



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

May 21, 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. Motley 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

After roll call, President Smith asked for a motion to appoint Mr. Motley as the Clerk pro-tem for the meeting. Ms. Norris made a motion to appoint Mr. Motley. Mr. Rauch seconded the motion. The following vote was recorded:

MOTION TO APPOINT CLERK PRO-TEM: 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. INVOCATION

Ms. Nicholson provided the invocation.

1. Anne Nicholson from Open Heavens Ministry.

4. PLEDGE OF ALLEGIANCE

Jy'Kirra and Lawson led the Pledge of Allegiance.

1. Jy'Kirra Craig and Lawson Ledbetter from Opelika High School.

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

1. Minutes from the 05-07-24 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. Rauch made a motion to approve. Mr. Allen 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. MAYOR COMMENTS AND RECOGNITIONS

Mayor Fuller announced the Memorial Day festivities at Courthouse Square on Monday, May 27, 2024 at 10:00 am.

1. City's Financial Summary Report for April 2024.
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. April 2024 Monthly Building Report.
Mayor Fuller asked Mr. Motley to give the monthly building report and Mr. Motley did so.
3. Recognize Killgore Scholarship Recipients.
Mayor Fuller invited Dr. Farrell Seymore, Opelika City Schools Superintendent, and Kelli Fischer, Opelika High School Principal, up front. Mayor Fuller first asked Ms. Fischer to explain the Killgore Scholarship and she did so. Mayor Fuller then called each recipient up front and, with help from Dr. Seymore and Ms. Fischer, passed out their awards to each of them individually.
4. Recognize OPS/AMEA Scholarship Recipients.
Mayor Fuller then invited Brent Poteet, Director of Opelika Power Services, up front to join them. Mr. Poteet then invited each scholarship recipient up front and, with the help of Mayor Fuller, presented them their awards.

President Pro-Tem Norris then also recognized Mayor Fuller for receiving the Presidents Award from the Alabama Municipal Electric Authority (AMEA).

5. Recognize Character Council Citizen of Excellent Character.
Mayor Fuller then asked Ward 5 Councilman Todd Rauch, members of the Character Council, and Ms. Parker Hamilton up front to be recognized as the May 2024 Citizen of Excellent Character. Mr. Rauch spoke about why he chose Ms. Parker Hamilton for the award and how she exemplified the character trait of the month: Persistence.

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

President Smith asked Mr. Motley to present the public hearings.

1. Public Hearing - Demolition - 500 M L King Blvd & 502 M L King Blvd.
Mr. Motley presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said demolitions. No one came forward to speak. President Smith closed the public hearing.
2. Public Hearing - Demolition - 108 Plum Avenue.
Mr. Motley 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.

3. Public Hearing - Weed Abatement Assessment - 120 Chester Avenue.
Mr. Motley 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.
4. Public Hearing - Weed Abatement Assessment - 814 Donald Avenue.
Mr. Motley 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. AGENDA-RELATED PUBLIC COMMENTS (Limit comments to 3 minutes or less)
None.

10. GENERAL BUSINESS

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

1. Request Downtown Street Closure - Red Clay Brewing Food Truck Event on 06-06-24.

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. AWARDING OF BIDS

12. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

RESOLUTION NO. 121-24

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

2. Designate City Personal Property Surplus and Authorize Disposal.

RESOLUTION NO. 122-24

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

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

RESOLUTION NO. 123-24

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

4. Approve Change Order #1 for Opelika City Hall VRF Project Phase II - ADMIN.

RESOLUTION NO. 124-23

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

5. Approve Easement Termination Agreement with HARA, LLC - ADMIN.

RESOLUTION NO. 125-24

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

6. Approve Extension of Tax Abatement of Sales and Use Taxes for Clear Springs Properties, LLC / PFI, LTD - ED.

RESOLUTION NO. 126-24

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. Approve Subscription Agreement with Citibot, Inc. - CR.

RESOLUTION NO. 127-24

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

8. Demolition - 401 N 16th Place - (Tabled).

Mr. Gunter explained that the item was on the table, and it was the recommendation of City Administration to leave the item on the table at this time. President Smith asked if there was a motion to remove the item from the table. No motion was given.

9. Demolition - 500 M L King Blvd & 502 M L King Blvd.

RESOLUTION NO. 128-24

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

10. Demolition - 108 Plum Avenue.

RESOLUTION NO. 129-24

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. Request for Approval of a Special Use Permit by AT&T at 2404 Frederick Road.

