



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

September 3, 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

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

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

3. INVOCATION

Mr. Holt provided the invocation.

1. Jarrod Holt from Christ Our Redeemer Seminary.

4. PLEDGE OF ALLEGIANCE

Hut and Malana'Jai led the Pledge of Allegiance.

1. Hut Weaver and Malana'Jai Burke from Jeter Primary School.

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

1. Minutes from the 08-20-24 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

8. PUBLIC HEARINGS

(Limit comments to 3 minutes or less)

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

1. Public Hearing - Adopt 2021 Edition of the International Building Code.
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 code adoption. No one came forward to speak. President Smith closed the public hearing.
2. Public Hearing - Adopt 2021 Edition of the International Fire Code.
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 code adoption. No one came forward to speak. President Smith closed the public hearing.
3. Public Hearing - Adopt 2021 Edition of the International Fuel Gas Code.
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 code adoption. No one came forward to speak. President Smith closed the public hearing.
4. Public Hearing - Adopt 2024 Edition of the International Mechanical Code.
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 code adoption. No one came forward to speak. President Smith closed the public hearing.
5. Public Hearing - Adopt 2021 Edition of the International Plumbing Code.
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 code adoption. No one came forward to speak. President Smith closed the public hearing.
6. Public Hearing - Adopt 2021 Edition of the International Property Maintenance Code.
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 code adoption. No one came forward to speak. President Smith closed the public hearing.
7. Public Hearing - Adopt 2021 Edition of the International Residential Code.
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 code adoption. No one came forward to speak. President Smith closed the public hearing.
8. Public Hearing - Adopt 2020 Edition of the NFPA 70, National Electric Code.
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 code adoption. No one came forward to speak. President Smith closed the public hearing.
9. Public Hearing - Adopt 2021 Edition of the NFPA 101, Life Safety Code.
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 code adoption. No one came forward to speak. President Smith closed the public hearing.
10. Public Hearing - Weed Abatement Assessment - 2102 S 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.

11. Public Hearing - Amend Zoning Ordinance & Map: Sportsplex Parkway (north side), 68.4 Acres, from R-1 to PUD.

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 rezoning. No one came forward to speak. President Smith closed the public hearing.

12. Public Hearing - Revocation of Business License at 1002 Columbus Pkwy.

Mr. Jones presented the public hearing stating that this would be a due process hearing and not timed. President Smith opened the public hearing:

Mr. Gunter first introduced 9 documents filed in the City Clerk's office by the city, and stated for the record that these were merely allegations made by the city, with respect to the revocation, and in no way constituted proof or evidence in the case, and added these documents to the record.

Mr. Gunter explained that the city's allegations could be grouped into 2 categories: 1.) A history of excessive criminal activity at the property due to poor security measures. 2.) The four buildings on the property failed to meet the current fire, building, and life safety codes of the city, and as so constituted a public nuisance.

Mr. Gunter then explained that the city would first introduce its evidence by calling two witnesses, Chief Building Inspector Jeff Kappelman and Captain John Hester of the Opelika Police Department, in favor of the revocation of the business license, and then allow for cross-examination from the defense of the licensee.

Mr. Gunter then introduced Al Agricloa as council for the licensee and explained that after the city had presented its case, the licensee and its defense council could then introduce their evidence by calling their own witnesses, who could also be cross-examined by the city, in favor of retaining their business license.

The following is the order in which the proceeding was held:

The city called the following witnesses to present the evidence on its behalf:

1. Chief Building Inspector, Jeff Kappelman, presented his evidence and was cross-examined by the defense council.
2. Opelika Police Department, Captain John Hester, presented his evidence and was cross-examined by the defense council.

The city rested its case.

The defense of the licensee called the below witnesses to present the evidence on its behalf:

1. Mr. Greg Jones of Oyo Hotels presented his evidence and was cross-examined by the city.

At 8:09 pm, Mr. Rauch made a motion to recess for 10 minutes. Ms. Norris seconded the motion. There was no discussion and the following vote was recorded:

MOTION TO RECESS FOR 10 MINUTES: UNANIMOUS

Ayes: Mr. Allen, Ms. Norris, Mr. Aja, Mr. Rauch, Mr. Smith

Nays: None

At 8:19 pm, Mr. Rauch made a motion to reconvene. Ms. Norris seconded the motion. There was no discussion and the following vote was recorded:

MOTION TO RECONVENE: UNANIMOUS

Ayes: Mr. Allen, Ms. Norris, Mr. Aja, Mr. Rauch, Mr. Smith

Nays: None

2. Mr. Nick Georgakopolous of 1002 Columbus Parkway presented his evidence and was cross-examined by the city.

3. Mr. Dhruv (Dru) Shah of 1002 Columbus Parkway presented his evidence and was cross-examined by the city.

4. Mr. Rajendra Patel of BRP Hospitality, LLC presented his evidence and was cross-examined by the city.

The licensee rested its case.

