



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

October 19, 2021

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

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

1. George Allen, Erica Norris, Robert Lofton, Todd Rauch, Eddie Smith

3. INVOCATION

Paul Dunbar provided the invocation.

1. Paul Dunbar with First Baptist Church Opelika.

4. PLEDGE OF ALLEGIANCE

Sadie Pinto led the Pledge of Allegiance.

1. Sadie Pinto from West Forest Intermediate School.

5. READING OF MINUTES

1. Minutes from the 10-05-21 council meeting.

MOTION TO APPROVE: 3 TO 0

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: None

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

6. UNFINISHED BUSINESS

7. REMARKS BY THE MAYOR

1. City's Financial Summary Report for September 2021.
Mayor Fuller asked if the council had any questions about the city's financial summary report to ask Cindy Boyd, Mr. Motley or himself about it.
2. September 2021 Monthly Building Report.

Mayor Fuller asked Mr. Motley to give the monthly building report and Mr. Motley did so.
3. Proclamation for Domestic Violence Awareness Month.
Mayor Fuller invited Stacey Hudmon and Zenene Humphrey-Davis, Executive Director of the Domestic Violence Intervention Center, up front and read the proclamation. Mrs. Humphrey-Davis shared what they do on a daily basis to combat domestic violence, and thanked the Mayor and Council for their support.
4. Employee Service Awards.
Mayor Fuller invited each department head and their respective employees, that were present, up front and recognized each with their employee service award based on the number of years served.
After presenting the awards, Mayor Fuller also recognized Ali Rauch with the Opelika Chamber of Commerce, and thanked her and the chamber for the formation of a minority small business council.

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

Evelyn Mickle of 1003 Glenn Street spoke first. Ms. Mickle stated she has been involved with O-Grows since it's inception. Ms. Mickle then stated she is concerned that Opelika is not doing enough to support the farmers market compared to what the City of Auburn does. Ms. Mickle also stated how O-Grows helps children learn where food comes from and how important farmers and farming are to the community. Ms. Mickle then explained how the farmers market has been moved to many different places and feels that even the space at the new library, that was supposed to be for the market, will also be taken from them in the future. Ms. Mickle also stated how the City of Auburn puts out signs to advertise their market and wants Opelika to do the same by putting more emphasis on the market because of all the hard work the farmers put into their crops. Ms. Mickle closed by asking the city to help emphasize and publish the market more to keep it going.

Marty Moore of 2144 Hamilton Place North spoke next. Ms. Moore first passed out flyers to the council and then stated she was there on behalf of Opelika Theater Company and gave a "what's coming update" to the council. Ms. Moore explained how difficult it has been for community theaters to get back going after the pandemic and also how much money it takes to put on the performances. Ms. Moore then explained how Music Theater International has come up with a great idea that all community theaters can participate in by doing the same show on the same nights and how they will be participating in that soon. Ms. Moore closed by inviting the council to please be aware of what the Opelika Theater Company is doing in the future and asked them to please promote and support the theater as

well.

Ali Rauch, President and CEO of the Opelika Chamber of Commerce, spoke next. Mrs. Rauch first thanked the mayor for mentioning the formation and announcement of the minority business council that will work hard to help and support the minority businesses in Opelika. Ms. Rauch then invited the council to attend a ceremony where the chamber will be giving out small business grants, worth a total of \$25,000, on Friday October 29 at 3:00 pm at Greater Peace Baptist Church, to 23 different small business owners.

Allen Conradi of 2301 Center Hill Drive spoke next. Mr. Conradi first passed out pictures to the council and then stated he is the owner of Thalamus LLC., an electrical and data contractor. Mr. Conradi went through the pictures explaining how there are serious drainage issues with the road and lack of storm drains from when the business park on Center Hill Drive, where his building is located, was created. Mr. Conradi stated he has been in contact with both City Engineer Scott Parker and Director of Public Works Mike Hilyer about the drainage issues, but both have stated to him that the city is not responsible for the issue caused by the developer some years ago. Mr. Conradi agreed it is not the city's fault, but did offer a temporary solution of possibly having the road re-crowned to push water towards an existing storm drain. Mr. Conradi explained that his business is not the only business affected, as Bonnie's Kids daycare has had to replace their playground equipment 3 different times since he has owned his business there. Mr. Conradi closed by asking for any help with this issue. President Smith asked the mayor if he would follow up with Mr. Conradi on this issue and the mayor agreed.

