CITY COUNCIL
MINUTES

300 Martin Luther King Blvd.

January 4, 2022

TIME: 7:00 PM

1. CALL TO ORDER

   President Smith called the council meeting to order at 07:00 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. Tippett provided the invocation.

   1. Tom Tippett from Christian Care Ministries.

4. PLEDGE OF ALLEGIANCE

   Mr. Jones led the Pledge of Allegiance.

   1. Russell A. Jones - City Clerk.

5. READING OF MINUTES

   1. Minutes from the 12-21-21 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. Allen made a motion to approve. Mr. Rauch seconded the motion. President Smith then asked if there were any additions, deletions, or corrections to the minutes. Ms. Norris made a statement about the council not voting on the minutes, and then stated she would like to abstain on any future voting of the minutes because she does not have an opportunity to go back and compare them to anything, because the city does not have the recordings of meetings available on YouTube. President Smith asked Ms. Norris if she was stating that she would abstain on all future minutes. Ms. Norris answered yes. President Smith then stated his understanding of Robert's Rules of Order is that to abstain you have to state the reason you are abstaining that particular night. Ms. Norris then stated she has now done that for this meeting because she has not been able to compare the minutes to any

YouTube video or information showing exactly what happened during previous meetings. Mr. Rauch then made a Point of Order stating that Robert's Rules of Order are clear that a council member cannot abstain nor oppose the minutes, but only offer corrections to the minutes for the parts of the minutes they would like corrected. Ms. Norris then stated, for the record, that she is not saying that she agrees with or disagrees with the minutes because she cannot check the accuracy of the minutes. President Smith then asked Mr. Gunter if he had any direction on what should take place, because the way he understands Robert's Rules of Order, in agreement with Mr. Rauch, is that one would need to identify the item that one would want to abstain to, but they would not be able to abstain to the minutes as a whole. Mr. Gunter answered that the clerk could just include a short statement that Ms. Norris has not had an opportunity to review the minutes, but President Smith is correct that Robert's Rules of Order does read that the minutes are automatically approved unless a council person offers a specific objection to a portion of the minutes, and if an objection is made, then the council members can vote on whether to correct the minutes or not. Ms. Norris then stated that she is asking for a statement to be added to the minutes that she neither agrees with nor disagrees with the minutes. President Smith then stated he would have to re-study that, but the minutes would be accepted for approval as presented.

6. UNFINISHED BUSINESS

7. REMARKS BY THE MAYOR

1. Attaboy Awards for Jeff Kappelman and Andy Bell.

   Mayor Fuller asked Mr. Motley, Mr. Mosley, and Jeff Kappelman to join him up front. Mayor Fuller then read a statement about everything Mr. Kappelman has done to deserve an "attaboy" award. Mr. Motley then spoke about how great of a job Mr. Kappelman does considering how busy he is as the chief building inspector for the city and thanked him for his service. Mr. Mosley also spoke about what a great job Mr. Kappelman does and how knowledgeable he is to get the job done. Mayor Fuller then presented Mr. Kappelman with a small token of appreciation. Mayor Fuller then asked Mr. Bell to join them all up front and then read a statement about what he has done to deserve an "attaboy" award. Mr. Kappelman then explained what a great asset Mr. Bell is to his department and how he is an exemplary employee by going above and beyond for others. Mr. Motley again stated what a great job they do in the building inspections department and that they are well deserving. Mr. Mosley echoed what they said and thanked them for what they are doing. Mayor Fuller then also presented Mr. Bell a small token of appreciation.

2. Presentation by Point Broadband.

   Mayor Fuller then invited Sam Bailey, Director of Opelika Parks and Rec, Jim Young, President of the Opelika Pickleball Club, Taylor Nipper, Vice President of Marketing for Point Broadband, and Al McCambry, the Area General Manager of Point Broadband, up front. Mr. Nipper stated that Point Broadband is a sponsor of Opelika Pickleball and that what the city is doing with pickleball at the Sportsplex is really amazing, with a vision for the future, and they are proud to present the city with a check for sponsorship in the amount of $100,000. The gentlemen then all posed for a photo with the large check. Mayor Fuller then let them know how much the city appreciates their support in making Opelika a destination for pickleball and asked Mr. McCambry to say a few words. Mr. McCambry stated that Point Broadband's mission statement is to enhance the quality of life through fiber technology, conducting business with a high level of integrity, and most importantly to be a partner with the communities they are involved with. Mr. McCambry stated that this is an idea of what a partnership should look like. Mr. Bailey then stated how great it is to have partners like this and how they are excited about where pickleball is headed in Opelika. Mr. Young closed by stating how he is excited to be a part of this partnership as well.