Mr. Gunter stated that the city council requested a more detailed breakdown of the types of police calls during the hearing. Captain Hester provided the requested document to Mr. Gunter during the hearing. Mr. Gunter then read the document and requested it be added to the record. The document was filed with the City Clerk.

President Smith opened the floor for anyone else that would like to speak for or against the possible revocation of the business license.

Kimberly Vandiver of 1002 Columbus Parkway spoke against the revocation of the business license.

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. Jones to present the general business.

1. Request Downtown Street Closure - City of Opelika National Night Out Event on 10-01-24.

During discussion, Ms. Norris stated that she thought there had already been a National Night Out event held in August. President Smith stated there were 2 different groups that hold the event and this was the City's event. Ms. Norris asked who decided the City wouldn't have the event on the date in August and have it in October. President Smith stated he did not know. Opelika Police Chief Shane Healey answered that there are two nationally recognized dates for National Night Out. Ms. Norris then stated that she was very disappointed, after

attending the event in August, that the City did not participate, including no police officers present at that event as there had been in the past. Ms. Norris closed by stating in the future she would like to see more communication and transparency in what the City and its departments are supporting. There was no further discussion and the following vote was recorded:

MOTION TO APPROVE: 4 TO 1

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: Councilwoman Ward 2 - President Pro-Tem Norris

ABSTAIN: None

2. Request Downtown Street Closure - AIDB 5K Event on 10-19-24.

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

11. AWARDING OF BIDS

President Smith asked Mr. Motley to present the bid.

1. N 7th Street Storm Drainage Updates - ENG.

RESOLUTION NO. 219-24

MOTION TO APPROVE: UNANIMIOUS

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

12. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

RESOLUTION NO. 220-24

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

2. Accept Dedication of ROW at Intersection of Frederick Road and Cunningham Drive - ENG.

RESOLUTION NO. 221-24

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

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

RESOLUTION NO. 222-24

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 Certain Tax Abatements and Exemptions for Niagara Bottling, LLC - ED.

RESOLUTION NO. 223-24

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

5. Approve Professional Services Agreement for CE&I Services for Pepperell Parkway MPO Project - ENG.

RESOLUTION NO. 224-24

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

6. Approve Professional Services Agreement with Sain Associates for Gateway Drive Traffic Signal Study and Signal Warrant Analysis at 2nd Ave and N 3rd St - ENG.

RESOLUTION NO. 225-24

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

7. Approve Revocation of Certain Business License - Springwood Hotel at 1002 Columbus Pkwy - REV.

President Smith asked if there was a motion to approve the agenda item. Mr. Aja made a motion to approve. Mr. Rauch seconded the motion.

During discussion, Mr. Allen asked Mr. Gunter what liability would they have if they did not approve what the city's inspectors are recommending. Mr. Gunter answered that the city's inspectors had determined the buildings to be unsafe and, essentially, a "firetrap" due to their condition. Mr. Gunter stated that he would guess that if something were to happen, the city, the owner of the hotel, and possibly the lender would certainly be targets in any litigation since they had all been put on notice about its condition. Mr. Aja then asked if the council could pass a conditional approval based on the owners meeting certain standards according to a certain timeline. Mr. Gunter answered that there were no provisions for a conditional revocation of the business license, they must make a decision, and their decision, per the city's ordinance, must be made within 30 days of the public hearing held earlier in the meeting. Mr. Gunter then stated that if both parties agreed to extend the 30 days to render a decision, they could possibly push making a decision that way. Al Agricola, attorney for the property owner, stated they would agree to extend the 30 days to render a decision. Mr. Rauch then stated that he did not believe this was done properly by the city, they should have been aware of the condition of the hotel, and given them time to fix the issues. Mr. Rauch also stated that it's hard for him to understand why the city inspector would take the stance that the only way they inspect the building is if there is a complaint, and then immediately decide to close it and tear it down. Mr. Rauch then stated that he does see a lot of issues that need to be addressed, and he did not believe that the building, in its current state, was safe for people to be in it, but he also does not believe the city had given the owner the proper time to address the issues properly. Mr. Rauch stated that this is setting a precedent and that people's livelihoods are at stake, but also the owner also has a responsibility to make sure the buildings are safe. Mr. Rauch closed by stating that he did not believe the city had fulfilled its burden of proof to revoke the business license

