



OPELIKA CITY COUNCIL
“ REGULAR MEETING AGENDA “
204 South 7th Street
September 15, 2015
TIME: 7:00 PM

1. CALL TO ORDER
2. ROLL CALL
 1. Patricia Jones, Larry Gray, Dozier Smith T, David Canon, Eddie Smith
3. INVOCATION
 1. Chuck Ferrell from First Baptist Church.
4. PLEDGE OF ALLEGIANCE
 1. Shawn Golden and Jasmine Smith from Soutview Primary School.
5. READING OF MINUTES
 1. Minutes from 9-01-15 City Council Meeting.
6. UNFINISHED BUSINESS
7. REMARKS BY THE MAYOR
 1. July 2015 Financial Report
 2. Monthly Building Reports - August 2015.
 3. Recognize 20<40 class member - Cynithia Landry.
 4. Present a proclamation declaring Angels Riding for Autism Day.
8. CITIZEN COMMUNICATIONS (Limit comments to five minutes or less)
9. REPORT OF DISBURSEMENTS
10. COMMITTEE REPORTS
11. GENERAL BUSINESS
 1. Request for Street Closure by Main Street / Annual Think Pink Walk
 2. Request to Close Intersections / Carver-Jeter Initiative.
 3. Request by LMG LLC DbA ZaZu for a Restaurant Retail Liquor & a Retail Beer on Premise License.
 4. Public Hearing for Demolition - 508 Lee Street
 5. Public Hearing - Vacate Northwest Portion South 5Th Street Between Avenue A' & Avenue B
 6. Public Hearing, Amend Zoning Map, from R-4 to I-1 at 207 Avenue A
 7. Public Hearing, Amend Zoning Map, Rezoning from I-1, GC to C-2, GC - Greater Peace Drive
 8. Notice of Public Hearing - Development Agreement (MRP)

9. Legal Notice of Public Meeting (CH)
12. AWARDING OF BIDS
13. RESOLUTIONS
 1. Expense Reports from Various Departments.
 2. Designate City Personal Property Surplus and Authorize Disposal
 3. Purchase Two (2) 2015 Chevrolet Silverado 1500 Pickup Trucks - SW
 4. Cell Tower, Special Use Permit, Southern Linc, 1015 West Point Pkwy.
 5. Resolution for Demolition - 508 Lee Street
 6. Vacation of Northwest Portion of South 5Th Street Between Avenue A' & Avenue B
 7. Annual Renewal of the Group Life Insurance Contract.
 8. Annual Renewal of the Excess Loss Insurance Contract.
 9. Annual Renewal General Liability Insurance.
 10. Annual Renewal of the Group Health Insurance Contract.
 11. Policies and Fees for Vacation of Right-Of-Way
 12. Adoption of the Hazards Mitigation Plan.
 13. Approval of Project Development Agreement (MRP).
 14. Reserve City Council Current Year Discretionary Account Balance.
 15. City of Opelika FY 2016 Budget.
 16. Contract with Two Local Veterinarians / Animal Impound-Shelter Services.
 17. Agreement for Engineering Services for Down Town Bicycle Plan.
 18. Agreement Between the City and EAMC for OPD Services.
 19. Contract with City of Auburn for OFD Services.
 20. Annual Appropriation Contract with Christian Care Ministries
14. ORDINANCES
 1. Amend Zoning Map, Rezoning from R-4 to I-1 at 207 Avenue A
 2. Amend Zoning Map of Zoning Ordinance, Rezoning from I-1, GC to C-2, GC
 3. Speed Limit Change on Oak Bowery Road
 4. Approval of Project Agreement (CH)
 5. Lease Agreement Between the City and KOB & OMS.
15. APPOINTMENTS
 1. Re-appoint David Hudmon to the Board of Adjustments & Appeals. New term ends 10-01-19.
 2. Appoint Isaac Nunn to the Lee Co. Youth Development Board. New term ends 10-01-19.
16. ADJOURN



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

CM MINUTES (ID # 1339)

Meeting: 09/15/15 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:
DOC ID: 1339

Minutes from 9-01-15 City Council Meeting.



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
 204 South 7th Street
September 1, 2015
TIME: 7:00 PM

1. Call to Order
2. Roll Call
 1. Patricia Jones, Larry Gray, Dozier Smith T, David Canon, Eddie Smith
3. Invocation
 1. Provided by Mark McIntire, Director of His Place.
4. Pledge of Allegiance
 1. Destiny Turner and Kayden Threadgill from Southview Primary
5. Reading of Minutes
 1. CM Minutes of the 8-18-15

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
6. Unfinished Business
7. Remarks By the Mayor
 1. Mayor Fuller thanked all the citizens for being present and concerned about animal control.
 2. Recognize 20<40 class member - Matthew Battles.
 3. Presented proclamation designating September as prevent Ovarian-Gynecologic Cancer month.
8. Citizen Communications

(Limit comments to five minutes or less)

1. Approximatley 40-50 citizens were present to show their concern about the proposed animal impount & shelter agreement. Nine citizens spoke expressing their support for the LCHS and against the proposed agreement. Two local veterinarians also spoke to clarify the information that was presented. President Smith thanked everyone for being present and letting the City Council know how you feel. Your input made a difference and we will continue to look at our options.
 2. Councilman Canon also thanked all the citizens for sharing their conerns about animal control. However, we have many issues that come before the City Council and if we don't hear from you we have to make a decision based on information provided to us.
 3. Mattie Clark thanked the Mayor, City Council and everyone that was involved in making the National Night Out event a great success.
9. Report of Disbursements
10. Committee Reports
11. General Business
 1. Public Hearing Weed Abatement Assessment - 225 Vero Court
 President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.
 2. Public Hearing Weed Abatement Assessment - 12 East Johnson Avenue

President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.

3. Public Hearing Weed Abatement Assessment- 229 Vero Court

President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.

4. Public Hearing Weed Abatement Assessment - 706 Geneva St.

President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.

5. Public Hearing Weed Abatement Assessment - 3309 Arnold Ave.

President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said weed assessment. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

13. Resolutions

1. Resolution 218-15 Expense Reports for 9-1-15 CM

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

2. Resolution 219-15 Travel Advancement for Zach Vollor

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Larry Gray, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

3. Resolution 220-15 Travel Advancement for Wesley Ballard

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

4. Resolution 221-15 Weed Abatement Assessment - 225 Vero Court

RESULT: APPROVED [UNANIMOUS]

MOVER: Larry Gray, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

5. Resolution 222-15 Weed Abatement Assessment - 12 East Johnson Avenue

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Larry Gray, Council Member

AYES: Jones, Gray, Smith T, Canon, Smith

6. Resolution 223-15 Weed Abatement Assessment - 229 Vero Court

- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Larry Gray, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
7. Resolution 224-15 Weed Abatement Assessment - 706 Geneva St.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
8. Resolution 225-15 Weed Abatement Assessment - 3309 Arnold Ave.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith
9. Resolution 226-15 Designate City Personal Property Surplus and Authorize Disposal
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
10. Resolution 227-15 Special Appropriation / Food Bank - Community Market
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
11. Resolution 228-15 Tax Abatement, KOAM, LLC.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
12. Resolution 229-15 Amend Resolution No. 195-15, Five Grants - ADECA
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
13. Resolution Adopting Hazards Mitigation Plan
RESULT: **REMOVED FROM AGENDA [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
14. Resolution 230-15 Amending Fiscal Year 2014/2015 Budget
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
15. Resolution 231-15 Approve Expenditures from Carver-Jeter Initiative

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith

16. Resolution 232-15 Vacate 25 Foot Wide Power Easement at 1105 Preston Street

RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

17. Resolution 233-15 Cell Tower Special Use Permit for Crown Castle

RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

14. Ordinances

1. Ordinance 119-15-ORD Amend Ordinance No. 118-15, Lease Agreement East Central Ala. Highway Safety Office

Said Ordinance was introduced by Mr. Canon.

Then Mr. Gray made the motion to suspend the rules and consider this ordinance for approval.

Ms. Jones provided a second to said motion. The following vote was recorded.

Aye Jones, Gray, Smith T, Canon, Smith.

Nay None

RESULT: FIRST READING AND APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith

15. Appointments

None.

16. Adjourn

These City Council meeting minutes of 9-01-15 are hereby adopted and approved this the ____ day of _____, 2015.

 President of the City Council

City of Opelika, Alabama

ATTEST:

 City Clerk - Treasurer

1. Motion to adjourn.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 09/15/15 07:00 PM
Department: Accounting
Category: Report
Prepared By: Mitch Price
Initiator: Mitch Price
Sponsors:

MAYOR'S REMARKS (ID # 1326)

DOC ID: 1326

July 2015 Financial Report

City of Opelika
Combined Balance Sheet - All Funds and Account Groups
July 31, 2015

	Governmental Fund Types						Account Groups		
	Proprietary Funds			Trust and Agency Funds Total			General Fixed Assets	General Long Term Debt	Memo Total
	General	Special Revenue Funds	Debt Service Funds	*Capital Projects Funds	Internal Service Funds	Enterprise Funds			
Cash	39,315,308.04	4,183,774.57	42,555.48	5,703,802.28	2,097,442.69	18,744,027.59	-	-	70,086,910.65
Investments at cost or amortized cost	-	-	-	-	-	-	-	-	-
Receivables:	-	-	-	-	-	-	-	-	-
Taxes	7,736,800.02	5,803,220.16	-	-	-	-	-	-	13,540,020.18
Accounts and unbilled service	84,188.96	69,044.84	-	1,578,500.00	19,228.72	4,897,599.96	-	-	6,648,562.48
Assessments	62,962.15	-	-	-	-	-	-	-	62,962.15
Notes	-	-	-	-	-	-	-	-	-
Accrued interest	-	-	-	-	-	5,990.33	-	-	5,990.33
Due from other funds	1,010.48	-	-	-	14,087.22	-	-	-	15,097.70
Due from other governments	12,635.04	24,651.31	-	-	-	285,930.11	-	-	323,216.46
Advances to other governments	-	-	-	-	-	-	-	-	-
Inventory of supplies, at cost	105,423.36	-	-	-	-	3,358,303.05	-	-	3,463,726.41
Prepaid expenses	-	-	-	-	-	141,985.41	-	-	141,985.41
Restricted assets:	-	-	-	-	-	-	-	-	-
Cash	-	-	-	-	-	4,868.12	-	-	4,868.12
Investments at cost or amortized cost	-	-	424,496.34	9,287,199.00	-	3,108,117.56	960,046.53	-	13,779,859.43
Accrued interest receivable	-	-	-	-	-	-	1,135.23	-	1,135.23
Due from other funds	-	-	-	-	-	-	1,500.00	-	1,500.00
Unamortized bond and issue costs	-	-	-	-	-	380,158.09	-	-	380,158.09
Land	-	-	-	-	-	2,470,555.99	9,783,123.79	-	12,253,679.78
Buildings and utility systems	-	-	-	-	-	129,062,641.60	42,604,840.50	-	171,667,482.10
Improvements other than buildings and systems	-	-	-	-	-	17,540.00	5,244,679.05	-	5,262,219.05
Equipment	-	-	-	-	-	9,315,677.05	92,623,376.16	-	101,939,053.21
Construction in progress	-	-	-	-	-	5,866,260.84	8,380,402.41	-	14,246,663.25
Accumulated depreciation	-	-	-	-	-	(57,462,255.89)	-	-	(57,462,255.89)
Other Assets	-	-	-	-	-	602,430.86	-	-	602,430.86
Amount available in debt service funds	-	-	-	-	-	-	-	105.32	105.32
Amount to be provided for retirement of general long term debt	-	-	-	-	-	-	-	99,394,810.63	99,394,810.63
Total assets	47,318,328.05	10,080,690.88	467,051.82	16,569,501.28	2,130,758.63	120,799,830.67	158,636,421.91	99,394,915.95	456,360,180.95

Sportsplex Fund Cash Balance is \$5,705,702.28

City of Opelika
Combined Balance Sheet - All Funds and Account Groups
July 31, 2015

		Account Groups								
		Governmental Fund Types			Proprietary Funds		Trust and Agency Funds	General Fixed Assets	General Long Term Debt	Memo Total
		General Funds	Special Revenue Funds	Debt Service Funds	*Capital Projects Funds	Internal Service Funds	Enterprise Funds	Total		
Liabilities										
Accounts payable	734,475.13	2,498.17	-	-	281,795.42	3,800,857.68	-	-	-	4,819,626.40
Retainage payable		-	-	-	-	-	-	-	-	-
Current portion of bonds and notes payable	608,002.17	-	-	-	-	-	-	-	-	608,002.17
Liability for unpaid claims, current		-	-	-	-	-	-	-	-	-
Accrued payroll and benefits	538,501.04	1,167.56	-	-	-	308,491.59	-	-	-	848,160.19
Interest payable		-	-	-	-	-	-	-	-	-
Payable from restricted assets:	-	-	-	-	-	-	-	-	-	-
Accounts payable	-	-	-	-	-	-	-	-	-	-
Current portion of bonds payable	-	-	-	-	-	585,000.00	-	-	-	585,000.00
Interest payable	-	-	-	-	-	647,967.36	-	-	-	647,967.36
Due to other funds	12,532.88	2.37	-	-	-	3,051.97	1,010.48	-	-	16,597.70
Due to other governments	613.49	100.00	-	-	-	-	-	-	-	713.49
Deferred revenue	3,284,451.86	5,711,261.39	-	1,578,500.00	177,112.48	623,596.88	-	-	-	11,374,922.61
Customer deposits	-	-	-	-	-	2,589,600.67	-	-	-	2,589,600.67
Accrued employee benefits	-	-	-	-	-	359,661.66	-	-	-	359,661.66
Matured bonds and interest payable	-	-	-	-	-	-	-	-	-	-
Deferred compensation benefits payable	-	-	-	-	-	-	-	-	-	-
Liability for unpaid claims, long term	-	-	-	-	263,304.00	-	-	-	-	263,304.00
General obligation debt payable	-	-	-	-	-	-	-	99,394,915.95	-	99,394,915.95
Bonds, warrants and notes payable, net of current portion	-	-	-	-	-	49,091,432.23	-	-	-	49,091,432.23
Total liabilities	5,178,576.57	5,715,029.49	-	1,578,500.00	722,211.90	58,009,660.04	1,010.48	-	99,394,915.95	170,599,904.43
Fund Equity										
Contributed capital	-	-	-	-	-	-	-	-	-	-
Investment in general fixed assets	-	-	-	-	-	-	-	158,636,421.91	-	158,636,421.91
Retained earnings:										
Reserved for replacement and extension	-	-	-	-	-	-	-	-	-	-
Reserved for debt service	-	-	-	-	-	-	-	-	-	-
Unreserved	-	-	-	-	1,408,462.88	60,688,319.67	58,279.41	-	-	62,155,061.96
Fund balances:										
Nonspendable	105,423.36	69,044.84	-	-	-	-	891,908.13	-	-	1,066,376.33
Restricted	54,499.42	1,820,694.14	467,051.82	10,323,829.81	-	-	-	-	-	12,666,075.19
Committed	111,233.37	-	-	-	-	-	-	-	-	111,233.37
Encumbrances	3,152,830.30	848,315.91	-	652,948.61	83.85	2,101,850.96	-	-	-	6,756,029.63
Assigned	13,719,330.70	2,222,544.20	-	4,014,222.86	-	-	11,483.74	-	-	19,967,581.50
Unassigned	24,996,434.33	(594,937.70)	-	-	-	-	-	-	-	24,401,496.63
Total fund equity	42,139,751.48	4,365,661.39	467,051.82	14,991,001.28	1,408,546.73	62,790,170.63	961,671.28	158,636,421.91	-	285,760,276.52
Total liabilities and fund equity	47,318,328.05	10,080,690.88	467,051.82	16,569,501.28	2,130,758.63	120,799,830.67	962,681.76	158,636,421.91	99,394,915.95	456,360,180.95

Sportsplex Fund Cash Balance is \$5,705,702.28

City of Opelika
 Combined Statement of Revenues, Expenditures and Changes in fund balance
 All Governmental Fund Types
 For Ten Months Ending July 31, 2015

	General	Special Revenue Funds	Debt Service Funds Total	*Capital Projects Funds	Library Trust Fund	Memo Total
Revenues:						
Taxes	26,740,198.28	6,049,576.99	-	-	-	32,789,775.27
Special Assessments	13,057.02	-	-	-	-	13,057.02
Licenses and permits	13,029,010.15	312,393.97	-	-	-	13,341,404.12
Intergovernmental revenues	349,301.91	540,274.52	-	-	-	889,576.43
Charges for services	1,503,069.80	-	-	-	-	1,503,069.80
Fines and forfeits	584,151.53	107,493.68	-	-	-	691,645.21
Miscellaneous revenues	333,459.02	58,751.06	92.97	149,790.65	526.97	542,620.67
Total revenues	42,552,247.71	7,068,490.22	92.97	149,790.65	526.97	49,771,148.52
Expenditures:						
Current:						
General Government	4,244,171.57	161,757.19	-	-	-	4,405,928.76
Public safety	11,266,446.18	11,709.04	-	359,039.26	-	11,637,194.48
Public works	3,138,668.92	747,545.23	-	1,413,373.69	-	5,299,587.84
Health, Education and Welfare	2,850,855.01	4,928,527.00	-	-	-	7,779,382.01
Culture and Recreation	4,969,929.49	-	-	58,239.91	-	5,028,169.40
Economic development	1,252,504.85	354,844.42	-	-	-	1,607,349.27
Capital outlay	1,006,679.75	14,810.00	-	-	-	1,021,489.75
Debt service:						
Principal retirement	466,318.61	-	2,630,000.00	-	-	3,096,318.61
Interest	154,861.99	-	3,635,718.92	-	-	3,790,580.91
Bond issue cost	-	-	147,351.70	-	-	147,351.70
Payment to escrow agent	-	-	7,244.07	-	-	7,244.07
Total expenditures	29,350,436.37	6,219,192.88	6,420,314.69	1,830,652.86	-	43,820,596.80
Excess of revenues over (under) expenditures	13,201,811.34	849,297.34	(6,420,221.72)	(1,680,862.21)	526.97	5,950,551.72
Other financing sources:						
Proceeds form General Long Term Debt	45,588.90	-	9,944,000.05	-	-	9,989,588.95
Sale of fixed assets	72,851.42	-	-	-	-	72,851.42
Operating transfers in	2,869,476.57	147,531.32	5,944,510.36	2,172,651.69	-	11,134,169.94
Operating transfers out	(6,290,797.16)	(517,467.19)	(10,046,956.88)	(1,693,740.61)	-	(18,548,961.84)
Total other financing sources (uses)	(3,302,880.27)	(369,935.87)	5,841,553.53	478,911.08	-	2,647,648.47
Excess of revenues and other sources over (under) expenditures and other uses	9,898,931.07	479,361.47	(578,668.19)	(1,201,951.13)	526.97	8,598,200.19
Fund balances, beginning of year	32,240,820.41	3,886,299.92	1,045,720.01	16,192,952.41	10,956.77	53,376,749.52
Fund balances, end of year	42,139,751.48	4,365,661.39	467,051.82	14,991,001.28	11,483.74	61,974,949.71
Assigned, Committed, Restricted, ect.	(17,143,317.15)	(4,960,599.09)	(467,051.82)	(14,991,001.28)	(11,483.74)	(37,573,453.08)
Fund balances, Unassigned	24,996,434.33	(594,937.70)	0.00	-	(0.00)	24,401,496.63

