



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

June 20, 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

Mr. Allen, Mr. Aja and President Smith were present. Mayor Fuller, Ms. Norris and Mr. Rauch were absent.

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

3. INVOCATION

Mr. Nolan provided the invocation.

1. Terrance Nolan from The Bridge Church.

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 06-06-23 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

1. City's Financial Summary Report for May 2023.

Mr. Motley asked if the council had any questions about the city's financial summary report to ask Mayor Fuller, Cindy Boyd or himself about it.

2. May 2023 Monthly Building Report.

Mr. Motley then gave the May 2023 monthly building report.

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

Evelyn Mickle of 1003 Glenn Street spoke first. Ms. Mickle stated she has a problem with traffic in the city. Ms. Mickle then stated she is not sure if the city is planning for all the traffic due to all the new homes being constructed, but asked if they could please plan for all the traffic and where it is going. Ms. Mickle also stated that she had brought it up years ago that there are 16 entrances on 10th Street from the bridge to Geneva Street, as well as police cars, fire engines, logging trucks, school buses, and all the regular traffic and it's only two lanes. Ms. Mickle closed by stating that on Fox Run Parkway the new 6th grade school was coming, new apartments, Jeter Elementary, with tons of logging trucks on a two-lane road would need to be improved, and she again asked them to please help with these traffic issues.

Russell Baggett of 202 4th Avenue spoke next. Mr. Baggett stated he was the owner of 10,000 Hz Records on 1st Avenue. Mr. Baggett then stated he was present to express his concern about the ongoing issues of flooding on 1st Avenue, especially since the new streetscape design was completed in early 2021. Mr. Baggett explained that in the 2 years prior to the streetscape project, they only experienced one instance of flooding in their shop, which was caused by a plastic trash can and a large piece of scrap wood blocking a storm water drain in front of Mama Mocha's next door to them. Mr. Baggett continued that since the streetscape project was completed they have had three major flooding incidents inside their shop; Sneak & Dawdle has seen flooding at least twice, and Mama Mocha's upwards of ten times. Mr. Baggett stated they have been in touch with Mayor Fuller, City Engineer Scott Parker, and all members of the City Council about this issue, and the cause of the flooding has been subject to much debate including obstructed drains, drain caps that were too small, the grading of the sidewalk and road, cars passing through collected water, but none of these appear to him to be entirely correct. Mr. Baggett then stated that city officials have not been able to find and address the root cause of the flooding, and so far their prescriptions have not cured the problem. Mr. Baggett continued that recently, himself and the owners of the other affected businesses had met with Mayor Fuller, Scott Parker, and others from city engineering and city planning in April, and were assured the city was committed to finding solutions to this ongoing issue, and they would contract with experts from the private sector to get formal recommendations on how to go about fixing it. Mr. Baggett stated that to his knowledge no improvements, upgrades, or changes have been made to 1st Avenue since that meeting, but what has happened is another round of destructive flooding, and they will once again be filing an insurance claim with the city for damages. Mr. Baggett also stated that he recently spoke with City Administrator Joey Motley and was told the city had finally engaged a firm to study the water issues, but little information has been shared regarding plans or a timeline, and they are all concerned that city officials are more likely to keep paying insurance claims and clean-up fees rather than committing to fixing the problem. Mr. Baggett closed by stating that he, and the other business owners, all decided to invest here in Opelika, not somewhere else, and they have played a central role in the revitalization of that stretch of downtown, that he believes they all want the

same thing, to see this block full and flourishing, but if these issues are not resolved by the city, it may have more empty storefronts instead.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

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

1. Request Alcohol License - Flynn's Arcarde LLC dba Mr. Gattis Pizza, Restaurant Retail Liquor and Retail Beer on Premise License.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 1 Willie Allen

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

NAYS: None

ABSTAIN: None

2. Request Temporary Street Closure from Heritage House for Event on 07-02-23.

MOTION TO APPROVE: UNANIMOUS

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

NAYS: None

ABSTAIN: None

3. Public Hearing - Demolition - 509 1st 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.

4. Public Hearing - Demolition - 315 S 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 demolition. No one came forward to speak. President Smith closed the public hearing.

5. Public Hearing - Demolition - 2013 Waverly Parkway.

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.

6. Public Hearing - Weed Abatement Assessment - 1733 1st 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 weed abatement. No one came forward to speak. President Smith closed the public hearing.

7. Public Hearing - Weed Abatement Assessment - 206 Byrd 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 weed abatement. No one came forward to speak. President Smith closed the public hearing.
8. Public Hearing - Weed Abatement Assessment - 615 MLK Blvd.
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.
9. Public Hearing - Weed Abatement Assessment - 309 Spring Hill 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 weed abatement. No one came forward to speak. President Smith closed the public hearing.
10. Public Hearing - Weed Abatement Assessment - 510 Walker 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.
11. Request Downtown Street Closure from Red Clay Brewing for Bike Night Event on 06-22-23.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 1 Willie Allen

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

NAYS: None

ABSTAIN: None

12. AWARDING OF BIDS

President Smith asked Ms. Finley to present the bids.