and put the people living there out on the street. Ms. Norris asked Mr. Gunter if the city building inspector had the authority to shut the property down when he inspected it due to the severity of its condition. Mr. Gunter answered that he could do that, but the city should give the property owner some due process to defend themselves, which was the reason for the earlier public hearing, and it would be up to the council to make the decision to revoke the business license. Ms. Norris stated that she agreed with Mr. Rauch in regard to the city's lack of due diligence and providing evidence that the property is indeed unsafe and does not need to be occupied. Ms. Norris then stated that she did not understand why the property was allowed to go that long without being inspected, and if it was in this condition, why had the building inspector not already shut the property down himself and also why the police department had apparently housed homeless people there in the past. Ms. Norris closed by stating that for those reasons she did not believe the property to be in such a severe state as to revoke their business license. Mr. Allen then asked Mr. Aja about his earlier question about an extension or continuance. Mr. Aja again asked if it was possible to approve something stating they would not have their license revoked subject to them meeting certain requirements. Mr. Rauch then asked who in the city could, for safety, close down a business or building. Mr. Gunter answered the fire department under the fire code and the building inspector under the various building and life safety codes. President Smith asked if it would be appropriate to ask for a detailed report on the state of the building, what the cost of repairs would be, and a detailed plan to be submitted within the next two council meetings, before 30 days, to then decide whether to revoke the license. Ms. Norris added that they should also provide a report from the structural engineer as soon as possible for their review as well. The property manager, Dhruv Shah, requested 60 days to have that completed. President Smith stated to Mr. Shah that they would only have 30 days, whatever that took on their part to make that happen, and the council needed proof, including a report from a structural engineer as soon as possible, that they had the ability to fix the issues that had been presented.

Mr. Allen made a motion to table (postpone) the agenda item until October 1, 2024. Mr. Aja seconded the motion. There was no discussion and the following vote was recorded:

MOTION TO TABLE (POSTPONE) AGENDA ITEM UNTIL OCTOBER 1, 2024: 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

Mr. Gunter asked if it was the request of the council that the owners submit a detailed report from the architect and structural engineer, and a detailed plan for renovation and repair by October 1, 2024. President Smith answered yes, and they would also like to see the credentials of the architect and structural engineer. Mr. Gunter also stated that it would be in the city's best interest if the chief building inspector also meet with the architect and structural engineer on-site to

discuss the issues. President Smith asked Mr. Agricola if they were agreeable to those terms. Mr. Agricola answered "yes sir".

8. Approve Temporary Construction Easement with Hamilton Gables HOA - PW.

RESOLUTION NO. 226-24

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

9. Weed Abatement Assessment - 2102 S Long Street.

RESOLUTION NO. 227-24

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

13. **ORDINANCES**

President Smith asked Mr. Gunter to present the ordinances.

1. Establish Public Records Policies to Comply with the Alabama Public Records Act - 2nd Reading.

ORDINANCE NO. 022-24

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

2. Amend Chapters 5 and 9 of the City Code of Ordinances: Adoption of Standard Technical Codes Relating to Residential, Commercial and Industrial Construction - 1st Reading.

FIRST READING: INTRODUCED

President Smith asked for a member of the council to introduce the ordinance. Ms. Norris introduced the ordinance.

3. Amend Zoning Ordinance & Map: Sportsplex Parkway (north side), 68.4 Acres, from R-1 to PUD - 1st Reading.

FIRST READING: INTRODUCED

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

- 4. Approve First Amendment to the Ground Lease with SBA Towers IV, LLC - 1st Reading.

FIRST READING: INTRODUCED

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

14. APPOINTMENTS

- 15. SECOND ROSTER OF PUBLIC COMMENTS (Limit comments to 3 minutes or less)
None.

16. ADJOURN

The City Council meeting minutes of September 3, 2024 are hereby adopted and approved this the 17th day of September, 2024.

/s/ Eddie Smith

President of City Council
City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones, MMC

City Clerk

- 1. Character Trait of the Month - Integrity, the quality of being honest and having strong moral principles; moral uprightness.
President Smith read the character trait of the month and asked if there was 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 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

The council meeting ended at 10:12 pm.