1, 2011.

NOW THEREFORE, BE IT RESOLVED, by the Lee County Commission that the Sheriff of Lee County is hereby authorized to hold all funds acquired by Act 2011-640 for the purpose of notifying citizens of sex offenders in Lee County, Alabama.

BE IT FUTHER RESOLVED by the Lee County Commission that the Lee County Sheriff is hereby appointed as recipient of the Sexual Offender fees for postage and/or any necessary expenses for notification purposes.

Commissioner Lawrence made a motion at approximately 6:20 p.m. to adjourn the meeting, seconded by Commissioner Harris and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 27, 2012

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

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

Commissioner Lawrence recognized and thanked the local volunteer fire departments in attendance. Then the Commissioners and each member of the fire departments retired to the Courthouse steps for a picture and presentation of the chainsaws. The following departments were present to accept the chainsaw donation: Beulah Fire Department, Beauregard Volunteer Fire Department, Farmville Volunteer Fire Department, Friendship Volunteer Fire Department, Salem Volunteer Fire Department and Southwest Lee County Fire Authority. Each department thanked the Commission for the donation.

EMA Director Kathy Raines made a presentation on the SAF-T-Net Program, Specific Alerting for Threats Network, to the Commission. Mrs. Raines reported that the system has been given, free of charge, to every EMA Office in the State of Alabama. Further, she stated that citizens will be able to sign up for the free service if they wish to (texting charges may apply according to individual plans). Mrs. Raines stated that a person may enroll a mobile phone and up to three fixed locations and then the individual will receive notifications of severe weather alerts for all locations as stated.

Additionally, Mrs. Raines informed the Commission that WTVM Channel 9 News will be at the new Publix on East University Drive promoting the Midland Weather Radios at a discounted price, including programming, from 10:30 a.m. to 5:30 p.m. on Wednesday, February 29. Mrs. Raines encouraged all to attend the event and purchase a radio in preparation of the upcoming potentially severe weather.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and minutes of the February 13 meeting. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence and passed unanimously.

Commissioner Long recognized Mr. Reginald Archer concerning his retail beer application for Archer's Get N Go. Mr. Archer stated he had taken the necessary steps in making application for a retail beer license, and he would request that the Commission reconsider his application. Commissioner Long stated that Mr. Archer had resolved the issues on the application to his satisfaction and would recommend that the Commission reconsider and approve the application. Further, Commissioner Long stated that after researching the location of the establishment it was determined that it is located in District 5. Then, Commissioner Harris made a motion to approve the following Resolution approving the retail beer license application from Archer's Get N Go. The motion was seconded by Commissioner Holt and unanimously carried.

BE IT RESOLVED, the Lee County Commission approves the retail beer license (off premise) for Archer's Get N Go located at 942 Lee Road 240, Smiths Station, Alabama.

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Commissioner Long reported that Mr. E. L. "Moose" Godwin no longer wished to serve on the Lee County Recreation Board, so first reading of Mr. Rex Barr to the Lee County Recreation Board for District 3 was announced.

Concerning the next agenda item, Mr. Joseph Leonard of Lee Road 649 was not in attendance. Commissioner Holt stated the problem had been resolved.

Upon discussion in the pre-meeting, Commissioner Lawrence made a motion during the meeting to allow mileage reimbursement for any Commission member who wishes to travel to Montgomery for interaction during the 2012 Legislative Session on issues affecting Lee and/or surrounding counties. The motion was seconded by Commissioner Harris and unanimously carried.

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 2012-2013. The following Resolution was offered by Commissioner Holt, seconded by Commissioner Harris and carried unanimously;

BE IT RESOLVED by the Lee County Commission that the County license levies for the sale of liquor, beer and wine for the fiscal year beginning October 1, 2012 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

County Administrator Roger Rendleman presented the bid results on the sallyport doors at the Justice Center. Mr. Rendleman explained that the original doors, which are approximately five years old, were not the proper door for the way the doors were utilized on a daily basis. Mr. Rendleman explained that there was a miscommunication between the architect and jail staff concerning the use of the doors. Mr. Rendleman recommended the Commission accept the low bid from J. A. Lett Construction for \$162,800 which is 35% less than anticipated. Upon this recommendation, Commissioner Lawrence made a motion to accept the low bid of \$162,800 from J. A. Lett Construction, seconded by Commissioner Long and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 27, 2012

Governmental Relations Coordinator Wendy Swann requested that the Commission add an item to the agenda. Commissioner Lawrence made a motion to add, seconded by Commissioner Long and unanimously to add an item to the agenda. Mrs. Swann presented a proposed Drug Court Resolution for Commission consideration. Mrs. Swann stated that this will be the third application for these grant funds, which have been denied twice before. Judge English questioned if this is a 100% grant, and Mr. Rendleman stated it was a 75/25 match and the Lee County Alternative Sentencing Board would provide those funds. Judge English requested that language reflecting that the Alternative Sentencing Board would be responsible for meeting the match be included in the Resolution. After discussion, Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Holt and unanimously carried.

RESOLUTION

WHEREAS, the Lee County Circuit Court has recently established an adult drug court program to address defendants with substance abuse issues; and

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

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

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

WHEREAS, the BJA grant requires a local match of 25 percent and those funds will be provided by the Lee County Alternative Sentencing Board.

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

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 12, 2012

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 12, 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 Long, Robert Ham and John Andrew Harris. Elected Official(s) present: Sheriff Jay Jones and Loachapoka Mayor James Grout.

Commissioners Lawrence and Ham were happy to report that over three hundred weather radios were purchased and programmed during the event held at the new Publix in Auburn.

Commission Harris gave a report on his recent attendance at the NACo Legislative Conference held in Washington, D.C. last week.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions and minutes of the February 26 meeting. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Ham and passed unanimously.

Commissioner Ham addressed the Disaster Debris Recovery Services RFP. Assistant County Engineer Justin Hardee and EMA Director Kathy Raines reviewed the 13 responses that were received and upon review only seven companies met the initial threshold. Evaluation information was calculated by using four actual storm scenarios and was then applied to each vendor's pricing. Upon review of the results and the 5% local preference rule, Commissioner Ham recommended D & J Enterprises of Auburn be awarded the contract for disaster debris recovery services. Commissioner Holt questioned what would happen if the storm did not qualify for FEMA assistance. County Engineer Neal Hall stated the county would perform the necessary clean-up internally. Additionally, Commissioner Holt questioned whether the manpower and equipment would be available if necessary. Mr. Hardee stated that the vendor work would only be needed if county resources are overwhelmed. Commissioner Lawrence questioned whether the RFP is the same as a bid. County Administrator responded in the affirmative, but stated the job is not defined until the event occurs. Additionally, Commissioner Lawrence questioned if other counties are hit by a storm, would D&J be able to respond if a storm also hit Lee County. Commissioner Ham stated that D & J Enterprises has subcontractors available in that event. Commissioner Long questioned if D & J Enterprises has a mobilization fee. Mr. Hardee stated the "push and shove" rate is at the rental rate for the equipment. After the discussion, Commissioner Ham made a motion to approve D & J Enterprises for the disaster debris recovery services, as necessary. The motion was seconded by Commissioner Harris and unanimously carried.

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

BE IT RESOLVED the Lee County Commission does hereby appoint Mr. Rex Barr to the Lee County Recreation Board for District 3 until October 14, 2016 to fulfill the unexpired term of Mr. E. L. "Moose" Godwin.

County Administrator Roger Rendleman presented the following policy for Commission consideration and stated this policy could reduce the county's potential liability since there has

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 12, 2012

been an increase in claims for excess proceeds from the tax sale being submitted by third party companies. Mr. Rendleman stated that currently the ACCA had a bill in the legislature to clean-up the excess proceeds/redemption process but that this local policy is needed in the interim. Upon this recommendation, Commissioner Holt made a motion to approve the following policy for distribution of excess proceeds, seconded by Commissioner Long and unanimously carried.

Policy for Distribution of Excess Proceeds from Tax Sale

- 1) Request by Individual(s) in whose name property was assessed at time of tax sale:
 - a) Must submit a notarized affidavit requesting excess funds be distributed to them and include a statement certifying that they have not transferred their interest in the property nor has the property been foreclosed upon as of the date of the request for excess funds; and
 - b) Must provide a copy of their deed with a description of subject property; and
 - c) Must provide a copy of the latest tax assessment sheet in their name; and
 - d) If property was jointly owned, all owners must sign documentation showing the percentage of ownership interest in the excess proceeds due to each named party. If joint owners are divorced and the property was awarded to one party by the court, must also provide a copy of divorce decree and/or court approved agreement showing distribution of subject property between the parties; and
 - e) Must provide picture identification(s) (ex. drivers' license) of all claimants.
 - f) Once documented, payment for excess funds will be made payable to the individual(s) in whose name property was assessed at time of tax sale.
- 2) Request by any other person(s) than above:
 - a) In addition to the documents listed above, must also provide the following:
 - b) If any property owner(s) are deceased, the claimant must provide legal documentation showing that the claimant has been appointed by a court as the personal representative of the estate and thereby entitled to the proceeds due to the decedent; and
 - c) A Power of Attorney which specifically includes the following:
 - a. Authority to claim excess proceeds from tax sale on behalf of owner(s), and the amount claimed; and
 - b. Legal description of subject property; and (legal description in a deed alone is not sufficient, it must also be shown in the power of attorney to identify that they describe the same parcel(s)); and
 - c. Must state both owner(s) and any other claimant(s) waive right to redeem the property during the remaining right of redemption period; and
 - d. Power of Attorney must be an original or a certified copy of a recorded document; and
 - e. Power of Attorney must be notarized; and
 - d) A copy of the signed contract or agreement between the assessed owner(s) and the third party claimant authorizing the third party to claim excess funds.
 - e) Once documented, payment for excess funds will be made payable jointly to the individual(s) in whose name property was assessed at time of tax sale in care of the third party claimant(s).

*Once a claim is received from any claimant other than the person in whose name the property was assessed, Lee County will make a reasonable effort to notify the owner as shown on the latest assessment sheet that the excess funds may be claimed in person.

Next, Mr. Rendleman stated the Commission needed to declare an emergency for the replacement of the electrical switch gear at the Justice Center. Mr. Rendleman explained that the recent fire had damaged the switch gear, but the engineers could not determine the cause, so therefore, the cost to repair it would be placed on the county. Judge English reminded that declaring the emergency just shortens the advertising period, but does not relieve the county of the obligation to bid this project. Upon this recommendation, Commissioner Ham made a motion to declare an emergency for the replacement of the switch gear at the Justice Center, seconded by Commissioner Harris and unanimously carried.

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Commissioner Lawrence made a motion to add an item to the agenda. The motion was seconded by Commissioner Long and unanimously carried. Chief Appraiser Bobby Armstrong presented the following Memorandum of Understanding for Commission consideration. Commissioner Holt made a motion to approve the Memorandum of Understanding, seconded by Commissioner Lawrence and unanimously carried.

Memorandum of Understanding

This Memorandum of Understanding is between:

Bill English, Chairman of the Lee County Commission, hereinafter referred to as COUNTY and Susan Marlow, President of SDS, Inc., hereinafter referred to as SDS, fax 615-794-5310, and Dan Richards, President of Flagship GIS, Inc., hereinafter referred to as FLAGSHIP, fax 770-886-6824;

Now, therefore, the parties agree as follows:

- 1) Within one week of authorization of this Memorandum, FLAGSHIP agrees to provide free of charge to SDS the following data, hereinafter referred to as "County Data": Parcel Polygon Shape Files with attached parcel-keys that link to an Access Database containing the following CAMA data fields (as available): parcel number, parcel street address, owner's name, mailing address, city, state and zip, tax district, legal description and subdivision name.
- 2) SDS agrees to use the County Data exclusively for the ALDOT signage/billboard project, hereinafter referred to as "The Project", and SDS agrees not to give away, share, show, sell or otherwise disseminate the County Data.
- 3) Upon authorization of this Memorandum, SDS agrees to permanently shut down any and all eMapsPlus website(s) that SDS may have developed or maintained with any of the COUNTY'S past GIS/CAMA data.
- 4) Upon substantial completion of The Project, SDS agrees to provide free-of-charge to COUNTY the following data, hereinafter referred to as "Billboard Data": Shape File of the Signage/Billboard Locations including all associated tabular data and digital photographs associated with The Project that falls within the boundaries of COUNTY. SDS agrees to format the data and give suitable written instructions such that COUNTY and FLAGSHIP can readily incorporate the Billboard Data into COUNTY's GIS system.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 26, 2012

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

During citizen's communication, Mr. Nathaniel Scott of Mt. Pelia Baptist Church and several residents of the area around it appeared before the Commission requesting a siren be located in their community. Mr. Scott stated that the closest siren was located in the Town of Waverly. Judge English stated the town was approximately four miles from the church location. Mr. Scott stated he and those in the area would like a siren so they could have warning in case of an approaching tornado. EMA Director Kathy Raines was in attendance and explained that outdoor sirens are for warning people who are outside, so they will go inside and listen to a radio or television station to determine the danger or threat. Mrs. Raines also suggested the residents sign up for the Saf-T-Net Program and she explained the process to do so. Additionally, Mrs. Raines invited Mr. Scott to her office so they could discuss options for their situation. Judge English thanked the residents for their attendance.

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

Commissioners Ham and Lawrence reported on their recent attendance at a Disaster Relief Training course. Commissioner Ham reported that his total expenses totaled \$322 which included registration of \$195, \$100 for lodging and \$27 for food for two days. Commissioner Ham stated the class was beneficial to him by providing guidance and understanding of his role as a Commissioner during a disaster. Commissioner Lawrence added that he was working with the ALGTI Board trying to add this program to the New Commissioner training in upcoming sessions.

Next, Commissioner Ham asked Mrs. Raines to update the Commission on the current Emergency Operations Plan. She explained that the EOP is the operating document that governs how and when the various components of EMA and the member governments are supposed to respond in a disaster. Commissioner Ham reported that the class they attended taught that the role of the county commission is to ensure that all the necessary resources have been provided and that adequate plans are in place before disaster strikes.

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

Judge English presented information concerning the fire fee election. Judge English stated that the Lee County Volunteer Firefighters Association has requested the Commission move forward and set a date for the Special Fire Fee Election. Further, Judge English explained the legislation regarding the wording of the ballot, the proposed date of the election and the proposed 25-year life of the fire fee. Additionally, Judge English explained that the current fire fee has only a two-year life span left. Commissioner Lawrence made a motion, seconded by Commissioner Long and unanimously carried to set a Special Fire Fee Election for May 29, 2012, at a rate of \$50 per year with respect to each "unit of property" (as defined by Act #89-390), for each fiscal year beginning October 1, 2011 and ending September 30, 2036. He also requested County Attorney Stan Martin to submit the date and ballot wording for U.S. Dept. of

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 26, 2012

Justice pre-clearance. As required by the Act the ballot wording will be as follows in the attached Resolution.

RESOLUTION

WHEREAS, the Lee County Commission calls for a special election pursuant to Acts No. 89-390 (H449) and No. 2011-526 (HB 451) (2011) to allow all qualified electors outside the corporate limits of Auburn, Opelika and Phenix City to vote for fire protection services in their respective fire districts in Lee County.

WHEREAS, the body unanimously voted to word the ballot as follows:
“Shall the Lee County Commission of Lee County, Alabama, be authorized to increase the maximum rate of that certain financial charge or assessment for the expenses of providing fire protection, fire prevention, emergency medical services, and related services and facilities, (including matching funds for federal grants, the employment of paid firefighters, and the expenses of levying and collecting the financial charge) at a rate not exceeding \$50.00 per year with respect to each “unit of property” (as defined by Alabama Act No. 89-390) within this Fire Fighting District, for each fiscal year beginning October 1, 2011 and ending September 30, 2036.”

FOR increase in rate of financial charge or assessment - →

AGAINST increase in Rate of financial charge or assessment - →

NOW THEREFORE, BE IT RESOLVED, by the Lee County Commission that the Probate Judge of Lee County is hereby directed to hold a special election on May 29, 2012 for the qualified electors of Lee County to vote for fire protection services within their respective fire districts.

County Engineer Neal Hall presented the following Pre-engineering Agreement for Lee Road 391 for Commission approval. Mr. Hall stated that the Agreement is with the Alabama Department of Transportation for widening and resurfacing Lee Road 391 from the Opelika city limits to US Highway 431. Commissioner Ham made a motion to approve the following Resolution and Agreement as presented, seconded by Commissioner Harris and unanimously carried.

RESOLUTION

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

The widening and resurfacing on CR391 from the Opelika city limits to SR1(US431).

Proj#STPOA-4114(). CPMS Ref#100056629;

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

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

**AGREEMENT FOR PRELIMINARY ENGINEERING
ON A FEDERAL AID PROJECT**

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, Federal Highway Administration, hereinafter referred to as the FHWA:

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 26, 2012

WITNESSETH

WHEREAS, the STATE and the COUNTY desire to cooperate in the preliminary engineering on the widening and resurfacing on CR391 from the Opelika city limits to SR 1 (US431). Proj#STPOA-4114(). CPMS Ref#100056629.

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

- (1) This agreement will cover the preliminary design engineering aspect for the proposed improvements in accordance with plans approved by the STATE.
- (2) The preliminary design engineering phase is hereby defined as that work necessary to advance the development of the project through construction authorization by the FHWA. This phase will include all environmental studies and documentation required by the FHWA. The COUNTY will perform all preliminary design engineering with COUNTY forces, or with a consultant selected and approved by the STATE, as part of the project cost. Plans will be prepared by the COUNTY and approved by the STATE.
- (3) The COUNTY will acquire any additional right-of-way, if needed, for the project at no cost to the STATE or this project.
- (4) The COUNTY agrees that in the event the FHWA determines, due to rules and/or regulations of FHWA (including but not limited to delay of the projects, or delay of projects contemplated to be developed and accomplished in sequence to the current projects) that Federal funds expended on this project must be refunded to the FHWA, the COUNTY will reimburse and pay to the STATE a sum of money equal to the amount of Federal funds expended under this Agreement.
- (5) Funding for this agreement is subject to availability of Federal Aid funds at the time of authorization. The project will be limited to \$3,555.99 Federal MPO Funds unless the Auburn-Opelika Area Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the allocated Federal MPO Funds for the Auburn-Opelika Area sufficient to pay 80% of the project cost. In the event of an under run in construction costs, the amount of Federal Aid funds will be the amount stated below, or 80 percent of eligible costs, whichever is less. The estimated cost and participation by the various parties are as follows:

Federal Funds (Auburn-Opelika MPO)	\$3,555.99
County Funds	<u>889.00</u>
Total (Including E & I)	\$4,444.99
- (6) Any cost for work not eligible for Federal participation will be financed 100 percent by the COUNTY, which payment will be reflected in the final audit.
- (7) It is clearly understood by both parties that the STATE does not commit any STATE or Federal funds beyond those mentioned herein and that a separate Agreement will be required for the construction and construction engineering and inspection of the proposed improvement.
- (8) The performance of the work covered by this Agreement will be in accordance with the current regulations and requirements of the STATE and FHWA.
- (9) The COUNTY, upon notification by the STATE, will provide its share of the estimated matching funds before the STATE will authorize the expenditure of Federal Aid funds.
- (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) 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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 26, 2012

Accounts, in accordance with Act. 1994, No. 94-414. A final financial settlement will be made between the parties as reflected as reflected by the final audit and this agreement.

- (12) Each party will provide without cost to the other, information available from its records that will facilitate the performance of the work.
- (13) Nothing will be construed under the terms of this agreement by the STATE or the COUNTY that will cause any conflict with Section 23-1-63, Code of Alabama (7/24th law).
- (14) To the fullest extent permitted by law, the COUNTY shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees and/or facilities from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting there from, but only to the extent caused in whole or in part by alleged or proven negligent acts or omissions of the COUNTY, anyone directly or indirectly employed by the COUNTY or anyone for whose acts the COUNTY may be liable, regardless of whether such claim, damage, loss or expense is caused in part, or alleged but not legally established to have been caused in whole by a party indemnified hereunder.
- (15) The COUNTY will be obligated for the payment of damages occasioned to private property, public utilities or the general public, caused by the legal liability (in accordance with Alabama and/or Federal law) of the COUNTY, its agents, servants, employees or facilities.
- (16) By entering into this agreement, the COUNTY is not an agent of the STATE, its officers, employees, agents or assigns. The COUNTY is an independent entity from the STATE and nothing in this agreement creates an agency relationship between the parties.
- (17) Exhibits M and N are attached and hereby made a part of this agreement.
- (18) This agreement may be terminated by either party upon the delivery of a thirty day notice of termination.

**EXHIBIT M
CERTIFICATION**

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

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

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

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

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

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT:

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

TERMINATION DUE TO INSUFFICIENT FUNDS:

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

ADR CLAUSE:

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

Next, Mr. Hall presented a Resolution for the Alabama Transportation Rehabilitation & Improvement Program "ATRIP" proposal on Lee Road 240. Commissioner Long made a motion to approve the following Resolution, seconded by Commissioner Harris 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:

Widen, Patch, Resurface, Traffic stripe and other Safety Improvements on Lee Road 240, from the junction of Alabama Highway 169, then Easterly approximately 7.18 miles near the junction of Lee Road 592, utilizing Alabama Transportation Rehabilitation and Improvement Program (ATRIP) funding.

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

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

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 26, 2012

Deputy Administrator Alice Fitzgerald presented the bond refinancing issue during the pre-meeting. Mrs. Fitzgerald asked the Commission to consider the request to adopt the attached resolution which authorizes the Chairman to sign a Warrant Purchase Agreement for the purpose of refinancing the 2004 General Obligation Warrants upon the recommendation of the County Administrator. Further, Judge English explained that Bob Young of Frazier Lanier brought this item to County Administrator Roger Rendleman's attention and that it would result in a bond refinancing savings of approximately \$200,000 over the remaining fourteen years of the debt service. Judge English discussed that time was of the essence due to the bond market conditions. Commissioner Lawrence questioned the urgency and stated he recalled the previous RFP resulted in a lower cost from another company. He stated that an RFP might be beneficial with an \$11 million dollar refinancing on the table. Mrs. Fitzgerald said that Mr. Rendleman reported that the previous price difference was negligible and that it would have cost the county staff more in time to get a new vendor up to speed compared to using our existing vendor. Judge English again stated that Mr. Young had identified this cost savings proposal and brought it to our attention, and that he and felt that this company should be given the opportunity to provide the refinancing services as presented. After more discussion, Commissioner Holt made a motion, seconded by Commissioner Long to accept the recommendation and authorize the Chairman to refinance the 2004 General Obligation Warrants. The motion passed on a 4-1 vote with Commissioner Lawrence voting "No".

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 9, 2012

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

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

Environmental Services Director Jack Marshall announced the upcoming joint e-cycle event which will take place on April 21 from 9:00 a.m. to 1:00 p.m. CT at the Lee County Highway Department Building. Additionally, Mr. Marshall stated the East Alabama Food Bank would be at the event and asked everyone to bring a non-perishable food item to support the worthy cause.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions and minutes of the March 26 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed unanimously.

County Administrator Roger Rendleman presented the results of the emergency bid for the replacement of the switchgear at the Justice Center. Mr. Rendleman stated that out of two bids received he would recommend the low bid of \$174,400 from **Crosby Electric** of Montgomery, Alabama. Upon his recommendation, Commissioner Long made a motion to accept the low bid from Crosby Electric for switchgear replacement at the Justice Center, seconded by Commissioner Lawrence and unanimously carried.

