CITY COUNCIL
MINUTES
300 Martin Luther King Blvd.
December 21, 2021
TIME: 7:00 PM

1. CALL TO ORDER
   President Smith called the council meeting to order at 7:00 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, Todd Rauch, Eddie Smith

3. INVOCATION
   Mr. Trumbull provided the invocation.
   1. Rod Trumbull from Opelika 1st Assembly of God.

4. PLEDGE OF ALLEGIANCE
   Mr. Jones led the Pledge of Allegiance.
   1. Russell A. Jones - City Clerk.

5. EXECUTIVE SESSION
   Mr. Gunter read a letter of his opinion as City Attorney as to why the executive session was warranted. The letter is attached to the official minutes of the council meeting and available in the City Clerk's office. The letter reads as follows:
   Dear City Council Members,
   This is to advise the members of the Opelika City Council that I have reviewed the matter on which the City Council is considering convening an executive session for discussion with legal counsel regarding the possible settlement of pending litigation, and have determined that, in my opinion, this matter is appropriate for executive session under Alabama Code Section 36-25A-7(a)(3). Pursuant to Alabama Code Section 36-25A-7(a)(3), a copy of this letter should be attached to the minutes of the City Council wherein the body considers a motion to convene an executive session to discuss this matter.
   Sincerely,
   Guy F. Gunter, III
   City Attorney (Alabama Bar No. 2681T66G)
   Mr. Gunter then stated a motion to move into the executive session would be

appropriate. Ms. Norris made a motion. Mr. Allen seconded the motion.

MOTION TO MOVE INTO EXECUTIVE SESSION: 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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

1. Authorize the City of Opelika to Join the State of Alabama and Other Local Governments as Participants in the Endo Settlement.

After approximately 25 minutes, at 7:30 pm, the council members returned from the executive session. President Smith then asked for a motion to add the resolution received in the executive session to the agenda.

MOTION TO ADD RESOLUTION TO THE AGENDA: 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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

President Smith then asked if there was a motion to approve the resolution. Mr. Rauch made a motion to approve. Ms. Norris seconded the motion. President Smith then asked if there was any discussion. During discussion, Ms. Norris asked if there were already any plans for the funds that would be received from the settlement. President Smith answered there had not been a decision on that, but that they would follow the reasons in the resolution. Ms. Norris asked if it would come back to the council. Mr. Gunter stated it would have to come back to the council for approval of the use of the funds, stated the amount to be received by the city, and listed the various items that the settlement funds can be used for as listed in Exhibit A of the resolution. Ms. Norris thanked Mr. Gunter. President Smith then asked Mr. Jones to call the roll.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

6. READING OF MINUTES

1. Minutes from the 12-07-21 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.

7. UNFINISHED BUSINESS

8. REMARKS BY THE MAYOR

1. City's Financial Summary Report for November 2021.

   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. Appoint City Clerk Russell A. Jones to the ACHR Board. Existing Term ends 11-03-2025.

   Mayor Fuller first reminded everyone about the adjusted garbage and recycling pick-up schedule for the week of Christmas. Then Mayor Fuller announced to the city council that he was appointing City Clerk Russell Jones to his seat on the Alabama Council on Human Relations board effective immediately.

3. November 2021 Monthly Building Report.

   Mayor Fuller also announced a planned expansion of Mando America Corp, with approval later in the agenda of tax abatements and exemptions by the council, and asked Economic Development Director Lori Huguly to introduce her guest. Mrs. Huguley then introduced Mr. Peter Uhn and he thanked the city for all they do for Mando America Corp. Then Mayor Fuller asked Mr. Motley to give the monthly building report and Mr. Motley did so.

4. Recognize Jimmy Johnson as the NFHS 2020-21 Boy's Track & Field Alabama State Coach of the Year.

   Mayor Fuller asked Opelika High School Principal Dr. Farrell Seymore, School Board Member Chuck Beams, and Coach Jimmy Johnson up front. Mayor Fuller then recognized Coach Johnson and congratulated him for his accomplishment. Dr. Seymore then also congratulated Coach Johnson and stated what a great person, parent, and role model he is, as well as being his first hire at Opelika High School about 11 years ago. Coach Johnson first thanked everyone that is a part of the track program, how he has great kids, and it's a team effort. Coach Johnson also stated he is now in the running for the regional coach of the year, and if he wins that, he will be up for national coach of the year. President Smith then recognized, former councilman for Ward 3, Dr. Robert Lofton and his wife in the audience, thanked them for being present, and stated what a pleasure it was to see them.

