



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

April 18, 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 and all City Council members were present.

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

3. INVOCATION

Ms. Baker provided the invocation.

1. Mandy Baker from Embrace Church.

4. PLEDGE OF ALLEGIANCE

Jacob and Kaiden led the Pledge of Allegiance.

1. Jacob Williams and Kaiden Dowdell from Opelika High School.

5. READING OF MINUTES

1. Minutes from the 04-04-23 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. Aja 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

Mayor Fuller first announced and invited everyone to participate in a community wide clean-up and fun day on Saturday April 22, 2023, from 9:00 am to 11:00 am at Courthouse Square.

1. Appoint Sheldon Whittelsey to the Opelika Planning Commission. Existing Term expires 02-15-25.
Mayor Fuller announced he was appointing Sheldon Whittelsey to the Opelika Planning Commission to replace Ira Silberman, who was resigning at the end of April, to an existing term that would end on February 15, 2025.
2. City's Financial Summary Report for March 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.
3. March 2023 Monthly Building Report.
Mayor Fuller asked Mr. Motley to give the monthly building report and Mr. Motley did so.
4. Proclamation for Relay for Life Day.
Mayor Fuller invited Randy Causey, Debra Causey, and Patricia "Patsy" Jones up front. Mayor Fuller then read the proclamation and presented it to them. Mr. Causey then gave the details of the "Relay for Life" event at Courthouse Square on April 28, 2023.
5. Attaboy Award for Joel Landers.
Mayor Fuller invited Scott Parker and Joel Landers up front. Mayor Fuller then read the "attaboy" award for Mr. Landers, Mr. Parker explained what a great employee Mr. Landers is and how proud he is of him, and Mayor Fuller presented the award to Mr. Landers.
6. Employee Service Awards.
Mayor Fuller then invited each department head and their respective employees, that were present, up front and recognized each with their employee service award based on the number of years served. President Smith then, on behalf of the council, thanked each employee for their service to the city.
8. CITIZEN COMMUNICATIONS (Limit comments to five minutes or less)
Siobhann Jones of 529 Waterpoint Way spoke first. Ms. Jones stated that she was again before the council to address them about the bar and restaurant Level One. Ms. Jones then stated that she was now there to address the fact that there had been a shooting there the previous weekend, and afterward people were scattering all throughout the neighboring property where she lives. Ms. Jones also stated that there were two specific young ladies crashing through everyone's property talking about how they were going to get revenge for the shooting, and then asked the council if that meant that, as property owners near this bar, her and her neighbors would have to sit and wait for another shooting to happen. Ms. Jones stated that the noise level, the number of people going in and out, and now a shooting at the location has progressed into a dangerous situation, and then asked what happens if another shooting happens and a bullet goes into one of the neighboring residences or a mass shooting happens there next. Ms. Jones closed by asking what could be done about this being next to a residential neighborhood because it has become an issue for the residents.

Farren Morgan, owner of Level One, of 2800 Pepperell Pkwy Suite 109 spoke next. Mr. Morgan stated that he was unaware of the noise issue that was addressed at the previous city council meeting, so the next morning he immediately ordered \$2,900 worth of noise canceling blinds and panels, and also turned down the music volume on the weekends. Mr. Morgan also stated he had

purchased a metal detector so that no weapon would get inside the establishment, and the last thing he wanted was for his establishment to be considered a nuisance to the community. Mr. Morgan then stated that he wants to be a pillar of the community, has donated to Opelika Main Street recently, and that his bar has greatly exceeded his expectations so far as his first business. Mr. Morgan closed by stating that he had already had to make countless changes and improvements to accommodate the needs of the business, including hiring an ex U.S. Marshall as his head of security, changing the age limit of the bar to 25 and up, and that he is not trying to be reactive but proactive about these issues.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

President Smith asked to present the general business.

1. Request Temporary Street Closure from Opelika Chamber for Bike Night on 04-20-23.

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. Public Hearing - Amend Zoning Ordinance & Map: Anderson Road and Andrews Road, 229.2 Acres, from R-1 to 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.

Warren Jolly, the developer of the property, of Duluth, Georgia spoke in favor of the rezoning.

President Smith closed the public hearing.

3. Public Hearing - Weed Abatement Assessment - 504 South 4th Street.

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 weed abatement. 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. Right-of-Way Vegetation Management - OPS.

RESOLUTION NO. 087-23

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

2. Access Accommodations to Floral Park Fields - ENG.

RESOLUTION NO. 088-23

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

3. Veterans Parkway & Academy Drive Roundabout - ENG.

RESOLUTION NO. 089-23

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

13. RESOLUTIONS

President Smith first welcomed Mr. Gunter back, and then asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

RESOLUTION NO. 090-23

MOTION TO APPROVE: 4 TO 0

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilman Ward 3 Tim Aja

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

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

2. Purchase - Shelving for the Range at the New Training Building - OPD.

RESOLUTION NO. 091-23

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

3. Purchase - Pentera Core Software 3-yr. Contract - Omnia Partners Contract #2018011-02 - IT.

RESOLUTION NO. 092-23

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. Amend the Organizational Chart of OPS to Reclassify Senior Electronics Technician - HR.

RESOLUTION NO. 093-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

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. Approve Expenditure of Funds for SWANA Training - OES.

RESOLUTION NO. 094-23

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

6. Approve License Agreement with BOE for Fireworks Exhibition and Display - P&R.

RESOLUTION NO. 095-23

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

7. Approve Master Services Agreement with Off Duty Management, Inc. - OPD.

RESOLUTION NO. 096-23

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

8. Approve Professional Services Agreement with Witt O'Brien's, LLC for Grant Management Services - ADMIN.

RESOLUTION NO. 097-23

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

9. Request Refund of Occupational Taxes Paid in Error - Jason Hatchett - REV.

RESOLUTION NO. 098-23

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

10. Set Date of Public Hearing on Petition to Revoke Certain Business Licenses - 823 Crawford Rd - REV.

RESOLUTION NO. 099-23

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

11. Set Date of Public Hearing on Petition to Revoke Certain Business Licenses - 503 MLK Blvd - REV.

RESOLUTION NO. 100-23

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

12. Weed Abatement Assessment - 504 South 4th Street.

RESOLUTION NO. 101-23

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

13. Special Appropriation to the Chattahoochee Council, Boy Scouts of America.

RESOLUTION NO. 102-23

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).

President Smith asked if there was a motion to remove the item from the table. Mr. Allen made a motion to remove the item from the table. Mr. Rauch seconded the motion. There was no discussion and the following vote was recorded:

MOTION TO REMOVE ITEM FROM THE TABLE: 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

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

MOTION TO REMOVE ITEM FROM THE AGENDA: 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. Amend Section 28-108 of the City Code of Ordinances: Updating Sewer Access Fees - 1st Reading.

FIRST READING: INTRODUCED

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

3. Amend Zoning Ordinance & Map: Anderson Road and Andrews Road, 229.2 Acres, from R-1 to PUD - 1st Reading.

FIRST READING: INTRODUCED

President Smith asked for a member of the council to introduce the ordinance. Mr. Allen introduced the ordinance.

15. APPOINTMENTS

16. ADJOURN

The City Council meeting minutes of April 18, 2023 are hereby adopted and approved this the 2nd day of May, 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 - Humility, freedom from pride or arrogance: the quality or state of being humble.
President Smith read the character trait of the month and asked if there was a motion to adjourn.
2. Motion to Adjourn.

MOTION TO ADJOURN: 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

The council meeting ended at 06:45 pm.