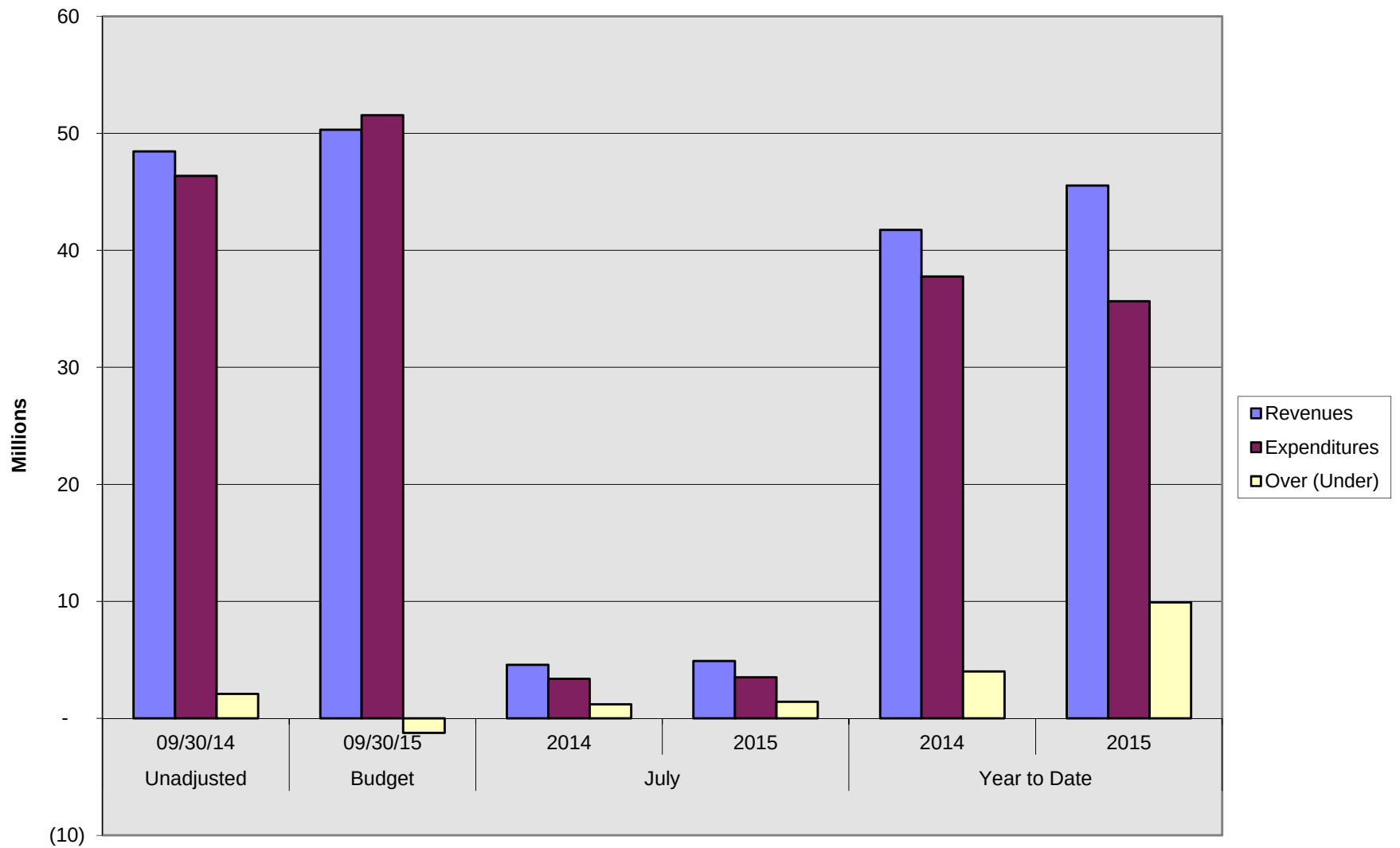
9/2/2015

City of Opelika
 Combined Statement of Revenues, Expenses and Changes in Retained Earnings/
 Fund Balances - All Proprietary Fund Types and Similar Trust Funds
 For Ten Months Ending July 31, 2015

	Proprietary Fund Types						Fiduciary Fund Types Non-Expendable Trust	Memo Total
	Enterprise Funds				Internal Service			
	Electric Utility	Telecommunication System	1965 Sewer System	Solid Waste Collection	Workman's Compensation	Health Insurance	Garden Hills Cemetery	
Operating revenues:								
Charges for services	32,340,207.62	3,136,962.96	3,417,468.86	2,144,323.52	400,141.30	1,776,838.20	-	43,215,942.46
Interest	-	-	-	-	4,900.42	93.68	48,302.34	53,296.44
Total operating revenues	32,340,207.62	3,136,962.96	3,417,468.86	2,144,323.52	405,041.72	1,776,931.88	48,302.34	43,269,238.90
Operating expenses:								
Purchases	22,400,017.32	1,869,453.92	-	296,975.23	-	-	-	24,566,446.47
Depreciation	2,348,000.90	910,166.80	856,554.70	172,176.50	-	-	-	4,286,898.90
Personal services	2,555,089.12	422,097.52	3,120.00	971,457.46	-	-	-	3,951,764.10
Other	1,778,418.88	790,982.22	1,766,372.39	440,505.47	179,344.21	2,985,395.37	5,217.01	7,946,235.55
Total operating expenses	29,081,526.22	3,992,700.46	2,626,047.09	1,881,114.66	179,344.21	2,985,395.37	5,217.01	40,751,345.02
Operating income	3,258,681.40	(855,737.50)	791,421.77	263,208.86	225,697.51	(1,208,463.49)	43,085.33	2,517,893.88
Nonoperating revenue (expenses):								
Interest revenue	59,939.42	732.65	4,526.94	1,160.88	-	-	-	66,359.89
Miscellaneous revenue	1,014,630.15	48,980.34	3,304.89	28,217.60	-	-	-	1,095,132.98
Interest expense and fiscal charges	(1,196,869.35)	(311,293.89)	(266,990.13)	-	-	-	-	(1,775,153.37)
Other expenses	-	-	-	-	-	-	-	-
Total nonoperating revenues(expenses)	(122,299.78)	(261,580.90)	(259,158.30)	29,378.48	-	-	-	(613,660.50)
Income before operating transfers	3,136,381.62	(1,117,318.40)	532,263.47	292,587.34	225,697.51	(1,208,463.49)	43,085.33	1,904,233.38
Operating transfers in/Contributed Capital Developers	152,083.57	-	77,638.90	-	-	-	24,712.50	254,434.97
Operating transfers out	(2,437,284.60)	-	-	-	-	-	(9,518.42)	(2,446,803.02)
Total operating transfers	(2,285,201.03)	-	77,638.90	-	-	-	15,194.08	(2,192,368.05)
Net income (loss)	851,180.59	(1,117,318.40)	609,902.37	292,587.34	225,697.51	(1,208,463.49)	58,279.41	(288,134.67)
Retained earnings, Fund balances, beginning of year	38,950,966.70	(3,462,047.97)	25,833,964.98	830,935.02	2,391,312.71	-	891,908.13	65,437,039.57
Retained earnings, Fund balances, end of year	39,802,147.29	(4,579,366.37)	26,443,867.35	1,123,522.36	2,617,010.22	(1,208,463.49)	950,187.54	65,148,904.90
Encumbrances	2,638,078.61	(1,150,718.19)	349,371.86	265,118.68	-	83.85	-	2,101,934.81
Retained earnings, Fund balances, less encumbrances	37,164,068.68	(3,428,648.18)	26,094,495.49	858,403.68	2,617,010.22	(1,208,547.34)	950,187.54	63,046,970.09
Cash Flows:								
Add: Net Income (Loss)	851,180.59	(1,117,318.40)	609,902.37	292,587.34	225,697.51	(1,208,463.49)	58,279.41	(288,134.67)
Add: Depreciation	2,348,000.90	910,166.80	856,554.70	172,176.50	-	-	-	4,286,898.90
Subtract: Capital Outlay	(2,912,494.62)	(611,037.41)	(54,914.00)	(356,074.34)	-	-	-	(3,934,520.37)
Decrease (Increase) in Receivables	(134,794.38)	(109,130.33)	1,181,454.87	1,620.01	-	41,196.00	-	980,346.17
Decrease (Increase) in Inventory	(556,228.63)	-	-	-	-	-	-	(556,228.63)
Decrease (Increase) in Prepaid	(13,188.08)	(944.65)	(879.22)	(6,517.69)	-	-	-	(21,529.64)
Decrease (Increase) in Restricted Assets	(475,157.58)	-	80,030.79	-	-	-	-	(395,126.79)
Decrease (Increase) in Deferred charges	6,132.90	-	-	-	-	-	-	6,132.90
Increase (Decrease) in Liabilities	(1,994,846.74)	(348,406.14)	(670,817.64)	(145,260.22)	(47,736.42)	(94,389.73)	(335.84)	(3,301,792.73)
Add: Book Value of Disposed Assets	23,950.00	-	-	-	-	-	-	23,950.00
Change in Cash	(2,857,445.64)	(1,276,670.13)	2,001,331.87	(41,468.40)	177,961.09	(1,261,657.22)	57,943.57	(3,200,004.86)
Cash Balance September 30, 2014	17,075,176.46	816,728.39	2,521,838.54	504,536.50	2,765,774.19	415,364.63	893,254.45	24,992,673.16
Cash Balance July 31, 2015	14,217,730.82	(459,941.74)	4,523,170.41	463,068.10	2,943,735.28	(846,292.59)	951,198.02	21,792,668.30

Attachment: July 2015 Financial Report (1326 : July 2015 Financial Report)

General Fund Revenue & Expenditure Summary



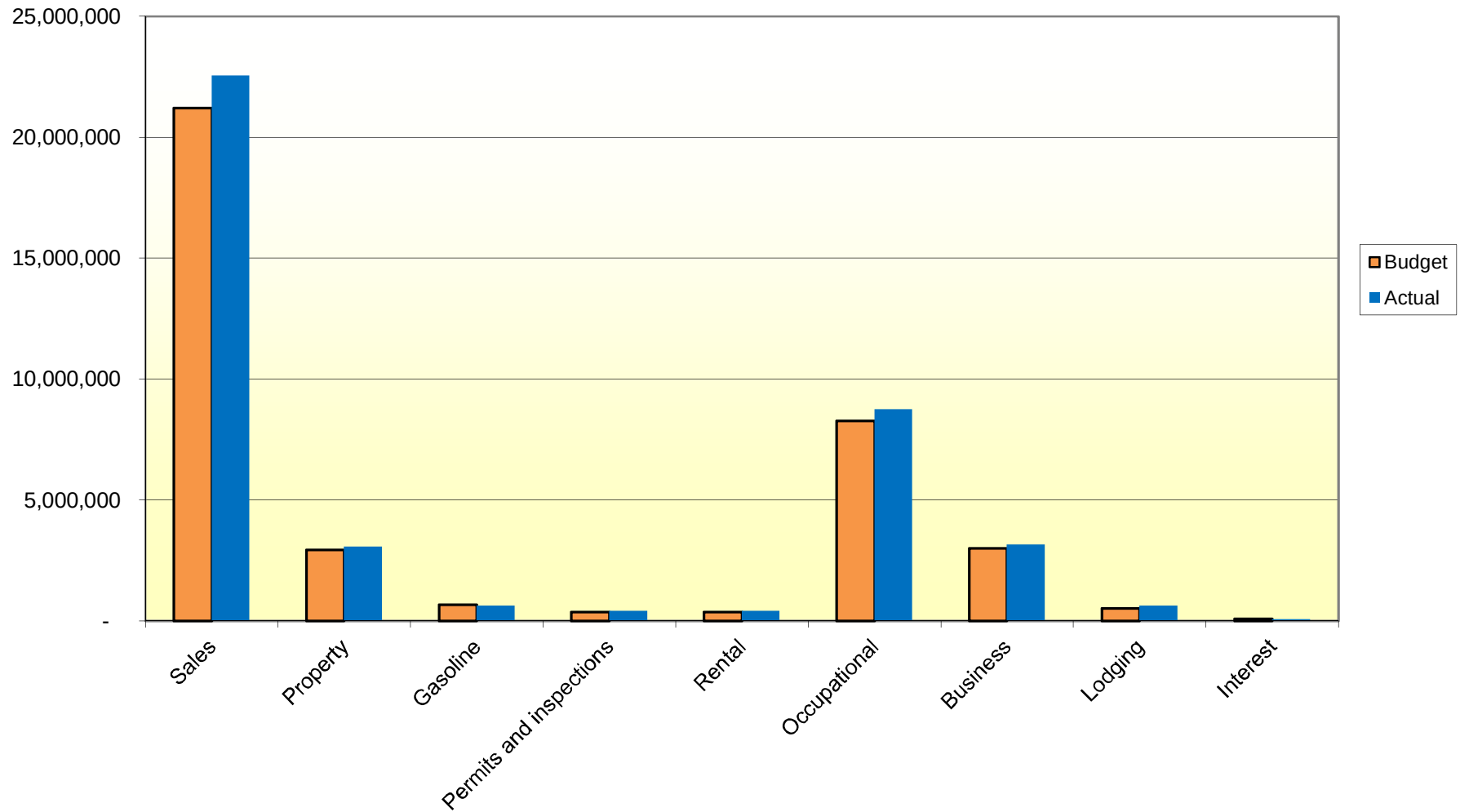
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City of Opelika
General Fund
Revenue and Expenditure Summary

	Unadjusted 09/30/14	Budget 09/30/15	2014	July 2015	Year to Date 2014	Year to Date 2015	% Chg
Revenues:							
Taxes	29,957,518	30,161,000	2,384,937	2,513,790	25,108,417	26,740,198	6
Special assessments	8,382	10,000	318	317	7,810	13,057	67
Licenses and permits	13,239,339	13,311,000	1,809,631	1,801,835	12,376,652	13,029,010	5
Intergovernmental revenues	520,395	461,093	37,010	94,370	328,501	349,302	6
Charges for services	1,846,646	1,648,127	139,832	171,917	1,540,517	1,503,070	(2)
Fines and forfeits	849,347	775,000	59,259	62,889	665,685	584,152	(12)
Miscellaneous	598,702	349,626	13,227	16,958	446,034	333,459	(25)
Total revenues	47,020,330	46,715,846	4,444,215	4,662,076	40,473,617	42,552,248	5
Expenditures:							
Current:							
General government	4,936,820	5,601,863	325,260	533,145	3,812,376	4,244,172	11
Public safety	13,477,869	14,667,976	1,002,275	1,314,478	10,725,896	11,266,446	5
Public works	3,729,815	4,001,247	557,536	346,971	3,280,465	3,138,669	(4)
Health, Education and Welfare	3,411,871	3,450,178	269,493	269,720	2,828,602	2,850,855	1
Culture and recreation	5,935,316	6,577,214	634,754	638,598	4,887,221	4,969,929	2
Economic Development	1,641,699	1,610,547	82,508	127,178	1,042,291	1,252,505	20
Capital outlay	1,932,105	3,612,640	316,254	24,047	1,795,353	1,006,680	(44)
Debt service:							
Principal retirement	1,786,555	561,984	45,165	47,529	1,695,645	466,319	(72)
Interest	211,371	183,433	16,952	14,589	178,044	154,862	(13)
Bond issue cost	-	-	-	-	-	-	-
Payment to escrow agent	-	-	-	-	-	-	-
Total expenditures	37,063,421	40,267,082	3,250,197	3,316,255	30,245,893	29,350,437	(3)
Excess of revenues over(under) expenditures	9,956,909	6,448,764	1,194,018	1,345,821	10,227,724	13,201,811	29
Other financing sources(uses):							
Proceeds form General Long Term Debt	327,939	-	-	(0)	327,939	45,589	(86)
Sale of fixed assets	80,165	57,365	8,222	(2,557)	80,165	72,851	(9)
Other financing sources	1,035,603	3,528,031	123,574	245,643	867,459	2,869,477	231
Operating transfers out	(9,304,331)	(11,274,768)	(127,574)	(181,404)	(7,507,744)	(6,290,797)	(16)
Total other financing sources(uses)	(7,860,624)	(7,689,372)	4,222	61,682	(6,232,181)	(3,302,880)	(47)
Excess of revenues and other sources over(under) expenditures and other uses	2,096,285	(1,240,608)	1,198,239	1,407,503	3,995,543	9,898,931	148
Fund balances, beginning	30,144,535	32,240,820	32,941,838	40,732,248	30,144,535	32,240,820	7
Fund balances, ending	32,240,820	31,000,212	34,140,078	42,139,750	34,140,078	42,139,750	23
Less:							
Restricted, Committed, Assigned, nonspendable and encumbered Fund Balance:							
Nonspendable Reserved for inventory	146,057	105,423	145,687	105,423	145,687	105,423	(28)
Train Restoration	26,315	26,315		26,315		26,315	
Restricted for Law Enforcement	21,600	28,184	21,425	28,184	21,425	28,184	32
Committed for Ward I - Misc Projects	7,278	238	478	238	478	238	(50)
Committed for Ward II - Misc Projects	2,144	294	144	294	144	294	104
Committed for Ward III - Misc Projects	1,736	86	236	86	236	86	(64)
Committed for Ward IV - Misc Projects	10,735	3,195	3,935	3,195	3,935	3,195	(19)
Committed for Ward V - Misc Projects	5,215	175	15	175	15	175	1,067
Assigned for 1994 Warrants and Road Imp	2,949,888	4,207,052	2,698,739	4,207,052	2,698,739	4,207,052	56
Assigned for 2011 1% Sales Tax	7,664,672	9,512,278	7,134,043	9,512,278	7,134,043	9,512,278	33
Committed for Farrish Street Drainage	13,410	13,410	13,410	13,410	13,410	13,410	-
Committed for Southside Park	25,000	25,000	25,000	25,000	25,000	25,000	-
Committed for Facilities	-	-	-	-	-	-	
Committed for Veterans Memorial	54,835	54,835	54,835	54,835	54,835	54,835	-
Committed for Drainage - Brannon/Jeter	14,000	14,000	14,000	14,000	14,000	14,000	-
Encumbrances	1,233,120	-	2,269,052	3,152,830	2,269,052	3,152,830	39
	12,176,005	13,990,485	12,380,999	17,143,315	12,380,999	17,143,315	38
Unassigned Fund Balance	20,064,815	17,009,727	21,759,079	24,996,435	21,759,079	24,996,435	15
20% Budgeted Revenues	9,343,169				9,343,169	9,343,169	
Amount remaining	10,721,646				12,415,909	15,653,266	