Mr. Derrick Dennison appeared before the Commission stating that he was here concerning prophecy on the day allotted in Lee County. He stated that his grandfather Hardy Dennison purchased a piece of property at 25 Hamer Place, Opelika, Alabama over 40 years ago, and he was an heir to the property and was entitled to the equity in the property. Further, he stated he had talked to an attorney who stated a judge would have to make a decision on the property. Mr. Dennison further stated that he was the 7th Angel summoned by Michael Jordan. Judge English thanked Mr. Dennison for his attendance. After the meeting, Mr. Dennison approached Judge English who explained to him the Commission has no jurisdiction over his situation and Mr. Dennison would have to hire an attorney who could represent his case in Circuit Court if he wanted to pursue the property issue.

Mr. Jimmy McLean of Lee Road 346 appeared before the Commission to discuss a dog problem in his neighborhood. Mr. McLean reported that his neighbors' dogs had attacked him on his own property in 2010 and he had to call the Lee County Sheriff's Office. He was told either he could swear out a warrant on his neighbor or he could shoot the animals. Mr. McLean explained that he is a part-time resident so he did not want to swear out a warrant against his neighbor in fear of retaliation and he did not want to shoot the animals because he is located in a neighborhood and does not want to harm an animal. Mr. McLean further stated the situation had become increasingly worse since that time and has come before the Commission to request that something be done to help with the situation. He stated he and his other neighbors live in fear of these animals. Environmental Services Director Jack Marshall stated his department went to the location Friday and his department picked up six dogs and took them to the Humane Society. Of

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the six dogs, three had to be euthanized because they had been exposed to parvo virus. He reported the other three dogs were left at the Humane Society. Mr. Marshall reported unfortunately the owner had already claimed the other dogs from the Humane Society. Mr. McLean thanked Mr. Marshall for his efforts. Mr. Marshall stated that if Mr. McLean encountered any further problems to notify his office and he would send out an Animal Control Officer to address the situation.

County Engineer Neal Hall reported on the bridge replacement on Lee Road 379. Mr. Hall first addressed the Commission and apologized for not keeping the Commission updated on the progress of the Federal Aid Bridge projects. Mr. Hall further stated that the Alabama Department of Transportation (ALDOT) was responsible for the bidding process and replacement of the bridge on this particular project. He reported Lee County is responsible for reporting the construction progress to ALDOT. Project Engineer Ken McConnell sends monthly reports to the State on each project, including this one. Mr. Hall explained the process for reporting the progress and explained "working days" to the Commission. Mr. Hall explained that the contractor was given 145 days to complete this project and they were still within the allotted number of days. Further, Mr. Hall stated once the project began the contractor came in and worked full-force up until recently and it is up to the contractor to complete the project on his timeframe. Mr. Fred Copeland who was in attendance addressed the Commission concerning the project on Lee Road 379. Mr. Copeland stated he could give sworn affidavits that construction has not been completed on certain days and stated he would contact the Governor on the situation if Mr. Hall desired. Mr. Hall stated he would call ALDOT on Tuesday to see if the contractor could be encouraged to finish the project. No action was taken by the Commission.

Next, Mr. Hall stated that Steve Miller had called to discuss several projects for the Lee County Board of Education. Mr. Hall stated he went with past precedents in responding to any request for assistance from the school board. Mr. Hall stated he was asked to assist on three projects which included: providing turn lanes at Beulah School, resurfacing a turn lane at Beauregard school and expanding the parking lot at the new Central Office. Mr. Hall stated he told Mr. Miller he would take a look at each project and get back with him at a later date. Mr. Hall stated that the first two projects had been completed and recently Mr. Miller had called him about the parking lot since the new building is near completion. Mr. Hall stated the Lee County Highway Department had done a cost estimate of approximately \$80,000 for materials only. Commissioner Ham indicated that the Board of Education had indicated to him that they would pay fuel and transportation costs incurred by the county on this project in addition to the cost of the materials. Mr. Hall indicated that the estimate was only for materials. After discussion, Commissioner Ham made a motion to approve the paving of the Board of Education Technical Center parking lot for \$80,000 plus fuel and transportation costs, seconded by Commissioner Harris and unanimously carried.

Mr. Rendleman updated the Commission on facilities planning and highlighted three areas for discussion which included: 1) Maintenance Department questionnaire, 2) facilities uses and 3) agreement with Ameresco Inc. Mr. Rendleman stated he had provided each Commissioner a summary of the questionnaire on their desks prior to the meeting. Mr. Rendleman stated that the survey overall gave the department an adequate rating. Mr. Rendleman pointed out that the staff was down by three and a half people, since those that had left employment had not been replaced. Mr. Rendleman agreed that they were understaffed and he had looked into outsourcing some items, especially where it makes sense and possibly would be a cost savings to the county. His example was the grounds at the Smiths Station Senior Center which would be more reasonable to contract those services out to a local provider. Mr. Rendleman felt the survey was valuable in reorganizing the department. Further, Mr. Rendleman stated he would like to give Mr. Lynch the necessary resources needed to address the needs of the facilities upkeep. Next, Mr. Rendleman asked Commission direction on the Board of

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 9, 2012

Education buildings on South Railroad Avenue once they move out, and the Highway Department Building on Auburn Street since the Appraisal Department has moved back into the Courthouse. Commissioner Ham questioned the timeframe on the moving of the Board of Education. Mr. Rendleman stated he did not know. Commissioner Ham questioned if we sold the building would the proceeds be given to the school board. Mr. Rendleman stated that Lee County was meeting their obligation to them by providing the buildings, but it was their choice not to utilize them. Commissioner Lawrence suggested that EMA be given an opportunity to look at the old Highway Department building to see if it would be conducive for their needs. Last, Mr. Rendleman stated he had been contacted by Ameresco Inc. to perform a utility assessment and guaranteed a cost savings for Lee County. Mr. Rendleman stated their projection was based on our budget, and he did not see how they could guarantee a cost savings. Mr. Rendleman stated he would provide the necessary paperwork for the company to perform the audit. After discussion, the Commission stated they did not want this company to perform an audit, since it has been done in the past with no useful cost savings identified.

Next, Mr. Rendleman presented a retirement incentive for Commission consideration. As in the past, Lee County needs to keep its ratio of active to retired employees adequate to maintain a preferred rate on health insurance. Currently, Lee County has 23 retirees participating which is six above the required 17 based on our employment numbers; however, we are set to have six move to Medicare benefits between now and next July. Since six retirees will be coming off there is a need to fill those slots. Mr. Rendleman proposed that Lee County offer another one-time incentive to those employees with 20 or more years with Lee County on or before July 1, 2012 an opportunity to retire early with the benefit of the county paying their single coverage health insurance premium. Commissioner Long made a motion, seconded by Commissioner Ham and unanimously carried to approve the following Resolution for an early retirement incentive.

RESOLUTION

WHEREAS, the Lee County Commission is a member of Local Government Health Insurance Program under the Alabama State Employees Insurance Board for health insurance coverage for employees and retirees under its administrative and budgetary authority, and

WHEREAS, the Lee County Commission is in a preferred rate category for the premiums of such coverage due to claims history and level of retiree participation, and

WHEREAS, the Lee County Commission's retiree participation will decline to near the required minimum level for the preferred rate category within a year, and

WHEREAS, the Lee County Commission will be at risk of being placed in the standard rate category resulting in over an additional \$200,000 in premiums annually, and

WHEREAS, the Lee County Commission wishes to take action to increase the retiree participation and retain the preferred rate category;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Commission offers to employees under its administrative and budgetary authority who are currently eligible to retire with twenty or more years of service with Lee County, Alabama individual medical coverage until eligible for Medicare if such employee retires on or before July 1, 2012.

Next, Mr. Rendleman explained that the 2012 Fiscal Year Budget was adopted prior to discovering the time and complexity involved in combining and eliminating entries necessary at yearend to meet the new reporting requirements; therefore the need to readopt the budget is before the Commission. Additionally, Mr. Rendleman noted that there is no change in the overall budget and the action will only reduce the number of funds, not dollars. Commissioner

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Lawrence made a motion, seconded by Commissioner Ham and unanimously readopt the FY2011-2012 budget as presented post GASB54 application.

**Fiscal Year 2011-2012
Readopted Budget - Post GASB54 Application**

<u>Commission Funds</u>	Carryover*	<u>Revenues</u>	<u>Expenditures</u>	Operating Transfers In / (Out)	Increase/ (Decrease)	
General Fund	63,732	24,565,724	20,470,956	(4,158,501)	0	
Gasoline Tax Fund	0	1,904,650	4,266,394	2,361,744	0	
RRR Gasoline Tax Fund	0	2,534,070	3,018,619	484,549	0	
Reappraisal Fund	303,233	808,691	1,111,924		0	
Capital Improvement Fund	250,000	100,000	350,000	0	0	##
Judicial Facilities Fund	250,000	700,000	950,000		0	&&
2004 Debt Service - Jail Expansion		754,960	1,361,028	606,068	0	
2010 Debt Service - Bridge Program		<u>0</u>	<u>706,140</u>	<u>706,140</u>	<u>0</u>	
Total County Commission Funds:		<u>866,965</u>	<u>31,368,095</u>	<u>32,235,059</u>	<u>0</u>	<u>0</u>

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

##= Funds designated for a Capital/Infrastructure Program. (Contingent on actual revenues for FY2012)

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

Last, Mr. Rendleman requested the Commission approve five budget adjustments for FY2012. First, to recognize unbudgeted revenue received in the Resurfacing, Rehabilitation and Restoration Fund, Mr. Rendleman requested to recognize \$159,000 received from City of Opelika on the joint resurfacing project on Lee Road 390 and recognize \$68,173 from Build America Bonds subsidy on the 2010 Bridge Bonds for the resurfacing program. Commissioner Lawrence made a motion to approve the budget adjustment as presented, seconded by Commissioner Long and unanimously carried.

The second adjustment recognizes \$53,300 of revenue in the Sheriff's Office to provide for three vehicles, two patrol units and one vehicle for the guardian/conservator. Commissioner Lawrence made a motion to approve the budget adjustment as presented, seconded by Commissioner Long and unanimously carried.

Next, reallocate the existing budget for fuel. Due to the use of the new fuel dispensing system Mr. Rendleman indicated the necessity to reduce the Highway budget by \$200,000 and increase the General Fund fuel budget by the same. Upon this recommendation, Commissioner Lawrence made a motion to approve the request, seconded by Commissioner Long and unanimously carried.

Fourth, Mr. Rendleman requested the Commission recognize the insurance payment of \$59,557 and available fund balance of \$114,843 in the Capital Improvement Fund for the switch gear replacement at the Justice Center. This need arises from the electrical fire which occurred on November 18, 2011. Commissioner Lawrence made a motion to recognize the budget adjustment as presented, seconded by Commissioner Long and unanimously carried.

Last, Mr. Rendleman requested a budget adjustment for the Environmental Services Fund for \$55,799 to recognize recycling grant funds coming from ADEM as income, and an

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expenditure in that same amount for a baler and vehicle. Commissioner Ham made a motion to approve the budget adjustment as presented, seconded by Commissioner Long and unanimously carried.

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

BE IT RESOLVED, the Lee County Commission hereby approves the Retail Beer (off premise) and Retail Table Wine (off premise) License for River Road Corner Store located at 16230 Highway 280E, Smiths Station, Alabama.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 30, 2012

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, April 30, at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

Opelika-Auburn news reporter William White announced that Mr. Jim Whitten had been hired as the new publisher at the newspaper. 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, Gary Long, Robert Ham and John Andrew Harris. Absent: Commissioner Holt. Judge English stated that Commissioner Holt's brother had passed away and the funeral was held over the weekend. Elected Official(s) present: Sheriff Jay Jones, Loachapoka Mayor James Grout, and Auburn City Council member Sheila Eckman.

Commissioner Ham reported during the pre-meeting of his recent ACCA Leadership course. Commissioner Ham stated that the instructor was Dr. Jim Witte from Auburn University and he taught about effective communication and leadership skills. Further, Commissioner Ham questioned if the Commission would be interested in inviting Dr. Witte to conduct a leadership class for key county personnel. Judge English questioned the cost. Commissioner Ham stated he would find out and get back with the Commission. Commissioner Ham stated the course registration fee was \$190, hotel \$138 and food \$23 for a total of \$351 for the course.

EMA Deputy Director Johnny Langley informed the Commission of the upcoming full scale exercise to be held on Tuesday, May 1 beginning at 8:00 a.m. at the EAMC Resource Center. Mr. Langley invited the Commission to come watch the event, if available. Additionally, Judge English asked Mr. Langley to share what happened over the weekend at a CERT Exercise. Mr. Langley stated that a participant went into full cardiac arrest and fortunately there were several medics in the class and they were able to immediately assist him, and used an automated external defibrillator to resuscitate him before he was transported to the hospital. Commissioner Lawrence was happy to report that the gentleman was a personal friend and he had been released from the hospital and was doing well. He stated the gentleman was complimentary of those who assisted him at the exercise. Commissioner Lawrence thanked Mr. Langley for the update.

County Engineer Neal Hall reported on the bridge project on Lee Road 379. Mr. Hall stated that the bridge project was 94% complete and the bridge would be open as quickly as possible once the go ahead is made.

County Administrator Roger Rendleman updated the Commission on the bond ratings. Mr. Rendleman shared that Standard & Poor's Ratings Services again assigned its AA- to Lee County and Moody's again assigned a rating of Aa2. Mr. Rendleman stated that the AA level credit rating was a high grade and the Commission needed to be proud since only a handful of Alabama counties meet that rating.

Mr. Rendleman presented a revenue per capita comparison based on 2011 U. S. Census Population Estimate by county in Alabama and the annual unaudited compilation of financial information for counties in the state as accumulated by the Examiners of Public Accounts for fiscal year 2011. Mr. Rendleman stated that Lee County ranks 65th out of 67 counties when it comes to revenues per person for primary services provided by the County Commission to its citizens. Mr. Rendleman reported that Lee County had moved up one spot from 66th to 65th. Mr. Rendleman stated these numbers identify on a per person basis the amount of resources a county commission has available to provide primary services (i.e. roads, bridges and building

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 30, 2012

maintenance, public safety, etc.) and to provide expanded services (i.e. recreation) that a county may provide from the general and special revenue funds. As far as total dollars, Lee County ranks 13th in total revenues while being 8th in population.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, an updated listing of claims for payment on the desk today and minutes of the April 9 meeting. Commissioner Lawrence questioned a claim for payment from East Alabama Paving concerning the Airport Project. Mr. Hall reviewed the claim and stated that the Commission was responsible for payment, but an invoice would be submitted to the airport for reimbursement. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Ham and passed unanimously.

Judge English announced that County Engineer Neal Hall was retiring effective June 1, 2012. Judge English stated that the Commission had been in discussions on the matter over the last several months, but that Mr. Hall had now submitted his official retirement papers. Judge English stated he had sent several scenarios to the Commission in their packets for consideration on the replacement process for the position. Further, Judge English stated he would take other recommendations from the Commission on how to proceed. After much discussion, Judge English restated the views of the Commission. First, the Commissioners each agreed to talk one-on-one with Justin Hardee over the next week to discuss his ideas and direction of the Highway Department. Then, Judge English and County Attorney Stan Martin would hold discussions with Mr. Hardee concerning the specifics of his contract. The Commission agreed to place the item on the next agenda for further discussion.

Commissioner Lawrence presented County Extension Coordinator Chuck Brown and Alabama Forestry representative Andy Guy about forming a partnership with Lee County and the Lee County Forestry Stewardship Committee. Commissioner Lawrence stated the Committee would like to include the members of the Commission for forestry resources. Commissioner Lawrence added that they were not asking for money only a partnership. Additionally, Commissioner Lawrence invited the Commissioners to attend an educational meeting to be held tomorrow evening, Tuesday, May 1 at 5:30 p.m. at the Mary Olive Thomas Demonstration Forest. Chuck Brown added that the membership fee is only five dollars and meetings are held monthly. Mr. Brown stated that his department is in daily communication with citizens, landowners, private consultants and the forestry industry and would welcome the addition of the Commission members. Commissioner Lawrence made a motion for Lee County to form a partnership with the Forestry Stewardship Committee. He stated the partnership will increase the Commission awareness of what is happening in the forestry industry as well as with large land owners in Lee County. The motion was seconded by Commissioner Long and passed unanimously.

Next, Commissioner Lawrence made a motion to approve travel expenses for any Commissioner wishing to attend the ACCA Annual Convention on August 21-23, 2012 in Orange Beach, Alabama. The motion was seconded by Commissioner Long and unanimously carried.

Commissioner Harris stated he would like all Commissioners to receive county letterhead after an incident in which he was unable to use Commission letterhead to honor his Church's 170 year anniversary celebration. Judge English replied that Information Services Director Tim Parson would provide Commissioner Harris and any other Commissioner that requests it personal letterhead using the County seal and their official title.

County Engineer Neal Hall discussed the situation on Lee Road 352. Mr. Hall stated that at least three residents on this road were suffering from COPD or chronic obstructive pulmonary disease which is a lung disease. The residents have complained numerous times about the dust

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 30, 2012

on their dirt road. Mr. Hall stated that his department has tried to alleviate the dust on the road, first stone was placed on the road to stabilize the dust, and it worked for a short time. Then around June 2011, Mr. Hall and Commissioner Ham talked with the residents and Mr. Hall chose to use a dust retardant or liquid calcium chloride to alleviate the dust issue. Mr. Hall stated the application costs approximately \$2,000. Mr. Hall stated the product has worked until now and the residents have called again and asked for another application. Mr. Hall explained that instead of placing another treatment on the road, he wanted to bring it before the Commission for further direction. Mr. Hall explained that the last step is to pave the road. He stated that the road is ¼ mile in length and 12 foot wide which would cost approximately \$11,000 to pave. Commissioner Harris stated he did not have a problem with that situation but explained that a similar situation exists in his district with the dust issue. He referred to a lady that is affected with asthma and stated she had appeared before the Commission several times, but she did not receive any assistance in relieving the dust on her road. Additionally, he stated that according to current policy no dirt roads were being paved. Commissioner Harris recommended that Mr. Hall check with the Sumter County engineer about a liquid substance they are currently using on the dirt roads which will last approximately 10 years. After discussion, Commissioner Ham asked that the item be carried forward to the next agenda.

Next, Mr. Hall explained that Lakeside Subdivision on Lee Road 63 had been left off of the delinquent subdivision list that was presented previously and passed on October 31, 2011. Mr. Hall stated he has no explanation why the subdivision was left off the previous list, but would recommend that it be added to the current listing. Commissioner Ham stated he met with the residents in this subdivision and it has the same issues the others on the delinquent list have. Further, Commissioner Ham stated that the developer has gone out of business and moved to Georgia. Commissioner Ham made a motion, seconded by Commissioner Harris to add Lakeside Subdivision on Lee Road 63 to the delinquent subdivision listing. The motion passed unanimously.

Last, Mr. Hall presented a request from the City of Opelika. Mr. Hall stated that city officials had approached him about grading two ball fields and a parking lot at West Ridge Park. Mr. Hall stated the project would take approximately 20 working days to complete with an in-kind value of approximately \$100,000. Commissioner Harris questioned why the Commission is not helping the recreation programs in the county. Commissioner Lawrence offered he felt by assisting Opelika, county children will have an opportunity to play ball, but there is not enough money to support a county program at this time, since there are no on-going funds for recreation in the county like there are in the city. After further discussion, Commissioner Ham made a motion to approve the grading of two ball fields and a parking lot at West Ridge Park for the City of Opelika. The motion was seconded by Commissioner Harris and unanimously carried.

Building Inspection Director David Veal asked the Commission to recognize May as Building Safety Month as designated by the International Code Council Foundation to promote public awareness of building and fire safety issues. Additionally, Governor Bentley designated May as Building Safety Month. Mr. Veal presented a press release for the news media. Mr. Veal stated that each week a different topic is highlighted. They include: energy and green building, disaster safety and mitigation, fire safety and awareness and backyard safety. After the presentation, Commissioner Ham made a motion to declare May as Building Safety Month, seconded by Commissioner Long and unanimously carried.

County Administrator Roger Rendleman presented paperwork for the pre-approval of educational reimbursements for Deputy Pam Revels. Mr. Rendleman stated that the necessary paperwork and proper authorization had been obtained for approval. Commissioner Lawrence

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 30, 2012

made a motion to pre-approve the educational reimbursement as presented, seconded by Commissioner Ham and unanimously carried.

Mr. Rendleman presented an office supply comparison between our current vendor and a proposed supplier thru the purchasing cooperative with Lee-Russell Council of Governments. Mr. Rendleman stated the comparison showed that the new vendor beat our current vendor on most products, except for those items that we use most often which includes paper and printer cartridges. Mr. Rendleman stated there are two options: either 1) join the purchasing cooperative or 2) put out a separate bid for paper and printer cartridges. Commissioner Lawrence stated he did understand that the cooperative bid worked like that. Mr. Rendleman responded in the affirmative. Commissioner Lawrence stated he would like to address the issue with Lee-Russell Council of Governments and requested to table the item until the next meeting.

Mr. Rendleman informed the Commission that currently there was \$150,000 in the General Fund's fund balance for capital replacement. Mr. Rendleman recommended that due to the needs in the Information Technology Department that \$135,000 be allocated for the following needs: 1) replace the obsolete Voice over Internet Protocol call managers totaling approximately \$80,000 and 2) data storage improvement for document imaging totaling approximately \$55,000. Commissioner Lawrence made a motion to recognize \$135,000 in General Fund Balance as available resources and amend the FY2012 Adopted Budget accordingly, seconded by Commissioner Long and unanimously carried.

Commissioner Long made a motion to approve the following Resolution concerning the application for a retail beer and retail table wine license for Dollar General Store 8231. The motion was seconded by Commissioner Ham and unanimously carried.

BE IT RESOLVED, the Lee County Commission approves the application for a retail beer (off premise) and a retail table wine license (off premise) for the Dollar General Store 8231 located at 9120 Lee Road 246, Smiths Station, Alabama.

Commissioner Ham made a motion to approve the following Resolution concerning the application for a retail beer and retail table wine license for Dollar General Store 12740. The motion was seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED, the Lee County Commission approves the application for a retail beer (off premise) and retail table wine license (off premise) for the Dollar General Store 12740 located at 20 Lee Road 621, Opelika, Alabama.

Judge English requested that an item be added to the agenda for a contract for services with Geodesy Associates, Inc. for document imaging of deeds and mortgages. Commissioner Long made a motion to add the item to the agenda, seconded by Commissioner Lawrence and unanimously carried. Judge English explained that he had looked at different vendors and Geodesy came in way under his projected cost and wanted to start work as soon as possible. Therefore, he would request the Commission allow him to enter into contract for these services for \$8,280, which is in his budget. Commissioner Ham made a motion to allow Judge English to enter into contract with Geodesy for imaging services, seconded by Commissioner Lawrence and unanimously carried.

Commissioner Lawrence made a motion at approximately 6:55 p.m. to adjourn the meeting, seconded by Commissioner Long and passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 30, 2012

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 14, 2012

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

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

County Engineer Neal Hall again reported on the bridge project on Lee Road 379. Mr. Hall was happy to report that the bridge reopened on May 4, 2012. He stated that the bridge project is 98% complete. Mr. Hall stated only minor work is remaining which will just take some time, consisting of the curing of the concrete and growing of the grass.

Assistant County Engineer Justin Hardee presented a draft version of the FY2011-2012 Highway Reference Guide and Maintenance Map for Commission review. Mr. Hardee asked each Commissioner to review the information for correctness. Additionally, he noted that any additions or corrections would be incorporated into a final version which would be presented at the next meeting for possible adoption.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions and minutes of the April 30 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed on a vote of 4-0-1 with Commissioner Holt abstaining.

