



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

May 2, 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, Mr. Allen, Ms. Norris, Mr. Smith, and Mr. Rauch were present. Mr. Aja was absent.

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

3. INVOCATION

Mr. Cobb provided the invocation.

1. Daryl Cobb from Mustard Seed Faith Center.

4. PLEDGE OF ALLEGIANCE

Mr. Jones led the Pledge of Allegiance.

1. Russell A. Jones, CMC - City Clerk.

5. READING OF MINUTES

1. Minutes from the 04-18-23 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. Rauch 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. Recognize OPS/AMEA Scholarship Recipients.

Mayor Fuller invited Brent Poteet, Director of Opelika Power Services up front. Mayor Fuller then invited each scholarship recipient and their school principal up front, read each recipient's achievements and, with the help of Mr. Poteet, presented them their awards.

2. Recognize Killgore Scholarship Recipients.

Mayor Fuller invited Dr. Farrell Seymore, Opelika City Schools Superintendent, and Kelli Fischer, Opelika High School Principal, up front. Mayor Fuller first asked Ms. Fischer to explain the Killgore Scholarship and she did so. Mayor Fuller then called each recipient up front and, with help from Dr. Seymore and Ms. Fischer, passed out their awards to each of them individually.

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

Elizabeth Burton of 1416 Elm Street spoke first. Ms. Burton stated that African Americans have been misrepresented in Opelika for years and nothing has been done about it. Ms. Burton then spoke about the issue she had with sewage backing up in her home as well as other people in the community that have incurred damages due to sewage and water, and the city has done nothing for them. Ms. Burton also stated their cases are being thrown out and swept under the rug, and she is ready for everyone to see the truth about how they are being treated in Opelika. Ms. Burton closed by stating that her and some of her neighbors get no representation, it is not right for the city to ignore them and their issues, and she would like for something to be done about it.

Arcenitta Calloway of 615 Marion Avenue spoke next. Ms. Calloway stated they have flooding in their backyard and that the city claimed to have fixed the issue, but they still have lots of water and nasty sewage flooding their yards. Ms. Calloway then stated that she doesn't understand why it cannot be fixed correctly by someone and that is all they are asking for. Ms. Calloway also stated they cannot put anything in their backyards, and they cannot even go into their backyards because of the flooding and sewage. Ms. Calloway closed by stating there was someone representing them and their case, but they dropped it for some reason, and again asked the city to get someone that could fix it correctly.

Edna Foreman of 611 Maron Avenue spoke next. Ms. Foreman stated that the city came out a few years ago and tried to address the flooding problem they were having, but they are still having massive flooding issues damaging their property. Ms. Foreman then stated that they did retain an attorney to sue the city, but they received a letter stating that the stream was a protected waterway regulated by the Corps of Engineers. Ms. Foreman then asked, if it was regulated by the Corps of Engineers, why did the city come out and put a drain and rocks back there if it wasn't maintained by the city. Ms. Foreman also stated that the letter stated the city has no record of accepting a dedication of the drainage easement for public use, and again asked why did the city work on it if they aren't responsible for it. Ms. Foreman closed by stating they have no storm water drains on their side of the street, and all that water runs into the existing branch of water in their back yard that causes the flooding that contains trash and sewage, and she has sent videos to the Mayor to see the flooding problem, and she just wants the city to be fair to them because they are taxpayers.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

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

1. Request by P&R for a Fireworks and Pyrotechnics Display Permit on 07-03-23.

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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Public Hearing - Project Development Agreement with MAB American Management, LLC.

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.

3. Public Hearing - Demolition -1515 N. Uniroyal Road.

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.

4. Public Hearing - Demolition -111 S. Railroad Avenue.

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.

12. AWARDING OF BIDS

13. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Purchase - Fire Alarm System for the Sportsplex - Sole Source - IT.

RESOLUTION NO. 103-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

2. Annual Authorization to Levy Tax on Property within Opelika.

RESOLUTION NO. 104-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

3. Annual MWPP Reports for East and West Sewer Treatment Plants - PW.
During discussion, Ms. Norris asked if the \$16 million to upgrade the Westside wastewater treatment plant was coming from the general fund or from ARPA monies. Mr. Motley answered that those funds were approved by council and come out of the sewer enterprise fund. Ms. Norris again asked if the money was not from the general fund and not from the ARPA funds. Mr. Motley stated that was correct. Ms. Norris then asked Mr. Motley if the city still has its ARPA funds. Mr. Motley answered yes.

RESOLUTION NO. 105-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

4. Approve 1st Supplemental Agreement with Hosey-Lancour Construction, LLC for Renovations at Southside Center for Arts - PLAN.

