



CITY COUNCIL MINUTES

300 Martin Luther King Blvd.

February 1, 2022

TIME: 7:00 PM

1. CALL TO ORDER

President Smith called the council meeting to order at 07:02 pm and asked Mr. Motley to call the roll.

2. ROLL CALL

The Mayor was absent but all City Council members were present.

1. George Allen, Erica Norris, Tim Aja, Todd Rauch, Eddie Smith
After roll call, President Smith asked for a motion to appoint Mr. Motley as the Clerk pro-tem for the meeting. Mr. Rauch made a motion to appoint Mr. Motley. Mr. Aja seconded the motion.

MOTION TO APPOINT CLERK PRO-TEM: 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. INVOCATION

Mr. Banks provided the invocation.

1. Bob Banks from First Baptist Church Opelika.

4. PLEDGE OF ALLEGIANCE

Mason Sistrunk and Olyvia Winslett led the Pledge of Allegiance.

1. Mason Sistrunk and Olyvia Winslett from Morris Avenue Intermediate School.

5. READING OF MINUTES

1. Minutes from the 01-18-22 called 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.

2. Minutes from the 01-18-22 regular 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. Aja 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

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

Pastor Carolyn Morton of 1009 Samford Court spoke first. Pastor Morton stated that she was speaking on behalf of Mom's Demand Action for the prevention of gun violence, and that she herself was a gun violence survivor. Pastor Morton stated that with rights come responsibilities, and we should make sure that everyone that carries a gun is a responsible gun owner, has gone through a background check, and does not pose a threat to public safety. Pastor Morton closed by stating that she lost her father when she was fifteen years old to gun violence, and then asked for everyone to come together to keep our Alabama families safe from gun violence.

Melissa Munford of 668 Highfield Court spoke next. Ms. Munford stated she was there to speak to the council about affordable housing, and then asked if anyone had actually spoken to any contractors or developers to get it going. Ms. Munford then stated that it's time for all of the talk of doing this-and-that to stop and actually do something for all the people in extreme need. Ms. Munford also stated that she is a realtor and has a lot of people call her about homes, but they are not affordable, and not because they don't have the credit, but because they don't have the means to afford \$300,000 to \$400,000 homes and even some of the \$250,000 homes in the area. Ms. Munford closed by asking when and where the city is going to get started on finding an area where they can house their citizens, because there are a lot of citizens that don't meet the criteria when it comes to buying anything over \$250,000.

Joseph Garofalo of 252 Marcella Ave Sharpsburg, GA spoke next. Mr. Garofalo stated he was there to speak about the vote on the food trucks. Mr. Garofalo then stated he has been in the restaurant business for 35 years. Mr. Garofalo also stated he currently owns food trucks, he helped open the Irish Bred Pub, MaFia's, and helped the owners of O-Town Ice Cream, open their businesses downtown, and the last 2 years have been the worst years in all of his years between the COVID shutdowns, political polarization, etc. Mr. Garofalo then thanked President Smith personally for helping him get two PPP loans to help keep his businesses going, but is concerned about allowing outside food trucks into

downtown that might take away from the established restaurants. Mr. Garofalo stated he had been in contact with Ali Rauch, President and CEO of the Opelika Chamber of Commerce, about the food trucks coming into downtown, recognizes that they have good intentions for the event, and even with complaints about wait times at restaurants downtown, there have been too many businesses closing recently, and he is looking for a solution here that can work for everyone. Mr. Garofalo recognized that Mrs. Rauch agreed to give the restaurants the first shot, but he thinks that it would be fair to say if his sales, and the other places downtown, go down on the weekends when they have the food truck events, over a two-month trial period, then he thinks they should stop the experiment. Mr. Garofalo then stated he is not necessarily against this, but it seems this is against the established restaurants and for the places across the street that just serve beer, alcohol, and wine. Mr. Garofalo again stated he is not against this, because we need to try new things, but he would like for something to be in there that says we will review what's going on after two months.

Ali Rauch of 2240 Lakeview Drive, President and CEO of the Opelika Chamber of Commerce, spoke next. Mrs. Rauch spoke to the council about the food truck event on the agenda, and stated that she indeed has had conversations with Mr. Garofalo, and other downtown business owners, about the event. Mrs. Rauch stated that the request for the event came from some of the businesses downtown, and although they did hear about the potential negative impact it could have, there is also a potential positive impact, and unless we try it out, we won't know if it will work or not. Mrs. Rauch then stated the hope with this event is to get more people downtown who are coming for the variety, the additional options, and the quick ability to dine, but also recognizing a couple of the restaurants downtown are not doing as well as they have been in the past, but there are also some restaurants that are very limited in their dining options, especially on Friday nights which are very busy with long wait lines. Mrs. Rauch also stated she agrees with Mr. Garofalo in that they want to track the sales trends, on a weekly basis, so that they can understand if this is driving additional traffic and sales to the downtown area, because their intention is not to harm any business at all, and would stop having the events if that were the case. Mrs. Rauch closed by stating that their overall intention with the event was to drive business to the downtown area, and to not just the restaurants, but to all the businesses downtown, and she asked the council for a positive vote on the event.

