



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

September 5, 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

All City Council members were present. Mayor Fuller was absent.

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

3. INVOCATION

Mr. Kurtaneck provided the invocation.

1. Tim Kurtaneck from Christ Our Redeemer Seminary.

4. PLEDGE OF ALLEGIANCE

Jack and Rylee led the Pledge of Allegiance.

1. Jack Bruner and Rylee Williams from Southview Primary School.

5. READING OF MINUTES

1. Minutes from the 08-15-23 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

President Smith stated that Mayor Fuller was improving and should be able to attend the next council meeting.

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

Tom Nist of 315 N. 4th Street spoke first. Mr. Nist spoke about the need to either get rid of a "prepare" to stop sign, where a stop sign would normally be, that people stop at, or for a 4-way stop to be put up at the intersection of 4th Street and 4th Avenue, where he lives, because it is dangerous and very confusing. President Smith stated he would get the City Administrator to look at it for them.

Linburgh B. Jackson of 814 N. College Street, Auburn, Alabama spoke next. Mr. Jackson stated he was there on behalf of, and as a consultant to, Barbara Jones of 'Styles R Us Salon' at 1900 S Long Street. Mr. Jackson passed out a packet to the council and explained that the letter on the front gave a brief narrative of the situation involving the construction of an addition to her home. Mr. Jackson stated that the city had been very helpful to begin with, but recently there has been a misunderstanding about the size of the addition to the home, even after getting several variances from the Board of Zoning Adjustments. Mr. Jackson attributed the problem to a simple calculating error that was made when measurements were taken and submitted, and since then, construction began on the building, including the foundation, plumbing, and framing that has since been completed. Mr. Jackson then stated after all that had been completed, Chief Building Inspector Jeff Kappleman came out to the property to inspect the addition, and then informed them that addition was not permitted for the size of the building that was constructed and to stop work on it. Mr. Jackson explained that they then tried to contact Mr. Mosley of the Planning Department and Mayor Fuller, who was under the weather, but had not heard back from anyone in the last three weeks. Mr. Jackson stated that something had gone wrong and they would like an explanation in writing. Mr. Jackson asked if he could answer any questions the council might have. President Smith answered that this was citizen communication and they would not be able to ask or answer any questions at this time, but they could communicate directly with them after the meeting. Ms. Norris then stated to President Smith that she would like to know the end result of this or what happened from city administration or the Mayor. President Smith stated they would update the council by email.

Mary Lockhart of 1114 Tatum Avenue spoke next. Ms. Lockhart spoke about the need for a drainage ditch because of the water coming off the city street into her yard. Ms. Lockhart stated she had asked the city to come in and install a drainage system on the street, but it has been 2 years now, and it is still an issue when it rains with water coming into and sitting in her yard. Ms. Lockhart then stated the city has been there to do it before but it seems something else has come up and they still haven't addressed it. Ms. Lockhart closed by asking the city to do their part on the street and she would then be able to install a French drainage system on her property to help as well.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

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

1. Request Downtown Street Closure from Red Clay Brewing for Bike Night Event on 09-21-23.

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

2. Request Downtown Street Closure from City of Opelika for National Night Out Event on 10-03-23.

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

3. Request Temporary Street Closure from EAMC for Fall Festival on 11-17-23.

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

4. Public Hearing - Weed Abatement Assessment - 815 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.

5. Public Hearing - Weed Abatement Assessment - 2102 Long 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.

6. 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.

7. Public Hearing - Weed Abatement Assessment - 915 York 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.

12. AWARDING OF BIDS

President Smith asked Ms. Finley to present the bids.

1. Pole Rack Mounted Switched and Fixed Capacitor Banks - OPS.

RESOLUTION NO. 229-23

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

13. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

RESOLUTION NO. 230-23

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

2. Designate City Personal Property Surplus and Authorize Disposal.

RESOLUTION NO. 231-23

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

3. Approve City Budget for FY 2024.

During discussion, Ms. Norris stated she would like for President Smith to, in the future, include time in a work session to discuss the budget in the open. President Smith stated that Ms. Boyd would need to provide the budget a little earlier or they would possibly need to call a meeting, but he would not have a problem doing that. Ms. Norris thanked President Smith. Mr. Rauch then asked if the budget included the Chamber of Commerce appropriation. Mr. Jones and President Smith answered no, it did not.