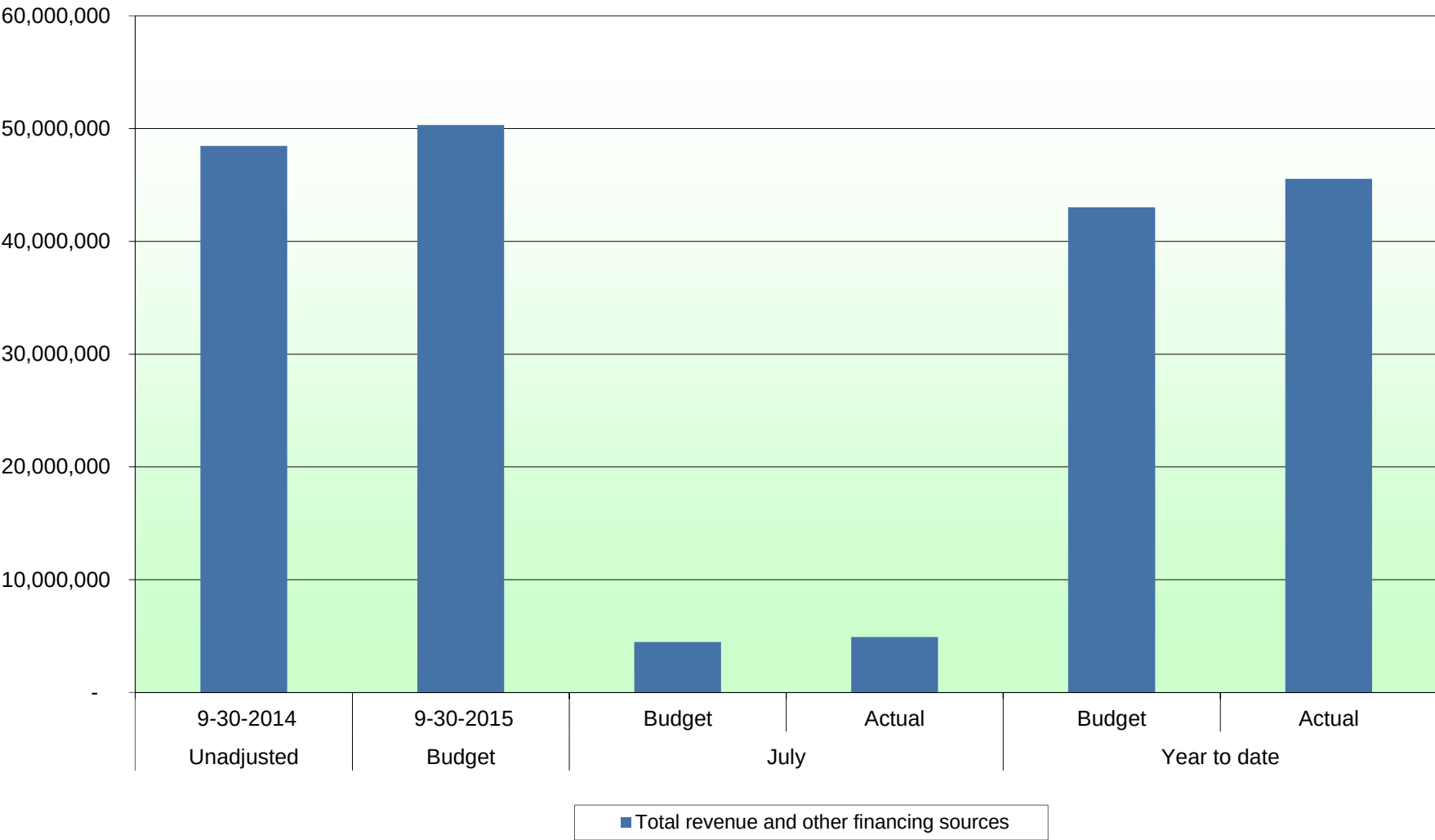
Attachment: July 2015 Financial Report (1326 : July 2015 Financial Report)

Budget vs Actual



July 2015

Total Revenue



City of Opelika
General Fund - Revenues
Comparison of Actual to Budget

	Unadjusted 9-30-2014	Budget 9-30-2015	July		Year to date		% Over (Under)
			Budget	Actual	Budget	Actual	
Taxes:							
Sales	25,531,042	25,747,000	2,175,000	2,367,847	21,199,000	22,549,620	6
Property:							
Property	3,024,488	3,034,000	25,000	31,494	2,947,000	3,068,488	4
Payments in lieu of property tax	26,002	9,000	-	-	-	-	-
Total property	3,050,490	3,043,000	25,000	31,494	2,947,000	3,068,488	4
Other:							
Gasoline	769,258	818,000	71,000	62,605	680,000	623,228	(8)
Cigarette	83,243	89,000	8,000	5,371	74,000	71,887	(3)
Wine and liquor	23,319	25,000	2,000	1,925	21,000	20,818	(1)
Rental	500,166	439,000	35,000	44,549	372,000	406,158	9
Total other	1,375,986	1,371,000	116,000	114,450	1,147,000	1,122,091	(2)
Total taxes	29,957,518	30,161,000	2,316,000	2,513,790	25,293,000	26,740,198	6
Special assessments	8,382	10,000	-	317	8,000	13,057	63
Licenses and permits:							
Occupational license fee	8,917,021	9,029,000	1,495,000	1,628,908	8,274,000	8,747,015	6
Business:							
General	3,150,917	3,148,000	22,000	66,108	3,012,000	3,142,931	4
Lodging	671,296	618,000	49,000	44,169	519,000	632,442	22
Franchise fee	79,861	67,000	-	-	67,000	82,236	23
Total business	3,902,074	3,833,000	71,000	110,277	3,598,000	3,857,609	7
Telecommunications permits and fees	11,000	9,000	-	9,000	9,000	18,000	100
Permits and inspections	409,244	440,000	42,000	53,650	366,000	406,386	11
	420,244	449,000	42,000	62,650	375,000	424,386	13
Total licenses and permits	13,239,339	13,311,000	1,608,000	1,801,835	12,247,000	13,029,010	6
Intergovernmental:							
Shared County							
Motor vehicle license	103,277	112,000	6,000	7,893	88,000	87,637	-
Shared state:							
Bank excise	144,739	119,000	-	-	-	-	
Business privilege tax	71,801	71,000	-	72,340	37,000	72,340	96
Liquor tax profits	121,362	118,000	8,000	8,281	101,000	109,000	8
State asset forfeiture	15,142	13,005	2,454	262	8,102	18,182	124
Total shared state	353,044	321,005	10,454	80,883	146,102	199,522	37
Other:							
Shared Federal asset forfeiture	27,363	28,778	2,533	(0)	23,706	26,764	13
State and county grants	36,709	(690)	(1,809)	5,595	2,932	35,379	1,107
Total other	64,072	28,088	724	5,595	26,638	62,144	133
Total intergovernmental	520,393	461,093	17,178	94,370	260,740	349,302	34
Charge for service:							
General government:							
Other	13,012	23,000	3,000	-	19,000	7,670	(60)
Public safety:							
Towing	2,301	-	(23)	130	48	1,948	-
Fire training	-	-	-	-	-	-	-
Highway Safety Program	1,444	-	-	-	-	-	-
City Schools	12,000	11,000	-	-	8,000	12,000	50
Housing Authority	35,000	-	-	-	-	-	#DIV/0!
E911	102,000	40,000	1,000	30,000	24,000	30,000	25
Auburn University	64,608	61,627	239	40	39,110	40,821	4
Health:							
Graves and monuments	124,275	113,000	8,000	8,125	95,000	120,775	27
Public Works:							
Paving/Plan review fees	67,842	27,000	3,000	5,375	23,000	48,243	110
Culture and recreation:							
Entry fees and concessions	1,424,165	1,372,500	114,550	128,247	1,142,332	1,241,613	9
Total charges for service	1,846,647	1,648,127	129,766	171,917	1,350,490	1,503,070	11
Fines and forfeits:							
Fines and costs	849,347	775,000	60,000	62,889	637,000	584,152	(8)
Miscellaneous:							
Interest	86,412	92,000	4,000	2,907	88,000	62,374	(29)
Other	512,290	257,626	18,461	14,050	154,713	271,085	75
Total miscellaneous	598,702	349,626	22,461	16,958	242,713	333,459	37
Total revenue	47,020,328	46,715,846	4,153,405	4,662,076	40,038,943	42,552,248	6
Other Financing Sources:							
Proceeds of General Obligation Debt	327,939	-	-	(0)	-	45,589	-
Operating transfers-in:							
Electric fund	922,140	2,959,636	255,604	243,414	2,448,421	2,437,285	-
Sale of Fixed Assets	80,165	57,365	9,517	(2,557)	38,328	72,851	90
Other transfers	113,463	568,395	47,365	2,229	473,650	432,192	(9)
Total operating transfers-in	1,115,768	3,585,396	312,486	243,086	2,960,399	2,942,328	(1)
Total other financing sources	1,443,707	3,585,396	312,486	243,086	2,960,399	2,987,917	1
Total revenue and other financing sources	48,464,035	50,301,242	4,465,891	4,905,162	42,999,342	45,540,165	6

Attachment: July 2015 Financial Report (1326 : July 2015 Financial Report)

City of Opelika							
General Fund - Revenues							
Comparison to Last Year							
	Unadjusted	Budget	July		Year to date		%
	9-30-2014	9-30-2015	2014	2015	2014	2015	Over
							(Under)
Taxes:							
Sales	25,531,042	25,747,000	2,235,898	2,367,847	20,986,912	22,549,620	7
Property:							
Property	3,024,488	3,034,000	29,102	31,494	2,961,177	3,068,488	4
Payments in lieu of property tax	26,002	9,000	-	-	-	-	-
Total property	3,050,490	3,043,000	29,102	31,494	2,961,177	3,068,488	4
Other:							
Gasoline	769,258	818,000	63,738	62,605	648,913	623,228	(4)
Cigarette	83,243	89,000	10,186	5,371	70,975	71,887	1
Wine and liquor	23,319	25,000	1,885	1,925	19,570	20,818	6
Rental	500,166	439,000	44,127	44,549	420,870	406,158	(3)
Total other	1,375,986	1,371,000	119,937	114,450	1,160,328	1,122,091	(3)
Total taxes	29,957,518	30,161,000	2,384,937	2,513,790	25,108,417	26,740,198	6
Special assessments							
	8,382	10,000	318	317	7,810	13,057	67
Licenses and permits:							
Occupational license fee	8,917,021	9,029,000	1,662,336	1,628,908	8,364,202	8,747,015	5
Business:							
General	3,150,917	3,148,000	39,657	66,108	3,013,280	3,142,931	4
Lodging	671,296	618,000	88,406	44,169	549,767	632,442	15
Franchise fee	79,861	67,000	-	-	79,861	82,236	3
Total business	3,902,074	3,833,000	128,063	110,277	3,642,909	3,857,609	6
Telecommunications permits and fees							
	11,000	9,000	-	9,000	11,000	18,000	64
Permits and inspections	409,244	440,000	19,232	53,650	358,541	406,386	13
	420,244	449,000	19,232	62,650	369,541	424,386	15
Total licenses and permits	13,239,339	13,311,000	1,809,631	1,801,835	12,376,652	13,029,010	5
Intergovernmental:							
Shared County							
Motor vehicle license	103,277	112,000	6,988	7,893	82,672	87,637	6
Shared state:							
Bank excise	144,739	119,000	-	-	-	-	
Business privilege tax	71,801	71,000	0	72,340	71,801	72,340	1
Liquor tax profits	121,362	118,000	9,544	8,281	100,399	109,000	9
State asset forfeiture	15,142	13,005	5,029	262	15,037	18,182	21
Total shared state	353,044	321,005	14,573	80,883	187,238	199,522	7
Other:							
Shared Federal asset forfeiture	27,363	28,778	(0)	(0)	26,793	26,764	-
State and county grants	36,709	(690)	15,450	5,595	31,799	35,379	11
	64,072	28,088	15,450	5,595	58,592	62,144	6
Total intergovernmental	520,393	461,093	37,010	94,370	328,501	349,302	6
Charge for service:							
General government:							
Other	13,012	23,000	(1,633)	-	11,439	7,670	(33)
Public safety:							
Towing	2,301	-	114	130	1,866	1,948	4
Fire training	-	-	-	-	-	-	
Highway Safety Program	1,444	-	-	-	1,444	-	
City Schools	12,000	11,000	-	-	12,000	12,000	-
Housing Authority	35,000	-	-	-	35,000	-	(100)
E911	102,000	40,000	10,000	30,000	102,000	30,000	(71)
Auburn University	64,608	61,627	0	40	41,725	40,821	(2)
Health:							
Graves and monuments	124,275	113,000	10,425	8,125	98,125	120,775	23
Public Works:							
Paving/Plan review fees	67,842	27,000	553	5,375	59,110	48,243	(18)
Culture and recreation:							
Entry fees and concessions	1,424,165	1,372,500	120,374	128,247	1,177,808	1,241,613	5
Total charges for service	1,846,647	1,648,127	139,832	171,917	1,540,517	1,503,070	(2)
Fines and forfeits:							
Fines and costs	849,347	775,000	59,259	62,889	665,685	584,152	(12)
Miscellaneous:							
Interest	86,412	92,000	2,029	2,907	77,758	62,374	(20)
Other	512,290	257,626	11,199	14,050	368,276	271,085	(26)
Total miscellaneous	598,702	349,626	13,227	16,958	446,034	333,459	(25)
Total revenue	47,020,328	46,715,846	4,444,215	4,662,076	40,473,617	42,552,248	5
Other Financing Sources:							
Proceeds of General Obligation Debt	327,939	-	-	(0)	-	45,589	-
Operating transfers-in:							
Electric fund	922,140	2,959,636	75,831	243,414	770,479	2,437,285	216
Sale of Fixed Assets	80,165	57,365	8,222	(2,557)	408,104	72,851	(82)
Other transfers	113,463	568,395	47,744	2,229	96,980	432,192	346
Total operating transfers-in	1,115,768	3,585,396	131,796	243,086	1,275,563	2,942,328	131
Total other financing sources	1,443,707	3,585,396	131,796	243,086	1,275,563	2,987,917	134
Total revenue and other financing sources	48,464,035	50,301,242	4,576,010	4,905,162	41,749,180	45,540,165	9

City of Opelika
General Fund
Comparison of Budget and Actual

	Unadjusted 9-30-2014	Budget 9-30-2015	July Budget	Actual	Year to date Budget	Actual	% YTD Budget
General Government:							
Legislative	333,084	433,016	39,161	49,179	360,573	296,747	(18)
Executive	210,899	258,374	1,404	21,691	262,728	166,790	(37)
Legal	95,949	140,696	11,715	13,721	117,190	104,784	(11)
Other:							
Administration	577,075	441,285	28,756	30,950	383,680	333,274	(13)
Accounting	332,122	370,246	30,849	45,793	308,490	300,918	(2)
Human Resources	328,028	474,190	41,934	33,438	386,922	314,303	(19)
Information Technology	959,011	1,371,737	134,157	140,948	1,099,374	1,093,043	(1)
Revenue	253,646	242,541	20,347	22,406	201,729	191,829	(5)
Municipal court	646,862	621,003	51,736	51,599	517,420	461,443	(11)
Purchasing	225,343	205,842	17,134	41,518	171,510	180,556	5
Community Development	126,582	142,552	11,890	29,243	118,732	110,106	(7)
Planning	316,620	353,024	29,293	35,575	294,370	268,479	(9)
Total other	3,765,289	4,222,420	366,096	431,470	3,482,227	3,253,951	(7)
Nondepartmental	531,598	547,357	45,841	17,084	455,146	421,900	(7)
Total general government	4,936,819	5,601,863	464,217	533,145	4,677,864	4,244,172	(9)
Public safety:							
Police:							
Total police	7,924,438	9,051,290	758,103	831,362	7,534,782	6,759,330	(10)
Fire:							
Total fire	5,218,955	5,285,210	449,329	483,116	4,386,422	4,258,509	(3)
Nondepartmental	334,476	331,476	27,622	-	276,220	248,607	(10)
Total public safety	13,477,869	14,667,976	1,235,054	1,314,478	12,197,424	11,266,446	(8)
Public Works:							
Streets	1,068,506	1,116,439	92,598	93,158	931,230	908,786	(2)
Engineering	403,517	580,524	51,019	53,632	478,360	388,076	(19)
Other:							
Administration	335,004	373,124	35,736	27,953	301,637	291,622	(3)
Cemetery	206,968	194,336	16,708	15,801	160,903	163,900	2
Auto shop	340,480	354,010	30,906	34,171	292,187	290,789	-
Building maintenance	331,330	324,496	27,450	26,896	269,595	266,721	(1)
Inspection	477,869	488,560	40,554	44,879	407,390	370,758	(9)
Grounds maintenance	566,141	569,758	53,711	50,482	462,328	458,019	(1)
Total other	2,257,792	2,304,284	205,065	200,182	1,894,040	1,841,809	(3)
Total public works	3,729,815	4,001,247	348,682	346,972	3,303,630	3,138,671	(5)
Health, Education and Welfare							
Animal control	59,445	63,489	5,258	6,330	52,900	48,948	(7)
Nondepartmental	3,352,427	3,386,689	283,145	263,390	2,816,335	2,801,907	(1)
Total health, education and welfare	3,411,872	3,450,178	288,403	269,720	2,869,235	2,850,855	(1)
Culture and recreation							
Parks and recreation	5,091,594	5,561,035	459,518	557,290	4,638,592	4,262,378	(8)
Library	751,222	914,007	91,685	81,309	730,566	623,727	(15)
Nondepartmental	92,500	102,172	9,113	-	83,943	83,825	-
Total culture and recreation	5,935,316	6,577,214	560,316	638,599	5,453,101	4,969,930	(9)
Economic Development							
Economic Development	385,622	546,797	45,558	43,978	455,580	331,361	(27)
Nondepartmental	1,256,076	1,063,750	88,642	83,200	886,420	921,144	-
Total economic development	1,641,698	1,610,547	134,200	127,178	1,342,000	1,252,505	(7)
Capital outlay	1,932,105	3,612,640	294,002	24,047	3,024,586	1,006,680	(67)
Total expenditures	35,065,493	39,521,665	3,324,874	3,254,139	32,867,840	28,729,259	(13)
Transfers - out:							
Transfer to PR/Jail Construction Fund	2,402,131	2,418,375	201,531	231,125	2,015,310	2,172,652	8
Transfers to other funds	84,538	117,983	10,236	1,831	50,740	26,553	(48)
Debt service	8,815,588	9,483,827	790,317	10,566	7,903,170	4,712,773	(40)
Total transfers - out	11,302,257	12,020,185	1,002,084	243,522	9,969,220	6,911,978	(31)
Total expenditures and transfers - out	46,367,750	51,541,850	4,326,958	3,497,661	42,837,060	35,641,237	(17)