Discussion was held concerning the county engineer position. Judge English announced that after discussions with each Commissioner as agreed at the last meeting, the consensus was that Mr. Hardee would be promoted from within and will be appointed Lee County Engineer, subject to approval of his contract by the County Commission. Judge English stated that there were a few specifics about the contract that need to be clarified before Mr. Martin starts drafting it. First, Judge English questioned whether the Commission would require Mr. Hardee to complete a probationary period. Commissioner Ham stated he would like the contract to include a year probationary period. Commissioner Harris commented that he would not require a probationary period because the engineer works at the pleasure of the Commission. Additionally, he felt that the Commission should have confidence in his abilities and therefore, he would recommend no probationary period and approve a three-year contract. Commissioner Lawrence commented that he supported a three-year contract without a probation period because Mr. Hardee had already been subject to a probationary period during the absence of Mr. Hall during his wife's illness. In addition, he added that Mr. Hardee has been employed with Lee County for over ten years. Commissioner Holt stated that he had total confidence in Mr. Hardee's abilities, but he was concerned with a three-year contract unless the Commission has a way out of the contract. After more discussion, he stated a three-year contract would be acceptable if there is a termination clause. Judge English stated there is a termination clause in the contract. After discussion, Commissioner Lawrence, Long and Ham agreed that it should take a 4/5 vote for the County Commission to terminate the contract. There also appeared to be consensus that a severance pay of 6 months would be appropriate if Mr. Hardee were to be terminated without good cause. Commissioner Long stated he had worked with Mr. Hardee on a paving project in his district and felt Mr. Hardee handled the situation to his satisfaction and did not feel it necessary to include a probationary period in his contract.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 14, 2012

Next, Judge English questioned how the Commission felt about the initial salary. Commissioner Lawrence stated the mid-range between his current salary and Mr. Hall's current salary would be a good starting point for discussion. Judge English answered that \$121,000 was the midpoint. Commissioner Long stated he was fine with the midpoint. After this discussion, Judge English stated a draft contract would be emailed for their review once he and Mr. Hardee sat down with Mr. Martin and reconciled all the specific points.

Next, Judge English stated that samples of individual Commissioner letterhead had been placed on each desk. Judge English asked each Commissioner to provide the address and contact information they wanted included on their letterhead. Judge English stated that the official letterhead for each individual Commissioner would be provided to them by the next meeting.

Mr. Hall once again discussed the situation on Lee Road 352. Again, Mr. Hall explained that several residents on this road suffered from COPD or chronic obstructive pulmonary disease which is a lung disease. Three residents were in attendance and stated they had been living on this dirt road for years and would ask that Commission to consider paving the ¼ mile of dirt road due to their health conditions. During the meeting, Mr. Hall stated there were three options: 1) use the paving enzyme 2) pave the road or 3) do nothing. After consideration, Commissioner Ham made a motion to pave the ¼ mile of dirt road 12 ft. in width with a 20 m.p.h. speed limit and one-lane going east due to public health concerns. The motion was seconded by Commissioner Long and unanimously carried.

County Administrator Roger Rendleman addressed the office supplies purchasing situation. Mr. Rendleman stated he had discussed the issue with the State Examiner who stated that if you pick and choose off an awarded bid, then that does not abide by the Alabama Bid Law. Mr. Rendleman recommended that the Commission Office be allowed to bid out copy paper and toner cartridges on a separate bid from office supplies. No action was taken by the Commission.

Mr. Rendleman presented the following Resolution for Commission approval on the 2004 Refinancing. Mr. Rendleman explained that the sales order was executed and the savings is going to be \$891,647 with a present value of \$771,254. Since both cities contribute on the debt service, Auburn, Opelika and the County will benefit from the refinancing. Mr. Bob Young of Frazer-Lanier thanked the Commission for the opportunity to once again help with a bond issue for Lee County. Mr. Young thanked Mr. Rendleman and Mrs. Price for their help in providing the necessary financial information for the refinancing. Judge English thanked Mr. Young for identifying this potential savings for the County and bringing it to our attention. After discussion, Commissioner Holt made a motion, seconded by Commissioner Harris and unanimously carried to approve the 2004 Refinancing Resolution as presented below.

ADD RESOLUTION HERE

Judge English presented the May, 2008 Tax Sale Excess list for the Commission. Judge English stated that according to Alabama Code §40-10-28, the Commission must enter an order calling for the excess to start the 10 year window before the funds can become the property of the County. Commissioner Lawrence made a motion to claim the Excess funds of \$45,322.40 from the 36 listed parcels for the General fund, seconded by Commissioner Holt and unanimously carried. Mr. Rendleman suggested that the funds remain in the Fiduciary account until the expiration of the ten years.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 14, 2012

Judge English asked the Commission to consider purchasing A.E.D's for use at various county facilities. EMA Director Kathy Raines who was in attendance stated EMA had one on their premises which was purchased with grant funds. Mrs. Raines stated she would be happy to assist in the pricing of the equipment. Judge English suggested StopheartAttack.com in Birmingham as a possible source for government pricing. After more discussion, Judge English stated further information on pricing would be provided at the next meeting.

Sheriff Jones presented a request for a special event license for BCR Events, identifying that this license was for a one-time event for 2 days at one location. Sheriff Jones found no objections to the issuance of the license. Commissioner Long made a motion, seconded by Commissioner Harris and unanimously carried that the following Resolution for the special event license for BCR Events be awarded.

BE IT RESOLVED, that the Lee County Commission approve the special event license for May 18th & 19th for BCR Events, located at 1140 Lee Road 197, Phenix City, Alabama.

Before adjourning, Judge English announced that the next meeting would be held on Tuesday, May 29 due to the Memorial Day holiday. Additionally, Judge English stated that the special fire fee election would take place on that same date.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 29, 2012

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

Mrs. Helen Rousseau appeared before the Commission questioning a letter she had received from County Engineer-In-Training Patrick Harvill concerning North Pointe Estates. Assistant County Engineer Justin Hardee addressed Mrs. Rousseau's concerns by explaining that all adjoining property owners were contacted as required by our policies concerning the preliminary plat approval which will be addressed during the meeting. Mrs. Rousseau apologized for her attendance, but Judge English thanked her for bringing her question before the Commission.

Judge English recognized a group of Auburn University senior Nursing students in attendance. Judge English congratulated them on their accomplishment. Further, Judge English explained that county government is the highest level where a person can directly interact with their elected government representatives.

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

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

Discussion was held during the pre-meeting concerning the engineer's position. Commissioner Ham made a motion during the meeting to approve the three-year contract with Mr. Justin Hardee with the elimination of Section 3.2 for merit and cost-of-living increases. The motion died for lack of a second. Next, Commissioner Long made a motion to accept the three-year contract as provided. The motion was seconded by Commissioner Harris for discussion. Commissioner Harris asked for clarification on Commissioner Ham's perception and questioned what Mr. Hall's contract had concerning those items. Mr. Hall stated his contract contained the same wording as Mr. Hardee's proposed contract, that they are to be treated the same as other county employees on cost-of-living and merit raises. Commissioner Harris stated he wanted to be consistent and fair. After discussion, vote was taken and the motion passed on a 3-1 vote with Commissioner Ham voting "No."

Judge English stated that after researching the A.E.D's Mrs. Raines had received a quote from Stopheartattack.com for \$1,484/each which includes alarmed cabinets for storing the units. Judge English stated that for 10 the total cost would be \$14,840 and the contingent fund only has \$12,000 available, therefore, the funds would have to come from somewhere else. Judge English stated he would get pricing from another vendor and relay it back to the Commission. After more discussion, Commissioner Holt made a motion for Judge English or Kathy Raines to negotiate and purchase the A.E.D's as needed, up to a maximum of the balance in the contingent fund. The motion was seconded by Commissioner Long and unanimously carried.

Assistant Engineer Justin Hardee presented the FY2011-2012 Highway Reference Guide and Maintenance Map for adoption. Commissioner Holt made a motion, seconded by

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 29, 2012

Commissioner Ham to adopt the FY2011-2012 Highway Reference Guide and Maintenance Map as presented. The motion carried unanimously.

Rev. Venson Vaughn requested the Commission consider granting him permission to use the Justice Center parking lot to park a food truck on the property to sale food products to the employees and visitors to the Justice Center. Sheriff Jones stated he would ask the Commission not to grant the request due to security reasons. Commissioner Harris stated he would like for Mr. Vaughn to attend a meeting to discuss his plan with the Commission. Judge English questioned having to allow other people who may want to provide a food truck on the premises. Commissioner Holt stated he was for free enterprise, but would refer the decision to Sheriff Jones and County Attorney Stan Martin. Mr. Martin expressed concerns similar to the Sheriff. Commissioner Harris questioned the security issues. Sheriff Jones stated it may be more of a safety issue with people walking in the parking lot where vehicles are traveling. Judge English stated he and Stan Martin would take a look into the legality of the request and bring back the findings back to the Commission.

Judge English presented the following fire fee levy Resolution for Commission consideration. Judge English explained that since the election was currently taking place, he would have to wait to insert the dollar amounts once the election is complete. After discussion, Commissioner Harris made a motion to approve the fire fee Resolution as provided with the dollar amounts added after the election results are finalized. The motion was seconded by Commissioner Ham and passed unanimously.

That, pursuant to the provisions of Act No. 89-390 enacted at the 1989 Regular Session of the Legislature of Alabama and elections held on May 30, 1989 in Fire Districts Nos. 1, 2, 4, 7 and 8 in Lee County, and an election held on May 22, 2001 in Fire District No. 5 in Lee County, and pursuant to the provisions of Act No. 2011-526 enacted at the 2011 Regular Session of the Legislature of Alabama, and as a result of elections held May 29, 2012 in those same six fire districts, there are hereby levied the following fire fees in the following fire districts as established and the boundaries fixed by the Lee County Commission, to wit:

in Fire District No. 1, served by the Smiths Station Volunteer Fire Department (formerly known as the Friendship Volunteer Fire Department), a fire fee in the amount of **Fifty (\$50.00)** per year;
in Fire District No. 2, served by the Beauregard Volunteer Fire Department, a fire fee in the amount of **Fifty (\$50.00)** per year;
in Fire District No. 4, served by the Plainview Volunteer Fire Department (also known as the Oakbowery Volunteer Fire Department), a fire fee in the amount of **Fifty (\$50.00)** per year;
in Fire District No. 5, served by the Salem Volunteer Fire Department, a fire fee in the amount of **Fifty (\$50.00)** per year;
in Fire District No.7, served by the Southwest Lee County Fire Protection Authority, a fire fee in the amount of **Fifty (\$50.00)** per year; and
in Fire District No. 8, served by the Farmville Volunteer Fire Department, a fire fee in the amount of **Fifty (\$50.00)** per year.

for the fiscal year of the County that began on October 1, 2011, a financial charge of the amounts corresponding above with respect to each Unit of Property (as defined in Act Nos. 89-390 and 2011-526) in such Districts, unless such Unit of Property is exempted from such financial charge as provided in Act Nos. 89-390 or 2011-526. The financial charge is hereby levied and shall become due and payable on October 1, 2012 and delinquent if not paid before January 1, 2013 and shall be collected by the Revenue Commissioner at the same time as ad valorem taxes are collected.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 29, 2012

Revenue Commissioner Oline Price gave her annual Report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2011 and Uncollected Insolvencies and Taxes in Litigation for previous years, as required by Code of Alabama 1975, Sections 40-5-23 & 40-5-29. Commissioner Harris made a motion to adopt the following resolution, seconded by Commissioner Long, and unanimously carried:

BE IT RESOLVED by the Lee County Commission that the reports filed by Oline W. Price, Lee County Revenue Commissioner, of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2011 and Uncollected Insolvencies and Taxes in Litigation for previous years, be and the same are hereby approved, and that the Chairman is hereby authorized to sign same; and that said Revenue Commissioner be and she is hereby allowed credit for taxes listed in these reports.

Mr. Hardee presented the preliminary plat approval for North Pointe Estates located on Lee Road 252. The preliminary plat and proposed construction plans for North Pointe Estates have been reviewed and meet the minimum requirements of the *Subdivision and Land Development Regulations of Lee County, Alabama*. Commissioner Ham made a motion, seconded by Commissioner Long to approve the preliminary plat for North Pointe Estates as presented. The motion passed unanimously.

Judge English thanked Mr. Hall for his 24 years of service to Lee County, including the last 16 years as County Engineer, and congratulated him on his retirement. Additionally, he congratulated Mr. Jack Marshall on his retirement after working with Lee County for 24 years and serving as Environmental Services Director for the last seven years. Judge English stated he would miss them both, since both had served Lee County well. Judge English and each Commissioner related an incident involving their relationships with Mr. Hall and wished him and Mr. Marshall the best on their retirement and future endeavors.

Next, several items were presented and requested to be added to the agenda. First, Sheriff Jones presented a request for a liquor license from Shoreline Grill which he received Friday. Commissioner Ham made a motion, seconded by Commissioner Holt to add the item to the agenda. Sheriff Jones provided a letter recommending approval of the license as presented. Commissioner Ham made a motion to approve the following Resolution to approve the license. The motion was seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED that the Lee County Commission hereby approves the restaurant retail liquor license for Shoreline Grill located at 50 Lee Road 344, Salem, Alabama.

Next, Mr. Hardee asked the Commission to add a Resolution for High Risk Rural Roads (HRRR) funds for consideration. Commissioner Holt made a motion and seconded by Commissioner Harris to add the Resolution to the agenda. Mr. Hardee presented the following Resolution for approval for stop and stop ahead signs to be placed on various roadways in the county. Commissioner Long made a motion to approve the Resolution as presented, seconded by Commissioner Harris and unanimously carried.

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

Improvements include material costs for upgrading the Stop signs and Stop Ahead signs on all the functional classified county roads and intersecting county roads, also upgrading the Stop Ahead signs on all county roads that intersect with a State maintained roadway. The Stop and Stop Ahead signs will be upgraded to the High Intensity panel signs in order to meet the new

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 29, 2012

Minimum Retroreflectivity requirements.

Location Map available at the Lee County Highway Department.

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

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

Next, Emergency Management Director Kathy Raines asked the Commission to consider recognizing the CERT Volunteers at an upcoming meeting. After discussion, Judge English suggested that the volunteers be recognized at the EMA Office after the next Commission meeting, and the Commission agreed.

Last, Mr. Raines requested that an item be added for the Commission to submit a letter of support for her to serve on the Alabama Association of Emergency Managers. Commissioner Holt made a motion to add the item to the agenda, seconded by Commissioner Long and unanimously carried. Mrs. Raines requested that Judge English draft a letter of support for her to serve on a position on the Alabama Association of Emergency Managers. Commissioner Holt made a motion, seconded by Commissioner Harris to authorize Judge English to send a letter of support for Mrs. Raines. The motion was seconded by Commissioner Harris and unanimously carried.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 11, 2012

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

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

Sheriff Jones recognized Deputy Pamela Revels in receiving a National Award from the We Tip Foundation. Deputy Revels was flown to Riverside, California in April and attended a luncheon to receive the award as School Resource Officer of the Year. Sheriff Jones stated he was proud of her service to the department and the example she sets for others.

EMA Director Kathy Raines recognized EMA Planner Chris Tate for completing the requirements to become a Certified Local Emergency Manger (CLEM) by the standards established in the Code of Alabama. Mrs. Raines read a letter from State EMA Director Art Faulkner stating Mr. Tate had completed all the necessary requirements as required by Act 2007-462 to obtain the certification. Mrs. Raines congratulated him on his success.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: a listing of paid claims, procurement card transactions, an updated listing of paid claims on the bench, an announcement of three vacancies on the East Alabama Health Care Authority Board, and the minutes of the May 29 meeting. Commissioner Lawrence requested that the claims and the board announcement be separated from the minutes for voting purposes.

Commissioner Lawrence questioned the claim from Coroner Bill Harris on decedent body transports and why it went back 11 months. Commissioner Lawrence questioned Sheriff Jones about the impact on his budget. Sheriff Jones stated that he had verified all the charges but that it did impact his budget since several of the charges were from last year. County Administrator Roger Rendleman stated he had recently looked at the Coroner's legislation concerning transports, but had planned to wait to address it during budget discussions. Mr. Rendleman stated that Mr. Harris had recently turned in the claim which was sent to Sheriff Jones for approval and once approved the check had been processed. Additionally, he stated he did not know that anyone had been contacted about the invoices until Mrs. Fitzgerald received a call from the vendor asking for payment and wanting to bill Lee County Commission. Mr. Rendleman stated Mrs. Fitzgerald told the vendor the payment process and subsequently Mr. Harris turned in the request for payment. Judge English and Commissioner Lawrence indicated they both had been contacted by the vendor. Mr. Rendleman stated he would take time to look over the bill and come back at the next meeting with a recommendation on how the Commission should proceed on the issue.

Commissioner Holt made a motion to approve the minutes as received, seconded by Commissioner Harris and the motion passed on a vote of 4-0-1 with Commissioner Lawrence abstaining. Next, Commissioner Holt made a motion to approve the claims, procurement card transactions and board announcement as presented, seconded by Commissioner Harris and passed unanimously.

County Engineer Justin Hardee informed the Commission that the replacement bridge on Lee Road 379 passed final inspection on June 5, 2012. Judge English stated that no further updates would be necessary on this project.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 11, 2012

Mr. Hardee updated the Commission on the recent Alabama Transportation, Rehabilitation and Improvement Program (ATRIP) Grant Program awards. Mr. Hardee stated Lee County was one of only 105 projects that were awarded funding. Mr. Hardee stated that Phase I is for the widening and resurfacing the remaining portion of Lee Road 240. The total project cost estimate is \$2.6 million with Lee County providing \$516,700 (20% Local) and ATRIP providing the remaining \$2.1 million (80% Federal). Mr. Hardee further stated they were already preparing for the Phase II application which is due in October. Mr. Hardee thanked Mrs. Swann for her assistance. Judge English informed those in attendance that this award in conjunction with the two awarded to Auburn and Opelika; put Lee County as the third highest dollar amount awarded in this round.

Mr. Troy Adams of Lee Road 132 addressed the Commission. Mr. Adams stated that Lee Road 132 had originally been approved to be paved as is, then was knocked out due to a safety issue because sufficient right-of-way could not be obtained. Mr. Adams stated he had read of a recent Commission meeting where a road was approved to be paved with only 12 ft. of asphalt. Mr. Adams requested that the Commission reconsider his road for paving, which serves approximately ten residences. Commissioner Harris stated he would again recommend that Lee Road 132 be paved due to the request presented tonight and in light of the fact that Lee Rd 352 was recently approved to be paved at 12 ft. Mr. Hardee presented each Commissioner an outline of previous Commission minutes with actions concerning Lee Road 132. Commissioner Holt questioned if this paving would come from Commissioner Harris' allotment of \$113,000 for dirt road paving, as identified in previous minutes. Mr. Hardee stated there was no dirt road paving money allocated; only resurfacing funds. Commissioner Harris stated that there were no questions asked on where the money would come from for the paving of the road in District 4. Commissioner Ham stated that Lee Road 352 was only a ¼ mile long. Commissioner Holt stated he could approve the paving from the funds allocated in the meeting on February 22, 2010. Judge English questioned the length to be paved. Mr. Hardee stated it was approximately 1.3 miles to pave both 132 and 764. Judge English then asked how much width could be paved at the narrowest places where right-of-way could not be acquired, and Mr. Hardee replied 13 ft, with the possibility of 16 ft. in other places. Commissioner Lawrence questioned if the residents on Lee Road 132 would consider making the road one-way. Those residents in attendance indicated that they would agree to that. Commissioner Harris made a motion to pave all of Lee Road 132 and all of Lee Road 764 by prescription at a width of 13 ft., making the eastern portion of Lee Road 132 two-way until it intersects with Lee Road 764, then making the western portion of Lee Road 132 one-way in an easterly direction (or into the neighborhood), and all of Lee Road 764 one-way in a northerly direction (or out of the neighborhood). The motion was seconded by Commissioner Long for discussion. Commissioner Lawrence questioned where the utilities were located. Mr. Hoyt Walker of Lee Road 132 stated that water lines were on one side and power was on the other. Commissioner Lawrence questioned the safety. Mr. Hardee stated that it was the nature of the situation and he would request that the standard speed limit of 45 mph be reduced to 25 mph and include it in the motion. Commissioner Harris amended his motion to include setting the speed limit to 25 m.p.h. and Commissioner Long also agreed to add it to the motion. After more discussion, Judge English called for vote which ended in a 2-2-1 tie vote. Commissioners Long and Harris voted "Yes", Commissioners Lawrence and Ham voted "No" and Commissioner Holt abstained. Then, Judge English had to break the 2-2-1 tie and voted "No" and the motion failed.

Last, Mr. Hardee asked the Commission to approve the Federal Aid Agreement for the widening and resurfacing of portions of Lee Roads 246 and 298 in District 3. Mr. Hardee stated this project will cost approximately \$1,254,582 which is an 80/20 match with Lee County paying approximately \$250,000. Mr. Hardee stated the project will be let by ALDOT on June 29. Commissioner Lawrence questioned if the funds were coming from this year's budget or next year's budget. Mr. Hardee responded it was this year's budget. After discussion, Commissioner Long made a motion to authorize Judge English to execute the Federal Aid Agreement as presented, seconded by Commissioner Ham and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 11, 2012

Commissioner Long made a motion at approximately 6:40 p.m. to adjourn the meeting, seconded by Commissioner Ham and passed unanimously. Judge English asked everyone to meet at the EMA Building for the graduation and recognition of the CERT Volunteers.

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 25, 2012

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

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

Commissioner Harris showed a desk clock he had been presented from the Kiwanis Club of Anniston for his recent visit. Additionally, he showed a certificate of appreciation he had received from the faculty, staff and students of Loachapoka Elementary School for judging the 1st Annual Loachapoka's Got Talent event.

Judge English recognized Commissioner Lawrence for completing the Local Government Training Institute Graduate Program. The advanced level program consists of taking an additional 70 hours of study above the state-mandated 50 hours for Commissioner education. Judge English also recognized that Commissioner Ham has recently completed his graduate level courses and should receive recognition at the next conference. Commissioner Lawrence recognized Judge English for his completion of the graduate level courses as well.

Environmental Services Director Chris Bozeman updated the Commission on the e-cycle event which took place on Saturday, April 21 at the Lee County Highway Department building. Mr. Bozeman stated that the event received over 11,766 pounds of e-waste, 3,700 pounds of shredded paper and received \$144 and 98 pounds of dry food for the East Alabama Food Bank. Commissioner Holt questioned what happened to all the e-waste. Mr. Bozeman responded that the items were sold to different vendors and Lee County received the revenue, plus the food bank benefited by the donations that were received. Mr. Bozeman thanked the Commission for allowing the department to host the event.

