



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

August 2, 2022

TIME: 6:00 PM

1. CALL TO ORDER

President Smith called the council meeting to order at 06:00 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, Tim Aja, Todd Rauch, Eddie Smith

3. INVOCATION

Mr. Pogue provided the invocation.

1. Anthony Pogue from Bethesda Baptist Church.

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 07-19-22 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. Aja 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

1. Proclamation for Alexandria Torbert (OHS) being elected as the FBLA National Secretary.

Mayor Fuller invited Alexandria Torbert, her parents, Opelika City Schools Superintendant Dr. Farrell Seymore, Opelika High School Principal Kelli Fisher, and Opelika High School teacher/FBLA advisor Mandi Edwards up front. Dr. Seymore first spoke about how great of a student Ms. Torbert was and they were honored that she had been selected as the national secretary for FBLA. Ms. Edwards then spoke about how Ms. Torbert is a phenomenal young woman and they look forward to her leading FBLA across the nation. Ms. Fisher echoed what Dr. Seymore and Ms. Edwards said about how great Ms. Torbert is. Mayor Fuller then read the proclamation and presented it to Ms. Torbert. Ms. Torbert then thanked everyone in the community for being so supportive of her, thanked God because she would not be where she is without Him, thanked her teachers and administrators for being there for her, and finally thanked her parents for their continued support and encouragement.

2. Recognize First Responders Who Helped with the Downtown Fire - Opelika Main Street.

Mayor Fuller then invited the Director of Opelika Main Street, Ken Ward, representatives from the Opelika Fire Department, Opelika Police Department, Auburn Fire Department, Lee County Emergency Management Agency, and ESG/Public Works Department up front. Mr. Ward then presented plaques of appreciation, on behalf of Opelika Main Street and the downtown businesses, to each department for their roles in fighting a downtown fire that could have been much worse if not for all of their actions. Mayor Fuller closed by again thanking everyone involved in saving that downtown block from the fire and stated that Opelika will recover from this because the people here are resilient and strong.

3. Recognize 2022 Opelika YES! Program Students.

Mayor Fuller then invited City Administrator Joey Motley, Assistant Director of Human Resources Brian Weiss, Director of Opelika Environment Services Terry White, and Jasmine Meadows up front. Mr. White then spoke about how great of an employee Ms. Meadows was for Opelika Environment Services during the summer work program and thanked her for the outstanding job she did while there. Mayor Fuller then spoke about what an outstanding student Ms. Meadows was, stated how proud they were of her, and presented her with a small token of appreciation for a job well done.

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

Billy Allen of 930 Redan Trace, Stone Mountain, Georgia spoke first. Mr. Allen first thanked the city for holding the redistricting workshops throughout the city as requested, and also for allowing the presentation by the NAACP of their proposed map amendments. Mr. Allen then stated that the NAACP is committed to being a voice for the community in regards to redistricting, and then asked for the council to amend the Mayor's redistricting map for the community to be heard.

Elizabeth Hill of 274 Bragg Avenue, Auburn, Alabama spoke next. Ms. Hill echoed what Mr. Allen said and asked that the council demonstrate their commitment to the people and adopt the amendments to the Mayor's redistricting map they presented at the previous meeting. Ms. Hill also asked the council, if they did not adopt the proposed amendments, for them to then engage with the public and explain why the amendments were not adopted. Mr.

Rauch then asked President Smith for permission to ask Ms. Hill a question. President Smith answered yes. Mr. Rauch then asked Ms. Hill if they had provided the legal descriptions for their proposed map with amendments. Ms. Hill answered that they did not have legal descriptions, and then asked Mr. Gunter, if the council were to propose an amendment to the Mayor's map, would the city then go back and do the legal descriptions for the amendments. Mr. Gunter answered that any amendment would have to be proposed by a council member and that would entail new language regarding the legal descriptions in the ordinance. Mr. Rauch then asked Mr. Gunter if it was an incomplete map without the legal descriptions. Mr. Gunter answered that the map is a component but the final product is the ordinance and the ordinance contains the legal descriptions and they must know exactly where the boundary lines exist after the amendment. Mr. Rauch then asked Mr. Gunter, who is responsible for the legal description. Mr. Gunter answered that it would be the party proposing an amendment. Ms. Hill then stated that their experience in Auburn was that there was a proposed amendment by a council person and then the legal description was changed after that amendment was proposed and voted on. Mr. Gunter then stated that, in his opinion, the proper procedure would be to actually amend the legal descriptions and then the council to vote on those amended descriptions so there is never any confusion about what was voted on by the council. Mr. Rauch then stated that was his biggest question, because even if they wanted to vote on the amendment then, it was without the legal description and incomplete. Ms. Hill then asked, to clarify if it was on them to provide the legal description or the city council proposing an amendment to provide the legal description. Mr. Gunter answered that an organization cannot propose an amendment, it would have to be proposed and introduced by a council member in writing. Mr. Allen then asked if the proposed amendment by a council person would need to contain the legal description. President Smith answered that the organization could provide the amendment with the legal description for a council member to present as an amendment. Mr. Rauch then stated that part of their request was for the council to address publicly why something wasn't taken into account and he just wanted to make sure they had the whole picture because that is a pretty short statement. Ms. Hill then asked another question to clarify what Mr. Allen said about the council person having the legal description versus what President Smith said about the organization needing to provide those to a council person for consideration. President Smith answered that was correct. Ms. Hill then asked if a council person wanted to present the amendment, would they have to have someone write the legal description for them. President Smith answered that they could not make the amendment without the legal description.