RESOLUTION NO. 106-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

5. Approve Change Order #1 with Hosey-Lancour Construction, LLC for Renovations at Southside Center for the Arts - PLAN.

During discussion, Ms. Norris asked how much money the city received from the grant for this project, which cost \$684,000. Mr. Motley answered \$400,000.

RESOLUTION NO. 107-23

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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

6. Approve Contract with Casey Chambley dba Chambley's Display Fireworks - P&R.

RESOLUTION NO. 108-23

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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

7. Approve Project Development Agreement with MAB American Management, LLC. - ED.

During discussion, Ms. Norris stated that typically the Economic Development department would meet with the council in 2 by 2 meetings to discuss projects of this nature, and asked why this type of project did not warrant this type of information. President Smith answered that they did have a meeting for this project. Ms. Norris stated that she was not aware of a meeting. President Smith answered that she missed her meeting. Ms. Norris replied that she did not miss a meeting. Mayor Fuller answered that she was invited to attend a meeting. Ms. Norris then asked what date and time the meeting was scheduled. President Smith answered that they would get that information to her. Ms. Norris asked them to please send it to her because she did not recall it, and then stated that she would still appreciate some documentation being provided to the council members. Ms. Norris closed by stating that there was a new restaurant that was already being advertised in the newspaper in relation to this project that she was not aware of, she would appreciate more communication from the city on matters such as this, and apologized if she did miss a meeting.

RESOLUTION NO. 109-23

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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None
ABSTAIN: None

After the roll call vote, President Smith asked Lori Huguley, Director of Economic Development, to introduce her guest. Ms. Huguley introduced John Argo, President of MAB American Management, LLC, and Chris Grissom with Bradley Arant Boult Cummings LLP. Mr. Argo then thanked the City Council and Mayor for allowing them to invest in the city and for the city to invest back into them with this agreement. Mr. Argo stated that Ms. Huguley did a great job recruiting them to the city and they are pleased to have Publix Supermarkets as one of their clients that will be opening up in the development.

8. Approve Purchase of Nine (9) 40-Cubic Yard Open Top Roll-Off Containers - OES.

RESOLUTION NO. 110-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

9. Authorize Recycling Fund Grant Agreement with ADEM - OES.

RESOLUTION NO. 111-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

10. Request Refund of Occupational Taxes Paid in Error - Sawyer Stephens - REV.

RESOLUTION NO. 112-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

11. Demolition -1515 N. Uniroyal Road.

RESOLUTION NO. 113-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

12. Demolition -111 S. Railroad Avenue.

RESOLUTION NO. 114-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

13. Special Appropriation to the Sound Wall Music Initiative for the 4th Annual Songwriters Festival.

RESOLUTION NO. 115-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

14. Approve Extension of Contract with East Alabama Paving Co. for City Wide Paving - ENG.

RESOLUTION NO. 116-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

15. Approve Quote from CDW Government, LLC for Renewal of Contract - IT.

RESOLUTION NO. 117-23

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

14. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Amend Section 28-108 of the City Code of Ordinances: Updating Sewer Access Fees - 2nd Reading.

During discussion, Ms. Norris stated that with the update to the sewer fees and with some of the citizens that spoke earlier about sewer concerns, she asked if this would increase the service for the city's citizens. Ms. Norris then stated that she understands some of the issues brought up are legal matters and cannot be discussed, but personally, in her ward, she has had multiple people complain about water drainage issues and she hopes with increased sewer fees, the city can increase its services to their citizens.

ORDINANCE NO. 013-23

SECOND READING AND APPROVED: 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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Amend Zoning Ordinance & Map: Anderson Road and Andrews Road, 229.2 Acres, from R-1 to PUD - 2nd Reading.

ORDINANCE NO. 014-23

SECOND READING AND APPROVED: 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. Amend the City of Opelika Personnel Policies and Procedures Manual - 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 Phil Adams to the Public Parks & Recreation Board. New Term Expires 05-04-2029.

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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Reappoint Tom Morris to the Alabama Municipal Electric Authority Election Committee.

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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

16. ADJOURN

The City Council meeting minutes of May 2, 2023 are hereby adopted and approved this the 16th 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 - Patience, the capacity to accept or tolerate delay, trouble, or suffering without getting angry or upset.
President Smith asked if there was any other business to come before the council. Ms. Norris asked if the council could have copies of the applications for reappointment and if people are required to complete applications for reappointment or just initial appointments. Mr. Jones answered yes for initial appointments but no for reappointments. Ms. Norris then asked if they could get the reappointment's original application. Mr. Jones stated that he could provide the ones that he has on file, but some go back further than his records and the applications are not kept in the minutes. Ms. Norris then stated that she understood that, but she thought it would be a great opportunity to request a new application to be filled out for reappointments as well as new

appointments. President Smith then read the character trait of the month and 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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

The council meeting ended at 06:52 pm.