John Andrew Harris of 311 East Avenue spoke next. Mr. Harris first thanked everyone for all of the calls and messages about his daughter in New York who recently passed away. Mr. Harris stated that he had been informed that they were receiving help from Executive Order 13985 and, as a director of the state of Alabama economic development, working with the Joe Biden administration, the state of Alabama, and the city of Opelika, there are numerous infrastructure projects and other opportunities available to the community here in Opelika. Mr. Harris also stated he has been working with other communities on work force projects that could bring upwards of 3,000 jobs to this community, and would be happy to work with the city on bringing that here to Lee County, which would help the citizens here with good paying jobs and affordable housing. Mr. Harris closed by letting the council know he was there to assist them if needed, is the political action chairman for the state of Alabama NAACP, and is here to serve the community.

10. COMMITTEE REPORTS

11. GENERAL BUSINESS

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

1. Request by Opelika Chamber for Food Truck Friday Nights in Downtown Opelika starting on 02-04-2022.

During discussion, Mr. Allen asked if it was part of this plan to go back and look at whether or not this event would be helping or hurting the established downtown businesses after a couple of months. Mrs. Rauch answered yes. Ms. Norris then stated she understood this was requested by some downtown businesses and then asked if this was also being run through Opelika Main Street. Mrs. Rauch answered that it was not, but that she had discussed it and shared the information with Opelika Main Street, and this was mainly at the request of some of the businesses on North Railroad Avenue. Ms. Norris then asked if it was some individual business owners that reached out to the Chamber of Commerce. Mrs. Rauch answered yes and that the business owners also reached out to city planning because of the stipulations regarding food trucks in the city like requiring these food trucks to have Opelika business licenses, that they pay Opelika sales tax, and that they go through an application process so they can be vetted for legitimacy and also be scheduled on a rotation. Ms. Norris then asked if the business owners that requested this are businesses that are not restaurants. Mrs. Rauch answered that they are the breweries and distillery on North Railroad Ave, and that some of the breweries do serve their own food, but they are fully supportive of the event, have been part of the discussions, and have decided not to sell their own food on these event nights. Ms. Norris then asked if there was a plan to revisit this on March 1, 2022. Mrs. Rauch answered absolutely. Ms. Norris then asked if that needs to be added to the document that was submitted, or do they just need to have that on record that they won't move forward until the council has an opportunity to review the results. President Smith then stated he wanted to make sure he understood the question about reviewing this one month after running the event on the 1st and 3rd Fridays. Mrs. Rauch answered she believed it would be wise to take two months. President Smith agreed more than one month of data would be needed to measure the results of the event and agreed to review it at the first meeting in April. Ms. Norris also stated her concerns about downtown business taking a hit recently and then requested that Ken Ward, Director of Opelika Main Street, be present for that review in April. Mrs. Rauch answered she would be happy to invite him. Melissa Munford, President of Opelika Main Street, then spoke on behalf of Opelika Main Street and stated they have spoken to most of the downtown businesses, they have also received many complaints about not being able to have more food trucks, and they are on board with the event. Ms. Munford closed by stating a trial run would be great to see the impact it would have, either good or bad, for two months. Ms. Norris closed by stating this seemed like a happy medium and compromise, thanked Ms. Munford for coming forward and speaking on behalf of the downtown businesses, and she looks forward to everyone coming back to let the council know how it goes.

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

2. Request for Women's Hope Annual Run Like a Mom 5K Event on 03-19-2022.

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

3. Request for Alcohol License - 2nd Avenue LLC DBA 2nd Avenue Food Mart, Retail Beer and Wine Off Premise.

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

4. Request for Alcohol License - Dobbel Hospitality LLC DBA Louies Chicken, Restaurant Retail Liquor and On Premise Beer.

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. Public Hearing - Amend Zoning Ord & Map: Rezone 17.9 Acres, Arlee Avenue and Crawford Road, from R-3 to PUD.