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

Rev. Venson Vaughn was in attendance and asked the Commission to reconsider his request for the use of the Justice Center parking lot for a food truck. Mr. Vaughn stated he did not believe it would cause a problem. Judge English responded that upon previous discussions that Sheriff Jones had a concern about safety and parking issues. Mr. Vaughn stated that he would be parked no more than four hours at the location. Judge English stated that both Sheriff Jones and County Attorney Stan Martin had concerns during the last discussion on the matter especially health department certificate and proof of liability insurance. Commissioner Harris requested that Mr. Vaughn and Sheriff Jones get together and discuss any concerns of the Sheriff, then come back to the Commission in regards to a solution to the issue. Commissioner Holt stated that it was a great idea, but questioned if others would see Mr. Vaughn and want to do the same since there are other food trucks in the area. Commissioner Harris stated that the Commission could set criteria for vendors to follow, like at the Johnson Galleries Building. Judge English explained that normally only non-profit organizations utilize that facility. Commissioner Lawrence recommended asking the staff to look at how others areas handle this issue and report back to the Commission.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 25, 2012

After much discussion in the pre-meeting concerning Lee Road 352, Commissioner Harris stated the he would ask that the Commission be consistent on dirt road issues or any Commission action. Commissioner Harris stated he had several people call and ask him why the Commission was not consistent since Lee Road 352 was going to be paved, but Lee Road 132 was not. Commissioner Harris asked that the Commission have a consistent policy on what the Commission does. Commissioner Harris made a motion to reconsider the issue of the paving of Lee Road 352. Commissioner Long seconded the motion for discussion. Commissioner Long stated that he would also like to see consistency in actions of the Commission. He stated he felt Mr. Walker was not given the same consideration as the other request for paving. Judge English reiterated that the Dirt Road Paving Policy which passed in May 2009 stated that paving projects using prescriptive right-of-way must be approved by the Commission if 18 ft. or less, in February 2010 the dirt road paving program was abolished, except in District 5, and in May 2010 paving was abolished in all districts. Commissioner Long stated that he voted on Lee Road 352 so that equal consideration should be given on other roads. Commissioner Holt asked that a vote be taken to reconsider the action taken on Lee Road 352. Commissioner Lawrence called for the question, seconded by Commissioner Holt, the call for the question passed on a vote of 3-1-1 vote with Commissioner Ham voting "No" and Commissioner Lawrence abstaining. Commissioner Long then made a motion to put the dust control product Pave-Zyme on Lee Road 352 instead of paving it, seconded by Commissioner Harris for discussion. Commissioner Lawrence questioned the dust control effectiveness. Mr. Hardee stated Pave-Zyme could last up to 10 years, but we don't have experience with it at this time. Mr. Hardee stated that it depended on the soil base and he would take samples to get the right mixture. Commissioner Lawrence asked about the cost, and Mr. Hardee said Pave-Zyme cost approximately \$10,000/mile, depending upon the condition of the base and the concentration of the application, which was contingent on the base. The motion passed on a 3-2 vote, with Commissioners Lawrence, Long and Harris voting "Yes" and Commissioners Holt and Ham voting "No".

Mr. Lamar Sellers appeared before the Commission during the pre-meeting concerning the fire fee increase and stated he had a petition with over 300 signatures. Mr. Sellers addressed the issue of a "unit" and stated that the outbuildings should be excluded from the fire fee. Judge English addressed the issue and stated that the fire fee "unit" was the same as it had been since 1989. County Administrator Roger Rendleman stated that a recent legislative change (Act 2011-526) removed certain outbuildings used for agricultural production purposes. Commissioner Ham thanked Mr. Sellers for coming and being a concerned citizen.

After discussion in the pre-meeting concerning the neighborhood stabilization program, Commissioner Long asked Mrs. Swann to fax the lady concerning her request, and Judge English agreed to sign a letter drafted by Mrs. Swann that mirrored the Lee County Master Plan language on the subject of neighborhood stabilization.

Judge English during the pre-meeting requested the Commission approve the purchase of electronic poll books for approximately \$34,550 involving 32 I-pads and four printers for the election staff. He added that the purchase had not been budgeted, but was eligible for 100% reimbursement with HAVA funds. Judge English stated that Morgan County had been the pilot county and had purchased the equipment and has been reimbursed by the Secretary of State's Office. Commissioner Holt made a motion to approve the purchase and make a budget adjustment for approximately \$34,550 in the General Fund. The motion was seconded by Commissioner Lawrence and carried unanimously.

Mr. Rendleman presented the results of Bid #10 for landscaping services for various office locations. Mr. Rendleman stated that due to attrition in the Maintenance Department he wanted to utilize the existing work force on the two main buildings and utilize lawn service(s) at the other locations. Mr. Rendleman asked the Commission to reject the bid for negotiations. Upon this recommendation, Commissioner Long made a motion to reject Bid #10 for

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 25, 2012

landscaping services for negotiation, seconded by Commissioner Lawrence and passed unanimously.

The Commission asked Mr. Rendleman to look into the situation concerning body transports and billing by Coroner Bill Harris due to a recent bill presented for payment. Mr. Rendleman stated that currently Lee County is operating under a verbal arrangement between Lee County, the municipalities, Sheriff Jones and Coroner Bill Harris that the Coroner will bill the primary jurisdiction over the investigation directly for expenses paid by him as they are incurred. Mr. Rendleman recommended that the Commission either formalize the current arrangement with some terms to facilitate timely payments or comply with Act 2010-542 where Lee County would take over billing the primary investigating jurisdiction and be responsible for payment to the vendor for all cases, which appears to include the Coroner being personally responsible for the expense if he fails to comply with the 10 day itemized reporting requirement. Upon discussion, Commissioner Long made a motion to comply with Act 2010-542 to allow Lee County to perform the billing for transport services for timely payment, seconded by Commissioner Lawrence and unanimously carried.

Mr. Butch Brock presented an ATM Agreement for Commission consideration. Mr. Brock reported that several had requested an ATM at various locations including Sheriff Jones. Mr. Brock reported that an RFP had previously been requested with only one vendor responding. Mr. Brock requested the Commission authorize Judge English to sign the agreement for ATM services with Welch ATM. Commissioner Holt questioned if any local companies had been informed of request. Mr. Brock stated he had put out the RFP to all area banks and advertised as required, but that no local companies responded. Commissioner Holt requested that the item be moved to the next agenda.

Upon the request of County Attorney Stan Martin, the Commission moved to adjourn into an executive session concerning current litigation. Mr. Martin stated that County Administrator Roger Rendleman and Deputy Administrator Alice Fitzgerald needed to be in attendance. Mr. Martin stated the executive session would last approximately 45 minutes and formal action might be necessary afterward. Commissioner Lawrence made a motion to adjourn into executive session, seconded by Commissioner Long and passed unanimously.

At the conclusion of the Executive Session, Commissioner Ham made a motion at approximately 8:35 p.m. to adjourn the meeting, seconded by Commissioner Lawrence and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 25, 2012

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 9, 2012

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

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

Commissioner Ham recognized Revenue Commissioner Clerk Bryan Buchanan for going above and beyond his assigned duties. After an incident that occurred at the Auburn Satellite Office over a year ago, where a truck drove thru the Auburn Satellite location and knocked down a portion of a retaining wall between Jamison Inn and the satellite office, Mr. Buchanan, after the incident, took it upon himself and repaired the retaining wall and straightened up the trees and shrubbery that were run over. Mr. Buchanan asked for no compensation or recognition. Recently, Mr. Buchanan again took it upon himself to make and place "Employee Parking" signs in the back of the building. Commissioner Ham, Judge English and Revenue Commissioner Oline Price thanked Mr. Buchanan for his going above and beyond for Lee County. Commissioner Ham stated he had just recently heard of this incident and wanted to recognize Mr. Buchanan for his actions.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, the announcement of two vacancies on the Lee County Emergency Communications District board and the minutes of the June 25 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as received, seconded by Commissioner Ham and passed unanimously.

Judge English questioned if anyone had any other information on the food truck request from Mr. Vaughn. Judge English stated that he had put this on the agenda just in case anyone was expecting any further action. No one addressed the issue.

Mr. Butch Brock once again asked the Commission to authorize Judge English to sign the agreement for ATM services with Welch ATM. Judge English questioned Mr. Brock if any local companies had contacted him about the service since the last meeting. Mr. Brock stated he had called and left messages, but he had not gotten any return phone calls. Commissioner Ham questioned if he had talked to anyone with Southern States Bank, and Mr. Brock replied in the affirmative. After discussion, Commissioner Ham made a motion to authorize the Chairman to sign the agreement for ATM service with Welch ATM, seconded by Commissioner Harris and unanimously carried.

Todd Brown with the Beulah Recreation Association appeared before the Commission asking for assistance in developing the land that Lee County purchased for recreation in the Beulah community. Mr. Brown explained the current situation concerning ball fields and stated that teams had to go to Valley and surrounding areas to play ball since they only had limited access to the school ballfields. Mr. Brown stated that he and others in the community were willing to help if they could get a consensus on what they should be doing to move the project forward. Lee County Recreation Board Secretary Linda Hilyer was in attendance and stated the no funds had been allocated for recreation in the past three years. Judge English explained that the core issue is money. Additionally, he stated the local referendum that would have provided a new source of funds for recreation was voted down twice. Commissioner Lawrence suggested

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 9, 2012

that they talk to representatives of the local volunteer fire departments to see how they approached their successful campaign since the first vote failed. No action was taken by the Commission. Judge English thanked Mr. Brown and Mrs. Hilyer for coming before the Commission to address this issue.

Commissioner Ham addressed the need for guidelines for signs on the right-of-way during detours. County Engineer Justin Hardee distributed a handout with a list of seven criteria for sign placement to the Commission. After discussion, Commissioner Lawrence made a motion to approve the seven criteria as presented below, seconded by Commissioner Ham and unanimously carried.

Policy for Signs on Rights-of-Way for Detours

In the event of a road closure, businesses affected by the detour who wish to place signs on Lee County rights-of-way, along a detour route, should submit a request to the Lee County Highway Department showing the number of signs, the size of the signs, and the locations where they would like to place the signs.

The criteria for sign placement will take into account the following:

1. All signs will be placed by the business owner at his/her own expense.
2. Non-breakaway sign posts will not be allowed.
3. All signs must be placed on the back ten (10) feet of the right-of-way.
(Prescriptive right-of-way will require a determination to be made in the field)
4. No signs will be placed in an area where they interfere with the sight distance of intersecting roads and driveways.
5. No signs will be placed in an area where they affect the drainage features of the roadway.
6. Signs must be removed by the business owner within ten (10) business days of the road being opened.
7. Any signs to be placed on State rights-of-way must have approval from the Alabama Department of Transportation.

Next, Mr. Hardee presented the results of Bid #7 for surface treatment. Mr. Hardee recommended that the Commission award it to East Alabama Paving who was the most responsive bidder. Upon this recommendation, Commissioner Lawrence made a motion to award Bid #7 for surface treatment to East Alabama Paving. The motion was seconded by Commissioner Ham and unanimously carried.

Last, Mr. Hardee presented the results of Bid #8 for annual full-depth reclamation. Mr. Hardee stated that Chris Clark Grading and Paving was the lowest responsive bidder. Upon this recommendation, Commissioner Lawrence made a motion to award Bid #8 for annual full-depth reclamation to Chris Clark Grading and Paving. The motion was seconded by Commissioner Ham and unanimously carried.

County Administrator Roger Rendleman presented an educational reimbursement request for Deputy Pam Revels. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the appropriate appointing authority. Upon this presentation, Commissioner Ham made a motion to approve the educational reimbursement for Deputy Revels, seconded by Commissioner Harris and unanimously carried.

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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 9, 2012

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 30, 2012

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, July 30, at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

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

County Engineer Justin Hardee recognized Chris Bozeman and informed the Commission that he has named Chris as the new Environmental Services Director effective immediately. Mr. Hardee stated Mr. Bozeman had already been performing the duties since Mr. Marshall's retirement in June. Additionally, Mr. Bozeman had been running the office with limited administrative staff and had kept Mr. Hardee informed of the daily operations; therefore, Mr. Hardee felt Mr. Bozeman was capable of fulfilling all the duties of the position. Judge English and the entire Commission congratulated Mr. Bozeman on his promotion to Environmental Services Director.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, the announcement of a vacancy on the Lee County Recreation Board to replace Michael Miller and two vacancies on the Lee County Cemetery Preservation Commission to replace John & Faye Ross, and the minutes of the July 9 Commission meeting. Commissioner Lawrence made a motion to approve the consent agenda items as received, seconded by Commissioner Holt and passed on a vote of 3-0-2 with Commissioners Holt and Ham abstaining.

County Engineer Justin Hardee explained during the pre-meeting that he did not feel that Pave-Zyme was designed for the dust control purpose intended after researching the product. Mr. Suttles, a representative of Pave-Zyme, stated a new ingredient was being added to address the dust issue and he would have further information in six months to present for consideration in using the product in the future. Commissioner Ham asked Mr. Hardee what he would recommend for dust control since this treatment was not adequate for this problem. Mr. Hardee suggested that a rock & tar treatment could work for dust control. Mr. Hardee explained the process for Commission consideration. Several residents of Lee Road 352 were in attendance during the pre-meeting. Mrs. Drake, a resident of Lee Rd 352 coping with COPD addressed the Commission asking for any assistance to control the dust issue. Mrs. Drake stated that out of 12 houses on the road four residents suffered from COPD and two children have breathing problems. Mrs. Drake thanked the Commission for any assistance they could offer. Commissioner Ham made a motion to take the Engineer's recommendation and apply the rock and tar treatment instead of Pave-Zyme to Lee Road 352, with 12 ft. wide pavement making it one-way and a 25 m.p.h. speed limit. When asked about the right-of-way, Mr. Hardee replied that it has a 30 ft. platted right-of-way. The motion was seconded by Commissioner Holt for discussion. Commissioner Lawrence asked Mr. Hardee to explain the difference between this treatment and paving the road. Mr. Hardee explained that a more involved base preparation process is done prior to paving a road than just placing a mixture of rock and tar on the road as it is, as he was suggesting here. Commissioner Holt questioned making the road one-way, since issues had occurred in the past on one-way roads. Commissioner Ham stated that the residents knew it would change to a one-way road and they were in agreement with it. Commissioner Harris again reminded the entire Commission that he had a similar road request in his district, concerning a lady with asthma, and he would hope that this body would consider his request when he came before them asking for the same treatment on that road in his district.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 30, 2012

Commissioner Holt reiterated the fact that he had made the motion to abolish all dirt road paving and felt that this was going to compound the problem when other citizens hear of these requests and want the same treatment on their roads to control dust problems. Commissioner Harris suggested that we wait 30 days and see what Mr. Suttles new product could do to control dust. Commissioner Lawrence asked if the item could be carried over to the next agenda. After more discussion, Commissioner Ham agreed to rescind his motion and Commissioner Holt rescinded his second. Next, Commissioner Ham made a motion to not treat Lee Road with Pave-Zyme, as directed by the motion passed at the previous meeting. The motion was seconded by Commissioner Long and unanimously carried.

First Readings of Dr. Joel Pittard, Dr. David Smalley and Larry Fillmer on the East Alabama Health Care Authority Board were read. Mr. Larry Fillmer replaces Mr. Bill Baker as the county appointee.

Chief Joe Walden of the Smiths Station Fire & Rescue appeared before the Commission requesting permission for a fire frequency radio use agreement for Care Ambulance Service. Mr. Walden explained that he had been dealing for over two months with EMA Director Kathy Raines, E911 Director Bill Meadows and EMS Director Dan Goslin and had not been successful in obtaining permission for a fire frequency use agreement. Commissioner Lawrence questioned which agency held the license for the radio transmission and Daniel Sexton stated "EMA". Commissioner Holt questioned the mutual aid request. Chief Walden he was only requesting a letter of authorization to share the fire radio frequencies with Care Ambulance so they can communicate with the Smiths Station Fire & Rescue involving emergency situations. Upon further discussion, Commissioner Long made a motion to authorize Judge English to sign a fire frequency use agreement for Smiths Station Fire & Rescue and Care Ambulance. The motion was seconded by Commissioner Lawrence and unanimously carried.

Mrs. Barbara Patton representing the Genealogical Society of East Alabama asked permission to use the Tyner Building again to store their records. They were asked how long they would need the building and Mrs. Patton stated as long as the Commission would allow them use of the space. Mr. Rendleman stated he would suggest a one year lease. Mrs. Patton stated she would return the information to the Genealogical Society Board and would be back in contact with the Commission. Judge English questioned if there was any fire protection in the building. Mr. Rendleman responded that there were no smoke detectors and no sprinklers in the building. Judge English next questioned cost of the utility bills. Mr. Rendleman stated he would gather the information for the next meeting.

Mr. Rendleman next addressed the requests from the Lee County Cemetery Preservation Commission. First, Mr. Rendleman stated the Cemetery Preservation Commission would have to reapply with the IRS concerning their tax exempt status. Next, Mr. Rendleman stated the county would not be able to maintain the cemetery as requested since it is private property. Next, Commissioner Holt questioned funding for the Cemetery Preservation Commission and Mr. Rendleman stated the local Act allows the Commission to provide funding to them. Last, the letter asked permission for use of the Tyner Building along with the Genealogical Society. Mr. Rendleman stated he would write Mrs. Ward a letter to address her issues. The Commission had questions for Mrs. Ward, who was not in attendance. The Commission agreed to move the item forward to the next meeting for further discussion.

Commissioner Lawrence made a motion to approve his travel to Montgomery to attend an ALGTI Board meeting on July 31, 2012. The motion was seconded by Commissioner Long and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 30, 2012

Next, Commissioner Lawrence suggested that the Commission schedule several work sessions to discuss a course of action related to the following topics: 1) detailed plan for maintenance and upgrades to the Courthouse and other county facilities, 2) initiate a plan for the development of the properties purchased for recreation, 3) initiate discussion with the legislative delegation to have a fuel tax opportunity for Lee County to be utilized for local road maintenance, repair and upgrades, 4) discuss additional funding for deputies, 5) develop a 5-10 year Strategic Plan to prioritize goals and objectives. After discussion, Commissioner Holt felt that upcoming work sessions should be focused on the budget, and he asked Commissioner Lawrence to bring the items back before the Commission in six months.

Mr. Rendleman requested that the Commission set a budget work session to discuss the upcoming FY2013 Budget. Upon discussion, Commissioner Lawrence made a motion to set a budget work session for August 13 immediately following the regular scheduled meeting. The motion was seconded by Commissioner Long and unanimously carried.

Mr. Hardee informed the Commission that the Alabama County Commission Association is anticipating putting out joint bids for disaster debris removal and debris removal monitoring. Judge English explained the Commission would not be obligated to join if the Commission receives better pricing on our own bid, even if the Commission passes a resolution in support of the ACCA program. Judge English described this as a win-win situation and asked the Commission to consider allowing him to sign the Resolution and Agreement as presented. Mr. Rendleman has some reservation about the debris removal portion of the resolution, since Lee County already has a debris removal contract in place, and Judge English asked the Commissioners to allow Mr. Rendleman the latitude to adjust it as he sees fit. Judge English also informed the Commission that County Engineer Justin Hardee and EMA Director Kathy Raines were close to finished with a proposed RFP of our own for debris removal monitoring, and that it would be on an agenda in the near future. After discussion, Commissioner Holt made a motion, seconded by Commissioner Long to pass a resolution in support of the joint bid program with the ACCA and authorize Judge English to sign the following Resolution and Agreement. The motion passed unanimously.

RESOLUTION AND AGREEMENT

to participate in the County Joint Bid Program's Regional
Debris Removal and Monitoring Services Joint Bid Project

WHEREAS, Code of Alabama 1975, §41-16-50 authorizes two or more counties in the state to enter into agreements for the joint bidding and purchase of items required to be bid under Alabama's competitive bid; and

WHEREAS, the Association of County Commissions of Alabama (hereinafter "the Association") has since 2000 administered a statewide joint bid program for counties pursuant to Code of Alabama 1975, §41-16-50 for the joint bidding of certain equipment, materials, and supplies required to be competitively bid under Alabama's competitive bid law; and

WHEREAS, due to the need in every county for professional and economical debris removal and monitoring services which can be operation in any county immediately following a disaster necessitation such services, the Association will be conducting regional joint bids for debris removal contracts and for monitoring services contracts which, once executed, can be utilized by each county in a region as needed for disaster response (hereinafter referenced as "the project"); and

WHEREAS, pursuant to Code of Alabama 1975, §41-16-50, each county desiring to participate in the project is required to adopt similar resolution, signifying its desire to participate and its agreement to the terms and conditions of participation; and

WHEREAS, the Lee County Commission desires to join and participate in the project for debris removal and monitoring services as a member of Region 4 and understands and agrees to the procedures as set out below:

- (1) That the Association, a non-profit organization devoted to providing support and

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 30, 2012

- services to its membership of the 67 counties in Alabama, shall provide administrative services to the program, and in this regard, shall
- °oversee the development of written specifications for services to be bid in the region
 - °provide notice to respective bidders for all services to be jointly bid in the region as required by law
 - °open bids pursuant to bid specifications at its office at 100 North Jackson Street in Montgomery, Alabama and
 - °provide other services as necessary excluding the awarding of the contracts.
- (2) That in order to participate, the Lee County Commission shall forward to the Association the names and addresses of each person or company who has submitted a written request to be included in solicitations of bids for debris removal and/or for monitoring services (its “vendor list”), and that following receipt of said vendor lists, the Association shall provide notice of all bid offerings to each applicable person or company if those services are being bid, as provided in Code of Alabama 1975, §41-16-50.
 - (3) That in compliance with Code of Alabama 1975, §41-16-50, the Lee County Commission shall not be eligible to utilize services under a contract awarded through the project unless it has provided the Association with its vendor list for those services, if such a list is held by the county.
 - (4) That the Association will provide the county with a notice of each solicitation for bid and in compliance with Code of Alabama 1975, §41-16-54, the Lee County Commission shall post said notice on a bulletin board in the county’s purchasing office.
 - (5) That in compliance with Code of Alabama 1975, §41-16-54, the Lee County Commission agrees that it shall not be eligible to utilize the services included in a contract awarded through the project unless it has posted such notice.
 - (6) That following the opening of bids, the Lee County Commission will serve as awarding authority for Region 4 and shall determine the lowest responsible bidder and award any contract for the Region at a regular meeting of the Lee County Commission.
 - (7) That the Association shall not serve as the awarding authority for any services bid through the project.
 - (8) That participation in this project is strictly voluntary, and that, subject to the conditions set out in paragraphs 2, 3, 4, and 5, once a contract has been awarded through the project, the Lee County Commission may utilize the contract services during the contract period under the terms of and at the price established under the contract, but shall not be required to purchase any of the services awarded through the project.
 - (9) That if the Lee County Commission decides to utilize debris removal or monitoring services other than through the project, it must separately bid those services if such bidding is required by Alabama’s competitive bid law.
 - (10) That following the award of a regional contract under the project, the Lee County Commission shall deal directly with the successful vendor to activate the services available under the contract, and that there shall be no joint purchasing agent representing any of the counties participating in the project.
 - (11) That the Lee County Commission shall remain a member of the project so long as it desires and agrees to participate in this joint bid agreement under its terms and conditions, and that the Lee County Commission shall give at least thirty (30) days notice to the Association of its intent to terminate its participation in the project.
 - (12) That at the expiration of the thirty days termination notice, the Lee County Commission shall be removed from this project and from any correspondence or advertisement regarding the project or any services to be bid under its terms and conditions.
 - (13) That following its termination from the project, the Lee County Commission shall not be eligible to utilize the services under the terms and at the cost of the regional contract, and will be required to bid all such services on its own under the requirements of Alabama’s competitive bid law.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 30, 2012

- (14) That this Resolution, once adopted by the Lee County Commission, shall serve as its agreement and contract with all other counties in Region 4 participating in this project.
- (15) That prior to soliciting any bids for services to be jointly bid under this project, the Association shall forward a list of all participating counties to the Office of the Examiners of Public Accounts.
- (16) That in order for a county to utilize the services of a contract executed for Region 4 under this project, it must have adopted this resolution prior to the solicitation of bids for debris removal and/or monitoring services, but that once the county has adopted this resolution, it shall remain a member, and subject to the conditions set out in paragraphs 2, 3, 4, and 5 above, shall be eligible to utilize all debris removal and monitoring services thereafter bid for Region 4 under this project until and unless it terminates its participation as set out in paragraphs 11, 12, and 13 above.