Attachment: July 2015 Financial Report (1326 : July 2015 Financial Report)

City of Opelika
General Fund
Expenditures

	Unadjusted 9-30-2014	Budget 9-30-2015	July 2014	July 2015	Year to date 2014	Year to date 2015	% Last Year
General Government:							
Legislative	333,084	433,016	30,260	49,179	281,328	296,747	5
Executive	210,899	258,374	30,242	21,691	154,007	166,790	8
Legal	95,949	140,696	9,017	13,721	67,223	104,784	-
Other:							
Administration	577,075	441,285	19,425	30,950	377,099	333,274	(12)
Accounting	332,122	370,246	23,486	45,793	269,163	300,918	12
Human Resources	328,028	474,190	20,147	33,438	262,548	314,303	20
Information Technology	959,011	1,371,737	40,819	140,948	758,340	1,093,043	44
Revenue	253,646	242,541	17,085	22,406	211,192	191,829	(9)
Municipal court	646,862	621,003	44,472	51,599	461,330	461,443	-
Purchasing	225,343	205,842	16,864	41,518	177,142	180,556	2
Community Development	126,582	142,552	16,439	29,243	104,452	110,106	5
Planning	316,620	353,024	24,146	35,575	254,775	268,479	5
Total other	3,765,289	4,222,420	222,883	431,470	2,876,041	3,253,951	13
Nondepartmental	531,598	547,357	32,856	17,084	433,776	421,900	(3)
Total general government	4,936,819	5,601,863	325,258	533,145	3,812,375	4,244,172	11
Public safety:							
Police:							
Total police	7,924,438	9,051,290	606,089	831,362	6,357,953	6,759,330	6
Fire:							
Total fire	5,218,955	5,285,210	396,187	483,116	4,117,087	4,258,509	3
Nondepartmental	334,476	331,476	-	-	250,857	248,607	(1)
Total public safety	13,477,869	14,667,976	1,002,276	1,314,478	10,725,897	11,266,446	5
Public Works:							
Streets	1,068,506	1,116,439	171,656	93,158	966,079	908,786	(6)
Engineering	403,517	580,524	28,984	53,632	326,503	388,076	19
Other:							
Administration	335,004	373,124	48,847	27,953	298,984	291,622	(2)
Cemetery	206,968	194,336	31,883	15,801	182,947	163,900	(10)
Auto shop	340,480	354,010	59,306	34,171	315,091	290,789	(8)
Building maintenance	331,330	324,496	69,477	26,896	305,624	266,721	(13)
Inspection	477,869	488,560	48,412	44,879	379,661	370,758	(2)
Grounds maintenance	566,141	569,758	98,973	50,482	505,578	458,019	(9)
Total other	2,257,792	2,304,284	356,898	200,182	1,987,885	1,841,809	(7)
Total public works	3,729,815	4,001,247	557,538	346,972	3,280,467	3,138,671	(4)
Health, Education and Welfare							
Animal control	59,445	63,489	6,248	6,330	48,537	48,948	1
Nondepartmental	3,352,427	3,386,689	263,244	263,390	2,780,064	2,801,907	1
Total health, education and welfare	3,411,872	3,450,178	269,492	269,720	2,828,601	2,850,855	1
Culture and recreation							
Parks and recreation	5,091,594	5,561,035	564,910	557,290	4,187,571	4,262,378	2
Library	751,222	914,007	69,844	81,309	612,775	623,727	2
Nondepartmental	92,500	102,172	-	-	86,875	83,825	(4)
Total culture and recreation	5,935,316	6,577,214	634,754	638,599	4,887,221	4,969,930	2
Economic Development							
Economic Development	385,622	546,797	31,975	43,978	303,589	331,361	9
Nondepartmental	1,256,076	1,063,750	50,533	83,200	738,702	921,144	25
Total economic development	1,641,698	1,610,547	82,508	127,178	1,042,291	1,252,505	20
Capital outlay	1,932,105	3,612,640	316,254	24,047	1,795,353	1,006,680	(44)
Total expenditures	35,065,493	39,521,665	3,188,080	3,254,139	28,372,205	28,729,259	1
Transfers - out:							
Transfer to PR/Jail Construction Fund	2,402,131	2,418,375	219,054	231,125	1,962,742	2,172,652	11
Transfers to other funds	84,538	117,983	937	1,831	14,125	26,553	88
Debt service	8,815,588	9,483,827	(30,299)	10,566	7,404,567	4,712,773	(36)
Total transfers - out	11,302,257	12,020,185	189,692	243,522	9,381,434	6,911,978	(26)
Total expenditures and transfers - out	46,367,750	51,541,850	3,377,772	3,497,661	37,753,639	35,641,237	(6)

City of Opelika
General Fund
Capital Outlay

	Unadjusted 9-30-2014	Budget 9-30-2015	July		Year to date		% Annual
			2014	2015	2014	2015	Year
General Government:							
Legislative	-	-	-	-	-	-	-
Executive	-	55,000	-	-	-	50,279	-
Legal	-	-	-	-	-	-	-
Other:							
Administration	-	-	-	-	-	-	#DIV/0!
Accounting	-	-	-	-	-	-	-
Human Resources	-	-	-	-	-	-	-
Information Technology	354,163	617,836	11,115	-	380,411	126,034	20
Revenue	-	-	-	-	-	-	-
Municipal court	-	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-	-
Community Development	-	-	-	-	-	-	-
Planning	-	-	-	-	-	-	-
Total other	354,163	617,836	11,115	-	380,411	126,034	20
Nondepartmental	-	-	-	-	-	-	-
Total general government	354,163	672,836	11,115	-	380,411	176,313	26
Public safety:							
Police:							
Total police	605,129	244,411	73,998	-	554,696	230,669	94
Fire:							
Total fire	53,909	805,160	-	24,046	53,909	240,578	30
Nondepartmental	-	-	-	-	-	-	-
Total public safety	659,038	1,049,571	73,998	24,046	608,605	471,247	45
Public Works:							
Streets	214,967	36,856	168,042	-	214,967	31,106	84
Engineering	487,630	1,570,429	26,167	-	436,468	138,585	9
Other:							
Administration	78,541	183,041	-	-	55,119	163,706	89
Cemetery	-	-	-	-	-	-	-
Auto shop	-	-	-	-	-	-	-
Building maintenance	-	-	-	-	-	-	-
Inspection	-	-	-	-	-	-	-
Grounds maintenance	-	-	-	-	-	-	-
Total other	78,541	183,041	-	-	55,119	163,706	89
Total public works	781,138	1,790,326	194,209	-	706,554	333,397	19
Health, Education and Welfare							
Animal control	-	-	-	-	-	-	-
Nondepartmental	-	-	-	-	-	-	-
Total health, education and welfare	-	-	-	-	-	-	-
Culture and recreation							
Parks and recreation	123,532	99,907	36,932	(1)	99,784	25,721	26
Library	14,235	-	-	-	-	-	-
Nondepartmental	-	-	-	-	-	-	-
Total culture and recreation	137,767	99,907	36,932	(1)	99,784	25,721	26
Economic Development	-	-	-	-	-	-	-
Conference Center	-	-	-	-	-	-	-
Total expenditures	1,932,106	3,612,640	316,254	24,045	1,795,354	1,006,678	28
Transfers - out:							
Transfers to other funds							
Debt service							
Total transfers - out	-	-	-	-	-	-	-
Total expenditures and transfers - out	1,932,106	3,612,640	316,254	24,045	1,795,354	1,006,678	28

Attachment: July 2015 Financial Report (1326 : July 2015 Financial Report)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 09/15/15 07:00 PM
Department: Planning
Category: Building Permit Report.
Prepared By: William Ott
Initiator: Gerald (Jerry) Kelley
Sponsors:

MAYOR'S REMARKS (ID # 1327)

DOC ID: 1327

Monthly Building Reports - August 2015.



Planning Department - Building Inspections Division

Telephone 334-705-5420

Fax 334-705-5159

*Rich in heritage,
with a vision
for the future*

Monthly Permits For August, 2015

Work & Repair On Buildings:

Building Repairs	Commercial	Residential
Buildings Condemned	0	1
Buildings Demolished	0	1
Building Repairs	5	5
Plumbing Upgrades	6	13
Electrical Upgrades	1	6
Mechanical Upgrades	3	3
Reroofs And Roof Repairs	1	7
Mobile Home Services	0	0
Building Additions/Accessory Structures	0	9

Monthly Totals For August 2006-2015

2006	\$12,170,799.00
2007	\$10,670,743.00
2008	\$6,027,767.00
2009	\$5,072,520.00
2010	\$7,413,429.00
2011	\$4,738,734.00
2012	\$18,750,010.00
2013	\$3,697,147.00
2014	\$3,556,883.00
2015	\$12,780,071.00

INSPECTION REQUEST TOTAL

363

Total Permits Issued:

4	New Buildings: Commercial	\$3,563,576.00
6	Commercial Renovations And Repairs	\$3,216,110.00
2	Signs	\$38,800.00
20	New Single Family Homes	\$4,354,461.00
22	Residential Repairs And Renovations	\$355,957.00
0	New Apartment Units	\$0.00
0	New Duplex Residences	\$0.00
54	Total Building Permits Issued	\$11,528,904.00

24	Electrical Permits	\$278,060.00
33	Plumbing Permits	\$313,396.00
27	HVAC Permits	\$659,711.00

138

Total Permits Issued For August, 2015

\$12,780,071.00

TAKEN FROM THE RECORDS OF THE
BUILDING INSPECTOR

Jeff Kappelman
Jeff Kappelman

Chief Building Inspector



*Rich in heritage,
with a vision
for the future*

Planning Department - Building Inspections Division

Telephone 334-705-5420

Fax 334-705-5159

Year To Date Report - 2015

Building Repairs	Commercial	Residential
Buildings Condemned	0	4
Buildings Demolished	1	17
Building Repairs	47	56
Plumbing Upgrades	26	59
Electrical Upgrades	39	94
Mechanical Upgrades	37	32
Reroofs And Roof Repairs	16	40
Mobile Home Services	0	1
Building Additions/Accessory Structures	0	81

Yearly Totals For Oct. 1st - Sept. 30th	
2006	\$156,630,888.00
2007	\$129,263,598.00
2008	\$127,407,288.00
2009	\$67,359,271.00
2010	\$96,662,342.00
2011	\$45,352,237.00
2012	\$178,221,004.00
2013	\$61,881,917.00
2014	\$79,409,560.00
2015	\$186,448,309.00

INSPECTION REQUEST TOTAL	4,089
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29	New Buildings: Commercial	\$104,895,989.00
74	Commercial Renovations And Repairs	\$11,750,129.00
35	Signs	\$266,435.00
145	New Single Family Homes	\$33,900,503.00
210	Residential Repairs And Renovations	\$2,667,086.00
0	New Apartment Units	\$0.00
0	New Duplex Residences	\$0.00
493	Total Building Permits Issued	\$153,480,142.00

313	Electrical Permits	\$9,883,248.00
256	Plumbing Permits	\$11,054,536.00
227	HVAC Permits	\$12,030,383.00

1,289	Total Issued for FY 2015	\$186,448,309.00
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Jeff Kappelman
JEFF KAPPELMAN
Chief Building Inspector

Attachment: Monthly Reports To Council - August, 2015 (1327 : Monthly Building Reports - August 2015)

**CITY OF OPELIKA - PLANNING DEPARTMENT
BUILDING INSPECTION DIVISION
AUGUST, 2015 - MONTHLY BUILDING PERMIT DETAIL REPORT**

PERMIT DATE	CONTRACTOR	STREET NUMBER	STREET NAME	OWNER	JOB DESCRIPTION	JOB COST
08/03/15	Central AL Metal & Roofing	3700	Pepperell Parkway	Saug. Square / Fimiani Dev. Corp.	Commercial Roof Replacement	\$1,521,000.00
08/04/15	Randall Holliday	609	McDonald Drive	Randall Holliday	Residential New Accessory Building	\$1,000.00
08/04/15	Cecil Ramsey Home Improvemen	1807	India Road	Greg Bethune	Residential Roof Replacement	\$5,885.00
08/05/15	Craig Mangram	1202	N Uniroyal	Craig Mangram	Residential Addition	\$15,500.00
08/05/15	Superior Roofing Company	1307	Douglas Street	First Realty	Residential Roof Replacement	\$4,815.00
08/05/15	GTR Contractor	702	Groce Street	Thor Burk	Residential Repairs To Burned House	\$140,000.00
08/05/15	Young Contracting / SE	2609	Village Professional Pkwy.	Fresenius Medical Care Opelika	Commercial Renovation	\$474,000.00
08/07/15	Robert Springer	2801	Watson Street	Robert Springer	Residential New Accessory Building	\$1,000.00
08/10/15	Yellowhammer Roofing	4808	Pebbleshore Drive	Brian Simpson	Residential Roof Replacement	\$14,602.00
08/11/15	Builders Professional Group	4300	Academy Drive	Builders Professional Group	Residential New Single Family	\$357,382.00
08/11/15	Builders Professional Group	4008	Stratford Way	Builders Professional Group	Residential New Single Family	\$175,873.00
08/11/15	Builders Professional Group	4100	Chesham Drive	Builders Professional Group	Residential New Single Family	\$245,823.00
08/12/15	Grayhawk Homes	3502	Maple Creek Court	Grayhawk Homes	Residential New Single Family	\$262,658.00
08/12/15	Riverchase Homes	2715	Carriage Lane	Riverchase Homes	Residential New Single Family	\$205,462.00
08/12/15	Riverchase Homes	2503	Northtowne Drive	Riverchase Homes	Residential New Single Family	\$205,462.00
08/12/15	Riverchase Homes	2505	Northtowne Drive	Riverchase Homes	Residential New Single Family	\$258,375.00
08/12/15	Bailey-Harris Construction Co.	2000	Pepperell Parkway	EAMC - O.R. Storage Area	Commercial Interior Renovation	\$119,988.00
08/12/15	The Infinity Group	3766	Pepperell Parkway	Extreme Athletics	Commercial Interior Renovation	\$315,425.00
08/12/15	The Infinity Group	3768	Pepperell Parkway	The Dress Shop	Commercial Interior Renovation	\$285,527.00
08/14/15	Dack Homes West	2304	Cobblestone Drive	DRI Fieldstone	Residential New Single Family	\$191,264.00
08/14/15	Dack Homes West	2205	Cobblestone Drive	DRI Fieldstone	Residential New Single Family	\$163,325.00
08/17/15	Supreme Service Company	1305	Forestdale Place	Charles Rodriguez	Residential Roof Replacement	\$3,525.00
08/18/15	Spartan Partners	4401	Northpark Drive	Spartan Partners	Commercial Interior Renovation	\$500,170.00
08/18/15	Robert Riegle	2000	India Road	Robert Riegle	Residential New Accessory Building	\$34,000.00
08/18/15	Gold Hill Construction	615	Marion Avenue	Arcernitta Galloway	Residential Emergency Repairs	\$7,980.00
08/20/15	Dack Homes West	2212	Winding Oak Drive	DRI Fieldstone	Residential New Single Family	\$192,612.00
08/20/15	Dack Homes West	2319	Jewels Way	DRI Fieldstone	Residential New Single Family	\$191,264.00
08/20/15	Dack Homes West	2210	Cobblestone Drive	DRI Fieldstone	Residential New Single Family	\$196,515.00
08/20/15	Dack Homes West	2300	Cobblestone Drive	DRI Fieldstone	Residential New Single Family	\$159,894.00
08/20/15	Dack Homes West	2306	Cobblestone Drive	DRI Fieldstone	Residential New Single Family	\$221,925.00
08/20/15	Lindsey Hazel	508	Lee Street	Lindsey Hazel	Residential Demolition	\$15,950.00
08/21/15	Graham's Total Restoration	2312	Waverly Parkway	Shiram Woods	Residential Interior Renovation	\$20,000.00
08/21/15	Kim McCurdy	1803	Cambay Court	Kim McCurdy	Residential Accessory Building	\$2,900.00
08/24/15	Riverchase Homes	2807	East Point Way	Riverchase Homes	Residential New Single Family	\$231,856.00
08/24/15	Riverchase Homes	2713	East Point Way	Riverchase Homes	Residential New Single Family	\$205,462.00

PERMIT DATE	CONTRACTOR	STREET NUMBER	STREET NAME	OWNER	JOB DESCRIPTION	JOB COST
08/24/15	Riverchase Homes	2706	East Point Way	Riverchase Homes	Residential New Single Family	\$170,000.00
08/24/15	Riverchase Homes	2101	East Point Way	Riverchase Homes	Residential New Single Family	\$220,520.00
08/24/15	Robert Young	2206	Airport Road	Robert Young	Residential Roof Replacement	\$9,500.00
08/25/15	Martin Carpentry	820	N 10TH Street	Larry Murphy	Residential Interior Renovation	\$6,000.00
08/25/15	Pro-Signs	2030 Block	Interstate Drive	Crossroads At Opelika	Commercial Signage	\$37,000.00
08/25/15	Lee's Signs	1909	Pepperell Parkway	Boost Mobile	Commercial Signage	\$1,800.00
08/26/15	Martin Carpentry	2206	Dorsey Street	Lynn Adams	Residential Addition	\$9,800.00
08/26/15	Bailey Mechanical	4401	Northpark Drive	Spartan Partners	Commercial Crane Base	\$30,606.00
08/26/15	Bailey Mechanical	4401	Northpark Drive	Spartan Partners	Commercial Equipment Pads	\$29,930.00
08/27/15	Latefa Calloway	815	Crawford Road, Lot #107	Latefa Calloway	Residential New Accessory Building	\$2,700.00
08/27/15	HF&L Construction	1105	Rocky Brook Road	Paul Gaberlavage	Residential Addition	\$30,000.00
08/27/15	Builders Professional Group	3026	McKinley Drive	Builders Professional Group	Residential New Single Family	\$322,564.00
08/27/15	Conner Brothers Construction	3601	Double Eagle Lane	Retirement Systems of Alabama	Residential New Single Family	\$176,225.00
08/28/15	Barron Framing	2000	India Road	Robert Riegle	Residential Interior Renovation	\$9,800.00
08/28/15	Whatley Construction	2701	Frederick Rd., Ste. 101-311	Tiger Square / C.S. Patel	Commercial New (3) Building Shells	\$3,353,040.00
08/28/15	Allcomm Wireless	20	Veterans Parkway	Verizon Wireless	Commercial New Cell Tower	\$150,000.00
08/28/15	Jim Darden	906	Lakeshore Avenue	Jim Darden	Residential New Accessory Building	\$1,000.00
08/31/15	Robert McLure	3304	Hamilton Road	Robert McLure	Residential New Garage	\$10,000.00
08/31/15	N. Corley Construction	601	Groce Street	Laci Andrews	Residential New Deck	\$10,000.00

