



OPELIKA CITY COUNCIL
“ CALLED MEETING MINUTES “
204 South 7th Street
August 30, 2016
TIME: 12:00 PM

1. Call to Order

President Smith called this special called council meeting to order at 12:00pm (Noon) asking Mr. Shuman to call the roll. All council members were present except for Mr. Gray. Mr. Gray came in late at approximately 12:08 pm.

2. Roll Call

1. Patricia Jones, Larry Gray, Dozier Smith T, David Canon, Eddie Smith

3. Invocation

4. Pledge of Allegiance

5. Reading of Minutes

6. Unfinished Business

7. Remarks By the Mayor

8. Citizen Communications

(Limit comments to five minutes or less)

9. Report of Disbursements

10. Committee Reports

11. General Business

12. Awarding of Bids

13. Resolutions

1. Resolution 211-16 Canvassing 8/23 Election Results.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

AYES: Patricia Jones, Dozier Smith T, David Canon, Eddie Smith

ABSENT: Larry Gray

2. Resolution 212-16 Recount Procedures for 2016 Municipal Election.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Patricia Jones, Dozier Smith T, David Canon, Eddie Smith

ABSENT: Larry Gray

14. Ordinances

1. Ordinance 119-16-ORD Set the October 4Th Run-Off Municipal Election.

Mr. Smith T introduced this ordinance. Then Mr. Canon made the motion to suspend the rules and approve said ordinance. The following votes were recorded:

Ayes Jones, Smith T, Canon, Smith

Nays None

Note: Mr. Gray came in at 12:08 pm.

RESULT: FIRST READING AND APPROVED [UNANIMOUS]
MOVER: Larry Gray, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

15. Appointments

16. Adjourn

These City Council meeting minutes of 8-30-16 are hereby adopted and approved this the 6th day of September, 2016.

/s/

Eddie Smith

President of the City Council

City of Opelika, Alabama

ATTEST:

/s/ R. G. Shuman

City Clerk - Treasurer

1. Motion to adjourn

RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

RESOLUTION NO. 211-16

Canvassing 8/23 Election Results.

RESOLUTION NO. _____

RESOLUTION CANVASSING RESULTS
OF AUGUST 23, 2016 GENERAL ELECTION

WHEREAS, the General Election for the City of Opelika, Alabama, was duly and legally held on August 23, 2016, as provided by law; and

WHEREAS, the municipal governing body of the City of Opelika met on this the 30th day of August, 2016, at 12:00 noon, a quorum thereof being present, and canvassed the returns and has ascertained and determined the number of votes received by each candidate; and

WHEREAS, the municipal governing body has ascertained and determined the result of said election as follows:

FOR MAYOR:

	WARD	WARD	WARD	WARD	WARD	ABSENTEE	
PROVISIONAL							
<u>NAME</u>	<u>ONE</u>	<u>TWO</u>	<u>THREE</u>	<u>FOUR</u>	<u>FIVE</u>	<u>BALLOT BOX</u>	
<u>BALLOTS</u>	<u>TOTAL</u>						
GARY FULLER	306	438		668	917	909	51
JOHN ANDREW HARRIS	333	277	40	58	82		71

FOR COUNCIL MEMBER PLACE NO. 1:

<u>NAME</u>	WARD <u>ONE</u>	ABSENTEE <u>BALLOT BOX</u>	PROVISIONAL <u>BALLOTS</u>	<u>TOTAL</u>
GREG JONES		302	6	
PATRICIA A. JONES		337	41	

FOR COUNCIL MEMBER PLACE NO. 2:

<u>NAME</u>	WARD <u>TWO</u>	ABSENTEE <u>BALLOT BOX</u>	PROVISIONAL <u>BALLOTS</u>	<u>TOTAL</u>
TIFFANY GIBSON-PITTS		259	29	
LARRY GRAY		125	3	
NELSON MARSH		159	3	
OSCAR PENN		171	2	

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika as follows:

1. That Gary Fuller received a majority of the votes cast for the office of Mayor and Gary Fuller is declared duly elected to said office for the term of office beginning on the first Monday in November, 2016.

2. That the Mayor of the City of Opelika be and he is hereby directed to issue a Certificate of Election to Gary Fuller for the office of Mayor for such term pursuant to the provisions of §11-46-55, of the *Code of Alabama*, (1975, as amended).

3. That Patricia A. (Patsy) Jones received a majority of the votes cast for the office

of Council Member Place No. 1 on the City Council and Patricia A. (Patsy) Jones is declared duly elected to said office for the term of office beginning on the first Monday in November, 2016.

4. That the Mayor of the City of Opelika be and he is hereby directed to issue a Certificate of Election to Patricia A. (Patsy) Jones for the office of Council Member Place No. 1 on the City Council for such term pursuant to the provisions of §11-46-55, of the *Code of Alabama*, (1975, as amended).

5. That no candidate received a majority of the votes cast for the office of Council Member Place No. 2 on the City Council and Tiffany Gibson-Pitts and Oscar Penn, III, received the most and second most votes cast for that office; therefore, a run-off election between said candidates is hereby ordered to be held on Tuesday, October 4, 2016 pursuant to the requirements of Section 11-46-20 et. seq. of the Alabama Code of 1975, as amended.