Laticia Smith of 2262 Heritage Ridge Lane, Auburn, Alabama spoke next. Ms. Smith stated that two weeks ago she stood before the council and presented the NAACP's proposed map and, based on the feedback they received, they believed they had done a pretty good job. Ms. Smith then stated that their map was compliant and, in her opinion, an even better map than the Mayor's proposed map because they went the extra mile and took the citizen's comments and incorporated most of them into the NAACP's map. Ms. Smith also stated that based on the map being compliant and reducing the differentiation between the wards from 4% to 2%, she felt like why not choose their map that was representative of the voice of the people? Ms. Smith continued by stating that, yes, only around 50 people showed up during the workshops, but that was probably about 5 times more than the people that put together the Mayor's

map. Ms. Smith then stated that they had been trying to compromise and present some amendments because they were told that the council was going to vote their map down and that is why they do not have legal descriptions. Ms. Smith stated that if a city council person does want to propose their amendments, then they will get them the legal descriptions for the ordinance to be presented as an amendment. Ms. Smith closed by stating that they would like to leverage the city's word of the month, which is commitment, by stating that the NAACP has made a commitment to the citizens by presenting a map that works and asked that the council show their commitment to the citizens by accepting their map or at least consider their proposal. Ms. Norris then asked President Smith for permission to ask Ms. Smith a question. President Smith answered yes. Ms. Norris asked who it was that told them the council was going to vote their map down. Ms. Smith declined to answer, stating that they heard their map was not supported by the Mayor. Ms. Norris then asked why she did not want to tell them who it was, so that they might be able to offer some clarity in regards to that. Ms. Smith again declined to answer, stating that she appreciated the question but did think it appropriate to answer, being that it did not matter and was not relevant, because at the end of the day they proposed a map that was legal and represented what the citizens wanted to see out of a map, and she did not want to open up anymore information because it doesn't feel like the city wants to work with them. Ms. Smith continued by stating that all they can do is present their map and show the community that they are working to represent them. Ms. Norris thanked her for saying that, but she knows for a fact that she has not represented the city, the community, or the citizens in the community. Ms. Norris then stated that Mr. Allen has also mentioned that a couple of council people had some inside information about how they were going to vote beforehand, but the Mayor does not have a vote on this particular issue, so she doesn't understand why they would be putting the blame on him. Ms. Norris also stated that for her to come forward and mention that there were some people or somebody that said it, but not able to provide the information as to who it was, to get clarity and understanding, is a lack of transparency on behalf of the NAACP.

Bobby Yeo of 401 N. 3rd Street spoke next. Ms. Yeo stated that she had reviewed the revised map that the NAACP has proposed, and she supports that map due to the reductions in population deviation and the restoration of the West End neighborhood to Ward 3.

Deborah T. Bedell of 1838 Wildwood Drive spoke last. Ms. Bedell stated that she was there to speak on behalf of John Andrew Harris, and herself, in support of the proposed NAACP map.

9. REPORT OF DISBURSEMENTS

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

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

1. Public Hearing - Amend Zoning Ordinance & Map: 3373 Society Hill Road, 3.14 Acres, from R-1 to C-2, GC-P.
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.
2. Public Hearing - Amend Zoning Ordinance & Map: 2900 block Society Hill Road, 40 Acres, from R-1 & C-2 to C-2.
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.

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: 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 3 Aja, 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 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. Emergency Repairs - Garbage Truck #846 - OES.
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 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

4. Approve Agreement between the City of Opelika and ADEM for Recycling Fund Grant - OES.

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

5. Approve Agreement for Construction Inspection Services with CDG Engineering for Hanwha Cimarron Industrial Access Road - ENG.

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 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

6. Approve Agreement with Robins & Morton as Construction Manager for the Opelika Aquatics Facilities Project - 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

7. Approve Lump Sum RSA Payment to Retirees - HR.
During discussion, Ms. Norris thanked the Human Resources Department, Mayor Fuller, and the City Administration for bringing this forward to take care of the retirees who worked for the City of Opelika.

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 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

8. Approve Quote from CDW Government, LLC for Barracuda Email Protection Subscription - IT.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 3 Tim Aja

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

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. Grant Application - 2022 Byrne Justice Assistance Grant (JAG) - OPD.

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

10. Special Appropriation to the Chattahoochee Council, Boy Scouts of America.

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

President Smith asked for a motion to remove the item from the table. No motion was given. President Smith then stated, without a motion, the item would remain on the table.

2. Amend Zoning Ordinance & Map: 3373 Society Hill Road, 3.14 Acres, from R-1 to C-2, GC-P - 1st Reading.

FIRST READING: INTRODUCED

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

3. Amend Zoning Ordinance & Map: 2900 block Society Hill Road, 40 Acres, from R-1 & C-2 to C-2 - 1st Reading.

FIRST READING: INTRODUCED

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

4. Amend the City Code of Ordinances: Section 14-318, Revoking Business License - 1st Reading.

FIRST READING: INTRODUCED

President Smith asked for a member of the council to introduce the ordinance. Ms. Norris introduced the ordinance.

15. **APPOINTMENTS**

President Smith presented the appointments.

1. Appoint Deke Hilyer to the Downtown Redevelopment Authority. New Term expires 08-07-2028.

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 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Appoint Ken Ward to the Downtown Redevelopment Authority. New Term expires 08-07-2028.

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 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

16. **ADJOURN**

The City Council meeting minutes of August 2, 2022 are hereby adopted and approved this the 16th day of August, 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 - Commitment, the state or quality of being dedicated to a cause, activity, etc.
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: 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 3 Aja, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

The council meeting ended at 06:54 pm.