

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 12, 2009**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 12, 2009 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

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

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the December 29 meeting, two listings of claims, an updated listing of claims to be paid and Bid #7 for domestic water heaters for the Justice Center. Building Maintenance Director Jerry Lynch stated that he would ask that the Commission reject Bid #7, so Judge English moved the item to New Business. Commissioner Smith made a motion to approve the consent agenda items as amended, seconded by Commissioner Lawrence and carried unanimously.

Judge English reported that the joint RFP's on solid waste disposal were received by the City of Auburn and that the tabulation results were placed on each Commissioners desk. Judge English reported that Waste Away was the low bidder on the three-year option at \$23.50 per ton for MSW and \$21.50 per ton for C/DW. In addition, he stated that Waste Away would give an additional \$0.75 discount off the awarded price if all four entities entered into contracts with Waste Away. This proposal would decrease the cost to \$22.75 per ton for MSW and \$20.75 per ton for C/DW. Judge English stated the Commission has to hold a public hearing 30 days prior to awarding the bid and that the hearing must be advertised. Upon discussion, Commissioner Lawrence made a motion to set a Public Hearing on February 23 prior to the scheduled Commission meeting, seconded by Commissioner Smith and unanimously carried.

Next, Judge English recognized Human Resources/Safety Manger Kim Oas to update the Commission on the application process for the EMA Director's position. Mrs. Oas stated that over thirty applications had been received and reviewed by the review committee which consists of herself, Ms. Deedie Matthews, and Mr. Bill Meadows. Upon review, they had narrowed the list down to the 15 applicants that meet the basic qualifications for the position. Mrs. Oas further stated that she was currently making copies of each of the 15 applications for distribution to the review committee, which is the next step in the process. Commissioner Smith thanked Judge English for the update and keeping the Commission informed.

Legislative Coordinator Wendy Swann presented legislative resolutions for Commission consideration. During the last meeting, Mrs. Swann was given approval to send two of the resolutions to Legislative Reference Service and provided a copy of the drafts to the Commission in their packets. During the pre-meeting, discussion was held on the chairmanship legislation. Commissioners Lawrence and Smith had previously e-mailed their recommendations on the legislation to the entire Commission. Commissioner Lawrence wanted to omit the status of part-time from the legislation, but Commissioner Smith disagreed and felt that part-time needed to be included. During the meeting, Mrs. Swann presented the Commission an updated version of the chairmanship resolution as presented below.

At the conclusion of the discussion, Commissioner Lawrence made a motion to authorize the following Resolution on revenue referendum authority for Lee County:

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

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

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

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act granting the Lee County Commission the ability to have authority, by referendum **only**, to enact or increase ad valorem, occupational license taxes and sales and use taxes. Any tax increase would only go into affect following a successful referendum vote by the citizens of the county and would be limited to specific uses and time periods as outlined in the authorizing referendum. Notice of any successful tax referendum increase would be provided to citizens no more than 90 days following a Commission-adopted resolution. The legislation would also allow the Lee County Commission to enact or increase charges for services and fees following a public hearing 30 days prior to said enactment.

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

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

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

and the Chairman declared the resolution adopted by unanimous vote on January 12, 2009.

Commissioner Lawrence made a motion to authorize the following Resolution on a sales and use tax referendum:

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

**WHEREAS**, the legislation authorized the 1 cent sales tax to be distributed between parks and recreation and school resource officers; and

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

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act authorizing a sales and use tax referendum in the unincorporated portions of the county and specifying that the ballot wording state "Do you favor generating funds to support Parks & Recreation and School Resource Officers through the levying of a one-cent sales and use tax outside the corporate limits of the Cities of Auburn, Opelika, Phenix City and Smiths Station by adopting of Act. No. 2009-\_\_\_\_, 2009 Regular Session?"

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

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

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

and the Chairman declared the resolution adopted by unanimous vote on January 12, 2009.

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Commissioner Lawrence made a motion to authorize the following resolution on the chairmanship:

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

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

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

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act for Lee County allowing the citizens of Lee County to vote during the next general election to separate the responsibilities and authority of the Probate Judge and the Chairman of the County Commission and provide for the election of a part-time county-wide Chairman of the Lee County Commission. The election of the part-time county-wide Chairman would take place during the next general election following voter approval with the Chairman taking office at the same time as other members of the Commission elected during that election cycle and serve a four-year term. Upon that election all responsibilities and authority of the Chairman of the Lee County Commission shall be separated from the Probate Judge. The salary of the part-time county-wide Chairman will be \$10,000 more than the salary of the other members of the Lee County Commission and the responsibilities of said Chairman would include promoting economic development in the county, establishing and enhancing intergovernmental partnerships, serving as Lee County's representative on appropriate boards, committees and other organizations that require individual representation for Lee County government as well as any other duties as determined by a majority vote of the County Commission. The question on the ballot shall read "Do you support improving Lee County government by separating the responsibilities of the Probate Judge from that of the Commission Chairman by electing countywide a part-time Chair of the Lee County Commission. The part-time elected countywide Chairman's salary shall be ten thousand dollars (\$10,000) more than the salary of the other members of the Lee County Commission as authorized by Act \_\_\_\_\_ - \_\_\_\_\_?"

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

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

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

and the Chairman declared the resolution adopted by unanimous vote on January 12, 2009.

Dick Key, a consultant for Smiths Water and Sewer Authority, appeared asking the Commission to authorize the Chairman to send letters to several legislators and others supporting their requests seeking federal money for water and sewage projects in their area. Upon discussion, Commissioner Long made a motion to authorize the Chairman to sign the letters of support, seconded by Commissioner Harris and unanimously carried.

Next, Commissioner Harris asked that the Commission to look at areas of infrastructure needs for the stimulus package including recreation, the airport project, and other areas, in addition to the road and bridge projects that County Engineer Neal Hall had reported at the last meeting as having been submitted. Commissioner Harris stated he had discussed the issue with

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people in Washington and they said that Lee County needed to put some things together and send them in, and that there was plenty of money in Washington. Commissioner Lawrence stated that the only two areas that directly impact the Lee County Commission were recreation and the volunteer fire departments. Commissioner Harris responded that the Commission does have an impact and that the Commission should notify all the other agencies by sending them the information that Lee County has received from Lee-Russell Council of Governments and Senator Shelby's office. Commissioner Lawrence made a motion to ask the Recreation Board to provide the Commission with what they want as part of the stimulus package by the next Commission meeting, seconded by Commissioner Smith and unanimously carried.

After this discussion and motion, Commissioner Harris made a motion that the Commission forward the letter received from Lee-Russell Council of Governments to all the water authorities, except Smiths Water and Sewer Authority, and ask the water authorities to present their plan to the Lee County Commission at the next meeting so the Commission can give them letters of support for their plans. The motion was seconded by Commissioner Holt and unanimously carried.

Judge English announced that the Commission had received an invitation to the Retirement Reception for Association of County Commission Executive Director Buddy Sharpless on February 9 at 6:30 p.m. Judge English stated that since this date conflicts with the Commission meeting he suggested that the meeting be rescheduled by either moving the regular meeting from 6:00 p.m. to 4:00 p.m. or to another day. Upon this recommendation, Commissioner Lawrence made a motion to move the Commission meeting from February 9 to February 10 at 6:00 p.m. and to draft a resolution honoring Buddy Sharpless for his reception. The motion was seconded by Commissioner Smith and unanimously carried.

During the pre-meeting, County Administrator Roger Rendleman stated that he had included a proposal in the Commission packets concerning the dirt road paving program. During the discussion on the dirt road program, Commissioner Lawrence asked whether the program should only be for two years at a time, rather than locking into four years, since the possibility exists that the membership on the Commission could change every two years based on staggered elections. Judge English reminded the Commission that they were free to change these priorities any time a new Commissioner was elected, and in fact the last 2 or 3 newly elected Commissioners had done so. Mr. Rendleman added that, for each program cycle, each Commission District will have an allocation of the forty (40) miles based on the percentage of dirt road miles within that district compared to the total number of dirt road miles in the county, based on the then current redistricting for County Commission districts. During the discussion on other uses of these dirt road funds, Mr. Rendleman reminded the Commission that a Commissioner may utilize their dirt road allocation only for other Highway Department type projects as authorized by the laws which governs such funds, and only upon approval of the County Commission. Commissioner Smith during the meeting made a motion to adopt the following Dirt Road Paving Priority Program, seconded by Commissioner Lawrence and unanimously carried.

**Road Paving Priority Program**

1. Goal of the program is to pave forty (40) miles of road every four years (program cycle).
2. Commissioners list each of their dirt roads within their respective districts in a priority order (ideally provide at least double for the four year allotment)
3. The Highway Department will start obtaining right-of-way for the next four years beginning with the first roads on the lists that make up the four year allotments.
4. The Highway Department will keep the Commissioner informed on the progress of obtaining right-of-way. Based on progress, or lack there of, the Commissioner can reprioritize their list (including moving roads on and off of the four year allotment portion of their list)

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5. The Highway Department paves based upon the right-of-way progress, within the mileage allotments for the current program cycle, and by what is the most cost efficient and in the most effective manner to continue the road construction program.
6. Over the next four years, the Highway Department will work to complete:
  - o 8.04 miles in District 1
  - o 1.2 miles in District 2
  - o 3.56 miles in District 3
  - o 20.48 miles in District 4
  - o 6.72 miles in District 5
7. Upon approval of the County Commission, a Commissioner may utilize the funds appropriated for their dirt road allocation on other approved uses of those funds.

Building Maintenance Director Jerry Lynch asked the Commission to reject Bid #7 for domestic water heaters since only one bid was received, and to authorize him to negotiate downward. Upon this recommendation, Commissioner Holt made a motion to reject Bid #7, seconded by Commissioner Lawrence and unanimously carried.

With no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 6:40 p.m., seconded by Commissioner Smith and upon unanimous consent the meeting was adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 26, 2009**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 26, 2009 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 D. Long, Annell Smith and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the January 12 meeting, two listings of claims, and the announcement of vacancies on the following three boards. One opening each on the SW Lee County Volunteer Fire Department, the Beauregard Water Authority and the Smiths Water Authority Boards. Commissioner Lawrence made a motion to approve the consent agenda items, seconded by Commissioner Smith and carried unanimously.

County Administrator Roger Rendleman clarified two items on the Dirt Road Paving Priority program that was adopted at the last meeting. Mr. Rendleman stated that the road mileage was incorrect and needed to be corrected. In addition, the wording of the mileage allotment needed clarification. Mr. Rendleman requested that #6 on the Dirt Road Paving Priority Program be modified as below:

6. *For the initial four years, the Highway Department will work to complete:*

- *8.24 miles in District 1*
- *1.2 miles in District 2*
- *3.08 miles in District 3*
- *20.72 miles in District 4*
- *6.76 miles in District 5*

*For program cycles thereafter, each Commission District will have an allocation of the forty (40) miles based on the percentage of dirt roads within each district as compared to the total number of dirt road miles in the county based on the then current redistricting for County Commission districts.*

Upon clarification, Commissioner Smith made a motion to approve the above listed changes for Item #6 of the Dirt Road Paving Priority Program, seconded by Commissioner Holt and unanimously carried.

Mr. Larry Watts of Goodwyn, Mills and Cawood gave an update on the progress of the comprehensive plan to date. Mr. Watts stated that the project was off to a good start and the process was moving as planned with a few minor adjustments. Mr. Watts further stated that they coordinated with the Planning Commission on the establishment of a Planning Committee to look at the long-term development of Lee County. In addition, he stated that first series of Town Hall meetings would be held in March. Mr. Watts stated that the first series of town meetings would be facilitated with round-table discussions to identify the strong and weak areas of the county for future development. Additionally, the second round of town meetings would be held in May and would include information obtained in the first round of town hall meetings. The third meeting would be a county-wide meeting in September. After the last meeting, Goodwyn, Mills and Cawood would then develop the plan based on the information that was obtained during the town meetings. Mr. Watts stated that this time next year the plan would be ready for Commission approval. Commissioner Lawrence questioned the ways that citizens would be encouraged to participate in the process. Mr. Watts stated the purpose of the coordinating committee was to involve citizens for them to be help get the word out about the process. Mr. Watts stated that each Commissioner should encourage churches, civic clubs and other groups in the area to promote the town meetings. Additionally, he would work with Mrs. Swann to promote the meetings with the local newspapers and television. Commissioner Long questioned if it would be placed on the website. Mrs. Swann stated that she would post it this week.

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During the pre-meeting, Commissioner Long stated that he had been bombarded with calls concerning subdivisions in his district that were not currently being maintained by the county. Commissioner Long shared pictures he had obtained in Pine Brook Subdivision of a large puddle of standing water and shared that several children lived in this subdivision and that this type of water is hazardous to small children. He stated that a child could possibly drown in this amount of water. Commissioner Long questioned whether the county was going to ignore the situation if the developer was not going to fix it. County Engineer Neal Hall stated that obviously this particular subdivision was built prior to the passage of the subdivision regulations in April 2008. Mr. Hall stated that his department had sent letters to all the delinquent subdivisions that had not been accepted into the county's maintenance system, asking that the developer fix noted problems in each subdivision and upon approval the county would accept the subdivision roads for county maintenance. Mr. Hall stated that most developers did nothing to fix the problems, and that currently there are approximately 31 subdivisions which are not under county maintenance. Judge English asked Mr. Hall if there were any subdivisions currently under the one-year maintenance waiting period. Mr. Hall responded in the affirmative and stated that there were 11 subdivisions currently, but only five of those fall under Lee County's regulations, the others fall under the regulations of either Smiths Station or Phenix City. Judge English stated that the county could wait until these subdivisions completed the one-year requirement before the Commission took such action. Commissioner Lawrence questioned that if legal action is taken against the developer, should the homeowners or Lee County take action. Mr. Martin stated that the statute of limitations had already passed, if as stated, it is from 1996. Mr. Hall stated that he felt that there were two solutions, either the county accept the subdivisions for county maintenance or the homeowners sue the developer. After further discussion on this issue, during the meeting, Commissioner Long stated that asked the Commission to table the issue for two weeks, so that he could research the situation further. The Commission agreed to table the item.

Commissioner Lawrence made a motion to approve the following Resolution recognizing ACCA Director Buddy Sharpless upon his upcoming retirement, seconded by Commissioner Smith and unanimously carried.

**RESOLUTION HONORING  
BUDDY SHARPLESS  
RETIRING EXECUTIVE DIRECTOR OF ACCA**

**WHEREAS**, Mr. O.H. "Buddy" Sharpless has served with distinction for 35 years as the Executive Director of the Association of County Commissions of Alabama (ACCA), which this year commemorates its 80<sup>th</sup> anniversary; and

**WHEREAS**, Mr. Sharpless is one of the longest serving County Commission Association executive directors in the United States; and

**WHEREAS**, Mr. Sharpless is one of the most effective and respected organization leaders of any type frequenting the Alabama Statehouse; and

**WHEREAS**, Mr. Sharpless, throughout his tenure with ACCA, has taught and guided literally thousands of veteran and novice county commissioners in Alabama, as well as other county elected officials and department heads, and has helped many develop into responsible public servants; and

**WHEREAS**, Mr. Sharpless has frequently traveled to counties all over Alabama, often on short notice, to lend his expertise to individual county commissions, including Lee County, and exemplifies the definition of a model citizen; and

**WHEREAS**, Mr. Sharpless has been instrumental in fostering and shepherding through the Legislature many pieces of much needed legislation, including the fifty-hour mandatory Commissioner education program for newly-elected commissioners, the County Joint Bid Program, the Omnibus Pay Bill, the revised Open Meetings Law, the County Modernization Act, the Limited Self-Governance Act, bond issues for road and bridges, creation of the ACCA Liability and Workers Compensation Self-Insurance Funds, and the constitutional prohibition against unfunded mandates being made upon county governments by the Legislature, just to name a few; and

**WHEREAS**, Mr. Sharpless has worked diligently to advance affiliate organizations for county administrators, engineers, revenue officers and emergency management professionals to further improve cooperation and efficiency of county governments; and

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**WHEREAS**, Mr. Sharpless has worked tirelessly in his 37 years with ACCA to improve county government for the betterment of the citizens of Alabama, the results have exceeded expectations, and county government has been improved immeasurably because of the calm, stabilizing leadership and wise guidance that Mr. Sharpless has provided through those years; and

**WHEREAS**, Mr. Sharpless has decided now to enjoy the benefits of retirement by spending time with his wife Ann, son Brad, daughter-in-law Margo and his granddaughter Marley and just maybe indulging his passions for golf and hunting.

**NOW THEREFORE BE IT RESOLVED**, that the Lee County Commission and the citizens of Lee County express their heartfelt appreciation to our friend Buddy Sharpless for his many contributions to county government and the State of Alabama, and lament that his insight, dedication and experience will be sorely missed by every county in Alabama.

County Administrator Roger Rendleman provided the Commission a copy of a request by the City of Smiths Station for permission to annex the Smiths Station High School, since it is located on property owned by Lee County. Upon this request, Commissioner Long made a motion to authorize the Chairman to sign the proper documents to request the annexation of this property in the city limits of Smiths Station, seconded by Commissioner Holt and unanimously carried.

Next, Mr. Rendleman stated that the City of Smiths Station also requested that the Lee County Park at Smiths Station be annexed into the city limits. Upon this request, Commissioner Long made a motion to authorize the Chairman to sign the necessary paperwork to request annexation of the portion of the Lee County Park at Smiths Station not currently inside the city limits, seconded by Commissioner Holt and unanimously carried.

Mr. Rendleman asked that the Commission approve a deductive change order in the amount of \$11,830.13 for the Contingency Allowance for the south-end remodel at the Justice Center so that the project can be closed out with the contractor. Upon this request, Commissioner Smith made a motion to approve the deductive change order for \$11,830.13, seconded by Commissioner Long and unanimously carried.

Next, Mr. Rendleman requested that the Commission consider a budget adjustment to retire the debt on the Highway Department dump trucks currently under lease. Mr. Rendleman stated that the budget adjustment is needed to assist in retiring \$919,332.64 of \$1,164,332.64 in Gasoline Tax Fund debt. The remaining \$245,000 will be refinanced in a new general obligation debt issue. Mr. Rendleman stated that this will free up \$336,967 in cash flow for the Gasoline Tax Fund over the next two years and save the County \$54,000 in interest cost. Additionally, Mr. Rendleman stated that this is utilizing \$680,114 of funds budgeted for debt service and \$240,000 in various other line items that Mr. Hall has identified as items that can be delayed until next year. Upon this recommendation, Commissioner Smith made a motion to approve the budget adjustments as requested, seconded by Commissioner Holt and unanimously carried.

Last, Mr. Rendleman requested that the Commission authorize the issuance of \$415,000 in general obligation warrants for vehicle/equipment financing as authorized under Code of Alabama, 1975, Title 41, Chapter 16A for the term of three years at a rate of 2.75%. Upon this recommendation, Commissioner Smith made a motion to approve the following Resolution for the issuance of the general obligation warrants, seconded by Commissioner Harris and unanimously carried.

**RESOLUTION**

**A RESOLUTION AUTHORIZING THE ISSUANCE, EXECUTION, SALE AND DELIVERY OF A \$415,000 PRINCIPAL AMOUNT GENERAL OBLIGATION WARRANT OF THE LEE COUNTY COMMISSION AND THE PAYMENT THEREOF**

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BE IT ORDAINED BY THE COUNTY COMMISSION OF LEE COUNTY, ALABAMA (the “County”) as follows:

**Section 1. Findings and Representations.**

The County, by and through its governing body, does hereby find, determine, represent and warrant as follows:

(a) It is necessary and desirable and in the public interest for the County to issue its General Obligation Warrant, Series 2009, dated the date thereof, in the maximum aggregate principal amount of \$415,000, as authorized and described herein (the “Warrant”), to finance equipment and other capital improvements for the County (collectively, the “Series 2009 Improvements”).

(b) The Warrant shall be due and payable in less than one year and is made and delivered and amounts shall be borrowed thereunder in anticipation of the collection of taxes. The general assessed value of property within the County for the fiscal year ending September 30, 2008 were not less than \$1,393,498,880 and the principal amount of the Warrant, along with all of the County’s other indebtedness chargeable against the debt limit, will not exceed 5% percent thereof.

(c) The population of the County is 115,484 according to the 2000 United States Census of Population and Housing.

**Section 2. Authorization and Description of Warrant; Payment of Warrant.**

(a) The County shall borrow the amount of \$415,000 in such amounts and at such times as shall be necessary for the purposes set forth in Section 1 hereof, and the County shall issue therefor its General Obligation Warrant, Series 2009 in the following principal amount, to the following financial institution to evidence a line of credit extended by such institution to the County for such purposes:

<u>Warrant No.</u>	<u>Principal Amount</u>	<u>Institution</u>
R-1	\$415,000	Regions Bank

(b) The Warrant shall be dated the date of issuance; shall bear interest at the per annum rate; shall be payable in installments of principal and interest in such amounts, at such times and in such manner; shall be subject to redemption prior to maturity; and shall be registered and transferred; all as provided in the form of the Warrant in Section 4.

(c) The principal of and interest on the Warrant shall be payable in lawful money of the United States of America, at the principal office of the registered owner thereof (the “Warrantholder”), in Montgomery, Alabama, at par and without discount, exchange or deduction or charge therefor. The County hereby covenants and agrees to pay all bank charges for the Warrant. The initial Warrantholder shall be Regions Bank, a state banking corporation, and all payments of principal and interest due Regions Bank while the Warrantholder, shall be at its designated office in Montgomery, Alabama, or in such other location as it may direct.

**Section 3. Authorizations of Advances and Payments.**

(a) Any and all requests for advances under the Warrant shall be submitted to the Warrantholder by the County at least ten (10) days prior to the requested delivery date of funds to be advanced. Any and all requests for advances under the Warrant are subject to the approval of the Warrantholder and nothing herein contained shall obligate or require the Warrantholder to make any advances on the Warrant.

(b) The Chairman is authorized and directed to request advances under the Warrant and make payments thereon at such times and in such amounts as he shall consider necessary or desirable to carry out the purposes of this resolution.

(c) The proceeds of the Warrant may be used for general current liabilities of the County.

**Section 4. Form of Warrant.**

The Warrant shall be in substantially the following form:

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UNITED STATES OF AMERICA  
STATE OF ALABAMA  
LEE COUNTY  
GENERAL OBLIGATION WARRANT  
SERIES 2009

**No. R-1**

**\$415,000**

**Maturity Date: February \_\_, 2012**

The County Administrator of LEE COUNTY, ALABAMA, a county organized and existing under and by virtue of the laws of the State of Alabama (the "County"), for value received, is hereby ordered to pay solely from the Warrant Fund herein described, to

REGIONS BANK  
(the "Warrantholder") or registered assigns the principal amount of

FOUR HUNDRED FIFTEEN THOUSAND DOLLARS AND NO/100s  
(\$415,000)

or so much thereof as many be advanced hereunder, as hereinafter provided, together with interest on the unpaid balance of said principal amount advanced and outstanding hereunder from time to time, from the date advanced until payment in full, at a per annum rate of interest (computed on the basis of the actual number of days elapsed over a 360-day year), equal to 2.75%. The principal shall be due at maturity (as stated above) subject to prior optional redemption and interest on this note shall be payable in installments as follows:

(a) on March \_\_, 2009, and on the \_\_ day of each month thereafter, through and including January \_\_, 2012, the sum of \$12,023.03, each such payment to be applied first to the payment of accrued interest and then to the reduction of principal; and

(b) At maturity (being February \_\_, 2012), the entire outstanding principal balance of this note plus unpaid interest accrued to such date of payment;

provided that if the interest on this note is determined by the Warrantholder, supported by an opinion of counsel, or by the Internal Revenue Service, to be includable in gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") or if it is determined by the Internal Revenue Service that this note is not a "qualified tax-exempt obligation" within the meaning of Section 265(b) of the Code, then (1) this note shall bear interest at 6.00%, from (a) the date such interest must be included in such gross income, or (b) the date the Warrantholder is required to take 100% (rather than 20%) of the interest hereon into account in complying with the said Section 265(b), whichever is the earlier and (2) the County will reimburse the Warrantholder for all costs, expenses, penalties, attorneys' fees and all other losses incurred by the Warrantholder as a result of such determination and (3) the Warrantholder shall then determine the amount necessary to be paid in equal monthly installments of principal and interest to fully amortize the principal amount of this note then outstanding over the then remaining term of this note. If either such determination is made, the difference between (i) the interest then due computed at the higher rate, and (ii) the interest already paid at the lower rate, shall be paid, along with all such costs, expenses, penalties, attorneys' fees and all other said losses within thirty days after the date a written notice is mailed by the Warrantholder hereof to the County stating that such a determination has been made and stating the amount that is then due. The obligation to pay such additional interest and such other costs, expenses, penalties, attorneys' fees, and other losses shall survive the payment of the principal hereof.

The County may, on any date, pay in advance the entire unpaid principal balance of this note or any lesser portion or portions thereof by paying to the Warrantholder the principal amount to be prepaid, plus interest accrued on such principal amount to the date of such prepayment, without premium or penalty.

This note is a master note under a line of credit extended by the Warrantholder to the County, and it is contemplated that the proceeds of the loan evidenced hereby will be advanced by the Warrantholder to the County in installments, as requested by the County on or before ten (10) days prior thereto (as to amount and date) and agreed to by the Warrantholder, and it is further contemplated that by reason of prepayments hereon there may be times when no indebtedness is owing hereunder; notwithstanding any such occurrence, this note shall remain valid and shall be in full force and effect as to each principal advance made hereunder subsequent to each such occurrence. Each principal advance and each payment made on this note shall be reflected by the notations made by the Warrantholder on its internal records (which may be kept by computer or by other means determined by the Warrantholder) and the

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Warrantholder is hereby authorized so to record thereon all such principal advances and payments. The unpaid principal amount of this note reflected on the internal records of the Warrantholder (whether by computer or otherwise) shall be rebuttably presumptive evidence of the principal amount of this note outstanding and unpaid. No failure of the Warrantholder so to record any advance or payment shall limit or otherwise affect the obligation of the County hereunder with respect to any advance, and no payment of the principal by the County shall be affected by the failure of the Warrantholder so to record the same.

NOTHING HEREIN CONTAINED SHALL OBLIGATE OR REQUIRE THE WARRANTHOLDER TO MAKE ANY ADVANCES HEREUNDER, AND ALL ADVANCES SHALL BE MADE AT THE OPTION OF THE WARRANTHOLDER. THIS WARRANT SHALL BE VALID AND ENFORCEABLE AS TO THE PRINCIPAL AMOUNT ADVANCED AT ANY TIME HEREUNDER, WHETHER OR NOT THE FULL FACE AMOUNT HEREOF IS ADVANCED.

Payment of the principal hereof and interest hereon shall be made at the principal office of the Warrantholder in the City of Montgomery, Alabama, or at such other place as shall be designated to the County in writing by the Warrantholder, provided the final payment of principal of and interest on this note shall be made only upon presentation and surrender of this note to the County for cancellation.

This note is issued pursuant to the Constitution and laws of the state of Alabama, including without limitation the provisions of Chapter 28 of Title 11 of the CODE OF ALABAMA 1975, and a resolution and proceedings of the governing body of the County duly passed, held and conducted (the "Authorizing Proceedings"). The indebtedness evidenced by this note is a general obligation of the County, and the full faith and credit of the County are hereby sacredly and irrevocably pledged to the punctual payment of the principal hereof and interest hereon. This note is recorded and registered as to principal and interest in the name of the owner on the book of registration maintained for that purpose by the County. The person in whose name this note is registered shall be deemed and regarded as the absolute owner hereof for all purposes and payment of the principal of and interest on this note shall be made only to or upon the order of the registered owner hereof or his legal representative, and neither the County nor any agent of the County shall be affected by any notice to the contrary. Payment of principal of and interest on this note shall be valid and effectual to satisfy and discharge the liability of the County upon this note to the extent of the amounts so paid.

The County has established in the Authorizing Proceedings a special fund designated "Series 2009 General Obligation Warrant Fund" for the payment of the principal of, premium, if any, and interest on the Warrant and has obligated itself to pay or cause to be paid into said Warrant Fund, revenues or other funds of the County in such amounts as may be sufficient to provide for the payment of the principal of, premium, if any, and interest on the Warrant as the same mature and come due.

This note may be transferred only upon written request of the registered owner or his legal representative addressed to the County, such transfer to be recorded on said book of registration and endorsed hereon by the County. Upon presentation to the County for transfer, this note must be accompanied by a written instrument or instruments of transfer satisfactory to the County, duly executed by the registered owner or his attorney duly authorized in writing, and the County shall endorse on the schedule attached hereto for such purpose the principal amount of this note unpaid and the interest accrued hereon to the date of transfer. No charge shall be made for the privilege of transfer, but the registered owner of this note requesting any such transfer shall pay any tax or other governmental charge required to be paid with respect thereto.

It is hereby recited, certified and declared that the indebtedness evidenced and ordered paid by this note is lawfully due without condition, abatement or offset of any description, that this note has been registered in the manner provided by law, that all acts, conditions and things required by the Constitution and laws of the state of Alabama to happen, exist and be performed precedent to and in the execution, registration and issuance of this note, and the adoption of the Authorizing Proceedings, have happened, do exist and have been performed as so required, and that the principal amount of this note is within every debt and other limit prescribed by the Constitution and laws of the state of Alabama.

**Section 5. Execution of the Warrant.**

The Warrant shall be executed in the name and on behalf of the County by the Chairman and shall be attested by the County Administrator of the County, and the official seal of the County shall be imprinted thereon. The registration of ownership of the note shall be executed by the Chairman or the County Administrator of the County, who shall also make the endorsements required at the time of any transfer of the Warrant. Said officers are hereby directed to so execute, attest and register the Warrant and to make the appropriate endorsements and notations thereon.

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**Section 6. Warrant is General Obligation.**

The indebtedness evidenced and ordered paid by the Warrant shall be a general obligation of the County for the punctual payment of the principal of and interest on which the full faith, credit and taxing power of the County are hereby irrevocably pledged. The County hereby represents that ad valorem taxes have been levied and hereby covenants and agrees that such taxes will be levied and collected, insofar as such taxes may be permitted by the present or any future provisions of the Constitution of Alabama, on all taxable property in the County, and applied to the maximum extent permitted by law to the payment of the principal of and interest on the Warrant as such principal matures and such interest comes due, in amounts sufficient for such purposes.

**Section 7 Expenses of Collection; Interest After Maturity.**

The County covenants and agrees that, if the principal of and interest on the Warrant are not paid promptly as such principal and interest matures and comes due, it will pay to the registered owner of the Warrant or its registered assignees, all expenses incident to the collection of any unpaid portion thereof, including a reasonable attorney's fee. The Warrant and the interest thereon shall bear interest at the rate of 8% per annum from and after the maturity or due dates thereof, if not then paid.

**Section 8. Covenants With Respect to Federal Tax Exemption for Interest; Designation of Warrant Pursuant to Section 265 of the Code.**

(a) The County recognizes and acknowledges that the Warrant is being sold on the basis that the interest payable on the Warrant is excludable from gross income of the registered owner thereof for federal income taxation under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"). The County hereby covenants and agrees with the Warrantholder that:

(1) the proceeds of the Warrant will be used solely for the governmental purposes for which the Warrant was issued;

(2) none of the proceeds of the Warrant will be applied for any "private business use" nor will any part of the proceeds of the Warrant be used (directly or indirectly) to make or finance loans to persons other than a governmental unit;

(3) the payment of the principal of or interest on the Warrant will not be (under the terms of the Warrant or any underlying arrangements) directly or indirectly (i) secured in any way by any interest in property used or to be used for a "private business use" or by payments in respect of such property or (ii) derived from payments (whether or not to the County) in respect of property, or borrowed money, used or to be used for a "private business use";

(4) the proceeds of the Warrant shall not be used or applied by the County, and the taxes or other revenues of the County shall not be accumulated in such a manner, and no investment thereof shall be made, as to cause the Warrant to be or become an "arbitrage bond", as that term is defined in Section 148 of the Code;

(5) the County will comply with the requirements of Section 148(f) of the Code with respect to any required rebate to the United States; and

(6) the County will make no use of the proceeds of the Warrant that would cause the Warrant to be "federally guaranteed" under Section 149(b) of the Code and the payment of the principal of and interest on the Warrant shall not be (directly or indirectly) "federally guaranteed" (in whole or in part) as described in said Section, except as otherwise permitted in said Section.

(b) The County hereby further covenants and agrees with the registered owner of the Warrant that, to the extent permitted by law, it will not take any action, or omit to take any action, with respect to the Warrant that would cause the interest on the Warrant not to be and remain excludable from gross income pursuant to the provisions of Section 103 of the Code.

(c) The County hereby designates the Warrant as a "qualified tax-exempt obligation" for the purposes of Section 265(b)(3) of the Code. The County does hereby represent that neither it nor its "subordinate entities" have issued in the aggregate more than \$10,000,000 of "tax-exempt obligations" during calendar year 2009. The County does hereby further represent that, based upon confirmations and representations by officers of its "subordinate entities", it reasonably anticipates that the amount of neither "qualified tax-exempt obligations" nor "tax-exempt obligations" which will be issued by the County or its "subordinate entities" during calendar year 2009 will exceed \$10,000,000.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 26, 2009**

(d) The County hereby represents and certifies that it has no subordinate entities which have authority to issue “tax-exempt obligations” and the County does not anticipate that it will create any new such “subordinate entities” during calendar year 2009.

(e) The terms used in this Section in quotation marks shall have the respective definitions and meanings provided by the Code.

**Section 9. The Warrant Fund.**

(a) There is hereby established a special fund designated the “Series 2009 General Obligation Warrant Fund”, which shall be held by Regions Bank (the “Depository”), who will serve as paying agent for the Warrant until the principal of, premium, if any, and interest on the Warrant shall have been paid in full or provision for such payment shall have been made. Money in the Warrant Fund shall be used solely for the payment of the principal of, premium (if any) and interest on the Warrant. The County shall pay or cause to be paid into the Warrant Fund, amounts sufficient to pay the principal, interest and premium, if any, when due.

(b) If on any principal or interest payment date the balance in the Warrant Fund is insufficient to pay the principal of, premium, if any, and interest on the Warrants due and payable on such date, the County shall forthwith pay any such deficiency into the Warrant Fund.

(c) The County and the Depository shall cause all money deposited in the Warrant Fund to be applied to the payment of principal or interest on the Warrants within thirteen months from the date of such deposit and shall cause all income and profits received from the investment of money in the Warrant Fund to be applied to the payment of principal or interest on the Warrants within twelve months from the date of receipt of such income or profits.

(d) Income and profits received from any investment of money in the Warrant Fund shall be credited against the deposit next required to be made into the Warrant Fund.

**Section 10. Authorization of Issuance of Warrant.**

Warrant No. R-1 is hereby issued to Regions Bank as the initial Warrantholder. The Chairman and the Administrator are hereby authorized and directed to effect delivery of the Warrant and in connection therewith deliver such closing papers containing such representations as are required to demonstrate the legality and validity of the Warrant, the absence of pending or threatened litigation with respect thereto, and the exemption of the interest on the Warrant from the federal income tax.