Total **\$11,528,904.00**

TAKEN FROM THE RECORDS OF THE BUILDING INSPECTOR



 JEFF KAPPELMAN
 Chief Building Inspector



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1345)

Meeting: 09/15/15 07:00 PM
Department: City Clerk
Category: Request / Temp Street Closure
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 1345

Request for Street Closure by Main Street / Annual Think Pink Walk



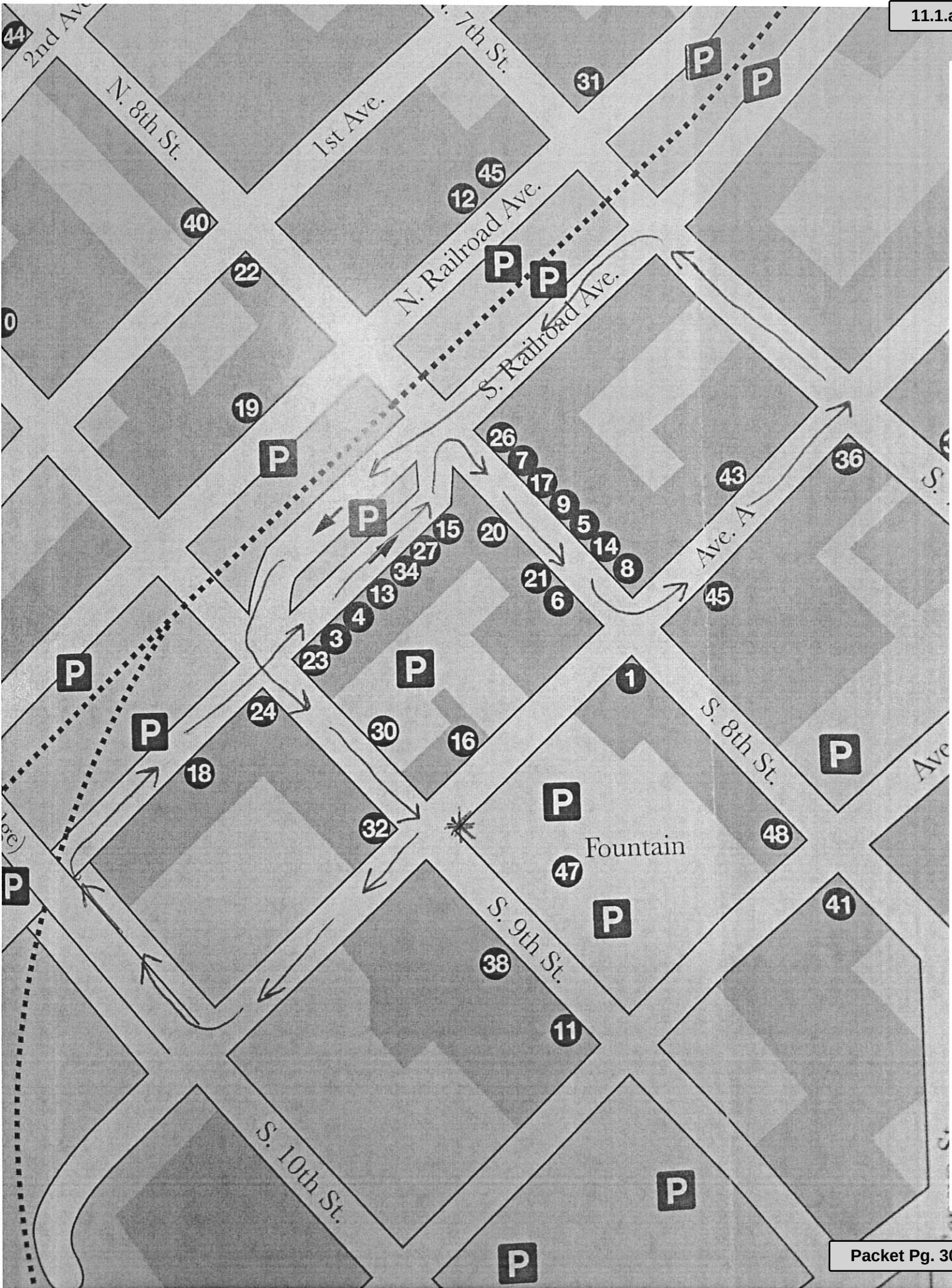
TO: Mayor Gary Fuller & Opelika City Council

The EAMC Foundation would once again like to host their annual Think Pink one mile walk in downtown Opelika. The requested route will not change from last year, and the organization has been informed that they will need additional volunteers to assist with the barricades.

The 2015 date is October 10th and the walk will begin at 9:30 a.m., and will last approximately 30 minutes.

Please let me know of any questions.

Thanks, Pam



Attachment: CM 9-15-15, request street closure, Think Pink walk, Main Street (1345 : Request for Street Closure by Main Street / Annual Think



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1329)

Meeting: 09/15/15 07:00 PM
Department: City Clerk
Category: Request / Temp Street Closure
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:
DOC ID: 1329

Request to Close Intersections / Carver-Jeter Initiative.

9/15cm

Shuman, Robert**Subject:** FW: Intersection Painting**From:** Fuller, Gary**Sent:** Friday, July 31, 2015 11:59 AM**To:** Aaron Fortner <aaron@canvasplanninggroup.com>**Cc:** Jimmy Wright <wrightsmarkets@aol.com>; Motley, Joey <jmotley@opelika-al.gov>; 'esmith@auburnbank.com' <esmith@auburnbank.com>; Shuman, Robert <RShuman@opelika-al.gov>; McEachern, John <jmceachern@opelika-al.gov>; Prather, Byron <BPrather@opelika-al.gov>; Hilyer, Michael J. <MHilyer@opelika-al.gov>; Arrington, Barbara <barrington@opelika-al.gov>; Gunter, Jan <JGunter@opelika-al.gov>**Subject:** RE: Intersection Painting

Aaron,

I've copied Mike Hilyer (Public Works Director), Police Chief John McEachern and Fire Chief Byron Prather asking them to review your plans for closing these streets. It will require, perhaps, some detour signs, as well as barricades. Of course Fire and Police will have to plan how they'll cover certain areas using a different route.

When these guys get "OK" with this we'll ask Mr. Shuman to put on the Council agenda for September 15 and ask them to approve.

Thanks,

Gary

Gary Fuller

Mayor

City of Opelika

(334)705-5150

gfuller@opelika-al.govwww.opelika.org**From:** Aaron Fortner [mailto:aaron@canvasplanninggroup.com]**Sent:** Friday, July 31, 2015 11:07 AM**To:** Fuller, Gary <GFuller@opelika-al.gov>**Cc:** Jimmy Wright <wrightsmarkets@aol.com>; Motley, Joey <jmotley@opelika-al.gov>**Subject:** Intersection Painting

Mr. Mayor,

Attachment: CM 9-15-15, request to close intersections. (1329 : Request to Close Intersections / Carver-Jeter Initiative.)

I believe Jimmy mentioned to you about our preferred date of Saturday October 10 for the intersection art installation. I wanted to follow up to see what we need to do to lock in this date and to get the intersections closed. The intersections that we have identified with the community are as follows:

- The Auburn Street intersection with Kilgore Avenue
- The Auburn Street intersection with Orchard Avenue
- The 4th Street intersection with Avenue E
- The South Railroad intersection with 4th Street

To do the street art properly, the intersections would need to be closed from Friday morning October 9 to Sunday morning October 11. A further breakdown of the schedule is as follows:

- October 9, Friday morning – close the intersections
- October 9, Friday morning to afternoon – pressure wash/clean the intersections
- October 9, Friday afternoon – artist teams to create the art installation outlines in the intersections
- October 10, Saturday 7a-9a – artist teams prepare each intersection with paint buckets, paint, paint brushes, bottled water, etc.
- October 10, Saturday 9a – community members participate in the street painting, led by artist teams at each intersection
- October 10, Saturday afternoon – paint dries
- October 11, Sunday morning – re-open the intersections

Please let me know what we need to take steps to put the above schedule into play through the official city processes. And I just want to be sure to thank you for your continued support of this work!!

Aaron

--
aaron fortner
principal
404.664.5416

[canvas]
PLANNING GROUP

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 1346)**

Meeting: 09/15/15 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Martha Wright

Sponsors:

DOC ID: 1346

Request by LMG LLC Dba ZaZu for a Restaurant Retail Liquor & a Retail Beer on Premise License.



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1235)

Meeting: 09/15/15 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: David Chapman

Initiator: Gerald (Jerry) Kelley

Sponsors: Chief Building Inspector Jeff Kappelman

DOC ID: 1235

Public Hearing for Demolition - 508 Lee Street

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 508 LEE STREET, OPELIKA, ALABAMA, 36801,
PARCEL ID NO.: 43-10-03-08-3-000-051.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 508 Lee Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-3-000-051.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, Lindsey Hazel is the record owner of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, Lindsey Hazel is the person last assessing the subject property for state taxes; and

WHEREAS, there are no mortgagees or lienholders of record as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Lindsey Hazel; and

WHEREAS, contemporaneous with the filing of the “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”, a copy of the same was posted at or within three (3) feet of an entrance to the building on the subject property; and

WHEREAS, a Lis Pendens Notice was duly filed of record in the Office of the Judge of Probate of Lee County, Alabama, as required by Ordinance No. 116-15; and

WHEREAS, notice that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing would be held on a certain date was given to all interested parties as required by law; and

WHEREAS, Tuesday, September 15, 2015 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the buildings located at 508 Lee Street is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, September 15, 2015, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 508 Lee Street, Opelika, Alabama; and

WHEREAS, the City Council has considered all of the evidence and other matters in relation to said alleged public nuisance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Opelika, as follows:

1. The City Council hereby finds and determines that the building or structure located at 508 Lee Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-3-000-051.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten's Official Real Estate Map of Opelika, prepared 1930, recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-08-3-000-051.000, according to records maintained in the Lee County Revenue Commissioner's Office.

2. The Mayor is hereby authorized and directed to cause said building or structure to be demolished and removed after the expiration of twenty (20) days from the date of this resolution if an appeal has not been taken to the Circuit Court. The demolition may be accomplished by the municipality by the use of its own forces, or it may be provided by contract for the demolition. The municipality may sell or otherwise dispose of salvaged materials

resulting from the demolition. All employees, contractors and duly authorized agents of the City are authorized to enter upon said property for said purpose.

3. Any person aggrieved by the decision of the City Council may, within ten (10) days hereafter, appeal to the Circuit Court upon filing with the Clerk of the Court notice of appeal and a bond for security of costs in the form and amount approved by the Circuit Clerk.

4. Upon the demolition and removal of said building or structure, the Building Official shall make a report to the City Council of the cost. The City Council shall thereafter adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal of said building or structure and assess the costs against said property. The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal. The fixing of costs by the City Council shall constitute a special assessment against the lot or lots, parcel, or parcels of land upon which the building or structure was located and shall constitute a lien on the property for the amount of the assessment.

5. The City Clerk is hereby directed to mail, by certified mail, a copy of this resolution to the owners and lien holders of the property as the information appears on the records of the office of the Tax Assessor and in the Office of the Judge of Probate of Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____ 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Cc: Lindsey Hazel
507 Commanche Drive
Opelika, AL 36801

July 21, 2015

To:
Lindsey Hazel
507 Commanche Drive
Opelika, AL 36801

**NOTICE OF DANGEROUS BUILDING, FINDING OF
PUBLIC NUISANCE AND ORDER TO REMEDY**

This notice, finding and order is given pursuant to Ordinance No. 116-15 and Section 5-226 of the *Code of Ordinances* of the City of Opelika, Alabama, informing you that a building located within the City of Opelika, Alabama (the "City") is unsafe to the extent that it is a public nuisance and subject to demolition. According to the real property records of Lee County, Alabama, [Insert name of Owner(s)] is the owner, or a mortgagee, or a lienholder of the real property described in this notice. The building is located on the following described real property, to-wit, which is described hereinafter as the "Subject Property":

Street Address: 508 Lee Street, Opelika, AL 36801

Legal Description: A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten's Official Real Estate Map of Opelika, prepared 1930,

recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Parcel Identification Number: 43-10-03-08-3-000-051.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on July 6, 2015. Based upon said inspection, the building located on the Subject Property is deemed to be a “dangerous building” within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:
(Check all that apply)

- ☐ (1) The interior walls or other vertical structure members of the building list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- X (2) Exclusive of foundation, the building shows thirty-three (33) percent or more of damage or deterioration of one (1) or more supporting members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- ☐ (3) The building has improperly distributed loads upon the floors or roofs, or, in which the same are overloaded or which has insufficient strength to be reasonably safe for the purpose used.
- X (4) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism or other cause so as to become dangerous to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (5) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested,

containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.

- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.
- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- X (10) The building is so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- ☐ (11) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- X (12) The building, or any portion thereof, is clearly unsafe for its use or occupancy.
- X (13) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the

building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act.

- ☐ (14) The building has any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public.
- X (15) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

Attached hereto is a report which outlines the findings from said inspection and identifies specific code violations.

The Building Official further finds and determines that the building on the Subject Property is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land). The Building Official further finds and determines that the building on the Subject Property cannot be reasonably repaired so that it will no longer exist in violation of the terms of Ordinance No. 116-15 governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is a fire hazard existing in violation of the terms of Ordinance No. 116-15, governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is unsafe to the extent that it is a public nuisance.

NOTICE is hereby given to remedy the unsafe or dangerous condition by demolition of the building on the Subject Property within forty-five (45) days of this Notice to the Building Official's satisfaction. In the event that the owner does not comply within the time specified herein to the Building Official's satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the Subject Property and such cost shall constitute a lien against the Subject Property.

The Building Official finds that the building on the Subject Property is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants. Therefore, the undersigned Building Official orders that the building on the Subject Property shall be and remain vacant until demolished.

Notice is hereby given that the City Council of the City of Opelika, Alabama, will hold a public hearing on Tuesday, September 15, 2015, at 7:00 p.m. in the City Council Chambers of the municipal building, 204 South 7th Street, Opelika, Lee County, Alabama, to discuss the findings of the Building Official. At that time, the City Council will consider the adoption of a resolution ordering the demolition of the building located on the Subject Property.

At the public hearing, the City Council will receive any objections to the finding by the Building Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the findings by the Building Official. Any such written objection must be submitted to the City Clerk prior to the meeting of the City Council. All interested persons are invited to appear before the City Council in person or through his or her representative to show cause, if any, why his or her objection to the demolition of the building or structure should be sustained. No action shall be taken on the finding of the Building Official until determination is made thereon by the City Council. Upon the holding of the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order the demolition of the building or structure at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stands or to which it is attached. Any person aggrieved by the decision of the City Council may, within ten (10) days thereafter, appeal to the Circuit Court of Lee County, Alabama, upon the filing with the Clerk of the Circuit Court of Lee County, Alabama, notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Court. For further particulars, see Ordinance No. 116-15 and Section 5-227 of the *Code of Ordinances*. Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk at 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 204 South 7th Street, Opelika, Alabama.

You will further take note that:

- (1) It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Building Official in carrying out the purposes of Ordinance No. 116-15.
- (2) It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, or tamper with this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".
- (3) It is unlawful for any person, or for any agent, servant or employee of such person, to enter, access or be upon any building that the Building Official has ordered to be vacated pursuant to this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".
- (4) It is unlawful for any person who has received this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" to sell, transfer, mortgage, lease, encumber or otherwise dispose of the building on the Subject Property to another until such person shall first furnish the grantee, transferee, mortgagee or lessee a true copy of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and fully accepting the responsibility without condition for making the

corrections, repairs or demolitions required by this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”.

(5) It is unlawful for any person, owner or occupant of any building to refuse to permit entry into any building, structure or premises, or onto any property by the Building Official or his authorized representative after proper credentials are displayed at a reasonable hour for the purpose of inspection pursuant to Ordinance No. 116-15.

This office seeks and anticipates your cooperation and compliance in this matter. Positive efforts by citizens like yourself help make Opelika a better community.

If there is any other way this office can assist you in resolving this matter, please immediately call Jeff Kappelman, the Building Official assigned to your case at 334-705-5420.

Thank you in advance for your attention to this Notice and your prompt response.

DATED this the 21st day of July, 2015.

Sincerely, _____

Jeff Kappelman
Building Official of the City of Opelika, Alabama
700 Fox Trail
Opelika, AL 36801
334-705-5420





RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 508 LEE STREET, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-3-000-051.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16, INCLUSIVE,
OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 508 Lee Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-3-000-051.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, Lindsey Hazel is the record owner of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, Lindsey Hazel is the person last assessing the subject property for state taxes; and

WHEREAS, there are no mortgagees or lienholders of record as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Lindsey Hazel; and

WHEREAS, contemporaneous with the filing of the “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”, a copy of the same was posted at or within three (3) feet of an entrance to the building on the subject property; and

WHEREAS, a Lis Pendens Notice was duly filed of record in the Office of the Judge of Probate of Lee County, Alabama, as required by Ordinance No. 116-15; and

WHEREAS, notice that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing would be held on a certain date was given to all interested parties as required by law; and

WHEREAS, Tuesday, September 15, 2015 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the buildings located at 508 Lee Street is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, September 15, 2015, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 508 Lee Street, Opelika, Alabama; and

WHEREAS, the City Council has considered all of the evidence and other matters in relation to said alleged public nuisance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Opelika, as follows:

1. The City Council hereby finds and determines that the building or structure located at 508 Lee Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-3-000-051.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten's Official Real Estate Map of Opelika, prepared 1930, recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-08-3-000-051.000, according to records maintained in the Lee County Revenue Commissioner's Office.

2. The Mayor is hereby authorized and directed to cause said building or structure to be demolished and removed after the expiration of twenty (20) days from the date of this resolution if an appeal has not been taken to the Circuit Court. The demolition may be accomplished by the municipality by the use of its own forces, or it may be provided by contract for the demolition. The municipality may sell or otherwise dispose of salvaged materials resulting

from the demolition. All employees, contractors and duly authorized agents of the City are authorized to enter upon said property for said purpose.

3. Any person aggrieved by the decision of the City Council may, within ten (10) days hereafter, appeal to the Circuit Court upon filing with the Clerk of the Court notice of appeal and a bond for security of costs in the form and amount approved by the Circuit Clerk.

