



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

March 7, 2023

TIME: 6:00 PM

1. CALL TO ORDER

President Smith called the council meeting to order at 06:00 pm and asked Mr. Jones to call the roll.

2. ROLL CALL

The Mayor, President Smith, President Pro-Tem Norris, Mr. Allen, and Mr. Rauch were present. Mr. Aja was absent.

1. George Allen, Erica Norris, Tim Aja, Todd Rauch, Eddie Smith

Mr. Jones stated that Mr. Aja had petitioned the council to allow him to participate by electronic means per City Code of Ordinances Section 2-161.1, due to an illness, with approval

**MOTION TO APPROVE MR. AJA'S PARTICIPATION BY
ELECTRONIC MEANS: UNANIMOUS**

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

3. INVOCATION

Mr. Tippet provided the invocation.

1. Tom Tippet from Christian Care Ministries.

4. PLEDGE OF ALLEGIANCE

Aiden and Kayce led the Pledge of Allegiance.

1. Aiden Tidwell and Kayce Dowdell from Opelika Middle School.

5. READING OF MINUTES

1. Minutes from the 02-21-23 council meeting.

President Smith stated that a copy of the minutes had been previously received by the council and asked for a motion to approve the minutes. Mr. Allen made a motion to approve. Mr. Rauch seconded the motion. President Smith then asked if there were any additions, deletions, or corrections to the minutes. President Smith stated having no corrections, the minutes stand approved.

6. UNFINISHED BUSINESS

7. REMARKS BY THE MAYOR

1. Recognize City of Opelika Parks & Recreation Department.

Mayor Fuller invited Sam Bailey, Patrice Lipscomb, Pamela Driver, Bobby Nix, Laura Leigh Chesser, Rusty Melnick, and Jasper Snipes up front. Mayor Fuller recognized Pamela Driver and Bobby Nix as ARPA award winners and Laura Leigh Chesser as the new President of the ARPA. Mayor Fuller then recognized the City of Opelika Parks & Recreation Department as the Alabama Recreation and Parks Association's Agency of the Year in 2022. Mr. Bailey stated that it was a total team effort by the entire staff to receive the agency of the year award, and then Mr. Melnick echoed those remarks and stated how proud he was of the staff for achieving the award.

8. CITIZEN COMMUNICATIONS (Limit comments to five minutes or less)

Chealsea Mills of 708 Dogwood Avenue spoke first. Ms. Mills stated she owns a home daycare center for small children that play outside on a daily basis and expressed concerns about a stockpile of rubbish and inoperable vehicles next door to her home and daycare at 710 Dogwood Avenue. Ms. Mills then stated that her business is to ensure the parents of her daycare children that they are being provided with a clean, safe place to learn and grow. Ms. Mills also stated that the pileup of rubbish next door to her has become a nuisance and is starting to affect her yard with insects and microorganisms, and she has even found snake skin as well as killing a live snake on her property. Ms. Mills stated she takes all necessary precautions at her home such as proper fencing, yard maintenance, and pest control in order to follow the minimum standard requirements set in place by DHR. Ms. Mills stated she has spoken with the neighbors but they will not take any action and it is only getting worse. Ms. Mills closed by asking the city for help in requiring her neighbors to remove all the rubbish, clean the area, and maintain the grass in order to produce a safe overall area, and then showed the Mayor, council, and those in attendance pictures of her yard compared to pictures of the neighbors' yard currently. President Smith asked if she had spoken with the City Administrator about the problem. Ms. Mills answered that she had spoken with Opelika Environmental Services and Mayor Fuller one time about it, but they stated that there wasn't anything that could be done currently. President Smith asked Ms. Mills to get with the City Administrator and then stated that it is a private property issue, but there may be something that can be done about it.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

President Smith asked Mr. Jones to present the general business.

1. Request Temporary Street Closure from Opelika Chamber for Bike Night on 03-23-23.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Request for 12th Annual Going Blue for Autism Event at Courthouse Square on 04-01-23.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

3. Request from Opelika Main Street for On Tap Craft Beer Event on 05-13-2023.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

4. Request for Kid's Duathlon at the Sportsplex on 08-05-23.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

SECONDER: Councilman Ward 1 Willie Allen

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

5. Public Hearing - Project Development Agreement with PFI, LTD.
Mr. Jones presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said project development agreement. No one came forward to speak. President Smith closed the public hearing.

12. AWARDING OF BIDS

President Smith asked Ms. Finley to present the bids.

1. Viper-ST Solid Dielectric Reclosers & SEL651R2 Controls - OPS.

RESOLUTION NO. 042-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilman Ward 1 Willie Allen

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. One (1) 2022 Ford F250 Super Duty Truck - PW.

