



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.
December 19, 2023
TIME: 6:00 PM

1. CALL TO ORDER

President Smith called the council meeting to order at 06:08 pm and asked Mr. Jones to call the roll.

2. ROLL CALL

Mayor Fuller, President Smith, President Pro-Tem Norris, Mr. Allen, and Mr. Aja were present. Mr. Rauch was absent.

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

Mr. Jones stated that Mr. Rauch had petitioned the council to allow him to participate by electronic means per City Code of Ordinances Section 2-161.1, due to an illness, with approval.

**MOTION TO APPROVE MR. RAUCH'S PARTICIPATION BY
ELECTRONIC MEANS: 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

NAYS: None

ABSTAIN: None

Mr. Rauch was allowed to participate electronically, due to an illness, from his home.

3. INVOCATION

Mr. Shelton provided the invocation.

1. J. Logan Shelton from Providence Presbyterian Church.

4. PLEDGE OF ALLEGIANCE

Logan led the Pledge of Allegiance.

1. Logan Jones from Trinity Christian School.

5. READING OF MINUTES

1. Minutes from the 12-05-23 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. 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 Reports for September and October 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. November 2023 Monthly Building Report.
Mayor Fuller asked Mr. Motley to give the monthly building report and Mr. Motley did so.
3. Presentation by the Opelika Pickleball Club.
Mayor Fuller invited City Administrator Joey Motley, Parks & Recreation Director Sam Bailey, and President of the Opelika Pickleball Club Jim Young up front. Mr. Young stated he was there on behalf to the Opelika Pickleball Club to thank the city for its vision for the sport of pickleball and then gave some statistics about the number of players, tournaments they had been able to host, improvements they had made to the facilities, and the economic impact it has had on the community. Mr. Young then presented Mayor Fuller and the City of Opelika a check in the amount of \$60,000.
4. Recognize Character Council Citizen of Excellent Character.
Mayor Fuller then invited President Smith, members of the Opelika Character Council, and Shelley Tufts, with her family, up front to be recognized as the December 2023 Citizen of Excellent Character. President Smith read remarks from Mr. Rauch about why he chose Ms. Tufts for the award and how she exemplified the character trait of the month: compassion. President Smith then read the certificate and presented it to Ms. Tufts.

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

Mark Grantham from Habitat for Humanity spoke first. Mr. Grantham read a letter of thanks to the Mayor and City Council for their support of affordable housing in the City of Opelika in allowing Habitat for Humanity and the Chattahoochee Fuller Center for Housing to build a total of six new affordable non-profit homes within the past year. Mr. Grantham stated this has allowed Habitat for Humanity to dedicate three new homes this past Friday and once again thanked the leaders of Opelika, and also companies like Stone Martin Builders and West Fraser for their contributions.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

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

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

During discussion, Mr. Allen asked if the city had done its due diligence in making sure this was not a repeat, since there had been issues with this location in the past. Chief Healey answered that the new owner had been vetted, and it seemed to be a brand-new owner that had no relation to the previous owner, and they were very receptive to the police department.

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. Request Alcohol License - Texas Roadhouse Holdings LLC dba Texas Roadhouse, Restaurant Retail Liquor and Retail Beer on Premise.

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

3. Request from Red Clay Brewing Company for Special Event on 12-31-23.

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

4. Request from Opelika Chamber of Commerce for 2024 Food Truck Friday Nights in Downtown Opelika.

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

5. Public Hearing - Weed Abatement Assessment - 4 Avenue A.
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 - 120 Chester 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

13. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.
RESOLUTION NO. 368-23
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
2. Purchase - One (1) TLM Pro X 3-Wheeled Autonomous GPS Robot - PW.
RESOLUTION NO. 369-23
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
3. Purchase - (952) Toter 96 Gal EVR II Universal/Nestable Carts - Sourcewell Contract #041521-TOT - OES.

RESOLUTION NO. 370-23

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

4. Purchase - Approve Services Agreement with Flock Group, Inc. - OPD.

RESOLUTION NO. 371-23

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. Purchase - (110) Sig Sauer M17 9mm Pistols with Magazines and Holsters - Sole Source - OPD.

RESOLUTION NO. 372-23

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

6. Approve Amending the Organizational Chart of the Opelika Police Department - HR.

RESOLUTION NO. 373-23

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

7. Approve Certain Tax Abatements and Exemptions for HL Mando America Corporation - ED.

RESOLUTION NO. 374-23

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. Approve Employment Contract with Guy F. Gunter, III.

RESOLUTION NO. 375-23

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

9. Reappoint Ben Hand as Municipal Court Judge - MC.

RESOLUTION NO. 376-23

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

10. Request for Approval of a Special Use Permit with AT&T at 3460 US Hwy 280 East.

During discussion, Ms. Norris asked if this was an existing cell tower. Mr. Gunter answered yes.

RESOLUTION NO. 377-23

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

11. Weed Abatement Assessment - 4 Avenue A.

RESOLUTION NO. 378-23

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

12. Weed Abatement Assessment - 120 Chester Avenue.

RESOLUTION NO. 379-23

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

13. Annual Appropriation Contract FY2024 with Arts Association of East Alabama - (Tabled).

Mr. Gunter explained that the item was on the table, and without a motion to remove it from the table, it would remain there. President Smith asked if there was a motion to remove the item from the table. Ms. Norris made a motion to remove the item from the table. There was no second. Without a second, the motion failed and the item remained on the table.

14. Special Appropriation to the Dream Day Foundation.

RESOLUTION NO. 380-23

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

15. Special Appropriation to the Opelika Police Department.

RESOLUTION NO. 381-23

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

14. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Amend Section 2-162 of the City Code of Ordinances: Relating to Order of Business and Citizen Communications - 2nd Reading.

During discussion, Ms. Norris stated that she was disappointed that there was not an addition to the proposed order of business in the ordinance to allow the council to communicate with citizens and each other during meetings.

ORDINANCE NO. 032-23

SECOND READING AND APPROVED: 4 TO 1

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, Councilman Ward 5 Rauch

NAYS: Councilwoman Ward 2 - President Pro-Tem Norris

ABSTAIN: None

2. Amend Zoning Ordinance & Map: 3500 block Waverly Parkway, 14.22 Acres, from R-5 to C-2, GC-P - 2nd Reading.

ORDINANCE NO. 033-23

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

16. ADJOURN

The City Council meeting minutes of December 19, 2023 are hereby adopted and approved this the 2nd day of January, 2024.

/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 - Compassion, sympathetic pity and concern for the sufferings or misfortunes of others.

President Smith asked if there was any other business to come before the council. Ms. Norris stated that she would like to encourage the other council members, at the next meeting, to remove the tabled item from the Arts Association and make a decision one way or the other, as the item has been tabled for far too long with the information that had been provided to them. President Smith then read the character trait of the month and asked if there was a motion to adjourn.

2. Motion to Adjourn.

MOTION TO ADJOURN: 4 TO 1

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

NAYS: Councilman Ward 5 Rauch

ABSTAIN: None

The council meeting ended at 06:43 pm.