4. Upon the demolition and removal of said building or structure, the Building Official shall make a report to the City Council of the cost. The City Council shall thereafter adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal of said building or structure and assess the costs against said property. The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal. The fixing of costs by the City Council shall constitute a special assessment against the lot or lots, parcel, or parcels of land upon which the building or structure was located and shall constitute a lien on the property for the amount of the assessment.

5. The City Clerk is hereby directed to mail, by certified mail, a copy of this resolution to the owners and lien holders of the property as the information appears on the records of the office of the Tax Assessor and in the Office of the Judge of Probate of Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____ 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Cc: Lindsey Hazel
507 Commanche Drive
Opelika, AL 36801

Attachment: RESOLUTION ordering demolition 072015 (1235 : Public Hearing for Demolition - 508 Lee Street)

B 392

Recorded in the Above
 LIS PENDENS Book & Page
 07-21-2015 08:39:59 AM
 Bill English - Probate Judge
 Lee County, AL

LIS PENDENS NOTICE

To: Lindsey Hazel, and all other persons claiming any interest in the real property described below.

YOU ARE HEREBY NOTIFIED that the City of Opelika has initiated proceedings to condemn or demolish a building or structure located at 508 Lee Street in the City of Opelika, Alabama, (the "Subject Property"). The property referred to above is more particularly described as follows:

A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten's Official Real Estate Map of Opelika, prepared 1930, recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-08-3-000-051.000, according to records maintained in the Lee County Revenue Commissioner's Office.

The Building Official of the City of Opelika has determined that the condition of the building or structure located at 508 Lee Street, Opelika, Alabama, Parcel No. 43-10-03-08-3-000-051.000, is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or occupants.

NOTICE IS HEREBY GIVEN to remedy the unsafe or dangerous condition by demolition of the building on the subject property within forty-five (45) days of this Notice to the Building Official's satisfaction. In the event that the owner does not comply within the time

Attachment: Copy of Lis Pendens (1235 : Public Hearing for Demolition - 508 Lee Street)

specified or to the Building Official's satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the subject property and such cost shall constitute a lien against the subject property.

In *Ellis v. City of Montgomery*, the United States District Court for the Middle District of Alabama, stated that, in cases such as this where a municipality seeks the demolition of a building by use of its police powers, "a simple *Lis Pendens* filing after sending notice to the current owner of a property would place subsequent purchasers on notice that demolition could occur." *Ellis v. City of Montgomery*, 460 F. Supp 2d, 1301, 1307 (MD Ala. 2006). Here, the City of Opelika is invoking the procedure recommended by the District Court.

By the filing of this Notice, the City is not claiming any right, title or interest in the subject property. Rather, the purpose of this Notice is to put all interested parties on notice of the City's intent to exercise its authority provided by law, and specifically by the City's ordinances.

In the event the City Council of the City of Opelika, Alabama, orders the building or structure located on the subject property to be demolished, all costs reasonably incurred in the demolition or removal of said building or structure may be assessed against the property and may be assessed against the property and shall constitute a lien on said property for the amount of the assessment.

The owner of the above-described property is Lindsey Hazel, and the owner's last known address is 507 Commanche Drive, Opelika, AL 36801.

Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk, 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 207 South 7th Street, Opelika, Alabama.

This Lis Pendens Notice has been filed and recorded as provided by Section 5-226(b)(3) of the *Code of Ordinances* of the City of Opelika.

Dated this the 21st day of July, 2015.


JEFF KAPPELMAN,
CHIEF BUILDING OFFICIAL OF THE
CITY OF OPELIKA
700 Fox Trail
Opelika, AL 36801
334-705-5420

STATE OF ALABAMA
COUNTY OF LEE

I, the undersigned authority, a notary public in and for said county and state, hereby certify that Jeff Kappelman, whose name is signed to the foregoing Notice, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said notice, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal of office this the 21st day of July, 2015.

(SEAL)


NOTARY PUBLIC

MY COMMISSION EXPIRES: 2/10/18

THIS INSTRUMENT PREPARED BY:

Guy F. Gunter, III
City Attorney
City of Opelika
P.O. Box 390
Opelika, AL 36803
334-705-2074
334-705-5515

Book/Pg: 8/392
Term/Cashier: SCAN3 / CO
Tran: 15079.221335.294350
Recorded: 07-21-2015 08:40:36
REC Recording Fee
Total Fees: \$ 14.00

14.0

Attachment: Copy of Lis Pendens (1235 : Public Hearing for Demolition - 508 Lee Street)

July 21, 2015

To:
Lindsey Hazel
507 Commanche Drive
Opelika, AL 36801

NOTICE OF DANGEROUS BUILDING, FINDING OF PUBLIC NUISANCE AND ORDER TO REMEDY

This notice, finding and order is given pursuant to Ordinance No. 116-15 and Section 5-226 of the *Code of Ordinances* of the City of Opelika, Alabama, informing you that a building located within the City of Opelika, Alabama (the “City”) is unsafe to the extent that it is a public nuisance and subject to demolition. According to the real property records of Lee County, Alabama, [Insert name of Owner(s)] is the owner, or a mortgagee, or a lienholder of the real property described in this notice. The building is located on the following described real property, to-wit, which is described hereinafter as the “Subject Property”:

Street Address: 508 Lee Street, Opelika, AL 36801

Legal Description: A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten’s Official Real Estate Map of Opelika, prepared 1930, recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Parcel Identification Number: 43-10-03-08-3-000-051.000

Attachment: Notice of Dangerous Buildings Letter (1235 : Public Hearing for Demolition - 508 Lee Street)

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on July 6, 2015. Based upon said inspection, the building located on the Subject Property is deemed to be a “dangerous building” within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:

(Check all that apply)

- ☐ (1) The interior walls or other vertical structure members of the building list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- ☒ (2) Exclusive of foundation, the building shows thirty-three (33) percent or more of damage or deterioration of one (1) or more supporting members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- ☐ (3) The building has improperly distributed loads upon the floors or roofs, or, in which the same are overloaded or which has insufficient strength to be reasonably safe for the purpose used.
- ☒ (4) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism or other cause so as to become dangerous to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (5) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.

- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☒ (10) The building is so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- ☐ (11) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- ☒ (12) The building, or any portion thereof, is clearly unsafe for its use or occupancy.
- ☒ (13) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act.
- ☐ (14) The building has any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public.
- ☒ (15) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

Attached hereto is a report which outlines the findings from said inspection and identifies specific code violations.

The Building Official further finds and determines that the building on the Subject Property is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land). The Building Official further finds and determines that the building on the Subject Property cannot be reasonably repaired so that it will no longer exist in violation of the terms of Ordinance No. 116-15 governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is a fire

hazard existing in violation of the terms of Ordinance No. 116-15, governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is unsafe to the extent that it is a public nuisance.

NOTICE is hereby given to remedy the unsafe or dangerous condition by demolition of the building on the Subject Property within forty-five (45) days of this Notice to the Building Official's satisfaction. In the event that the owner does not comply within the time specified herein to the Building Official's satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the Subject Property and such cost shall constitute a lien against the Subject Property.

The Building Official finds that the building on the Subject Property is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants. Therefore, the undersigned Building Official orders that the building on the Subject Property shall be and remain vacant until demolished.

Notice is hereby given that the City Council of the City of Opelika, Alabama, will hold a public hearing on Tuesday, September 15, 2015, at 7:00 p.m. in the City Council Chambers of the municipal building, 204 South 7th Street, Opelika, Lee County, Alabama, to discuss the findings of the Building Official. At that time, the City Council will consider the adoption of a resolution ordering the demolition of the building located on the Subject Property. At the public hearing, the City Council will receive any objections to the finding by the Building Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the findings by the Building Official. Any such written objection must be submitted to the City Clerk prior to the meeting of the City Council. All interested persons are invited to appear before the City Council in person or through his or her representative to show cause, if any, why his or her objection to the demolition of the building or structure should be sustained. No action shall be taken on the finding of the Building Official until determination is made thereon by the City Council. Upon the holding of the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order the demolition of the building or structure at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stands or to which it is attached. Any person aggrieved by the decision of the City Council may, within ten (10) days thereafter, appeal to the Circuit Court of Lee County, Alabama, upon the filing with the Clerk of the Circuit Court of Lee County, Alabama, notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Court. For further particulars, see Ordinance No. 116-15 and Section 5-227 of the *Code of Ordinances*. Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk at 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 204 South 7th Street, Opelika, Alabama.

You will further take note that:

(1) It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Building Official in carrying out the purposes of Ordinance No. 116-15.

(2) It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, or tamper with this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”.

(3) It is unlawful for any person, or for any agent, servant or employee of such person, to enter, access or be upon any building that the Building Official has ordered to be vacated pursuant to this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”.

(4) It is unlawful for any person who has received this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” to sell, transfer, mortgage, lease, encumber or otherwise dispose of the building on the Subject Property to another until such person shall first furnish the grantee, transferee, mortgagee or lessee a true copy of this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” and fully accepting the responsibility without condition for making the corrections, repairs or demolitions required by this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”.

(5) It is unlawful for any person, owner or occupant of any building to refuse to permit entry into any building, structure or premises, or onto any property by the Building Official or his authorized representative after proper credentials are displayed at a reasonable hour for the purpose of inspection pursuant to Ordinance No. 116-15.

This office seeks and anticipates your cooperation and compliance in this matter. Positive efforts by citizens like yourself help make Opelika a better community.

If there is any other way this office can assist you in resolving this matter, please immediately call Jeff Kappelman, the Building Official assigned to your case at 334-705-5420.

Thank you in advance for your attention to this Notice and your prompt response.

DATED this the 21st day of July, 2015.

Sincerely, _____

Jeff Kappelman
Building Official of the City of Opelika, Alabama
700 Fox Trail
Opelika, AL 36801
334-705-5420

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 1265)**

Meeting: 09/15/15 07:00 PM

Department: Planning

Category: Vacate Property

Prepared By: Marty Ogren

Initiator: Gerald (Jerry) Kelley

Sponsors:

DOC ID: 1265

Public Hearing - Vacate Northwest Portion South 5Th Street Between Avenue A' & Avenue B

The petitioners are requesting the City to vacate the northwesterly portion of the South 5th Street right-of-way (ROW) located between Avenue A and Avenue B (see map attached). The adjacent property owner on the southern portion of the right-of-way does not object to the vacation. The Planning Commission recommends approval. This vacation was reviewed by the Council at the August 4th CC WS.

NOTICE OF PUBLIC HEARING
OPELIKA CITY COUNCIL
September 15, 2015 7:00 P.M.

NOTICE IS HEREBY GIVEN in accordance with §23-4-2, *Code of Alabama*, 1975, that the City Council of the City of Opelika will conduct a Public Hearing during the regularly scheduled City Council meeting on Tuesday, September 15, 2015, beginning at 7:00 p.m. in the Opelika City Council Chambers of the Municipal Building, 204 S. 7th Street, Opelika, Lee County, Alabama, to receive the benefit of public input concerning a proposal to vacate the northwesternly portion of South 5th Street lying between Avenue A and Avenue B. All persons interested in the proposed vacation are invited to appear at the public hearing and express their views. Written statements or objections may be submitted to the City Clerk prior to the time of the hearing.

The portion of South 5th Street proposed to be vacated is more particularly described as follows:

That portion of South 5th Street in the City of Opelika, Alabama, lying between Lot 4 of Block D and Lot 3C of Block C as shown on Totten's Official Real Estate Map of the City of Opelika, as the same is recorded in Town Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama, said street between said lots being 40 feet in width and being more particularly described as follows:

Commence at the Northwesternly corner of Lot 4 of Block D as shown on Totten's Official Real Estate Map of the City of Opelika, which point marks the intersection of the Southerly margin of Avenue A with the Easterly margin of South 5th Street; from said point of beginning run thence in a Southwesterly direction along the Southerly margin of Avenue A for 40 feet, more or less to a point, which point is the Northeasterly corner of Lot 3C of Block C; thence run in a Southeasterly direction at right angles with Avenue A and parallel with South 6th Street for a distance of 200 feet, more or less; thence run in a Northeasterly direction parallel with Avenue A for a distance of 40 feet, more or less; thence run in a Northeasterly direction parallel with South 6th Street for a distance of 200 feet, more or less, to the point of beginning.

A copy of the Petition to Vacate and the proposed resolution approving the vacation will be available upon request at the office of the City Clerk, 2nd Floor of City Hall, 204 South 7th Street, Opelika, Alabama.

DATED this the _____ day of _____, 2015.

ROBERT G. SHUMAN, CITY CLERK

TO: PUBLISHER

Opelika, Alabama 36801

Please publish the foregoing Notice once a week for four (4) consecutive weeks in the [Name of Newspaper].

ROBERT G. SHUMAN, CITY CLERK



**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 1271)**

Meeting: 09/15/15 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Gerald (Jerry) Kelley

Sponsors:

DOC ID: 1271

Public Hearing, Amend Zoning Map, from R-4 to I-1 at 207 Avenue A

The applicant is requesting a rezoning of his 24,000 sf property (207 Avenue A) to operate a funeral home. Ward Funeral Home was established in the mid-50's and closed in the mid-90's. During the past twenty (20) years the funeral home has undergone significant deterioration and dilapidation. Mr. Ward desires to restore the home to its original stature and conduct a funeral business. The Planning Commission sends a positive recommendation to City Council to rezone the property.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, September 15, 2015, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 S. 7th Street, Opelika, Lee County, Alabama.

PURPOSE

The purpose of said Public Hearing will be to consider the adoption of an ordinance to amend Ordinance Number 124-91 (entitled “Zoning Ordinance of the City of Opelika”) adopted on September 17, 1991. At said Public Hearing all who desire to be heard shall have the opportunity to speak for or in opposition to the adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA

BE IT ORDAINED by the City Council (the “City Council”) of the City of Opelika, Alabama (the “City”) as follows:

Section 1. That Ordinance 124-91 entitled “Zoning Ordinance City of Opelika, Alabama”, adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided for and referred to therein, as previously amended and/or modified, be and the same is hereby amended by rezoning or redistricting the parcel of land hereinafter in this section described, so as to change such parcel from one class of district to another class of district as follows, to-wit:

From a R-4 District (Medium Density Residential District) to a I-1 District (Institutional District), the parcel of land hereinafter described:

From the point of intersection of the northeasterly margin of South Third Street with southeasterly margin of Avenue A, in the City of Opelika, Lee County, Alabama, run north 47 degrees 36 minutes east, along the southeasterly margin of Avenue A, 250.0 feet; thence south 42 degrees 24 minutes east, 110.0 feet; thence south 47 degrees 26 minutes west, 100 feet; thence north 42 degrees 24 minutes west, 5.0 feet; thence south 47 degrees 36 minutes west, 150.0 feet, to the northeasterly margin of South Third Street; thence north 42 degrees 24 minutes west, along the northeasterly margin of South Third Street, 105.0 feet, to the point of beginning; being Lot 1, and part of Lots

#14 and #15, Block 9, as the same appears on Totten's Official Real Estate Map of the City of Opelika, Alabama, as the same appears in the Lee County Probate Records, Town Plat Book 2, Page 9.

Being further described as the premises located at 207 Avenue A, Opelika, Lee County, Alabama.

Section 2. Any ordinance or part thereof in conflict with provisions of this Ordinance be and the same are hereby repealed.

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

WITNESS my hand this the 14th day of August, 2015.

/s/ R. G. Shuman

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

=====

TO: PUBLISHER
Opelika Observer
225 S. 8th Street
Opelika, Alabama 36801

Please publish the foregoing Notice one (1) time in the August 14, 2015 issue of your paper.

/s/ R. G. Shuman

CITY CLERK

City of Opelika

Planning Commission Report

Property Owner: Maurice Ward

Location: 207 Avenue A

Zoning Requested: Rezone from R-4 to I-1

Existing Zoning: R-4

Adjacent Zoning/Land Use: N: R-4/Vacant Parcel on Avenue A.
S: R-4/Single Family Residence at 209 S. 3rd St.
E: R-4/Single Family Residence at 111 Avenue A.
W: R-4/ Single Family Residences at 200 & 202 S. 3rd St.

Proposed Use: Funeral Home Business

Staff Comments:

The applicant is requesting a zone change to operate a funeral home. Ward Funeral Home was established in the mid-50's and closed in the mid-90's. During the past twenty (20) years the funeral home has undergone significant deterioration and dilapidation.

Mr. Ward desires to restore the home to its original stature and conduct a funeral business. He will live on the 2nd floor of the structure. He owns adjacent parcels on Ave. A. and 3rd St. for additional parking and vehicle access to the property. Staff did not find recorded minutes from either the Planning Commission or Board of Zoning Adjustments approving a funeral home at this location in the mid-50's.

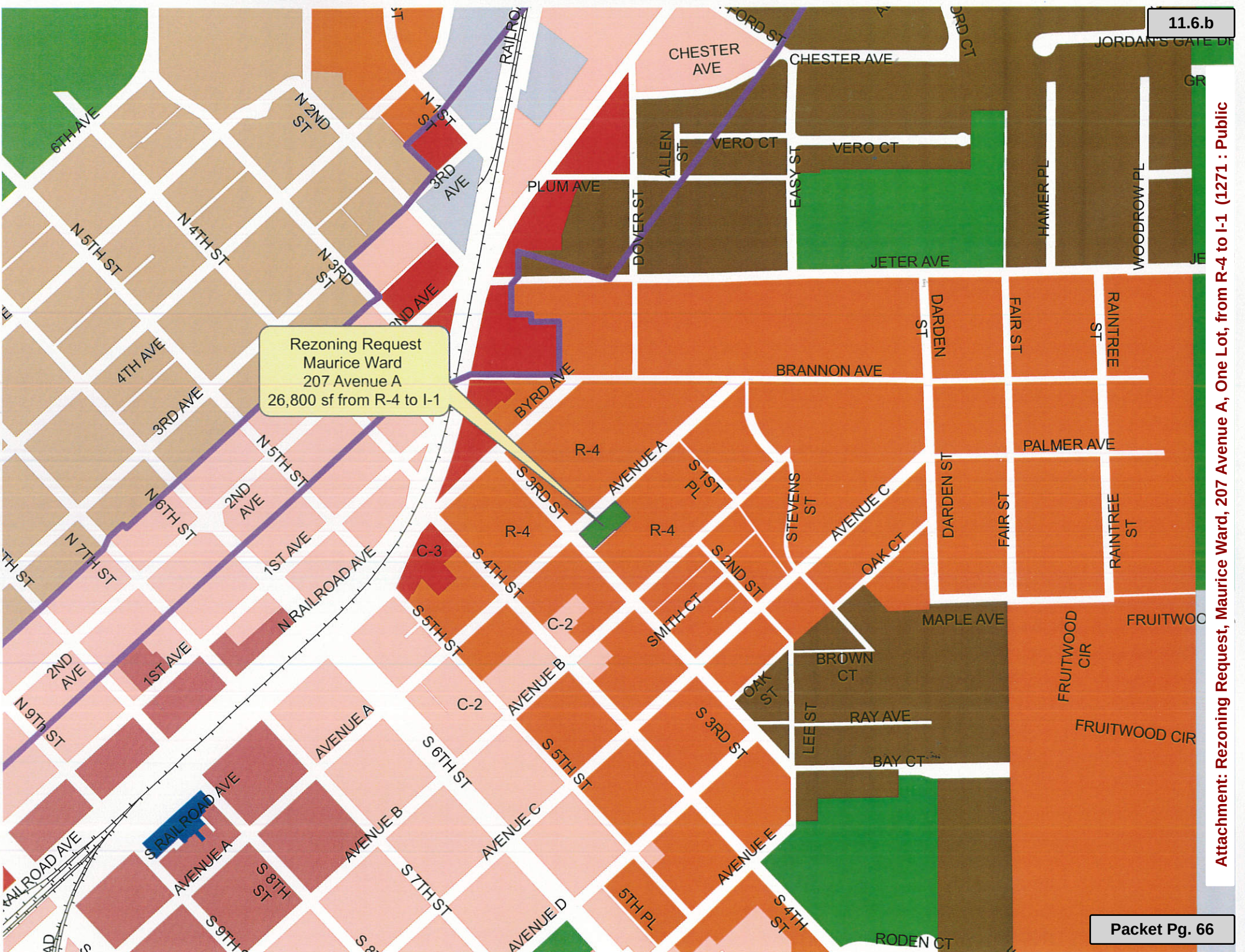
A funeral home is permitted in the Institutional District (I-1). If adjacent property owners concur with this request; planning staff supports this rezoning from R-4 to I-1.