BE IT RESOLVED BY THE LEE COUNTY COMMISSION that it agrees to all terms and conditions of the project for regional bidding of debris removal and monitoring services as set out above, and desires to participation in said project.

BE IT FURTHER RESOLVED that it is the intent of the Lee County Commission by adoption of this resolution to enter into a joint bid agreement with all other counties in Region 4 participating in this project.

BE IT FURTHER RESOLVED that a copy of the resolution be immediately forwarded to the Association with a request that the Lee County Commission be included as a participant of Region 4 for regional bidding of debris removal and monitoring services for all services bid through the project until and unless notified of the County's desire to terminate its participation under the procedures set out in paragraphs 11, 12, and 13 above.

IN WITNESS THEROF, the Lee County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on this the 30th day of July 2012.

Upon recommendation of Sheriff Jones concerning the transfer of a retail liquor license held by Tracey Lolley d/b/a TNT Tiki Tavern to Jeffrey Trenter d/b/a 379 Tavern. Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

BE IT RESOLVED, the Lee County Commission hereby grants a lounge retail liquor license for **379 Tavern** located at 8018 Lee Road 379, Suite D, Salem, Alabama.

Last, Commissioner Holt made a motion to add an agenda item concerning the Loachapoka Public Library. The motion was seconded by Commissioner Lawrence and unanimously carried. Ms. Sarah Beasley stated she had started the library since Loachapoka did not have one in the area. Ms. Beasley stated that the utilities for the Community Center were being paid by Loachapoka thanks to Mayor Grout. Ms. Beasley asked for a donation to the Loachapoka Public Library for operational expenses of \$240/month for 6 months. Ms. Beasley explained that she had asked for and received plenty of donated books, but now she needs shelving for the books. Ms. Beasley stated she had applied for her non-profit status, but had not received approval at this time and needed assistance. After discussion, Commissioner Holt stated he would be able to help with her project with other resources and asked her to see him after the meeting. The Commission took no action.

Commissioner Lawrence asked that all the Commissioners consider writing a letter to the Pardon and Parole Board in opposition to the parole of Eddie Seibold, who murdered three people in Auburn in 1967. Commissioner Lawrence additionally stated that the letter must be received by the Board of Pardons and Parole at least 10 days before the hearing, which is open to the public.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 30, 2012

Commissioner Harris announced that he had learned about HAVA funds of over \$150,000 available to Lee County. Commissioner Harris asked for the item to be included on the next agenda for discussion about use of those funds for voter education.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 13, 2012

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

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

Pastor Grandville Anderson appeared before the Commission concerning the need for voter education. Judge English referred the question to Commission Harris. As in the last meeting, Commissioner Harris stated he had talked to the Secretary of State who informed him that Lee County had funds available of approximately \$195,000. Commissioner Harris stated the funds are needed to educate voters in Lee County. Pastor Anderson asked how his Church could apply and use the available funds. Judge English responded that the funds were not available to private citizens they were only for public use. Commissioner Harris suggested that they could be used by groups like the League of Women Voters.

Ms. Sue Miller appeared before the Commission to ask for assistance with Railroad's Bar which is located behind her house near Uniroyal. Ms. Miller stated that the fence surrounding the establishment was almost gone. Ms. Miller stated she had placed "No Trespassing" signs in her yard, but they had been torn down. Further, she stated that when she has seen individuals walking on her property, she calls the Sheriff's Office, but by the time officers arrive, the individuals are gone. She stated the establishment continues to be a nuisance by playing music loud and allowing customers to linger outside the establishment after hours. Commissioner Ham stated he had talked to owner Eddie Burns who stated he was replacing the fence within the next 2-3 weeks. Commissioner Ham asked if there was anything the Commission could do in the future about these type establishments when they renew liquor licenses. Judge English explained that the Commission would have to set a policy that contains neutral restrictions or show a public safety necessity for a denial, and even then it may not be enough. The reason would have to be sufficient and a policy would have to be in effect for it to be considered. Commissioner Ham further stated that perhaps a noise ordinance, code enforcement or zoning restrictions could be implemented in the future, for these type establishments in the county. Commissioner Lawrence stated a noise ordinance would be hard for law enforcement to enforce. But, Commissioner Lawrence agreed with zoning or code enforcement for these type establishments. The Commission took no action.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, a new listing of a claim to be paid was placed on the desks prior to the meeting, and the minutes of the July 30 Commission meeting. Commissioner Lawrence made a motion to approve the consent agenda items as received, seconded by Commissioner Long and passed unanimously.

Commissioner Ham asked County Engineer Justin Hardee to report on his research of products that other counties currently use for dust control. Mr. Hardee stated that his department had talked to several counties similar to Lee County and the results were presented in a handout given out to the Commissioners. Mr. Hardee reported that most counties reported using the tar and gravel approach, but one used a product called Landlock, and he would obtain more information about that product in the future. Commissioner Ham asked that the item be placed on the next agenda so that Mr. Hardee could research the Landlock product and report back at the next meeting.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 13, 2012

Second readings of Dr. Joel Pittard, Dr. David Smalley and Mr. Larry Fillmer to serve on the East Alabama Health Care Authority Board were read. Commissioner Holt made a motion to authorize the following Resolution, seconded by Commissioner Ham and the motion passed on a vote of 4-0-1 with Commissioner Lawrence abstaining.

BE IT RESOLVED, that Lee County Commission hereby reappoints Dr. Joel Pittard and Dr. David Smalley and appoints Mr. Larry Fillmer to the East Alabama Health Care Authority Board to serve six-year terms beginning October 1, 2012 until September 30, 2018.

Mrs. Edna Ward representing the Genealogical Society of East Alabama and the Lee County Cemetery Preservation Commission stated the two groups would like to use the Tyner building mainly for records storage purposes. Judge English stated the building would only be available temporarily for approximately one year. Mrs. Ward stated the groups would also need to access their records. Commissioner Ham asked that the agreement contain a provision in case an emergency arises and the building is needed for other purposes. Mrs. Ward questioned if another building is available for long-term, but none was identified. Then, Commissioner Lawrence made a motion to authorize the Genealogical Society of East Alabama and the Lee County Cemetery Preservation Commission to use the Tyner Building for a year with the understanding that if it is needed we would have access to it sooner if we gave them 90 days notice. The motion was seconded by Commissioner Ham and unanimously carried. Mr. Rendleman stated that the agreement should contain a hold harmless clause and an indemnification section in case something happened while they are using the building.

Next, Mrs. Ward asked for help in finding the owner of Memory Hill Cemetery since they had been unable to find him. Judge English expressed concern over the cemetery issue and stated that we could not since the cemetery is privately owned, because Lee County is prohibited from working on private property. Mrs. Ward questioned if the Commission could condemn the cemetery. Judge English stated that the county could only condemn land for public uses, and would have to reimburse the owner for the value of the property taken, and besides, the county is not in the cemetery business. Commissioner Holt questioned if family members were willing to donate funds to keep the cemetery clean. Mr. Arthur Jones stated that family members make promises but do not keep them. Mr. Jones stated that Sheriff Jones allows them to use trustees to clean-up the cemetery. Mr. Jones added that they feed them for their service. Commissioner Harris asked that Stan Martin assist them in the legalities. Mr. Rendleman stated that Lee County does not need to be in the cemetery business but stated the Commission does have authority to appropriate funds to the Cemetery Preservation Commission to maintain the cemetery. No action was taken by the Commission.

Mr. Otis Denham appeared before the Commission during the pre-meeting to ask that the roads in Avalon Acres Subdivision be resurfaced and that additional funding be allocated to the Sheriff's Office for law enforcement purposes in that area. Mr. Denham stated that since they had started a neighborhood watch over a year ago he has had the opportunity to ride around the neighborhood and stated that all the roads are in poor condition. He stated that he was under the impression that when the power plant was being built off Lee Road 250, that the company agreed to fix the road if it was damaged during construction. Additionally, he stated that when the patching truck comes it makes more humps in the roadway than before the patching was done. Mr. Denham reiterated that the roads are bad in their area. Judge English explained the grading process for resurfacing and explained that due to financial constraints the county is unable to resurface on a regular basis and the patching truck helps to minimize further damage to the roads and roadbeds. County Engineer Justin Hardee stated he had looked at the condition of the roads in Avalon Acres and along Lee Road 250 prior to the meeting. Mr. Hardee explained that Mr. Denham is correct that the patching truck makes the road rough, but it does help keep water from getting under the roadway, therefore, causing more issues. Commissioner Lawrence questioned Mr. Rendleman of where funding for the Highway Department comes from for road

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 13, 2012

maintenance. Mr. Rendleman explained that approximately \$4M comes from State gas tax money, all statewide gas tax, not local taxes. The other \$3-\$4M is supplemented by the Commission from the General Fund. Commissioner Lawrence asked Mr. Rendleman how funding has done over the last few years. Mr. Rendleman stated it has gone down significantly since 2009 with no indication of it going up anytime soon. Judge English questioned Mr. Denham on where he wanted the funds to resurface his road to come from and asked perhaps the Sheriff's Office. Mr. Denham responded "no" and stated that was his next subject for discussion. Commissioner Ham stated that Mr. Hardee said that Avalon Acres was the 12th worst road on the list at the Highway Department. Mr. Denham suggested that the Commission ask for a special sales tax and that he would support it. Judge English stated that a vote for a county sales tax increase had failed twice which would have benefitted county recreation and school resource officers. Commissioner Lawrence suggested the pay-as-you go plan. Mr. Denham asked about the log trucks that tear-up the roads. Commissioner Ham stated a new bill went into effect on July 1st which requires that loggers register with Lee County before they work in an area and must provide their liability insurance name and policy number in case they cause damage to the roads. Mr. Denham additionally asked that the speed limit on Lee Road 250 be decreased from 45 m.p.h. to 35 m.p.h., since people speed on the road. Commissioner Ham stated a traffic count had been done on the road and asked Mr. Hardee to look at the results and determine if the speed limit needs to be decreased. Last, Mr. Denham stated he had noticed the increase in crime over the past year and he stated that Sheriff Jones needs more resources to protect the citizens of Lee County. Commissioner Ham thanked Mr. Denham for his attendance at the meeting.

Commissioner Harris addressed the issue of voter education. Commissioner Harris stated he feels that the funds provided by the Secretary of State should be used to educate voters in the community informing them they do not have to register each time to vote and to advertise the voting locations. Commissioner Lawrence questioned Judge English about the HAVA funds. Judge English stated part of the money had been used for the electronic poll books and he would like to use the remaining funds to accommodate handicapped voters and provide accessibility to various polling places. He also indicated that he was trying to preserve these funds for the acquisition of newer voting equipment after the fall General Election. No action was taken by the Commission.

Judge English presented a letter from Senator Gerald Dial concerning a proposed new senior center in Beulah. Commissioner Ham stated he talked to Senator Dial and he had indicated that any matching funds would be provided by the State, so there would be no cost to Lee County. Also, Commissioner Ham stated Senator Dial indicated that the Lee-Russell Council of Governments would be the agency handling the grant. Judge English talked to Lee-Russell Council of Governments who stated they were not aware of any such grant being awarded yet. Commissioner Holt questioned who owned the property of the current senior center. Judge English stated the Board of Education and the trustees of a church were the owners. Commissioner Ham made a motion to submit a letter of support to Senator Dial for a senior center in Beulah. The motion was seconded by Commissioner Lawrence for discussion. Judge English reported that we had nothing concrete about the location of the proposed center or the amount of financial commitment required of the county. Commissioner Ham stated Senator Dial would be in Lee County Thursday night and he would follow up with him then. Judge English asked Commissioner Ham to talk with Senator Dial on the center and get specific details before the Commission takes any formal action. After discussion, Commissioner Ham withdrew his motion, and then Commissioner Lawrence withdrew his second.

Judge English stated that due to the high turnout expectation for the upcoming general election, he would ask the Commission to authorize moving the Beat 5/Loachapoka polling location from Loachapoka Town Hall to the Loachapoka Community Center. He added that the current facility is inadequate in size for a large turnout and also that the front door is perilously

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 13, 2012

close to busy traffic on Alabama Highway 14. He said the situation of having voters park across the street and walk across in an election where darkness falls before the polls close, and traffic gets heavy when Auburn University employees get off work was a formula for a catastrophe. He stated the Community Center had plenty of parking, air conditioning and better handicapped accessibility for citizens. Commissioner Harris asked that signs be made and put up and further stated that the citizens need to be notified of the move.

Additionally, Judge English stated that Mr. Brock had recently mentioned that Frank Brown Recreation Center is currently under renovation and was not sure if they would be completed in time for it to be available for use in the November General Election. Judge English stated an alternate location was being explored at this time just in case. He reported that Mr. Brock had a meeting for this coming Wednesday with City officials about the polling place, and would know more then. He asked the Commission to give him the latitude to designate an alternate location if necessary and go ahead and submit same for pre-clearance without having to wait two weeks for another Commission meeting since the pre-clearance schedule would be so tight. Commissioner Holt made a motion to move the Loachapoka polling location to the Loachapoka Community Center and to move the polling place from the Frank Brown Rec. Center in Auburn if necessary to an alternate location selected by Judge English and Mr. Brock. His motion included giving Judge English and Mr. Brock authority to submit the necessary paperwork for pre-clearance with the Justice Department for the two moves. The motion was seconded by Commissioner Harris. Additionally, Commissioner Harris asked that notification to the public for each be placed in the motion. The motion passed unanimously.

Sheriff Jones presented a request for a job reclassification for the current Law Enforcement Records Clerk position to a Guardianship/Conservatorship Agent since the duties of this clerk have changed over the last four years, growing from about 7-8 cases to over 30 cases. Sheriff Jones stated that the clerk is responsible for the health and welfare of the clients served, as well as managing their finances. Therefore, the position should be reclassified from a grade 9 to a grade 12. After discussion, Commissioner Lawrence made a motion to approve the recommendation, seconded by Commissioner Holt and unanimously carried.

Mr. Hardee made a capital budget request to purchase a brush cutter for the Highway Department off the ACCA Bid List at a cost of approximately \$320,000. Mr. Hardee explained the need for a more efficient piece of machinery for the department. After discussion, Commissioner Long made a motion to approve the purchase and make the necessary capital budget adjustment for the purchase. The motion was seconded by Commissioner Ham and unanimously carried.

Mr. Rendleman presented a request from AT&T for the sale of telecommunications easement for a 50 ft. x 50 ft. lot located off Frederick Road beside the Justice Center. Mr. Rendleman stated this was the second time the county had been approached by AT&T. Mr. Rendleman did not feel that it would be in the county's best interest to sell the easement. Judge English questioned if it was an easement or a purchase. Mr. Rendleman stated they were requesting to purchase the lot. No action was taken by the Commission.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 13, 2012

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 27, 2012

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

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

Environmental Services Director Chris Bozeman reported that the East Alabama Recycling Partnership had been awarded a total of \$201,000 over the last four years for recycling purposes. This year Lee County's share is \$46,975 to purchase a forklift, roll-off carts and recycling educational materials. Commissioner Harris questioned if they were recycling tires. Mr. Bozeman stated that he and County Engineer Justin Hardee were looking into a tire recycling program. Commissioner Ham stated that he understood that currently 32 counties were participating in tire recycling and stated it would be a good idea if we could get paid for tire recycling too. Mr. Bozeman stated he would continue his research and his recycling efforts.

EMA Director Kathy Raines updated the Commission on the individual shelter grants. Mrs. Raines stated that after the April 27 tornadoes in north Alabama, a Hazard Mitigation grant became available for the purchase of individual shelters. Lee County EMA staff assisted individuals with the paperwork for each grant. Mrs. Raines reported that out of 16 applicants currently 2 are pending and 14 have been awarded up to \$4,000 for individual shelters. Further, Mrs. Raines stated there was currently a waiting list of over 50 people for future grants.

Mrs. Raines updated the Commission on current weather conditions concerning Hurricane Isaac. Mrs. Raines stated that if the storm stays on its current track Lee County could see high winds and heavy rains of one to two inches. Governor Bentley has declared a State of Emergency due to the track of the storm.

Judge English asked County Engineer Justin Hardee to report on Lee Road 148. Mr. Hardee reported that an individual reported a possible sink hole in the area, and a temporary repair was done that same afternoon. Mr. Hardee stated he closed the road this morning for a more permanent repair. He explained that Oldcastle had been called and responded immediately and have already been packing the hole with rock material. Mr. Hardee stated it appeared it may have been an old man-made well that had collapsed causing it to appear to be a sink hole. Mr. Hardee stated that the work was almost complete and the road would be reopened as soon as he felt comfortable about the situation. Judge English questioned the amount of the repair. Mr. Hardee stated he felt it would be less than \$5,000. Commissioner Ham questioned if anyone had walked the creek bed in the area. Mr. Hardee answered in the negative, but stated they would be looking at it. Commissioner Ham asked if the road would be reopened by Wednesday or Thursday. Mr. Hardee stated he hoped it would be.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, a new listing of claims to be paid was placed on the desks prior to the meeting, vacancies on the Lee County Cemetery Preservation Commission and the Lee County Recreation Board were announced and the minutes of the August 13 Commission meeting. Commissioner Ham made a motion to approve the consent agenda items with two corrections of the minutes noted by Judge English, concerning an abstention by Commissioner Lawrence and correcting a dollar amount on an equipment purchase, seconded by Commissioner Long and passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 27, 2012

Commissioner Ham asked County Engineer Justin Hardee to report on his research of the "Landlock" product for dust control. Mr. Hardee referred the question to Assistant Engineer Patrick Harvill. Mr. Harvill explained that the Landlock product was currently being used in Elmore County and they reported that they were using the product for dust control and as a dust suppressant. Further, Mr. Harvill stated that the cost of the product for the amount needed on Lee Road 352 is approximately \$4,400 plus shipping for two totes of the material which could be used for two applications. Judge English questioned if this product was the same as the Pave-Zyme product, since the advertisement was similar. Commissioner Harris stated he could get some testimony from Louisiana on the Pave-Zyme product. Mr. Hardee stated his research shows the Pave-Zyme product having been used only in Australia in the dust suppression application. Mr. Harvill affirmed that the Landlock product was placed in Elmore County and they are the first in Alabama to try it. Further, Commissioner Ham questioned if the product was safe for the environment since the lake is at the bottom of the hill on Lee Road 352. Mr. Harvill stated according to his research the product was safe for the environment and did not contain harmful chemicals or cause the slipperiness mentioned with Pave-Zyme. After discussion, Commissioner Ham made a motion to authorize the Lee County Highway Department to purchase and apply the Landlock product on Lee Road 352 for dust control purposes. The motion was seconded by Commissioner Long and unanimously carried.

Judge English stated he had included in the packets a letter from Representative DuWayne Bridges requesting the Commission issue a Resolution in support of the proposed new senior center in Beulah. Judge English again stated that Lee-Russell Council of Governments was not aware of the project, but Mrs. Burnette stated she had been informed that Lee County Commission would apply for the grant. Commissioner Ham stated he understood there was a 20% match, but that he thought that the donated land could be used for match purposes. Judge English stated he would draft a letter of support for the senior center in Beulah for grant purposes. Commissioner Ham questioned the ongoing operational costs if successful in obtaining the grant. County Administrator Roger Rendleman stated that currently the Lee-Russell Council of Governments manages the senior centers and the only cost that Lee County incurs is approximately \$5,000/yr. for pumping the holding tank at the Smiths Station Senior Center and maintaining the property.

Elections Manger Butch Brock informed the Commission that he had met with City of Auburn officials about use of the Frank Brown Recreation Center and was informed that the center would be available for the September 18 election, but would not be available for the November 6 election. Mr. Brock stated the need to file with the Justice Department for the location change. He further informed the Commission there was a possibility of using a vacant local car dealership location for the change from the recreation center. Mr. Brock stated the Loachapoka move would be permanent and the other move would be temporary.

Mayor Dellinger was in attendance to address a sewage issue concerning the park office location at the Lee County Park at Smiths Station. Mayor Dellinger asked Parks and Recreation Director Tom Kubik to address the issue. Mr. Kubik explained that their previous communication with the Commission addressed a drip system with an original estimate of \$80,000 now comes in around \$300,000. Therefore, they have been looking at other ways to address the issue. Mr. Kubik explained that they had three options with the long-term goal to tie into the sewage system with Smiths Station, which may take up to a year. Commissioner Harris stated he could ask Mr. Broadwater with Auburn University to address the issue and possibly a grant could be located for the work. Commissioner Long stated that the city needed to address the issue now. Mr. Kubik stated they would like to ask permission to tie into the holding tank that is currently being used by the Smiths Station Senior Center and the City of Smiths Station would pay for any additional costs for disposal. Judge English questioned what would they do if they were not ultimately able to tie into the Smiths Water system. Mayor Dellinger stated they had a verbal agreement with Smiths Water & Sewer and if it did not work out they would look at

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 27, 2012

other options which have been researched. After discussion, Commissioner Long made a motion to allow the park office to use the Smiths Station Senior Center holding tank and allow Mr. Rendleman to determine any additional costs to Lee County and bill the City of Smiths Station accordingly. The motion was seconded by Commissioner Ham and unanimously carried.

Mrs. Kathy Raines and Mr. Justin Hardee presented a debris removal monitoring services RFP for Commission review. Judge English explained that the ACCA was also placing bids for the same services and hopefully, the two could be compared so that Lee County could get the most for their money. Commissioner Ham made a motion to issue the RFP, seconded by Commissioner Long, and unanimously passed; Judge English further explained that the RFP would be mailed out with return in 30 days. The results would be provided to the Commission for review in the future.

During the pre-meeting, Mr. Rendleman passed out a preliminary budget for Commission review. After discussion in the meeting, Commissioner Ham made a motion to schedule budget work sessions for the following dates, as needed: Monday, September 10 immediately following the regularly scheduled meeting; Tuesday, September 11; Wednesday, September 12 and Monday, September 17. All meetings will be held at 4:00 p.m. in the Commission chambers. The motion was seconded by Commissioner Long and unanimously carried.

Building Inspector David Veal presented a draft of the proposed building code update for Commission review. Mr. Veal stated that the changes and updates were due to a statewide mandate for energy efficiency codes which takes effect October 1. Mr. Veal requested that any comments from the Commission be directed to him. He further requested that the item be added to the next agenda for adoption. Mr. Veal stated that after adoption the new codes would have to be advertised for four-weeks and a public hearing would have to be held before final adoption, which would need to be on the October 9 agenda.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 10, 2012

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

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

Commissioners reported on their attendance at the 84th Annual ACCA Convention held August 21-24 in Orange Beach, Alabama. Commissioner Lawrence stated that Governor Bentley and State Treasurer Young Boozer spoke regarding the State Trust Fund and the upcoming vote on September 18. Additionally, Commissioner Lawrence reported on the change in regulation of subdivisions between cities and counties. Next, Commissioner Ham reported on the new logging bill which was implemented on July 1 and the option to adopt statewide by county. Commissioner Ham reported that County Engineer Justin Hardee was currently exploring the options. Next, Commissioner Long reported on the presentation by Jonathan Bargainer concerning streamlining government and the duplication within, including merging 21 departments into seven with an approximate savings of \$260 million. Additionally, Commissioner Long discussed the ATRIP grant and the matching funds issue and the possibility of having a better advantage over other counties who may not have matching funds available. Next, Commissioner Harris reported that it was an interesting conference and he reiterated the fact about the logging issue and the ATRIP grant matching funds. Additionally, Commissioner Harris complimented Mr. Hardee and his staff for keeping up with the ATRIP grant deadlines, especially since we were successful the last time we applied. Judge English reported that he was pleased to report on the topic of "Keeping an Eye on the County Jail", considering that so many of the recommended improvements are already in place in Lee County. Judge English thanked Sheriff Jones and his staff for the job they do for Lee County. Judge English also recognized Commissioner Ham for being elected to the ACCA Legislative Committee serving a nine county area.