**Section 11. Expenses of Issuance.**

The County hereby agrees to pay all expenses of issuance of the Warrant, including bond counsel fees.

**Section 12. Covenants of the County.**

So long as the Warrant remains outstanding, the County hereby covenants that it will:

(1) provide Warrantholder with copies of its unaudited, internal monthly financial statements within five (5) business days of such statements becoming available; and

(2) provide Warrantholder, upon request, with copies of any audited financial reports for each fiscal year concerning the County within ten (10) business days of such reports becoming available.

**Section 13. Severability.**

The provisions of this resolution are severable. In the event that any one or more of such provisions or the provisions of the Warrant shall, for any reason, be held illegal or invalid, such illegality or invalidity shall not affect the other provisions of this resolution or of the Warrant, and this resolution and the Warrant shall be construed and enforced as if such illegal or invalid provision had not been contained herein or therein.

**Section 14. Repeal of Conflicting Provisions.**

All ordinances, resolutions and orders or parts thereof in conflict with this resolution are, to the extent of such conflict, hereby repealed.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 26, 2009**

**Section 15. Provisions of Resolution and Order a Contract.**

The terms, provisions and conditions set forth in this resolution and order constitute a contract between the County and the registered owner of the Warrant and shall remain in effect until the principal of and interest on the Warrant shall have been paid in full.

Mr. Rendleman included a letter in the Commissioners packet from Coroner Bill Harris who requested that the Commission share 1/3 of the cost to transport decedents that need to be autopsied to the Alabama Department of Forensic Sciences in Montgomery. This request is because ADFS recently stopped transporting bodies to Montgomery due to state budget cuts. Mr. Harris stated that according to Attorney General Opinion #2007-055, the county is responsible for transporting bodies to the state lab. Mr. Rendleman stated that he was familiar with that Opinion which only applies to Mobile County, not all counties. Mr. Harris stated that he estimated that the shortfall would be approximately \$7,500 for the remainder of the fiscal year. He had asked the City of Opelika and City of Auburn to assist and they had agreed to pay 1/3 of Mr. Harris' estimate, or \$2,500 each to the Lee County Coroner's Toxicology Fund. Mr. Harris stated that his autopsy transports totaled 37 for the same time period last year. He added that he had found a company that would make the transports for \$150 one way, and that the funeral homes would have to go to Montgomery to return the bodies after autopsy, and that cost would have to be borne by the families. Commissioner Lawrence stated that he had a problem with the State trying to put the burden on the counties to pay these expenses. Mr. Harris stated that he was only worried about Lee County, and local law enforcement efforts. Mr. Rendleman stated that the Code of Alabama does not address the transport of bodies and that the county is not required to pay for it. Mr. Rendleman stated that he felt the county should participate with the cities on the issue, and would recommend that our amount of \$2,500, be paid from the Contingent Fund. Judge English questioned the chain of custody of the bodies if not transported by DFS. Mr. Harris stated that the authority to order autopsies lies with the District Attorney, a Circuit Judge or the Governor. Commissioner Harris stated that Mr. Harris could accept the \$2,500 from each city, and if needed, come back before the Commission to ask for our share at a later date. After more discussion, Commissioner Holt made a motion to set aside \$2,500 from the Contingent Fund to the Coroner's Toxicology Fund for transport of decedents to the Department of Forensic Sciences. The motion died for the lack of a second.

Commissioner Lawrence made a motion to add the following three Resolutions to the agenda, seconded by Commissioner Smith and unanimously carried. Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

**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, Level, Resurface and Traffic Stripe, Lee Road 401, from the intersection of Lee Road 166, then Southeasterly approximately 6.822 miles to the intersection of Alabama Highway 169.

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 26, 2009**

Widen, Level, Resurface and Traffic Stripe, Lee Road 188, from the Lee/Macon County line, thence Northerly approximately 14.879 miles to the Lee/Chambers County line.

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

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

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

**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, Level, Resurface and Traffic Stripe, Lee Road 170, from the intersection of Alabama Highway 169, thence Southerly approximately 4.244 miles to the Lee/Russell County line.

Also, Widen, Level, Resurface and Traffic Stripe Lee Road 129, from the intersection of Lee Road 170, thence Easterly approximately 1.666 miles to the intersection of Lee Road 175.

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

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

Upon advice of County Attorney Stan Martin, Commissioner Lawrence made a motion at approximately 6:45 p.m. to recess into executive session concerning threatened litigation, seconded by Commissioner Holt and unanimously carried. Mr. Martin announced that the following needed to attend the executive session: Revenue Commissioner Oline Price and Administrator Roger Rendleman. Judge English stated that the executive session would last approximately 20 minutes and formal action could be expected after the executive session.

Upon return after the executive session, Mr. Martin explained that the executive session was regarding a claim against the County on a piece of property that had been mis-mapped by the Appraisal Department, which led to the property erroneously being sold at the tax sale, with the original property owner being unaware that the parcel had been sold. The original owner then incurred significant costs in reacquiring the property. Mr. Rendleman recommended that the Commission settle the claim to avoid litigation, and that appropriate steps to minimize this from happening in the future have been taken. Commissioner Lawrence made a motion to authorize County Administrator Roger Rendleman to negotiate the claim for settlement up to a maximum of \$17,000, seconded by Commissioner Smith and unanimously carried.

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With no further business to come before the Commission, Commissioner Smith made a motion at approximately 7:10 p.m., seconded by Commissioner Long and upon unanimous consent the meeting was adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2009**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, February 10, 2009 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 D. Long, and John Andrew Harris. Commissioner Annell Smith was absent due to illness.

During reports from staff, County Administrator Roger Rendleman presented a financial overview, a copy of which was included in the Commissioners packets. Mr. Rendleman stated that overall Lee County is in a sound financial position now, but he is concerned about the future. Additionally, Mr. Rendleman touched on revenue trends and stated that the main revenue source (property taxes) will have little or no growth over the next two fiscal years. Next Mr. Rendleman discussed the County's long-term financial condition and stated that the slow to no growth in revenue factored with increased operational and employee costs could put the county in a difficult situation. He advised that the Commission needs to closely monitor financial conditions over the next two years and stated that Lee County cannot continue to do business as usual and expect the same success.

County Engineer Neal Hall was happy to report that Oldcastle finally began work today on rebuilding Lee Road 148 pursuant to the Settlement Agreement. Mr. Hall stated that the work would last approximately 180 days or more. County Attorney Stan Martin reported that a status conference may be held in Circuit Court on February 20.

Judge English updated the Commission on the search for the new EMA Director. Judge English reported that Mrs. Oas had identified the top 6 applicants out of the 14 qualified candidates rated by the review committee. Additionally, he stated that the packets would now be sent to the interview committee and interviews would be scheduled soon. Judge English stated that the process was on schedule.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the January 26 meeting, and two listings of claims. Mr. Rendleman requested that the minutes of the January 26 meeting be amended to include a Resolution upon request of the financing agency concerning the issuance of \$415,000 in general obligation warrants that was not provided until after that meeting. Mr. Rendleman stated that County Attorney Stan Martin had reviewed the document and had made minor changes. Commissioner Lawrence made a motion to approve the consent agenda items with the inclusion of the Resolution as modified by Mr. Martin, seconded by Commissioner Harris and carried unanimously.

After much discussion in the pre-meeting about accepting delinquent subdivisions in District 3 for county maintenance, Commissioner Long during the meeting questioned Commissioner Holt and Lawrence if their concerns raised in the pre-meeting were about going onto private property or about the amount it would cost the county. Commissioner Holt asked Mr. Hall for clarification of the issue. Commissioner Long stated that he only wanted to address the areas that related to health and safety issues in the mentioned subdivisions, not every road repair issue. Commissioner Long stated that he was asking the Commission to accept all the delinquent subdivisions in Districts 3, 4 and 5. Commissioner Holt questioned what kind of strain would be put on the current budget if all these roads were accepted. Commissioner Holt stated he would like to ask Mr. Hall to examine each road in the subdivisions before accepting them all. Mr. Hall questioned whether performing any county maintenance on the roads would somehow bind the county to continue to maintain the roads. Commissioner Lawrence stated that Mr. Hall should only do what is legally allowed. Commissioner Holt stated he would request

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2009**

that this item be moved to the next agenda for further clarification. Commissioner Long stated that Pine Brook Subdivision was .37 mile. Upon further discussion, Commissioner Long made a motion to only accept into county maintenance at this time Lee Roads 539, 540 and 541 in Pine Brook Subdivision, seconded by Commissioner Lawrence and passed unanimously.

After discussion in the pre-meeting, Sheriff Jay Jones during the meeting requested that the Commission fund the transport of decedents that his department needs to have sent to the Department of Forensic Sciences and that the funding be provided on a case-by-case basis. Commissioner Harris made a motion to pay for transport of decedents to DFS in Montgomery on a case-by-case basis as deemed necessary by a mutually agreed decision by the Coroner, District Attorney and the Senior Investigator on the scene, but only until such time that DFS might again absorb these costs. His motion included that this be paid out of the Contingent Fund. The Commission asked Mr. Rendleman about how the payments should be handled, and Mr. Rendleman requested that the Commission pay the funds to Coroner Bill Harris on individual invoices from the Coroner. The motion was seconded by Commissioner Holt and passed on a 3-1 vote with Commissioner Lawrence voting "No".

Judge Walker appeared at the pre-meeting to support a Resolution concerning alternative sentencing for consideration by the Commission. Commissioner Lawrence made a motion during the regular meeting to adopt the following Resolution.

**WHEREAS**, reducing recidivism and putting individuals on the right path is the goal of alternative sentencing programs; and

**WHEREAS**, local and state officials at the Lee County Justice Center see the need for a similar program in Lee County and aimed at those individuals who because of substance abuse issues made initial poor decisions and ended up in the criminal justice system; and

**WHEREAS**, officials feel with supervision and influential programs these individuals can be diverted from their current path and making additional bad choices in their lives and instead become productive members of society.

**NOW THEREFORE, BE IT RESOLVED** by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act for Lee County creating the Lee County Alternative Sentencing Program and calling for the development of the Lee County Alternative Sentencing Board to oversee the Program. The Board's responsibilities will include, but not be limited to, ensuring that no person in the alternative sentencing program is needlessly incarcerated pending adjudication in Lee County due to his or her personal economic circumstances and inability to post bail, provided that his or her release shall not be contrary to the public interest or a danger to the public at large and also shall serve the purpose of assuring the presence of the defendant at trial; providing supervised pre-adjudication, post-adjudication or combination drug court programs, a supervised post-adjudication district court probation program, a supervised post-adjudication Court Referral Officer program and any other lawful Board approved alternative sentencing program that is also designed to provide treatment, education and close supervision of the participant's activities and compliance with the Program's rules and conditions; promoting gainful employment, drug, alcohol and mental health treatment and education for those participating in any of the Program's services or programs. In addition, the Board will be able to charge reasonable fees to the participants in any Lee County Alternative Sentencing Program for any services they may receive and to waive said fees for indigent participants in accordance with policies and procedures.

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2009**

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

Commissioner Holt, District 1	AYE
Commissioner Lawrence, District 2	AYE
Commissioner Long, District 3	AYE
Commissioner Smith, District 4	(Absent)
Commissioner Harris, District 5	AYE

and the Chairman declared the resolution adopted by unanimous vote on February 10, 2009.

Volunteer Firefighter Association President Pete Idsall made a presentation during the pre-meeting and requested that the Commission consider helping the Volunteer Fire Departments with upcoming financial issues. After discussion, Commissioner Lawrence made a motion during the meeting to establish a committee to review the long-range planning and funding of the Volunteer Fire Departments. The committee would consist of Commissioners Lawrence and Long, an EMA Representative, Mr. Rendleman, Mr. Hall, Mr. Idsall and two members of the Lee County Firefighters Association. The motion was seconded by Commissioner Long and unanimously carried.

After discussion in the pre-meeting, Commissioner Long stated that he had concerns about the width of Lee Road 219 for safety reasons. He further stated that on portions of the road, two cars were not able to pass which could pose a dangerous situation. Mr. Hall reported that this road was paved at its present width using prescriptive right-of-way during the period of time in which the County did not have a right-of-way policy. Commissioner Long made a motion during the meeting to allow the Lee County Highway Department to obtain the necessary right-of-way to widen approximately one-quarter of a mile of Lee Road 219 due to safety issues, seconded by Commissioner Harris and unanimously carried.

Commissioner Harris stated that he had talked to Congressman Rogers' office and requested that the Commission submit any water and sewage projects as soon as possible to have any chance of receiving funding from the stimulus package. Commissioner Harris stated that work sessions need to be scheduled with the local water authorities to discuss funding needs for future projects on water and sewage. Commissioner Harris then introduced Bishop Abernathy of Blessing Ministries who was in the audience. Bishop Abernathy presented the Commission with handouts concerning his organization's "Samaritan Vision – Lee County" and requested that the Commission pass a Resolution in support of his community development proposal, which had to be forwarded to Congressman Rogers' office before February 23. Commissioner Harris stated that Bishop Abernathy is only requesting that the Commission express the county's support of the project and stated that they are not requesting any funds from the county. Commissioner Lawrence stated that he had met with these individuals and he was interested in their project, but stated he was unclear about the Resolution. Bishop Abernathy stated they only wanted a letter of interest from the Commission. Upon further discussion, Commissioner Harris made a motion to authorize the Chairman to edit and sign a letter of interest on behalf of Lee County to show support for this project in Lee County, seconded by Commissioner Holt and unanimously carried.

Commissioner Harris requested that Mr. Hall review the status of the previously approved paving project on Lee Road 132, specifically concerning obtaining right-of-way by those residents who have not consented, and return with a follow-up on his findings. No action was taken by the Commission.

Judge English presented the annual levy of taxes and fees for 2009. Commissioner Long made a motion to adopt the following tax levy, seconded by Commissioner Lawrence and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2009**

**TAX LEVY 2009**

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, 2008.

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, 2008.

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, 2008 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, 2008 for public school purposes.

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

6. That, pursuant to the provisions of Amendment 147 to the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama, at a special Lee County School District school property tax election held in said District on October 13, 1992 (See Commission Minutes Volume 8, pages 10-12 inc.) there is hereby levied for the tax year beginning October 1, 2008 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, 2008 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, 2008 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.

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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, 2008, 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, 2008, in addition to all other taxes authorized by law, a special County ad valorem tax at the rate of 1 ½ mills on each \$1.00 or fifteen cents on each one hundred dollars worth of taxable property in Lee County as assessed for state taxation, the proceeds of which shall be used for the purpose of improving the enforcement in Lee County, Alabama, of laws relative to neglected, delinquent and dependent children and enlarging and improving and providing new services to and facilities for handling neglected, delinquent and dependent children.

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

12. That, pursuant to 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, 2008 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, 2008 and delinquent if not paid before January 1, 2009 and shall be collected by the Revenue Commissioner at the same time as Ad valorem taxes are collected.

13. 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 12 inclusive, and to enter them in the Abstract and Assessments of said County, and collect said taxes and fees at the same time and in the same manner as State ad valorem taxes are collected, and make proper remittance therefore.

Judge English presented a letter from the State Alcoholic Beverage Control Board asking that the County levy county beer, liquor and wine licenses for the fiscal year 2009-2010. The following Resolution was offered by Commissioner Lawrence, seconded by Commissioner Holt and carried on a vote of 3-0-1, with Commissioner Long abstaining;

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2009**

**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, 2009 to be set in the following amounts:

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

Judge English addressed a memo he included in the packets concerning agenda items. Judge English asked if the Commission wanted to continue to allow items to be placed on the agenda without any information about the subject available in the packets, or whether they would support a requirement that any items to be placed on the agenda would be required to have some supporting documentation to be included in the packets so the Commissioners would have some idea about the subject matter before the meeting. Judge English stated that he did not mind either way, but would like to have the support of the Commission for some consistency in the process one way or the other. Judge English stated that if Commissioners are notified ahead of time, then they can be prepared and the proper departments can be notified in time for the Commission meeting and prevent all involved from being surprised. Commissioner Harris stated there are times when he is not aware of a situation ahead of time and not able to get anything for the packets, but wanted them on the agenda. Judge English suggested that most issues on the Agendas are not emergencies, and would not be hampered by being moved forward one meeting to allow time for interested parties to prepare some background information for review by the other Commissioners. Upon further discussion, Commissioner Holt made a motion to allow the Chairman some discretion, but to support a requirement that something be put in the packets for Commission review prior to the meetings. The motion was seconded by Commissioner Lawrence. After further discussion, Commissioner Holt called for the question, seconded by Commissioner Lawrence. Judge English called for a vote whether to end debate and vote on the motion immediately. The call for the question passed on a 3-1 vote, with Commissioner Harris voting “No”, and the motion then passed on a 3-1 vote with Commissioner Harris voting “No”.

Mr. Rendleman stated that upon his financial overview covered earlier in the meeting, he would request that the Commission implement a hiring freeze until further notice. Mr. Rendleman recommended that any positions that have been posted and are in the process of being filled may continue. Any opened position without a closing date will be closed Friday, February 13, 2009. At such time that an Appointing Authority believes that staff levels are at a point which significantly hinders public health, public safety and/or renders a department incapable of sustaining operations then the Appointing Authority may request for Commission

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approval to fill a vacant, budgeted position on a case-by-case basis. Upon this recommendation, Commissioner Lawrence made a motion to implement a hiring freeze as described until further notice, seconded by Commissioner Long and unanimously carried.

Included in the Commission packets was a request from Revenue Commissioner Oline Price for permission to hold a yard sale in the back parking lot of the Courthouse on March 7 from 6 a.m. to noon, with the proceeds benefiting Red Cross of Lee County. Judge English reminded the Commission that this had been approved last year. Commissioner Lawrence made a motion to approve this request, seconded by Commissioner Holt and unanimously carried. Discussion also approved the use of the Johnson Galleries building for storage of the collected materials prior to the yard sale.

Governmental Relations Coordinator Wendy Swann requested that the Commission decide on which projects they would like to submit for federal legislative consideration. Mrs. Swann stated that the following had been suggested: retrofit emergency sirens to solar power, expansion of the solar power panels at the Justice Center, and funding to complete the recreation projects at Smiths Station, Beulah and Beauregard. Mrs. Swann stated that the Commissioners had time to present other requests at the next meeting on February 23, before a February 27<sup>th</sup> deadline. Commissioner Holt asked that this item be tabled until the next meeting, and all concurred.

With no further business to come before the Commission, Commissioner Lawrence made a motion at approximately 7:40 p.m., seconded by Commissioner Holt and upon unanimous consent the meeting was adjourned.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 23, 2009**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 23, 2009 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

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

Governmental Relations Coordinator Wendy Swann presented a Resolution to honor former Commissioner Albert Chambers. Additionally, she stated that all were invited to attend a reception at the Opelika Health Care Center on Wednesday at 2:00 p.m. where the Resolution would be presented to Mr. Chambers. Commissioner Harris made a motion to adopt the Resolution, seconded by Commissioner Smith and unanimously carried.

**WHEREAS**, Mr. Albert B. Chambers has been a pillar of the Opelika community for many years and has dedicated his life to the betterment of Lee County and its citizens; and

**WHEREAS**, Mr. Chambers was elected to the Lee County Commission in 1986 and was the first African-American to hold office on the Commission serving with distinction during his one term in office; and

**WHEREAS**, in addition to serving as Commissioner, Mr. Chambers was a mentor and leader to young men for many years through his role as Scoutmaster for Troop 373; and

**WHEREAS**, he is a life-long member of Greater Peace Missionary Baptist Church where he holds the position of Deacon Emeritus and has served as the Sunday School Superintendent and participated in the Auburn District Congress of Christian Education; he was also a member of the N.A.A.C.P., the voters league and helped those less fortunate by organizing food drives; and

**WHEREAS**, Mr. Chambers' leadership, dedication and integrity have benefited the citizens of Opelika and Lee County in numerous ways;

**NOW THEREFORE BE IT RESOLVED** that the Lee County Commission and the citizens of Lee County express their heartfelt appreciation to Albert B. Chambers for his many contributions to our community throughout the years.

County Engineer Neal Hall presented an update on the E911 road sign project. Mr. Hall reported that upon prior consensus of the Commission, the Highway Department was currently in the process of erecting new road signs on non-county maintained roads. Mr. Hall stated that the current blue signs will identify county maintained roads and new green signs will designate non-county maintained roads. Mr. Hall stated that the project is 20% complete at this time. Additionally, Mr. Hall stated that "End County Maintenance" signs will be erected on roads that are only partially maintained by the county. Commissioner Holt questioned if they could place "Private Road" signs on private roads. Judge English discussed the difference between public roads which are county maintained, private roads, and public roads which are not county maintained, and suggested that the Commission would be better protected from liability by not trying to identify the distinction between private roads and public roads that are not county maintained, since the County only has responsibility for and authority over public roads which are county maintained. Mr. Hall stated that at this time the signs would only identify whether the road is county maintained or not. Commissioner Holt questioned the cost of the project. Mr. Hall stated it will be approximately \$5,000 when finished.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the February 10 meeting, two listings of claims, Bid #8 for a portable security system for EMA and Bid #9 for picked-up bituminous treatment for the Highway

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 23, 2009**

Department. EMA Director Deedie Matthews asked that Bid #8 be moved to the next agenda. County Engineer Neal Hall reported that out of four bids sent only two bids were received on Bid #9. Mr. Hall recommended that the Commission accept the low bid of East Alabama Paving for picked-up bituminous treatment. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence and the motion carried on a 4-0-1 vote with Commissioner Smith abstaining.

During the pre-meeting, Dr. Stephen Nowlin thanked the Commission for their support of the bond issue being presented tonight, for the construction of a new high school in Smiths Station. Additionally, Mr. Bob Young, during the meeting, thanked the Commission on behalf of the Board of Education for their support and stated that the bond issue would close in two days. Mr. Young asked that the Commission pass the Resolution as presented. Commissioner Holt made a motion to approve the following Resolution and authorize the Chairman to sign the necessary documents on the bond issue, seconded by Commissioner Long and unanimously carried.

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

**Section 1. Findings.** The Commission has ascertained and found and does hereby determine and declare as follows:

(a) The County has heretofore purchased from the Lee County Board of Education (herein called the "Board") certain school buildings and facilities, including a public high school in the Smiths Station area of the County (herein called the "Existing High School"), together with related land and furnishings together, which the County has leased to the Board pursuant to a Lease Agreement dated as of June 1, 2003 (herein called the "2003 Lease") between the County, as lessor, and the Board, as lessee;

(b) The Board now proposes to construct, acquire and install a new high school in the Smiths Station area of the County (herein called the "New High School") and has requested that the County (i) finance the costs of the construction, acquisition and installation of the New High School through the issuance of the Warrants hereinafter authorized (herein called the "Warrants"), (ii) acquire from the Board the Beauregard and Beulah Elementary Schools in the County (herein together called the "Project") and (iii) lease the Project to the Board at and for a rental equal to the payment of the principal of and the interest (and premium, if any) on the Warrants;

(c) Pursuant to the terms of the 2003 Lease, if the Board acquires or constructs any property to replace the Existing High School, the County and the Board are required to amend the 2003 Lease to subject to the demise thereof such other property.

(d) It is necessary and desirable and in the best interests of the County and in the public interest that (i) the County issue the Warrants hereinafter authorized for the purpose of financing the construction, acquisition and installation of the New High School through the acquisition of the Project from the Board, (ii) the County enter into the Lease Agreement hereinafter authorized pursuant to which the County will lease the Project to the Board and (iii) the County enter into the First Supplemental Lease hereinafter authorized in order to amend the 2003 Lease to subject the New High School to the demise thereof.

**Section 2. Acquisition of Project.** The County is hereby authorized to purchase the Project from the Board at and for a purchase price of \$25,003,329.57. The purchase of the Project by the County shall be made by such instrument or instruments as shall be satisfactory to the Chairman of the Commission, acting with the advice of counsel to the County, and the

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approval of such instrument or instruments by the Chairman of the Commission shall be conclusively evidenced by the execution or the acceptance of such instrument or instruments by the said Chairman on behalf of the County.

**Section 3. Authorization of Lease.** The County is hereby authorized to lease the Project to the Board pursuant to a Lease Agreement (herein called the "Lease") in substantially the form presented to the meeting at which this resolution and order is adopted (which form shall be attached as Exhibit I to the minutes of such meeting and which is hereby adopted in all respects as if set out in full herein), with such changes, not inconsistent with the provisions hereof, as the Chairman of the Commission, acting with the advice of counsel to the County, shall determine to be necessary or desirable in order to consummate the transactions authorized by this resolution and order. The determination of the definitive form of the Lease by the Chairman of the Commission shall be conclusively established by his execution of such document. The Chairman of the Commission is hereby authorized and directed to execute the Lease for and in the name and behalf of the County, and the County Administrator is hereby authorized and directed to affix the official seal of the County to the Lease and to attest the same. The County is hereby further authorized to take such actions, not inconsistent with the provisions hereof, as the Chairman of the Commission, acting with the advice of counsel to the County, shall determine to be necessary or desirable in order to release the Existing High School from the demise of the 2003 Lease.

**Section 4. Authorization of Warrants.** Pursuant to the applicable provisions of Code of Alabama 1975, Title 11, Chapter 28, as amended, and in order to raise funds necessary (i) to pay the cost of acquiring the Project from the Board and (ii) to pay the expenses of issuing the Warrants hereinafter authorized, there are hereby authorized to be issued by the County \$25,745,000 in principal amount of its Limited Obligation School Warrants, Series 2009 (herein called the "Warrants"). As more particularly provided in the Trust Indenture authorized in Section 8 of this resolution and order (herein called the "Indenture"), the Warrants shall be issued as fully registered warrants in the denomination of \$5,000 or any integral multiple thereof, shall bear such date, shall mature at such times and in such manner, shall be payable at such place, shall be in such denominations, shall bear interest from their date until their maturities at such per annum rates, shall bear such numbers and shall be in such forms and contain such provisions as are set out in the Indenture. All the provisions of the Indenture and of the Warrants therein authorized and referred to are hereby adopted as a part of this resolution and order as though the same were set out in full herein.

**Section 5. Source of Payment of Warrants.** The principal of and the interest and premium (if any) on the Warrants shall be payable solely out of (i) the revenues and receipts to be derived by the County from the leasing or sale of the property described in the Lease and (ii) any other moneys pledged for the payment of the Warrants in the Indenture. Neither the Warrants nor any of the agreements herein contained shall ever constitute an indebtedness of the County within the meaning of any state constitutional or statutory provision or limitation. The general faith and credit of the County are not pledged to payment of the principal of or the interest or premium (if any) on the Warrants, and the Warrants shall not be general obligations of the County. None of the agreements, representations or warranties made or implied in this resolution and order, or in the issuance of the Warrants, shall ever impose any personal or pecuniary liability or charge upon the County, whether before or after any breach by the County of any such agreement, representation or warranty, except with the moneys herein provided. Except to the extent of the limited sources of payment provided for in the Indenture, the County shall not in any manner be liable for payment of the principal of or the interest or premium (if any) on the Warrants or for the performance of any of the obligations of the County herein contained or contained in the Series 2003 Warrants or the Indenture. Nothing contained in this Section 5, however, shall relieve the County or its officers from its or their obligation to perform the several agreements on its or their part contained herein and in the Lease and the Indenture so long as such performance does not impose a general liability or charge upon the County.

**Section 6. Warrants Payable at Par.** All remittances of principal of and interest and premium (if any) on the Warrants to the holders thereof shall be made at par without any deduction for exchange or other costs, fees or expenses. The bank or banks at which the principal of and the interest and premium (if any) on the Warrants shall at any time be payable shall be considered, by acceptance of their duties hereunder, to have agreed that they will make or cause

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to be made remittances of principal of and interest and premium (if any) on the Warrants out of the moneys provided for that purpose, in bankable funds at par without any deduction for exchange or other costs, fees or expenses. The County will pay, or cause to be paid, to such bank or banks all reasonable charges made and expenses incurred by them in making such remittances in bankable funds at par.

**Section 7. Authorization of Indenture.** As security for payment of the principal of and the interest and premium (if any) on the Warrants, pro rata and without preference or priority of one Warrant over another, the Commission does hereby authorize and direct the Chairman of the Commission to execute and deliver, for and in the name and behalf of the County, a Trust Indenture to Regions Bank, as Trustee which, in its capacity as trustee under the Indenture, is herein called the "Trustee"), under which there shall be assigned and pledged to the Trustee all right, title and interest of the County in and to the Lease and all other properties, moneys, rights and privileges specifically described or intended so to be in the Indenture, and does hereby authorize and direct the County Administrator to affix the official seal of the County to the Indenture and to attest the same. The Indenture shall be in substantially the form presented to the meeting of the Commission at which this resolution and order is adopted (which form shall be attached as Exhibit II to the minutes of the meeting and which is hereby adopted in all respects as if set out in full herein), with such changes, not inconsistent with the provisions hereof, as the Chairman of the Commission, acting with the advice of counsel to the County, shall determine to be necessary or desirable in order to consummate the transactions authorized by this resolution and order, the determination of the definitive form of the Indenture by such officer to be conclusively established by his execution of such document. The County is hereby further authorized to take such actions, not inconsistent with the provisions hereof, as the Chairman of the Commission, acting with the advice of counsel to the County, shall determine to be necessary or desirable in order to release the Existing High School from the lien of that certain Mortgage and Trust Indenture dated as of June 1, 2003, between the County and Regions Bank.

**Section 8. Sale of the Warrants.** The sale of the Warrants to The Frazer Lanier Company Incorporated (herein called "the Underwriter"), at and for a purchase price of \$25,325,207.95 (which reflects an underwriting discount of \$167,342.50 and a net original issue discount of \$252,449.55), plus accrued interest on the Warrants from their date to the date of their delivery, which sale was made by an Award Letter between the County and the Underwriter dated February 4, 2009 (herein called "the Purchase Contract"), in substantially the form presented to the meeting of the Commission at which this resolution and order is adopted (which form shall be attached as Exhibit III to the minutes of such meeting and which is hereby adopted in all respects as if set out in full herein) is hereby ratified and confirmed in all respects. The execution and delivery of the Purchase Contract is hereby ratified and confirmed in all respects.

**Section 9. Approval of Preliminary Official Statement and Authorization of Official Statement.** The County hereby approves and adopts the Preliminary Official Statement dated February 2, 2009, respecting the Warrants in substantially the form presented to the meeting of the Commission at which this resolution and order is adopted (which form shall be attached as Exhibit IV to the minutes of such meeting and which is hereby adopted in all respects as if set out in full herein). The Commission hereby deems the Preliminary Official Statement "final" as of its dated date for purposes of Rule 15c2-12 promulgated by the Securities Exchange Commission. The action of the Underwriter in causing the Preliminary Official Statement to be distributed on the part of the County is hereby ratified and approved. The Chairman of the Commission is hereby authorized and directed to execute a final Official Statement of the County with respect to the Warrants dated February 5, 2009, in substantially the form presented to the meeting of the Commission at which this resolution and order is adopted (which form shall be attached as Exhibit V to the minutes of such meeting and which is hereby adopted in all respects as if set out in full herein). The Chairman of the Commission is hereby authorized and directed to cause the said final Official Statement to be delivered to the Underwriters.

**Section 10. Execution of Warrants and Delivery of Warrants and Indenture.** The Chairman of the Commission and each member of the Commission are hereby authorized and directed to execute the Warrants, in the name and behalf of the County, by signing each of the Warrants, and the County Administrator is hereby authorized and directed to cause the official seal of the County to be affixed to the Warrants and to attest the same by signing each of the Warrants, all in the manner provided in the Indenture. The Chairman of the Commission is

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hereby directed thereupon to deliver the Warrants and the Indenture to the Trustee and to direct the Trustee to authenticate all the Warrants and to deliver them to the Underwriter upon payment to the County of the purchase price therefor.

**Section 11. Application of Proceeds of the Warrants.** The entire proceeds derived by the County from the sale of the Warrants shall be paid by the County to the Trustee, which is thereupon authorized and directed to apply and disburse such moneys for the purposes and in the order specified in the Indenture. The Underwriter is hereby authorized to pay directly to Assured Guaranty Corp., out of the sale price for the Warrants, the sum of \$189,878.38, as the premium for the financial guaranty insurance policy referred to in the Official Statement. In accordance with the provisions of the Purchase Contract, the County hereby further authorizes the Underwriter to retain the sum of \$132,000 out of the sale price for the Warrants to be applied on behalf of the County to the payment of the costs of issuance of the Warrants.

**Section 12. Authorization of 2003 Supplemental Lease.** In order to subject the New High School to the demise of the 2003 Lease, the County is authorized to enter into a First Supplemental Lease Agreement (herein called the "2003 Supplemental Lease") in substantially the form presented to the meeting at which the resolution and order is adopted (which form shall be attached as Exhibit VI to the minutes of such meeting and which hereby adopted in all respects as if set out in full herein), which such changes, not inconsistent with the provisions hereof, as the Chairman of the Commission, acting with the advice of counsel to the County, shall determine to be necessary or desirable in order to consummate the transactions authorized by this resolution and order. The determination of the definitive form of the 2003 Supplemental Lease by the Chairman of the Commission shall be conclusively established by his execution of such document. The Chairman of the Commission is hereby authorized and directed to execute and deliver the 2003 Supplemental Lease for and in the name and behalf of the County, and the County Administrator is hereby authorized and directed to affix the official seal of the County to the 2003 Supplemental Lease and to attest the same.

**Section 13. General Authorization.** The Chairman of the Commission and the County Administrator are hereby authorized and directed to execute, deliver, seal and attest such other documents, instruments, agreements and certificates (including, without limitation, a "Tax Certificate and Agreement," a "Continuing Disclosure Undertaking," and such deeds and bills of sale as shall be necessary to reconvey the Existing High School to the Board) as may be necessary to carry out fully the transactions hereinabove authorized.

**Section 14. This Resolution and Order a Contract.** The provisions of this resolution and order shall constitute a contract between the County and each holder of the Warrants.

**Severability Provisions.** The various provisions of this resolution and order 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 and order.

Ms. Lisa Stephens of the Domestic Violence Intervention Center called prior to the meeting to request that the agenda item concerning the emergency grant for that agency be moved to the next agenda.

At approximately 6:08 p.m. Judge English opened the floor for a Public Hearing on the proposed contract for disposal of solid waste between the Lee County Commission and Waste Away Group Inc., who had submitted the low bid of 23.50/per ton for MSW and \$21.50/ton for C/DW, which was received in response to a joint bid with Lee County, Auburn University, the City of Auburn and the City of Opelika. Additionally, Waste Away Group Inc. has agreed to an additional discount of \$0.75 per ton for MSW and C/DW disposal, which would then be \$22.75/per ton for MSW and \$20.75/per ton for C/DW, if they are awarded contracts by all four participating entities. Upon there being no public comments, Judge English closed the public hearing at approximately 6:09 p.m.