RESOLUTION NO. 232-23

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

4. Accept Alabama Historical Commission Grant for Renovations to G.W. Carver Hall - ADMIN.

President Smith asked for a motion to approve the resolution. Ms. Norris made a motion to approve. Mr. Allen seconded the motion. President Smith then asked if there was any discussion. During discussion, Mr. Allen made a motion to amend the resolution, as presented, by eliminating the city's local match to the grant. Mr. Aja seconded the motion. President Smith asked if there was any discussion on the motion to amend the resolution. There was no discussion and the following vote was recorded on the amendment to the resolution:

MOTION TO AMEND THE RESOLUTION: 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

President Smith then asked if there was a motion to approve the resolution as amended. Mr. Allen made a motion to approve the resolution as amended. Ms. Norris seconded the motion. President Smith asked if there was any discussion. There was no discussion and the following vote to approve the resolution as amended was recorded:

RESOLUTION NO. 233-23

**MOTION TO APPROVE THE RESOLUTION AS AMENDED:
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

After the roll call vote, Mr. Allen recognized members of the local VFW that were present, thanked them for their service, and stated that hopefully this is just the beginning of the total restoration of the building. Mr. Gunter then stated that this was a grant to replace the roof, but there would also be a second federal grant that the city would apply for to restore the interior of the building at a later date. Mr. Gunter continued that the second federal grant would require a precondition of the building being placed on the National Register of Historic Sites. Mr. Allen stated that it was in progress of being placed on the register.

5. Approve Alabama Association of Fire Chiefs Mutual Aid Consortium Agreement - OFD.

RESOLUTION NO. 234-23

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

6. Authorize Engagement Letter with Keller and Heckman, LLP Relating to a Fiber Franchise Agreement - ADMIN.

RESOLUTION NO. 235-23

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. Weed Abatement Assessment - 815 1st Avenue.

RESOLUTION NO. 236-23

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

8. Weed Abatement Assessment - 2102 Long Street.

RESOLUTION NO. 237-23

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

9. Weed Abatement Assessment - 615 MLK Blvd.

RESOLUTION NO. 238-23

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. Weed Abatement Assessment - 915 York Avenue.

RESOLUTION NO. 239-23

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

11. Special Appropriation to the Lee County Court Referral Program.

RESOLUTION NO. 240-23

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: 1625 1st Avenue, 7,324 square foot lot, from M-1 to C-2 - 2nd Reading.

ORDINANCE NO. 023-23

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 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Amend Zoning Ordinance & Map: Accessed from 1700 Block Oak Bowery Road, 4.18 Acres, from R-1 to R-2 - 2nd Reading.

ORDINANCE NO. 024-23

SECOND READING AND APPROVED: 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. Amend Section 28 of the City Code of Ordinances: OPS General Service Rules and Regulations - 1st Reading.

FIRST READING: INTRODUCED

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

President Smith then asked if there was a motion to suspend the rules to have a second reading. Mr. Allen made a motion to suspend the rules. Mr. Aja seconded the motion. The following vote was recorded:

MOTION TO SUSPEND THE RULES: 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

President Smith then asked if there was a motion to approve the ordinance at second reading. Ms. Norris made a motion to approve. Mr. Aja seconded the motion. There was no discussion and the following vote was recorded:

ORDINANCE NO. 025-23

SECOND READING AND APPROVED: 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

4. Amend Section 28 of the City Code of Ordinances: Amending OPS Electric Rates and Charges - 1st Reading.

FIRST READING: INTRODUCED

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

President Smith then asked if there was a motion to suspend the rules to have a second reading. Mr. Allen made a motion to suspend the rules. Mr. Aja seconded the motion. The following vote was recorded:

MOTION TO SUSPEND THE RULES: 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

President Smith then asked if there was a motion to approve the ordinance at second reading. Ms. Norris made a motion to approve. Mr. Aja seconded the motion. There was no discussion and the following vote was recorded:

ORDINANCE NO. 026-23

SECOND READING AND APPROVED: 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

5. Approve Annexation Petition by James M. Veasey, Sr. and James M. Veasey, Jr. - 5.2 Acres, 2822 Old Columbus Road - 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 September 5, 2023 are hereby adopted and approved this the 19th day of September, 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 - Kindness, the quality of being friendly, generous, and considerate.
President Smith asked if there was any other business to come before the council, 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: 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

The council meeting ended at 06:33 pm.