6. That the City Clerk is hereby authorized, directed and empowered to cause a copy of this resolution to be published one (1) time in _____, a newspaper in and of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the 30th day of August, 2016.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

RESOLUTION NO. 212-16

Recount Procedures for 2016 Municipal Election.

RESOLUTION NO. _____

**RESOLUTION APPROVING RECOUNT PROCEDURES
FOR 2016 GENERAL MUNICIPAL ELECTION**

Section 1. Applicability. This resolution governs recounts of the August 23, 2016 regular municipal election and the October 4, 2016 run-off election of the City of Opelika, Alabama (the “City”). Nothing in this resolution shall be construed to prevent any person from contesting the results of the election by judicial proceedings authorized by law.

Section 2. Procedure. Within forty-eight (48) hours after the official canvass of an election and the City Council’s declaration of the results of said election, any registered voter of the City may file with the City Clerk a written request to recount any or all of precinct returns for the election of candidates of any office. The request shall comply with the requirements of §11-46-55.1 of the *Code of Alabama*. The recount shall be conducted publicly and all candidates affected by the recount shall be given at least twenty-four (24) hours notice of any recount by the City Clerk and shall be invited to participate in the recount. The recount will be conducted under the supervision of trained and certified election officials appointed by the City Clerk. The City Clerk, as the election manager, shall be responsible for the overall operation of the recount and for the security of the process. The recount shall be conducted in accordance with the procedures set forth in §11-46-55.1, *Code of Alabama*.

Section 3. Results of Recount. Upon completion of the recount, the City Clerk shall declare the results. If the recount produces a change in the precinct totals of sufficient magnitude

to alter the result of the election, the outcome of the recount shall constitute grounds for an election contest as prescribed by law.

Section 4. Cost of Recount. The petitioner shall be responsible for the cost of the recount. Any request for recount shall be accompanied by a commercial bond, cash deposit or cash equivalent in a sum specified by this resolution, in a form satisfactory to the City Clerk. The bond, deposit or cash equivalent shall be payable to the City of Opelika in the event the outcome does not change the result of the election. If the result of an election is changed by the recount, the expense of the recount shall be borne by the City and the bond, cash deposit or cash equivalent shall be returned to the person who requested the recount. The amount of security required from the petitioner to cover costs, based on an estimate of actual costs respectively for the offices of Mayor and City Council member, is as follows:

For the Office of Mayor (Five Precincts and Absentee Ballot Box): \$4,875.00

For the Office of City Council (One Precinct and Absentee Ballot Box): \$2,675.00

ADOPTED AND APPROVED this the 30th day of August, 2016.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

ORDINANCE NO. 119-16-ORD

Set the October 4Th Run-Off Municipal Election.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR OCTOBER 4, 2016 RUN-OFF ELECTION

BE IT ORDAINED by the City Council (the “Council”) of the City of Opelika, Alabama (the “City”) as follows:

Section 1. Pursuant to §11-46-55 of the *Code of Alabama* (1975) a municipal run-off election shall be held on Tuesday, October 4, 2016 for the purpose of electing Council Member Place Number 2 on the City Council of the City of Opelika, Alabama.

Section 2. All registered and qualified electors of the State who reside within Ward Number 2, and have resided therein for thirty (30) days or more immediately preceding the date of such run-off election and who are qualified to vote in the county precinct which embraces and covers that part of the corporate limits of the City in which the elector resides will be authorized to participate in said election.

Section 3. The polls shall be open on the day of said election from 7:00 a.m. until 7:00 p.m. at the following polling place in the City:

Ward No.	Location of Voting Place
2	Opelika Learning Center (formerly old Jeter School)
	214 Jeter Avenue

Section 4. The Mayor is hereby authorized, directed and empowered to give notice immediately of the time and purpose of such run-off election by publication one (1) time in the Opelika-Auburn News, a newspaper of general circulation in the City.

Section 5. The run-off election shall be conducted by the same election officials who held the initial election on August 23, 2016.

Section 6. The absentee election manager shall accept applications by qualified electors for absentee ballots from Tuesday, September 20, 2016 until Thursday, September 29, 2016 at 5:00 p.m. Central Daylight Time.

Section 7. The City Council shall meet in the Council Chambers in the Municipal Building at 12:00 noon on Tuesday, October 11, 2016, for the purpose of canvassing the results and declaring the results of the election. The record of the results of the election shall be recorded in the minutes and proceedings of the Council, and when so recorded, shall be conclusive evidence of the matters therein stated and the validity of the run-off election unless contested as required by law.

Section 8. Except as otherwise specifically provided herein, said municipal run-off election shall be conducted, the results canvassed, and the results declared in the same manner as provided by Chapter 46, Title 11 of the *Code of Alabama* (1975, as amended).

Section 9. This ordinance shall take effect as provided by law and shall be implemented pursuant to the provisions of Chapter 46, Title 11 of the *Code of Alabama* (1975, as amended).

Section 10. The City Clerk is hereby authorized, directed and empowered to cause this ordinance to be published one (1) time in the Opelika-Auburn News, a newspaper published and of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2016.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2016.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK