



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

April 16, 2024

TIME: 6:00 PM

1. A 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

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

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

3. INVOCATION

Mr. Lee provided the invocation.

1. Craig Lee from Oak Hill Church.

4. PLEDGE OF ALLEGIANCE

Nolan and Mia led the Pledge of Allegiance.

1. Nolan Tulshi and Mia Tatum from Opelika Middle School.

5. APPROVAL OF THE MINUTES OF PREVIOUS MEETING(S)

1. Minutes from the 04-02-24 council meeting.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

6. UNFINISHED BUSINESS

7. MAYOR COMMENTS AND RECOGNITIONS

President Smith presented the Mayor's comments and recognitions.

1. City's Financial Summary Report for March 2024.
President Smith asked if the council had any questions about the city's financial summary report to ask Cindy Boyd, Mr. Motley or Mayor Fuller about it.
2. March 2024 Monthly Building Report.
President Smith asked Mr. Motley to give the monthly building report and Mr. Motley did so.
3. Proclamation for Relay for Life Day.
President Smith invited Patricia "Patsy" Jones, Randy Causey, and Debra Causey up front. President Smith read the proclamation and presented it to them.
4. Proclamation for Sexual Assault Awareness Month.
President Smith invited Vickie Dearing and Amanda Carpenter from the Rape Counselors of East Alabama up front. President Smith read the proclamation and presented it to them.
5. Recognize Character Council Citizen of Excellent Character.
President Smith then invited the members of the Character Council, and Ginger Stern and Henry J. Stern, Jr. up front to be recognized as the April 2024 Citizens of Excellent Character. President Smith spoke about why he chose Ginger Stern and Henry J. Stern, Jr. for the award and how they exemplified the character trait of the month: Honesty.

8. PUBLIC HEARINGS (Limit comments to 3 minutes or less)

9. AGENDA-RELATED PUBLIC COMMENTS (Limit comments to 3 minutes or less)
None.

10. GENERAL BUSINESS

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

1. Request Downtown Street Closure - Add-On Request for Songwriter's Music Festival on 05-17-24.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Request Downtown Street Closure - Heritage House Event on 06-08-24.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilman Ward 3 Tim Aja

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

3. Request Downtown Street Closure - USA Cycling Social Event on 06-15-24.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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: None

ABSTAIN: None

11. AWARDING OF BIDS

12. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

RESOLUTION NO. 082-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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: None

ABSTAIN: None

2. Designate City Personal Property Surplus and Authorize Disposal.

RESOLUTION NO. 083-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

3. Purchase - Additional Scanning Conversion Services for Police Records - Sole Source - OPD.

RESOLUTION NO. 084-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilman Ward 3 Tim Aja

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

4. Purchase - AED Monitoring Equipment - Sole Source - OFD.

RESOLUTION NO. 085-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilman Ward 3 Tim Aja

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

5. Purchase - Two (2) 2024 Ford Transit Passenger T-350 Wagon - Sourcewell Contract #091521-NAF - P&R.

RESOLUTION NO. 086-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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: None

ABSTAIN: None

6. Approve Agreement with Sain Associates, Inc. for Design of Intersection Improvements at Gateway Drive and Frederick Road - ENG.

RESOLUTION NO. 087-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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: None

ABSTAIN: None

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

RESOLUTION NO. 088-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilman Ward 3 Tim Aja

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

8. Approve License Agreement with BOE for Fireworks Exhibition and Display - P&R.

RESOLUTION NO. 089-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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: None

ABSTAIN: None

9. Approve Grant Application with ADECA for EECBG - OPS.

RESOLUTION NO. 090-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

10. Approve Grant Management Proposal with Byard Consulting, LLC. for the EECBG - OPS.

RESOLUTION NO. 091-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilman Ward 3 Tim Aja

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

11. Authorize Engagement Letter with Hand Arendall Harrison Sale, LLC - ADMIN.

RESOLUTION NO. 092-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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: None

ABSTAIN: None

12. Authorize Execution of a Funding Agreement with East Alabama Healthcare Authority - ADMIN.

RESOLUTION NO. 093-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch
SECONDER: Councilman Ward 3 Tim Aja
AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

13. Authorize Execution of a Funding Agreement with Mercy Medical Ministry - ADMIN.

RESOLUTION NO. 094-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilman Ward 5 Todd Rauch
SECONDER: Councilman Ward 3 Tim Aja
AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

14. Authorize Execution of a Funding Agreement with The Food Bank of East Alabama, Inc. - ADMIN.

RESOLUTION NO. 095-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilman Ward 1 Willie Allen
SECONDER: Councilman Ward 5 Todd Rauch
AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

15. Request Refund of Occupational Taxes Paid in Error - Kevin Haefner - REV.

RESOLUTION NO. 096-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilman Ward 5 Todd Rauch
SECONDER: Councilman Ward 3 Tim Aja
AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

16. Request for Approval of a Special Use Permit by Verizon at 1015 West Point Pkwy.

RESOLUTION NO. 097-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed
MOVER: Councilman Ward 5 Todd Rauch
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: None

ABSTAIN: None

17. Special Appropriation to KOB for 2024 Garden in the Park.

RESOLUTION NO. 098-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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: None

ABSTAIN: None

18. Special Appropriation to the American Cancer Society.

RESOLUTION NO. 099-24

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

13. **ORDINANCES**

President Smith asked Mr. Gunter to present the ordinances.

1. Amend Zoning Ordinance & Map: 414 N. 10th Street, 1.24 Acres, from R-2 to I-1 - 2nd Reading - (Tabled).

President Smith asked if there was a motion to remove the item from the table.

Mr. Allen made a motion to remove the item from the table. Mr. Rauch seconded the motion. There was no discussion and the following vote was recorded:

MOTION TO REMOVE ITEM FROM THE TABLE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilman Ward 1 Allen, 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. Mr. Allen made a motion to approve. Mr. Rauch seconded the motion.

During discussion, Mr. Rauch asked if Mr. Aja would update the council since the last community meeting about this. Mr. Aja then explained the meeting and discussion about amending the overall residential (R) zone's text to allow for Bed and Breakfast establishments in each individual (R) zone as a conditional use to be approved by the Planning Commission. Mr. Aja also explained that the proposed ordinance before the council to rezone the property at 414 N. 10 Street

from R-2 to I-1 for the use of a Bed and Breakfast establishment there was the reason for the meeting and discussion, being that there was a mix of support and opposition to this rezoning ordinance. Mr. Aja stated that there were 34 people to attend the meeting and 30 were against the discussed text amendment to allow Bed and Breakfast establishments in the R-zones. Mr. Aja also stated that he explained the process of the text amendment going through the Planning Commission before coming back to the council for approval to those in attendance. Mr. Allen also confirmed that the text amendment would have to go through the Planning Commission before being sent to the council for approval, and then, if the amendment was approved by council, conditional use would have to be applied for and granted by the Planning Commission. President Smith asked when the proposed text amendments would go before the Planning Commission. Mr. Jones confirmed it would be at the next Planning Commission meeting on April 23. Mr. Rauch thanked everyone for their time and work on this. President Smith then asked Mr. Jones to call the roll.

The following vote was recorded:

SECOND READING AND DENIED: UNANIMOUS

RESULT: Failed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Councilman Ward 5 Todd Rauch

AYES: None

NAYS: Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

ABSTAIN: None

2. Approve Annexation Petition by Shelly A. Perry and Annie P. Perry, 2.05 Acres, 5400 US Hwy 431 N - 2nd Reading.

ORDINANCE NO. 005-24

SECOND READING AND APPROVED: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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: None

ABSTAIN: None

14. APPOINTMENTS

15. SECOND ROSTER OF PUBLIC COMMENTS (Limit comments to 3 minutes or less)

Johnny Ivey of 315 S 2nd Street spoke first. Mr. Ivey stated he would like to know more about the weed abatement process in his area of town, because it seemed to him that the city is neglecting areas of the city and should do more to get the owners to clean up their properties. Mr. Ivey also stated that these properties are hazardous to his neighborhood by allowing them to be overgrown and having all types of animals living there. Mr. Ivey closed by stating the city also needs to do a better job of cutting the right of ways and shrubbery around light poles.

Billy U. Allen of 930 Redan Trace, Stone Mountain, Georgia spoke next. Mr.

Allen stated that he was in full support of Mr. Ivey and his issues in Ward 2 are some of the same issues at his property at 706 Grove Avenue in Ward 1. Mr. Allen then stated that the areas around Fruitland Avenue, West Street, Grove Avenue and Randolph Street have become an eyesore and public nuisance, the neighbors in the area want to come together and restore this area to what it used to be, and requested that the city assist them in restoring the neighborhood. Mr. Allen closed by stating he supports Mr. Ivey in Ward 2 and he would continue to work with city officials to make sure these areas are cleaned up.

16. ADJOURN

The City Council meeting minutes of April 16, 2024 are hereby adopted and approved this the 7th day of May, 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 - Honesty, fairness and straightforwardness of conduct.
President Smith read the character trait of the month, asked if there was any other business, and then 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 1 Willie Allen
AYES:	Councilman Ward 1 Allen, Councilman Ward 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

The council meeting ended at 06:46 pm.