At the conclusion of the public hearing, Commissioner Smith made a motion to accept the contract for solid waste disposal with Waste Away Group Inc. for three years, with an option

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for two, one-year extensions and authorize the Chairman to execute the contract. The motion was seconded by Commissioner Lawrence and passed unanimously. Commissioner Lawrence stated that this was the smoothest process he has participated in for solid waste disposal. Additionally, he thanked Mr. Terry White of Waste Away, Mr. Hall, Mr. Marshall and Judge English for their participation in this process.

Judge English presented several issues that needed to be addressed concerning the Board Appointment Policies & Procedures. Judge English stated that the process needed better clarification for the process to be implemented properly. Judge English provided a copy of his suggestions to the Commission for review. Commissioner Long questioned if this would affect the current board appointments up for appointment. Judge English stated that it would only affect future appointments. Judge English proposed the following changes to the current policy:

- ° All board appointments shall be publicly announced at least three regular meetings prior to the first reading, to allow for advertising and citizen input.

and the following changes to the current procedures:

General Procedures will be:

1. The Commission Office will take citizen interest forms on an ongoing basis from any citizens who express an interest in serving on any County appointed board.
2. During a Commission meeting at least three regular meetings prior to the expiration of a board member's term, the Chairman will announce the upcoming expiration of the term and whether or not the individual currently serving is eligible for reappointment. The announcement will then be posted and advertised. In addition, a written notice will be sent to the board of the term's expiration and request any recommendation by said board, to be submitted by a specific date.
3. The pending board appointment will be advertised at least once in the newspaper announcing such opening and instructing interested citizens wishing to serve how to communicate their interest. The pending board appointment will also be posted on the Courthouse bulletin board and additional means can be utilized if such may increase public awareness and participation (i.e., website, etc.).
4. After the announcement and advertising is complete, any correspondence from any citizen(s) who have expressed interest in serving in that capacity will be forwarded to the appropriate board for review.
5. County Commission members will be sent a list of those citizens interested in the board appointment with the relevant information regarding meeting the various requirements in their packets prior to the next meeting. Any recommendations received from the board will also be forwarded to the Commission members.
6. At the subsequent Commission meeting after review of the information in the packets, the Commission will decide whether or not to interview any or all of the candidates that expressed interest in the position.
7. At the following meeting, the Commission may interview candidates for the appointment if desired or conduct first reading if no interviews are scheduled.
8. Then after first reading, the Commission will hold second reading at the following meeting and vote on the appointment.
9. The appropriate Board will then be notified of the Commission's appointment.

Upon the recommendations made by Judge English, Commissioner Lawrence made a motion to accept the changes as presented, seconded by Commissioner Holt and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 23, 2009**

County Engineer Neal Hall stated that Commissioner Harris had directed him to calculate the cost to resurface and pave all the roads in District 5. Mr. Hall presented a worksheet to the Commission during the meeting and calculated that the amount would be approximately \$10 million. Commissioner Harris stated that he wanted to present this for federal appropriation request. He stated that he had been appointed to serve on the NACo Rural Action Caucus Steering Committee and that he was confident that this proposal could be pushed through the funding process. Commissioner Harris additionally stated that he wanted to take this proposal to Washington when he attended the NACo Legislative Conference. Commissioner Harris made a motion to take a resolution supporting his proposal to Washington for consideration. The motion died for the lack of a second.

Commissioner Harris requested that the agenda item concerning the water board funding be moved forward.

Governmental Relations Coordinator Wendy Swann asked the Commission which items the Commission wanted to submit for federal legislation consideration. After discussion, Commissioner Lawrence made a motion to approve these requests forward to the Legislative delegation in Washington to include: recreation, solar project at the Justice Center and the four roads presented by Mr. Hall. The motion was seconded by Commissioner Holt and unanimously carried. Further discussion was held concerning the priority of the items and whether to break-out each road project or lump them together. Upon discussion, the Commission agreed to that the order of priority for submission should be as follows: 1) solar project 2) roads, in order per Mr. Hall's recommendation and 3) parks and recreation.

Mr. Willie Taylor appeared during the pre-meeting and asked that Lee Road 513 be maintained by the county. Mr. Hall stated that he would research the matter of whether the road is considered a county maintained road or not and be in contact with Mr. Taylor on the matter. No action was taken by the Commission during the regular meeting.

Commissioner Harris requested that the Commission approve his travel expenses to attend the NACo Legislative Conference to be held March 7-11, 2009 in Washington, D.C. Commissioner Holt made a motion to approve the travel expenses for Commissioner Harris to attend the conference, seconded by Commissioner Lawrence and unanimously carried.

Commissioner Smith made a motion on first reading to appoint Mr. Harry Lazenby to the Beauregard Water Authority Board and Mr. Dick Key to the Smiths Water Authority Board. The motion was seconded by Commissioner Long and unanimously carried. Commissioner Holt requested that the appointment to the SW Lee County Volunteer Fire Department be carried to the next agenda.

Mr. Hall recommended that the Commission approve Gates Subdivision. The subdivision is located off Lee Road 147 (Gates Road) along Lee Road 706 and 922 which are county maintained roads in District 4. Mr. Hall stated that the Highway Department reviewed the subdivision plat and stated it is in conformance with the Lee County Subdivision and Land Development Regulations. Additionally, he requested that the Chairman be authorized to sign the plat for recording in the records room. Upon this recommendation, Commissioner Smith made a motion to authorize acceptance of Gates Subdivision and authorize the Chairman to sign the plat for recording, seconded by Commissioner Holt and unanimously carried.

Environmental Services Director Jack Marshall asked the Commission to accept the following Resolution in support of a partnership with the City of Auburn, City of Opelika and Auburn University to pursue recycling grants from ADEM. Commissioner Lawrence made a motion to accept the following resolution, seconded by Commissioner Holt and unanimously

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 23, 2009**

carried:

**WHEREAS**, the Alabama Department of Environmental Management has authority to award grants under the Alabama Recycling Fund Grant Program, and has stated that joint efforts are more likely to be funded.

**WHEREAS**, Lee County can partner with the City of Opelika, the City of Auburn, and Auburn University to further recycling efforts by combining all four entities' recyclables so as to divert more materials from the landfill and to protect the environment; and

**WHEREAS**, this initial joint grant application will focus on planning, equipment purchase, and public outreach/education for each of the four entities.

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

1. That the Lee County Environmental Services Department is authorized to explore participation in a partnership with the City of Auburn, City of Opelika and Auburn University in order to seek said grant funds; and
2. Authorization is given to submit a grant application on behalf of Lee County under said program; and
3. Authorization is given to the Chairman to sign any and all documents necessary to secure said grants.

Mrs. Swann announced that a publicity push would be held to promote the upcoming Town Hall meetings concerning the master planning process to be held at various locations in the next two weeks. Mrs. Swann stated that with the help of the Opelika-Auburn News, the Phenix Citizen and the local news station, she hoped that the word would spread and people would attend the meetings. Mrs. Swann invited everyone to attend the meetings which will be held at Beauregard and Loachapoka Monday night, at Southern Union and Beulah on Tuesday night and Smiths Station on Thursday night. The meetings are scheduled for 6:00 p.m. CST.

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

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 9, 2009**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 9, 2009 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

During citizens' communication, Mike Monsive, the owner of Cameras On-site, Houston TX, distributed a handout to the Commission and asked that they consider awarding the bid for the portable security and surveillance system to his company. Mr. Monsive explained that the specifications were written for a competitor's product. He stated that his company has the patent for this type system. He further stated that he would like to be awarded the bid since this is his core business. He also added that he attended this meeting to show his dedication to the product.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary D. Long, and Annell Smith. Commissioner John Andrew Harris was absent due to his attendance at the NACo Legislative Conference in Washington, D.C.

Sheriff Jay Jones recognized Deputies Pamela Revels and Rebecca Tate. Deputy Revels, who is a School Resource Officer, was chosen "2008 Officer of the Year" by the Opelika Exchange Club. Sheriff Jones explained that Deputy Revels uses the "Too Good for Drugs and Violence" program which teaches the dangers of drugs and violence. Additionally, Deputy Revels is Vice President for The Alabama Association of School Resource Officers.

Deputy Tate was awarded Deputy of the Month for January 2009 by a local security system business who wanted to recognize an officer from Opelika, Auburn and Lee County each. Deputy Tate was recognized for her quick action during an incident that occurred that is believed to have avoided further death or injury due to interrupting a planned act of revenge. Sheriff Jones and Judge English both thanked Deputies Revels and Tate for their service.

Judge English stated that the Loachapoka High School basketball team had won the 1A State Championship. Judge English further stated that he would like to invite team representatives to attend the next meeting if possible.

County Engineer Neal Hall reported back to the Commission on Lee Road 513, upon the request of Mr. Willie Taylor, who had requested that the county maintain the roadway, which is approximately a 500 to 600 foot dirt road. Mr. Hall stated that upon his investigation, he believes that Lee Road 513 is a private road. Mr. Hall stated that in his opinion the easement belongs to Mrs. Dorothy Mott, the original property owner. Commissioner Long requested that this item be moved to the next agenda so that he may talk to Mrs. Mott.

Emergency Management Director Deedie Matthews reported on the recent tornados that hit Lee County. Ms. Matthews stated that an F1 tornado hit the "Bottle" area and an F2 tornado hit in the Salem area along US Highway 280/431. Ms. Matthews stated that approximately 40 homes were damaged in the Salem area with 20 homes sustaining major damage. Ms. Matthews stated that unfortunately there was not enough damage to qualify for federal assistance. Ms. Matthews thanked the Sheriff's Office, the Environmental Services Department, the Highway Department and VOAD group and others for their assistance during this time. Judge English thanked Ms. Matthews for the update.

Governmental Relations Coordinator Wendy Swann stated that of the four local bills presented to the legislature, two of the four were ready for third reading. She stated that the revenue referendum would not be presented again this year, but that the Commission could try again next year. Additionally, the fifth bill presented, the alternative sentencing bill, should be ready for introduction in about three weeks. Mrs. Swann stated that updates on the stimulus

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 9, 2009**

package change daily and she is keeping abreast of them. She stated that once the specifics had been determined she would aggressively apply for any funding available.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the February 23 meeting, two listings of claims. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Smith and the motion carried on a 4-0 vote.

Commissioner Holt made a recommendation that first reading be made on Mr. Robert Schafer for reappointment to the SW Lee County Volunteer Fire Department. Upon this being first reading, no action was necessary by the Commission.

Commissioner Smith made a motion to approve the following resolution on second reading to reappoint Harry Lazenby to the Beauregard Water Authority Board. The motion was seconded by Commissioner Lawrence and unanimously carried.

**BE IT RESOLVED**, that the Lee County Commission reappoint Harry Lazenby to the Beauregard Water Authority Board to serve a six-year term beginning March 1, 2009.

Commissioner Long made a motion to approve the following Resolution to appoint Richard "Dick" Key to the Smiths Water Authority Board to serve a six-year term, seconded by Commissioner Holt and unanimously carried.

**BE IT RESOLVED**, that the Lee County Commission appoint Richard "Dick" Key to the Smiths Water Authority Board to serve a six-year term beginning March 1, 2009.

Mr. Hall reported that he had negotiated for Bid #28 for centerline striping with Hornsby Striping Company, Inc. of Tuskegee, Alabama. Mr. Hall stated that the following prices had been negotiated: \$300/mile broken white traffic stripe, \$480/per mile for solid white traffic stripe, \$300/mile broken yellow traffic stripe and \$480/per mile for solid yellow traffic stripe. Upon the negotiation, Commissioner Holt made a motion to approve Hornsby Striping for centerline striping, seconded by Commissioner Lawrence and passed unanimously.

County Administrator Roger Rendleman asked the Commission to reject and re-bid Bid #8 for a portable security and surveillance system. Mr. Rendleman stated that the original bid contained unclear specifications. He stated that several items needed to be clarified and a tally sheet should have been included. Commissioner Holt questioned if there was a timeframe on the grant funds for the system. Ms. Matthews stated that there was time to re-bid, because the grant funds would be available until September. Upon this recommendation, Commissioner Lawrence made a motion to reject Bid #8 and re-bid the portable security and surveillance system, seconded by Commissioner Long and unanimously carried.

Human Resources/Safety Manager Kim Oas gave an update on the EMA Director position. Mrs. Oas stated that the interview board had narrowed the selection down to two candidates, whose applications had been included in the Commissioners' packets. The Commission discussed several options concerning the candidates. After discussion, Commissioner Lawrence made a motion to set a work session on one of the following dates: March 23, March 24, March 25 or March 26 at 5:00 p.m. CDT in the Commission chambers for the Commission to interview the top two candidates. The motion was seconded by Commissioner Smith and unanimously carried. Commissioner Lawrence asked Mrs. Oas to provide the Commissioners with a list of possible interview questions and to contact the candidates to schedule the interviews within that timeframe and to perform background and reference checks on each candidate prior to the work session.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 9, 2009**

Judge English announced that Mr. Eric Hodge had called and requested to move his Energy Efficiency Presentation to the next agenda. The Commission agreed to move this item forward.

Ms. Lisa Stephens appeared before the Commission to ask for support of the following Resolution to designate Lee County the grantee and the Domestic Violence Intervention Center as the sub-grantee. Ms. Stephens stated that the grant would allow the center to hire additional staff and to expand their current facility capacity. Commissioner Holt questioned if the grant is matching. Ms. Stephens stated that the DVIC would match the grant dollar for dollar. Lee-Russell Council of Governments Representative Barbara Scott stated that the grant is for 18 months and that the DVIC could reapply year after year for the grant funds. Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Smith and carried unanimously.

**RESOLUTION**

**WHEREAS**, the United States Department of Housing and Urban Development has awarded the State of Alabama a grant under the Stewart B. McKinney Homeless Assistance Act, and;

**WHEREAS**, the Lee County Commission is eligible to apply for a portion of these funds from the State of Alabama, Department of Economic and Community Affairs (ADECA),

**NOW THEREFORE BE IT RESOLVED**, by the Lee County Commission that the Chairman of the Lee County Commission be authorized, requested, and directed to make application to the Alabama Department of Economic and Community Affairs for Emergency Shelter Grant Funds, including all understandings and assurances contained therein; to act in connection with the submission of the Application; and to provide such additional information as may be required.

**BE IT FURTHER RESOLVED**, that in the event the grant is awarded, the Lee County Commission will assume the following responsibilities: 1) requiring the Domestic Violence Intervention Center to provide the local match for the requested grant funds dollar for dollar; 2) designating the County Administrator to set up a separate bank account for the grant; 3) requiring that the Domestic Violence Intervention Center provide cash match documentation and financials each month to the County Administrator and Lee-Russell Council of Governments to show the current revenues and expenses of this agency; 4) in conjunction with the Lee-Russell Council of Governments, review and approve any pay requests that is submitted by the Domestic Violence Intervention Center and 5) outline and submit any other requirements that the Domestic Violence Intervention Center needs to follow in order for the Lee County Commission to continue to be the grant sponsor.

**BE IT FURTHER RESOLVED**, that in the event that a grant is awarded, the Chairman of the Lee County Commission is authorized, requested, and directed to enter into a grant agreement with the Alabama Department of Economic and Community Affairs for such Emergency Shelter Grant funds in an amount not to exceed \$100,000.00 and to sign assurances the Lee County Commission will comply with the a requirement for a local match on a dollar for dollar basis, and all applicable Federal and State laws, rules and regulations. Said application being substantially similar in words and figures to that document identified as Application for Emergency Shelter Grant Funds from the State of Alabama, a copy of said document being permanently kept on file in the office of the Lee County Administrator.

Mr. Rendleman stated that Revenue Commissioner Oline Price was absent due to family illness, and that he would present the following on her behalf. Mr. Rendleman stated that Mrs. Price had presented for payment a credit card bill under the name of the Lee County Revenue Commissioner. Mr. Rendleman stated that the Revenue Commissioner has no authority to open up a credit account on her own and obligate county funds, only the Commission can do that. After discussion, Commissioner Lawrence made a motion to authorize the Commission Office to

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 9, 2009**

issue a check written to Mrs. Price to reimburse her for the travel expenses, but to inform Mrs. Price that she should destroy the card if opened under Lee County Commission. The motion was seconded by Commissioner Long and unanimously carried.

Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Lawrence and passed with majority vote of 3-0-1 vote with Commissioner Long abstaining.

**BE IT RESOLVED**, that the Lee County Commission approve a retail beer (off premise) license for Discount Grocery located at 1520 Lee Road 379, Smiths Station, Alabama.

Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Holt and passed with majority vote of 3-0-1 vote with Commissioner Long abstaining.

**BE IT RESOLVED**, that the Lee County Commission approve a restaurant retail liquor license for the White House Restaurant located at 10040 US Highway 29, Valley, Alabama.

Mr. Hall presented an educational reimbursement request for Highway Department employee Carrie Rhodes. Mr. Hall stated that he had reviewed the courses and he would recommend that the Commission approve the request upon successful completion of the courses. Upon this recommendation, Commissioner Holt made a motion, seconded by Commissioner Long and unanimously carried that the educational reimbursement be approved.

Upon advice of County Attorney Stan Martin, the Commission adjourned into executive session. Mr. Martin stated that the following needed to attend: Chris Bazzell of Mr. Martin's office, Win Johnson of Webb & Eley, Administrator Roger Rendleman, and Deputy Administrator Alice Hodge. Mr. Martin stated that the executive session would last approximately 30-40 minutes and formal action may be taken upon conclusion of the executive session. Commissioner Lawrence at approximately 6:35 p.m. made a motion to go into executive session concerning current litigation, seconded by Commissioner Smith and unanimously carried.

At the conclusion of the executive session, no action was taken. Commissioner Smith made a motion at approximately 7:15 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 30, 2009**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 30, 2009 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

During citizens' communication Kathy Rice appeared on behalf of her son Garrett Bass who lives in Mallard Creek Subdivision. Mrs. Rice questioned what is going to be done about the flooding in the subdivision due to all the rain that has fallen and with a forecast of much more heading this way. Judge English recalled that several citizens' had previously attended a meeting and had the same concerns about this subdivision and that Commissioner Long was addressing the situation. Mr. Hall stated that Lee County had replaced three 36" pipes to try to alleviate the water issues, but obviously it has not worked. Commissioner Long stated that he had been out there on several occasions and that he agrees that the situation is a nightmare. He stated that Lee County is not ignoring the problem, but emphasized that the problem occurs before Mallard Creek Subdivision and beyond it at Staffordshire Subdivision. Mrs. Rice questioned if the developer can be held responsible. Judge English stated that he felt that the Commission did not need to get involved if there was going to be a civil matter against the developer over the areas of concern. Commissioner Lawrence questioned if the Corps of Engineers could be contacted to possibly come and look at the situation. Mr. Hall stated that he would call them and see if they would look at the situation.

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

Judge English recognized ACCA President Joe Faulk. Mr. Faulk attended to personally introduce himself to the Commission since being elected in August 2008. Mr. Faulk stated that he had made the statement after his election that he would visit all 67 counties and this was his 33<sup>rd</sup> stop. Mr. Faulk stated that the ACCA works hard to protect each county and their interests in the Legislature. Mr. Faulk stated that he had met with ALDOT concerning the stimulus money that is going to be passed thru to the counties. He stated after seven meetings the amount to be distributed had increased from \$193,000 to \$265,000 each. Mr. Faulk stated that 33-34% of fatalities occur on county roadways and money needs to be available to deal with these safety issues. Mr. Faulk stated that several issues were being closely watched during the current session. Additional areas of concern include: bond requirements, the exemption of sales tax on food, and working with Sheriffs on feeding prisoners. Commissioner Lawrence stated that he works closely with President Faulk since he serves on the ACCA Board of Directors and thanked Mr. Faulk for stepping up to serve in this capacity.

Sheriff Jay Jones recognized Deputy Stanley Wilson who was awarded Deputy of the Month for February by Mr. Steve Belyeu of Custom Systems, a local alarm company. Sheriff Jones stated that Deputy Wilson had apprehended a suspect after a robbery and attempted rape of the employee of a convenience store in the Smiths Station area. Sheriff Jones thanked Deputy Wilson for his quick response and actions during this incident. Deputy Wilson stated that it was a team effort and that the whole shift worked hard to apprehend the suspect.

Judge English presented the following Resolution honoring the Loachapoka High School basketball team, who won the 1A State Championship. Commissioner Harris thanked Principal Wilkerson and head Basketball Coach Terry Murph. Judge English announced that Coach Murph has also been named the Class 1A Coach of the Year and that Tommy White, Jr had been named 1A Player of the Year. Commissioner Harris thanked each on behalf of Loachapoka and the Lee County Commission. Commissioner Holt thanked each and appreciated their commitment to the community and the program.

**RESOLUTION**

**WHEREAS**, Loachapoka High School added to its rich sports legacy when the 2008-2009 varsity basketball squad captured the Alabama High School Athletic Association's Class 1A state basketball title, the school's fifth basketball title; and

**WHEREAS**, the Indians never wavered from their goal of reaching the State tournament, overcoming losses and an unranked, underdog status; and

**WHEREAS**, in their run through the regional and state tournaments, the Indians defeated both the number 1 and 2 ranked teams in the state, culminating in a decisive 53-37 victory over number 6 Parkway Christian for the Class 1A crown; and

**WHEREAS**, because of their leadership and skill, Head Coach Terry Murph was recognized as the Class 1A Coach of the Year and senior Tommy White, Jr. as the Class 1A Boys Player of the Year; and

**WHEREAS**, team members LaCorious North, Vontrez Hutchinson, Travis Jackson, LaDarrin Tolbert, Patrick Moore, Tyrell Black, Gregory Moss, Jontavis Willis, Tommy White Jr., Rickey Hunter, Quindravius Richardson, Vantrell Jackson and Coach Murph should all be proud of their accomplishments and their 22-8 championship season record.

**NOW, THEREFORE BE IT RESOLVED**, that the Lee County Commission and the citizens of Lee County express their immense pride in the Loachapoka High School Basketball Team for bringing a state title home to Lee County and for continuing to inspire another generation of students.

Administrator Roger Rendleman presented an overview of the financial statements from September 30, 2008, which are unaudited. Mr. Rendleman stated that the management discussion analysis is the most important part of the document, because it gives an explanation of the numbers. Mr. Rendleman stated this year looks good, but that the challenge will be over the coming fiscal years. Mr. Rendleman stated that the first step was implementing the hiring freeze to make an effort to contend with the upcoming shortfalls in revenue. Additionally, Mr. Rendleman stated that the unaudited financials will be posted on the website.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the March 9 meeting and two listings of claims. Commissioner Smith made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence and the motion carried on a 4-0-1 vote with Commissioner Harris abstaining due to his absence at the last meeting.

Commissioner Holt made a motion to approve the following resolution on second reading to reappoint Robert Schafer to the SW Lee County Volunteer Fire Department. The motion was seconded by Commissioner Lawrence and unanimously carried.

**BE IT RESOLVED**, that the Lee County Commission reappoint Robert Schafer to the SW Lee County Volunteer Fire Department to serve a six-year term beginning March 1, 2009.

Judge English asked each Commissioner to give his/her recommendation for the new EMA Director. Judge English stated that Mrs. Kathy Russell was in the audience tonight. Commissioner Holt stated that after interviewing both candidates, he felt that either candidate would do a great job for Lee County. Commissioner Lawrence stated that he would recommend Mrs. Russell for the position of EMA Director. Commissioner Smith also stated that she felt that either candidate would be an excellent choice. Further, Commissioner Smith stated that she had taken an opportunity to speak to Mrs. Russell after the pre-meeting and stated that she would

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 30, 2009**

also recommend that Mrs. Russell be hired and hoped that she will work with Lee County for a while. Commissioner Lawrence questioned if Mrs. Russell would accept the position under the terms discussed. Judge English stated that Mrs. Russell had stated that she was willing, if offered the position, under the terms discussed. Commissioner Harris stated that he was pleased with Mrs. Russell's answers during the interview process. Further, he stated that her leadership ability, her education and her training would be an asset Lee County. Last, Commissioner Long stated that he had talked to Sheriff Boswell and his only regret was that she may be leaving Russell County. After discussion, Commissioner Lawrence made a motion to hire Mrs. Kathy Russell as the new EMA Director effective April 15, 2009 at a Grade 23, Step B with a 12-month probationary period with a six-month review. The motion was seconded by Commissioner Smith for discussion. Commissioner Lawrence questioned if the review would be performed by the Commission as a whole or by the Chairman. Commissioner Smith stated she would like the Chairman to perform the review. Commissioner Harris stated that he would like the Chairman and the Commission to perform the review. Commissioner Holt requested that Mr. Rendleman be included into the loop for the review and for consultation on a day-to-day operation. Commissioner Lawrence stated that he would suggest that the Commission evaluate the performance along with the Chairman and at the end of the year period as well. After vote was taken, the motion passed unanimously. Mrs. Russell thanked the Commission for the opportunity and stated that she would not disappoint them.

Judge English stated that Ms. Matthews' last date of employment would be March 31, 2009. Judge English recommended that Deputy EMA Director Johnny Langley be appointed Interim Director until the new director comes on board April 15. Commissioner Holt made a motion, seconded by Commissioner Long that Johnny Langley be appointed interim director beginning April 1, 2009, and serve in that role until the new Director is on board. The motion carried unanimously.

Governmental Relations Coordinator Wendy Swann once again presented a comparison of the NACo prescription drug plan against the County Rx Plan. Judge English stated that the Commission had two decisions to make: one, if the Commission wishes to participate in a plan and two, if so, which plan does the Commission want to choose. After much discussion during the pre-meeting, Commissioner Lawrence during the meeting directed Mrs. Swann to share the information about both with Lee-Russell Council of Governments and get someone to bring a recommendation to the next meeting. Additionally, Judge English asked Commissioner Harris to invite someone from Russell County who participated in the implementation of the NACo program so that Lee County can receive input on the program.

Lee County School Superintendent Dr. Steven Nowlin thanked the Commission for the opportunity to update them. Dr. Nowlin presented a facility update during the pre-meeting. Dr. Nowlin stated that the recent F4 tornado that hit Salem a few weeks ago had caused additional expenses, but that the repairs were currently being made to Wacoochee School as well as the damages to the Instructional and Materials Center. Dr. Nowlin stated that the roof on Wacoochee School cost \$500,000; luckily it was insured with a \$5,000 deductible. Dr. Nowlin stated that total clean-up work would cost approximately \$1.5 M to \$2 M dollars. Dr. Nowlin further stated that site work was currently in process at the new Smiths Station High School and that the plans were currently at the Building Inspector's Office. Dr. Nowlin stated that the plans were to let bids in May 2009, with a 22-month time-frame for construction to be complete in April 2011, with projection date to open of fall 2011. Dr. Nowlin presented each Commissioner a copy of the new High School drawings. Dr. Nowlin thanked Sheriff Jones for the security provided after the storms. Judge English stated that a goal for the future for the Board of Education is to have all central office staff in one location at the Tech Center located in Opelika. Judge English asked the Commissioners whether the county would consider giving the proceeds to the Board of Education for renovation of the Tech Center if the Commission sold the Board of Education buildings on South Railroad after the Board vacates. Mr. Rendleman stated that the Commission is required by law to provide a building, maintenance and supplies for the Board of Education Superintendent and his staff. Mr. Rendleman stated it would be hard to calculate maintenance costs if they were to be housed in one facility, but that the County should recognize

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 30, 2009**

some maintenance savings if the Board leaves the South Railroad location. Commissioner Lawrence stated that a more discussion should be held in the future on the matter. No action was taken by the Commission.

After much discussion was held in the pre-meeting concerning stimulus funds, Commissioner Harris stated during the meeting that Lee County needs the expertise of Ms. Mandi Joseph. County Engineer Neal Hall stated that he had talked with Ms. Joseph on the phone and stated that he was impressed with her qualifications. Commissioner Lawrence questioned Mr. Hall on the “shovel-ready” projects. Mr. Hall stated that there were 3 bridge projects and 3 resurfacing projects. Mr. Hall stated that Ms. Joseph told him about funds that may be available other than from the State, and that she may be able to get those projects funded from other funds. Mr. Rendleman stated that Mrs. Swann had actively been looking at the requirements for funding from the stimulus package. In fact, additional funds for the solar power project had been knocked out by City of Auburn; he stated that the situation is very fluid at this time. Commissioner Lawrence stated that Mr. Rendleman should be given an opportunity to look at what can be done to accommodate the request. Commissioner Harris stated that the time-frame is short. After suggestion by Judge English, Commissioner Harris made a motion to hire Ms. Joseph for 30 days under the terms of her proposal and to pay her \$7,500 fee from the dirt road paving funds allocated for District 5, with the understanding that his \$7,500 road paving funds could be recovered from any stimulus funds that Ms. Joseph secures that are over and above the stimulus funds that would be received by Lee County without her assistance. The motion was seconded by Commissioner Lawrence for discussion. Commissioner Harris qualified his motion and stated that Ms. Joseph would be hired dependent on a clarification by Mr. Rendleman if it is legal to do so with dirt road paving funds. The motion passed on a vote of 3-2 with Commissioners Holt and Smith voting “No”.

During the pre-meeting Commissioner Harris gave an update on the NACo Legislative Conference he attended on March 7-10 in Washington, D.C. Commissioner Harris stated that he had attended a class hosted by Ms. Joseph at the conference, which initiated her introduction to the Commission. Additionally, as a member of the Rural Action Caucus Steering Committee, he had attended several committee meetings. Last, Commissioner Harris stated that the county should partner with a cable company as an economic development project to generate revenue for Lee County.

County Engineer Neal Hall recommended that the Commission approve the Application packet for Hallawaka Lake Estates located in District 4 which has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Commissioner Smith made a motion to approve Hallawaka Lake Estates at the intersection of Lee Road 360 and Lee Road 894, and authorize the Chairman to sign the final plat to be recorded by the developer, seconded by Commissioner Holt and unanimously carried.

Mr. Rendleman stated that due to the recent enactment of the court fee designated for the Justice Center Complex, he would ask the Commission to move forward and proceed with the identified needs in the March 2004 Master Plan for the Justice Center Complex. Mr. Rendleman stated that in order to move forward, a new agreement for architectural services needs to be executed. As discussed in the pre-meeting, Mr. Rendleman asked the Commissioner to consider entering into a new agreement with HDR Architecture for professional services in association with the expansion of the T. K. Davis, Jr. Justice Center. Upon this recommendation, Commissioner Lawrence made a motion to authorize the Chairman to execute the agreement with HDR Architecture, seconded by Commissioner Smith and unanimously carried.

Commissioner Holt made a motion to add a CHRP Grant to the agenda, seconded by Commissioner Long and unanimously carried to add the item to the agenda. Commissioner Holt made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Lee County Sheriff's Office wishes to file a grant application to the CHRP (COPS Hiring Recovery Program); and

**WHEREAS**, the Lee County Commission wishes to support the Lee County Sheriff's Office in its efforts to obtain funds from the CHRP for the purpose of hiring an additional five (5) law enforcement officers to work and serve the citizens of Lee County, Alabama; and

**NOW, THEREFORE BE IT RESOLVED**, that the Lee County Commission hereby pledges their financial support, as specified in the CHRP Grant Process, for the fourth year of funding for said five (5) law enforcement officers, in accordance with all grant assurances and agreements in an effort to satisfy all stated requirements of this forty-eight month period of performance. Also, let it be known, that the Lee-Russell Council of Governments, working in conjunction with the Lee County Sheriff's Office proposes to work as grant author up to and including grant submission.

Upon advice of County Attorney Stan Martin, the Commission adjourned into executive session. Mr. Martin stated that the following needed to attend: County Engineer Neal Hall, Assistant Engineer Justin Hardee and Administrator Roger Rendleman. Mr. Martin stated that the executive session would last approximately 20-30 minutes and no formal action was expected to be taken upon conclusion of the executive session. Commissioner Lawrence at approximately 8:30 p.m. made a motion to go into executive session concerning current litigation, seconded by Commissioner Holt and unanimously carried.

At the conclusion of the executive session, no action was taken. Commissioner Lawrence made a motion at approximately 9:00 p.m. to adjourn, seconded by Commissioner and unanimously carried that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 13, 2009**

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

During citizens' communication, Ms. Gerri Young of Lee Road 393 questioned County Engineer Neal Hall about the right-of-way problem being encountered on this road. Ms. Young stated that due to safety concerns, one person should not be able to hold up progress on this road.

Mr. Tommy Collier of Lee Road 722 stated that he had come before the Commission last year asking them to maintain this road. Mr. Collier stated that due to the current rain, it was hard to maneuver a car on the roadway. Judge English questioned if the road was maintained by Lee County. Commissioner Harris stated that he was aware of the situation and stated that the county paved the part of Lee Road 722 which is county-maintained, but the portion in question is not currently maintained by the county. Commissioner Harris asked Mr. Hall to look at it and bring back a recommendation to the Commission.

Loachapoka Mayor Justice appeared before the Commission and stated that he was pleased with the assistance received by his community after an F1 tornado hit Loachapoka Friday night. He thanked Commissioner Holt for his extensive clean-up efforts. He also thanked the Southwest Lee County Volunteer Fire Department, the Lee County Highway Department, Alabama Power Company, and Sheriff Jay Jones and his officers. Mayor Justice asked if the Highway Department could further assist in the clean-up efforts. Judge English thanked Mayor Justice for taking the time to come to the Commission meeting to thank the various agencies.

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

Commissioner Harris presented the following Resolution in honor of Rev. Dr. J. H. Flakes, Jr. Commissioner Harris stated that Representative George Bandy had asked for this Resolution. The motion was made by Commissioner Harris, seconded by Commissioner Smith and unanimously carried.

**WHEREAS**, for more than 50 years the Rev. Dr. J.H. Flakes, Jr., has been ministering to the parishioners of Good Hope Missionary Baptist Church in Phenix City, Alabama and the citizens of Lee County; and

**WHEREAS**, Dr. Flakes is a well-respected member of the community known for his devotion and dedication to his church and his flock through his mentoring, teaching and leadership skills; and

**WHEREAS**, he has received numerous accolades including being selected for the Alpha Phi Martin Luther King Award, Operation PUSH Martin Luther King Award and the Knighthood Award from the Congress of Christian Education; and

**WHEREAS**, throughout his distinguished career Dr. Flakes has served in a variety of leadership roles including past president of the NAACP, Chairman of the Board of Trustees of American Baptist College, moderator of the East Alabama Missionary Baptist Progressive Association and is also a member of the National Baptist Convention USA, the General Missionary Baptist Convention of Georgia and the chartering pastor of the General Missionary Baptist Convention of West Germany; and

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 13, 2009**

**WHEREAS**, in addition to serving as the pastor for the past 50 years of Good Hope Missionary Baptist Church in Phenix City, Dr. Flakes has also served as pastor of the Fourth Street Missionary Baptist Church in Columbus, Georgia for 45 years; and

**WHEREAS**, Dr. Flakes has traveled extensively throughout the world spreading the word of God and is also a devoted husband to Robena Gaines Flakes, the father of three children and the grandfather to three granddaughters.

**NOW THEREFORE BE IT RESOLVED** that the Lee County Commission and the citizens of Lee County express its sincere congratulations to the Rev. Dr. J.H. Flakes Jr., on his numerous years of devoted ministerial service to the community.

During the pre-meeting, County Engineer Neal Hall introduced his newest employee, Ms. Kimberly Kornman, who began serving as the Highway Department Administrator today.

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

Discussion was held during the pre-meeting on the NACo Prescription Drug Plan. Commissioner Harris was unable to have a representative of Russell County at the meeting tonight. Therefore, consensus among the Commission was that Commissioner Harris would invite a representative from Russell County who was involved in implementing the program there to the next meeting so that the Commission can ask questions concerning the implementation of the program. Lee-Russell Council of Governments Executive Director Suzanne Burnette, Aging Program Director Jackie Pinkard and Jean Causey were in attendance on this issue, because their agency offers a drug card program to low-income senior citizens. Ms. Causey and Ms. Pinkard encouraged the Commission to consider a program to help those other citizens that do not have access to any drug program. Judge English questioned if they had a preference on the program that was chosen. Ms. Causey stated they did not research either program, they were only in attendance to show support for such a program to be implemented in Lee County. During the meeting, the Commission agreed to ask that the Lee-Russell Council of Governments and a representative from Russell County attend the next meeting to discuss the NACo Prescription Drug Plan and the Rx Drug Program to see which would more effectively benefit the citizens of Lee County.

Emergency Management Agency employee Rita Smith stated that out of 23 bids sent only five responses were received. After review of the bids, Mrs. Smith made a recommendation that Cameras Onsite be awarded Bid #10 for a security and surveillance system since they were the lowest responsible bidder. Mrs. Smith stated that the low bidder did not meet the bid specifications. Upon this recommendation, Commissioner Lawrence made a motion to award Bid #10 to Cameras Onsite for \$31,500/per unit, seconded by Commissioner Holt and unanimously carried.

The next agenda item, Mr. Eric Hodge, who was scheduled to make an Energy Efficiency Presentation, called prior to the meeting and stated he would not be able to attend. The Commission agreed to postpone the item until further notification was received.

Mr. Ed Wilder of Lee Road 265 appeared before the Commission asking that a portion of Lee Road 265 be abandoned where it splits onto Lee Road 994. Mr. Wilder stated that due to possible illegal activities that he has seen take place on the road near his home, he would ask cooperation of the Commission to abandon this portion of the road so he could fence it. Mr.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 13, 2009**

Hall stated that he had not had a chance to investigate the situation, but would be happy to look at it and report back at the next meeting. The Commission agreed to carry the item forward.

Ms. Jeanette Burts requested that the Highway Department being maintaining Lee Road 750. Mr. Hall explained that this road was not on the Highway Maintenance List approved by the Commission. Ms. Burts stated that the road had been maintained by the county in the past. Mr. Hall stated that to his knowledge the road had not been maintained by the county. Mr. Hall stated that he would further investigate and report back to the Commission at the next meeting. The Commission agreed to carry the item forward.

Mr. Chad Anderson appeared before the Commission to request permission to provide trash pick-up service in the Smiths Station area. Mr. Jack Marshall stated that Solid Waste Officer Phil Sport had attempted to contact Mr. Anderson before the meeting without success. Mr. Marshall stated that Mr. Anderson needed to contact Officer Sport and provide the necessary paperwork to him before the Commission can consider the request. Mr. Marshall stated that a commitment to contract with individuals for the service would need to be provided before approval may be obtained. Mr. Anderson stated that he wanted to be assured he would be allowed to perform the service before he contracted with individuals. Mr. Marshall asked Mr. Anderson to contact Officer Sport so the details could be discussed. Mr. Anderson agreed to contact Officer Sport and obtain all the necessary documents to be considered for approval. No action was taken by the Commission.

Commissioner Harris asked the Commission to authorize his expenses to attend the NACo's Rural Action Caucus Steering Committee "Fly-in" in Washington, DC on April 28-30, 2009. Additionally, Commissioner Harris stated NACo would reimburse the county up to \$200 for his airfare. Commissioner Lawrence made a motion to approve the travel expenses for Commissioner Harris to attend the NACo Fly-in on April 28-30, seconded by Commissioner Holt and unanimously approved.

Commissioner Holt made a motion to approve the following beer license for Bars to Go, LLC, seconded by Commissioner Smiths and passed on a 4-0-1 vote with Commissioner Long abstaining.

**BE IT RESOLVED**, that the Lee County Commission approve a beer license (off premise only) for Beer to Go, LLC located at 2601 S. College Street, Auburn, Alabama.

Sheriff Jay Jones requested that the Commission authorize the following agreement with Sticks County Investment Group for security purposes during the Sticks country music event which is going to be held on April 17 and 18, 2009 at Parker Hill. Commissioner Smith made a motion to authorize Sheriff Jones to sign the agreement as presented, seconded by Commissioner Harris and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Sticks Country Investment Group, LLC has scheduled an open outdoor concert event in an unincorporated are of Lee County, Alabama; and

**WHEREAS**, the concert event has the potential of attracting a significant amount of people over a three day period; and

**WHEREAS**, the Lee County Sheriff is tasked by state law with the duty to ferret out crime in Lee County and the Sticks Country Investment Group, LLC requests assistance in providing a deterrent to crime; and

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 13, 2009**

**WHEREAS**, the Lee County Commission recognizes the proactive approach being requested; and

**WHEREAS**, the Lee County Commission is not in the financial position to allocate additional financial resources to the Lee County Sheriff for this event; and

**WHEREAS**, the Sticks Country Investment Group, LLC has agreed to provide financial resources for the assistance in providing a deterrent to crime.

**NOW, THEREFORE, BE IT RESOLVED**, the Lee County Commission authorizes the Lee County Sheriff to enter into a Reimbursement Agreement between the Lee County Sheriff and the Sticks Country Investment Group, LLC for the concert event; and

**BE IT FURTHER RESOLVED**, the Lee County Sheriff, acting within the scope of his constitutional authority, shall reimburse the County General Fund for any County Commission financial resources utilized in association with the Reimbursement Agreement.

**REIMBURSEMENT AGREEMENT**

**This Agreement**, made and entered into on this 15<sup>th</sup> day of April, 2009, by and between STICKS COUNTRY INVESTMENT GROUP, LLC (hereinafter referred to as "Sticks") and LEE COUNTY SHERIFF JAY JONES (hereinafter referred to as "Sheriff") WITNESSETH:

**WHEREAS**, Sticks, an Alabama Limited Liability Company, will be holding an open outdoor concert event known as Sticks Country Music Festival (hereinafter, the "event") at 2740 Lee Road 86, Waverly, Lee County, Alabama from April 17, 2009 through April 19, 2009; and

**WHEREAS**, Sticks desires Sheriff to direct sheriff's deputies to participate in providing a deterrent to crime at the event; and

**WHEREAS**, Sheriff has the duty to ferret out crime in Lee County pursuant to Alabama Code §36-22-3; and

**WHEREAS**, Sheriff has authority, granted by the Lee County Commission, to enter into this Reimbursement Agreement with Sticks to recover the costs of providing a deterrent to crime at the event, as requested by Sticks.

**NOW, THEREFORE**, it is agreed by and between the parties:

1. Sheriff hereby agrees to direct 32 uniformed deputy sheriffs for the purpose of providing a deterrent to crime.
2. Sticks, as an agent of the property owner, grants full access to the property for such purpose of deterring crime.
3. Sticks hereby agrees that Sheriff's deputies shall remain employees of the Lee County Sheriff's Office. Neither Sheriff nor his deputies shall be deemed agents, officers, or employees of Sticks. Therefore, Sheriff shall be responsible for all applicable payroll taxes and tax deposits for his deputies as required by federal, state and local regulations.
4. Sticks hereby agrees that the security staffing levels for the event shall be the sole responsibility of Sticks.
5. Sticks hereby agrees to maintain security levels such that sheriff's deputies will be reasonably safe and able to accomplish the tasks set forth in this Agreement.
6. Sticks hereby agrees to independently assess the level of security necessary and assign the requisite level of licensed security personnel to assure the safety of all attendees and participants in the event.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 13, 2009**

7. Sticks hereby agrees that this Agreement shall not limit in any way the authority of sheriff's deputies under state law.

8. Sticks hereby agrees to reimburse Sheriff the sum of Thirty-Five and 00/100 Dollars (\$35.00) per hour for each deputy for a total not to exceed Fifty Thousand and 00/100 Dollars (\$50,000.00) for the purpose of providing a deterrent to crime for the event.

9. Sticks hereby agrees to pay Sheriff within 15 days of receipt of Sheriff's invoice.

10. Sticks hereby agrees to obtain a contract or payment bond, from a reputable, licensed provider of commercial bonds, in the amount of \$50,000.00 to guarantee its payment to Sheriff under this agreement. Sticks also agrees to pay the cost of said bond.

11. To the fullest extent permitted by law, Sticks shall hold harmless, defend, and indemnify the Sheriff and his deputies from and against any and all claims, losses, damages, liabilities, and expenses, including, but not limited to, attorneys' fees, arising out of or resulting from the performance of services under this Agreement, provided that any such claim, loss, damage, liability, or expense is attributable to bodily injury, sickness, disease, death, or for injury to or destruction of property, including the loss there from, or for any violation of federal, state, or municipal law or regulation, which arises out of or is any way connected with the performance of this Agreement. Sheriff and/or his deputies may participate in the defense of any such claim without relieving Sticks of any obligation hereunder. Specifically, Sticks agrees to hold Sheriff harmless, to defend, and indemnify Sheriff, from all claims or damages in any action, suit, or proceeding brought by a third-party in which Sticks is determined to be negligent, wanton, or reckless in the performance or failure to perform its duties under this Agreement.

12. This Agreement constitutes a final written expression of all the terms of this Agreement and is complete and is an exclusive statement of those terms.

County Engineer Neal Hall presented a Resolution of Intent to spend federal funds on Pierce Road. Commissioner Long made a motion to approve the following Resolution, 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, a section of road included in the Lee County Road System as described as follows:

**Widen, Level, Resurface, Traffic Stripe and other Safety Improvements on Lee Road 427 (Pierce Road), from the intersection of Lee Road 248, then Southwesterly approximately 1.702 miles to the Russell County line.**

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

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

Mr. Neal Hall requested that a speed limit of 25 m.p.h. be placed on Chambliss Place Subdivision due to citizen concerns of speeding vehicles in the subdivision. Commissioner Long made a motion to set a speed limit of 25 m.p.h. in Chambliss Place Subdivision consisting of Lee Road's 2105, 2106 and 2107, seconded by Commissioner Lawrence and unanimously carried.

County Administrator Roger Rendleman presented a financial report on the Environmental Services Department. Mr. Rendleman stated that the Commission had three choices: 1) to do nothing, 2) to raise the garbage fees, or 3) to reduce operational costs. Mr. Rendleman stated that looking at current trends, if nothing is done, the Environmental Services Division will have a deficit fund balance by fiscal year 2011. Mr. Rendleman pointed to two

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 13, 2009**

significant factors that will affect the department over the next few years. First, Mr. Rendleman stated that the most significant factor is the loss of \$250,000 in annual revenue from residents in the corporate limits of the City of Smiths Station beginning in fiscal year 2008 while experiencing very minor decreases in the disposal costs. Second, the disposal fee at the landfill increasing 25.7% with the three year renewal from the bid awarded in February 2009. Mr. Rendleman stated that unless services are reduced and/or revenues increased, the Environmental Services Fund will no longer be able to sustain current operational costs, much less invest in capital replacement and improvements. Mr. Rendleman graphed two scenarios showing an increase of garbage fees of \$2 per month and \$4 per month. Mr. Rendleman stated that the \$2 per month increase could maintain the fund by covering ongoing operational costs, but it would not address the immediate and near future capital and service expansion needs. Mr. Rendleman stated that overall the \$4 per month scenario would cover the ongoing costs including the expansion of disposal services and the added debt service from capital acquisitions and improvements. Mr. Rendleman stated that the scenarios are not absolute; however, they are reasonable based on current trends and identifiable factors. Certain issues could have a significant impact on the scenarios. For example, Mr. Marshall has pointed out that the commercial fees are currently \$24 a month. Although, this is twice the rate for residential, some commercial businesses dump a tremendous amount of waste on a daily basis. Mr. Marshall would recommend that either the county stop taking commercial waste, which will force the businesses to use private contractors, or at least raise the fee \$12 per month to \$36 per month/\$432 a year. Mr. Rendleman stated that decisions need to be made on the future of the Environmental Services Fund and unfortunately the state of the national economy and softness of our own local economy adds a certain level of complexity to those decisions; however, the trends clearly indicate that we can not continue in a status quo mode. After discussion, Commissioner Lawrence asked that the department address three things. First, Mr. Marshall and Mr. Hall need to evaluate and look at ways to reduce costs to stay within the budget in Environmental Services Department and Recycling Program. Next, he requested that Mr. Marshall evaluate the commercial charges for disposal services. Last, Commissioner Lawrence stated that if a price increase is implemented, he would like to look at a five-year plan to grow the system and look at how it will affect the consumer needs and to make sure the increase would be sufficient to meet our needs now and in the future. Mr. Rendleman stated that action would need to be taken before June if the Commission wants Revenue Commissioner Oline Price to add it to this fall's property tax assessments.

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

Governmental Relations Coordinator Wendy Swann requested that the Commission appoint a Complete County Committee to help with outreach efforts on behalf of the 2010 census in Lee County. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Smith that Lee County endorses and supports the 2010 Census and authorized the Chairman to sign the appropriate paperwork. The motion passed unanimously.

During discussion, Commissioner Harris wanted to make two announcements, and asked the Commission to agree to meet with Chambers County and Macon County on the recruitment of industry to the area. Commissioner Lawrence questioned when the meeting would be scheduled. Judge English stated that in order for a quorum of the Commission members to meet, five days notice would have to be advertised prior to the meeting. Commissioner Harris then stated that a conference call should be arranged with Ms. Joseph so that all the Commissioners could be informed of her progress. Again, Judge English stated that if a quorum of the Commission members would be in attendance, then notification would have to be properly advertised prior to any meeting. Judge English suggested that a report be sent to Mr. Rendleman, who would then forward the report to the Commission. Commissioner Lawrence questioned if the contract with Ms. Joseph specified a reporting date. Commissioner Lawrence requested that an update be made available by Wednesday or by the next meeting.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 13, 2009**

Commissioner Lawrence made a motion at approximately 6:50 p.m. to adjourn, seconded by Commissioner Smith and unanimously carried that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 27, 2009**

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

During citizens' communication, Ms. Lakeatha Parker of Lee Road 619 stated that her home had been burglarized April 16. Ms. Parker stated that she was concerned for her safety. Mr. Tracey also of Lee Road 619 stated that several residents had been victims of burglary. Mr. Tracey stated that Sheriff Jones' Office had done a commendable job by apprehending the suspects. Ms. Parker stated that she would like increased law enforcement in the area. Sheriff Jay Jones, who was in attendance, stated that he would talk to the gentleman at the trailer park located in the vicinity. No action was taken by the Commission.

Sheriff Jay Jones recognized Deputy Kevin Taylor for being Deputy of the Month for March 2009. Sheriff Jones stated that Deputy Taylor had been involved in two separate incidents which involved taking illegal weapons off the streets. Sheriff Jones commended Deputy Taylor for his outstanding performance of his duties. Sheriff Jones also recognized Deputy Taylor's wife and daughter who were in attendance. Judge English thanked Deputy Taylor for his actions.

EMA Director Kathy Russell updated the Commission on the swine flu pandemic. Mrs. Russell stressed the importance of hand washing. Mrs. Russell further advised to refrain from shaking hands or keeping close contact with other individuals due to the fact that these are among the ways that the disease is transmitted. Additionally, Mrs. Russell provided a handout that covered things to do to protect you family and friends. Further Mrs. Russell directed people to the Lee County EMA website for further information.

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 D. Long, Annell Smith and John Andrew Harris. Commissioner Mathan Holt was absent.

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

County Engineer Neal Hall reported back to the Commission on Mr. Ed Wilder's request to abandon a portion of Lee Road 265. Mr. Hall stated that he had looked at the portion requested to be abandoned and stated that it would be in the best interest of the county to abandon the road. County Attorney Stan Martin advised the Commission that Mr. Wilder needs to formally request that the Commission abandon the road. Mr. Martin stated that he would request that Mr. Wilder get an attorney to draw up the paperwork otherwise the county would have to incur these costs. After discussion, Mr. Hall stated that he would inform Mr. Wilder of the situation and ask that Mr. Wilder take the legal steps necessary to start the process to abandon the portion of Lee Road 265 road. No action was taken by the Commission at this time.

Mr. Hall reported back on Lee Road 750 and stated that the county had not maintained this road in over 25 years, but that there had been some private maintenance done by the citizens there. Commissioner Lawrence questioned whether we had the necessary right-of-way or if there was enough room for it. Mr. Hall requested that the item be moved to the next agenda.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 27, 2009**

Again, Mr. Tommy Collier requested that the Commission accept the rest of Lee Road 722 for maintenance. Mr. Hall stated he had looked at the road, but after discussion had discovered he had looked at the wrong portion of Lee Road 722. Mr. Hall stated that he would take another look at the road and report back to the Commission at the next meeting.

After discussion in the pre-meeting, Commissioner Harris made a motion during the meeting that Lee Road 132 be paved by prescriptive right-of-way. The motion was seconded by Commissioner Smith for discussion. Mr. Hall reported that approximately 58% of the landowners had given the necessary right-of-way, but that the other 42% continued to refuse and did not want the road paved. Commissioner Lawrence stated that the road did not meet the current dirt road paving policy and his concern was with the ability of two-way traffic to travel the road safely. Commissioner Harris stated that the road was in his district and he felt he should be able to make a decision on the road. Mr. Rendleman stated that the policy is for guidance and consistency and stated that Mr. Hall's concern is for the safety of the public traveling the road. Mr. Rendleman stated that the Commission may need to start considering condemnation to receive the right-of-way in situations such as this. After vote was taken on the issue, the motion passed on a vote of 3-1 with Commissioner Lawrence voting "No".

Since no one was present on the subject, Commissioner Harris asked that the agenda item concerning the NACo Drug Plan be moved to the next agenda. The Commission agreed to move the item forward.

Tim Moore of Moore Construction appeared requesting that the Commission help him concerning a situation on a road off Lee Road 83 known as Sara Lane. Mr. Moore stated that he had built a house on this road and that the City of Auburn was refusing to sign-off on the plat unless the county agreed to number the road and accept it into county maintenance. County Attorney Stan Martin stated that he would like to take a look at the information and talk to Attorney Crawford Melton, who originally raised the private road issue. Mr. Moore stated that he was only here for the road issue, and he questioned whether the county would accept the road if he got the individuals to deed their rights-of-way over to the county. After more discussion, Commissioner Harris made a motion to accept the road for maintenance, contingent upon the request being deemed appropriate by Mr. Martin and Mr. Hall, and contingent upon Mr. Moore being able to get the signatures of the landowners to give the right-of-way to the county. The motion was seconded by Commissioner Long and unanimously carried.

Revenue Commissioner Oline Price presented the following Resolution for consideration. Commissioner Smith made a motion to accept the following Resolution as presented, seconded by Commissioner Lawrence and unanimously carried.

**RESOLUTION**

**WHEREAS**, Section 40-10-15 of the Code of Alabama, 1975 requires the county tax collection official to conduct a sale at public outcry in front of the door of the Courthouse of the county for the payment of taxes assessed when the collection official is otherwise unable to collect such taxes; and

**WHEREAS**, Section 11-3-11 of the Code of Alabama, 1975 authorizes the County Commission to "direct, control and maintain the property of the county as it may deem expedient according to law..."; and

**WHEREAS**, the County Commission meeting chambers are adjacent to the front of the Courthouse and are more conducive to conducting such a sale without interfering with the daily functions of the Courthouse;

**NOW, THEREFORE BE IT RESOLVED** by the Lee County Commission that the Lee County Revenue Commissioner is authorized to conduct the annual tax sales as directed by the

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 27, 2009**

Code of Alabama in the Commission meeting chambers of the Courthouse between the hours of 10:00 a.m. and 4:00 P.M. and to continue from day to day until all real estate embraced in the decrees of sale have been sold.

Judge English stated during the pre-meeting that an update was included in the packets on the progress of the Comprehensive Development Strategies, but that Ms. Joseph would not be in attendance. Commissioner Harris next introduced Ben Hand who was representing Emergency Response Training Systems, Inc. Mr. Hand presented an update on a plan for his company to partner with Auburn University to obtain a grant for a center for emergency response training. Judge English questioned how this connected with the agenda item. Commissioner Harris stated he had asked Ms. Joseph to work with this group to see if it would qualify for Homeland Security funding. Mr. Hand wanted to include the Commission since Ms. Joseph had relayed that there were funds available through Homeland Security. In addition, Mr. Paul Waggoner of Auburn University was in attendance to promote the partnership in this project. Mr. Waggoner stated that Auburn had a license to use the software which would be utilized if the grant money became available.

Commissioner Harris made a motion to schedule a joint meeting with the Chambers and Macon County Commission for May 18 at 6:00 p.m. in the Commission chambers of the Lee County Courthouse to discuss economic development. The motion was seconded by Commissioner Smith and unanimously carried.

Mr. Hall presented the following Resolution for stimulus funds for North Donahue Road. Commissioner Lawrence made a motion, seconded by Commissioner Long and unanimously carried, that the following Resolution be adopted.

**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:

Resurface Lee Road 082 (North Donahue Drive) to include upgrading a functionally obsolete roadway to meet current design standards, adding a center lane, installing guardrails, signage, striping and pavement markers from Lee Road 083 for approximately 1.3 miles to Lee Road 072 (Farmville Road).

Location map located at the Lee County Highway Department.

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

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

Mr. Hall presented the following Resolution for a HRRR Project. Commissioner Smith made a motion to accept the following Resolution as presented, seconded by Commissioner Lawrence and unanimously carried.

**RESOLUTION**

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 27, 2009**

Installation of pavement markers, rumble strips, and warning signs at the intersection of Lee Road 188 and Lee Road 072. Also, pavement markers and warning signs to the section of Lee Road 151 between Lee Road 391 and Lee Road 148.

Location map located at the Lee County Highway Department.

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

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

Mr. Hall made a recommendation to accept The Village at Halawaka, Phase III for maintenance. Commissioner Smith made a motion to accept for maintenance The Village at Halawaka, Phase III, consisting of Lee Roads 2151 and 2152, seconded by Commissioner Long and unanimously carried.

Commissioner Smith made a motion to approve the following retail beer and retail table wine licenses (off premises only) for Hornet Quick Stop, seconded by Commissioner Harris. The motion carried on a vote of 3-0-1 with Commissioner Long abstaining.

**BE IT RESOLVED** that the Lee County Commission grant the application for a retail beer and a retail table wine license for Hornet Quick Stop located at 7717 Lee Road 51, Opelika, Alabama.

Commissioner Lawrence made a motion, seconded by Commissioner Smith to add an item to the agenda and unanimously carried. Commissioner Lawrence made a motion to approve the following Resolution concerning the retrofit of the emergency alert sirens to solar power, seconded by Commissioner Harris and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Lee County EMA wishes to file a grant application to Alabama Department of Economic and Community Affairs (hereafter referred to as ADECA) on or before 05/07/09 through the Energy Efficiency and Conservation Block Grant (hereafter referred to as EECBG); and

**WHEREAS**, the Lee County Commission wishes to support the Lee County EMA in its efforts to obtain funds from ADECA for the purpose of retrofitting weather warning sirens to function by solar power to better serve the citizens of Lee County, Alabama through enhanced warning services, through a more energy efficient use of assets, through cost savings to taxpayers; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Lee County Commission hereby endorses the filing of said application, for no more than \$250,000, including all understandings and assurances contained therein, and directs and authorizes its Chairman to act in connection with the application and to provide such additional information, support, documentation; and

**BE IT FURTHER RESOLVED**, that the Lee County Commission hereby pledges support in the form of administration needs, as specified in the ADECA Grant Process, in accordance with all grant assurances and agreements in an effort to satisfy all stated requirements of this period of performance. Also, let it be known that the Lee-Russell Council of Governments, working in conjunction with the Lee County EMA proposes to work as grant author up to and including grant submission and upon possible award serve as grant administrator throughout the period of performance as stated within the grant contract.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 27, 2009**

Upon advice of County Attorney Stan Martin, the Commission adjourned into executive session. Mr. Martin stated that the following needed to attend: County Engineer Neal Hall, Assistant Engineer Justin Hardee and Administrator Roger Rendleman. Mr. Martin stated that the executive session would last approximately 15 minutes and no formal action was expected to be taken upon conclusion of the executive session. Commissioner Lawrence at approximately 7:05 p.m. made a motion to go into executive session concerning current litigation, seconded by Commissioner Long and unanimously carried.

Commissioner Smith made a motion at approximately 7:15 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 11, 2009**

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

County Administrator Roger Rendleman updated the Commission on the purchasing card program. Mr. Rendleman stated that he is pleased with the initial test use. He stated that the process had been fairly smooth. He stated that the next department to implement the purchasing card would be the Emergency Management Agency.

EMA Director Kathy Russell informed the Commission that weekly siren testing would begin on June 3<sup>rd</sup> now that we have new software which is capable of pinpointing the location and sounding the sirens only in areas where unfavorable conditions have been identified. Mrs. Russell stated that the National Weather Service wants to narrow the lead-time to approximately 10-15 minutes to warn citizens of inclement conditions. Commissioner Lawrence questioned if any new sirens are in the plan, since there are still areas of the county that do not have adequate siren coverage. Mrs. Russell stated that perhaps with the census study approaching, a new density study could be made and new sirens could be purchased for Lee County if resources could be located.

Legislative Coordinator Wendy Swann presented an update on the Legislative session and stated that all legislation submitted by Lee County had passed, except the Revenue Referendum, which was not expected to be introduced anyway, judging from past experience.

Goodwyn, Mills and Cawood Representative Nathan Sills gave an update on the Comprehensive Plan that is currently being developed. Mr. Sills stated that the process was moving as anticipated, and the second round of town meetings would take place on June 16, 17 and 18 at the same locations as before with the exception of the meeting site at Southern Union, which would be changed to the Johnson Galleries Building.

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 D. Long, Annell Smith and John Andrew Harris. Commissioner Mathan Holt was absent.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: minutes of the April 27 meeting, two listings of claims, and a copy of the purchasing card report. Presented during the pre-meeting were an additional listing of claims to be paid and an additional listing of claims to be ratified. Commissioner Smith made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence and carried unanimously.

Tim Moore of Moore Construction again appeared before the Commission asking for help concerning a situation on a dirt road off Lee Road 83 known as Sara Lane. Mr. Moore stated that he understood after the last meeting that the Commission had agreed to accept Sara Lane. In addition, he stated that neither Mr. Martin nor Mr. Hall were abiding by that decision. Judge English informed Mr. Moore that the minutes read that the Commission would accept the road contingent upon the request being deemed appropriate by Mr. Martin and Mr. Hall, and Mr. Moore obtaining the necessary right-of-way signatures. Commissioner Lawrence asked Mr. Moore if he had acquired the necessary right-of-way signatures that the Commission required, and Mr. Moore replied that he had not, but that those would be no problem. Mr. Martin reported that the closing attorney had sent him warranty deeds to the rights-of-way, but that Mr. Hall thought right-of-way deeds would be more appropriate than warranty deeds. County Engineer Neal Hall was absent due to a death in the family. In Mr. Hall's absence, Assistant Engineer

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 11, 2009**

Justin Hardee stated that since the last Commission meeting, Mr. Hall had talked with someone at the City of Auburn who stated that the City would consider granting a variance on this road if the County did not accept it for maintenance. Mr. Hardee stated that because of this new development Mr. Hall thought that this information should be relayed to the Commission for further consideration. Mr. Hall and Mr. Martin had agreed that it was not in the best interests of the county to add an additional road to our dirt road maintenance program. Mr. Moore stated that he felt that he would have to continue to jump through hoops for the City of Auburn, and he did not feel that the City would follow-through. After further discussion, Mr. Moore indicated that he would approach the City of Auburn next. No action was taken by the Commission.

Judge English asked about advertising in the Alabama National Fair program again this year. Judge English noted a decrease from \$125 to \$75 from past years' cost. Commissioner Lawrence made a motion to pay \$75 for the Alabama National Fair advertisement from the Contingent Fund, seconded by Commissioner Smith and unanimously carried.

Upon discussion of the invoice from Ms. Joseph of Comprehensive Development Strategies, both Mr. Rendleman and Judge English indicated that they had deferred approval of this payment request to the entire Commission to ensure that the Commission was satisfied that the contract had been adequately performed and that payment was due. Commissioner Lawrence questioned if the Commission had received a final report detailing the accomplishments. Commissioner Harris responded by stating that all the Commissioners were sent a written report from Ms. Joseph. Further, Commissioner Harris stated that he had talked to Mr. Hall who stated that he would attest to each item and that the two roads would not be successful without Ms. Joseph. Commissioner Lawrence stated that he did receive a report from Ms. Joseph, but he would request a final report. Judge English questioned if the Commission would like a report from Mr. Hall on Ms. Joseph's accomplishments for the Highway Department. The Commission agreed to carry the item forward to the next agenda for further clarification.

After extended discussion of the various drug plans, Commissioner Harris made a motion to adopt the NACo Drug Plan, seconded by Commissioner Smith and unanimously carried. Commissioner Lawrence questioned who would administer the plan. Commissioner Harris responded that Mrs. Swann or whoever could administer the plan for Lee County. Additionally, Commissioner Harris stated that all departments could be responsible for the distribution of the materials. Commissioner Smith stated that NACo could bear the responsibility to send the materials to each pharmacy in Lee County. Judge English asked whether the Commission wanted to adopt both the NACo plan and the County Rx plan for maximum availability to the citizens. Judge English questioned if Lee-Russell Council of Governments could be contacted to administer the program.

Environmental Services Director Jack Marshall included information in the packets on the proposed garbage fee increase. Mr. Marshall made a recommendation that the Commission increase the residential garbage fee an additional \$4.00 per month and stop accepting commercial garbage from business enterprises in Lee County. Commissioner Smith questioned how to stop the commercial users from placing garbage in the dumpsters. Mr. Marshall stated that all 245 commercial businesses could be contacted and told that Lee County was no longer handling commercial accounts and that they would have to contract with private vendors. Commissioner Smith stated that the commercial garbage fee needed to be increased rather than discontinued. Commissioner Long suggested that the commercial fee be doubled to keep the contractors from dumping on the side of the road. Mr. Marshall suggested if the Commission wanted to keep the commercial fees that they should consider adding an annual CPI to the fee. Commissioner Lawrence said he supported Mr. Marshall's proposed five year plan for personnel, land and equipment acquisitions. After more discussion, Commissioner Long made a motion to increase the residential garbage fee from \$144.00 per year to \$192.00 per year and double the commercial fee from \$288.00 to \$576.00 per year, with an additional increase each year based on the CPI index. The motion was seconded by Commissioner Lawrence for discussion. Mr. Rendleman stated that the increase would be assessed October 1, 2009 to be collected beginning October

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 11, 2009**

2010. Further, Mr. Rendleman stated the increase should be advertised for 30 days before it is added to the tax bill according to local law. Mr. Rendleman stated that the local law says that it shall be published in the Opelika-Auburn News, the Auburn Bulletin and the Columbus Ledger prior to its enactment. After more discussion, Judge English suggested that the vote be taken after the 30 day advertisement. Commissioner Long withdrew his motion and Commissioner Lawrence withdrew his second. Commissioner Long then made a motion to advertise this proposed increase and vote after the 30-day advertisement, seconded by Commissioner Lawrence and unanimously carried.

Mr. Eric Hodge, who was to present a presentation on Energy Efficiency, once again asked to be removed from the agenda due to a conflict with the meeting date. Judge English reported that he did not intend to place Mr. Hodge on the agenda again until he was actually present.

Commissioner Lawrence made a motion to approve the expenses for any Commissioner wishing to attend the Alabama City/County Management Association conference June 30-July 2 in Orange Beach, Alabama and the ACCA Annual Conference August 18-20 at Orange Beach, Alabama. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Harris made a motion to amend the Right-of-way Policy as follows, seconded by Commissioner Smith and approved on a 3-1 vote with Commissioner Lawrence voting "No".

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

1. The County Commission shall adopt a Dirt Road Paving List which authorizes the Highway Department to begin acquiring the Right-of-Way for each dirt road on the Paving List.
2. Property owners desiring to have their dirt road paved shall so indicate by voluntarily donating and executing a Right-of-Way deed as prepared by the Highway Department. The Highway Department shall be responsible for procuring and recording the executed Right-of-Way deeds for all the property owners on the dirt road.
3. All such donated property shall be sufficient to establish a minimum Right-of-Way width of twenty (20) feet up to a maximum width of forty (40) feet on each side of the existing dirt road centerline for a total minimum Right-of-Way width of forty (40) feet or a total maximum width of eighty (80) feet depending on roadway characteristics. The minimum and/or maximum Right-of-Way width may be subject to an exception where the County Engineer utilizes Professional Engineering Judgement to determine that an adjustment to the minimum and/or maximum Right-of-Way width is necessary to accommodate the paving of the dirt road.
4. When a dirt road has been selected for paving that incorporates a NBIS Bridge/Approaches, all such donated property shall be sufficient to establish a minimum Right-of-Way width of forty (40) feet on each side of the existing NBIS Bridge/Approaches centerline for a total minimum Right-of-Way width of eighty (80) feet. The minimum Right-of-Way width may be subject to an increase where the County Engineer utilizes Professional Engineering Judgement to determine that an increase to the minimum Right-of-Way width is necessary to accommodate the replacement of the NBIS Bridge/Approaches.
5. If the Highway Department acquires 90% of the Right-of-Way (defined as multiplying the total number of parcels of property by 90% and utilizing the whole number portion of that product number as the 90% requirement) through voluntary donation and meets resistance with the remaining property owners; then, the County Engineer will try and negotiate the purchase of the remaining property with the owners.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 11, 2009**

6. If the Highway Department is unsuccessful in negotiating the Right-of-Way acquisition, only then will the Highway Department be authorized by the Lee County Commission to pave the dirt road utilizing the existing, county maintained, Prescriptive Right-of-Way. All dirt roads paved with prescriptive Right-of-Way shall have a minimum pavement width of eighteen (18) feet. Any pavement width less than eighteen (18) feet, shall require Commission approval.

Commissioner Lawrence made a motion at approximately 6:25 p.m. to adjourn, seconded by Commissioner Smith and unanimously carried that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 26, 2009**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, May 26 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During citizens' communication, Red Cross Development Officer Beth Witten thanked the Commission for their support of the local Red Cross Office. Mrs. Witten stated that the recent tornadoes and a local fire had kept them busy. She stated that hurricane season officially begins June 1. Additionally, Mrs. Witten invited the Commissioners to attend their annual Volunteer Appreciation Dinner on June 4 at the Auburn University Student Center. Judge English thanked her for her taking the time to come before the Commission to thank them.

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 D. Long and John Andrew Harris. Commissioners Mathan Holt and Annell Smith were absent.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included two listings of claims. Presented during the pre-meeting were an additional listing of claims and the minutes of the May 11 meeting. Judge English asked if the Commission wanted to move the approval of the minutes to the next meeting, since they did not have time to review them prior to the meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented and move the approval of the minutes to the next meeting, seconded by Commissioner Long and unanimously carried.

Judge English presented the invoice for services from Comprehensive Development Strategies concerning work performed by Ms. Joseph. Judge English indicated that he felt the invoice was due to be paid according to the terms of the contract, but left it to the Commission to determine whether the services had been performed to the Commission's satisfaction. The Commissioners had asked for a report from County Engineer Neal Hall, who was absent at the last meeting. Mr. Hall stated that Ms. Joseph had been involved in researching whether Lee County would be able to obtain stimulus funds for the Pierce Road project. Mr. Hall had previously been told by the Columbus MPO that Lee County did not qualify, but after several phone calls placed by Ms. Joseph it was determined that Lee County would qualify for the funds. Mr. Hall stated that Ms. Joseph helped secure stimulus funds for Lee County on this project. Upon this discussion, Commissioner Long made a motion to approve payment to Comprehensive Development Strategies as per the contract for \$7,500. The motion was seconded by Commissioner Harris and unanimously carried.

Judge English explained his reasons for canceling a joint meeting with other county commissions previously scheduled for May 18, due to the fact that he was told by all three of them on Friday, May 15, that they either did not know about the meeting or were not planning to attend. Commissioner Harris expressed his objections to Judge English's cancellation of the meeting, since he had invited speakers to attend and present information and had been told by some commissioners that they would attend. After discussion in the pre-meeting, Judge English suggested that if the Commission was still interested in having a joint meeting with Macon, Russell and/or Chambers counties, that they allow County Administrator Roger Rendleman to contact his counterparts and evaluate the interest of the other county commissions and coordinate any potential joint meeting. Judge English further suggested that an appropriate agenda should be defined and that there should be prior identification of any presenters to be invited. Further he stated that several optional dates should be proposed to the other counties to avoid scheduling conflicts. Commissioner Harris agreed to coordinate his efforts with Mr. Rendleman and agreed to work on an agenda for the meeting.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 26, 2009**

Judge English presented Commissioner Harris' application to be submitted for reappointment to the NACo Rural Action Caucus Steering Committee. Judge English stated that the application asked if the Commission supported the application and agreed to provide financial support, therefore he wanted the Commission to vote on the commitment. Commissioner Long made a motion to support this request, seconded by Commissioner Lawrence and unanimously carried.

No action was taken on the agenda item concerning Lee Road 697 due to the fact that Mr. Charles Roberts was not in attendance.

During the pre-meeting, Mr. Gary Jones of the Columbus Chamber of Commerce gave a Power-Point presentation on the BRAC Regional Growth Management Plan. Mr. Jones presented the projected growth for Lee County from this project. Further, Mr. Jones stated that the completion date, which is mandated by law, is September 2011. Mr. Jones thanked the Commissioners for the opportunity to share this update on behalf of the Valley Partnership. Judge English thanked Mr. Jones for his presentation.

Mr. Rendleman stated that upon receipt of an email from the ACCA concerning the reduction in the Oil and Gas Trust Fund money of approximately \$200,000, the budget for resurfacing had been reduced to reflect this cut. Lee County received the Oil and Gas Trust Fund check in April and noticed that no reduction had been made. Upon investigation, the reduction of these funds will not take effect until April 2010. Due to the receipt of these funds, Mr. Rendleman requested that the Commission reinstate \$100,000 for the resurfacing program and adjust the budget accordingly. Additionally, Mr. Rendleman requested that the remaining \$100,000 be used to finish the Auburn Satellite Office. Mr. Rendleman suggested that \$60,000 of the \$100,000 be used for the completion of the contract and \$40,000 be used to purchase equipment to prepare the building for use. Upon this request, Commissioner Lawrence made a motion to approve the Capital Improvement Fund budget adjustments as presented, seconded by Commissioner Long and unanimously carried.

Mr. Rendleman then requested that the Commission amend the adopted budget for the 2009 Fiscal year for the following items. Mr. Rendleman stated that these were only housekeeping items and that they did not represent additional monies in the respective funds. First, Mr. Rendleman asked to adjust the budget in the RRR Fund to reflect the City of Auburn's financial contribution of \$398,538 for the Beehive Road Project for the West End Technology Park. Mr. Rendleman stated that these funds would reimburse the resurfacing program. Next, to adjust the General Fund \$67,500 for funds received from the E-911 Board to assist in funding the new information system for the Sheriff's Office. Additionally, to adjust the General Fund for \$31,125 and the EMA Fund 152 for \$4,185 to reflect the revenue and expenditures as incurred for game day services due to a change in the financial arrangements. Last, due to the a small communication grant for equipment received by EMA, but not budgeted, an adjustment to the EMA Fund 152 for \$224 and EMA Fund 154 for \$1,477. Commissioner Long made a motion to approve the budget amendments as presented, seconded by Commissioner Harris and unanimously carried.

Last, Mr. Rendleman presented information he had received from Charter Communications concerning their bankruptcy proceedings. Mr. Rendleman explained that Lee County Commission has standing in the reorganization plan with approximately \$10,400.80 in unpaid franchise fees. He stated that Lee County had been sent ballots for the various amounts that make up the total amount in order to vote on accepting or rejecting the debtor's joint plan of reorganization. The County's claims have been placed in a class identified as J-6: General Unsecured Claims against CCO and its direct and indirect subsidiaries. Under the proposed plan, the County is projected to recover 100% of the \$10,400.80 in unpaid franchise fees. Mr. Rendleman questioned if the Commission wished to vote on the reorganization plan. Further, Mr. Rendleman stated that if the Commission wishes to cast the ballots received for Charter's

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 26, 2009**

Joint Plan of Reorganization Pursuant to Chapter 11, to authorize the County Administrator to cast the ballots and provide whether to accept or reject the plan. Commissioner Harris made a motion to authorize the County Administrator to accept the plan as proposed, seconded by Commissioner Long and unanimously carried.

Planning Commission Member Robert Ham appeared before the Commission to request funds for advertising to promote the attendance at the second round of Town Meetings scheduled for the week of June 15 regarding the Lee County Master Plan. Mr. Ham stated that the request of \$650 was for 50 double-sided yard signs with stakes and for advertisement on the Weather Channel. Commissioner Lawrence questioned if that amount was sufficient to get the word out to the community. Mr. Ham stated that additionally an Open House was planned at the Johnson Galleries Building and refreshments would be served to possibly increase attendance. After more discussion, Commissioner Lawrence made a motion to approve up to \$2,500 for advertising and other expenses for the Town Hall meetings, seconded by Commissioner Long and unanimously carried.

Commissioner Harris made a motion at approximately 6:09 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 8, 2009**

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

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 Gary D. Long, Annell Smith and John Andrew Harris. Commissioners Mathan Holt and Johnny Lawrence were absent.

Commissioner Harris gave an update on the status of the joint meeting discussed during the last meeting. Commissioner Harris stated that he and County Administrator Roger Rendleman had met and that Commissioner Harris will identify proposed presenters and help Mr. Rendleman create an agenda for the joint meeting and once that is finalized Mr. Rendleman will contact county administrators from Macon, Russell and Chambers Counties to inform them of the purpose of the meeting, explore their interest in such a meeting, and try to identify a mutually agreeable date for those who want to do so to meet.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included two listings of claims, a copy of the procurement card transactions, the minutes of the May 11 and May 26 meetings, and Bid #11 for in-car digital cameras. Sheriff Jay Jones reported that out of 12 bids sent only four bids were received. Sheriff Jones stated that the low bidder did not meet the bid specifications due to the fact that the unit they quoted was not a one-piece unit and the cameras quoted did not have multiple download capabilities. Sheriff Jones recommended that the bid be awarded to Integrated Technologies for \$4,025 per system who was the lowest responsive bidder. Commissioner Smith made a motion to approve the consent agenda items as presented, with the exception of the May 26 meeting minutes, seconded by Commissioner Long and unanimously carried. Next, Commissioner Long made a motion to approve the minutes of the meeting held on May 26, seconded by Commissioner Harris. The motion carried on a 2-0 vote with Commissioner Smith abstaining on that vote due to her absence from that meeting.

Commissioner Harris presented a new contract proposal from Comprehensive Development Strategies for writing a grant request for low-income housing rehabilitation. Commissioner Harris stated that due to a July 10 deadline on the grant, he was requesting that the Commission allow Ms. Amanda Joseph to write the grant application for a fee of \$5,000 since there was such a small window of opportunity. Lee-Russell Council of Governments representative Lisa Sandt was in attendance and stated that their agency does not charge member governments, such as Lee County Commission, a fee for writing grants but does charge a fee for the administration of awarded grants. Additionally, Mrs. Sandt stated that the housing rehabilitation grants are very time consuming and stated that there are lots of requirements that must be met including writing Policies and Procedures which details the guidelines and qualifications of the program. Commissioner Harris stated that they could look at and follow the guidelines currently used by the Cities of Opelika and Auburn for these grants. Mrs. Sandt further discussed that Lee County may qualify for approximately \$100,000, which would be approximately enough to rehabilitate ten homes more or less. Commissioner Long stated that Lee County has a lot more than 10 homes that need rehabilitation assistance, and stated he would like more time to look into the situation further. Commissioner Smith stated she did not want to be rushed into something before she had time to research it further. After discussion in the pre-meeting, Commissioner Harris made a motion during the meeting to request that Lee-Russell Council of Governments research housing rehabilitation programs in other counties and municipalities and report back to the Commission. The motion was seconded by Commissioner Long and unanimously carried. Mrs. Sandt stated that she would talk to other regional councils to ask how they are involved in housing rehabilitation programs.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 8, 2009**

Next, Ms. Michelle Pugh of the Alabama Council on Human Relations asked the Commission for a letter of support of the local ACHR office to handle the weatherization program for the residents that qualify. Commissioner Smith made a motion to support the local ACHR Office's efforts to manage the weatherization program in Lee County, seconded by Commissioner Harris and unanimously carried. Ms. Pugh invited the Commission to attend a meeting with ADECA on June 19 at 1:00 p.m. at the Opelika City Hall.

Revenue Commissioner Oline Price gave her annual report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2008 and Uncollected Insolvencies and Taxes in Litigation for previous years, as required by Code of Alabama 1975, Sections 40-5-23 & 40-5-29. Commissioner Smith made a motion to adopt the following resolution, seconded by Commissioner Harris, and unanimously carried:

**BE IT RESOLVED** by the Lee County Commission that the reports filed by Oline W. Price, Lee County Revenue Commissioner, of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2008 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.

County Engineer Neal Hall recommended that that Commission accept Amberbrook Subdivision containing Lee Road 2126 for permanent maintenance by the Lee County Highway Department. Judge English questioned how long the subdivision had been delinquent. Mr. Hall responded two years and stated that the final resurfacing had been done on the road, thereby meeting final inspection. Upon Mr. Hall's recommendation, Commissioner Smith made a motion to accept Lee Road 2126 in Amberbrook Subdivision for permanent maintenance, seconded by Commissioner Harris and unanimously carried.

Judge English reminded those in attendance of the Town Hall meetings to be held next week. Ms. Swann identified the dates and times and encouraged public attendance.

Commissioner Smith made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Long and unanimously carried that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 29, 2009**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, June 29 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, Gary Long, Annell Smith and John Andrew Harris. Commissioner Johnny Lawrence was absent due to his attendance at the ACCMA Conference.

EMA Director Kathy Russell was proud to announce Johnny Langley, Rita Smith, Chris Tate and Mary Moore had received their Advanced AEMA Certificate, which entailed over 1,000 hours of instruction to complete. Mrs. Russell stated that Lee County was one of only 6 counties in Alabama where the entire full-time staff had earned this level of certification. In addition, Volunteer Dan Foy had completed the intermediate level of certification. Mrs. Russell stated that this was a dream of Ms. Matthews the former EMA Director. Additionally, Judge English recognized that Mrs. Russell had obtained her CEM certification. Judge English congratulated each on their accomplishment.

Attorney Kurt Johnson representing the Lee-Chambers Water Authority informed the Commission that the water authority is currently negotiating the sale of the Chambers county portion of their service area, involving about 800 of their 4,000 customers, to the East Alabama Water Authority in Chambers County. Mr. Johnson explained that this would resolve some jurisdictional problems, prevent any future political issues and address potential equipment replacement issues due to the age of the system. Mr. Johnson stated that East Alabama Water Authority was in agreement with the proposed arrangement. Judge English questioned why either of them would want to do this. Mr. Johnson stated that the East Alabama Water Authority can provide sewage service to their customers, whereas Lee-Chambers Water Authority does not, and that would help with future growth in the Chambers county area with the ability to add additional customers to their service. He also said that Lee-Chambers would use the proceeds to reduce their bonded indebtedness. Judge English asked about rates, and Mr. Johnson replied that they did not anticipate any rate increases for either water or fire service as a result of this transaction. Mr. Johnson stated that he was appearing before the Commission to give them a heads-up about the issue and would be back in the near future asking to amend the by-laws to reflect the changes proposed.

EMA Director Kathy Russell informed the Commission of the upcoming HAZMAT exercise which will be held at the Opelika rail yard on August 20. Mrs. Russell stated that the exercise would be a multi-agency exercise. Additionally, Mrs. Russell stated that this exercise is required annually.

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 8 meeting. Commissioner Smith made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and passed on a 3-0-1 vote with Commissioner Holt abstaining due to his absence from that meeting.

Mr. Chad Anderson appeared in the pre-meeting asking permission to provide garbage pick-up service outside the city limits of the cities of Smiths Station and Phenix City. Environmental Services Director Jack Marshall stated that Mr. Anderson had met all requirements to provide the service in Lee County, except the permission of the Commission. Commissioner Smith questioned if residents were aware that they still had to be responsible to pay the garbage fee to the county. Mr. Anderson stated that it was acknowledged in the contract.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 29, 2009**

Commissioner Long made a motion to allow Mr. Anderson to provide garbage pick-up service in Lee County, seconded by Commissioner Smith and unanimously carried.

As requested, Lee-Russell Council of Governments representative Lisa Sandt updated the Commission on the housing rehabilitation grant program. Ms. Sandt stated that either the homeowner or the county could apply directly for housing rehabilitation grants. Mrs. Sandt stated that the housing grants are very detailed and time-consuming, further she stated that certain policies must be implemented first to protect the county. Mrs. Sandt stated that different organizations do housing rehabilitation including cities, counties and non-profit organizations. Mrs. Sandt stated that homeowners could apply for loans or grants through HUD. Other local programs, such as Rebuilding Together, also provide small rehabilitation grants up to \$2,000, but only accept applications in January. Additionally, USDA provides grants to low or very low income participants. Also, ADECA provides grants for contaminated water or other such conditions. As in the last meeting, Mrs. Sandt once again recommended that the county commission should make the policy decision as to whether it wants to get into the housing rehabilitation business. Commissioner Harris stated that he had met with Mrs. Sandt and others at Lee-Russell Council of Governments and that the Commission needs to consider setting a work session to discuss the future direction of the Commission on these type programs. Judge English suggested that the Commission needs to revisit its Strategic Plan to identify and prioritize new endeavors.

Judge English brought up the Prescription Drug Plan approved at the May 11 meeting, but stated he had several questions about the application for the program and therefore had brought it back to the Commission for clarification. Some of the questions included who would be named as the sole point of contact for the program, and where program materials should be delivered. Commissioner Harris stated that he could be named the point-of-contact, and the materials could be delivered to his house and he would deliver the cards to the drugstores and to the Courthouse. Judge English asked for direction and stated that he had contacted Lee-Russell Council of Governments and asked them to make a proposal to provide these services for the county. Lee-Russell Council of Governments representative Jackie Pinkard stated that the proposal sent in the packets was for complete implementation of the program and the maintaining of a database of the participants. Mrs. Pinkard stated that Lee-Russell Council of Governments would be the point-of-contact for any questions about the program once implemented by the county. Further, Mrs. Pinkard stated they would provide a media blitz over an eight week period to introduce the program to the citizens of Lee County, additionally, they would provide information in 14 areas of the county for distribution of the cards. Judge English stated that the proposal was for \$13,000. Commissioner Harris questioned if they could reduce the cost. Mrs. Pinkard stated that their agency would provide whatever level of service that the Commission authorized. After the presentation, Commissioner Smith stated that she would like the Lee-Russell Council of Governments to handle the program since they could reach more people and could educate the public on the program. After discussion, Commissioner Harris made a motion to list the Lee-Russell Council of Governments as the point-of-contact on the application and directed Mr. Rendleman to negotiate the level of service and cost to administer the program, seconded by Commissioner Smith and unanimously carried.

Lee-Russell Council of Governments representative Lisa Sandt presented an amendment to the Lee County Citizen Participation Plan Community Development Block Grant Program. Mrs. Sandt explained that certain requirements in the plan had been amended and Lee County must change those accordingly. Upon this recommendation, Commissioner Smith made a motion to pass the following Resolution, seconded by Commissioner Holt and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Lee County Commission Encourages citizen participation in any and all decisions made by the County including the decisions regarding the Community Development Block Grant (CDBG) Program; and

**WHEREAS**, the Citizen Participation Plan is an essential element in the future community development process; and provide all citizens of the community with adequate

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 29, 2009**

opportunity to participate in the planning, development, and assessment of the Lee County CDBG program.

**WHEREAS**, all amendments to the Citizen Participation Plan shall be approved by resolution by the Lee County Commission and shall be incorporated in the plan.

**NOW, THEREFORE BE IT RESOLVED** that the Lee County Commission does hereby amend the Lee County Citizen Participation Plan to include the following:

- Section 5.6, Limited English Proficiency Residents is amended to say “ Lee County has followed the guidance provided in the ADECA Language Access Plan to determine the need to undertake reasonable actions to facilitate the participation of persons with Limited English Proficiency. Local officials will undertake all reasonable actions necessary to allow such persons to participate in the development process. Such actions may include the provision of an interpreter and/or the provision of materials in the appropriate language or format for persons with Limited English Proficiency.”
- Section 5.9, Accessibility to Persons with Disabilities is amended to say, “The locations of all public hearings as described herein shall be made accessible to persons with disabilities. The Lee County shall provide a sign language interpreter whenever the Citizen Participation Coordinator is notified in advance that one or more deaf persons will be in attendance. The County shall provide a qualified reader whenever the Citizen Participation Coordinator is notified in advance that one or more blind persons will be in attendance. Additionally, the County shall provide reasonable accommodation whenever the Citizen Participation Coordinator is notified in advance that one or more persons with mobility or developmental disabilities will be in attendance.

Next, Mrs. Sandt informed the Commission about two ADECA Grant programs which are due by September 1. Mrs. Sandt stated that there is a recreational trails grant available for a maximum of \$100,000 for a multi-use trail and a maximum \$50,000 for a single-use trail. Mrs. Sandt stated that these required a 20% match, which could be in-kind, cash or donation. Commissioner Holt stated that he was very interested in this grant. Mrs. Sandt stated that she would recommend applying for the \$100,000 for a multi-use trail. Commissioner Holt stated that he did not want to obligate any funds and wanted to look at the in-kind match possibly by a donation. Second, Mrs. Sandt stated that there was a Land and Water Conservation Fund Program for outdoor recreational facilities for items such as ball fields, tennis courts and pools. This grant is a \$50,000 maximum with a 50% match. No action was taken by the Commission.

County Engineer Neal Hall recommended that Lee Road 2072 in Halawaka Hills Subdivision be accepted for permanent maintenance by the Lee County Highway Department. He advised that this was a delinquent subdivision that had recently been brought up to county requirements and passed inspection. Upon this recommendation, Commissioner Smith made a motion, seconded by Commissioner Long that Lee Road 2072 be accepted for permanent maintenance, and passed unanimously.

Mr. Hall recommended that the Commission authorize the Chairman to sign the ALDOT Agreement for preliminary engineering on Pierce Road. Upon this recommendation, Commissioner Long made a motion to authorize the Chairman to sign the ALDOT agreement as presented, seconded by Commissioner Harris and unanimously carried.

**AGREEMENT FOR PRELIMINARY ENGINEERING  
ON A FEDERAL AID PROJECT BETWEEN  
THE STATE OF ALABAMA AND LEE COUNTY, ALABAMA**

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 29, 2009**

with the United State Department of Transportation, Federal Highway Administration, hereinafter referred to as the FHWA:

**WITNESSETH**

WHEREAS, the STATE and the COUNTY desire to cooperate in the preliminary engineering on the resurfacing of CR 247 (Pierce Road) from SR 1 (US 431,208) in Russell County to CR 248 (Summerville Road) in Lee County. STMPC-8041 ( ). CPMS Ref#100053784.

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 only 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 the availability of Federal Aid funds at the time of authorization. This project will be financed, when eligible for Federal participation, on the basis of 100 percent Federal ARRA Funds, but not to exceed \$37,500.00 unless the Phenix City MPO agrees to reallocate funds, pending approval by the STATE, for this project. The estimated cost and participation by the various parties are as follows:

Federal Funds (Phenix City MPO ARRA Funds)	\$37,500.00
Total (Including E & I)	\$37,500.00

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the Phenix City MPO may reallocate funds, pending approval by the STATE, sufficient to cover the costs of the project. Otherwise, all costs which exceed the above estimate will be financed 100 percent by the COUNTY.
- (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) 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.
- (10) A final audit will be made of al 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.
- (11) Each party will provide without cost to the other, information available from its records that will facilitate the performance of the work.
- (12) Nothing will be construed under the terms of this agreement by the STATE or the COUNTY that will cause any conflict with Section 23-1-63, Code of Alabama (7/24<sup>th</sup> law)
- (13) To the fullest extent permitted by law, the COUNTY shall defend, indemnify, and hold

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 29, 2009**

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 attorney's 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 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.

- (14) 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.
- (15) Exhibits M and N are attached and hereby made a part of this agreement.
- (16) This agreement shall terminate on March 31, 2010, as to any work provided herein for which funding has not been authorized, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination. The COUNTY agrees that the STATE may unilaterally extend the time of the agreement.

Mr. Hall presented a proposal from the City of Auburn concerning partnership on a road and bridge project on North Donahue Drive. Mr. Hall stated that Auburn and Lee County had discussed the replacement of the bridge on North Donahue, which is currently a county bridge. Auburn was also interested in widening a portion of North Donahue. Mr. Hall stated that if the county had to replace the bridge it would cost approximately \$1.3 million, but this partnership with the City of Auburn will only cost the county approximately \$880,000, even though the City wants to design a larger bridge than the County would ordinarily build. Mr. Hall stated that Auburn had agreed to share in the costs for the design, construction and widening of a portion of North Donahue from Camden Ridge to Lee Road 72. Judge English questioned if there was any other way to reduce the cost to the county, since this area would probably be annexed into the City and become a City responsibility in the future. Mr. Hall stated that he would ask that the City of Auburn agree to maintain the road and bridge after completion which would benefit the county in the future. Mr. Hall stated that he feels that this a good deal for the county and that he gets numerous calls from citizens concerning the condition of the bridge. After discussion, Commissioner Holt made a motion to enter into the joint road and bridge project with the City of Auburn on North Donahue contingent upon Mr. Hall being able to successfully negotiate the future maintenance and upkeep by the City of Auburn upon completion, seconded by Commissioner Smith and unanimously carried.

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

Commissioner Harris made a motion at approximately 6:20 p.m. to adjourn, seconded by Commissioner Holt and unanimously carried that the meeting be adjourned.

Minutes approved:

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Chairman

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 29, 2009**

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 13, 2009**

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

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, Annell Smith and John Andrew Harris.

Sheriff Jones recognized Deputy James Anderson for being Deputy of the Month for April and Lieutenant Jeff Pitts for May. Sheriff Jones stated that along with his other assigned duties that Deputy Anderson self-initiated three felony arrests involving unlawful possession of methamphetamine and possession of a firearm by a convicted felon. The drug arrest resulted in the seizure of over two thousand dollars and the firearm possession arrest removed a deadly weapon in the hands of a criminal from the streets of our community. Deputy Anderson was joined by his wife Corinna and daughter Kelly. Sheriff Jones stated that Lieutenant Pitts was awarded the honor for his work in the research, development and implementation of a GPS based vehicle location and tracking system for the sheriff's patrol vehicle fleet. This project required Lieutenant Pitts to coordinate the efforts of patrol, communication and administrative divisions within the sheriff's office to bring this capability from idea to reality, at considerable savings to the county. Lieutenant Pitts was joined by his wife Jessica and daughter Savannah. Sheriff Jones and Judge English commended both officers for their efforts and dedication.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included two listings of claims, a copy of the procurement card transactions and the minutes of the June 29 meeting. Commissioner Lawrence requested that the minutes reflect that he was absent due to his attendance of the ACCMA Conference which was held on Tuesday, June 30 until Thursday, July 2. Commissioner Smith made a motion to approve the consent agenda items as presented with Commissioner Lawrence's request, seconded by Commissioner Harris and passed on a 4-0-1 vote with Commissioner Lawrence abstaining due to his absence from that meeting.

During the pre-meeting, Mr. Ed Wilder appeared before the Commission to request that his petition to vacate a portion of Lee Road 265 be granted. Judge English stated that a Resolution had been presented by Attorney Larry Ray. County Attorney Stan Martin stated he had reviewed the request and the Resolution and did not see any problem with either. Commissioner Smith, during the meeting, made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

**RESOLUTION**

**WHEREAS**, Charles E. Wilder and Anne S. Wilder filed with this Commission their Petition to vacate a portion of Lee County Road 265, asking therein that the County vacate the southerly 231 feet, more or less, of Lee Road 265 which runs entirely through and ends within property owned on both sides by Petitioners, and alleging further that there are no other owners of property abutting or adjoining that section of Lee Road 265 and that it has never been used as a thoroughfare by the general public or as a means of ingress and egress to and from their property; and

**WHEREAS**, this the 13<sup>th</sup> day of July, 2009 was set as the date of the regularly scheduled meeting of this Commission on which said Petition would be heard and considered, and with a quorum of the Commission present, the following Resolution was duly adopted by the unanimous vote of all the Commissioners present:

**RESOLVED**, that final action on said Petition be taken at the regularly scheduled meeting of this Commission beginning at 6:00 P.M. on the 31<sup>st</sup> day of August, 2009, and that due

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 13, 2009**

and proper notice of said hearing be published in a newspaper published in this County once a week for four consecutive weeks commencing immediately, and that any and all additional notice thereof be given as required by law.

Lee County Department of Human Resources employee Ms. Theresa Davis was not in attendance concerning housing issues. Commissioner Harris stated he had not heard from Ms. Davis.

Judge English opened the floor to a Public Hearing at approximately 6:10 p.m. concerning the garbage fee increase. Mr. David Williams questioned the increase for commercial garbage users and asked Mr. Marshall for information on the number of commercial users and the number of tons of garbage that Lee County receives from commercial users. Mr. Marshall stated that there are 245 commercial fees assessed but there is no way to document how many tons they dispose of annually. Additionally, Mr. Williams questioned the number of commercial users issued a permit by the Lee County Commission office. Mr. Williams gave an analogy comparing the garbage of a barber to that of a roofer. He stated that the solid waste fees should somehow be a usage fee, not a flat fee for the use of the dumpster. Commissioner Long stated that he did not want the service cut out for commercial users, and stated that if a commercial user can show proof that they have a contract with an outside agency, then he will be exempt from paying the fee. County Administrator Roger Rendleman stated that the new rates would be effective October 1, 2009, and first collected October 1, 2010, except for manufactured homes collection which will begin October 1, 2009, since they are collected for the current year, along with the decal, instead of in arrears as with permanent structures.

With no further comments, Judge English closed the public hearing at 6:20 p.m.

Next, the Commission discussed the proposed garbage fee increase. Mr. Rendleman stated that the proposed increase in the garbage disposal rate is from \$12/month to \$16/month for residential users and from \$24/month to \$48/month for commercial users. The rate would be adjusted yearly beginning October 2011 based upon 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. Commissioner Lawrence made a motion to increase the garbage fee from \$12/month to \$16/month for residential users and from \$24/month to \$48/month for commercial users beginning October 1, 2009 as discussed above. The motion was seconded by Commissioner Smith and the motion passed on a 4-1 vote with Commissioner Holt voting "No.

Judge English presented a letter from the City of Opelika asking for Commission support designating the Northeast Opelika Industrial Park as an AdvantageSite. Judge English stated that the Commission had been approached last year by the City of Opelika on this matter. Commissioner Lawrence made a motion to authorize the Chairman to write a letter of support for the City of Opelika on this designation, seconded by Commissioner Holt and unanimously carried.

Commissioner Lawrence gave an update on his recent attendance at the ACCMA Conference which was held on June 30 until July 2 in Orange Beach. Commissioner Lawrence stated that most of the discussion was concerning the economic situation and the stimulus package. Commissioner Lawrence stated that the economic consultants state that the next three to five years would be lean before seeing an increase in revenues. Additionally, the stimulus dollars would flow from the federal level to the state level and that many factors go into the eligibility requirements.

Next, Commissioner Lawrence updated the Commission on his attendance at the ACCA Board meetings. Commissioner Lawrence stated that there will be a change in the fee schedule for association dues. The dues would be based on the counties population and the addition of an annual 3% increase, unless changed by the Board. Additionally, he informed fellow Commissioners about how to apply if they are interested in running for the Board.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 13, 2009**

Legislative Director Wendy Swann stated that the Lee County Planning Commission had asked to schedule a joint worksession with the Commission to present the latest information provided by Goodwyn, Mills and Cawood on the Comprehensive Plan. After discussion in the pre-meeting, Commissioner Lawrence made a motion during the meeting to schedule a joint work session with the Lee County Planning Commission on August 24 at 6:00 p.m. at the Johnson Galleries Building to discuss the comprehensive plan. The motion was seconded by Commissioner Harris and unanimously carried.

Commissioner Smith made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Long and unanimously carried that the meeting be adjourned.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 27, 2009**

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

Mr. David Williams appeared before the Commission during citizens' communication concerning the garbage fee increase that was passed at the last meeting. Mr. Williams questioned the mandatory requirements of the garbage fee. Additionally, he questioned the Resolution in 1991 that was passed on the garbage fee and stated that it is irrational and violates the Equal Protection clause. Mr. Williams stated that the mandatory garbage fee is placed on his property tax bill and he is charged a commercial fee but, he stated, that his understanding is that other commercial users just walk-in to the Commission office and pay their commercial garbage fee. He stated that this practice was not equal treatment.

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, and Annell Smith. Commissioner John Andrew Harris was absent due to his attendance at the NACo Conference in Nashville, Tennessee.

Upon Commissioner Harris' request, County Administrator Roger Rendleman updated the Commission on the joint meeting concerning economic development. Mr. Rendleman stated that after meeting with Commissioner Harris that Commissioner Harris wanted to expand the meeting to include Chambers, Russell, Tallapoosa and Macon counties and the cities of Auburn and Opelika. Further, he stated that Commissioner Harris had been contacted by World Trade Partnership, who is interested in exploring economic development opportunities for such a partnership on a regional project. Mr. Rendleman presented information on World Trade Partnership and stated the organization is currently working on a project in Louisiana, and that he is waiting on further information regarding the project. Mr. Rendleman again stated that this is only an update on the progress and to provide further information to the Commission. Mr. Rendleman stated that further contact with the other entities will continue to be made to see if they wish to join in such a partnership.

Next, Mr. Rendleman asked the Commission to review "A Guide to Lee County Government" and asked each to provide feedback to assist in getting the guide finalized. Commissioner Smith stated that she thought it was a great idea and would like to see the addition of the Commission meeting dates. Mr. Rendleman thanked her for the suggestion and stated that several employees had reviewed the guide and each time someone had given helpful suggestions that have been included. Mr. Rendleman asked each Commissioner to review the guide and return any suggestions to Mrs. Swann as soon as possible.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included two listings of claims, the announcement of three appointments to the Lee County Recreation Board, Bid #12 for computers, and the minutes of the July 13 meeting. Information Technology Director Tim Parson stated that only one bid was received out of 22 bids sent on 14 personal computers. Mr. Parson recommended that the bid from Dell Computers of \$10,825 for the 14 computers be approved. Commissioner Holt questioned if the Commission needed to reject the bid and negotiate. Mr. Parson stated he did not feel that was necessary since the bid was less than the amount he had been quoted. Commissioner Smith made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence and passed unanimously.

Lee-Russell Council of Governments Finance Director Van Vanoy appeared before the Commission to request funding for transit software for \$4,650. Mr. Vanoy stated that Lee-Russell Council of Governments had formally requested this funding last year during budget

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 27, 2009**

hearings. They had understood that Lee County and Russell County had agreed to fund this project along with the cities of Auburn, Opelika and Phenix City. Mr. Rendleman stated that if the Commission feels this is a worthwhile project he would recommend that the money be allocated out of the Contingent Fund. Upon this recommendation, Commissioner Lawrence made a motion to allocate Lee County's share of \$4,650 from the Contingent Fund for the transit software for Lee-Russell Council of Governments, seconded by Commissioner Smith and unanimously carried.

Mr. Rendleman addressed the current insurance situation and stated that rates were going up by 10% in the upcoming year. Mr. Rendleman explained that he had been notified by the State Employees Insurance Board that Lee County may lose its preferred status in the Local Government Health Insurance Program if Lee County does not meet the required levels of participation for retired employees. He stated that if Lee County loses the preferred rate, there would be an additional increase in individual rates of over 21.2% percent and family rates would increase by 34.5%. This equals an increased cost to the county of over \$200,000. Mr. Rendleman stated that Mrs. Oas and other staff members had been working diligently to provide the necessary information on current employees to try to encourage new retiree participation. Mr. Rendleman stated that at least two people need to be added to the roster of retired employees to keep the preferred rates, but preferably he would strive for more than two. Mr. Rendleman proposed that the current paid health insurance premium benefit provided to retired employees with at least 25 years of service to Lee County be extended in a one-time deal to encourage those individuals eligible to retire with 18 or more years of service and that we would only offer this incentive until October 1, 2009. Mr. Rendleman presented the following Resolution. Commissioner Smith made a motion to approve the following Resolution as presented, seconded by Commissioner Long and unanimously carried.

**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 has been notified that the retiree participation level has fallen below the required minimum level for the preferred rate category, and

**WHEREAS**, the Lee County Commission would be placed in the standard rate category beginning October 1, 2009 resulting in almost an additional \$200,000 in premiums annually, and

**WHEREAS**, the Lee County Commission wishes to take action to increase the retiree participation prior to October 1, 2009 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 eighteen or more years of service with Lee County, Alabama individual medical coverage until eligible for Medicare if such employee retires on or before October 1, 2009.

