CITY COUNCIL
MINUTES

300 Martin Luther King Blvd.

September 19, 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

   Mr. Tippett provided the invocation.

   1. Tom Tippett from Christian Care Ministries.

4. PLEDGE OF ALLEGIANCE

   Greyson and Adalyn led the Pledge of Allegiance.

   1. Greyson Hall and Adalyn Landers from Southview Primary.

5. READING OF MINUTES

   1. Minutes from the 09-05-23 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

   1. City's Financial Summary Report for August 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. August 2023 Monthly Building Report.

Mayor Fuller asked Mr. Motley to give the monthly building report and Mr. Motley did so.

3. Recognize Character Council Citizen of Excellent Character.

Mayor Fuller invited President Pro-Tem Norris, members of the Character Council, and the family of Selena Daniels up front to recognize Ms. Daniels posthumously as the September 2023 Citizen of Excellent Character. President Pro-Tem Norris then read the certificate and presented it to the family of Ms. Daniels. Ms. Daniels' granddaughter thanked everyone for the prestigious honor and stated they would try to carry on her legacy as best they could because she was an amazing woman and she is definitely missed.

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

Linburgh B. Jackson of 814 N. College Street, Auburn, Alabama spoke first. Mr. Jackson first gave some handouts to the council and then stated he was there representing Barbara Jones of 'Styles R Us Salon' for the same reason he spoke at the previous council meeting. Mr. Jackson stated there had been a misunderstanding due to an honest mistake and he was representing Mr. and Mrs. Jones due to Mr. Jones becoming a paraplegic due to an accident. Mr. Jackson also stated he could not see what was being drawn when the plans were made because they are now done on computers and an '8' was entered as a '0'. Mr. Jackson stated that in the packet he handed out there were several different "OKs" for framing, foundation, etc. in terms of approval, and then nine months later they got a sticker on the door that said "Stop Work". Mr. Jackson then proceeded to go over a hand drawing of the structure to show the council the original building and the add-on's measurements in question, between 18 feet and 10 feet. Mr. Jones closed by stating that now Mr. and Mrs. Jones are going to have to pay for a survey out of their own pocket because of an honest mistake, and he asked the council to consider helping them not have to spend the extra money for the survey.

Barbara Jones of 114 Martin Avenue spoke next. Ms. Jones stated that when she and Mr. Jackson first went to the Building Inspections department, a lady working there seemed to have a problem with Mr. Jackson. Mrs. Jones then stated that they had gone back another time and the same lady told her that she didn't have to use Mr. Jackson because he didn't have a contractor's license, but she knew that already as he was just advising her on the addition to her home. Mrs. Jones stated that she could just tell the lady didn't like Mr. Jackson for whatever reason and she just wanted to get her add-on to her building so that her husband can be next to her while she works. Mrs. Jones stated that if she had to get a survey now, that would be more money on top of what they are paying for the add-on, and she didn't understand why the survey they had done when they purchased the property wouldn't work.

Ms. Norris stated she knew that she couldn't talk to the citizen but asked President Smith if she could speak to him. President Smith stated the reason they were not going to speak to the citizens was because it was not citizens' debate but citizens' communication. Ms. Norris interrupted President Smith and asked Mr.

Gunter if she could speak to President Smith. President Smith stated to Ms. Norris that he runs the meeting and stated that she was not recognized. Ms. Norris once again asked Mr. Gunter if she could speak to President Smith. Mr. Gunter answered that the president of the city council was running the meeting and she could speak if he recognized her, but if he did not recognize her, she could not speak. Ms. Norris then asked President Smith if he was refusing to recognize her. President Smith stated that was not what he was doing, but he had not recognized her yet. Ms. Norris stated that she asked for permission to be recognized earlier, and once again asked if President Smith would recognize her. President Smith agreed and gave Ms. Norris the floor. Ms. Norris then stated to President Smith that she did not understand the issue with Mrs. Jones, because her understanding was that a letter was supposed to go out to them to explain the requirements needed to resolve their issue. Ms. Norris stated that she was supposed to get a copy of that letter and, as of then, had not received a copy of that letter and she would like to know when this was going to be resolved one way or the other, because it breaks her heart to see Mr. Jones have to come out to a meeting. Ms. Norris also stated that she would understand if the answer was no, but they deserve an answer in writing because this was not fair to them. President Smith stated that the answer had been delivered to them and the answer was that they have to have a survey and it would show whether or not the building encroaches or recognizes the right amount of setback from the property line. Ms. Norris replied that she would repeat what President Smith said so that they were clear, "The answer is no for them moving forward with any work because they need an additional survey. Without that survey, the City of Opelika will not approve the continuation of building onto their home.". Ms. Norris asked if that was correct. President Smith answered that was correct.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

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

1. Request for Annual Life Chain Event on 10-22-23.

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

2. Request Downtown Street Closure - First Baptist Church Opelika Fall Festival on 10-29-23.

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. Request Alcohol License - Ohanamart LLC dba Ohanamart 3, Retail Beer and Retail Wine Off Premise License.

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. Public Hearing - Project Development Agreement with The Taylor at Opelika, 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.

5. Public Hearing - Weed Abatement Assessment - 1819 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.

12. AWARDING OF BIDS

President Smith asked Ms. Finley to present the bids.

1. Residential Building Demolition - INSP.

During discussion, Mr. Allen stated that he had an opportunity to look over the bid, and understood that a third party was involved, but he would have liked to have seen at least 2 bids because he thought the price was a little excessive. President Smith asked Ms. Finley if it was unusual to only get one bid. Ms. Finley answered that in the past they would usually have more bidders on demolitions, and it could be there was a lot of construction going on currently, but it was mailed out to 16 different vendors.

<u>RESOLUTION NO. 241-23</u>

MOTION TO APPROVE: 4 TO 0

RESULT:	**Passed**
MOVER:	Councilwoman Ward 2 - President Pro-Tem Erica Norris
SECONDER:	Councilman Ward 5 Todd Rauch
AYES:	Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS:	None
ABSTAIN:	Councilman Ward 1 Willie Allen

13. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

RESOLUTION NO. 242-23

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

2. Designate City Personal Property Surplus and Authorize Disposal.

RESOLUTION NO. 243-23

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

3. Amend CDBG PY2021 Action Plan - CD.

RESOLUTION NO. 244-23

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

4. Approve Amending the Organizational Charts of Various Departments - HR.

RESOLUTION NO. 245-23

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

5. Approve Annual General Liability Insurance Agreement with Marsh & McLennan Agency - HR.

RESOLUTION NO. 246-23

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

6. Approve Group Health Insurance Contract with Blue Cross Blue Shield of Alabama - HR.

RESOLUTION NO. 247-23

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 Historic Preservation Grant Application for G. W. Carver Hall - ADMIN.

RESOLUTION NO. 248-23

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

8. Approve Professional Services Agreement with Barrett-Simpson for Design of McCoy Street Improvements - ENG.

RESOLUTION NO. 249-23

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

9. Approve Project Development Agreement with The Taylor at Opelika, LLC. - ADMIN.

During discussion, Mr. Aja stated that over the last few days, he wanted to thank everyone who reached out to express their thoughts on this resolution and The Taylor in general. Mr. Aja then stated that he voted against the zoning that enabled The Taylor project to go forward as he didn't believe the apartment complex was in the best interest of Opelika in spring of 2022, and 18 months later, not only has that belief not changed, but it has been reinforced by hearing from the Ward 3 citizens he represents. Mr. Aja also stated that the project will face an uphill market battle with hundreds of other apartments within a couple mile radius currently in the process of being built. In closing, Mr. Aja stated that although he could not vote to provide public funds for The Taylor, as he was still not convinced it would be in Opelika's best interest, should it get built he would hope for its success, as the failure of the complex on the future primary route into downtown Opelika would be a detriment to all of Opelika.

RESOLUTION NO. 250-23

MOTION TO APPROVE: 3 TO 1

RESULT:	**Passed**
MOVER:	Councilman Ward 1 Willie Allen
SECONDER:	Councilman Ward 5 Todd Rauch
AYES:	Councilman Ward 1 Allen, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	Councilman Ward 3 Aja
ABSTAIN:	Councilwoman Ward 2 - President Pro-Tem Norris

10. Request Refund of Sewer Fees Paid in Error - Kendra Nix.

RESOLUTION NO. 251-23

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

11. Request Refund of Sewer Fees Paid in Error - Thomas Morris.

RESOLUTION NO. 252-23

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

12. Weed Abatement Assessment - 1819 1st Avenue.

RESOLUTION NO. 253-23
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. Transfer Current Year City Council Discretionary Fund Balances.

RESOLUTION NO. 254-23
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

14. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Approve Annexation Petition by James M. Veasey, Sr. and James M. Veasey, Jr. - 5.2 Acres, 2822 Old Columbus Road - 2nd Reading.

ORDINANCE NO. 027-23
SECOND READING AND APPROVED: UNANIMOUS

RESULT:	**Passed**
MOVER:	Councilman Ward 1 Willie Allen
SECONDER:	Councilman Ward 3 Tim Aja
AYES:	Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

15. APPOINTMENTS

President Smith presented the appointments.

1. Appoint Tim Moore to the Property Maintenance Board of Appeals. Existing Term expires 03-16-2024.

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. Appoint Tim Moore to the Board of Adjustments & Appeals (New Construction). Existing Term expires 10-01-2024.

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

3. Reappoint David Hudmon to the Board of Adjustments & Appeals (New Construction). New Term expires 10-01-2027.

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. Reappoint James Smith, Sr. to the Lee County Youth Development Center Board. New Term expires 10-01-2027.

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

16. ADJOURN

The City Council meeting minutes of September 19, 2023 are hereby adopted and approved this the 3rd day of October, 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 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 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 06:38 pm.