



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

July 5, 2022

TIME: 6:00 PM

1. CALL TO ORDER

President Smith called the council meeting to order at 06:04 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, Tim Aja, Todd Rauch, Eddie Smith

3. INVOCATION

Mr. Tippet provided the invocation.

1. Tom Tippet from Christian Care Ministries.

4. PLEDGE OF ALLEGIANCE

Mr. Jones led the Pledge of Allegiance.

1. Russell A. Jones, CMC - City Clerk.

5. READING OF MINUTES

1. Minutes from the 06-21-22 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. REMARKS BY THE MAYOR

None.

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

D. Mark Mitchell of 405 Waverly Place spoke first. Mr. Mitchell asked for the council to review an Opelika City School Board policy that doesn't allow for citizens to have an opportunity to speak to the board during their meetings. Mr. Mitchell explained the current process of having to write a letter of what the citizen wants to discuss with the board and it must be submitted and approved by the board beforehand. Mr. Mitchell again asked the council to address the issue so that citizens are allowed to speak at the school board meetings during an allowed time.

Evelyn Mickle of 1003 Glenn Street spoke next. Ms. Mickle stated that the farmers market is still a hazard to citizens and it should be paved. Ms. Mickle also stated the city does not have an inclusive park for handicap children it should address, but the city of Auburn does. Ms. Mickle closed by asking the city to think about getting someone to say that the plan for the proposed development on 10th Street would not work where it is proposed.

Joyce Newland of 1708 Oak Bowery Road spoke next. Ms. Newland stated there were two meaningful events in Opelika on July 2; the city's fireworks and the memorial service for Mr. Willam Parker Sr., who was a revered Opelika citizen who did so much to guide the school system and Opelika, especially during a time that could have been fraught with divisiveness and hard feelings. Ms. Newland stated that the present discussion over the proposed development is causing a lot of divisiveness, but not nearly on the level of 1970, and if that situation can be solved, then so can this. Ms. Newland then acknowledged that the right to build on one's property is not in question, but there needs to be a design that is representative of the current downtown.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

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

1. Public Hearing - Weed Abatement Assessment - 100 Avenue C.

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. William Key of 1315 Rocky Brook Road spoke first. Mr. Key stated he was against the weed abatement, as an adjacent property owner, because it has always been a heavily wooded area and did not believe it should fall under the city's weed abatement ordinance. Mr. Key also read a letter from his daughter, Emily Key, who was not able to attend the meeting in person. See the attached letter. President Smith closed the public hearing.

2. Public Hearing - Weed Abatement Assessment - Avenue C.

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 - 200 Avenue C.
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.

12. AWARDING OF BIDS

President Smith asked Ms. Finley to present the bids.

1. Custodial Services - Sportsplex - P&R.

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

2. Fiber Connection - Aubix Datacenter - IT.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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

3. Fiber Internet Connection - Aubix Datacenter - 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 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

4. Sewer Line Extension to Serve Andrews Road - PW.

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

5. Floral Park Drainage and Turf Fields - PW.
During discussion, Mr. Rauch stated that he believed Dr. Lofton would appreciate this very much.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

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

13. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Expense Reports from Various Departments.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilwoman Ward 2 - President Pro-Tem Erica Norris

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. Designate City Personal Property Surplus and Authorize Disposal.

MOTION TO APPROVE: 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

3. Approve Sale of a 2007 Freightliner Knuckle-Boom Trash Truck to the City of Smiths Station, AL - OES.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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

4. Purchase - KnowBe4 Security Awareness Training (3-yr contract) - IT.

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

5. Purchase - Two (2) 2023 Ford Vans - Sourcewell Contract #091521-NAF - P&R.

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 Addendum #1 to the Professional Services Agreement with Osmose Utilities Services, Inc - OPS.

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

7. Authorize Engagement Letter with Lanier Ford Shaver & Payne, P.C. - ADMIN.

MOTION TO APPROVE: 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

8. CDBG PY2022 Budget & Annual Action Plan.

MOTION TO APPROVE: 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

9. Weed Abatement Assessment - 100 Avenue C.

During discussion, Mr. Aja asked how this property was chosen for a weed abatement. Mr. Motley answered that the properties were subject to the complaint that was filed to the city council during a previous meeting, and the city's research with other property owners and neighbors confirmed there were houses on the property at some point in time which would make it a developed property. Mr. Motley also stated all proper steps were followed by the city by sending out notices to the property owners and receiving certified mail copies back signed from them confirming they were aware of the abatements. Mr. Aja then asked if there was any other documentation of any structures being present or demolished other than what the neighbors stated. Mr. Motley stated there was a foundation left on one parcel, there was a demolition done on another, and the neighbors stated there was a house there. Mr. Aja then stated he understood about the one that has remains of a structure, but the largest portion doesn't seem to have ever had anything there. Ms. Norris then asked if there were photos from before and after the abatement. Mr. Motley answered yes and they could provide those photos for them. Ms. Norris then asked about the cost of \$3000. Mr. Motley answered that it was the lowest bid. Ms. Norris then asked for copies of the work that was done, with the pricing. Mr. Motley answered they can get that for them, and then explained that they have a contract with someone to do this type of work and it's done at the lowest bid per square foot. Ms. Norris then asked if they could send the complaints made by citizens. Mr. Motley answered that it was in the minutes of the meeting when they came and spoke to the council and he could look that up and send it to her. Mayor Fuller answered the City Clerk should do that for the council. Ms. Norris then asked how many citizens there were that complained. Mr. Motley answered two, including Mr. Billy Allen. Mr. Allen and Mr. Jones confirmed the other citizen was Johnny Ivey. President Smith then confirmed that Mr. Ivey was an adjacent property owner to this property. Mr. Motley answered yes. Mr. Rauch stated he is for this and wants property owners to take care of their property. Mr. Aja stated he agrees with Mr. Rauch, but it doesn't look like there was ever anything there, and without physical documentation, he was afraid of setting a dangerous precedent of clearing land and charging property owners when it's not necessary. Mr. Rauch then asked what caused the city to decide to cut the property. Mayor Fuller answered that the neighbors said there were houses there and confirmed that with Mr. Motley. President Smith then stated that the city sent the property owners the certified letters of notice and received them back signed acknowledging they would be charged if they did not take action. Ms. Norris then stated that she had requested items in the past, and she wanted to make sure they would be provided to them and she would be good with the process. Mr.