Election Manager Butch Brock reported on the submission of the permanent change of the Loachapoka polling location to the Justice Department for pre-clearance. Mr. Brock further informed the Commission that the Frank Brown Recreation Center would be available for the upcoming Constitutional Amendment Election to be held on September 18, but that it would not be available for the General Election in November. Therefore, Mr. Brock informed the Commission of the temporary move to the Auburn United Methodist Church Annex (formally the Catholic Church) located at 302 E. Magnolia Avenue. Mr. Brock stated the necessary paperwork has been submitted to the Justice Department for this temporary location. Further, Mr. Brock stated that all voters in the affected district would be notified by mail of the temporary location prior to the election. Additionally, Mr. Brock reported that the ATM machines had been installed at the Courthouse, Justice Center and Sheriff's Office and stated an 800 number is on the machine for anyone with issues, because they are not the responsibility of Lee County.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions and the minutes of the August 27 Commission meeting. Commissioner Lawrence asked that the items be separated for voting purposes. Commissioner Ham made a motion to approve the minutes of the August 27 meeting, seconded by Commissioner Long and the motion passed on a 3-0-2 vote with Commissioners Holt and Lawrence abstaining because they were not present at that meeting. Next, Commissioner Holt made a motion to approve the two listings of claims and the procurement card transactions as presented. The motion was seconded by Commissioner Lawrence and passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 10, 2012

First reading of the reappointment of Mary Henry and Chief Tommy Mangham to the Lee County Emergency Communications District Board was read.

First reading of Newell Floyd and Steve Penland to the Lee County Cemetery Preservation Commission was made, replacing John & Faye Ross, who recently resigned.

First reading to the County Recreation Board of Wendy Simpson for District 1 was read.

Building Inspector David Veal once again presented a draft of the proposed building code update for Commission review. County Attorney Stan Martin voiced his concerns on Section 5 concerning violations and penalties. Mr. Martin stated that the statute authorizes it for municipalities, but he is unsure about county authority. Commissioner Holt asked that the item be carried to the next agenda to give Mr. Martin time to review the issue. Judge English questioned if the proposed building code could be adopted without this section until further review. Commissioner Long suggested that the section be removed if not able to support it and enforce it. After more discussion, the Commission agreed to move the item to the next agenda to give Mr. Martin time to look into the issue of violations and penalties.

After a lengthy discussion during the pre-meeting concerning ambulance service in the Smiths Station area, discussion was continued focused on the length of time it takes on occasion for ETS to respond to certain calls. Smiths Station Fire & Rescue has asked the Commission to remove their entire service area from the countywide ambulance service coverage. They have already placed a Care ambulance in their Station 5 on Lee Road 240, and plan to place another Care ambulance in their Station 1 on Lee Road 430, where ETS is currently housed. Commissioner Long suggested during the meeting that ETS and Care Ambulance be given an opportunity to work on the problem and bring back a joint solution to the Commission, preferably within 30 days. Commissioner Long stated he just wants what is best for the citizens in his district, especially when there is a life or death situation.

Sheriff Jay Jones presented the results of Bid #12 for fifteen or more notebook computers for the Sheriff's Office. Sheriff Jones reported that out of 26 invitations sent only two bids were received. Sheriff Jones recommended the Commission accept the lowest responsive bid from Interceptor Public Safety Products of \$2,647.00 per unit. Upon this recommendation, Commissioner Lawrence made a motion to accept the low bid from Interceptor Public Safety Products for \$2,647.00 per unit for fifteen or more notebook computers for the Sheriff's Office, seconded by Commissioner Holt and unanimously carried.

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

Minutes approved:

Chairman

Commissioner, District 1

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 10, 2012

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 24, 2012

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

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

Sheriff Jones stated this date was the 3rd anniversary of the death of Deputy James Anderson in the line of duty. Sheriff Jones asked for a moment of silence in remembrance of Deputy Anderson and those that serve the public. Sheriff Jones stated that the criminal charged in the death of Deputy Anderson has been sentenced to death. Sheriff Jones also asked that the Commission remember Deputy Anderson's wife Corinna and his two children.

On a happier note, Sheriff Jones formally announced the promotion of Jeff Pitts to Major and the new Chief Deputy of the Lee County Sheriff's Office, subsequent to the retirement of Major Tommy Carter in July. Sheriff Jones stated Major Pitts is qualified and capable of handling the day-to-day operations of the Sheriff's Office. Sheriff Jones stated Major Pitts is a native of Lee County, a 1991 Graduate of Beauregard High School, and several relatives, including his mother, sister and uncle have been employed with Lee County over the years. Sheriff Jones stated Major Pitts began his career in the Sheriff's Office as a Communications Officer and has been employed with the Sheriff's Office for 19 years, being promoted from Deputy to Sergeant of Patrol, then from Lieutenant to Captain. Major Pitts thanked the Sheriff and the Commission for the opportunity to serve in this capacity.

Judge English recognized County Administrator Roger Rendleman on the exit conference that had been done recently and complimented him on another clean audit. Judge English thanked Mr. Rendleman, and Mr. Rendleman gave credit to his staff and all department heads for running their departments efficiently.

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

Building Inspector David Veal, with changes suggested by County Attorney Stan Martin, presented a revised version of the proposed building codes on the section for violations and penalties for Commission review. Mr. Martin stated that this version on penalties seemed reasonable and it eliminated any criminal violations. Commissioner Long questioned the 10 day period. Mr. Martin stated again he was trying to be reasonable and it could be changed if the Commission felt otherwise. Mr. Veal explained that it is 10 calendar days. After discussion, the Commission agreed with this section as recommended. Mr. Veal stated before approval the codes would have to be advertised for four weeks and afterwards, he would ask that it be placed on the October 29 agenda for a public hearing, and then possible approval.

ETS representative Dan Goslin and Care Ambulance representative Dennis Poole were in attendance to discuss a proposed solution for ambulance response in Smiths Station. Mr. Goslin stated that the two agencies had reached a mutual understanding concerning the joint provision of ambulance service to the Smiths Station area. Both representatives presented a map to the Commission showing their respective service areas, with an area in between that will be further

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refined as more call data is accumulated. Mr. Goslin stated it would take approximately 3-6 months of data to further evaluate the needs in the area. Commissioner Long asked whether the responses would take longer for ETS to roll the calls over to Care. Mr. Goslin replied that it should be no more than 30 seconds. Mr. Poole with Care agreed, and said 30 seconds would be worth it to save 5 or 6 minutes. Chief Joe Walden of Smiths Station Fire & Rescue asked when ETS would let Care start responding, and Mr. Goslin replied October 1 would be the start date. The Commission was pleased with the proposed solution to this issue and agreed that each agency should move forward with the plan presented.

Commissioner Lawrence made a motion to approve the following Resolution concerning the reappoint of Mary Henry and Chief Thomas Mangham to the Lee County Emergency Communications District Board. The motion was seconded by Commissioner Long and unanimously carried.

BE IT RESOLVED, that the Lee County Commission does hereby reappoint Mary Henry and Thomas R. Mangham to the Lee County Emergency Communications District Board to serve four-year terms ending July 24, 2016.

Commissioner Ham made a motion to approve the following Resolution to appoint Newell Floyd and Steve Penland to the Lee County Cemetery Preservation Commission. The motion was seconded by Commissioner Long and unanimously carried. The new appointments will replace John & Faye Ross, who recently resigned.

BE IT RESOLVED, that the Lee County Commission does hereby appoint Newell Floyd and Steve Penland to the Lee County Cemetery Preservation Commission to serve four-year terms ending September 30, 2016.

Commissioner Long made a motion to approve the following Resolution to appoint Wendy Simpson to the Lee County Recreation Board for District 1, seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED, that the Lee County Commission does hereby appoint Wendy Simpson to the Lee County Recreation Board to serve a four-year term ending October 14, 2014.

Commissioner Ham made a motion to approve the following Resolution for a lounge retail liquor license for the Villa Cafe, seconded by Commissioner Lawrence and unanimously carried.

BE IT RESOLVED, that the Lee County Commission does hereby approve the lounge retail liquor license for the Villa Cafe located at 2829 Alabama Highway 169, Opelika, Alabama.

County Engineer Justin Hardee presented a HRRR Federal Aid Agreement for approval. Mr. Hardee stated that this agreement is for the following safety improvements at locations in the county: upgrading the Stop signs and Stop Ahead signs on all functional classified county roads and intersecting county roads, also upgrading the Stop Ahead signs on all county roads that intersect with a State maintained roadway. The Stop and Stop Ahead signs will be upgraded to High Intensity panel signs in order to meet the new minimum retro-reflectivity requirements that will become required in the future. Commissioner Ham made a motion to approve the following Resolution, seconded by Commissioner Harris and unanimously carried.

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RESOLUTION

BE IT RESOLVED, by the County Commission of Lee County, Alabama that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for: sign upgrades at various county roads. Length- N/A. Proj. #HRRR-CN12(234), LCP 41-114-11. CPMS Ref #100059055; which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

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

AGREEMENT

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

WITNESSETH

WHEREAS, the STATE and the COUNTY desire to cooperate in the sign upgrades at various county roads. Length – N/A. Proj#HRRR-CN12(234), LCP 41-114-11. CPMS Ref#100059055. **NOW THEREFORE**, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

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

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the COUNTY from COUNTY funds. In the event of an under-run in construction costs, the amount of Federal HRRR Funds will be the amount stated below, or 100% of eligible costs, whichever is less.

(12) The PROJECT will be financed, when eligible for Federal participation, on the basis of 90 percent Federal HRRR funds, and 10 percent COUNTY funds.

(13) The estimated cost of construction of this PROJECT will be provided from the funds outlined as follows:

Federal HRRR Funds	\$42,667.79
County Funds	\$ 4,740.86
Total (Including E & I and Indirect Cost)	\$47,408.65

(14) The COUNTY will complete the entire PROJECT within 90 working days (see Section 108 of the Standard Specifications for Highway Construction), and will begin the construction work on the PROJECT within fifteen (15) days of the issuance of the Notice to Proceed (Work Authorization) by the STATE. A final audit will be made of all PROJECT records after completion of the PROJECT and a copy will be furnished to the Alabama Department of Examiners of Public Accounts, in accordance with Act 1991, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this agreement.

(15) The PROJECT plans will be approved by the STATE prior to the issuance of a Work Authorization and the PROJECT shall be constructed in accordance with the approved plans and the terms of this Agreement. 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.

(16) A final audit will be made of all PROJECT records after completion of the PROJECT and a copy will be furnished to the Alabama Department of Examiners of Public Accounts, in accordance with Act. 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this agreement.

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

(18) Upon completion and acceptance of the work by the STATE, the COUNTY will assume full responsibility for maintenance of that part of the improvements which are not a part of the Alabama Highway Maintenance System. Upon completion and acceptance of the work by the STATE, the COUNTY will maintain the PROJECT in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.

(19) The performance of the work covered by this agreement will be in accordance with the current requirements of the STATE and the FHWA.

(20) Each party will provide, without cost to the other, information available from its records that will facilitate the performance of the work.

(21) Nothing will be construed under the terms of this agreement by the STATE or the COUNTY that will cause any conflict with Section 23-1-63, Code of Ala. (7/24th law)

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

(23) To the fullest extent permitted by law, the COUNTY shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees and/or facilities from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claims, damage, loss or expense is

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attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting there from, but only to the extent caused in whole or in part by alleged or proven negligent acts or omissions of the COUNTY, anyone directly or indirectly employed by the COUNTY or anyone whose acts the COUNTY may be liable, regardless of whether such claim, damage, loss or expense is caused in part, or alleged but not legally established to have been caused in whole by a party indemnified hereunder.

The term "hold harmless" includes the obligation of the COUNTY to pay damages on behalf of the State of Alabama, the Alabama Department of Transportation, and its agents, servants, and/or employees.

- (24) The COUNTY will be obligated for the payment of damages occasioned to private property, public utilities or the general public, caused by the legal liability (in accordance with Alabama and/or Federal law) of the COUNTY, its agents, servants, employees or facilities.
- (25) Exhibits M and N are attached and hereby made a part of this agreement.
- (26) By entering into this agreement, the COUNTY is not an agent of the STATE, its officers, employees, agents or assigns. The COUNTY is an independent entity from the STATE and nothing in this agreement creates an agency relationship between the parties.
- (27) The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (28) This agreement may be terminated by either party upon the delivery or a thirty (30) day notice of termination.

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

EXHIBIT M

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

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

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

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

The prospective participant/recipient also agrees by submitting this Federal contract, grant,

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

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT:

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

TERMINATION DUE TO INSUFFICIENT FUNDS:

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

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

ADR CLAUSE:

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

AMENDED ALABAMA IMMIGRATION LAW:

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

Next, Mr. Hardee asked the Commission to approve the following two Resolutions for the ATRIP Phase II Applications. Mr. Hardee stated the Resolutions will allow the Highway Department to begin the initiating paperwork for the proposed projects. Lee County is applying for the following projects: Lee Road 146: widen and resurface 8.761 miles from Alabama Highway 169 to the Auburn City limits; and Lee Road 158: widen and resurface 7.244 miles from Lee Road 183 to Lee Road 379. Commissioner Ham made a motion to approve the following Resolutions, seconded by Commissioner Harris and unanimously carried.

RESOLUTION (Lee Road 146)

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road system and described as follows: Widen, Patch, Resurface, Traffic Stripe and other safety improvements on Lee Road 146, from the Auburn City limits, thence Southeasterly approximately 8.761 miles to the junction of Alabama Highway 169 and Lee Road 146, utilizing Alabama Transportation Rehabilitation and Improvement Program (ATRIP) funding.

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

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

Done at the regular adjourned session of the County Commission of Lee County, this the September 24, 2012.

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RESOLUTION (Lee Road 158)

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road system and described as follows: Plane, Widen, Patch, Resurface, Traffic Stripe and other safety improvements on Lee Road 158, from the junction of Lee Road 183, thence Northeasterly approximately 7.244 miles to the junction of Lee Road 379 and Lee Road 158, utilizing Alabama Transportation Rehabilitation and Improvement Program (ATRIP) funding.

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

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

Done at the regular adjourned session of the County Commission of Lee County, this the September 24, 2012.

County Engineer Justin Hardee presented the following recommendations on the FY2012- 2013 Maintenance bids for the Lee County Highway Department. Upon his recommendations, Commissioner Lawrence made a motion to approve the following maintenance bid as presented, seconded by Commissioner Long and unanimously carried.

Bid No. 13 Emulsified Asphalt

Recommendation: Accept low bid of Hunt Refining Company, Tuscaloosa, AL

Bid No. 14 Gasoline and Diesel Fuel

Recommendation: Accept low bid of Chattahoochee Oil Company, Auburn, AL

Bid No. 15 - 7' Grader Blades

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

Bid No. 16 Guardrail

Recommendation: Reject Bid and Negotiate

Bid No. 17 Herbicide Treatment

Recommendation: Reject Bid (County joint bid)

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

Recommendation: Accept low bid of Hanson Pipe & Precast, Inc., Montgomery, AL

Bid No. 19 High Density Corrugated Polyethylene Pipe with Smooth Flow Line

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

Bid No. 20 Picked up at the Plant Bituminous Treatment

Recommendation: Accept low bid of East Alabama Paving Co., Inc., Opelika, AL

Bid No. 22 Ready Mixed Concrete

Recommendation: No Bids Received

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

Recommendation: Accept low bid of Evergreen Erosion Control, Opelika, AL

Bid No. 24 Traffic Strip

Recommendation: Accept low bid of Hornsby Striping Co., Inc., Tuskegee, AL

Bid No. 25 ASSHTO M270 Grade 36 Structural Steel I Beams

Recommendation: No Bids Received

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

1st extension – FY 2011/2012

Bid No. 6 6' Grader Blades

-Valk Manufacturing Co., New Kingstown, PA

Bid No. 7 Virgin Fill Material for Pneumatic Tires

-McGriff Tire Co., Montgomery, AL

Bid No. 8 Sign Material & Sign Post

-Vulcan Signs Company, Foley, AL

-G & C Supply Co., Inc., Atwood, TN

Bid No. 9 Silt Fence

-Cherokee Materials Inc., Montgomery, AL

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**The following are awarded a second one (1) year extension period on previous bids:
2nd extension - FY 2010/2011:**

- Bid No. 16 Maintenance Stone
-APAC Midsouth, Inc., Opelika, AL
-Martin Marietta Materials, Birmingham, AL
- Bid No. 17 Class 3 Reinforced T&G Concrete Pipe
-Hanson Pipe & Precast, Inc., Montgomery, AL
- Bid No. 18 Bituminous Coated Corrugated Metal Pipe & Bands
-Cherokee Culvert Co., Inc., Macon, GA
- Bid No. 19 Corrugated Metal Pipe & Bands
-Cherokee Culvert Co., Inc., Macon, GA
- Bid No. 20 Delivered Bituminous Treatment & Temporary Traffic Stripe
-East Alabama Paving Co., Inc., Opelika, AL
- Bid No. 21 Bulk Cement
-Lehigh Cement Company, Birmingham, AL

Mr. Rendleman presented a proposed a \$32.2 Million budget for FY 2012-2013 for Commission consideration. Mr. Rendleman stated that the budget includes a 3.38% COLA for all full-time employees. Commissioner Lawrence made a motion to approve the budget as presented, seconded by Commissioner Harris and unanimously carried.

**Fiscal Year 2012-2013
County Commission Budget**

<u>Commission Funds</u>	Carryover	<u>Revenues</u>	<u>Expenditures</u>	Operating Transfers In / (Out)	Increase/ (Decrease)
General Fund	0	24,886,118	21,075,190	(3,810,928)	0
Gasoline Tax Fund	0	1,969,610	4,054,997	2,085,387	0
RRR Gasoline Tax Fund	0	2,689,315	3,130,836	441,521	0
Reappraisal Fund	540,000	634,112	1,174,112		0
Capital Improvement Fund	0	100,000	100,000		0 ##
Judicial Facilities Fund	200,000	500,000	700,000		0 &&
2004 Debt Service - Jail Expansion		715,904	1,297,446	581,542	0
2010 Debt Service - Bridge Program		0	702,478	702,478	0
Total County Commission Funds:	740,000	31,495,059	32,235,059	0	0

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

&& = For Expansion and Maintenance of Justice Center Complex

Next, Mr. Rendleman requested the Commission amend the County's pay plan by a 3.38% COLA effective October 6, 2012. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Ham to amend the pay plan accordingly and the motion passed unanimously.

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

<u>Agency</u>	<u>Appropriation</u>
C Emergency Transport System (EAMC)	289,476
C Lee County Humane Society Contract	127,923
R Airport FAA Projects	50,000
R Auburn University Airport Terminal Project	100,000
GS Lee - Russell Area Council Of Governments	128,400
GS State Public Health Department (Local Office)	118,168
GS Alabama Cooperative Extension	71,542
GS AL Depart. Of Human Resources (Local Office)	4,725
GS East Alabama Mental Health Sec 22-51-14	64,050

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GS Lee County Alternative Sentencing Board	50,000
AC Horseshoe Bend Library	26,592
AC Child Advocacy Center East Alabama	13,230
AC East AL Services For The Elderly	9,526
AC Judicial Volunteer Program	15,523
AC Valley Haven School	7,144
AC Soil & Water Conservation	3,572
AC Domestic Violence Intervention Center	4,410
AC Auburn Daycare Association	5,557
AC Museum of East Alabama	2,381
AC American Red Cross - Lee	12,973
AC Community Market	2,646
AC County Firefighters Association	4,000
AC Jean Dean RIF/Kiwanis	1,588
AC Lee County Historical Society	4,410
	1,117,836

C-Contract Services/ R-Resolution/GS-Governmental Service/AC-Appropriation Contract

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

Next, Mr. Rendleman requested that the Commission consider authorizing the granting of additional annual leave hours for FY2012-2013 based upon the employee annual evaluations in the same manner that merit raises are authorized. The basis will be as follows: the employee must obtain at minimum a “Meets Standards” for one additional annual day; the employee must obtain at minimum “Exceeds Standards” for two additional annual days; and the employee must obtain at minimum “Consistently Exceeds Standards” for three additional annual days. The application of awarding of the days (as with merits) is within the discretion of the appointing authority as long as the method and reasoning is consistently applied across the departments under their authority. Commissioner Ham made a motion, seconded by Commissioner Lawrence to approve the additional leave hours based on the scale presented. The motion passed unanimously

Last, Mr. Rendleman asked whether the Commission desired to grant Coroner Bill Harris the salary increase he requested, and/or a 3.38% COLA, as approved for other county employees. The item died for the lack of a motion. Commissioner Lawrence questioned if other elected officials would receive the 3.38% COLA and Mr. Rendleman responded that some would, and some would not, dependent upon their current pay in relation to the Omnibus pay bill.

Mr. Rendleman requested that the Commission allocate up to \$1,000 for use at the upcoming Lee County Health and Benefits Fair being held on October 18 at the Johnson Galleries Building for all county employees. Mr. Rendleman stated that approximately \$500 will be used toward food and decorations. The remaining \$500 will be used to cover any overtime expenses incurred by non-exempt employees helping with the benefits fair. Commissioner Ham made a motion to approve up to \$1,000 from the Contingent Fund for the Health and Benefits Fair, seconded by Commissioner Harris and carried unanimously.

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

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Maintenance Director Jerry Lynch requested that Bid #26 for chiller maintenance at the Justice Center be forwarded to the next agenda.

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

Minutes approved:

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 9, 2012

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

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

County Engineer Justin Hardee reported that he was currently reviewing the new law regarding subdivision regulation enforcement inside the planning jurisdictions of municipalities passed by the State Legislature. Mr. Hardee explained that several issues were being discussed with Auburn and Opelika to see how the new law will affect current Lee County procedures. Commissioner Lawrence questioned if the Commission would receive an additional update after everything is worked out. Mr. Hardee responded in the affirmative, and said that this would affect Phenix City and Smiths Station too.

Environmental Services Director Chris Bozeman reported that the e-cycle event was successful with over 9 tons of "e-waste" collected. The items included: televisions, computers, and other electronics. Mr. Bozeman thanked the Commission for allowing his department to participate in this event. Judge English questioned the scheduling of the events. Mr. Bozeman stated they were usually held twice a year. Judge English stated that a good time would be the week after Christmas since there would likely be many televisions needing to be recycled.

Next, Mr. Bozeman stated he and Mr. Hardee were currently looking at the ADEM Scrap Tire Program. Mr. Bozeman thought it was a win-win situation, but wanted to look at the program before making a commitment. The Commission agreed to allow County Attorney Stan Martin to review the proposed contract with ADEM. Currently, Mr. Bozeman reported that 37 out of 67 counties in Alabama are participating in the program.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, the procurement card transactions, an updated listing of claims to be paid and the minutes of the September 24 Commission meeting. Commissioner Lawrence made a motion to approve the minutes of the September 24 meeting including the change mentioned by Commissioner Long, seconded by Commissioner Ham and passed on a vote of 4-0-1 with Commissioner Holt abstaining due to his absence. Next, Commissioner Holt made a motion to approve the claims, procurement card transactions and the announcement of the two board appointments. The motion was seconded by Commissioner Long and passed unanimously.