If the PC concurs with an Institutional District, a change in the 2020 future land use map is also necessary for approval from R-4 (Medium Density Residential) to I-1 (Institutional District).

At the June 23rd meeting, the Planning Commission voted unanimously to send a positive recommendation to the City Council to rezone the property to I-1.

This is a request to advertise for a City Council public hearing to rezone the property to I-1.

Rezoning Request
Maurice Ward
207 Avenue A
26,800 sf from R-4 to I-1



**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 1273)**

Meeting: 09/15/15 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Gerald (Jerry) Kelley

Sponsors:

DOC ID: 1273

Public Hearing, Amend Zoning Map, Rezoning from I-1, GC to C-2, GC - Greater Peace Drive

Rezoning from I-1,GC to C-2,GC. Greater Peace CDC develop for a neighborhood mixed use development of commercial services, offices, and residential. The 7.8 acre rezoning area is located on southwest corner of Fox Run Parkway and Greater Peace Drive. The Planning Commission sends a positive recommendation to City Council to rezone the property.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, September 15, 2015, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 S. 7th Street, Opelika, Lee County, Alabama.

PURPOSE

The purpose of said Public Hearing will be to consider the adoption of an ordinance to amend Ordinance Number 124-91 (entitled “Zoning Ordinance of the City of Opelika”) adopted on September 17, 1991. At said Public Hearing all who desire to be heard shall have the opportunity to speak for or in opposition to the adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING
ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA

BE IT ORDAINED by the City Council (the “City Council”) of the City of Opelika, Alabama (the “City”) as follows:

Section 1. That Ordinance 124-91 entitled “Zoning Ordinance City of Opelika, Alabama”, adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided for and referred to therein, as previously amended and/or modified, be and the same is hereby amended by rezoning or redistricting the parcels of land hereinafter in this section described, so as to change such parcels from one class of district to another class of district as follows, to-wit:

From an I-1, GC District (Institutional, Gateway Corridor Overlay District) to a C-2, GC District (Office/Retail, Gateway Corridor Overlay District), the parcels of land hereinafter described:

Lot 11A and Lot 2 as shown on plat of survey entitled “Jeter School Subdivision”, Section 8, T19N, R27E, in the City of Opelika, Lee County, Alabama said plat surveyed by Jim McCrory Alabama Reg. No. 12493 and recorded in the Office of the Judge of Probate of Lee County, Alabama on October 17, 2000, in Town Plat Book 22 on Page 14. Lot 11 A containing 2 acres more or less and Lot 11A containing 5.86 acres more or less.

Said parcels consist in the aggregate of 7.8 acres and are located at the Southwest corner of Fox Run Parkway and Greater Peace Drive.

Section 2. Any ordinance or part thereof in conflict with provisions of this Ordinance be and the same are hereby repealed.

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

WITNESS my hand this the ____day of _____, 2015.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

Attachment: NOTICE OF PUBLIC HEARING text of zoning ordinance 072815 (1273 : Public Hearing, Amend Zoning Map, Rezoning from I-1, GC to C-2, GC)

TO: PUBLISHER

Opelika, Alabama 36801

Please publish the foregoing Notice one (1) time in the _____, 2015 issue of your paper.

CITY CLERK

Attachment: NOTICE OF PUBLIC HEARING text of zoning ordinance 072815 (1273 : Public Hearing, Amend Zoning Map, Rezoning from I-1, GC to C-2, GC)

City of Opelika

Planning Commission Report

Property Owner: Greater Peace Community Development Corporation
(Represented by L. River James)

Location: 940 Fox Run Pkwy & 500 block of Greater Peace Drive

Zoning Requested: Rezone from I-1/GC to C-2/GC

Existing Zoning: I-1

Adjacent Zoning/Land Use: N: M-2 & I-1 GC/ Vacant
S: I-1/ Jeter Primary School and Great Peace Baptist Church
E: PUD/Vacant
W: R-5/ Residences on Woodrow Pl.

Proposed Use: **Mixed Uses of Commercial Services, Offices, & Residential**

Staff Comments:

The applicant is requesting a zone change from I-1 GC to C-2 GC to develop at a future date a seven (7) acre tract for a neighborhood mixed use development of commercial services, offices, and residential. Staff believes this is a positive transition from Institutional uses to Neighborhood Services. A Conditional Use Permit will be required at a future date when the CDC is ready to develop. An amendment to the 2020 Land Use Map is Item #9

STAFF RECOMMENDATION: Approve Rezoning from I-1, GC to C-2, GC

At the July 28th meeting, the Planning Commission voted unanimously to send a positive recommendation to the City Council to rezone the property from I-1, GC to C-2, GC.

This is a request to advertise for a City Council public hearing to rezone the property.





City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1335)

Meeting: 09/15/15 07:00 PM
Department: Economic Development
Category: Public Hearing
Prepared By: Kathryn Daugherty
Initiator: Lori Huguley
Sponsors:
DOC ID: 1335

Notice of Public Hearing - Development Agreement (MRP)

**LEGAL NOTICE OF PUBLIC MEETING AND PUBLIC HEARING
OF THE CITY COUNCIL OF THE CITY OF OPELIKA, ALABAMA**

NOTICE is hereby given that the City Council (the “Council”) of the City of Opelika, Alabama, (the “City”) will meet in public session at 7:00 p.m. on Tuesday, September 15, 2015, in the City Council Chambers of the Municipal Building, 204 South 7th Street in the City of Opelika, Alabama, for the purpose of considering the transaction of business that may properly come before the Council, such business to include, but not be limited to, the following:

1. The authorization by the Council, pursuant to Amendment 642 of the Constitution of Alabama of 1901, of a resolution (the “Resolution”) approving the execution and delivery of a Project Development Agreement (the “Agreement”) between the City and MADISON REAL PROPERTY, LLC (the “Company”) dated the date of delivery. The Company is an Alabama limited liability company, whose sole member is Hejal C. Patel.

2. Pursuant to the Agreement, the Company will agree to acquire and develop a neighborhood shopping center consisting of approximately 36,300 square feet of space in an open air retail format on approximately 4.68 acres located in the 2700 block of Frederick Road at the intersection of Frederick Road and Corporate Drive in the corporate limits of the City. In consideration of such obligation of the Company, the City has agreed to share with the Company an amount equal to fifty percent (50%) of the City’s sales tax and use tax revenues to be collected by new retail and service facilities in the Project Area, up to a total maximum City contribution of \$1,112,578.00.

3. The City seeks to achieve by undertaking its obligations pursuant to the Agreement and the Resolution, to promote the local economic and industrial development of the City by facilitating the acquisition and construction of the Project for the benefit of the general public, to

provide additional retail and service opportunities along the Pepperell Parkway corridor, and to increase employment in the City and to increase the tax revenue base of the City.

4. The persons or entities to whom or for whose benefit the City proposes to lend its credit or grant public funds or a thing of value are MADISON REAL PROPERTY, LLC, its tenants and the users and operators of the retail and service facilities in the Project Area, Hejal C. Patel, and others who may benefit indirectly from the development of the Project.

5. All interested persons may examine and review the Agreement and Resolution and all relevant documents and make copies thereof at personal expense, at the offices of the City Clerk and City Council during normal business hours, before and after the meeting referenced herein.

6. During the public meeting referenced above the Council will conduct a public hearing with respect to the Agreement and the matters therein contained. Interested persons will be given reasonable opportunity to express their opinions, arguments and their views, either orally or in writing, or both, at the hearing. Persons unable to attend the public hearing may submit their opinions, arguments and their views to the office of the City Clerk, 204 South 7th Street, Opelika, Alabama 36801.

7. Further information concerning the information in this notice can be obtained at the Office of the City Clerk at City Hall during normal business hours.

DATED this the ____ day of _____, 2015.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER
The Opelika-Auburn News
P.O. Drawer 2208
Opelika, AL 36803

Please publish the foregoing Notice one (1) time in the September 8, 2015 issue of your paper.

CITY CLERK



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1337)

Meeting: 09/15/15 07:00 PM
Department: Economic Development
Category: Public Hearing
Prepared By: Kathryn Daugherty
Initiator: Lori Huguley
Sponsors:
DOC ID: 1337

Legal Notice of Public Meeting (CH)

**LEGAL NOTICE
OF
PUBLIC MEETING OF THE**

11.9.a

CITY COUNCIL OF THE CITY OF OPELIKA, ALABAMA

Notice is hereby given that the City Council of the City of Opelika, Alabama (the "City") will meet in public session at 7:00 p.m. on Tuesday, September 15, 2015 at the City Hall at 204 South 7th Street in the City of Opelika, Alabama for the purpose of considering the transaction of business that may properly come before the City Council, such business to include, but not be limited to, the following:

1. The authorization by the Council, pursuant to Section 94.01 of the Official Recompilation of the Constitution of Alabama of 1901 and Section 11-47-2 of the Code of Alabama (1975), of an ordinance (the "Ordinance") approving the execution and delivery of a Project Development Agreement (the "Agreement") between the City and Chapman H, LLC, an Alabama limited liability company (the "Developer"), dated the date of delivery, pursuant to which the City will agree to provide \$1,725,000 in cash incentives to facilitate the Project described below. The City's cash incentives will be evidenced by the City's issuance of a \$1,725,000 General Obligation Warrant (Chapman H Project), Series 2015 (the "Warrant") in favor of Chapman H, LLC, an Alabama limited liability company (the "Developer"), whose sole member is Allen Harris, a resident of Auburn, Alabama ("Mr. Harris"). The Warrant will bear no interest.

2. Pursuant to the Agreement, the Developer will agree to construct a planned development on approximately 79 acres of land (the "Project Site") fronting Highway 280, slightly west of the intersection of Hwy. 280 and Pepperell Parkway. The "Project" shall consist of (i) approximately 130 lots for development as single family dwellings for persons who are 55 years or older and (ii) an assisted living facility with an expected occupancy of up to 200 residents. In consideration, the Developer will agree to purchase the Project Site, will perform certain environmental remediation on the Project Site, will acquire and construct certain infrastructure required to service the Project, and will construct the assisted living facility on the Project Site. The Developer intends to sell the 130 single family lots within five (5) years after completion of the Project.

3. The Warrant will be issued to the Developer in order to evidence the City's obligations to the Developer under the Agreement. The Warrant shall be a general obligation of the City, secured by the City's full faith and credit. The Warrant, the proceedings of the City in connection therewith, and the obligations of the City under the Agreement will be subject to validation by the Lee County Circuit Court in accordance with, and as provided in, Section 6-6-755 of the Code of Alabama (1975).

4. The City seeks to achieve, by undertaking its obligations pursuant to the Agreement and the Ordinance, to promote the local economic development of the City by facilitating the development of the Project for the benefit of the general public, to increase employment in the City and to increase the tax and revenue base of the City.

5. The persons or entities to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value are the Developer, Mr. Harris and others who may benefit indirectly from the development of the Project.

6. All interested persons may examine and review the Agreement and Ordinance and all relevant documents pursuant to which the Warrant is to be issued, and may make copies thereof at personal expense, at the offices of the City Clerk during normal business hours, before and after the meeting referenced herein.

7. Further information concerning the information in this notice can be obtained from the City Clerk at the offices thereof during normal business hours.

03350346.1

Attachment: LEGAL NOTICE OF PUBLIC MEETING (CH) (1337 : Legal Notice of Public Meeting (CH))

RESOLUTION NO. (ID # 1352)

Expense Reports from Various Departments.**RESOLUTION NO. _____**

BE IT RESOLVED, by the City Council of the City of Opelika, Alabama, as follows:

-) That the following employees were required by the City of Opelika to travel on City business and/or attend a training session, meeting or conference.

Employee	Department	\$ Amount
-----	-----	
Mitch Price	Accounting	731.23
Terry White	Solid Waste	147.22
Derek Lee	OPS	3,286.85
Ashely Smith	Economic Dev.	236.90
Tyler Chaffee	Economic Dev.	36.00
Gary Fuller	Mayor's Office	227.95

-) That attached is an expense report(s) prepared, dated and signed by the City employee or official covering the various expenses incurred on said trip and reviewed/approved by the City's accounting department and City official(s).
- 3) That the Opelika City Council hereby approves the attached expense reports for reimbursement to said City employee or official.
- 4) That the Mayor and/or appropriate City official is hereby directed and authorized to take the necessary steps so a check can be prepared covering the attached expense reports.
- 5) That the City Treasurer is authorized to sign said check so it can be delivered to the appropriate City employee or official.

ADOPTED and APPROVED this the ____ day of _____, 2015.

C. E. "Eddie" Smith, Jr.
President City Council
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

NAME

Name Gary Fuller

DEPARTMENT

Department 5105

PERIOD ENDING

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS Itemize Below			ENTERTAINMENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN 8/30/15	Birmingham, AL	227.95										227.9
MON												0.0
TUE												0.0
WED												0.0
THU												0.0
FRI												0.0
SAT												0.0
WEEKLY CATEGORY TOTALS \$		227.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	227.9

WEEKLY TOTAL EXPENSES 1

DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE	NATURE & PUPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS

NUMBER OF DAYS AWAY FROM HOME

2

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

1

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

50%

NATURE OR PURPOSE OF TRAVEL

Economic Development meeting

METHOD OF REIMBURSEMENT

☐DEDUCT FROM
MY ADVANCE☒

MAIL: TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

Employee Gary Fuller

Department Administration

SIGNATURE

APPROVED BY

NAME

DEPARTMENT

PERIOD ENDING

Terry White

Solid Waste

8.31.15

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS Itemize Below			ENTERTAIN- MENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOT.
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN 8.23.15	Orlando, FL							27.04	47.00			74.
MON 8.24.15	Orlando, FL											0.
TUE 8.25.15	Orlando, FL											0.
WED 8.26.15	Orlando, FL						8.03		52.84			60.
THU 8.27.15	Orlando, FL						12.31					12.
FRI												0.
SAT												0.
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	0.00	20.34	27.04	99.84	0.00	0.00	147.

WEEKLY TOTAL EXPENSES

DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE	NATURE & PUPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS

NUMBER OF DAYS AWAY FROM HOME

4

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

SWANA National Conference

METHOD OF REIMBURSEMENT

☐DEDUCT FROM
MY ADVANCE☒

MAIL: TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
8.23.15	273 miles @ \$0.575	156.97
8.27.15	273 miles @ \$0.575	156.97
Total		313.94

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

Meals charged on personal credit card.

SIGNATURE

APPROVED BY

NAME

Derek S. Lee

DEPARTMENT

Opelika Power Services

PERIOD ENDING

9/8/2015

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAINMENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUBLIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN												
MON												
TUE						142.60					3,144.25	3,286.85
WED												
THU												
FRI												
SAT												
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	142.60	0.00	0.00	0.00	0.00	3,144.25	3,286.85

WEEKLY TOTAL EXPENSES

DATE	NAME OF PERSON(S) ENTERTAINED: COMPANY, TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS

NUMBER OF DAYS AWAY FROM HOME

0

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

AMEA Safety And Training in Montgomery /
Camera Equipment for OHS Football games

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM MY ADVANCE

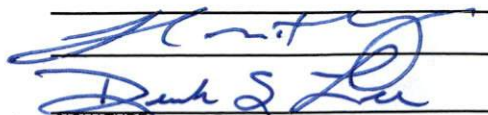
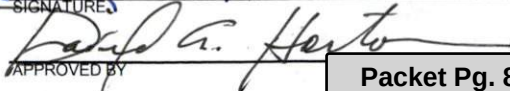
☒ MAIL: TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
8/26	124 Miles / AMEA Training	71.30
9/8	124 Miles / AMEA Rates	71.30

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

SIGNATURES


 APPROVED BY

NAME

MITCH PRICE

DEPARTMENT

ACCOUNTING

EXPENSE REP

13.1.a

PERIOD ENDING

8/21/15

ITEMIZE ALL REIMBURSABLE EXPENSES IN APPROPRIATE BLANKS - ITEMIZE ANY NON-REIMBURSABLE EXPENSES ON REVERSE OF LAST COPY.

DAY	CITY AND STATE	TRANSPORTATION					BUSINESS MEALS Itemize Below			ENTERTAIN- MENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
		LODGING	AIR, RAIL, ETC.	RENTAL CAR, LIMO, ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN												
MON												
TUE		187 59				62 10						187 59 +
WED		187 59							18 47			18 47
THU		187 59							25 79			187 59
FRI						62 10						62 10
SAT												
WEEKLY CATEGORY TOTALS \$		562 77				124 20			44 26			731 23

WEEKLY TOTAL OF EXPENSES ↑

ITEMIZED ENTERTAINMENT AND BUSINESS MEALS					
DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS
8/19	SELF	ORANGE BEACH	TRAVEL	18 47	100%
8/19	SELF	ORANGE BEACH	TRAVEL	25 49	100%

NUMBER OF DAYS AWAY FROM HOME

3

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0

NATURE OR PURPOSE OF TRAVEL

EDUCATION

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE

OR

☒ MAIL
TO:

MITCH PRICE

ITEMIZED AUTOMOBILE EXPENSES		
DATE	MILEAGE, GAS, PARKING, REPAIRS, ETC.	AMOUNT
8/18/15	258-150 = 108 X 57.5¢	62 10
8/15	258-150 = 108 X 57.5¢	62 10

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

REDIFORM

WHITE - ORIGINAL

CANARY - DUPLICATE

44B-950N • Carbonless
©1999 Rediform

Packet Pg. 85

Attachment: Cm 9-15-15, expense reports. (1352 : Expense Reports from Various Departments.)

