



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

March 21, 2023

TIME: 6:00 PM

1. CALL TO ORDER

President Smith called the council meeting to order at 06:01 pm and asked Mr. Jones to call the roll.

2. ROLL CALL

The Mayor and all City Council members were present.

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

3. INVOCATION

Mr. Sheehan provided the invocation.

1. Rusty Sheehan from Trinity United Methodist Church.

4. PLEDGE OF ALLEGIANCE

Mr. Jones led the Pledge of Allegiance.

1. Russell A. Jones, CMC - City Clerk.
President Smith announced that the Character Council would be recognized during the meeting and the week of April 4, 2023 is Character Week in Opelika.

5. READING OF MINUTES

1. Minutes from the 03-07-23 called meeting
President Smith stated that a copy of the called meeting minutes had been previously received by the council and asked for a motion to approve the minutes. Mr. Aja 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.
2. Minutes from the 03-07-23 regular meeting.
President Smith stated that a copy of the regular meeting minutes had been previously received by the council and asked for a motion to approve the minutes. Mr. Aja made a motion to approve. Mr. Allen 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. City's Financial Summary Report for February 2023.
Mayor Fuller asked if the council had any questions about the city's financial summary report to ask Cindy Boyd, Mr. Motley or himself about it.
2. February 2023 Monthly Building Report.
Mayor Fuller asked Mr. Motley to give the [MONTH/YEAR] monthly building report and Mr. Motley did so.
3. Proclamation Recognizing Odalys Silvera.
Mayor Fuller invited Lisa Thrift, Odalys Silvera, and Ms. Silvera's son up front. Mayor Fuller then read the proclamation and presented it to Ms. Silvera. Ms. Silvera then thanked the Mayor and the city for supporting Esperanza House and the growing Hispanic Community in Opelika.
4. Proclamation for Character Week in Opelika.
Mayor Fuller invited some of the Opelika Character Council members (Tom Tippet, Derrick Black, Barbara Patton, Beatrice Allen, George Allen, DeDe Jackson, Rusty Sheehan, Yolanda Fears, and Elaine Burton) up front. Mayor Fuller then read the proclamation and presented it to them. Mr. Tippet then stated a little of the history of the Opelika Character Council and the City of Opelika as a City of Character. DeDe Jackson then emphasized the word "Character" and explained how the Character Council would be encouraging everyone to participate and also how important it is for the city. Tom Tippet then recognized some of the board members for the Envision Opelika Foundation that were also present (Doc Dorsey, Barbara Patton, George Allen, Lisa Thrift, Dr. Farrell Seymore, Tabitha White, Brandon McCurdy, DeDe Jackson, and Opelika Police Chief Shane Healey).
5. Mayor's Nomination for Historic Preservation Commission Appointment.
Mayor Fuller nominated Aaron Kovak, to be appointed by the council, to the Historic Preservation Commission.

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

Dr. Farrell Seymore, Superintendent of Opelika City Schools, of 906 Blackberry Cove spoke first. Dr. Seymore first thanked the Mayor and Council for their support of the local tax renewal. Dr. Seymore also thanked the Opelika Chamber of Commerce for their help with advertising and promoting the initiative. Dr. Seymore closed by thanking the citizens of Opelika for their overwhelming support for the tax renewal and Opelika City Schools as a whole.

Joshua Moncrief of 1590 Creek Stone Drive spoke next. Mr. Moncrief first stated that he believes Opelika is a sanctuary city for contractors, or those who pretend to be, who illegally burn questionable fires inside the city limits. Mr. Moncrief then stated that when the issue for him first arose, he had full confidence that those who served the city would simply enforce their own regulations as well as the state fire code. Mr. Moncrief stated their rights begin at their property line, with the right to breathe clean air and not have his wife's

smoke allergy being aggravated on a regular basis. Mr. Moncrief then stated that for more than a year they have suffered as an individual has been attempting to clear land on a property adjacent to theirs by burning brush, and consistently violating many state fire codes as well as local ordinances. Mr. Moncrief then explained that this has been a major inconvenience for his family, and they have even had to spend nights in a hotel just to escape the smoke that had engulfed their property and even invaded the interior of their home. Mr. Moncrief also explained there have been plenty of days that his children couldn't even play outside due to the smoke from 10 to 15-foot-high burn piles that were extremely close to their property line. Mr. Moncrief then stated that they have tried to resolve this issue the right way since day one, but they have been told on multiple occasions by the Opelika Fire Department that they will not put out the fires, and that they would not even ask the owner to put out the fires. Mr. Moncrief stated that they had finally reached an agreement with the fire department and the individual doing the burning several months ago, including several points and them not burning near their home, but every one of the points of the agreement has been violated, and the fire department has continually made excuses and informed them that they will cite them the next time. Mr. Moncrief closed by stating that they have exhausted all avenues to handle this at the local level, which has resulted in them involving the deputy state fire Marshall as their main point of contact, and then asked the City Council to consider changing the city code to no longer allow brush burning on properties adjacent to residential neighborhoods.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

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

1. Request Alcohol License - Auburn-Opelika Elks Lodge #1834 dba Auburn-Opelika BPO Elks #1834, Private Club Liquor License.