1. Ductile Iron Utility Poles - OPS.

RESOLUTION NO. 154-23

MOTION TO APPROVE: UNANIMOUS

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

NAYS: None

ABSTAIN: None

2. Vacuum Excavation and Utility Daylighting Services - OPS.

RESOLUTION NO. 155-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 1 Willie Allen

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

NAYS: None

ABSTAIN: None

3. Construction of a Multi-Use Trail Along the Banks of Pepperell Branch ADECA RTP Project 22-RT-54-03 - ENG.

RESOLUTION NO. 156-23

MOTION TO APPROVE: UNANIMOUS

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

NAYS: None

ABSTAIN: None

13. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

RESOLUTION NO. 157-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 1 Willie Allen

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

NAYS: None

ABSTAIN: None

2. Purchase - Two (2) 20 Cu. Yd. Heil DP Side Loaders Mounted on a 2024 Mack LR Chassis with Body Service Hoist Option - Sourcewell Contract #091219-THC - OES.

RESOLUTION NO. 158-23

MOTION TO APPROVE: UNANIMOUS

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

NAYS: None

ABSTAIN: None

3. Approve Change Order #1 with Harmon Engineering - OPS.

RESOLUTION NO. 159-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 1 Willie Allen

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

NAYS: None

ABSTAIN: None

4. Approve Services Agreement with Motorola Solutions, Inc. - OPD/OFD

RESOLUTION NO. 160-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 1 Willie Allen

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

NAYS: None

ABSTAIN: None

5. Demolition - 509 1st Avenue.

RESOLUTION NO. 161-23

MOTION TO APPROVE: UNANIMOUS

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

NAYS: None

ABSTAIN: None

6. Demolition - 315 S 4th Street.

President Smith asked for a motion to approve. Mr. Aja made a motion to approve. Mr. Allen seconded the motion. During discussion, Mr. Allen asked, since the people in charge of this building had changed hands, had the city been able to work with the new group in charge. Jeff Kappelman, Chief Building Inspector, stated the city had reached out to them but had received no response. President Smith stated that the city extended the time once before on this building. Mr. Allen then stated that the person in charge before decided he was not going to be involved any longer, and he just would like to know if the second group in charge had an opportunity to do something with it. Mr. Kappelman replied that when the building was inspected further, there were many things uncovered that would require more than what they originally thought in terms of remediation and cost. Mr. Allen then asked if they had agreed to the demolition. Mr. Kappelman explained again about the unexpected costs and things it would take to bring the building up to code, and how it would not be feasible for the building as it sits. President Smith stated that what they have done in the past is go ahead and approve the resolution and give the Mayor a period of six months to work with them and because the resolution being passed would give them some urgency to address it. Mr. Allen then asked if they could table the resolution until the Mayor was present so that he could assure him that

they were given ample time to address the issues. Mr. Gunter stated anyone can make a motion to table an agenda item. Mr. Allen then made a motion to table the agenda item. Mr. Aja seconded the motion. The following vote was recorded:

MOTION TO TABLE AGENDA ITEM: UNANIMOUS

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

NAYS: None

ABSTAIN: None

7. Demolition - 2013 Waverly Parkway.

RESOLUTION NO. 162-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 1 Willie Allen

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

NAYS: None

ABSTAIN: None

8. Weed Abatement Assessment - 1733 1st Avenue.

RESOLUTION NO. 163-23

MOTION TO APPROVE: UNANIMOUS

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

NAYS: None

ABSTAIN: None

9. Weed Abatement Assessment - 206 Byrd Avenue.

RESOLUTION NO. 164-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 1 Willie Allen

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

NAYS: None

ABSTAIN: None

10. Weed Abatement Assessment - 615 MLK Blvd.

RESOLUTION NO. 165-23

MOTION TO APPROVE: UNANIMOUS

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
NAYS: None
ABSTAIN: None

11. Weed Abatement Assessment - 309 Spring Hill Avenue.

RESOLUTION NO. 166-23

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilman Ward 3 Tim Aja
SECONDER: Councilman Ward 1 Willie Allen
AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith
NAYS: None
ABSTAIN: None

12. Weed Abatement Assessment - 510 Walker Street.

RESOLUTION NO. 167-23

MOTION TO APPROVE: UNANIMOUS

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
NAYS: None
ABSTAIN: None

13. Special Appropriation to Envision Opelika / Worthy Squared.

RESOLUTION NO. 168-23

MOTION TO APPROVE: UNANIMOUS

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
NAYS: None
ABSTAIN: None

14. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Amend Zoning Ordinance & Map: Gateway Drive & Interstate 85, 14.86 Acres, from C-2 to PUD - 2nd Reading.

Mr. Gunter stated the developer had requested that the agenda item be tabled by the council. President Smith then asked for a motion to table the agenda item. Mr. Allen made a motion to table the agenda item. Mr. Aja seconded the motion. The following vote was recorded:

MOTION TO TABLE AGENDA ITEM: UNANIMOUS

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
NAYS: None
ABSTAIN: None

2. Amend Section 4-78 of the City Code of Ordinances: Relating to Large Animals Running At Large - 2nd Reading.

ORDINANCE NO. 019-23

SECOND READING AND APPROVED: UNANIMOUS

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
NAYS: None
ABSTAIN: None

3. Amend the City Code of Ordinances: Repealing Obsolete and Outdated Provisions - 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 June 20, 2023 are hereby adopted and approved this the 11th day of July, 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 - Cooperation, the actions of someone who is being helpful by doing what is wanted or asked for.
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: 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

NAYS: None

ABSTAIN: None

The council meeting ended at 06:31 pm.