Louis Brandwein of 2202 Diane Court spoke last. Mr. Brandwein spoke in support of resolution #17 on the council agenda to approve commencement of litigation against West Fraser Timber Co. due to violation of the city's noise ordinance. Mr. Brandwein stated that he lives about a quarter of a mile from West Fraser and described what it sounds like, banging pots and pans, alarms, buzzers, and sirens, between 5 am and 8 pm everyday, but also that his mother has heard the noise at 2 am when they are not supposed to be making any noise. Mr. Brandwein also described how he has lived in Los Angeles, California for 5 years and did not experience anything close to this type of noise nuisance even in that big of a city compared to what West Fraser is doing. Mr. Brandwein closed by estimating there are between 1,000 to 1,500 homes within the noise area it is affecting and asked the council to pass the resolution to pursue legal matters to make West Fraser comply with the city's noise ordinance.

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 Ord & Map: Rezone 166 Acres, Hwy 431 & Cusseta Road.

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 rezoning. Dena Little of 300 Cusseta Road spoke first. Ms. Little, the founder and director of Storybook Farm, spoke to the council about her concerns with the high density rezoning for a new subdivision neighborhood near Storybook Farm which is a non-profit therapy center for children. Ms. Little stated she chose to move from Auburn to the location off Cusseta road in Opelika because it was not near any high-density neighborhoods, and for its peaceful nature to support her horse farm and tranquil therapy center for children. Ms. Little closed by stating the amount of traffic and noise from this rezoning, and subsequent creation of a high density neighborhood, will negatively affect the horses, children, and overall mission of the therapy center and asked the council to vote against the rezoning. Paul Willis, Chairman of the Board for Storybook Farm, spoke next. Mr. Willis also spoke against the rezoning for many of the same reasons as Ms. Little, but did add that there is also a liability issue with the families that will be moving close by and what that could bring with kids and people that could be negatively impacting the farm by trespassing. Mr. Willis closed by asking why the traffic study was not done before the Planning Commission approved the rezoning, and asked the council to vote no on the rezoning. Todd Scholl, member of the board of directors for Storybook Farm, spoke next. Mr. Scholl also spoke against the rezoning and echoed the previous concerns voiced but did state his main concern is the entrances and exits to the proposed neighborhood are right across from the farm. Mr. Scholl stated that those are operating pastures with children riding horses right next to those entrances and exits and it is a significant issue to have that traffic so close to riders. Mr. Scholl closed by stating that the developer has yet to reach out to Ms. Little or the farm about the development or introduced themselves as a neighbor and they still no nothing about them or even know who they are, and it's too late because that chance to be a good neighbor has now passed. Jack Swarthout of 4230 Anderson Road spoke last. Mr. Swarthout also spoke against the rezoning by stating he is an adjacent property owner and supporter of Storybook Farm and echoed the previous objections and also added there are ways to add an exit from the neighborhood onto Hwy 431 to alleviate some of the traffic concerns. Mr. Swarthout also voiced concerns over drainage from the development and how it would affect his 15 acre bass lake with sediment and runoff and also noise from the development as well. Mr. Swarthout closed by stating the city is making a lot of progress, but they need to consider whether they are making progress for progress's sake or making progress to make the city better, and there are a lot of unanswered questions about this issue. President Smith stated there would not be a vote on the ordinance during the meeting and then declared the public hearing closed.

12. AWARDING OF BIDS

President Smith asked Mr. Motley to present the bids.

1. One (1) 2022 Chevy Tahoe - ADMIN.

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

13. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Designate City Personal Property Surplus & Authorize Disposal.

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 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: None

2. Purchase - Two-hundred fifty-five (255) Toter 96 Gallon Universal/Nestable Carts - Sourcewell Contract #041521-TOT - OES.