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

2. Request Alcohol License - La Perla Escondida Resturant LLC dba La Perla Escondida, Restaurant Retail Liquor and Retail Beer On Premise.

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

3. Request Temporary Street Closure from Opelika Main Street for Community Vintage Pop Up Market on 05-06-23.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilman Ward 3 Tim Aja
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. Request Temporary Street Closure from Lee County Master Gardeners for Tour on 05-13-23.

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

5. Request from Opelika Main Street - (2 Events) Touch-A-Truck and Burger Wars on 06-03-23.

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

6. Public Hearing - Demolition - 414 Avenue A.

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 demolition. No one came forward to speak. President Smith closed the public hearing.

7. Public Hearing - Amend Zoning Ordinance & Map: 3200 Block Columbus Parkway, 209.71 Acres, from Annexation to a Planned Unit Development (PUD).

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 rezoning. 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. Holophane Lighting - OPS.

RESOLUTION NO. 058-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

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

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

2. Two (2) 2023 Chevy Silverado 1500 Trucks - FD.

RESOLUTION NO. 059-23

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

3. Nineteen (19) Siemens Single-Phase Voltage Regulators with SEL Control Panels - OPS.

RESOLUTION NO. 060-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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

4. 115 kV Circuit Breaker for Substation 10 - OPS.

RESOLUTION NO. 061-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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

5. Datacenter Nutanix Hyperconverged-Cluster Server System - IT.

RESOLUTION NO. 062-23

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

13. RESOLUTIONS

President Smith asked Mr. Jones to present the resolutions.

1. Expense Reports from Various Departments.

RESOLUTION NO. 063-23

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

2. Purchase - Approve Contract with Moores Construction for Crawlspace Incapsulation and Ventilation Installation - PLAN.

RESOLUTION NO. 064-23

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

3. Purchase - Additional Rubrik Hardware and Software to Expand Current System - IT.

RESOLUTION NO. 065-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja
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. Approve Certain Tax Abatements and Exemptions for Hanwha Advanced Materials America, LLC - ED.

RESOLUTION NO. 066-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

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

5. Approve Restating and Revising Cemetery Rules and Regulations - ADMIN.
Mr. Jones presented the resolution and stated that City Administration had recommended to table the agenda item at this time. President Smith asked if there was a motion to table the resolution. Ms. Norris made a motion to table the agenda item. Mr. Allen seconded the motion. There was no discussion, and the following vote to table the agenda item was recorded:

MOTION TO TABLE AGENDA ITEM: 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

6. Demolition - 414 Avenue A.

RESOLUTION NO. 067-23

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

7. Request for the Legislature of the State of Alabama to Adopt a Local Bill.
Mr. Jones presented the resolution and stated that the City Attorney had recommended the council remove the item from the agenda due to guidance

received from the Alabama Legislative Services Agency. President Smith asked if there was a motion to remove the item from the agenda. Mr. Aja made a motion to remove the item from the agenda. Ms. Norris seconded the motion. There was no discussion, and the following vote was recorded:

MOTION TO REMOVE ITEM FROM THE AGENDA: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

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

8. Special Appropriation from Ward 2 Discretionary Fund.

RESOLUTION NO. 068-23

MOTION TO APPROVE: 4 TO 1

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

NAYS: Councilman Ward 5 Rauch

ABSTAIN: None

9. Approve Employment Contract - Patrick McCulloch.

RESOLUTION NO. 069-23

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

14. **ORDINANCES**

President Smith asked Mr. Jones 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. Jones 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 - 2nd Reading.

ORDINANCE NO. 008-23

SECOND READING AND APPROVED: 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

3. Amend Sections 5.7-11,12,13 & 5.7-17 of the City Code of Ordinances: Prescribing Charges and Fees for Cemetery Lots and Services - 1st Reading.
FIRST READING: INTRODUCED
President Smith asked for a member of the council to introduce the ordinance. Mr. Allen introduced the ordinance.
4. Amend Zoning Ordinance & Map: 3200 Block Columbus Parkway, 209.71 Acres, from Annexation to a Planned Unit Development (PUD) - 1st Reading.
FIRST READING: INTRODUCED
President Smith asked for a member of the council to introduce the ordinance. Mr. Allen introduced the ordinance.
5. Approve Annexation Petition by Rodney and Laurie Jones - 209.71 Acres, Columbus Parkway (U.S. Highway 280) - 1st Reading.
FIRST READING: INTRODUCED
President Smith asked for a member of the council to introduce the ordinance. Mr. Aja introduced the ordinance.

15. APPOINTMENTS

President Smith presented the appointments.

1. Appoint Aaron Kovak to the Historic Preservation Commission. Existing Term expires 08-19-2025.

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

2. Reappoint Patsy Boyd Parker to the Board of Education. New Term expires 04-01-2028.

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

3. Reappoint Virginia Graham to the East Alabama Mental Health Board. New Term expires 04-01-2029.

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

16. **ADJOURN**

The City Council meeting minutes of March 21, 2023 are hereby adopted and approved this the 4th day of April, 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 read the character trait of the month, asked if there was any other business to come before the council, 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 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

The council meeting ended at 06:41 pm.