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

Evelyn Mickle of 1003 Glenn Street spoke first. Ms. Mickle first stated that the tomatoes she gave out to the council came from the local farmer's market. Ms. Mickle then spoke about how disappointed she was about what happened with the rezoning across from Storybook Farm, that she was a nurse that cares about children with special needs, and the only time some of these kids get to get out and be a kid is at Storybook Farm. Ms. Mickle stated that her concern about the development across the street is not about the horses, but it's about the children it will affect. Ms. Mickle explained that most of the physical exercise these children get away from the farm is inside a building and what they get to experience outside at the farm is invaluable. Ms. Mickle also stated the city has no playground for special needs children but there are plenty of places that have these accessible playgrounds. Ms. Mickle then closed by stating it broke her heart to read in the O-A News that the decision was made because of the "bottom line" and the tax base from the development, and these children may never be part of the tax base, but they are our children, and we're the ones that need to look after them. Ms. Norris asked to speak and thanked Ms. Mickle for her passion, dedication to the children, and she is honored to serve as her city council representative. Ms. Norris stated that she whole-heartedly agrees with everything Ms. Mickle said, that she thinks the council missed an opportunity to serve our kids in a very special way with this particular project unfolding the way that it did, and wanted to let Ms. Mickle know that she is very appreciative that she has not just allowed this to move on and spoke out about it. Ms. Norris thanked President Smith for the time.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

12. AWARDING OF BIDS

13. 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 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. Approve Change Order #1 to Contract with Incapsulate, LLC.

During discussion, Ms. Norris asked President Smith if this is the company that is installing the software to do with the rental ordinance. Mr. Gunter answered that was correct. Ms. Norris then asked why the city has to have a large additional amount in the change order and was it because the cost was not accurately predicted or if some other cost was discovered. Ms. Norris then stated that there has already been so much invested in this, including now investing in attorneys to defend a lawsuit relating to the rental ordinance, and she is just curious to know why this extra money is needed. Mr. Gunter stated that it is a very complicated piece of software and as they were working on it they discovered they needed to add some additional dimensions to the software. Mr. Gunter then stated the software is being used to accommodate landlords so that they are able to register their property online rather than having to come in person to register, so it is for their convenience, and again they just discovered they needed additional work to be done. Ms. Norris thanked Mr. Gunter. President Smith then asked if this software also included things other than the rental ordinance. Mr. Gunter answered yes, it would have a myriad of other functions for the city's use when fully implemented. President Smith stated it was not limited to just the rental ordinance. Mr. Gunter answered this is the first phase of the software in dealing with the rental ordinance and it is a very comprehensive platform the city is implementing.

MOTION TO APPROVE: 3 TO 0

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

3. Authorize Project Agreement with The Estates HOA for Sidewalk Project on Academy Drive - ENG.

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

4. Establish Compensation of Presiding Municipal Judge, Municipal Judge, Assistant City Prosecutors, and Public Defender.

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

5. Re-appoint Ben Hand Municipal Court Judge and Jeff Tickal Assistant Municipal Prosecutor.

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

6. Request for Approval of a Special Use Permit with Dish Wireless at 54 Reeder Road.

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

14. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Amend Zoning Ordinance & Map: 3.3 Acres,1200 block South Fox Run Parkway - 2nd Reading.

MOTION TO APPROVE: 3 TO 0

RESULT:	**Passed**
MOVER:	Councilman Ward 1 Willie Allen

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

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

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

15. APPOINTMENTS

16. ADJOURN

The City Council meeting minutes of January 4, 2022 are hereby adopted and approved this the 18th day of January, 2022.

/s/ Eddie Smith

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President of City Council
City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones

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City Clerk

1. Character Trait of the Month - Responsibility, the state or fact of having a duty to deal with something or of having control over someone.

   President Smith read the character trait of the month and then asked if there was a video to show. Mr. Jones answered no, not this time, but possibly next time. President Smith asked if there was any other business to come before the council.

2. Motion to Adjourn.

MOTION TO ADJOURN: 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

The council meeting ended at 07:33 pm.