



CITY COUNCIL

MINUTES

300 Martin Luther King Blvd.

February 21, 2022

TIME: 12:00 PM

1. CALL TO ORDER

President Smith called the council meeting to order at 12:15 pm and asked Mr. Jones to call the roll.

2. ROLL CALL

Mayor Fuller, George Allen, Erica Norris, Todd Rauch, and Eddie Smith were present. Tim Aja was absent.

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

3. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Amend Sections 12-46, 12-51, and 12-53 of the Code of Ordinances, Residential Rental Registration and Inspection Program - 2nd Reading.

During discussion, Ms. Norris asked Mr. Gunter to explain what the purpose of the amendments were for clarity. Mr. Gunter explained that the plaintiffs in the pending litigation against the city, dealing with the residential registration and inspection ordinance, have raised some issues regarding the first and fourth amendments of the constitution, and these amendments address those issues. Mr. Gunter then explained in detail the amendments to the ordinance, also explained the different types of consent that can be given to require an inspection, and how this also addresses the landlords' due process in Circuit Court. Ms. Norris then asked if the lawsuit would continue on even after the changes to the ordinance. Mr. Gunter answered this will not eliminate the lawsuit, he cannot speak for the landlords that are contesting it, but the primary issue is whether the Landlord Tenant Act preempts the city from adopting the rental registration and inspection ordinance, and these issues being addressed are secondary issues that were added to the lawsuit after it was originally filed. Mr. Rauch then stated he understands inspections are done with consent, but it was his understanding that the aim of the ordinance is to inspect when there is no one in the rental property, and asked Mr. Gunter if that was correct or not. Mr. Gunter answered that was correct, and then he explained the two types of inspections being triggered either when the property is vacant, in between tenants, and/or if there is a complaint by a citizen, tenant, police officer, social worker, etc., and also explained the city already has citizen issued complaints available, and it's not anything new. Mr. Rauch then asked how the city handles citizen's issued complaints now. Mr. Gunter explained that anytime there is consent given they can inspect the property, but the fourth amendment deals with illegal searches and seizures, when

no consent is given, and our municipal court would have to issue a subpoena for a building inspector to be able to enter a property without consent.

SECOND READING AND APPROVED: 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

4. **ADJOURN**

The City Council meeting minutes of February 21, 2022 are hereby adopted and approved this the 1st day of March, 2022.

/s/ Eddie Smith

President of City Council
City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones

City Clerk

1. **Motion to Adjourn.**

President Smith then asked if there was any other business to come before the council and with none, asked for a 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 12:23 pm.