RESOLUTION NO. 043-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

3. Electrical Substation Site Work - OPS.

RESOLUTION NO. 044-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilman Ward 1 Willie Allen

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

4. Construction of Right Turn Lane and Roadway Improvements for Andrews Road
ALDOT Project No. IAR-041-000-020 - ENG.

RESOLUTION NO. 045-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

SECONDER: Councilman Ward 1 Willie Allen
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

13. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

RESOLUTION NO. 046-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

SECONDER: Councilman Ward 1 Willie Allen

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Designate City Personal Property Surplus and Authorize Disposal.

RESOLUTION NO. 047-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

3. Purchase - Eight (8) Swat Bullet Proof Vests - State of Alabama Contract #MA 999 210000000170 - PD.

RESOLUTION NO. 048-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

4. Purchase - Rubrik Software and Support Contract Renewal - Omnia Contract #2018011-01 - IT.

RESOLUTION NO. 049-23

MOTION TO APPROVE: UNANIMOUS

RESULT: **Passed**
MOVER: Councilman Ward 1 Willie Allen
SECONDER: Councilman Ward 5 Todd Rauch
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President
 Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 -
 President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

5. Accept Donation of Real Property from 280 Land Company, LLC - ADMIN.

RESOLUTION NO. 050-23

MOTION TO APPROVE: UNANIMOUS

RESULT: **Passed**
MOVER: Councilman Ward 1 Willie Allen
SECONDER: Councilwoman Ward 2 - President Pro-Tem Erica Norris
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President
 Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 -
 President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

6. Approve Addendum to the Master Services Agreement with AUBix, LLC - IT.

RESOLUTION NO. 051-23

MOTION TO APPROVE: UNANIMOUS

RESULT: **Passed**
MOVER: Councilman Ward 5 Todd Rauch
SECONDER: Councilman Ward 1 Willie Allen
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President
 Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 -
 President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

7. Approve Authorizing Off-Duty Police Officers to Work Off-Duty Jobs - OPD.

RESOLUTION NO. 052-23

MOTION TO APPROVE: UNANIMOUS

RESULT: **Passed**
MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris
SECONDER: Councilman Ward 5 Todd Rauch
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President
 Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 -
 President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

8. Approve Certain Tax Abatements and Exemptions for STI Opelika, LLC - ED.

RESOLUTION NO. 053-23

MOTION TO APPROVE: UNANIMOUS

RESULT: **Passed**
MOVER: Councilman Ward 1 Willie Allen
SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

9. Approve Project Development Agreement with PFI, LTD - ED.

RESOLUTION NO. 054-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris
SECONDER: Councilman Ward 1 Willie Allen
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

10. Request for Approval of a Special Use Permit with Verizon Wireless at 900 Reeder Ave A.

RESOLUTION NO. 055-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilman Ward 1 Willie Allen
SECONDER: Councilman Ward 3 Tim Aja
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

11. Special Appropriation to the American Cancer Society.

RESOLUTION NO. 056-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilman Ward 1 Willie Allen
SECONDER: Councilwoman Ward 2 - President Pro-Tem Erica Norris
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

12. Special Appropriation to the Domestic Violence Intervention Center.

RESOLUTION NO. 057-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris
SECONDER: Councilman Ward 5 Todd Rauch

AYES:	Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

14. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Amend Zoning Ordinance & Map: 1531 and 1617 1st Avenue, 8.928 Acres, from M-1 to PUD - 2nd Reading - (Tabled).

Mr. Gunter explained that the developer had requested that the item remain on the table, and without a motion to remove it from the table, it would remain there. No motion was given.

2. Amend Sections 14-326 and 327 of the City Code of Ordinances: Business License Code - 1st Reading.

FIRST READING: INTRODUCED

President Smith asked for a member of the council to introduce the ordinance. Ms. Norris introduced the ordinance.

15. APPOINTMENTS

President Smith presented the appointments.

1. Reappoint Brent Poteet to the Property Maintenance Board of Appeals. New Term expires 03-16-2026.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Reappoint Rusty Melnick to the Board of Parks & Recreation. New Term expires 03-15-2028.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

3. Appoint Carlton E. Hunley IV to the Medical Clinic Board. New Term expires 03-02-2029.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch
SECONDER: Councilwoman Ward 2 - President Pro-Tem Erica Norris
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

16. ADJOURN

The City Council regular meeting minutes of March 7, 2023 are hereby adopted and approved this the 21st day of March, 2023.

/s/ Eddie Smith

President of City Council
City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones, CMC

City Clerk

1. Character Trait of the Month - Discipline, the ability to control feelings and overcome weaknesses; the ability to pursue what one thinks is right despite temptations to abandon it.
President Smith asked if there was any other business to come before the council, read the character trait of the month, and then asked for a motion to adjourn.
2. Motion to Adjourn.

MOTION TO ADJOURN: UNANIMOUS

RESULT: Passed
MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris
SECONDER: Councilman Ward 1 Willie Allen
AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

The council meeting ended at 06:34 pm.