Mr. Motley presented the public hearing. President Smith opened the public hearing and asked if anyone present would like to speak for or against said rezoning. Allan Garner of 1304 Crawford Road spoke and first thanked the council for what they do, and then asked what a PUD means. Mr. Gunter

answered that it is a Planned Unit Development. Mr. Garner again asked what that means and does it mean they are reducing the number and size of the lots and the types of building being built. President Smith then stated the council is approving the 17.9 acres for rezoning, which is adjacent to Mr. Garner's subdivision he lives in, to build similar houses, and the two houses that are on the property being rezoned will be taken down and developed into something similar to what he already lives in. Mr. Garner then stated he doesn't live in the subdivision, but does live close by, and asked if there were going to be townhouses or what. Mr. Mosley answered that this rezoning essentially allows the property owner to reduce the size of the setbacks that are not currently allowed with how it is zoned, but the plan for this property is to have much less density, larger lots, than what is currently built at the Village at Waterford and it will allow a secondary access point into the subdivision. President Smith stated that Jay Connor was present. Mr. Mosley stated, Mr. Connor was not present, but Mr. Young was. Mr. Garner then asked if there would also be a traffic study done. Mr. Mosley answered yes, there would likely be one, because it is a state route and ALDOT controls all access to Crawford road. Mr. Garner began to ask another question when President Smith interrupted and stated this was a public hearing, and he could speak to the council about the rezoning, but if he would like to have his questions answered directly, he could speak with Mr. Mosley after the meeting. President Smith also stated the council would not be taking a vote on the item presently. Mr. Garner then stated he didn't believe this had been openly put out there and discovered, and heard the council was going to vote tonight. President Smith answered there would not be a vote at this time. Mr. Mosley then stated to Mr. Garner that he would be happy to address any questions he might have. President Smith then stated that he misspoke, and that the council would be having a first reading of the ordinance now, but that it would not be finalized tonight. Mr. Garner then thanked him. President Smith closed the public hearing.

12. AWARDING OF BIDS

13. RESOLUTIONS

President Smith asked Mr. Gunter to present the resolutions.

1. Purchase - Ten (10) Traffic Intersection Cameras - Sole Source - PW.

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

NAYS: None

ABSTAIN: None

2. Approve Agreement with Counsilman-Hunsaker for a Feasibility Study on Aquatic Center Capital Improvements - P&R.

During discussion, Mr. Rauch stated that he is very excited about this and they have heard him talk about it before, so he appreciates this.

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

NAYS: None

ABSTAIN: None

3. Approve Quote from CDW Government for Outdoor Security Cameras at the Opelika Train Depot - IT.

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

4. Request for Approval of a Special Use Permit with Dish Wireless at 2605 Tower Street.

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

5. Special Appropriation to A-O Tourism for hosting AJGA Golf Tournament at Grand National.

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

6. Special Appropriation to J. W. Darden Foundation - Annual Black Tie Gala.

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

7. Oppose State Legislation that Eliminates the Necessity of Citizens to Obtain a Concealed Carry Permit.

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. Amend Zoning Ordinance & Map: Laurel Lakes, 160.2 Acres, North Uniroyal Road and Ridge Road - 2nd Reading.

President Smith asked for a motion to amend the ordinance as presented. Mr. Allen made a motion to amend the ordinance as presented. Mr. Aja seconded the motion.

MOTION TO AMEND ORDINANCE AS PRESENTED: 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

President Smith then asked for a motion to approve the ordinance as amended. Mr. Rauch made a motion to approve. Mr. Allen seconded the motion. During discussion, Mr. Rauch stated he would like to thank both sides, including Blake Rice and Frank Plan, on behalf of Stone Martin Builders, and the adjacent property owners, and asked Mr. Connor to share that with Blake Rice and Stone Martin Builders. President Smith commented that it was handled very well.

MOTION TO APPROVE AS AMENDED: 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. Amend Zoning Ordinance & Map: Rezone 17.9 Acres, Arlee Avenue and Crawford Road, from R-3 to PUD - 1st Reading.

FIRST READING: INTRODUCED

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

15. APPOINTMENTS

President Smith presented the appointments.

1. Reappoint Tipi Miller to the Board of Zoning Adjustments (BZA). New Term ends 02-11-2025.

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. Reappoint Chris Nunn to the Board of Zoning Adjustments (BZA). New Term ends 02-11-2025.

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

3. Reappoint Jay Walters to the Board of Zoning Adjustments (BZA). New Term ends 02-11-2025.

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. Appoint Revel Gholston to the Indian Pines Recreation Authority. Existing Term ends 06-07-2025.

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. Appoint Tim Aja to the Airport Advisory Board. Existing Term ends 11-03-2025.

MOTION TO APPROVE: 4 TO 0

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: Councilman Ward 3 Tim Aja

16. ADJOURN

The City Council meeting minutes of February 1, 2022 are hereby adopted and approved this the 15th day of February, 2022.

/s/ Eddie Smith

President of City Council
City of Opelika, Alabama

ATTEST:

/s/ Russell A. Jones

City Clerk

1. Character Trait of the Month - Honor, high respect; great esteem; adherence to what is right or to a conventional standard of conduct.
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 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

The council meeting ended at 7:44 pm.