Allen then stated that he has lived in Opelika his whole life and the whole area in question was a neighborhood with houses. Mr. Rauch then stated the area now looks very nice and that should be what we want our city to look like. Mr. Allen also stated that they owe something to the current residents of that area as well.

MOTION TO APPROVE: 3 TO 2

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilman Ward 1 Willie Allen

AYES: Councilman Ward 1 Allen, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja

ABSTAIN: None

10. Weed Abatement Assessment - Avenue C.

During discussion, Mr. Rauch asked if the amount of the weed abatement was high. Mr. Motley answered it was all based on the square footage of the lot and the type of work done. Mr. Rauch then asked if there was any heavier equipment used on this property versus others. Mr. Motley answered the same equipment was used on both properties.

MOTION TO APPROVE: 4 TO 1

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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: Councilman Ward 3 Aja

ABSTAIN: None

11. Weed Abatement Assessment - 200 Avenue C.

During roll call, Mr. Aja stated that he would vote Aye on this one because there were structural remnants on the lot.

MOTION TO APPROVE: 4 TO 1

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

SECONDER: Councilman Ward 1 Willie Allen

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

14. ORDINANCES

President Smith asked Mr. Gunter to present the ordinances.

1. Approve and Adopt a Plan for Redistricting the Council Districts of the City of Opelika - 2nd Reading - (Tabled).

Mr. Rauch made a motion to remove the item from the table. President Smith asked for a second. Mr. Aja asked Mr. Gunter to repeat what the item was. Mr. Gunter re-stated what the ordinance was and that it was on the table and would

need a motion and second to remove it from the table to be voted on to be adopted. President Smith then stated the motion had died for a lack of a second. Mr. Gunter then stated the item then remains on the table.

2. Amend Text of Zoning Ordinance: Section 7.3A District Regulations, and Section 7.7 "Downtown Residential Living", and Section 7.3C Use Categories (matrix table) - 2nd Reading.

During discussion, Mr. Rauch stated his main concern with this has always been traffic, and he has seen explanations but not a rendering of anything as far as widening the street there. Mr. Rauch then stated he does not want this to cause 10th Street to turn into 2nd Ave years down the road, and asked what the plans are exactly for the traffic in this area of the proposed development. Mayor Fuller answered there will be a third lane added, on the developer's side of the street, probably from Ave C down to the Dean law office. Mr. Rauch asked to confirm the extra lane would come from the developer's side, west side, of the street. Mayor Fuller answered yes and that the city would be working with the developer to construct it and new sidewalks. Mr. Rauch thanked the mayor for that, and then stated he was really concerned about 10th Street because of Southview Elementary and that it is the only road that goes straight into downtown without taking a turn and that is something that should be protected. Mayor Fuller then mentioned, as an aside, some improvements that are in the works to Southview Elementary traffic. Mr. Rauch agreed that traffic improvement on Hwy 51, at Southview Elementary, and at the proposed development would be key to keeping traffic moving from the interstate to downtown. Ms. Norris then asked if there was any information available on what the proposed 10th Street improvement would look like. Mr. Mosley then passed around a rendering of what the street improvement would look like, and stated the developer had provided the city the right-of-way to add the third lane to 10th Street in the original application to the Planning Commission. Ms. Norris asked Mr. Mosley if he could send a copy of the rendering to them. Mr. Mosley answered yes. Ms. Norris then asked about the cost of adding the third lane and that some citizens were concerned that the city would be paying for it. Mayor Fuller answered that typically with any development the city will help provide proper transportation improvements, and the city could very well be paying for part of that third lane, yes. Ms. Norris thanked Mayor Fuller.

SECOND READING AND APPROVED: 3 TO 2

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: Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 3 Aja

ABSTAIN: None

3. Amend the City Code of Ordinances: Adopting an Electronic Meeting Policy for City Council Meetings - 1st Reading.

After Mr. Gunter presented the ordinance, President Smith asked Mr. Gunter to explain the 45-day part of the ordinance. Mr. Gunter explained that from the time the ordinance was adopted, they would have to wait a minimum of 45 days to make a request to attend a meeting and be able to vote electronically due to illness. President Smith then asked if that was calendar or business days. Mr.

Gunter answered calendar days.

FIRST READING: INTRODUCED

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

15. APPOINTMENTS

16. ADJOURN

The City Council meeting minutes of July 5, 2022 are hereby adopted and approved this the 19th day of July, 2022.

/s/ Eddie Smith

President of City Council
City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones, CMC

City Clerk

1. Character Trait of the Month - Courage, mental or moral strength to venture, persevere, and withstand danger, fear, or difficulty.
President Smith read the character trait of the month and asked for a motion to adjourn.
2. Motion to Adjourn.

MOTION TO ADJOURN: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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