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

Minutes approved:

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Chairman

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 27, 2009**

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 10, 2009**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 10 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, and John Andrew Harris. Commissioner Annell Smith was absent.

Sheriff Jay Jones recognized Deputy Valerie Filipowski for being Deputy of the Month for June 2009. Sheriff Jones stated that Deputy Filipowski had been involved in an incident where she apprehended two suspects during a burglary in progress. Due to her immediate response, both suspects were arrested and the stolen property was recovered, including firearms. Sheriff Jones commended Deputy Filipowski for her outstanding performance of her duties. Judge English thanked Deputy Filipowski for her actions.

Commissioner Harris reported on his attendance at the NACo Conference that was held in Nashville, Tennessee on July 24-28, 2009. Commissioner Harris stated that he learned that there were several opportunities for seeking grant money, especially for green energy, economic development and telecommunications. Additionally, Commissioner Harris reported on a proposed NACo resolution on the concept of health care reform.

Judge English announced that Environmental Services Director Jack Marshall would be accepting a check from ADEM from the joint recycling grant on Thursday, August 13 at 10 a.m. at the RecycleAuburn Drop-off Center. Judge English encouraged any who were able to attend.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included two listings of claims, a copy of the procurement card transactions, the announcement of Board Appointments for Lee County Youth Development and Lee County Department of Human Resources, and the minutes of the July 27 meeting. Commissioner Harris made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence and passed unanimously.

During the pre-meeting much discussion was held concerning a proposed contract with Ms Mandi Joseph of Comprehensive Development Strategies for the submission of a "TIGER" grant application with a September 15, 2009 deadline. County Engineer Neal Hall explained that his staff is unable to prepare all the application requirements by that deadline and that the Commission decision whether to seek those grants funds should consider that some additional assistance in the application process would be necessary. Additionally, Mr. Hall stated that if the Commission chose to do so, he would prefer that someone with the necessary expertise be hired to assist with the application. Commissioner Harris made a motion during the meeting for the Commission to engage Ms. Joseph if Mr. Hall and Mr. Rendleman could successfully negotiate a fee with her to prepare and submit the "TIGER" grant by the deadline and to pay her contract costs out of the District 5 dirt road paving money, with the understanding that those funds would be reimbursed to the District 5 fund if the grant was awarded. The motion was seconded by Commissioner Lawrence for discussion. After discussion, vote was taken and the motion passed on a vote of 3-1 with Commissioner Holt voting "No".

At Commissioner Lawrence's request, discussion was held during the pre-meeting on an agenda item entitled grant funding initiative process. He stated that he had not prepared anything for the packets since discussion needed to take place before a policy could be implemented by the Commission. Commissioner Lawrence stated that he felt that a process should be put in place to prevent any one Commissioner from diverting significant county staff resources from

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 10, 2009**

their regular duties to research a proposed project at the suggestion of one Commissioner until the entire Commission has had an opportunity to discuss whether the project is practical to pursue. Judge English pointed out that it is very awkward for county employees to refuse requests for assistance from a member of the Commission without such a policy in place. Mr. Rendleman agreed and stated that time is money and that the employees do feel obligated to try to respond to each request from each Commissioner, although they can at times be overwhelming, and he would like to see the Commission as a whole make the request, if additional staff and resources are necessary to accommodate one Commissioner's wishes. After more discussion, no action was taken by the Commission.

Mr. Hall presented an Agreement and a Resolution concerning railroad crossing improvements on Lee Road 676 in Loachapoka. Commissioner Harris made a motion to authorize the Chairman to sign the agreement and the following Resolution, seconded by Commissioner Long and the motion passed on a vote of 3-0-1 with Commissioner Holt abstaining.

**RESOLUTION**

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

1. That Lee County, Alabama, enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for: install standard mast mounted signals, bells, gates and grade crossing predictors for RR crossing at Lee Road 676. Install signs, markings and legends including maintenance responsibilities of the County.

Which Agreement is before this Commission.

2. That the agreement be executed in the name of the County, for and on its behalf by the Chairman of the County Commission.

3. That the signature of the Chairman be attested by the County Clerk and that the seal of the County be affixed to the agreement.

**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 on record by the County Clerk.

**Alabama Department of Transportation  
Federal Aid Rail/Highway Crossing  
Improvement Project**

**Agreement for Maintenance of Pavement Markings and Signs**

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, Alabama (hereinafter referred to as the County).

**WITNESSETH:**

**WHEREAS**, there are Federal Section 130 funds which will assist the State in 100 percent of the expenses incurred in implementation of signs, markings and legends for this project.

**NOW THEREFORE**, the parties hereto agree as follows:

1. One hundred percent of the cost of construction of this project shall be paid for with federal-aid funds.

The STATE will not be liable for any Funds under this Agreement.

2. A final inspection shall be made by the State after all work items have been completed.

3. The State will keep all records and documents pertaining to the project in suitable manner for audit for three years from the date of the final payment in accordance with Federal Highway Administration Policies and Procedures. (Federal-Aid Policy Guide 23 CFR Section 140.922).

4. Upon completion and acceptance of this project, the County will maintain all signs, markings and legends in satisfactory condition in accordance with the requirements of the

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 10, 2009**

State as outlined in the latest edition of the National Manual on Uniform Traffic Control Devices.

5. Exhibit "M" and "N" are attached hereto as a part of this agreement.
6. The State shall not be responsible for the maintenance of the signs, markings or legends once they are installed under this project.

**EXHIBIT M**

**CERTIFICATION FOR FEDERAL-AID CONTRACTS**

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

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

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

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

This 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 subcontractors, 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**

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

**Additional ADR Clause**

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 10, 2009**

resolution including, but not limited to, mediation by and through the Attorney General's Office of Administrative hearings or where appropriate, private mediators.

Mr. Rendleman asked the Commission to authorize County Attorney Stan Martin to prepare the necessary paperwork to send to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act for Act No. 2009-329, which, upon the completion of a successful referendum, authorizes the levy of an additional sales and use tax outside the corporate limits of certain specified cities, and Act No. 2009-381 which, upon the completion of a successful referendum, modifies additional compensation and duties of the chair of the Lee County Commission. Upon this recommendation, Commissioner Lawrence made a motion to authorize the county attorney to process the necessary paperwork for preclearance by the Department of Justice, seconded by Commissioner Holt and unanimously carried.

Mr. Rendleman included in the Commission packets a handout on the Alternative Sentencing Board. Mr. Rendleman stated that the board is comprised of 7 members, 5 of which are permanent members, including the Presiding Judge of the 37<sup>th</sup> Judicial Circuit, a Lee County District Judge, the Lee County Sheriff, the District Attorney for the 37<sup>th</sup> Circuit and the Lee County Circuit Clerk, two members who are appointed by the County Commission, and at least one of the seven should be a minority member. Included in the packets was a handout that can be given to potential candidates which explains the responsibilities and duties of a board member. Additionally, the board members serve without compensation and serve a four-year term. Officers including a president (and others as needed) shall be elected from among the Board membership and the Board shall meet at least once a quarter. Mr. Rendleman stated that the Commission would follow the board appointment process, so this would be the announcement of the two openings.

After discussion of scheduling budget work sessions in the pre-meeting, and the distribution of a spreadsheet on current budget conditions by Mr. Rendleman, Commissioner Lawrence during the meeting made a motion to schedule budget work sessions on August 25, 26, 27 and September 1, 2 and 3 at 5:00 p.m. in the Commission chambers, with the understanding that all six might not be necessary. The motion was seconded by Commissioner Holt and unanimously carried.

Governmental Relations Coordinator Wendy Swann presented the following resolution on an EECBG Grant for a solar hot water heater system at the Justice Center. Mrs. Swann stated that the grant would be submitted to ADECA on Wednesday. Commissioner Lawrence made a motion to pass the following Resolution, seconded by Commissioner Holt and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Lee County Commission wishes to file a grant application to Alabama Department of Economic and Community Affairs (hereinafter referred to as ADECA) on or before 8/12/09 through the Energy Efficiency and Conservation Block Grant (hereinafter referred to as EECBG) Solicitation II; and

**WHEREAS**, the Lee County Commission wishes to obtain funds from ADECA for the purpose of installing a hot water system at the T. K. Davis Justice Center to function by solar power to better serve the citizens of Lee County, Alabama through a more energy efficient use of assets, through cost savings to taxpayers; and

**NOW, THEREFORE BE IT RESOLVED**, that the Lee County Commission hereby endorses the filing of said application, and pledges its support for the project as it will benefit the citizens of Lee County.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 10, 2009**

Mrs. Swann presented an advertisement request from the Auburn University-Auburn/Opelika Area Community Profile magazine. Mrs. Swann stated she was only forwarding the information for Commission consideration. No interest was shown by the Commission to purchase an ad and no action was taken.

Judge English reported that County Attorney Stan Martin requested that the executive session scheduled be postponed due to his absence.

At the request of the Highway Department, Judge English announced a one-week closing of Lee Road 379 near the intersection with Lee Road 250.

Commissioner Lawrence made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

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Chairman

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

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 31, 2009**

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

Mr. David Williams appeared during citizens' communication. Mr. Williams stated that in his opinion the legislation to elect a part-time chairman was not necessary and was due to a personal grudge dating back to the mileage issue. Secondly, Mr. Williams stated that he had a lack of representation in Loachapoka, since the railroad crossing was done for Commissioner Holt's trailer park, and he stated that it was morally wrong.

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, Annell Smith and John Andrew Harris. Commissioner Mathan Holt was absent.

Judge English recognized Commissioner Long for his completion of the mandatory education upon being elected a county commissioner. Judge English stated that Commissioner Long had completed the courses in record time.

Sheriff Jay Jones recognized Tim Parson, Mandy Quinn and Ryan Craig of the Information Technology Department for their help in expanding the Sheriff's Office communication and information infrastructures. Sheriff Jones commended the department on their outstanding support during the implementation of various projects. Mr. Parson commended his staff for the accomplishments. Additionally, Judge English thanked Mr. Parson and his staff for the recent installation of public terminals in the deed room.

Commissioner Harris, Judge English and Commissioner Lawrence each reported on their attendance at the ACCA Annual Convention held in Orange Beach, Alabama on August 19-21, 2009. First, Commissioner Harris stated that he really enjoyed the opportunity to attend and that he learned a lot while he was there, especially about the ADEM Grants that are available for recycling and green projects. Further he mentioned the disaster relief program and the health care bill. Judge English recognized Commissioner Lawrence for having been re-elected at the convention to serve another term on the ACCA Board of Directors. Additionally, he stated that he had attended a subdivision presentation by Coffee County and he would share the information with County Engineer Neal Hall. Commissioner Lawrence stated that he enjoyed the portion of the meeting concerning the challenges all counties are facing with declining revenues, the discussion on economic development and the overview of the TIGER Grant. Commissioner Lawrence recommended that all Commissioners attend future conventions if possible.

Judge English announced that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) had provided Lee County preliminary copies of a Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) and reported that a 90-day appeal period is in effect that August 3. Any owner or lessee of real property in Lee County who believes his or her property rights will be adversely affected by the BFE determinations may appeal to the Lee County Commission. The basis for an appeal is having knowledge or information indicating that the proposed BFE determinations are scientifically or technically incorrect. However, inquiries regarding data other than the proposed BFE determinations (e.g., incorrect street names, typographical errors, omissions) will be considered as comments and not appeals. Any applicable changes will be made before the revised FIS report and FIRM become effective. Judge English asked that the newspaper report this information for public awareness.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 31, 2009**

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 to be paid, and the minutes of the August 10 meeting. Commissioner Smith asked that the items be voted on separately, since she was absent at the last meeting. Commissioner Long made a motion to approve the minutes of the August 10 meeting, seconded by Commissioner Harris and passed on a 3-0-1 vote with Commissioner Smith abstaining. Next, Commissioner Harris made a motion to approve the claims listings with the updated listing as presented today, seconded by Commissioner Lawrence and passed unanimously.

Judge English opened the floor at 6:15 P.M. for a Public Hearing on the petition to vacate a portion of Lee Road 265. No one was in attendance to address the public hearing, and the floor was closed at approximately 6:16 P.M. After the public hearing, Commissioner Smith made a motion to approve the following Resolution concerning the vacation of a portion of Lee Road 265, seconded by Commissioner Harris and unanimously carried.

**RESOLUTION**

**WHEREAS**, Charles E. Wilder and Anne S. Wilder filed with this Commission, pursuant to Section 23-4-20, Code of Alabama, their Petition to Vacate Portion of Lee Road 265, the centerline of said portion of Lee County Road 265 being more particularly described on "Exhibit A", attached hereto and by reference thereto made a part hereof, asking therein that the County vacate the southerly 231 feet, more or less, of Lee Road 265 which runs entirely through and ends within property owned on both sides by Petitioners, and alleging further that there are no other owners of property abutting or adjoining that section of Lee Road 265 and that it has never been used as a thoroughfare by the general public or as a means of ingress and egress to and from their property; and

**WHEREAS**, this Commission made, passed and entered a Resolution on July 13, 2009 that final action on said Petition be taken at the regularly scheduled meeting of this Commission beginning at 6:00 P.M. on this the 31<sup>st</sup> day of August, 2009 and that due and proper notice of said hearing be published in a newspaper published in this County once a week for four consecutive weeks, and that any and all additional notice thereof be given as required by law; and

**WHEREAS**, Notice of said hearing was published in the Opelika-Auburn News in its issues of July 28, August 4, 11 and 18, 2009 and a copy of said Notice posted on the bulletin board at the Lee County Courthouse, and a copy of said Notice was mailed as required by statute to Tallapoosa River Electric Cooperative, and now at the scheduled hearing the matter was called to be heard and considered;

**NOW, THEREFORE**, there being no correspondence or written filing received by the Commission objecting to the vacating of said portion of Lee County Road 265 and no one appearing at this hearing to voice an objection, and with a quorum of the Commission present, upon motion of Commission Member for District Four, Annell Smith, duly seconded, the following resolution was duly adopted by the unanimous vote of all Commissioners present:

**RESOLVED**, that the Commission finds that the portion of Lee Road 265 described on "Exhibit A" attached hereto and made a part hereof runs entirely through and ends within property owned on both sides by Charles E. and Ann S. Wilder, and there are no other owners of property abutting or adjoining that section of Lee Road 265, and it is not now and has never been used as a thoroughfare by the general public or as a means of ingress and egress to and from their property, and that it is in the interest of the public that such portion of Lee Road 265 be vacated, therefore, said section shall be and is hereby vacated.

**RESOLVED FURTHER**, that this Resolution be filed in the Probate Court of Lee County, Alabama, which filing shall operate as a declaration of this Commission's vacation and shall divest all public rights and liabilities, and shall vest title in Charles E. Wilder and Ann S. Wilder as the abutting land owners to said section of road, all as provided by Section 23-4-2, Code of Alabama.

**“EXHIBIT A”**

Commencing at the intersection of Lee Road 265 and Lee Road 994 located at Latitude 32N 43' 95", Longitude 85W 16' 14.55", marked by an iron pin in place at centerline of Lee Road 265; thence run South 7 degrees 27 minutes East for a distance of 22.58 feet; thence run South 13 degrees 27 minutes East for a distance of 25 feet; thence run South 22 degrees 27 minutes East for a distance of 19 feet to the point of beginning (POB) of roadway being requested for vacation; from said POB, thence run South 22 degrees 27 minutes East for a distance of 6 feet; thence run South 28 degrees 27 minutes East for a distance of 25 feet; thence run South 32 degrees 57 minutes East for a distance of 25 feet; thence run South 38 degrees 27 minutes East for a distance of 25 feet; thence run South 40 degrees 57 minutes East for a distance of 25 feet; thence run South 41 degrees 27 minutes East for a distance of 25 feet; thence run South 41 degrees 42 minutes East for a distance of 25 feet; thence run South 45 degrees 27 minutes East for a distance of 25 feet; thence run South 49 degrees 27 minutes East for a distance of 25 feet; thence run South 52 degrees 27 minutes East for a distance of 25 feet to an iron pin in place marking the end of Lee Road 265 and portion of roadway being requested for vacation. Total length of portion of roadway being requested for vacation is 231 feet.

The agenda item concerning the Lee County Natural Hazards Mitigation Plan was moved to the next meeting due to the absence of Mrs. Erin Stephens due to illness.

Judge English stated that the Auburn Satellite Office was near completion and stated that the Commission needed to set an opening date and designate the facility a Courthouse annex. Judge English reported that his understanding was that the best guess as to when everything would be in place and tested would be Monday, September 14<sup>th</sup>. He also asked the Commissioners their preference about a Grand Opening ceremony. After discussion, Commissioner Lawrence made a motion to designate the Auburn Satellite office a Courthouse annex with the same hours as the Courthouse, set the opening date of September 14, authorize Mr. Rendleman to coordinate the advertising of this opening, and give the Chairman the latitude to coordinate all the various County and City officials' schedules and set a date and time for the Grand Opening ceremony. The motion was seconded by Commissioner Long and unanimously carried.

Mr. Hall presented the following joint Resolution from the Alabama County Engineers' Association. Mr. Hall requested that the Commission authorize the Chairman to sign the Resolution. The Resolution is for one application for \$93 million in funding on behalf of 35 counties. Upon discussion, Commissioner Lawrence made a motion to authorize the Chairman to sign the following Resolution, seconded by Commissioner Smith and unanimously carried.

**WHEREAS**, as part of the American Recovery and Reinvestment Act of 2009, \$1.5 billion of discretionary grant funds are to be awarded by the federal Department of Transportation for capital investments in surface transportation infrastructure, which grants are referred to as "TIGER Grants"; and

**WHEREAS**, the Association of County Commissions of Alabama and the Association of County Engineers of Alabama are working collaboratively with counties in Alabama through the Alabama County TIGER Grant Committee to apply for a TIGER Grant for the replacement of certain deficient bridges along Alabama's rural county roads which meet the eligibility criteria for possible funding under the TIGER Grant Program; and

**WHEREAS**, Lee County has one bridge which meets the eligibility criteria and has submitted all documentation requested by the Alabama County TIGER Grant Committee to be included in the Alabama Counties' application for a TIGER Grant; and

**WHEREAS**, the Lee County Commission agrees to take all actions necessary to assist in completing this application and to comply with all requirements of the grant in the event that a TIGER Grant is awarded to Alabama counties; and

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 31, 2009**

**WHEREAS**, the Lee County Commission hereby requests and authorizes the Elmore County Commission to make application for the TIGER Grant on behalf of all counties participating in the grant application, including Lee County.

**NOW, THEREFORE, BE IT RESOLVED** by the Lee County Commission that it hereby agrees to take all actions necessary to assist in completing the TIGER Grant application and to comply with all requirements of the Grant in the event that a TIGER Grant is awarded to Alabama counties.

**BE IT FURTHER RESOLVED** the Lee County Commission hereby requests and authorizes the Elmore County Commission to make application for a TIGER Grant as described herein on behalf of Lee County and all counties participating in the grant application.

**BE IT FURTHER RESOLVED** that a copy of this resolution be immediately forwarded to the Association of County Commissions of Alabama for inclusion in the Alabama County TIGER Grant application.

Next, Mr. Hall presented the "TIGER" Grant Resolution on behalf of Lee County which is being compiled and submitted by Ms. Mandi Joseph of Comprehensive Development Strategies. Mr. Hall stated that this Resolution included five roads under three different applications. They are: Lee Roads 236, 240 and 248 due to the impact of Ft. Benning's BRAC; Lee Road 379 from KIA impact, and Lee Road 146 from AFLAC expansion. Upon further discussion, Commissioner Long made a motion to approve the following Resolution, seconded by Commissioner Smith and unanimously carried.

**RESOLUTION**

**WHEREAS**, the Lee County Commission acknowledges that the Base Realignment and Closure (BRAC) changes at Fort Benning will have significant impact on the economy, environment and communities throughout Lee County; and,

**WHEREAS**, the Lee County Commission further acknowledges that the Fort Benning Regional Growth Management Plan (April 2009) sponsored by The Valley Partnership Joint Development Authority, a bi-state multi-governmental entity, projects documented growth within a 35-mile radius of the Main Gate leading into Fort Benning from Interstate I-185, and that Lee County is among the several counties projected to be impacted by unprecedented growth over the next 20 years according to the Plan; and,

**WHEREAS**, Lee County Commission acknowledges that the BRAC changes will result in additional personnel at Fort Benning and that the impacted population growth will increase demand on Lee County transportation systems with increased traffic operations on existing streets and highways in Lee County that are currently at or near capacity; and,

**WHEREAS**, the Lee County Commission further acknowledges that the BRAC changes also will result in an increased number of visitors and new residents in Lee County as a result of tourist attractions such as the National Infantry Museum and the National Armor & Calvary Museum, as well as new job creation with the construction of the KIA automotive plant and other anticipated economic development, all of which will further impact the demand on Lee County transportation systems; and,

**WHEREAS**, the Lee County Commission anticipates establishing strengthened partnerships with the State of Georgia, the Columbus-Phenix City Metropolitan Planning Organization, the municipality of Phenix City, Russell County, the Lee-Russell Council of Governments, Fort Benning, other area stakeholders, and the general public for the purpose of working together to ensure sustainable growth implementation plans and to assess the environmental benefits and impacts of the transportation and other improvements; and,

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 31, 2009**

**WHEREAS**, the Lee County Commission supports a long-range vision for Lee County, including the Fort Benning Regional Growth Management Plan, particularly in the context of transportation planning related to traffic handling capacity, traffic safety, overall mobility and the expansion of intermodal transportation systems in Lee County; and,

**WHEREAS**, the Lee County Commission is aware that the U.S. Department of Transportation (the “USDOT”) has issued interim Notice of Funding Availability (“NOFA”) for “Grants for Transportation Investment Generating Economic Recovery” (“TIGER Grant Program”), and funds provided by TIGER Grant Program will be awarded on a competitive basis to projects that have significant impact on the Nation, a metropolitan area, or a region; and,

**WHEREAS**, the Lee County Commission recognizes that eligible projects under the TIGER Grant Program include, but are not limited to, highway or bridge project eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments, and that Lee County Roads 146, 236, 240, 248 and 379 (the “Projects”) are justified projects under the Surface Transportation Program; and,

**WHEREAS**, the Lee County Commission further recognizes that if the Projects are required to be included in a metropolitan transportation plan, Transportation Improvement Plan (TIP), or Statewide Transportation Improvement Plan (STIP) or if the Projects are in non-attainment areas and require inclusion in a conforming metropolitan transportation plan, then such requirements will have to be met prior to the award of a TIGER Grant by the USDOT; and,

**WHEREAS**, the Lee County Commission understands that the eligible projects may not meet the \$20 million threshold established under the TIGER Grant Program and that a waiver will be requested, as permitted under the TIGER Grant Program; and,

**WHEREAS**, the Lee County Commission further understands that a 1511 certification is needed for all TIGER Grants received by the state including TIGER Grants applied for and awarded to local governments and that Lee County will ensure that the Probate Judge prepares a 1511 certification for the eligible projects that will be submitted for funding under the TIGER Grant Program; and,

**WHEREAS**, the Lee County Commission seeks to improve the overall quality of life for all county residents and facilitate the positive experiences of visitors, recognizes and embraces the transportation improvements to support increased demands on Lee County’s existing streets, highways and bridges as a result of BRAC impacts at Fort Benning; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Lee County Commission supports and encourages the submittal of applications under the TIGER Discretionary Grant Program for the improved traffic operations on highways, roadways and bridges in Lee County.

After further discussion on the roads discussed in the previous Resolution, Commissioner Lawrence made a motion to permit a blanket authorization for Mr. Hall to send additional maps to Ms. Joseph in aid in identifying any additional roads that may be considered for future grant applications. The motion was seconded by Commissioner Long and unanimously carried. Mr. Hall stated that he would be in contact Ms. Joseph for further discussion on additional roads.

Due to the hiring freeze, Mr. Hall requested Commission permission to open the advertising for hiring a Highway Department Administrator, which is a budgeted position. Upon his request, Commissioner Smith made a motion to grant authorization to open the advertising and proceed with the hiring of a Highway Department Administrator, seconded by Commissioner Harris and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 31, 2009**

Commissioner Lawrence made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 14, 2009**

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

Judge English announced that the ACCA District Meeting would be held October 27 in Russell County.

Judge English stated that the Auburn Satellite Office officially opened today and reported that everything was running smoothly.

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, and John Andrew Harris. Commissioner Annell Smith was absent.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, a copy of the procurement card transactions and the minutes of the August 31 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Holt and passed unanimously.

Judge English announced first reading of the Lee County Recreation Board re-appointments which included: the county-wide District 2 appointment of Bill Harrelson, the District 4 appointment of Jerry Southwell and the District 5 appointment of Tracy Simpson.

County Administrator Roger Rendleman presented an overview of the proposed 2009-2010 budget. Mr. Rendleman offered three versions for Commission consideration and recommended "Version A". Mr. Rendleman made additional adjustments to "Version A", after the pre-meeting, which does not include any cost-of-living adjustments or merit raises for any county employees. Mr. Rendleman stated that there were just too many unknowns to recommend a cost-of-living adjustment or merit increase at this time. Mr. Rendleman advised that after the year-end close out, the Commission may consider granting a longevity based salary increase which would not carry-over costs to the next year or perhaps consider granting a cost-of-living increase after mid-year revenues can be evaluated if economic revenues make a turn-around by that time. After further discussion, the Commission agreed to direct Mr. Rendleman to proceed with finalizing the budget with the "Version A" plan. Mr. Rendleman stated he would present the final documents for Commission consideration at the next meeting. No action was taken by the Commission.

Emergency Management Director Kathy Russell was in attendance concerning the Lee County Natural Hazards Mitigation Plan. Mrs. Russell stated that much hard work had gone into the five-year update process. The primary goal of hazard mitigation planning is to identify community goals, actions, and strategies for implementation that result in decreasing the risk and the potential for future losses in the community. This planning is accomplished by using a systematic process of identifying the hazards that can affect each jurisdiction, developing clear goals, identifying appropriate actions, implementing an effective mitigation strategy, and maintaining and updating the plan. Mitigation planning can produce an environment that results in coordination of activities and partnerships with agencies that will not only reduce a jurisdiction's hazard vulnerability, but will allow the community to meet other planning needs as well. The natural hazards mitigation plan is necessary if Lee County jurisdictions would want to apply for disaster assistance whether public or private in the event of a natural disaster or other severe weather events that cause loss of person, property, assets, crops, infrastructure, critical facilities, livestock and utilities. Commissioner Lawrence made a motion, seconded by Commissioner Holt and unanimously carried to adopt the following Resolution:

**RESOLUTION**

**WHEREAS**, the Lee County Commission has experienced repetitive disasters that have damaged commercial, residential and public properties, displaced citizens and business, closed streets and bridges dividing the community both physically and emotionally, and presented general public health and safety concerns; and

**WHEREAS**, the community has prepared the *Lee County Natural Hazards Mitigation Plan* that outlines the community's options to reduce overall damage and impact from natural hazards; and

**WHEREAS**, the *Lee County Natural Hazards Mitigation Plan* has been reviewed by community residents, business owners, and federal, state and local agencies, and has been revised to reflect their concerns;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The *Lee County Natural Hazards Mitigation Plan* is hereby adopted as an official plan of the Lee County Commission.
2. The Lee County National Hazards Mitigation Plan Advisory Committee is hereby established as the permanent community advisory body. The Lee County Emergency Management Agency shall designate its members, subject to the approval of the Lee County Commission. They shall serve two-year terms. The group's duties shall be as designated in the *Lee County Natural Hazards Mitigation Plan*.
3. The Lee County Emergency Management Agency is charged with supervising the implementation of the Plan's recommendations within the funding limitations as provided by the Lee County Commission or other sources.
4. The Lee County Emergency Management Agency shall give priority attention to the action items recommended by the *Lee County Natural Hazards Mitigation Plan*.
5. The Lee County Emergency Management Agency shall convene the Lee County Natural Hazards Mitigation Plan Advisory Committee yearly or as needed. The advisory committee shall monitor implementation of the plan and shall submit a yearly written progress report to the Lee County Commission in accordance with the following format:
  - a. A review of the original plan.
  - b. A review of any disasters or emergencies that occurred during the previous calendar year.
  - c. A review of the actions taken, including what was accomplished during the previous year.
  - d. A discussion of any implementation problems.
  - e. Recommendation for new projects or revised action items. Such recommendations shall be subject to approval by the Lee County Commission.

County Engineer Neal Hall recommended that Lee Roads 2163 and 2164 in Wildberry Estates be accepted for permanent maintenance by the Lee County Highway Department. He advised that this was a delinquent subdivision that had recently been brought up to county requirements and passed inspection. Upon this recommendation, Commissioner Harris made a motion, seconded by Commissioner Lawrence that Lee Roads 2163 and 2164 be accepted for permanent maintenance, and passed unanimously.

Next, Mr. Neal Hall recommended that Lee Roads 2159 and 2160 in Blue Ridge Subdivision be accepted for permanent maintenance by the Lee County Highway Department. He advised that this was a delinquent subdivision that had recently been brought up to county requirements and passed inspection. Upon this recommendation, Commissioner Holt made a motion, seconded by Commissioner Long that Lee Roads 2159 and 2160 be accepted for permanent maintenance, and passed unanimously.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 14, 2009**

Roger Rendleman sent a letter in the packets explaining the condition of the building located at 502 Lake Street behind the Lee County Highway Department building (formerly used for the Lee County Youth Development Center after-school program). Mr. Rendleman stated that the building was in such a state of disrepair that everything that was salvageable had been salvaged and that the Opelika Fire Department would like to use the building for training purposes. Roger Rendleman requested that the Commission remove the building at 502 Lake from the County's fixed assets, grant the Opelika Fire Department permission to utilize the building for training, and to properly dispose of the site once safe to proceed by the Lee County Environmental Services Department. After discussion, Commissioner Lawrence made a motion to grant the requests as presented, seconded by Commissioner Long and unanimously carried.

Next, Mr. Rendleman informed the Commission that change order number one on the Auburn satellite office had been submitted for a reduction of \$24,318.00 which represents a credit in the landscaping allowance. Additionally, Mr. Rendleman stated that the certificate of occupancy had been obtained and therefore, the contract with Whatley Construction could be closed. Upon this recommendation, Commissioner Holt made a motion to approve change order number one for a \$24,318.00 reduction from \$1,511,364.00 to \$1,487,046.00 and to close-out the contract with Whatley Construction, seconded by Commissioner Lawrence and unanimously carried.

The last agenda item concerning the Auburn satellite grand opening was removed from the agenda. Judge English announced that the grand opening is scheduled for September 17 at 3:00 p.m. with a ribbon cutting and a tour of the facility, and invited all Commissioners to attend.

Commissioner Lawrence made a motion at approximately 7:00 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 28, 2009**

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

Mr. David Williams appeared before the Commission to address the upcoming budget and his concern over county finances. Mr. Williams presented several comparatives on different budget items from 2002 to 2008.

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, Annell Smith and John Andrew Harris.

Sheriff Jay Jones stated that the Commission was aware of the tragedy that occurred on September 25, 2009 with the loss of Deputy James Anderson in the line of duty. Sheriff Jones thanked the Commissioners and the Commission Office for their help and support in the situation. Sheriff Jones spoke on behalf of the family and stated that the family appreciated every kindness that has been extended to them during this difficult time. Sheriff Jones stated that the Commission should be proud of how things had been handled by the staff and of the Sheriff's Office personnel. Sheriff Jones wanted to personally thank everyone for their assistance during this difficult time.

County Administrator Roger Rendleman presented the Purchasing Policies and Procedures to the Commissioners for their review. Mr. Rendleman stated that the purpose of the policies is to provide: processes to achieve efficient business practices; assurances to the County Commissioners and the Lee County citizens that safeguards are in place to significantly reduce the risk of misappropriation of funds; capabilities to recognize and realize cost savings; and guidance to employees to reduce the risk of enacting improper and/or unauthorized transactions. Mr. Rendleman stated that he would ask for suggestions and subsequent Commission adoption of purchasing policies at the next meeting.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, a copy of the procurement card transactions and the minutes of the September 14 meeting. Commissioner Smith requested that the items be taken separately due to her absence at the last meeting. Commissioner Lawrence made a motion to approve the listing of claims and the procurement card transactions as presented, seconded by Commissioner Long and the motion carried unanimously. Next, Commissioner Lawrence made a motion to approve the minutes of the September 14 meeting, seconded by Commissioner Long and the motion passed on a 4-0-1 vote with Commissioner Smith abstaining.

Upon second reading of the Lee County Recreation Board appointments, Commissioner Smith made a motion to adopt the following Resolution, seconded by Commissioner Lawrence, and the motion passed unanimously.

**Be it Resolved**, that the Lee County Commission hereby re-appoints the District 4 appointment of Jerry Southwell to the Lee County Recreation Board for a five-year term from October 14, 2009 until October 13, 2014.

Commissioner Harris then made a motion to adopt the following Resolution, seconded by Commissioner Holt, and the motion passed unanimously.

**Be it Resolved**, that the Lee County Commission hereby re-appoints the District 5 appointment of Tracy Simpson to the Lee County Recreation Board for a five-year term from October 14, 2009 until October 13, 2014.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 28, 2009**

Judge English announced first reading of a vacancy on the Lee County Department of Human Resources Board and informed the Commission that Jan Dempsey has submitted a citizens interest form and wishes to serve another six-year term.

County Administrator Roger Rendleman presented a proposed a \$36.2 Million Budget for FY 2009-2010 budget for Commission consideration. Mr. Rendleman stated that the budget includes no funds for COLA's or merit raises. Commissioner Lawrence made a motion to approve the budget as presented, seconded by Commissioner Long and unanimously carried.

**Fiscal Year 2009-2010  
Budget**

<u>Commission Funds</u>	<u>Carryover*</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Operating Transfers In / (Out)</u>	<u>Increase/ (Decrease)</u>	
General Fund	320,000	18,259,016	18,439,696	(139,320)	0	
Gasoline Tax Fund	1,462,098	1,856,650	6,143,867	2,825,119	0	
Public Building Road and Bridge Fund	(20,000)	4,612,135		(4,592,135)	0	
Public Highway and Traffic Fund	0	360,250		(360,250)	0	
RRR Gasoline Tax Fund	335,000	2,492,000	3,816,420	989,420	0	
Environmental Services Fund	467,613	2,428,490	2,896,103		0	
Emergency Management Agency (EMA) Funds	0	287,046	576,366	289,320	0	
Reappraisal Fund	190,000	1,013,067	1,203,067		0	
Capital Improvement Fund	295,450	130,000	425,450	0	0	##
Judicial Facilities Fund	370,674	620,000	990,674		0	&&
1998 Debt Service			383,358	383,358	0	
2004 Debt Service		758,460	1,362,948	604,488	0	
<b>Total County Commission Funds:</b>	<b>3,420,835</b>	<b>32,817,114</b>	<b>36,237,949</b>	<b>0</b>	<b>0</b>	

\* = Funds carried over from prior year. These are attributed to Officials and department heads operating consistently within their budgets and/or budgeted projects which were not completed in the 2009 Fiscal Year. Carryover is utilized for one time projects or capital purchases; since, these funds are not ongoing revenues. Although the budget is \$36.2 million, Lee County's financial capability of funding ongoing annual operations is \$32.8 million for Fiscal Year 2010.

##= Funds designated for a Capital/Infrastructure Program. (Contingent on actual revenues for 2010 Fiscal Year.)

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

Next, Mr. Rendleman requested that the Commission approve the outside agencies appropriations for the agencies listed and for the amounts shown on the sheet entitled "Outside Agencies Appropriations for FY2010". Commissioner Holt made a motion to approve the Outside Agencies Appropriations as presented, seconded by Commissioner Smith and carried unanimously.

Additionally, Mr. Rendleman presented for Commission consideration authorizing granting additional annual leave hours for FY2009-2010 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 annual day; the employee must obtain at minimum "Exceeds Standards" for two annual days; and the employee must obtain at minimum "Consistently Exceeds Standards" for three annual days. The application of awarding of the days (as with merits) is upon the discretion of the appointing authority as long as the method and reasoning is consistently applied across the departments under their authority.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 28, 2009**

Commissioner Long made a motion, seconded by Commissioner Lawrence to approve the additional leave hours based on the scale presented. The motion passed unanimously.

Judge English presented the Emergency Response, Rescue and Ambulance Service Agreement from EAMC to the Commission and asked for authorization to renew the agreement for the coming year with no changes. During discussion, Judge English and Mr. Rendleman suggested that this agenda item be broadened to include authorizing the Chairman to execute funding agreements with all of the Outside Agencies that receive appropriations under a contract, as indicated by a "C" next to the name of the agency on the Outside Agencies Appropriations list. Commissioner Smith made a motion to authorize the Chairman to enter into agreements with those agencies, seconded by Commissioner Harris, and unanimously carried.

Commissioner Lawrence stated that he had been re-elected to serve on the ACCA Board of Directors and would request that the Commission approve his travel expenses to attend the quarterly meetings and/or other ACCA sponsored events for the coming year. Commissioner Holt made a motion to authorize travel expenses for Commissioner Lawrence to attend the ACCA Board meetings and other events as necessary during the coming one-year term of office, seconded by Commissioner Smith and unanimously carried.

County Engineer Neal Hall recommended the Commission award the following Highway Maintenance bids for FY 2009-2010. Commissioner Holt made a motion to accept Mr. Hall's recommendations on the Highway Maintenance Bids, except Bid #19 for maintenance stone, until Mr. Martin can study the ramifications of the situation, seconded by Commissioner Lawrence and unanimously carried.

**Highway Department Maintenance Bids FY 2009-2010:**

**Bid No. 13 – Ready Mix Concrete**

No recommendations/ No Bids Received

**Bid No. 14 – Emulsified Asphalt**

Recommendation: Accept low bid of Ergon, Inc., Mulga, AL

**Bid No. 16 – Gasoline & Diesel Fuel**

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

**Bid No. 17 – Traffic Stripe**

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

**Bid No. 18 – Silt Fence**

Recommendation: Accept low bid of Construction Materials, Inc., Montgomery, AL

**Bid No. 20 – Grader Blades**

Recommendation: Accept low bid of Valk Manufacturing Company, New Kingston, PA

**Bid No. 21 – Herbicide Treatment**

Recommendation: Accept low bid of Alligare, LLC, Opelika, AL

**Bid No. 22 – Virgin Fill Material for Pneumatic Tires**

Recommendation: Accept sole bid of McGriff Tire Company, Montgomery, AL

**Bid No. 24 – Class 3 Reinforced T & G Concrete Pipe**

Recommendation: Accept low bid of Foley Products Company, Clanton, AL

**Bid No. 25 – Sign Material & Sign Post**

Recommendation: Accept low bid for sign material from Vulcan Signs, Birmingham, AL  
Accept low bid for sign posts from G & C Supply Co, Atwood, TN

**Bid No. 27 – Guardrail**

Recommendation: Accept sole bid of Alabama Guardrail, Inc., Pinson, AL

**Bid No. 28 – Seeding & Mulching and Bales of Hay**

Recommendation: Accept low bid of Parker Grassing, Opelika, AL

**Bid No. 29 – Retread Tires Cap/Casing – Cap Only**

Recommendation: Accept low bid of GCR Tire Center, LaGrange, GA

During the pre-meeting, Mr. David Palmer of TRUEbroadband made a presentation concerning a feasibility study for a broadband network for Lee County and other surrounding counties who are interested in participating. Johnny Ford of Macon County was in attendance to

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 28, 2009**

participate in the discussion on behalf of the Chairman of the Macon County Commission and also the World Conference of Mayors. Mr. Palmer informed the Commission about his proposal. After much discussion on the agreement with TRUEbroadband during the pre-meeting, Commissioner Harris stated that he had heard several concerns, so during the meeting, he suggested that County Attorney Stan Martin research the legality of whether the county can participate in this type venture or not. No action was taken by the Commission.

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

Commissioner Long made a motion at approximately 6:15 p.m. to adjourn, seconded by Commissioner Smith and unanimously carried.

The Chairman reminded those in attendance of the visitation for Deputy James Anderson this evening until 8:00 p.m. at Jeffcoat-Trant Funeral Home and the funeral service tomorrow at 2:00 p.m. at First Baptist Church of Opelika.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 13, 2009**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Tuesday, October 13 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 Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris. Commissioner Mathan Holt was absent.

Human Resource/Safety Manager Kim Oas presented the Commission with a listing of proposed changes to the personnel policies for review. Mrs. Oas stated that the annual review is for clarification and clean-up. Mr. Rendleman stated that he would ask for suggestions and subsequent Commission adoption of the updated personnel policies at the next meeting.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, a copy of the procurement card transactions, an updated listing of claims for payment and the minutes of the September 28 meeting. Commissioner Smith made a motion to approve the items as presented, seconded by Commissioner Long and the motion carried unanimously.

Commissioner Harris addressed the TRUEbroadband presentation made at the last meeting. Commissioner Harris stated that had talked to the City of Auburn who stated they would commit \$8,333.33 if Opelika would commit their equal share and Lee County would partner for \$8,333.34. Additionally, Commissioner Harris stated he had talked with Joe in Washington on the question of whether the county can participate in the broadband service under Alabama law. Commissioner Harris stated that his understanding is that every county commission across the state can participate. County Attorney Stan Martin stated that his office had researched the matter and stated that the Alabama Code does not give the county the authority to be co-owner and/or operator of this type project. Chris Bazzell of Mr. Martin's office stated that counties in Alabama are more limited than in other states in the United States. Commissioner Harris stated he specifically asked about Alabama and he was told we could do it. Mr. Bazzell stated that Code §11-3A-2 gives counties the general authority, but subsection (d)(8) says specifically that a county does not have that authority in the area of telecommunications. Mr. Martin reiterated that there is no authority for the county to do it. Commissioner Harris once again stated that Ms. Kathy Johnson in Montgomery stated that the counties have authorization to be in this business. After much discussion during the pre-meeting, Commissioner Harris made a motion during the meeting to move to commit \$8,333.34 for this study and move forward if and only if the Cities of Opelika and Auburn, and Chambers, Macon and Russell counties all agree to participate with Lee County, and Commissioner Harris can provide Mr. Martin with the law stating that Lee County can participate in this project. The Commission agreed that if Mr. Martin is satisfied and all the proposed governments commit to participate, Lee County will pay \$8,333.34 and the study can move forward, otherwise, Lee County's participation in the joint venture is null and void. Commissioner Long seconded the motion. After vote taken the motion passed unanimously.

The second reading to re-appoint Jan Dempsey to the Lee County Human Resources Board was read. Commissioner Smith proposed the following resolution, seconded by Commissioner Lawrence and unanimously carried:

**Be it Resolved**, that the Lee County Commission hereby re-appoints Jan Dempsey to the Lee County Department of Human Resources Board for a six-year term from September 1, 2009 until September 1, 2015.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 13, 2009

County Engineer Neal Hall recommended that the Commission award Bid #19 for maintenance stone to the lowest responsible bidder, APAC, Mid South, Inc. Upon review by County Attorney Stan Martin, he found no reason not to award the bid to this company even in light of current litigation. Upon this recommendation, Commissioner Long made a motion to award Bid #19 for maintenance stone to APAC, Mid South, Inc., seconded by Commissioner Lawrence and unanimously carried.

County Administrator Roger Rendleman requested that the Commission adopt the Policies and Procedures Manual as presented. Mr. Rendleman stated that there had been some wording changes made from the presentation at the last meeting, but that the intent of the policy remained the same. Commissioner Smith made a motion to adopt the Policies and Procedures Manual with the updates as presented, seconded by Commissioner Lawrence and carried unanimously.

Mr. Henry Fraind of Lee Road 338 appeared before the Commission to ask that improvement be made to this road due to unsafe conditions. Mr. Fraind stated the road was a narrow one-lane paved road which was in desperate need of shoulder work. Mr. Fraind stated there were approximately 35 families living and driving on the road daily. Mr. Hall stated that he had talked to Mr. Fraind about the condition of the road. Mr. Hall recommended that right-of-way be acquired and a two-lane road put in. Commissioner Lawrence questioned if this was a dead-end road. Mr. Hall answered in the affirmative. Mr. Fraind stated that he understood the financial constraints on the county and asked for consideration in improving the road to make it safe for those traveling the road. Mr. Hall stated that resurfacing funds could be used to fix the roadway and he felt improvements were needed. The Commission understood Mr. Hall would repair the roadway as he felt necessary. No action was necessary by the Commission. Mr. Fraind also took a moment to compliment the county of the professionalism and friendliness of its employees, and the Chairman thanked Mr. Fraind for recognizing that and going to the extra effort to let us know.

Commissioner Lawrence requested that travel to the ACCA Legislative Conference be approved for any member of the Commission who would like to attend. The conference will be held on December 9 and 10 in Montgomery at the Montgomery Renaissance Hotel and Convention Center. Commissioner Lawrence made a motion to approve travel to the ACCA Legislative Conference in Montgomery for those wishing to attend, seconded by Commissioner Smith and unanimously carried.

Mr. Rendleman requested that the Commission allocate up to \$4,000 out of the contingent fund for the promotion of county services for FY2010. Mr. Rendleman stated that due to the recent opening of the Auburn satellite office, he would recommend that the Commission advertise all of the services offered at the Courthouse, Smiths Station and Auburn satellite offices so that citizens could be informed on the locations and the services provided at each. Upon this recommendation, Commissioner Lawrence made a motion to authorize up to \$4,000 out of the contingent fund for promotion of county services for all locations and offices to be coordinated by Mr. Rendleman. The motion was seconded by Commissioner Long and unanimously carried.

Commissioner Smith made a motion to approve the following retail beer and retail table wine licenses (off premises only) for Springvilla Grocery, seconded by Commissioner Lawrence. The motion carried on a vote of 3-0-1 with Commissioner Long abstaining.

**BE IT RESOLVED** that the Lee County Commission grant the application for a retail beer and a retail table wine license for Springvilla Grocery located at 45 Lee Road 166, Opelika, Alabama.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 13, 2009**

Commissioner Smith made a motion to approve the following restaurant retail liquor license for Legends Bar and Grill, seconded by Commissioner Lawrence. The motion carried on a vote of 3-0-1 with Commissioner Long abstaining.

**BE IT RESOLVED** that the Lee County Commission grant the application for a restaurant retail liquor license for Legends Bar and Grill located at 14000 Lee Road 379, Valley, Alabama.

Commissioner Smith made a motion to approve the following lounge retail liquor license for Cock and Bull Tavern, seconded by Commissioner Lawrence. The motion carried on a vote of 3-0-1 with Commissioner Long abstaining.

**BE IT RESOLVED** that the Lee County Commission grant the application for a lounge retail liquor license for Cock and Bull Tavern located at 2102 AL HWY 169, Opelika, Alabama.

Mr. Rendleman recommended that an item be added to the agenda for re-roofing the old jail at the Justice Center. Mr. Rendleman stated that the bids had just been opened today and action needed to be taken as soon as possible. Upon this recommendation, Commissioner Smith made a motion to add the bid for the jail re-roof project, seconded by Commissioner Lawrence and unanimously carried. Mr. Rendleman stated that the lowest responsible bidder was Core Roofing of Alpharetta, Georgia for \$350,200 and an additional \$30,500 for Alternate #1. Mr. Rendleman stated that the bid came in as projected and that the lowest responsible bidder was over \$74,000 lower than the next lowest bid. Architect Randy Wilson, who was in attendance, stated he had talked to the vendor and understood that they could start work on the project as soon as agreements were signed. Mr. Rendleman stated that the project needed to be addressed and he felt that the bid was reasonable and he would recommend that the Commission contract with this vendor and accept Alternate #1 for metal coping also. Upon this recommendation, Commissioner Harris made a motion to contract with Core Roofing for the re-roofing of the jail at a cost of \$350,200 with Alternate #1 for and additional \$30,500. The motion was seconded by Commissioner Lawrence and unanimously carried.

Commissioner Smith made a motion at approximately 6:25 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

The Chairman reminded the Commissioners of the ACCA District meeting in Russell County on Tuesday, October 27. Commissioners Lawrence and Long stated they would attend.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 13, 2009**

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 26, 2009**

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, October 26 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, Annell Smith and John Andrew Harris.

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 13 meeting. Commissioner Smith made a motion to approve the items as presented, seconded by Commissioner Lawrence and the motion passed on a 4-0-1 vote with Commissioner Holt abstaining due to his absence at the last meeting.

During the pre-meeting extensive discussion was again held on the TRUEbroadband issue. In light of County Attorney Stan Martin's opinion, Commissioner Harris asked the Commission to consider getting an Attorney General's opinion on whether Lee County can own and/or operate a broadband system. Upon further discussion, Judge English questioned the Commission on whether or not they were interested in pursuing this venture. Commissioner Harris stated that it was his understanding after talking to Kathy Johnson that perhaps the Lee-Russell Council of Governments could manage the broadband system if the county developed it. Commissioner Harris stated that he had talked to Director Suzanne Burnett about an agreement. During the meeting, no discussion or action was taken.

During the pre-meeting, Human Resources/Safety Manager Kim Oas made a presentation on the updated personnel policies. Mrs. Oas stated that this was the annual update and review of all the policies currently in place. Additionally, County Administrator Roger Rendleman made a recommendation that the Commission revoke an old e-mail policy that was passed on April 14, 2003 and replace it with the new policy in the updated personnel policies. After discussion Commissioner Lawrence made a motion to approve the updates to the personnel policies and to adopt the new e-mail policy as presented, revoking the old e-mail policy. The motion was seconded by Commissioner Smith and passed unanimously.

Governmental Relations Coordinator Wendy Swann presented the final draft of "A Guide to Lee County Government". Mrs. Swann requested Commission approval to adopt the guide as the official guide for Lee County and stated that it would be available to citizens at several locations throughout the county. Commissioner Lawrence made a motion to adopt "A Guide to Lee County Government" as the official guide for Lee County. The motion was seconded by Commissioner Holt and passed unanimously.

County Engineer Neal Hall presented each Commissioner with an updated highway reference guide and map and recommended that the Commission adopt each as the official guide and map. Commissioner Holt made a motion to officially adopt the Highway Reference Guide and Maintenance Map, seconded by Commissioner Long and passed unanimously.

Roger Rendleman requested that the Commission reduce the FY2010 Environmental Services Fund budget by \$42,000 to remain compliant with State law requiring a balanced budget. Mr. Rendleman stated that since year end fund balance projections were not met, this action is necessary. Mr. Rendleman stated he had talked to Environmental Services Director Jack Marshall and they had agreed to reduce the site improvement line item from \$60,000 to \$18,000. Commissioner Smith made a motion to approve the budget amendment as requested, seconded by Commissioner Holt and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 26, 2009**

Commissioner Lawrence made a motion to add the following Resolution to the agenda, seconded by Commissioner Smith and unanimously carried. Emergency Management Agency Director Kathy Russell presented the following Resolution establishing the National Incident Management System (NIMS) as the standard for incident management. Commissioner Lawrence made a motion to authorize the Chairman to sign the following Resolution, seconded by Commissioner Long and unanimously carried.

**A RESOLUTION OF THE LEE COUNTY COMMISSION ESTABLISHING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE STANDARD FOR INCIDENT MANAGEMENT IN LEE COUNTY, ALABAMA.**

**WHEREAS**, The President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

**WHEREAS**, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

**WHEREAS**, it is necessary and desirable that all Federal, State, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the county's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the county, including current emergency management training programs; and

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; and

**WHEREAS**, a specific individual needs to be designated as Local Point of Contact (LPOC) to coordinate NIMS activities and to ensure compliance;

**NOW, THEREFORE, BE IT RESOLVED** by the Lee County Commission that the National Incident Management System (NIMS) is hereby established as the standard for incident management in Lee County, Alabama.

**BE IT FURTHER RESOLVED** that the Lee County EMA Training Officer, is hereby designated as the Local Point of Contact (LPOC).

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 26, 2009**

Commissioner Smith made a motion to approve the following retail beer license for Fish Bait located in District 3, seconded by Commissioner Lawrence. The motion carried on a vote of 4-0-1 with Commissioner Long abstaining.

**BE IT RESOLVED** that the Lee County Commission grant the application for a retail beer (off premise only) license for Fish Bait located at 5330 Lee Road 379, Salem, Alabama.

Judge English reminded all Commissioners of the ACCA District meeting Tuesday evening at 6:00 p.m. central time at the new Russell County Courthouse.

Commissioner Harris stated that he would like to schedule a meeting with the local delegation to discuss legislative issues. Commissioner Lawrence requested that Mrs. Swann contact the local delegation to get available dates for a meeting.

Commissioner Lawrence made a motion at approximately 6:08 p.m. to adjourn, seconded by Commissioner Holt and unanimously carried.

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 9, 2009**

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

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, Annell Smith and John Andrew Harris.

Sheriff Jay Jones recognized Deputy Lee Fleming as Deputy of the Month for August. Sheriff Jones stated that due to Deputy Fleming's tactics and quick action he was able to locate a vehicle believed to be involved in a burglary. Upon examination of the vehicle, Deputy Fleming and fellow deputies were able to identify multiple suspects who were taken into custody and charged with burglary within a few hours of the initial report. Sheriff Jones congratulated Deputy Fleming for his dedication. Judge English also thanked Deputy Fleming for his service to Lee County.

Judge English recognized Auburn University Department of Public Safety and Security Assoc. Director Emergency Management Chance Corbett. Mr. Corbett announced that EMA Director Kathrine Russell had become a Certified Emergency Manager. Mr. Corbett stated that only eight people in the State of Alabama had obtained this certification, and that she is one of only two or three county EMA Directors to do so. Additionally, Mr. Corbett stated that the certification was recognized internationally by the IEMA. Judge English congratulated Ms. Russell on her achievement.

Commissioner Holt made a motion to authorize the Chairman to sign the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

WHEREAS, noted with highest commendation is the attainment of the rank of Eagle Scout, the highest rank in the Boy Scouts of America, by Joey Marlett of Opelika, Alabama; and

WHEREAS, the Eagle Scout Award involves completion of an Eagle Project and represents many years of diligence in pursuit of a worthy goal which brings honor to the scout, his family, and his troop; and

WHEREAS, a member of Cornerstone United Methodist Church Troop 15, Joey progressed through the levels of scouting, meeting the demanding requirements for achieving this coveted award; and

WHEREAS, Joey's Eagle Project consisted of the construction of the "Big Oak" Outdoor Classroom A mini-amphitheater located under a large oak tree in the Auburn University Forestry Preserve; and under Joey's leadership his troop built and installed nine benches and a table with a seating capacity of thirty-six; and

WHEREAS, a freshman at Troy University in Troy, AL, Timothy will receive his official Eagle Scout Award on November 15th in a special Court of Honor; and

WHEREAS, through the years Joey has exhibited those hard-won characteristics of self-discipline, good citizenship and honorable conduct, all components of the scouting program; he has earned the esteem of his community and fellow scouts; now therefore,

BE IT RESOLVED BY THE LEE COUNTY COMMISSION, that in recognition of his outstanding accomplishment in attaining the rank of Eagle Scout, Joey Marlett is heartily congratulated, and this resolution is provided in tribute along with the warm personal regards of the citizens of Lee County.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 9, 2009**

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 26 meeting. Copies of the procurement card transactions were on the Commissioners desk prior to the meeting for review. Commissioner Lawrence made a motion to approve the items as presented, seconded by Commissioner Harris and unanimously carried.

Judge English stated that Ms. Mattie Hinkle had called prior to the meeting and stated that she may not be able to attend the meeting and requested to be placed on the next agenda.

Pete Idsall of the Firefighters Association appeared before the Commission requesting assistance for all the volunteer fire departments in the county. Mr. Idsall presented a three-year and a five-year picture outlining the future of the departments. Mr. Idsall stated that due to the uncertainty of the economy, they were unable to provide a ten-year plan. Commissioner Lawrence requested that the Commission set a work session with the Association to discuss the matter. Mr. Idsall stated that the Association would meet the next Tuesday evening and he would come back to the next Commission meeting and provide the best dates for the two groups to meet. The item was moved to the next agenda.

Commissioner Harris stated that he had two items for legislative consideration: 1) to change state laws to benefit local governments and 2) to enact a county occupational tax to generate revenue for economic development. Commissioner Harris made a motion to present the two items to the legislative delegation, but the motion died for the lack of a second.

Assistant County Engineer Justin Hardee presented an HRRR Agreement and Resolution for installation of rumble strips and reflective signs at the intersection of Lee Road 188 and Lee Road 072 and installation of reflective signs and pavement markers on Lee Road 151. Commissioner Smith made a motion to authorize the Chairman to sign the agreement as presented, seconded by Commissioner Holt and unanimously carried.

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

Installation of rumble strips, signs and pavement markers at 2 sites as indicated on the plans. Length 2.262 miles. Proj#HRRR-CN10(203), LCP 41-00-09. CPMS Ref#100054148; 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 the 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 installation of rumble strips, signs and pavement markers at 2 sites as indicated on the plans. Length 2.262 miles. Proj#HRRR-CN10(203), LCP 41-00-09. CPMS Ref#100054148.

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

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 9, 2009**

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 representatives, 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 the permit.
6. The Construction for this Project will be performed by the COUNTY, or at the unit prices specified in the low bid contract(s).
7. The COUNTY will furnish all construction engineering for the PROJECT with County forces or with a consultant selected and approved by the State as part of the Project cost. The cost of construction engineering and inspection shall be included as part of the construction cost for the PROJECT and will be paid from funds provided herein.
8. The STATE will furnish the necessary inspection and testing of materials with STATE forces when needed as part of the PROJECT 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 that the PROJECT will be constructed in accordance with the approved plans.
10. This agreement is made and expressly executed in the names of the parties hereto by their respective officers, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.
11. Funding of 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 the COUNTY from County Funds. In the event of an under-run in construction costs, the amount of Federal HRRR Funds will be the amount stated below, or 100% of eligible costs, whichever is less.
12. This PROJECT will be financed, when eligible for Federal participation, on the basis of 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	\$ 21,456.00
County Funds	<u>2,384.00</u>
Total (Including E&I and Indirect Costs)	\$ 23,840.00
14. The STATE will be responsible for advertisement and receipt of bids, and the award of the contract. Following the receipt of the bids and prior to the award of the contract, the STATE will invoice the COUNTY for its prorata share of the estimated cost, and the COUNTY will pay this amount to the STATE no later than 90 days after the date bids are opened. Payment must be received prior to award of the contract.
15. A final audit will be made of all PROJECT records after completion of the PROJECT and a copy will be furnished to the Alabama Department of Examiners of Public Accounts, in accordance with Act. 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this agreement.
16. The COUNTY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the PROJECT. Any invoices submitted after this six (6) month period

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 9, 2009**

- will not be eligible for payment.
17. Upon completion and acceptance of the work by the STATE, the COUNTY will assume full responsibility for maintenance of that part of the improvements which are not a part of the Alabama Highway Maintenance System. Upon completion and acceptance of the work by the STATE, the COUNTY will maintain the PROJECT in satisfactory condition in accordance with the requirements of the Alabama Department of Transportation.
  18. The performance of the work covered by this agreement will be in accordance with the current requirements of the STATE and the FHWA.
  19. Each party will provide, without cost to the other, information available from its records that will facilitate the performance of the work.
  20. Nothing will be construed under the terms of this agreement by the STATE or the COUNTY that will cause any conflict with Section 23-1-63, Code of Alabama (7/24<sup>th</sup> law).
  21. It is agreed that the terms and commitments contained in this agreement shall not be constituted as a debt of the State of Alabama in violation in 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.
  22. 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 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.
  23. 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) or the COUNTY, its agents, servants, employees or facilities.
  24. Exhibits M and N are located at the Lee County Highway Department.
  25. The terms of this agreement may be modified by supplemental agreement duly executed by the parties hereto.
  26. This agreement shall terminate on April 30, 2010, as to any work provided herein for which funding has not been authorized, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination. The COUNTY agrees that the STATE may unilaterally extend the time of the agreement.

Next, Mr. Hardee recommended that the Commission award Bid #15 for maintenance stone to the lowest responsible bidders, Martin Marietta for #89 stone at \$10/ton, and Southeast Materials for Class 1 & Class 2 rip rap at \$16/ton. Upon this recommendation, Commissioner Lawrence made a motion to accept the low bids as presented, seconded by Commissioner Smith and unanimously carried.

Commissioner Holt made a motion to approve the following lounge retail liquor license for CABERET, seconded by Commissioner Lawrence. The motion carried on a vote of 4-0-1 with Commissioner Long abstaining.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 9, 2009**

**BE IT RESOLVED** that the Lee County Commission approve the application for a lounge retail liquor license for **CABERET** located at 899 Lee Road 76, Waverly, Alabama.

Commissioner Smith made a motion to approve the following retail beer and retail table wine licenses (off premises only) for the Stop N Shop, seconded by Commissioner Lawrence. The motion carried on a vote of 4-0-1 with Commissioner Long abstaining.

**BE IT RESOLVED** that the Lee County Commission approve the application for a retail beer and a retail table wine license for the **Stop N Shop** located at 6076 Alabama Highway 51, Opelika, Alabama.

Commissioner Long made a motion to add an item to the agenda concerning setting a speed zone on Lee Roads 2082 & 2083 in Westridge Subdivision. The motion was seconded by Commissioner Smith and unanimously carried. Commissioner Long stated that several residents had contacted him complaining about speeders in the neighborhood and requested the speed limit be reduced. Commissioner Long made a motion to set the speed zone at 25 M.P.H. on Lee Roads 2082 & 2083, seconded by Commissioner Smith and unanimously carried.

Commissioner Lawrence made a motion at approximately 6:25 p.m. to adjourn, seconded by Commissioner Smith and unanimously carried.

Minutes approved:

\_\_\_\_\_  
Chairman

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

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

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

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

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

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2009**

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

Mr. Paul Gibson appeared before the Commission asking the Commission to address an issue concerning the circulation of a voter registration form with Republican information printed on the back. Judge English tried to question Mr. Gibson, but Mr. Gibson only stated that he would "see you in court" and left the Commission chambers. Commissioner Harris stated that the form had been received in the Board of Registrars Office and that the Commission needed to stop this action and refuse to accept the forms. Judge English stated that the Board of Registrars was responsible for any issues with voter registration forms, not the County Commission.

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, Annell Smith and John Andrew Harris.

Judge English introduced Miss Auburn-Opelika Area 2010 Ashley Garcia, Miss Outstanding Teen Alex Winslett and Rising Star Caroline Snow. Miss Garcia explained her platform on breast cancer awareness and will represent our area in the Miss Alabama pageant next year.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the November 9 meeting. Commissioner Lawrence made a motion to approve the items as presented, seconded by Commissioner Holt and unanimously carried.

Although carried forward from the last agenda at her request, Ms. Mattie Hinkle was once again not in attendance to address her property issue.

Pete Idsall of the Firefighters Association again appeared before the Commission with available dates from the Association. Judge English reviewed those dates with the Commissioners and discussed which night would be best for the Commission. After discussion, Commissioner Holt made a motion to set a joint work session with the Lee County Firefighters Association on January 19 at 6:00 p.m. in the Commission chambers to discuss the future financial needs of the volunteer fire departments. The motion was seconded by Commissioner Lawrence and unanimously carried.

Mr. Steve Johnson of Lee Road 401 appeared before the Commission concerning a fence issue on the right-of-way. Mr. Johnson stated that he had received a certified letter from the Lee County Highway Department on November 7 asking him to remove a fence from the right-of-way on Lee Road 401 by November 20. Mr. Johnson stated that he had contacted various fence companies and one stated they were too far behind and the other stated it would be at least two weeks before they could move the fence. Mr. Hall explained that the fence has to be moved because \$265,000 in federal funds are being utilized on the road widening project, otherwise Lee County would not be requesting the removal of the fence at all. Additionally, Mr. Hall stated that he was given a short deadline to get the paperwork approved to qualify for the federal funding. Mr. Hall stated that other citizens on this road had already complied with similar requests concerning fences and mailboxes. Judge English informed the Commission that Mr. Hall had delayed this work briefly at his request so that Mr. Johnson could appear before the Commission, but that it couldn't wait any longer. Mr. Johnson stated that he would work with the county if they would remove his fence and lay it back on his property for him to replace at a later date. Mr. Hall stated that if the county removed fence from the right-of-way, the normal policy was to dispose of whatever is removed. He also felt that the county should reimburse the

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2009**

other citizens for removing their fences if we were going to remove Mr. Johnson's fence. Mr. Johnson stated that he was only requesting the Commission give him three days to remove as much of the fencing as possible and then the Highway Department could remove the remaining, so long as it was at no cost to Mr. Johnson. After further discussion, Commissioner Smith made a motion to give Mr. Johnson two days to remove his fence and on that Thursday the Lee County Highway Department would be allowed to remove the remaining fencing and posts at no cost to Mr. Johnson. The motion was seconded by Commissioner Long and unanimously carried.

Judge English opened the floor at 6:20 P.M. for a Public Hearing on the LifeSouth Community Blood Centers, Inc. concerning the refinancing of bonds. No one was in attendance to address the public hearing, and the floor was closed at approximately 6:21 P.M. After the public hearing, Commissioner Lawrence made a motion to approve the following Resolution concerning LifeSouth Community Blood Center, Inc, seconded by Commissioner Holt and unanimously carried.

**RESOLUTION**

A RESOLUTION OF THE COUNTY COMMISSION OF LEE COUNTY, ALABAMA, APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE ALACHUA COUNTY HEALTH FACILITIES AUTHORITY (THE "ISSUER"); APPROVING THE ISSUANCE BY THE ISSUER OF ITS HEALTH CARE FACILITIES REVENUE NOTE (LIFESOUTH COMMUNITY BLOOD CENTERS, INC. PROJECT), IN A PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, OF WHICH \$1,000,000 WILL BE ISSUED FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO LIFESOUTH COMMUNITY BLOOD CENTERS, INC. TO FINANCE OR REFINANCE ALL OR A PART OF THE COSTS OF THE ACQUISITION, CONSTRUCTION, EQUIPPING, RENOVATION AND EXPANSION OF CERTAIN HEALTH CARE FACILITIES LOCATED OR TO BE LOCATED IN LEE COUNTY, ALABAMA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, LifeSouth Community Blood Centers, Inc., (the "Borrower"), a Florida not-for-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), desires to finance or refinance the costs of the acquisition, construction, equipping, renovation and expansion of the certain health care facilities of the Borrower located in Lee County, Alabama (the "County"), as more particularly described in Exhibit A hereto (the "Lee County Project"); and

WHEREAS, the Borrower is undertaking certain capital projects consisting of the financing or refinancing all or a part of the costs of the acquisition, construction, equipping, renovation and expansion of certain health care facilities located in Gainesville, Lecanto, Lake City, Ocala, Palatka and Brooksville, Florida, Dunwoody, Atlanta and Gainesville, Georgia, and Birmingham, Opelika, Mobile, Montgomery and Madison, Alabama, including the Lee County Project (collectively, the "Projects");

WHEREAS, the Borrower will recognize substantial cost savings by financing all of the Projects through a single plan of finance consisting of the issuance by the Alachua County Health Facilities Authority (the "Issuer") of its Health Care Facilities Revenue Note (LifeSouth Community Blood Centers, Inc. Project) (the "Revenue Note") to finance or refinance all of the Projects; and

WHEREAS, the Borrower has requested that the County Commission of Lee County authorize the execution and delivery of an Interlocal Agreement to be entered into between the County and the Issuer (the "Interlocal Agreement"), in substantially the form attached hereto as Exhibit B, to allow the issuance by the Issuer of the Revenue Note to pay the cost of the Lee

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2009**

County Project, the amount thereof not to exceed \$30,000,000; and

Exhibit B, to allow the issuance by the Issuer of the Revenue Note to pay the cost of the Lee County Project, the amount thereof not to exceed \$30,000,000; and

WHEREAS, the Commission is willing to enter into the Interlocal Agreement as herein described in order to permit the Borrower to recognize the cost savings from a consolidated financing;

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Lee County, Alabama that:

SECTION 1. Findings. The Commission hereby finds, determines and declares as follows:

A. Notice of a public hearing to be held before the Commission, inviting comments and discussions concerning the issuance of the Revenue Note by the Issuer to finance the Lee County Project, was published in the Opelika-Auburn News, a newspaper of general circulation in the County, at least fourteen days prior to such hearing date, a copy of the publisher's affidavit of proof of publication is attached hereto as Exhibit C and incorporated herein by reference.

B. Following such notice, a public hearing was held by the Commission during which comments and discussions concerning the issuance of the Note by the Issuer to finance the Lee County Project were requested and allowed.

C. The Lee County Project and the issuance of the Revenue Note by the Issuer to finance the Lee County Project will have a substantial public benefit in the County.

D. The Commission is the elected legislative body of the County, and the Commission has jurisdiction over the Lee County Project.

E. The Revenue Note and the interest thereon shall not constitute an indebtedness or pledge of the general credit or taxing power of the County, the Issuer, the State of Florida, the State of Alabama or any political subdivision thereof but shall be payable solely from the revenues pledged therefor pursuant to a loan agreement entered into by and between the Issuer and the Borrower prior to or contemporaneously with the issuance of the Revenue Note.

SECTION 2. Authorization of Interlocal Agreement. The form of the Interlocal Agreement attached hereto as Exhibit B is hereby approved. The Chairman of the Commission and the County Administrator are hereby authorized in the name and on behalf of the County pursuant to this Resolution to execute and deliver the Interlocal Agreement on behalf of the County in substantially the form attached to this Resolution, with such changes, insertions and deletions as the Chairman may approve, his execution thereof to be conclusive evidence of such approval. The officers executing the Interlocal Agreement are hereby further authorized to do all things which may be required or advisable with respect to or in any way related thereto, including, but not limited to, filing the Interlocal Agreement with the Office of the Judge of Probate in and for the County. The Chairman of the Commission and the County Administrator are hereby further authorized to take such further action and execute such further instruments as may be necessary or appropriate to fully effectuate the purpose and intention of this Resolution and the Interlocal Agreement.

SECTION 3. Approval. Solely for the purposes of Section 147(f) of the Code and other applicable provisions of law, the Commission hereby approves the issuance of the Revenue Note by the Issuer in a principal amount not exceeding \$30,000,000, with up to \$1,000,000 to be applied to finance or refinance the cost of the Lee County Project. The approval given herein shall not be construed as (i) an endorsement of the creditworthiness of the Borrower or the

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2009**

financial viability of the Projects, (ii) a recommendation to any prospective purchaser to purchase the Revenue Note, (iii) an evaluation of the likelihood of the repayment of the debt service on the Revenue Note, or (iv) approval of any necessary rezoning applications or approval or acquiescence to the alteration of existing zoning or land use nor approval for any other regulatory permits relating to the Lee County Project, and the Commission shall not be construed by reason of its adoption of this Resolution to make any such endorsement, finding or recommendation to have waived any right of the County or estopping the County from asserting any rights or responsibilities it may have in such regard. Further, the approval by the Commission of the issuance of the Revenue Note by the Issuer shall not be construed to obligate the County to incur any liability, pecuniary or otherwise, in connection with either the issuance of the Revenue Note or the acquisition and construction of the Lee County Project.

SECTION 4. Effective Date. This Resolution shall take effect immediately upon its passage.

**INTERLOCAL AGREEMENT**

THIS INTERLOCAL AGREEMENT (the "Agreement") is dated as of \_\_\_\_\_, 20\_\_\_, and is entered into between ALACHUA COUNTY HEALTH FACILITIES AUTHORITY (the "Issuer"), a public body corporate and politic organized and existing under the provisions of laws of the State of Florida, and Lee County, Alabama (the "County"), a political subdivision of the State of Alabama;

WITNESSETH:

WHEREAS, LifeSouth Community Blood Centers, Inc., a Florida not for profit corporation (the "Borrower"), has requested that the Issuer and the County enter into this Agreement to authorize the Issuer to issue its Health Care Facilities Revenue Note (LifeSouth Community Blood Centers, Inc. Project) in a principal amount not exceeding \$30,000,000 (such Revenue Note, together with any obligation issued to refund the indebtedness evidenced by such Revenue Note, are hereinafter referred to, collectively, as the "Revenue Note") to finance or refinance certain health care facilities to be owned and operated by the Borrower in the States of Florida, Georgia and Alabama, with the proceeds of approximately \$1,000,000 in principal amount of said Revenue Note to be applied to finance or refinance the portion of such qualifying projects located in Lee County, Alabama, as described in Exhibit A hereto (the "Project"); and

WHEREAS, such financing through a single plan of finance consisting of the issuance of one revenue note by the Issuer to finance all of such qualifying projects, including the Project, will result in significant cost savings to the Borrower when compared to the costs of the issuance and sale of separate revenue notes by the Issuer and by the various counties and/or cities in which the various portions of the qualifying projects will be located to finance or refinance such qualifying projects, including the Project; and

WHEREAS, the Issuer and the County have agreed to enter into this Agreement for the purposes stated above; and

WHEREAS, on September 17, 2009, the Issuer approved the issuance of the Revenue Note, the application of the proceeds thereof and the execution and delivery of this Agreement by the Issuer; and

WHEREAS, on November 30, 2009 the Board of County Commissioners of Alachua County, Florida approved the issuance of the Revenue Note by the Issuer and approved the execution and delivery of this Agreement by the Issuer; and

WHEREAS, on November 30, 2009, the Lee County Commission approved the execution and delivery of this Agreement, the issuance of the Revenue Note by the Issuer and the application of the proceeds thereof; and

WHEREAS, the Interlocal Act authorizes the Issuer to enter into this Agreement with the County and confers upon the Issuer authorization to issue the Revenue Note and to apply the

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2009**

proceeds thereof to the financing or refinancing of the Project through a loan of such proceeds to the Borrower; and

WHEREAS, the parties hereto desire to agree to the issuance of the Revenue Note by the Issuer for such purposes and such agreement by such parties is in the public interest; and

WHEREAS, the Borrower has agreed to indemnify the Issuer, Alachua County, Florida, and the County in connection with the execution of this Agreement;

NOW, THEREFORE, for and in consideration of the premises hereinafter contained, and intending to be legally bound hereby, the parties hereto agree as follows:

Authorization to Issue the Revenue Note. The Issuer and the County do hereby agree that the Issuer is hereby authorized to issue the Revenue Note in a principal amount not exceeding \$30,000,000 and to loan the proceeds thereof to the Borrower to finance or refinance the qualifying projects described above, including the Project. The Issuer is hereby authorized to exercise all powers relating to the issuance of the Revenue Note vested in the County pursuant to the Constitution and the laws of the State of Alabama and to do all things within the jurisdiction of the County which are necessary or convenient for the issuance of the Revenue Note and the financing or refinancing of the Project to the same extent as if the County were issuing its own obligations for such purposes without any further authorization from the County to exercise such powers or to take such actions. It is the intent of this Agreement and the parties hereto that the Issuer be vested, to the maximum extent permitted by law, with all powers which the County might exercise with respect to the issuance of the Revenue Note and the lending of the proceeds thereof to the Borrower to finance or refinance the Project in the County as though the County were issuing such Revenue Note as its own special limited obligation.

Article I. Qualifying Project.

The Issuer hereby represents, determines and agrees as follows:

The Project constitutes a "project" as such term is used in Part II, Chapter 159, Florida Statutes.

The Borrower is financially responsible and fully capable and willing to fulfill its obligations under the financing agreement, including the obligations to make payments in the amounts and at the times required, to operate, repair, and maintain at its own expense the Project, and to serve the purposes of Part II, Chapter 159, Florida Statutes and such other responsibilities as may be imposed under the financing agreement.

Adequate provision will be made in the financing agreements for the operation, repair, and maintenance of the Project at the expense of the Borrower and for the payment of principal of and interest on the Revenue Note.

The Borrower has represented to the Issuer that the Borrower expects to expend approximately \$1,000,000 to pay the costs (including related financing costs) of the Project.

A public hearing was held on September 17, 2009, by the Issuer, during which comments concerning the issuance of the Revenue Note by the Issuer to finance the Project were requested and could be heard.

The County hereby represents, determines and agrees as follows:

The Project is appropriate to the needs and circumstances of, and shall make a significant contribution to the economic growth of the County; shall provide or preserve gainful employment; and shall serve a public purpose by advancing the economic prosperity, the public health, or the general welfare of the State of Alabama and its people.

The County and other local municipalities or agencies will be able to cope satisfactorily with the impact of the Project and will be able to provide, or cause to be provided when

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2009**

needed, the public facilities, including utilities and public services, that will be necessary for the construction, operation, repair, and maintenance of such Project and on account of any increases in population or other circumstances resulting therefrom.

Article II. No Pecuniary Liability of the Public Agency: Limited Obligation of the Issuer. Neither the provisions, covenants or agreements contained in this Agreement and any obligations imposed upon the County hereunder, nor the Revenue Note issued pursuant to this Agreement, shall constitute an indebtedness or liability of the Issuer, Alachua County, Florida, the County or the State of Alabama or any subdivision thereof. The Revenue Note when issued, and the interest thereon, shall be a limited and special obligation of the Issuer payable solely from certain revenues and other amounts pledged thereto by the terms thereof.

Article III. No Personal Liability. No covenant or agreement contained in this Agreement shall be deemed to be a covenant or agreement of any member, officer, agent or employee of the Issuer, Alachua County, Florida, or the County in his or her individual capacity and no member, officer, agent or employee of the Issuer, Alachua County, Florida, or the County shall be liable personally on this Agreement or be subject to any personal liability or accountability by reason of the execution of this Agreement.

Article IV. Allocation of Responsibilities. The Issuer shall take all actions it deems necessary or appropriate in connection with the issuance of the Revenue Note, including, in its discretion, the preparation, review, execution and filing with government agencies of certificates, opinions, agreements and other documents to be delivered at the closing of the Revenue Note and the establishment of any funds and accounts pursuant to a financing agreement related to the Revenue Note.

Neither the Issuer, Alachua County, Florida, or the County shall be liable for the costs of issuing the Revenue Note or the costs incurred by any of them in connection with the preparation, review, execution or approval of this Interlocal Agreement or any documentation or opinions required to be delivered in connection therewith by the Issuer, Alachua County, Florida, or the County or counsel to any of them. All of such costs shall be paid from the proceeds of the Revenue Note or from other moneys of the Borrower.

Indemnity. The Borrower, by its approval and acknowledgment at the end of this Agreement, agrees to indemnify and hold harmless the Issuer, Alachua County, Florida, and the County, and their respective officers, employees and agents, from and against any and all losses, claims, damages, liabilities or expenses, of every conceivable kind, character and nature whatsoever, including, but not limited to, losses, claims, damages, liabilities or expenses (including reasonable fees and expenses of attorneys, accountants, consultants and other experts), arising out of, resulting from, or in any way connected with this Agreement or the issuance of the Revenue Note, other than any such losses, damages, liabilities or expenses, in the case of the Issuer, arising from the willful misconduct of the Issuer, in the case of Alachua County, Florida, arising from the willful misconduct of Alachua County, Florida, or in the case of the County, arising from the willful misconduct of the County.

Article V. Term. This Agreement will remain in full force and effect from the date of its execution, subject to the provisions of Section 8 hereof, until such time as it is terminated by any party hereto upon 10 days' advance written notice to the other party hereto. Notwithstanding the foregoing, it is agreed that this Agreement may not be terminated so long as any of the Revenue Note remains outstanding or unpaid. Nothing herein shall be deemed in any way to limit or restrict either party hereto from issuing its own obligations or entering into any other agreement for the financing or refinancing of any facility which either party hereto may choose to finance or refinance.

Article VI. Filing of Agreement. It is agreed that this Agreement shall be filed by the Borrower or its authorized agent or representative with the Clerk of the Circuit Court of Alachua County, Florida, and with the Office of the Judge of Probate of Lee County, and that this Agreement shall not become effective until so filed.

Article VII. Severability of Invalid Provisions. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provisions of law

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2009**

or contrary to the policy of express law, though not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other provisions hereof.

Article VIII. Litigation. In the event any legal proceedings are instituted between the parties hereto concerning this Agreement, the prevailing party in such proceedings shall be entitled to recover its costs of suit, including reasonable attorneys' fees, at both trial and appellate levels.

Article IX. Governing Law. With respect to the rights and obligations of Lee County, Alabama under this Agreement, this Agreement shall be construed and enforced in accordance with, and the rights of the parties shall be governed by, the laws of the State of Alabama, without regard to conflict of law principles. For all other purposes, this Agreement shall be construed and enforced in accordance with, and the rights of the parties shall be governed by, the laws of the State of Florida, without regard to conflict of law principles.

Article X. Execution in Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**EXHIBIT A**

**Project Description**

The Project consists of the acquisition, construction, equipping, renovation and expansion of certain health care facilities described below and owned or to be owned and operated by the Borrower:

an approximately 4,700 square foot community blood bank facility located on approximately 0.9 acres at 505 Thomason Circle, Opelika, Alabama 36830

Commissioner Long requested that the Lee County Highway Department perform a traffic study at the intersection of Lee Roads 230 & 240. Commissioner Long stated that he felt that this project should come before the whole Commission due to the cost and length of time needed to perform the study. Commissioner Holt questioned the timeframe of the study. Mr. Hall stated that it would take approximately one month and stated that since his Subdivision Engineer was available, he would be placed on this project. After discussion, Commissioner Long made a motion to allow the Lee County Highway Department to conduct a traffic study at the intersection of Lee Roads 230 & 240, seconded by Commissioner Smith and unanimously carried.

Judge English reviewed a proposed holiday schedule that was in the packets. Judge English stated that Memorial Day and Independence Day needed to be discussed. Moving the regularly scheduled meeting that would fall on Memorial Day to the next day per our normal procedure would place the second May meeting in the month of June, and Judge English suggested moving it back a week to May 24<sup>th</sup> instead. He also asked whether the Commission would prefer to give Friday, July the 2<sup>nd</sup> or Monday, July the 5<sup>th</sup> for the Independence Day holiday. After discussion, Commissioner Holt made a motion to approve the 2010 Holiday Schedule as follows, seconded by Commissioner Smith and unanimously carried.

**2010 Holiday Schedule**

New Year's Day	Friday, January 1, 2010
Martin Luther King, Jr. Day	Monday, January 18, 2010
Presidents' Day	Monday, February 15, 2010
Memorial Day	*Monday, May 31, 2010
Independence Day	Monday, July 5, 2010

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2009**

Labor Day	Monday, September 6, 2010
Columbus Day	*Monday, October 11, 2010
Veterans' Day	Thursday, November 11, 2010
Thanksgiving	Thursday, November 25, 2010
	Friday, November 26, 2010
Christmas	Thursday, December 23, 2010
	Friday, December 24, 2010

\* Normal Commission Meeting Day

Note: Monday, May 31 meeting moved to Monday, May 24, 2010

Monday, October 11 meeting moved to Tuesday, Oct. 12, 2010

County Administrator Roger Rendleman made a presentation during the pre-meeting concerning the redemption of the general obligation warrants Series 1998. Mr. Rendleman stated that in 1998 Lee County Commission issued \$5,585,000 in General Obligation Warrants for the purpose of refinancing a 1989 General Obligation Road and Bridge Warrants and to finance an agreement with the Cities of Opelika and Auburn for the transfer of county maintained roads located within the limits of such cities. Mr. Rendleman stated that the warrants had already been refinanced once and he preferred not to refinance again. Currently, the 1998 issue has a \$1,370,000 in principal debt still outstanding and the proposal is to call for the redemption of the outstanding warrants as of February 1, 2010. Mr. Rendleman stated that the redemption of the 1998 General Obligation Warrants would save the county approximately \$100,000 in interest cost over the next three years. Second, the county would be in a position to utilize current budgeted funds for debt service in a more effective manner. And third, the county may be able to benefit from the use of Build America Bonds. Additionally, Mr. Rendleman stated that the proposal is to issue seven to eight million dollars in bonds for a Countywide Bridge Replacement Program. Currently projected, a taxable Build America Bond issue for eight million dollars would be around \$654,020 in annual debt service, which is \$128,980 less than this year's debt service budget; however, with the 35% interest rebate from the Federal government, the net debt service in the first year would be \$519,613, which is \$263,387 less than this year's debt service in the RRR Fund. Mr. Rendleman presented the following Resolution on the early debt retirement. Commissioner Holt made a motion to approve the following Resolution as presented, seconded by Commissioner Lawrence and unanimously carried.

**Whereas**, the Lee County Commission issued General Obligation Warrants, Series 1998 on December 1, 1998; and

**Whereas**, said warrants are subject to redemption prior to maturity at the option of the County on June 1, 2006 or any date thereafter; and

**Whereas**, the Lee County Commission has deemed the exercise of the option is advantageous and beneficial to the citizens of Lee County.

**Now, Therefore, Be It Resolved**, the Lee County Commission has elected to redeem all of the remaining outstanding warrants for the General Obligation Warrants, Series 1998 at one hundred percent of the redemption price on February 1, 2010, and

**Be It Further Resolved**, this election to redeem be certified and delivered to the paying agent.

Next, Mr. Rendleman requested the Commission approve the following budget adjustments for the early debt retirement. The funds are proposed from the following recognitions and reallocations: recognize \$100,000 in Gasoline Tax fund balance above the amounts needed for targeted balances and budgeted carryover for use in fiscal year 2010 budget; recognize \$150,000 in Resurfacing, Restoration, and Rehabilitation Gasoline Tax fund balance above the amounts needed for targeted balances and budgeted carryover for use in fiscal year 2010 budget; utilize \$160,000 of the \$400,000 budgeted increase in debt service expenditures for

**MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2009**

Highway Funds in the 2010 budget; and utilized \$640,000 of the \$1,368,500 budgeted for equipment purchases for Highway Funds in the 2010 budget. Commissioner Holt made a motion to approve the budget adjustments as mentioned, seconded by Commissioner Lawrence and unanimously carried.

Commissioner Smith made a motion to approve the following retail beer and retail table wine licenses (off premises only) for the Landing Convenience, seconded by Commissioner Harris. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

**BE IT RESOLVED** that the Lee County Commission approve the application for a retail beer and a retail table wine license for **The Landing Convenience** located at 9883 Lee Road 379, Valley, Alabama.

Commissioner Lawrence requested to add an agenda item, seconded by Commissioner Holt and unanimously carried. Commissioner Lawrence then made a motion to extend a Christmas greeting on behalf of the Commission members and Commission staff to the citizens of Lee County. The motion was seconded by Commissioner Holt and unanimously carried.

Commissioner Long made a motion at approximately 6:35 p.m. to adjourn, seconded by Commissioner Smith and unanimously carried.

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 14, 2009**

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 14 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, Annell Smith and John Andrew Harris.

Judge English commended Mrs. Wendy Swann for decorating the Christmas tree in the hallway of the Courthouse.

EMA Director Kathy Russell presented a video presentation about the CERT volunteer program. Mrs. Russell further stated that a training exercise involving an active shooter on campus scenario would be held on the Auburn University campus on December 16 from 8:00 a.m. to noon. Mrs. Russell stated that the incident would be similar to the shooting that was held on the Virginia Tech campus in 2007 to help emergency responders prepare for such a contingency.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, minutes of the November 30 meeting and Bid #1 for patrol vehicles. Sheriff Jay Jones recommended the Commission accept the sole bid of Ken Boggs Ford for \$22,602.50 per vehicle for up to eight vehicles. Commissioner Holt made a motion to approve the items as presented, seconded by Commissioner Smith and unanimously carried.

Attorney Curt Johnson appeared before the Commission asking to amend the Articles of Incorporation for the Lee-Chambers Utilities District and requesting approval of the following Resolution. Mr. Johnson stated the proposal included 1) authorize the sale of the Chambers County portion of the water system to the East Alabama Water Authority and change the district lines to only include the area in Lee County 2) appoint a five-member board from Lee County and 3) change the name from Lee-Chambers Utilities District to Beulah Utilities District. He presented the following application:

**APPLICATION FOR AMENDMENT TO CERTIFICATE OF INCORPORATION**

To the Lee County Commission (the "Governing Body"), being the governing body of Lee County, Alabama.

WHEREAS, a meeting of the Board of Directors (the "Board") of the Lee-Chambers Utilities District (the "District") was held on November 17, 2009. Pursuant to §11-89-1 et. seq. the Board adopted requesting that the Governing Body approve a proposed amendment to the District's Certificate of Incorporation which is recorded at Corporate Volume 7, Page 437 in the Probate Court of Chambers County and amended by that filing at Corporate Volume 7, Page 729 (collectively, these filings are referred to as the "Certificate").

THEREFORE, the District does hereby request that the Governing Body adopt a resolution: (1) authorizing such persons as appointed by the District to amend the Certificate in the manner set forth herein; and (2) approving the proposed amendment to the Certificate which reads as follows:

1. Paragraph 2 is amended to provide that the name of the Corporation shall be the Beulah Utilities District.
2. Paragraph 4 is amended to provide that principal office of the District shall be on Fob James Highway in Valley, Alabama.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 14, 2009**

3. Paragraph 5 is amended to provide that the legal description of the service area shall be:

A Proposed Utility System Franchise/Service Area Boundary Located in Sections 1,2,3,4,9, 10, 11, 12 of Township 19 North, Range 27 East, Lee County, Alabama; Sections 13, 14,23,24,25,26,34,35,36 of Township 20 North, Range 27 East, Lee County, Alabama; Sections 1,2,3,4,5,6,7,8,9, 10, 11, 12 of Township 19 North, Range 28 East, Lee County, Alabama; Sections 7,8,9,10, 11, 12, 13, 14, 15, 16, 17, 18, 19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35, 36 of Township 20 North, Range 28 East, Lee County, Alabama; Sections 1,2,3,4,5,6,7,8,9, 10,11, 12 of Township 19 North, Range 29 East, Lee County, Alabama; and Sections 7,8,9,10,15, 16, 17,18, 19,20,21,22,27,28,29,30,31,32, 33,34,35 of Township 20 North, Range 28 East, Lee County, Alabama; which is more-particularly described as follows:

Beginning at the intersection of the north line of Section 7, Township 20 North, Range 28 East, and the centerline of Interstate 85; thence run south along the centerline of Interstate 85 in a southwesterly direction to the intersection of the centerline of Interstate 85 and the west line of Section 7, Township 20 North, Range 28 East, said point also being on the Boundary Line of Lee County, Alabama; thence run south along the Boundary Line of Lee County, Alabama to the southwest corner of Section 7, Township 20 North, Range 28 East; thence run west along Boundary Line of Lee County, Alabama to the intersection of the centerline of Interstate 85, said point being along the north line of Section 13, Township 20 North, Range 27 East; thence run south along the centerline of said Interstate 85 in a southwesterly direction, to the intersection of the centerline of Interstate 85 and the south line of Section 9, Township 19 North, Range 27 East; thence run east along the south line of Section 9, Township 19 North, Range 27 East to the southeast corner of Section 9, Township 19 North, Range 27 East; thence run east along the south line of Section 10, Township 19 North, Range 27 East to the southeast corner of Section 10, Township 19 North, Range 27 East; thence run east along the south line of Section 11, Township 19 North, Range 27 East to the southeast corner of Section 11, Township 19 North, Range 27 East; thence run east along the south line of Section 12, Township 19 North, Range 27 East to the southeast corner of Section 12, Township 19 North, Range 27 East; thence run east along the south line of Section 7, Township 19 North, Range 28 East to the southeast corner of Section 7, Township 19 North, Range 28 East; thence run east along the south line of Section 8, Township 19 North, Range 28 East to the southeast corner of Section 8, Township 19 North, Range 28 East; thence run east along the south line of Section 9, Township 19 North, Range 28 East to the southeast corner of Section 9, Township 19 North, Range 28 East; thence run east along the south line of Section 10, Township 19 North, Range 28 East to the southeast corner of Section 10, Township 19 North, Range 28 East; thence run east along the south line of Section 11, Township 19 North, Range 28 East to the southeast corner of Section 11, Township 19 North, Range 28 East; thence run east along the south line of Section 12, Township 19 North, Range 28 East to the southeast corner of Section 12, Township 19 North, Range 28 East; thence run east along the south line of Section 7, Township 19 North, Range 29 East to the southeast corner of Section 7, Township 19 North, Range 29 East; thence run east along the south line of Section 8, Township 19 North, Range 29 East to the southeast corner of Section 8, Township 19 North, Range 29 East; thence run east along the south line of Section 9, Township 19 North, Range 29 East to the southeast corner of Section 9, Township 19 North, Range 29 East; thence run east along the south line of Section 10, Township 19 North, Range 29 East to the southeast corner of Section 10, Township 19 North, Range 29 East; thence run east to along the south line of Section 11, Township 19 North, Range 29 East to the intersection of the south line of Section 11, Township 19 North, Range 29 East and the East Boundary Line of Lee County, Alabama; thence run north along the East Boundary Line of Lee County, Alabama to the northeast corner of Lee County, Alabama; thence run west along the North Boundary Line of Lee County, Alabama to the point of beginning.

Less and except the incorporated areas of the City of Opelika, Alabama within the described area.

4. Paragraph 7 is amended to provide that all directors shall be elected by the Lee County Commission.

**RESOLUTION**

RESOLVED, (A) that the Board of Directors does deem it advisable and prudent that the Certification of Incorporation (the "Certificate") which is recorded in Corporate Volume 7, Page 437 in the Probate Court of Chambers County and amended by that filing at Corporate Volume 7, Page 729 be amended as follows:

1. Paragraph 2 is amended to provide that the name of the Corporation shall be the Beulah Utilities District.
2. Paragraph 4 is amended to provide that principal office of the District shall be on Fob James Highway in Valley, Alabama.
3. Paragraph 5 is amended to provide that the legal description of the service area shall be:

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 14, 2009**

A Proposed Utility System Franchise/Service Area Boundary Located in Sections 1,2,3,4,9, 10, 11, 12 of Township 19 North, Range 27 East, Lee County, Alabama; Sections 13, 14,23,24,25,26, 34,35,36 of Township 20 North, Range 27 East, Lee County, Alabama; Sections 1,2,3,4,5,6,7,8,9, 10, 11, 12 of Township 19 North, Range 28 East, Lee County, Alabama; Sections 7, 8,9, 10, 11, 12, 13, 14, 15, 16, 17, 18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33, 34,35,36 of Township 20 North, Range 28 East, Lee County, Alabama; Sections 1,2,3,4,5,6,7,8,9, 10,11,12 of Township 19 North, Range 29 East, Lee County, Alabama; and Sections 7, 8, 9,10,15,16" 17, 18, 19,20,21,22,27,28,29,30,31,32, 33,34,35 of Township 20 North, Range 28 East, Lee County, Alabama; which is more particularly described as follows:

Beginning at the intersection of the north line of Section 7, Township 20 North, Range 28 East, and the centerline of Interstate 85; thence run south along the centerline of Interstate 85 in a southwesterly direction to the intersection of the centerline of Interstate 85 and the west line of Section 7, Township 20 North, Range 28 East, said point also being on the Boundary Line of Lee County, Alabama; thence nm south along the Boundary Line of Lee County, Alabama to the southwest corner of Section 7, Township 20 North, Range 28 East; thence run west along Boundary Line of Lee County, Alabama to the intersection of the centerline of Interstate 85, said point being along the north line of Section 13, Township 20 North, Range 27 East; thence run south along the centerline of said Interstate 85 in a southwesterly direction, to the intersection of the centerline of Interstate 85 and the south line of Section 9, Township 19 North, Range 27 East; thence run east along the south line of Section 9, Township 19 North, Range 27 East to the southeast corner of Section 9, Township 19 North, Range 27 East; thence run east along the south line of Section 10, Township 19 North, Range 27 East to the southeast corner of Section 10, Township 19 North, Range 27 East; thence run east along the south line of Section 11, Township 19 North, Range 27 East to the southeast corner of Section 11, Township 19 North, Range 27 East; thence run east along the south line of Section 12, Township 19 North, Range 27 East to the southeast corner of Section 12, Township 19 North, Range 27 East; thence run east along the south line of Section 7, Township 19 North, Range 28 East to the southeast corner of Section 7, Township 19 North, Range 28 East; thence run east along the south line of Section 8, Township 19 North, Range 28 East to the southeast corner of Section 8, Township 19 North, Range 28 East; thence run east along the south line of Section 9, Township 19 North, Range 28 East to the southeast corner of Section 9, Township 19 North, Range 28 East; thence run east along the south line of Section 10, Township 19 North, Range 28 East to the southeast corner of Section 10, Township 19 North, Range 28 East; thence run east along the south line of Section 11, Township 19 North, Range 28 East to the southeast corner of Section 11, Township 19 North, Range 28 East; thence run east along the south line of Section 12, Township 19 North, Range 28 East to the southeast corner of Section 12, Township 19 North, Range 28 East; thence run east along the south line of Section 7, Township 19 North, Range 29 East to the southeast corner of Section 7, Township 19 North, Range 29 East; thence run east along the south line of Section 8, Township 19 North, Range 29 East to the southeast corner of Section 8, Township 19 North, Range 29 East; thence run east along the south line of Section 9, Township 19 North, Range 29 East to the southeast corner of Section 9, Township 19 North, Range 29 East; thence run east along the south line of Section 10, Township 19 North, Range 29 East to the southeast corner of Section 10, Township 19 North, Range 29 East; thence run east to along the south line of Section 11, Township 19 North, Range 29 East to the intersection of the south line of Section 11, Township 19 North, Range 29 East and the East Boundary Line of Lee County, Alabama; thence run north along the East Boundary Line of Lee County, Alabama to the northeast corner of Lee County, Alabama; thence run west along the North Boundary Line of Lee County, Alabama to the point of beginning.

Less and except the incorporated areas of the City of Opelika, Alabama within the described area.

4. Paragraph 7 is amended to provide that all shall be elected by the Lee County Commission.

B. That application be made to the Lee County Commission, the Chambers County Commission for their approval of the herein above proposed amendments and the change in Service Area of the District. Said Application to be executed by the Chairman and attested to by the Secretary.

Judge English questioned the need for a five-member board for the reduced area. Mr. Johnson stated that personally he liked a five-member board and he stated that the Articles of Incorporation called for a five member board. Mr. Johnson stated that it was his understanding that Mr. Hugh Morris wanted to be reappointed so he could stay on the board through the transition, and that they had several contracts expiring in the next four years. Commissioner Smith questioned the office still being located in Valley. Mr. Johnson stated that since the Lee-Chambers District contracted with the East Alabama Water Authority and that they collected the water bill there that it was appropriate for the office to stay in that location to minimize confusion. Judge English questioned that the change does not address the fire department at all. Mr. Johnson stated that those services would stay the same as current. Judge English stated that the only issue was in the appointment of board members. After discussion, Commissioner Smith made a motion to approve the sale of the Chambers County portion of the Lee-Chambers Utilities District and approve the Articles of Incorporation as amended, seconded by Commissioner Holt and unanimously carried by adoption of the following resolution. Judge English further stated that the board announcement would be placed on the next agenda.

**RESOLUTION**

WHEREAS, the Lee-Chambers Utilities District executed an Application for Amendment to Certificate of Incorporation on November 17, 2009, a copy of which is attached hereto and has now submitted same to the Lee County Commission for its consideration;

WHEREAS, the Lee-Chambers Utilities District seeks to amend its Certificate of Incorporation; and,

WHEREAS, the Lee-Chambers Utilities District seeks to amend its Certificate of Incorporation to provide for its name to be changed to the Beulah Utilities District; its principal office to be located on Fob James Highway in Valley, Alabama; its service area to eliminate any services being rendered in Chambers County, Alabama and to provide for a service area including only Lee County, Alabama as described in the attached Application for Amendment; and to have the Board of Directors consist only of Lee County residents appointed by the Lee County Commission.

Therefore, upon motion duly made by Commissioner Smith and seconded by Commissioner Holt, it is hereby,

RESOLVED that the Application for Amendment to Certificate of Incorporation submitted by the Lee-Chambers Utilities District be approved as follows: that the name of the corporation shall be changed to the Beulah Utilities District; the principal office of the District shall be on Fob James Drive in Valley, Alabama; the service area of the District shall be located solely in Lee County, Alabama; and the Board of Directors of the District shall be appointed in its entirety by the Lee County Commission.

During the pre-meeting, Mr. Bill Bach appeared before the Commission to discuss a county application for a \$75M dollar federal grant for residential and/or commercial use of solar energy. Mr. Bach stated that the grant would help consumers reduce their energy bills. A long discussion ensued, during which Commissioner Harris stated that the Commission should be informed of other options and that he did not support the Commission seeking the smaller solar energy grant for county facilities if we did not seek this larger solar energy grant for the citizens. No action was taken by the Commission.

Aflac Representative Ashley Brown and Aflac District Sales Coordinator Randy Motts appeared before the Commission to discuss the benefits of providing Aflac supplemental insurance and insurance administration. Mr. Rendleman stated that it would be nice to have one group to deal with on all supplemental insurance. Mr. Rendleman suggested that the Commission do an RFP on supplemental insurance and form a committee of employees to pick one from the RFP responses received. After discussion, Commissioner Lawrence made a motion to authorize the Commission staff to do an RFP and bring a recommendation for supplemental insurance administration. The motion was seconded by Commissioner Smith and unanimously carried.

Judge English stated that since the Commission traditionally has not met on the last meeting in December, he would suggest that the meeting of December 28 be cancelled. Judge English stated he did not know of anything that could not wait until the first meeting in January, and Mr. Rendleman indicated that he can manage the claims/bill paying process without that meeting. After discussion, Commissioner Smith made a motion to cancel the meeting scheduled for December 28, seconded by Commissioner Long and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 14, 2009**

Governmental Relations Coordinator Wendy Swann discussed a request from the City of Auburn for a letter of support for an AdvantageSite through the Economic Development Partnership of Alabama. Commissioner Lawrence made a motion, seconded by Commissioner Holt that the Commission send a letter of support as requested by the City of Auburn recommending designation of Auburn Technology Park West as an AdvantageSite. The motion passed unanimously.

Next, Mrs. Swann presented the following Resolution in support of a grant application for renewable energy for the Justice Center, the Highway Department Administration Building and the Auburn Satellite Office. Commissioner Lawrence made a motion to submit the following Resolution, seconded by Commissioner Smith. After a lengthy, heated discussion about the similarities and differences between this grant application and the other energy grant earlier on the agenda, Commissioner Lawrence called for the question, seconded by Commissioner Smith. Judge English immediately took a vote on ending the discussion and moving on to a vote on the main motion. The call for the question passed on a vote of 4:1, with Commissioner Harris voting "No". The main resolution as made was then immediately voted and carried by a vote of 4:1, with Commissioner Harris voting "No", pursuant to his comments in the earlier grant discussion.

**RESOLUTION**

**WHEREAS**, the Lee County Commission wishes to file a grant application with the U.S. Department of Energy (hereafter referred to as DOE) through the Energy Efficiency and Conservation Block Grant Competitive Solicitation; and

**WHEREAS**, the Lee County Commission wishes to obtain funds from the DOE for the purpose of instituting the Lee County Renewable Energy Building Initiative which includes the installation of 130 kW, 20 kW and 50 kW photovoltaic solar panel systems at the Lee County Justice Center Complex, the Lee County Courthouse Auburn Satellite Office and the Lee County Highway Department Administration Building to better serve the citizens of Lee County, Alabama and passing cost savings onto tax payers through the implementation of additional renewable energy programs; and

**WHEREAS**, the Lee County Renewable Energy Building Initiative also includes the creation of an science and technology educational curricula to benefit k-12 and Community College students stressing the importance of a "green" economy.

**NOW, THEREFORE BE IT RESOLVED**, that the Lee County Commission hereby endorses the filing of said application, and pledges its support for the project as it will continue to benefit the citizens of Lee County.

County Attorney Stan Martin requested that the Commission adjourn into Executive Session to discuss a matter of current litigation. Mr. Martin stated that County Engineer Neal Hall and County Administrator Roger Rendleman needed to be in attendance. Mr. Martin stated that the executive session may last approximately 30 minutes and no official action was expected to be taken afterwards. Commissioner Lawrence made a motion at approximately 6:50 p.m. to adjourn into executive session, seconded by Commissioner Smith and unanimously carried.

Commissioner Lawrence made a motion at approximately 7:15 p.m. to adjourn, seconded by Commissioner Smith and unanimously carried.

**MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, DECEMBER 14, 2009**

Minutes approved:

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Chairman

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Commissioner, District 1

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Commissioner, District 2

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Commissioner, District 3

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Commissioner, District 4

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Commissioner, District 5