EAMC Interim EMS Director Bennett Carpenter and EAMC Vice President Ken Lott addressed the Commission concerning the anticipated changes in the ambulance situation in Smiths Station. Mr. Carpenter stated that he had recently been placed in this position due to the resignation of Mr. Dan Goslin and unfortunately he had not been able to implement the items as understood by Mr. Goslin at the last Commission meeting by October 1. Mr. Carpenter updated the Commission on the situation and stated his department would be making the changes as discussed beginning at 8:00 a.m. on Thursday, Oct 11. Mr. Carpenter additionally clarified that the ETS dispatcher would stay on the 911 call with the caller until ambulance personnel were on the scene. Commissioner Long questioned why ETS would not just transfer the call to CARE if Care Ambulance was going to be the responding service. Mr. Carpenter stated he had talked to 911 Director Bill Meadows who stated they should handle the calls in this manner, and added that EAMC felt that appropriate due to liability concerns and the fact that they have a contractual obligation to the County Commission. Commissioner Long stated he did not feel this was the

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 9, 2012

ideal situation, and might slow response time. After further discussion concerning the provision of ambulance service and the subsidy the three governments pay for same, no action was taken by the Commission, and their expectation was that the change in ambulance response to the area defined previously would occur on October 11, 2012.

Building Maintenance Director Jerry Lynch presented the results of Bid #26 for chiller maintenance at the Justice Center. Mr. Lynch reported that only two bids were received out of seven invitations to bid sent out. He reported that the lowest responsive bid was received from Johnson Controls for \$10,472.00/year. Upon this report, Commissioner Holt made a motion, seconded by Commissioner Ham to accept the low bid of Johnson Controls of \$10,472/year for chiller maintenance at the Justice Center. The motion carried unanimously.

Commissioner Holt requested that the next agenda item concerning the Loachapoka Water Authority be moved to the next agenda.

First reading of the reappointment of Linda Hilyer to the Lee County Recreation Board was made.

First reading of the reappointment of Edna Ward, Arthur Lee Jones and Zack Sprayberry to the Lee County Cemetery Preservation Commission was made.

County Administrator Roger Rendleman presented an educational reimbursement request from Investigator Tamara Booth of the Sheriff's Office. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the Sheriff. Upon this presentation, Commissioner Lawrence made a motion to approve the educational reimbursement for Investigator Booth, seconded by Commissioner Holt and unanimously carried.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 29, 2012

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

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

Mrs. Belinda Clark appeared before the Commission to discuss an incident that happened to her involving ambulance response. Mrs. Clark explained that her husband called 911 at approximately 6:01 a.m. last week and an ambulance did not arrive until around 7:00 a.m. from Shorter. Judge English questioned her address and telephone number and asked if she lived inside or outside the town limits of Notasulga. Mrs. Clark gave him the information and stated she lived two miles from Macon County, but in Lee County. Commissioner Harris stated that this incident concerns citizens as a whole especially when it involves life and death. Additionally, he relayed another incident involving a friend of Mrs. Clark's who had had to go to the volunteer fire station to obtain assistance. Commissioner Harris asked which 911 system should have responded when she placed the 911 call. Mrs. Clark stated she did not know. Judge English stated he would have to look into the situation to determine where the call was routed, since it all depends on the ESN code assigned to her home phone. Judge English questioned E-911 Director Bill Meadows, who was in attendance with the Boy Scouts, and Mr. Meadows stated that it sounds like it was routed correctly. Judge English assured Mrs. Clark the situation would be checked into.

At approximately 6:10 p.m. Judge English opened the floor for a Public Hearing on the proposed Building Codes as presented previously by Building Inspector Director David Veal at the September 24, 2012 meeting. There were no citizens to address the Public Hearing. Mr. Veal explained that it is necessary to update the Building Codes due to a statewide mandate on energy efficiency which took effect October 1, 2012. Commissioner Holt questioned when the new codes would go into effect. Mr. Veal stated the Commission would make that determination, but he would recommend November 1, 2012. Additionally, Commissioner Holt questioned if the department was prepared to enforce the changes. Mr. Veal answered in the affirmative. Judge English closed the Public Hearing for comments at 6:15 p.m.

Boy Scout Troop 356 attended the Commission meeting to earn their "Citizenship in the Community" badge. Scout Leader Bill Meadows along with other adults attended the meeting with 16 Scouts, including: Senior Patrol Leader D. J. Mills, Assistant Senior Patrol Leader Cole Gilmer, Ian Clark, Jacob Guthrie, Anfernee Henderson, Ben Hoff, Patrick Hoff, Benjamin Meadows, Dakota Mills, Ben Peppers, Caleb Peppers, Jacob Peppers, Brandon Tumlin, Nickolas Tumlin, Kelton Welborn and John Yeager.

Judge English and fellow Commissioners gave Commissioner Holt a farewell "roasting" for his final meeting. Judge English thanked Commissioner Holt for his two terms of service on the Commission. Each Commissioner told a personal story of their relationship with Commissioner Holt and commented on his service to Lee County. Commissioner Holt thanked each Commissioner for their friendship and gave his farewells.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the October 9 Commission meeting. Commissioner Long made a motion to approve claims and the minutes of the October 9 meeting, seconded by Commissioner Harris and passed unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 29, 2012

Commissioner Holt asked that the Loachapoka Water Authority issue be taken off the agenda.

Commissioner Ham made a motion to approve the following resolution upon second reading of the reappointment of Linda Hilyer to the Lee County Recreation Board. The motion was seconded by Commissioner Lawrence and unanimously carried.

BE IT RESOLVED, that the Lee County Commission hereby reappoints Linda Hilyer to the Lee County Recreation Board to serve a four-year term ending October 14, 2016.

Commissioner Lawrence made a motion to approve the following Resolution upon second reading of the reappointment of Edna Ward, Arthur Lee Jones and Zack Sprayberry to the Lee County Cemetery Preservation Commission.

BE IT RESOLVED, that the Lee County Commission hereby reappoints Edna Ward, Arthur Lee Jones and Zack Sprayberry to the Lee County Cemetery Preservation Commission to serve four-year terms ending September 30, 2016.

Mr. Thomas Jack Mitchell appeared before the Commission to ask the Commission's help to change the current law on commercial tax rates. Mr. Mitchell explained that he and many owners of leased lots on Lake Harding were opposed to paying the tax bill for Georgia Power. He stated he would be willing to pay a 10% assessment tax rate, but stated Georgia Power was charging the lessees the entire 30% public utility assessment rate. He further stated he did not like to see senior citizens being taken advantage of by Georgia Power. Judge English explained that the Commission has no authority over the issue and that those tax rates are determined by the state lawmakers. Mr. Mitchell asked that the Commission write a letter to the local delegation in support of his request concerning commercial tax bills being transferred to leased lot lessees.

Commissioner Lawrence made a motion to approve travel for any Commissioner wishing to attend the upcoming ACCA Legislative Conference to be held December 5-6, 2012 in Montgomery. The motion was seconded by Commissioner Long and unanimously carried.

Judge English requested that the Commission authorize him to join a class action lawsuit pertaining to fees for recording documents filed by Fannie Mae and Fannie Mac. County Attorney Stan Martin questioned if there would be any costs incurred by Lee County. Attorney Bob Meadows stated there may be some costs, but that the costs would be determined at a later date, and may be related to the county in researching the records. Judge English requested the Commission allow him to join the lawsuit provided there are no costs to the county. Commissioner Holt made a motion to authorize Judge English to join the lawsuit, both as Probate Judge and on behalf of the County Commission, as long as there are no costs to Lee County. The motion was seconded by Commissioner Ham and unanimously carried.

County Administrator Roger Rendleman presented a request from AT&T to extend the lease on a 50'x50' lot located at the Justice Center. Mr. Rendleman explained that they had previously contacted him and asked to purchase the lot, but the Commission declined that offer. Mr. Rendleman explained that now they were trying to renew the current lease which currently expires February 28, 2019 at an annual rate of \$390.00, to increase for three additional terms of five years, ending February 28, 2034 with graduated rental rates up to \$540.00/annually. After discussion, the Commission agreed to allow Mr. Rendleman to deny the request and negotiate a more favorable renewal.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 29, 2012

EMA Director Kathy Raines and County Engineer Justin Hardee presented the results of the debris removal monitoring request for proposals which were opened on August 31, 2012. Mrs. Raines indicated that only two responses were received out of 10 sent. Mrs. Raines and Mr. Hardee reviewed both vendors and recommend the bid received from Thompson's Consulting of Lake Mary, Florida, although they also have an office located in Mobile, Alabama. Commissioner Holt questioned the length of the contract. Mr. Hardee stated one year with two annual options to extend, up to three years total. Upon further discussion, Commissioner Lawrence made a motion to accept the proposal from Thompson's Consulting for debris removal monitoring services. The motion was seconded by Commissioner Ham and unanimously carried.

Chief Appraiser Bobby Armstrong presented a software agreement with IncomeWorks Software. Mr. Armstrong stated this was a budgeted item. Commissioner Holt made a motion to approve the agreement with IncomeWorks, seconded by Commissioner Lawrence and carried unanimously.

After the closing of the Public Hearing and since there were no comments from citizens during the Public Hearing, Mr. David Veal asked the Commission to adopt the Building Codes as presented. Mr. Veal also requested that the Commission determine a starting date. Commissioner Holt made a motion to adopt the new Building Codes as presented with the penalty clause to begin enforcement on November 1, 2012. The motion was seconded by Commissioner Long and unanimously carried.

Legislative Coordinator Wendy Swann asked the Commission members to give her any legislative items for consideration. Mrs. Swann indicated that four items had been presented. They include: pay as you go road projects, procurement card policies, sales tax for recreation/school resource officer and expansion of revenue initiative authority. Mrs. Swann asked the Commission to consider scheduling a work session to discuss the items. The Commission agreed to carry the item forward.

Judge English asked everyone to remember to vote on Tuesday, November 6, 2012. He predicted a voter turnout of 58.5%.

Additionally, Judge English informed the Commission that the next meeting would be held on November 14, 2012 as required by Code of Alabama section 11-3-1 (e), due to the election of newly elected Commission members.

Commissioner Holt made a motion at approximately 6:55 p.m. to adjourn. The motion was seconded by Commissioner Long and passed unanimously.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 29, 2012

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 14, 2012

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

The Chairman performed the swearing-in ceremony for newly elected Commissioner Sheila H. Eckman. She took the oath of office and then resumed her seat, to the applause of those in attendance.

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

Coroner Bill Harris approached the Commission during citizens' communication concerning an unclaimed body that was currently being stored at the morgue. Mr. Harris explained that the family, so far, had been unwilling to claim the body. He asked the Commission to consider addressing this issue in the future because he felt this type situation may increase due to the current economic conditions. Mr. Harris stated he would work with the Commission on a policy to address it in the future. Commissioner Eckman questioned the cost to cremate a body. Mr. Harris stated he had received estimates for cremation of approximately \$2,500, and an estimate of around \$5,500 for a burial in this case. Judge English stated the county's practice was to approve the most economical disposition. Mr. Harris stated the decedent's sister was against cremation, but she had been unable to provide the funds to bury her brother. Further, Mr. Harris stated he would have the Coroner's Association to look into statewide legislation concerning the matter. No action was taken by the Commission.

Judge English recognized Maintenance Director Jerry Lynch, Elections Manger Butch Brock and Information Technology Director Tim Parson for their work on the recent election. Judge English stated that due to the fact that this was the largest turnout in Lee County, two precincts being moved, new ipads at each location along with several voting machine glitches, that the three individuals had been instrumental in a smooth election. Judge English thanked each for their contribution, and wanted to be sure the Commission was aware of their efforts.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and procurement card transactions. The minutes of the October 29 Commission meeting were placed on each desk prior to the meeting. Judge English suggested that the approval of the minutes be carried forward since they had not had a chance to review them. Commissioner Lawrence made a motion to approve the claims and the procurement card transactions, seconded by Commissioner Long and passed unanimously.

First reading of the reappointment of Iris Batchelor to the Horseshoe Bend Regional Library Board was made.

First reading of the reappointment of Dan O. Roberts to the Beulah Utilities Board was made.

Governmental Relations Coordinator Wendy Swann gave dates of December 10th or 13th for consideration to meet with the local delegation. After discussion, Commissioner Lawrence made a motion to set Thursday, December 13th at 4:00 p.m. or other time as requested at the Airport Board Room to meet with the local delegation to discuss local legislation. The motion

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 14, 2012

was seconded by Commissioner Eckman and unanimously carried.

Environmental Services Director Chris Bozeman presented during the pre-meeting an agreement for the ADEM Tire Program for consideration. After discussion, Commissioner Long made a motion during the meeting to authorize Judge English to sign the ADEM Tire Program Agreement, seconded by Commissioner Lawrence and unanimously carried. Mr. Bozeman stated that if they decided to discontinue the program, they would be able to do so at any time.

Judge English stated that the Commission's regular meeting schedule has to be set after the election of any commissioners according to §11-3-8 of the Code of Alabama. Commissioner Long made a motion to continue the meeting schedule on the second and last Monday of each month at 6:00 p.m., with 4:00 p.m. pre-meetings. The motion was seconded by Commissioner Lawrence and unanimously carried.

Judge English removed the agenda item concerning the waste to energy discussion since Commissioner Harris was not in attendance. The Chairman had placed that item on the meeting agenda as a result of an email, not at Commissioner Harris' request.

County Engineer Justin Hardee presented for consideration the following Federal Aid Agreement for the widening and resurfacing of approximately 7.1 miles on Lee Road 240. Commissioner Long made a motion, seconded by Commissioner Lawrence to authorize Judge English to sign the Resolution and agreement as presented. The motion carried unanimously.

RESOLUTION

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

the widening and resurfacing on Lee Road 240 from SR169 to CR592. Length-7.10 miles. Project #ACNU58416-ATRP(001), LCP#41-225-12, ATRIP#41-01-01; which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman of the Commission for and on its behalf and that it be attested by the County Clerk and the seal of the County affixed thereto.

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

AGREEMENT

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

WITNESSETH

WHEREAS, the STATE and the COUNTY desire to cooperate in the widening and resurfacing on CR240 from SR169 to CR592. Length 7.10 miles. Proj#ACNU58416-ATRP(001), LCP#41-225-12, ATRIP#41-01-01.

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

- (1) The COUNTY will acquire any additional right-of-way, if needed, for the PROJECT at no cost to the STATE or this PROJECT

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- (2) The COUNTY or its representative, if applicable to the PROJECT, agree to adjust and/or relocate all utilities on the PROJECT without cost to the STATE or this PROJECT.
- (3) The COUNTY or its representative, will provide the required surveys, complete the plans and perform all other preliminary engineering duties for the PROJECT at no cost to the STATE or this PROJECT. The COUNTY will be responsible for submitting all required environmental documents to the STATE and obtaining approval prior to right-of-way acquisition or submittal of final plan assembly to the STATE. The plans will be subject to the approval of the STATE and the PROJECT will be constructed in accordance with the plans approved by the STATE and the terms of this agreement.
- (4) If necessary, the COUNTY will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Notice of Registration (NOR) (Code Chapter 335-6-12) for the PROJECT. The COUNTY and the contractor will be responsible for compliance with this 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.
- (5) The COUNTY will furnish all construction engineering for the PROJECT with COUNTY forces or with a consultant selected and approved by the STATE as part of the PROJECT cost. The cost of construction engineering and inspection shall be included as part of the construction cost for the PROJECT and will be paid from funds provided herein.
- (6) The STATE will furnish the necessary inspection and testing of materials with STATE forces when needed as part of the PROJECT cost. The cost of inspection and testing of materials shall be included as part of the construction cost for the PROJECT and will be paid from funds provided herein.
- (7) The COUNTY will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction (latest edition) on the PROJECT and will ensure that alignment and grades on this PROJECT meet the standards of the Alabama Department of Transportation and that the PROJECT will be constructed in accordance with the approved plans.
- (8) The PROJECT will be administered by the STATE and all cost will be financed, when eligible for Federal participation, on the basis of eighty (80) percent Federal ATRIP funds and twenty (20) percent COUNTY funds.
- (9) Funding for this agreement is subject to the availability of Federal ATRIP funds at the time of authorization. The STATE will not be liable for Federal ATRIP funds in any amount. It is understood that the amounts stated below are estimates only. Any shortfall in funding or overrun in construction costs shall be borne by the COUNTY from Federal ATRIP funds, if available, from COUNTY Federal funds, if available, and from COUNTY funds. In the event of an under-run in construction costs, the amount of Federal ATRIP funds will be the amount stated below, or eighty (80) percent of eligible costs, whichever is less.
- (10) The estimated cost of construction of this PROJECT will be provided from the funds outlined as follows:

Federal ATRIP Funds	\$1,724,456.00
County Funds	<u>\$ 431,114.00</u>
Total (Including E & I)	\$2,115,270.00
- (11) The STATE will be responsible for advertisement and receipt of bids, and the award of the contract. Following the receipt of bids and prior to the award of the contract, the STATE will invoice the COUNTY for its prorata share of the estimated cost (if applicable) as reflected by the bid of the successful bidder plus E & I, and the COUNTY will pay this amount to the STATE no later than 30 days after the date bids are opened. Payment must be received prior to award of the contract.
- (12) A final audit will be made of all PROJECT records after completion of the PROJECT and a copy will be furnished to the Alabama Department of Examiners of Public Accounts, in accordance with Act. 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this agreement.
- (13) The COUNTY will submit reimbursement invoices for the work performed under the

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terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period will not be eligible for payment.

- (14) Upon completion and acceptance of the work by the STATE, the COUNTY will assume full responsibility for maintenance of that part of the improvements which are not a part of the Alabama Highway Maintenance System. Upon completion and acceptance of the work by the STATE, the COUNTY will maintain the PROJECT in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.
- (15) It is agreed that the terms and commitments contained in this agreement shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in this agreement shall be deemed null and void.
- (16) To the fullest extent permitted by law, the COUNTY shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees, in both their official and individual capacities, from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, maintenance of the roadway and/or shoulders, provision of any services or expenditure of funds required, authorized or undertaken pursuant to the terms of this agreement, or any damage, loss or expense attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting there from, caused or as a result of in whole or in part by the deliberate, intentional, wanton, reckless, fraudulent or negligent acts of misuse, misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement of the COUNTY, or anyone directly or indirectly employed by the COUNTY or anyone whose acts the COUNTY may be liable, regardless of whether such claim, damage, loss, or expense is caused in whole or part by a party indemnified.
The term "hold harmless" includes the obligation of the COUNTY to pay damages on behalf of the State of Alabama, the Alabama Department of Transportation, and its agents, servants, and/or employees.
- (17) Each party will provide, without cost to the other, information available from its records that will facilitate the performance of the work.
- (18) By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.
- (19) Nothing will be construed under the terms of this agreement by the STATE or the COUNTY that will cause any conflict with Section 23-1-63, Code of Ala. (7/24th law)
- (20) The COUNTY will be obligated for the payment of damages occasioned to private property, public utilities or the general public, caused by the legal liability (in accordance with Alabama and/or Federal law) of the COUNTY, its agents, servants, employees or facilities.
- (21) By entering into this agreement, the COUNTY is not an agent of the STATE, its officers, employees, agents or assigns. The COUNTY is an independent entity from the STATE and nothing in this agreement creates an agency relationship between the parties.
- (22) Exhibits M and N are attached and hereby made a part of this agreement.
- (23) 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.
- (24) The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (25) This agreement may be terminated by either party upon the delivery or a thirty (30) day

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 14, 2012

notice of termination.

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

EXHIBIT M

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

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

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

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

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

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT:

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

TERMINATION DUE TO INSUFFICIENT FUNDS:

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

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

ADR CLAUSE:

For any and all disputes arising under the terms of this contract, the parties hereto agree,

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in compliance with the recommendation of the Governor and Attorney General, when considering the settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General Office of Administrative Hearings or where appropriate, private mediators.

AMENDED ALABAMA IMMIGRATION LAW:

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

Next, Mr. Hardee presented the following Federal Aid Agreement for consideration for resurfacing approximately 2.7 miles on Lee Road 391. Commissioner Long made a motion, seconded by Commissioner Lawrence to authorize Judge English to sign the resolution and agreement as presented. The motion carried unanimously.

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:

Resurfacing of CR391 from Opelika city limits to US 280/431. Length-2.734 miles.

Project #STPOA-4114(200), LCP#41-109-10. CPMS Ref#100056630;

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

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

AGREEMENT

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

WITNESSETH

WHEREAS, the STATE and the COUNTY desire to cooperate in the resurfacing of CR391 from Opelika city limits to US 280/431. Length 2.734 miles. Project #STPOA-4114(200), LCP41-109-10. CPMS Ref#100056630.

NOW THEREFORE, it is mutually agreed between the STATE and the 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 and approved by the STATE. The cost of the construction engineering shall be included as part of the construction cost for the project.
- E. If necessary, the COUNTY will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES)

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 14, 2012

Notice of Registration (NOR) (Code Chapter 335-6-12) for this project without cost to the STATE or this project. The COUNTY will be the permittee of record with ADEM for the permit. The contractor shall be a co-permittee with the COUNTY for the permit, and shall comply with all requirements of the permit. The COUNTY and the contractor will be responsible for compliance with the permit and the STATE will have no obligation regarding the permit. The COUNTY will furnish the STATE (Division) a copy of the permit prior to any work being performed by the contractor.

- F. The STATE will furnish the necessary inspection and testing of materials when needed as part of cost of the project.
- G. The STATE will not be liable for Federal Aid Funds in any amount. The project will be limited to \$499,516.40 Federal funds unless the Auburn-Opelika Area Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the allocated Federal funds for the Auburn-Opelika Area sufficient to pay 80% of the project cost. In the event of an underrun in project costs, the amount of Federal Aid funds will be the amount stated below, or 80% of eligible project costs, whichever is less.
- H. The estimated cost of construction of this project payable by the parties is the amount set forth below:

FA STP Funds (Auburn-Opelika Area Dedicated)	\$499,516.40
County Funds	<u>124,879.10</u>
Total (Including E & I)	\$624,395.50

- I. The STATE will be responsible for advertisement and receipt of bids, and the award of the contract. Following the receipt of bids and prior to the award of the contract, the STATE will invoice the COUNTY for its prorata share of the estimated cost as reflected by the bid of the successful bidder plus E & I, and the COUNTY will pay this amount to the STATE no later than 30 days after the date bids are opened.
- J. The COUNTY will submit reimbursement invoices for the work performed under the terms of this Agreement to the Alabama Department of Transportation within six (6) months after the completion and acceptance of the project. Any invoices submitted after this six (6) month period will not be eligible for payment.
- K. The COUNTY will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, Latest Edition, on this project and will ensure that alignment and grades on this project meet the standards of the Alabama Department of Transportation and the project will be built in accordance with the approved plans.
- L. An audit report must be filed with the Department of Examiners of Public Accounts, upon receipt by the County, for any audit performed on this project in accordance with Act No. 94-414.
- M. Upon completion and acceptance of this project, the COUNTY will maintain the project in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.
- N. To the fullest extent permitted by law, the COUNTY shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees and/or facilities from and against claims damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury or destruction of tangible property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused in whole or in part by alleged or proven negligent acts or omissions of the COUNTY, anyone directly or indirectly employed by the COUNTY or anyone for whose acts the COUNTY may be liable, regardless of whether such claim, damage, loss or expense is caused in part, or alleged but not legally established to have been caused in whole by a party indemnified hereunder.

The term "hold harmless" includes the obligation of the COUNTY to pay damages on behalf of the State of Alabama, the Alabama Department of Transportation, and its agents, servants, and/or employees.

- O. The COUNTY will be obligated for the payment of damages occasioned to private property, public utilities or the general public, caused by the legal liability (in accordance with Alabama and/or Federal law) of the COUNTY, its agents, servants, employees or

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 14, 2012

facilities.

- P. By entering into this agreement, the COUNTY is not an agent of the STATE, its officers, employees, agents or assigns. The COUNTY is an independent entity from the STATE and nothing in this agreement creates an agency relationship between the parties.
- Q. Exhibits M is attached hereto as a part hereof.
- R. Exhibits N is attached hereto as a part hereof.
- S. This agreement may be terminated by either party upon the delivery or a thirty (30) day notice of termination.

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

EXHIBIT M

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

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

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

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

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

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT:

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

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 14, 2012

TERMINATION DUE TO INSUFFICIENT FUNDS:

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

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

ADR CLAUSE:

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

AMENDED ALABAMA IMMIGRATION LAW:

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

County Administrator Roger Rendleman presented change order #1 for the Justice Center switchgear replacement project. Mr. Rendleman stated that everything had been finalized except to reduce the contract. Mr. Rendleman stated the change order is for a reduction of \$16,184.72 of which \$6,184.72 is the tax savings and \$10,000 is the unused contingency allowance for a total project cost of \$158,215.28. Upon this request, Commissioner Lawrence made a motion to accept change order #1 on the switchgear replacement project for a reduction of \$16,184.72. The motion was seconded by Commissioner Long and carried unanimously.

Next, Mr. Rendleman presented two budget adjustment requests for FY2013. First, Mr. Rendleman explained that there are two carryover projects from last year which have been received, but not invoiced for at this time, and previously budgeted funds to cover them. Therefore, Mr. Rendleman needs to recognize \$135,000 in the General Fund's fund balance for the projects, and reauthorize the same expenditures in the current budget. Mr. Rendleman indicated the two projects are: 1) \$55,000 for data storage improvement for imaging of documents and 2) \$80,000 for replacement of obsolete Voice over Internet Protocol call managers. Upon this request, Commissioner Long made a motion, seconded by Commissioner Lawrence to recognize \$135,000 in carryover from the FY2012 adopted Budget and amend the FY2013 Budget accordingly. The motion carried unanimously.

Next, Mr. Rendleman presented two budget amendments for the FY2013 Budget to accommodate capital requests that were not funded previously. Mr. Rendleman explained that due to department heads staying within budget and therefore finishing the year in good shape, he would request the Commission approve the capital requests as presented. Judge English questioned whether this was coming from reserve funds, and Mr. Rendleman indicated that this is above and beyond designated reserves. First, Mr. Rendleman presented a budget amendment for the Highway Department to recognize \$750,000 out of the Fund Balance for various pieces of equipment for the department. Commissioner Lawrence made a motion to authorize Mr. Rendleman to make the budget adjustment of \$750,000 out of fund balance in the Gas Tax funds FY2013 Budget for capital requests. The motion was seconded by Commissioner Long and unanimously carried.

Second, Mr. Rendleman presented a budget amendment for the General Fund of \$677,550 to grant the capital requests from various other departments. Only one item on the list

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 14, 2012

was modified. Coroner Bill Harris stated he would request to purchase one SouthernLinc two-way radio, instead of two, and up to three walkie-talkies for secondary communication, especially during major events. Commissioner Lawrence made a motion, seconded by Commissioner Long to authorize Mr. Rendleman to make the budget adjustments of \$677,550 in the General Fund FY2013 Budget for capital requests. The motion passed unanimously.

Deputy Administrator Alice Fitzgerald presented the following proposed 2013 Holiday Schedule for consideration. Mrs. Fitzgerald stated this was a mirror of previous years' holiday schedules. Commissioner Eckman made a motion to approve the following 2013 Holiday Schedule as presented. The motion was seconded by Commissioner Long and unanimously carried.

FY2013 Holiday Schedule

New Year's Day	Tuesday, January 1, 2013
Martin Luther King, Jr. Day	Monday, January 21, 2013
Presidents' Day	Monday, February 18, 2013
Memorial Day	*Monday, May 27, 2013
Independence Day	Thursday, July 4, 2013
Labor Day	Monday, September 2, 2013
Columbus Day	*Monday, October 14, 2013
Veterans' Day	*Monday, November 11, 2013
Thanksgiving	Thursday, November 28, 2013
	Friday, November 29, 2013
Christmas	Tuesday, December 24, 2013
	Wednesday, December 25, 2013

* Normal Commission Meeting Day

Note: Monday, May 27 meeting moved to Tuesday, May 28, 2013
Monday, Oct. 14 meeting moved to Tuesday, Oct. 15, 2013
Monday, Nov. 11 meeting moved to Tuesday, Nov. 12, 2013

Last, Mrs. Swann presented a request of up to \$500 out of the contingent fund for new Christmas decorations for the Courthouse Christmas tree. Mrs. Swann reported that several decorations had been either damaged or taken over the last five years since she has been in charge of decorating the tree. Commissioner Lawrence questioned who decorates the two annex locations. Mrs. Swann responded that Revenue Commissioner Oline Price had taken responsibility for those locations. Commissioner Lawrence made a motion to authorize up to \$500 out of the contingent fund for Christmas decorations, seconded by Commissioner Eckman and unanimously carried.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 14, 2012

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 26, 2012

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

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

During citizens' communications, Ms. Sybil Kornman appeared before the Commission to discuss the waste to energy meeting for local governments that was held last week at the Lee County EMA building. Ms. Kornman asked the Commission to consider taking an active role in pursuing the concept of converting waste into energy, possibly in partnership with other regional city & county governments. Ms. Kornman stated that there is currently a plant for the conversion process in Korea, but construction hasn't started anywhere in the U.S. She suggested that maybe several local governments could pool resources and send one representative to Korea to observe and report. Further, Ms. Kornman indicated that an adjoining state, which she could not name at this time, was going to make an announcement soon involving the same process. Commissioner Harris said he was concerned because ADEM was not permitting any more landfills for trash, but he thought this process was better for the environment and the citizens anyway. Commissioner Lawrence questioned Ms. Kornman who was developing this in the U.S. She replied that a Korean company, PER North America, is involved in this venture and she stated that Mr. John Andrew Harris represents that company in this area, but that he would refrain from voting on the item, if necessary. No action was taken by the Commission.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the October 29 and November 14 Commission meetings. Commissioner Lawrence made a motion to approve the claims and the minutes as presented, seconded by Commissioner Ham and passed unanimously.

Governmental Relations Coordinator Wendy Swann updated the Commission on the upcoming meeting with the local delegation. Mrs. Swann stated that the meeting will be held on Thursday, December 13th at 5:00 p.m. at the Airport Board Room to discuss local legislation with the delegation. Judge English asked the Commission if each would share in the cost to provide refreshments for the event. Each Commissioner was in agreement.

County Engineer Justin Hardee presented an update on Act #2012-297 regarding Subdivision Regulations within the municipal planning jurisdictions, which addresses the regulation and enforcement of subdivisions within the planning jurisdiction of municipalities within the county. Mr. Hardee stated his office has been working closely with the Cities of Auburn and Opelika on the issue. Mr. Hardee further stated that he would report back to the Commission once any details have been finalized.

Mrs. Edna Ward appeared before the Commission requesting the Commission establish a county cemetery rehabilitation authority for three cemeteries. Mrs. Ward requested the Commission establish the authority for Mechanicsville, Memory Hill and County Line cemeteries since they currently have them inventoried. She did not feel they had the resources to inventory all the cemeteries in the unincorporated area. Mr. Butch Brock provided the Commission with copies of Alabama Code §11-80-13 concerning cemetery rehabilitation authorities. Commissioner Lawrence questioned if one or multiple authorities could be authorized. County Attorney Stan Martin stated there should be one authority. Judge English

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 26, 2012

wanted to ensure that there would be no financial obligation on the county. After discussion, Commissioner Lawrence made a motion seconded by Commissioner Harris to establish a county cemetery rehabilitation authority. The motion passed unanimously. Next, Commissioner Lawrence made a motion to appoint the board members of the Lee County Cemetery Preservation Commission ex-officio to the newly established cemetery rehabilitation authority, with the understanding that the terms of the two entities would run concurrently. The motion was seconded by Commissioner Harris and unanimously carried.

After discussion in the pre-meeting, Commissioner Long asked to delay discussion of reducing the speed limit on Lee Road 224. Commissioner Long indicated that he wanted to discuss the issue with the school board before making a decision on the situation.

Commissioner Lawrence made a motion to approve the following Resolution for an agreement with the Office of the Alabama Secretary of State for postage costs, seconded by Commissioner Long 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 Commission in 1997, 2001, 2005 and 2009, for the purpose of paying postage costs and collecting reimbursements from the State Elections Fund as provided for in Act 95-769, no therefore

BE IT RESOLVED by the Lee County Commission that it hereby agrees to appoint the Secretary of State to serve as its agent for the purposes of paying postage costs necessary for the mailing of certain notices to voters as required by Act 95-769 and collecting reimbursements for such costs from the State Elections Fund as provided in the Act, and now

BE IT FURTHER RESOLVED that the Chairperson 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.

County Administrator Roger Rendleman suggested the Commission set a planning work session to discuss several issues regarding implementation of the Master Plan. Commissioner Ham made a motion, seconded by Commissioner Long to set a planning work session on Tuesday, January 8 at 4:00 p.m. in the Commission chambers.

County Engineer Justin Hardee presented the results of a bid opened on November 16 for the bridge replacement project on Lee Road 054 over Chewacla Creek. Mr. Hardee reported that only three bids were received out of eight invitations to bid sent out. Mr. Hardee recommended the Commission award the bid to the lowest responsive bidder, Newell & Bush, Inc. for

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 26, 2012

\$818,705.25, payable out of Bridge Bond funds. Commissioner Ham questioned whether the local preference allowed by law would allow the Commission to award this bid to a local bidder, but Mr. Hardee replied that the difference in the bids was greater than that law allowed. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Lawrence to award the bridge replacement project on Lee Road 054 to Newell & Bush for \$818,705.25. The motion carried unanimously.

Next, Mr. Hardee presented a preliminary plat approval for The Village at Halawaka Subdivision, Phase 4, located adjacent to Lee Roads 2151, 2167 and 2168. The preliminary plat and proposed construction plans for The Village at Halawaka Subdivision, Phase 4 have been reviewed and meet the minimum requirements of the *Subdivision and Land Development Regulations of Lee County, Alabama*. Commissioner Ham made a motion, seconded by Commissioner Long to approve the preliminary plat for The Village at Halawaka Subdivision, Phase 4 as presented. The motion passed unanimously.

Maintenance Director Jerry Lynch presented the results of Bid #12 for elevator modernization at the Justice Center. Mr. Lynch reported that five bids were received out of seven invitations to bid sent out for elevator modernization. Mr. Lynch recommended the Commission accept the lowest responsive bid of \$77,246.63 from Elevator Maintenance Repair of Prattville, Alabama. Judge English questioned whether that bidder was responsive, since it was \$30,000 lower than any of the others. Mr. Lynch said he affirmed with the bidder that all of the specifications in the bid were included. Commissioner Eckman made a motion to accept the low bid of Elevator Maintenance Repair for \$77,246.63. The motion was seconded by Commissioner Lawrence and unanimously carried.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 10, 2012

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 10, 2012 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Eckman.

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

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions and the minutes of the November 26 Commission meeting. Commissioner Long made a motion to approve the claims and the minutes as presented, seconded by Commissioner Harris and passed unanimously.

Commissioner Ham presented the following Resolution, seconded by Commissioner Lawrence for second reading of the reappointment of Mrs. Iris Batchelor to the Horseshoe Bend Regional Library Board.

Be it Resolved, the Lee County Commission hereby reappoints Iris Batchelor to the Horseshoe Bend Regional Library Board to serve a four-year term ending September 30, 2016.

Next, Commissioner Ham presented the following Resolution, seconded by Commissioner Lawrence for second reading of the reappointment of Mr. Dan Roberts to the Beulah Utilities District Board.

Be it Resolved, the Lee County Commission hereby reappoints Dan Roberts to the Beulah Utilities District Board to serve a four-year term ending December 1, 2016.

Legislative Coordinator Wendy Swann again presented the list of legislative considerations for the upcoming work session on Thursday, December 13 at the Airport. Mrs. Swann once again questioned the Commission if any additional items should be added for consideration besides the ones previously presented. Discussion was held on whether the Commission wanted to pursue a recreation and school resource officer program funded with a sales tax. Judge English questioned Sheriff Jones if perhaps the wording should be changed to state for the purpose of additional deputies instead of stating school resource officers. Sheriff Jones agreed that the wording may help the legislation move forward. Judge English felt it also could give the Sheriff flexibility to use the proceeds as needed instead of strictly for school resource officers. Commissioner Eckman questioned how the percentage was determined. Judge English stated the amount was decided by the Commission as a whole, since recreation is a subject that has been brought to the Commission on numerous occasions especially in the Beulah area. After discussion, the Commission agreed to pass resolutions on the legislative items after discussion is held Thursday with the local delegation.

Mr. Bernard Jackson appeared before the Commission to discuss an issue involving his church on Lee Road 27. Mr. Jackson stated that the church was looking to expand the current parking lot in the rear of the building, and asked the Commission to consider developing the county right of way. Judge English stated that the right-of-way Mr. Jackson is referring to is an easement between parcels, not alongside the county maintained roadway. County Engineer Justin Hardee described the easement in relation to the locations of the church and the road. After discussion, Mr. Jackson asked for assistance to open the right of way as a public road access and assist in clearing the land and building the roadway. Judge English stated county policy is that the Commission may vote to accept the road for county maintenance if it is built to

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 10, 2012

county specifications by the developer and meets county policy. Commissioner Lawrence questioned how Mr. Jackson wanted the Commission to assist. Mr. Jackson stated he was on a fact finding mission to see how county could possibly accept the road. Mr. Jackson stated he would like the church's engineer to get with the county engineer to discuss the standards and how to get the road accepted into county maintenance. Additionally, he would request the highway department supply crush-n-run to fill in the area, since it currently does not have adequate access. After discussion, Commissioner Harris suggested that he and Mr. Hardee would meet with Mr. Jackson and his engineer to analyze the situation.

Mr. Randy Wilson discussed the Courthouse Facilities Study which was delivered to each Commissioner prior to the meeting. Mr. Wilson stated that he looked at the Courthouse, the EMA building, the Tyner building, the Johnson Galleries building and the Auburn Street building for the study. Mr. Wilson reviewed the needs of various county departments and the pros and cons of each building and presented the following general recommendations. First, use the Auburn Street building for record storage needs, with a few minor cosmetic corrections to blend in with the neighborhood setting and addition of a wooden fence to surround the property. Next, use the old Johnson Galleries building as currently for election central, law enforcement/employee training, annual health fair and other needs for a large open space. Last, Mr. Wilson's recommendation for the Courthouse is to remove the old jail portion from the rear of the building and utilize that space for parking; build a separate two-story building just north of that area adjacent to the Courthouse to house the Revenue Commissioner's Office and the Appraisal Department; 1st floor of the Courthouse would be utilized by the Probate Office with adjustments for a new courtroom and other offices; and upstairs utilized by the Commission Office, including a new, larger Commission chamber. Mr. Rendleman stated this plan is similar to the recommendation of 10 years ago by Williams-Blackstock Architects to change the rear of the Courthouse, and add on there. Mr. Rendleman stated he needed clear direction by the Commission on whether they would like the Courthouse to remain in use for county functions, or to look at building a new building on other county property and relocating the offices to that new building. Judge English questioned where the funds would come from. Mr. Rendleman stated that the Capital Improvement Fund would be utilized for this purpose. Commissioner Eckman questioned the sustainability of the plan and if it would last 25 years. Mr. Rendleman answered in the affirmative that it would last more than 25 years and would be done within the next five years. Commissioner Ham stated he would like to see the Courthouse remain downtown. Commissioner Long questioned the clock tower issue. Mr. Wilson stated the study showed some tilting of the tower from the termite damage and the age of the building. Mr. Wilson stated the clock tower would be first issue addressed along with other exterior elements and addressing the leaky roof issue. Mr. Rendleman stated he needed guidance from the Commission on how to proceed so that he and Mr. Wilson could start putting financial numbers together for Commission consideration. Mr. Rendleman stated this would only commit to direction, not any construction. He asked that the Commission consider starting with the roof, the clock tower and masonry on the exterior of the Courthouse to start on the process.

County Administrator Roger Rendleman presented the following Resolution on behalf of the Lee County Board of Education for refinancing the 2003 bond issue. Mr. Rendleman explained that the Resolution is pledging the 1 cent county-wide sales tax to secure the loan. Further, Mr. Rendleman explained that the Commission has to redeem the existing bonds since we are the legal owners of the property involved. Upon Mr. Rendleman's presentation, and a review of the documents by the County Attorney Stan Martin, Commissioner Ham made a motion, seconded by Commissioner Harris to pass the following Resolution. The motion passed unanimously.

RESOLUTION

WHEREAS, the Lee County Commission (the "County Commission") is currently levying franchise, excise and privilege license taxes (commonly called sales and use taxes)

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 10, 2012

countywide, the general rate of which is one percent (1%), pursuant to Section 40-12-4 of the Code of Alabama (1975), as amended (the "Section 40-12-4 Taxes"), the net proceeds (i.e., after deduction of collection expenses) of which are allocated and distributed among the boards of education in Lee County in accordance with the provisions of said Section 40-12-4;

WHEREAS, the Lee County Board of Education intends to issue its Refunding Warrant (the "Warrant") to refund, in effect, the County's Limited Obligation School Warrants, Series 2003 (the "Series 2003 Warrants");

WHEREAS, the Board will be obligated to pay the debt service on the Warrant and intends to pledge its share of the net proceeds from the Section 40-12-4 Taxes as security for the payment of debt service on the Warrant; and

WHEREAS, the holder of the Warrant will rely on the continued levy of the Section 40-12-4 Taxes as security for the Warrant;

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY COMMISSION, OPELIKA, ALABAMA, as follows:

(1) The recitals set forth in the foregoing resolution are hereby found and declared to be true and correct.

(2) The County Commission affirms and resolves and hereby levies the Section 40-12-4 Taxes countywide to the fullest extent authorized pursuant to Section 40-12-4 of the Code of Alabama 1975, as amended, and covenants to levy the Section 40-12-4 Taxes countywide for so long as there are any outstanding obligations secured by such taxes at rates not less than those in effect as of the date this resolution is adopted and to continue to distribute such taxes to the Board as provided in said Section 40-12-4.

(3) Acting pursuant to the provisions contained in the Mortgage and Trust Indenture dated June 1, 2003 (the "Indenture") pursuant to which the Series 2003 Warrants were issued, the County Commission does hereby (contingent upon the issuance of the Warrant) exercise the option reserved to it in the Indenture, to call for redemption and payment on or about February 1, 2013 (said date to occur on the first date on which redemption may feasibly be effectuated after the Warrant is issued) all the Series 2003 Warrants then outstanding (except for those Series 2003 Warrants maturing on February 1, 2013), at and for a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date fixed for redemption thereof, and hereby authorizes Regions Bank, as trustee relating to the Series 2003 Warrants, to take all necessary and desirable steps to cause the Series 2003 Warrants to be redeemed.

(4) The submission of a notice of defeasance of the Series 2003 Warrants to the Municipal Securities Rulemaking Board is hereby authorized.

(5) The provisions of this resolution shall constitute a contract with the holders from time to time of such obligations.

(6) The provisions of this resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this resolution.

(7) This resolution shall take effect immediately upon its adoption.

Revenue Commissioner Oline Price asked that the agenda item concerning a mail services contract be removed.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 10, 2012

County Engineer Justin Hardee presented the results of the bid for the Lee Road 236 culvert project. Mr. Hardee stated bids were mailed to three vendors and three responses were received on December 7. Mr. Hardee recommended the lowest responsive bid of H & L Construction of \$189,771 which is within the price range and will be paid by Bridge Bond funds. Commissioner Lawrence questioned the 3% local preference. Mr. Hardee stated that the amount was outside the 3% local preference. Further, the vendor is on the ALDOT approved list. Upon this recommendation, Commissioner Long made a motion to award the bid to H & L Construction for \$189,771 for the Lee Road 236 culvert project. The motion was seconded by Commissioner Lawrence and passed unanimously.

County Administrator Roger Rendleman presented an educational reimbursement request from Investigator Tamara Booth of the Sheriff's Office. Mr. Rendleman explained that all the necessary paperwork had been pre-approved by the Sheriff. Upon this presentation, Commissioner Lawrence made a motion to approve the educational reimbursement for Investigator Booth, seconded by Commissioner Long and unanimously carried.

Governmental Relations Coordinator Wendy Swann presented information concerning the ACCA Safety Incentive Discount Program. Mr. Rendleman pointed out that Lee County would be penalized if it did not join the program. Mrs. Swann stated that nine minimum requirements had to be met before the end of the coverage year and further stated that 7 of the 9 requirements had already been achieved at this point. Therefore, Mrs. Swann requested that the Commission adopt the Safety Belt Policy and Return to Work/Modified Duty Plan (as follows), as well as authorize the Chairman to sign the Safety Incentive Verification form for the current coverage year, in order to complete the nine requirements by year end. Mrs. Swann stated that this would meet the minimum requirements and currently the Safety Committee's goal is to build upon these requirements in the coming years to create a more comprehensive safety program to better protect employees and the financial assets of the county. Upon this presentation, Commissioner Long made a motion, seconded by Commissioner Harris to approve the recommendations as presented. The motion carried unanimously.

Modified Duty and Return to Work Policy

- A. An employee who is on leave as a result of a work-related injury or illness may be released to work on modified or light duty subject to conditions specified by the workers' comp physician.
- B. Appointing Authorities in each department will make reasonable efforts to seek to provide the employee with a position meeting the requirements imposed by the physician for the duration of a reasonable recovery period.
- C. Such a position is temporary and does not constitute a contract of employment or property interest in the modified or light duty position.
- D. An employee working in such a position is still subject to the same policies and procedures applicable to all employees, including the Drug and Alcohol Policy.
- E. Any employee who is offered a physician-approved, modified duty job will be required to accept the offer; otherwise, such a refusal will be considered job abandonment.
- F. With consideration of an employee's physical abilities, knowledge and skills, an Appointing Authority will make reasonable efforts to place the employee in a position with as similar terms and conditions of employment as possible as the employee's original position when the injured employee reaches Maximum Medical Improvement.

Seat Belt Policy

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 10, 2012

Lee County recognizes that seat belts are extremely effective in preventing injuries and fatalities in motor vehicle accidents. We value the lives and safety of our employees. Because it is estimated that seat belts reduce the risk of dying in a motor vehicle accident by up to 60 percent, our county has adopted the following policy concerning employee seat belt usage:

- A. In addition to following all traffic regulations, all employees and their passengers are required to properly use a seat belt when traveling in any vehicle or operating any equipment while in the course of conducting county business. The requirement applies to travel in a vehicle owned by the county and in a vehicle owned by an individual employee while conducting county business.
- B. If an employee is allowed to drive a county-provided vehicle to and from work, that employee, together with all passengers who occupy the vehicle at any time and for any purpose, whether on the clock or not, are required to properly use seat belts at all times the vehicle is in motion.
- C. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

Commissioner Lawrence made a motion to cancel the last December meeting scheduled for December 31, 2012, as traditionally done if not necessary. The motion was seconded by Commissioner Long and unanimously carried.

Judge English thanked Mr. Hardee and Mr. Lynch for framing and installing the new Commission district and highway maps in the chamber.

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

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5