RESOLUTION NO. 130-24

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

12. Request for Approval of a Special Use Permit by AT&T at 900-D Reader Avenue.

RESOLUTION NO. 131-24

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

13. Weed Abatement Assessment - 120 Chester Avenue.

RESOLUTION NO. 132-24

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. Weed Abatement Assessment - 814 Donald Avenue.

RESOLUTION NO. 133-24

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. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Amend Zoning Ordinance and Map: Between Gateway Drive and Cunningham Drive, 98.8 Acres, from C-2, C-3, and R-4 to PUD - 2nd Reading.

ORDINANCE NO. 006-24

SECOND READING AND APPROVED: 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

2. Repeal Section 22-5 of the City Code of Ordinances: Ending Funeral Escort Services - 1st Reading.

FIRST READING: INTRODUCED

President Smith asked for a member of the council to introduce the ordinance. President Pro-Tem Norris introduced the ordinance.

14. APPOINTMENTS

President Smith presented the appointments.

1. Reappoint Tom Morris to the Alabama Municipal Electric Authority Election Committee.

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

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

Johnny Ivey of 313 S 2nd Street spoke first. Mr. Ivey stated he was there to speak again about the weed abatement process, and had tried to contact his city council representative about it without success. Mr. Ivey stated that in certain areas the weed abatement is being enforced but in others, like his neighborhood, it is not. Mr. Ivey also stated the city right-of-ways are also being neglected, and the city ordinance should be enforced because of safety issues when cars can't see because of overgrowth. Mr. Ivey stated that at some point he was told by a council member that his area of the city was deemed an urban jungle, and he did not understand how that could be done without notice. Mr. Ivey closed by stating the city needed to enforce its own ordinance by taking care of all parts of the city equally, including its own right-of-ways.

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

Allen stated that since 2019 he had been trying to have blighted and neglected areas in Opelika cleaned up and, since no action had been taken by the city, public demonstrations and protests would be conducted. Mr. Allen stated that they want the City of Opelika to regulate all blighted areas in the city and also hold all property owners accountable. Mr. Allen closed by stating that they want Opelika to be beautiful in all five wards.

Anthony Pogue of 1920 Southlake Drive spoke next. Mr. Pogue stated he was the pastor at Bethesda Baptist Church on S 4th Street, and the church was also concerned about spending more money on their church and property because the streets are overgrown with grass and trees in the area of Avenue A. Mr. Pogue stated the church helps over 90 families in the county, and they would like to help more, but how was he supposed to ask his church to spend more money if people don't want to enter the community because of these dangerous and neglected areas. Mr. Pogue also stated that visitors to the church are being scared away because of these conditions. Mr. Pogue closed by thanking the Mayor, President Smith and Chief Healey for always taking his calls, especially about the smell of marijuana out on the playground with children present and people parking on the sidewalks.

Larry Gray of 305 Darden Street spoke next. Mr. Gray first complemented the work that had been done by the city over the last couple of years on S 4th Street, but Avenues A and B still need attention like Mr. Pogue stated before him. Mr. Gray then stated that his concern now is a drainage problem at the corner of Darden Street, Avenue C, and Palmer Avenue, because after a hard rain six to eight inches of water will accumulate there with no where to go. Mr. Gray asked if someone could please come out and take a look at it, especially on a rainy day, and possibly find a solution for it.

Erica Norris of 703 Edmon Avenue spoke next. Ms. Norris stated that Mr. Ivey's comments earlier about the urban jungle and contacting his city council representative, it was not her he tried to contact and it must have been her predecessor. Ms. Norris then stated she would like to echo what he stated about the area he resides in, and she didn't know if he recalled, but she actually did speak with him by phone about the issue in 2022, and she brought his complaints forward to the city on his behalf but they obviously were never addressed. Ms. Norris stated for the record that she agreed with Mr. Ivey about his complaints, those complaints had been addressed by her, and he if needed any additional assistance she would be glad to help him. Ms. Norris closed by stating that she had been actively trying to get these issues resolved since he brought them up in 2022.

President Pro-Tem Norris then announced and accepted a plaque, on behalf of the city council, from the 2023-2024 20 Under Forty class for the council's philanthropic support of the their service project.

16. ADJOURN

The City Council meeting minutes of May 21, 2024 are hereby adopted and approved this the 4th day of June, 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 - Persistence, firm or obstinate continuance in a course of action in spite of difficulty or opposition.
President Smith read the character trait of the month and asked for 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 5 Todd Rauch

AYES: Councilman Ward 1 Allen, Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: Councilman Ward 3 Aja

ABSTAIN: None

The council meeting ended at 06:47 pm.