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

3. Purchase - Direct-Link Bridge Series Crisis Response Throw Phone System - Sole Source - PD.

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

4. Purchase - One (1) 2021 Ford F150 Super Cab - State of Alabama Contract #T191 - 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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

5. Purchase - Antivirus Malwarebytes Software - National IPA Contract #2018011-01 - IT.

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. Purchase - Bobcat Compact Excavator - Sourcewell Contract #040319-CEC - PW.

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

7. Purchase - VMware Workspace One Management and Security Software - National IPA Contract #2018011-011 - 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 4 - President Smith, Councilman Ward 5 Rauch
NAYS: None
ABSTAIN: None

8. Purchase - Police Equipment for seven (7) 2021 Police Package Automobiles - State of AL Contract #MA 999 180000000347 - PD.

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

9. Purchase - Ammunition - State of AL Contract #MA 999 180000000302 - PD.

MOTION TO APPROVE: UNANIMOUS

RESULT:

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

10. Weed Abatement Assessment - 1109 Alton Court - TABLED.

MOTION TO REMOVE FROM THE TABLE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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

MOTION TO REMOVE FROM THE AGENDA: 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

11. Annual Appropriation Contract FY2022 with Envision Opelika Foundation, Inc.

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

12. Annual Appropriation Contract FY2022 with J. W. Darden Foundation, Inc.

MOTION TO APPROVE: 3 TO 0

RESULT: Passed

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

SECONDER: Councilman Ward 5 Todd Rauch

AYES: Councilwoman Ward 2 - President Pro-Tem Norris, Councilman Ward 4 - President Smith, Councilman Ward 5 Rauch

NAYS: None

ABSTAIN: Councilman Ward 1 Willie Allen

13. Annual Appropriation Contract FY2022 with Opelika First Class Pre-K Academy.

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

14. Annual Appropriation Contract FY2022 with Opelika Main Street.

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

15. Special Appropriation to East Alabama Community Ballet for 2021 Nutcracker Performance.

MOTION TO APPROVE: UNANIMOUS

RESULT: Passed

MOVER: Councilman Ward 5 Todd Rauch

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

16. Special Appropriation to Opelika Main Street for 2021 Christmas in a Railroad Town.

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

17. Authorize Commencement of Litigation Against West Fraser Timber Co. Ltd. to Enjoin Noise Nuisance.

During discussion, Mr. Rauch stated that when he was elected to city council the noise at West Fraser was non stop through all hours of the night, including him experiencing it at 3 am in the morning. Mr. Rauch then stated that the mayor has spearheaded the effort to ease the burden of the people that live in that part of town that are exposed to the noise day in and day out, and thanked him for taking this action. Mr. Rauch also thanked David Canon, the previous council member for his ward, for also previously leading the charge for this action in the community of Ward 5.

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

18. Approve Change Order #1 Robinson Paving Co. for the Northpark Drive Improvement Project - ENG.

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

19. Approve Proposal for Engineering Services with CDG for Design of Industrial Access Road for Project Crown - ENG.

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. Approve Franchise Agreement with Knology of Alabama, Inc. - 2nd Reading.

SECOND READING AND APPROVED: 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. Amend Zoning Ord & Map: 166 Acres, Hwy 431 & Cusseta Road - 1st Reading.

FIRST READING AND NOT INTRODUCED

President Smith asked for a member of the council to introduce the ordinance. No one introduced the ordinance.

3. Approve Regulations Restricting the Sale of Dogs and Cats at Pet Shops and Pet Supply Stores - 1st Reading.

FIRST READING AND INTRODUCED

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

15. APPOINTMENTS

16. ADJOURN

The City Council meeting minutes of October 19, 2021 are hereby adopted and approved this the 2nd day of November, 2021.

/s/ Eddie Smith

President of City Council
City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones

Russell A. Jones
City Clerk

1. Character Trait of the Month - Respect, a feeling of deep admiration for someone or something elicited by their abilities, qualities, or achievements.
President Smith asked if there was any other business to come before the council and then read the Character Trait of the Month.

2. Motion to Adjourn.

MOTION TO ADJOURN: UNANIMOUS

RESULT: **Passed**

MOVER: Councilman Ward 5 Todd Rauch

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

The council meeting ended at 8:06 pm.