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

   None.

10. REPORT OF DISBURSEMENTS

11. COMMITTEE REPORTS

12. GENERAL BUSINESS

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

1. Request Alcohol License - Jay Goga 2710 Inc dba Hwy 280 Exxon, Beer and Wine Off Premise License.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

2. Public Hearing - Weed Abatement Assessment - 1109 Magnolia St.

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.

3. Public Hearing - Weed Abatement Assessment - 105 Vaughan Ave.

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.

4. Public Hearing - Amend Zoning Ordinance & Map: 3.3 Acres, 1200 block South Fox Run Parkway.

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

13. AWARDING OF BIDS

14. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

2. Designate City Personal Property Surplus & Authorize Disposal.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

3. Purchase - 2022 Caterpillar 289D3 Canopy Skid Steer - Sourcewell Contract #032119-CAT - OPS.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

4. Purchase - (2) Sutphen Program 2 Custom Pumpers and Equipment - HGACBuy Contract #F12-19 - FD.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

5. Approve Agreement with CDW Government, LLC for Datacenter Services - IT.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None

ABSTAIN:	None

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

MOTION TO APPROVE: UNANIMOUS

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

7. Authorize an Engagement Letter with Samford & Denson, LLP.

During discussion, Ms. Norris stated her computer was not up currently and asked if their fees were listed and how much they charged per hour. President Smith and Mr. Gunter both answered yes they are listed. Ms. Norris asked if they would get a briefing soon and stated that the city has been officially sued now. President Smith answered no. Mr. Gunter replied that yes the city had been sued. President Smith asked if it had been filed now. Mr. Gunter answered yes. President Smith then stated the reason for engaging Samford and Denson was to have a local law firm, in concert with the law firm approved at the last meeting, to represent the city. Mr. Gunter then stated David Canupp would be lead counsel and his law firm was Lanier, Ford out of Huntsville, and Josh Jackson with Samford, Denson would act as local counsel for the city. Ms. Norris then confirmed there are two firms representing the city and this is to have a local firm to communicate with the other. Mr. Gunter answered yes, and then stated the plaintiffs also have a Birmingham law firm and a local law firm representing them. Ms. Norris closed with a thank you.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

8. Weed Abatement Assessment - 1109 Magnolia St.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None

ABSTAIN:	None

9. Weed Abatement Assessment - 105 Vaughan Ave.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

10. Annual Appropriation Contract FY2022 with Alabama Council on Human Relations.

During discussion, Ms. Norris stated for the record and the people present, she would like to compliment the Alabama Council on Human Relations and the amazing job they do.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

11. Annual Appropriation Contract FY2022 with One Voice Shelter Coalition.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

15. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Amend Zoning Ordinance & Map: 3.3 Acres,1200 block South Fox Run Parkway - 1st Reading.

President Smith asked for a member of the council to introduce the ordinance for a first reading. Mr. Rauch introduced the ordinance for a first reading.

2. Authorize First Amendment to the Option and Lease Agreement with Level-Up Towers - 1st Reading.

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

16. APPOINTMENTS

17. ADJOURN

The City Council meeting minutes of December 21, 2021 are hereby adopted and approved this the 4th day of January, 2022.

/s/ Eddie Smith

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President of City Council
City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones

____

City Clerk

1. Character Trait of the Month - Benevolence, the quality of being well meaning; kindness.

   President Smith read the character trait of the month and stated there was a video that would be played about benevolence. After the video was over, President Smith thanked the Envision Character Council for the video and stated they would try to have something similar to go with the character trait words in the future.

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 4 - President Smith, Councilman Ward 5 Rauch
NAYS:	None
ABSTAIN:	None

The council meeting ended at 7:54 pm.