FOR OFFICE USE ONLY

ADVANCE \$ _____

THIS WEEK'S EXPENSES \$ _____

ACCOUNT BALANCE \$ _____

CHECK LIST – PLEASE INITIAL

AUDITOR _____

POSTING CLERK _____

CASHIER _____

EMPLOYEE'S ACCOUNT NO. _____

Ashley Smith

ECONOMIC DEVELOPMENT

Period Ending

9/4/2015

Attachment: Cm 9-15-15, expense reports. (1352 : Expense Reports from Various Departments.)

				TRANSPORTATION				BUSINESS MEALS Itemize Below			ENTERTAINMENT	MISC. EXPENSES	DAILY TOTAL	
Date	Day	CITY AND STATE	LODGING	AIR, RAIL, ETC.	RENTAL CAR, LIMO, ETC.	LOCAL TAXI, TOLLS & PUBLIC TRANSIT		AUTO EXPENSES	BREAKFAST	LUNCH	DINNER	Itemize Below	Itemize Below	
9/2 - 9/4	Wed-Fri	Nauvoo, AL						236.9						236.9
			0.00	0.00	0	0	0.00	0.00	0.00	0.00	0	0	0	236.90

WEEKLY TOTAL OF EXPENSES

NUMBER OF DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS	0
% OF TOTAL DAYS AWAY FRO PERSONAL AFFAIRS	0
NATURE OR PURPOSE OF TRAVEL	
Camp McDowell, YourTown Alabama	
Workshop 2015	

METHOD OF REIMBURSEMENT

DEDUCT FROM MY OR

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT
8/3/2005	Event Registration	300,00

Signature _____

 SIGNATURE _____

 APPROVED BY _____

RESOLUTION NO. (ID # 1344)

Designate City Personal Property Surplus and Authorize Disposal**RESOLUTION NO. _____**

WHEREAS, the City of Opelika, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Alabama Code of 1975 authorizes the Municipal Governing body to dispose of unneeded personal property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama as follows:

SECTION 1. That the following personal property owned by the City of Opelika, Alabama, is no longer needed for public or municipal purposes:

No.	Qty.	Unit	Item Description	Fixed Asset #
1.	1	Ea.	Compact Skills Trainer	87001972
2.	1	Ea.	SIP Terminal RF Control Station	87001639
3.	1	Ea.	Digital RF Control Station	87001649
4.	1	Ea.	Digital RF Control Station	87001648
5.	1	Ea.	Digital RF Control Station	87001646
6.	1	Ea.	Digital RF Control Station	87001650

SECTION 2. That the Mayor be and he is hereby authorized and directed to dispose of the personal property owned by the City of Opelika, Alabama, described in Section 1 above. If any such property has marketable value, the Mayor shall receive bids or quotations for such property and shall sell the same to the highest bidder. If the property has no marketable value, the Mayor may dispose of such property in the most economical and feasible manner available to him.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

C. E. “Eddie” Smith, Jr.
President of the City Council
City of Opelika

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. (ID # 1353)

Purchase Two (2) 2015 Chevrolet Silverado 1500 Pickup Trucks - SW

RESOLUTION NO. _____

**RESOLUTION REPEALING RESOLUTION NO. 040-15 AND
AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR
TWO (2) 2015 CHEVROLET SILVERADO 1500 PICKUP TRUCKS**

WHEREAS, on February 17, 2015, pursuant to Resolution No. 040-15, the City Council approved the purchase of two (2) 2015 F-150 pickup trucks for the Solid Waste Division utilizing the NJPA Contract; and

WHEREAS, pursuant to Resolution No. 040-15, the Purchasing-Revenue Manager awarded the contract for said two (2) 2015 F-150 pickup trucks to National Auto Fleet Group; and

WHEREAS, funding for the purchase of said pickup trucks is dependent on an Alabama Recycling Fund Grant awarded by Alabama Department of Environmental Management to the City of Opelika (the “City”); and

WHEREAS, the City has not received delivery for said two (2) pickup trucks and the grant funds are now in jeopardy unless said funds are expended before September 30, 2015; and

WHEREAS, the City is able to purchase two (2) 2015 Chevrolet Silverado 1500 pickup trucks from Donahue Chevrolet utilizing the Alabama State Contract; and

WHEREAS, the capital outlay for the two (2) pickup trucks is included in the 2014-15 budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama, as follows:

1. That Resolution No. 040-15 is hereby repealed and declared null and void.
2. That the Purchasing-Revenue Manager is hereby authorized and directed to send notice of cancellation to National Auto Fleet Group for unreasonable delay in the delivery of the two (2) 2015 F-150 pickup trucks.
3. That the Purchasing-Revenue Manager is hereby authorized and directed to issue a purchase order to Donahue Chevrolet for two (2) 2015 Chevrolet Silverado 1500 pickup trucks in an aggregate amount not to exceed \$50,000 utilizing the State Contract.
4. That the Controller is hereby authorized and directed to make the appropriate budget adjustments and accounting entries necessary to carry out the transactions contemplated by this Resolution.
5. That the officers of the City (including the Mayor and the Purchasing-Revenue Manager) and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed or delivered in the name of the City such other contracts, agreements, notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution.
6. That this Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

RESOLUTION NO. (ID # 1341)

Cell Tower, Special Use Permit, Southern Linc, 1015 West Point Pkwy.

RESOLUTION NO. _____

WHEREAS, Southern LINC has requested to modify an existing wireless telecommunication facility located at 1015 West Point Parkway, Opelika, AL to provide improved wireless services essentially within the corporate limits and police jurisdiction of the City of Opelika, and;

WHEREAS, Southern LINC has complied with City's Ordinance No. 102-00 and has demonstrated the need for additional modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and Southern LINC customers in Opelika will benefit from improved service, and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for modification of this facility located at 1015 West Point Parkway, which consist of a 394' self-support tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama that Southern LINC is hereby granted a Special Use Permit to modify the wireless telecommunications facility at 1015 West Point Parkway. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. Prior to issuance of the Building Permit, Southern Linc must submit cut sheet or specifications for the proposed ANT2 0.9 11 HPX (TR) microwave dishes.
2. In conjunction with the proposed modification by Southern Linc; Southern Linc must perform the tower modification detailed in Appendix D (Vertical Structures Job No. 2015-031-035) of the submitted Structural Analysis performed by Vertical Structures, Inc., dated April 23, 2015. Must be verified in the field at time of final inspection.

3. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service no later than one hundred eighty (180) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City. Southern LINC may petition the City of an extension of this for good cause shown, but the decision whether not to grant the extension shall exclusively be the prerogative of the City.
4. Southern LINC must provide contractor information to CMS and to the City prior to request for issuance of the Building Permit.
5. Once Southern LINC has met all the conditions of the permit and any other requirements of the City and a building permit is issued, Southern LINC must notify the City's consultant for all inspections.
6. At the completion of construction, Southern LINC must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
7. Southern LINC shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
8. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this 15th day of September, 2015.

C.E. "Eddie" Smith, Jr.
 President City Council
 Opelika, Alabama

ATTEST:

R. G. Shuman, CMC

City Clerk-Treasurer

RESOLUTION NO. (ID # 1236)

Resolution for Demolition - 508 Lee Street

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 508 LEE STREET, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-3-000-051.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE *CODE OF ALABAMA*, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 508 Lee Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-3-000-051.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, Lindsey Hazel is the record owner of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, Lindsey Hazel is the person last assessing the subject property for state taxes; and

WHEREAS, there are no mortgagees or lienholders of record as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Lindsey Hazel; and

WHEREAS, contemporaneous with the filing of the “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”, a copy of the same was posted at or within three (3) feet of an entrance to the building on the subject property; and

WHEREAS, a Lis Pendens Notice was duly filed of record in the Office of the Judge of Probate of Lee County, Alabama, as required by Ordinance No. 116-15; and

WHEREAS, notice that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing would be held on a certain date was given to all interested parties as required by law; and

WHEREAS, Tuesday, September 15, 2015 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the buildings located at 508 Lee Street is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, September 15, 2015, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 508 Lee Street, Opelika, Alabama; and

WHEREAS, the City Council has considered all of the evidence and other matters in relation to said alleged public nuisance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Opelika, as follows:

1. The City Council hereby finds and determines that the building or structure located at 508 Lee Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-3-000-051.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten's Official Real Estate Map of Opelika, prepared 1930, recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-08-3-000-051.000, according to records maintained in the Lee County Revenue Commissioner's Office.

2. The Mayor is hereby authorized and directed to cause said building or structure to be demolished and removed after the expiration of twenty (20) days from the date of this resolution if an appeal has not been taken to the Circuit Court. The demolition may be accomplished by the municipality by the use of its own forces, or it may be provided by contract for the demolition. The municipality may sell or otherwise dispose of salvaged materials resulting from the demolition. All employees, contractors and duly authorized agents of the City are authorized to enter upon said property for said purpose.

3. Any person aggrieved by the decision of the City Council may, within ten (10) days hereafter, appeal to the Circuit Court upon filing with the Clerk of the Court notice of appeal and a bond for security of costs in the form and amount approved by the Circuit Clerk.

4. Upon the demolition and removal of said building or structure, the Building Official shall make a report to the City Council of the cost. The City Council shall thereafter adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal of said building or structure and assess the costs against said property. The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal. The fixing of costs by the City Council shall constitute a special assessment against the lot or lots, parcel, or parcels of land upon which the building or structure was located and shall constitute a lien on the property for the amount of the assessment.

5. The City Clerk is hereby directed to mail, by certified mail, a copy of this resolution to the owners and lien holders of the property as the information appears on the

records of the office of the Tax Assessor and in the Office of the Judge of Probate of Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____ 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Cc: Lindsey Hazel
507 Commanche Drive
Opelika, AL 36801

July 21, 2015

To:

Lindsey Hazel

507 Commanche Drive

Opelika, AL 36801

**NOTICE OF DANGEROUS BUILDING, FINDING OF
PUBLIC NUISANCE AND ORDER TO REMEDY**

This notice, finding and order is given pursuant to Ordinance No. 116-15 and Section 5-226 of the *Code of Ordinances* of the City of Opelika, Alabama, informing you that a building located within the City of Opelika, Alabama (the “City”) is unsafe to the extent that it is a public nuisance and subject to demolition. According to the real property records of Lee County, Alabama, [Insert name of Owner(s)] is the owner, or a mortgagee, or a lienholder of the real property described in this notice. The building is located on the following described real property, to-wit, which is described hereinafter as the “Subject Property”:

Street Address: 508 Lee Street, Opelika, AL 36801

Legal Description: A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten’s Official Real Estate Map of Opelika, prepared 1930, recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet

to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Parcel Identification Number: 43-10-03-08-3-000-051.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on July 6, 2015. Based upon said inspection, the building located on the Subject Property is deemed to be a “dangerous building” within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:

(Check all that apply)

- ☐ (1) The interior walls or other vertical structure members of the building list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- ☒ (2) Exclusive of foundation, the building shows thirty-three (33) percent or more of damage or deterioration of one (1) or more supporting members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- ☐ (3) The building has improperly distributed loads upon the floors or roofs, or, in which the same are overloaded or which has insufficient strength to be reasonably safe for the purpose used.
- ☒ (4) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism or other cause so as to become dangerous to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (5) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to

cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.

- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.
- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- X (10) The building is so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- ☐ (11) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- X (12) The building, or any portion thereof, is clearly unsafe for its use or occupancy.
- X (13) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party

wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act.

- (14) The building has any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public.

- X (15) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

Attached hereto is a report which outlines the findings from said inspection and identifies specific code violations.

The Building Official further finds and determines that the building on the Subject Property is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land). The Building Official further finds and determines that the building on the Subject Property cannot be reasonably repaired so that it will no longer exist in violation of the terms of Ordinance No. 116-15 governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is a fire hazard existing in violation of the terms of Ordinance No. 116-15, governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is unsafe to the extent that it is a public nuisance.

NOTICE is hereby given to remedy the unsafe or dangerous condition by demolition of the building on the Subject Property within forty-five (45) days of this Notice to the Building Official's satisfaction. In the event that the owner does not comply within the time specified herein to the Building Official's satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the Subject Property and such cost shall constitute a lien against the Subject Property.

The Building Official finds that the building on the Subject Property is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the

public or the occupants. Therefore, the undersigned Building Official orders that the building on the Subject Property shall be and remain vacant until demolished.

Notice is hereby given that the City Council of the City of Opelika, Alabama, will hold a public hearing on Tuesday, September 15, 2015, at 7:00 p.m. in the City Council Chambers of the municipal building, 204 South 7th Street, Opelika, Lee County, Alabama, to discuss the findings of the Building Official. At that time, the City Council will consider the adoption of a resolution ordering the demolition of the building located on the Subject Property. At the public hearing, the City Council will receive any objections to the finding by the Building Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the findings by the Building Official. Any such written objection must be submitted to the City Clerk prior to the meeting of the City Council. All interested persons are invited to appear before the City Council in person or through his or her representative to show cause, if any, why his or her objection to the demolition of the building or structure should be sustained. No action shall be taken on the finding of the Building Official until determination is made thereon by the City Council. Upon the holding of the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order the demolition of the building or structure at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stands or to which it is attached. Any person aggrieved by the decision of the City Council may, within ten (10) days thereafter, appeal to the Circuit Court of Lee County, Alabama, upon the filing with the Clerk of the Circuit Court of Lee County, Alabama, notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Court. For further particulars, see Ordinance No. 116-15 and Section 5-227 of the *Code of Ordinances*. Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk at 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 204 South 7th Street, Opelika, Alabama.

You will further take note that:

(1) It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Building Official in carrying out the purposes of Ordinance No. 116-15.

(2) It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, or tamper with this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".

(3) It is unlawful for any person, or for any agent, servant or employee of such person, to enter, access or be upon any building that the Building Official has ordered to be vacated pursuant to this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”.

(4) It is unlawful for any person who has received this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” to sell, transfer, mortgage, lease, encumber or otherwise dispose of the building on the Subject Property to another until such person shall first furnish the grantee, transferee, mortgagee or lessee a true copy of this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” and fully accepting the responsibility without condition for making the corrections, repairs or demolitions required by this “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”.

(5) It is unlawful for any person, owner or occupant of any building to refuse to permit entry into any building, structure or premises, or onto any property by the Building Official or his authorized representative after proper credentials are displayed at a reasonable hour for the purpose of inspection pursuant to Ordinance No. 116-15.

This office seeks and anticipates your cooperation and compliance in this matter. Positive efforts by citizens like yourself help make Opelika a better community.

If there is any other way this office can assist you in resolving this matter, please immediately call Jeff Kappelman, the Building Official assigned to your case at 334-705-5420.

Thank you in advance for your attention to this Notice and your prompt response.

DATED this the 21st day of July, 2015.

Sincerely, _____

Jeff Kappelman

Building Official of the City of Opelika, Alabama

700 Fox Trail

Opelika, AL 36801

334-705-5420



Attachment: Photos of 508 Lee St. (1236 : Resolution for Demolition - 508 Lee Street)



Attachment: Photos of 508 Lee St. (1236 : Resolution for Demolition - 508 Lee Street)

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 508 LEE STREET, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-3-000-051.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16, INCLUSIVE,
OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 508 Lee Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-3-000-051.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, Lindsey Hazel is the record owner of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, Lindsey Hazel is the person last assessing the subject property for state taxes; and

WHEREAS, there are no mortgagees or lienholders of record as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Lindsey Hazel; and

WHEREAS, contemporaneous with the filing of the “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy”, a copy of the same was posted at or within three (3) feet of an entrance to the building on the subject property; and

WHEREAS, a Lis Pendens Notice was duly filed of record in the Office of the Judge of Probate of Lee County, Alabama, as required by Ordinance No. 116-15; and

WHEREAS, notice that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing would be held on a certain date was given to all interested parties as required by law; and

WHEREAS, Tuesday, September 15, 2015 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the buildings located at 508 Lee Street is unsafe to the extent that it creates a public nuisance; and

Attachment: RESOLUTION ordering demolition 072015 (1236 : Resolution for Demolition - 508 Lee Street)

WHEREAS, the City Council of the City of Opelika met on Tuesday, September 15, 2015, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 508 Lee Street, Opelika, Alabama; and

WHEREAS, the City Council has considered all of the evidence and other matters in relation to said alleged public nuisance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Opelika, as follows:

1. The City Council hereby finds and determines that the building or structure located at 508 Lee Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-3-000-051.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten's Official Real Estate Map of Opelika, prepared 1930, recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-08-3-000-051.000, according to records maintained in the Lee County Revenue Commissioner's Office.

2. The Mayor is hereby authorized and directed to cause said building or structure to be demolished and removed after the expiration of twenty (20) days from the date of this resolution if an appeal has not been taken to the Circuit Court. The demolition may be accomplished by the municipality by the use of its own forces, or it may be provided by contract for the demolition. The municipality may sell or otherwise dispose of salvaged materials resulting

from the demolition. All employees, contractors and duly authorized agents of the City are authorized to enter upon said property for said purpose.

3. Any person aggrieved by the decision of the City Council may, within ten (10) days hereafter, appeal to the Circuit Court upon filing with the Clerk of the Court notice of appeal and a bond for security of costs in the form and amount approved by the Circuit Clerk.

4. Upon the demolition and removal of said building or structure, the Building Official shall make a report to the City Council of the cost. The City Council shall thereafter adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal of said building or structure and assess the costs against said property. The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal. The fixing of costs by the City Council shall constitute a special assessment against the lot or lots, parcel, or parcels of land upon which the building or structure was located and shall constitute a lien on the property for the amount of the assessment.

5. The City Clerk is hereby directed to mail, by certified mail, a copy of this resolution to the owners and lien holders of the property as the information appears on the records of the office of the Tax Assessor and in the Office of the Judge of Probate of Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____ 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Cc: Lindsey Hazel
507 Commanche Drive
Opelika, AL 36801

Attachment: RESOLUTION ordering demolition 072015 (1236 : Resolution for Demolition - 508 Lee Street)

B 392

Recorded in the Above
 LIS PENDENS Book & Page
 07-21-2015 08:39:59 AM
 Bill English - Probate Judge
 Lee County, AL

LIS PENDENS NOTICE

To: Lindsey Hazel, and all other persons claiming any interest in the real property described below.

YOU ARE HEREBY NOTIFIED that the City of Opelika has initiated proceedings to condemn or demolish a building or structure located at 508 Lee Street in the City of Opelika, Alabama, (the "Subject Property"). The property referred to above is more particularly described as follows:

A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten's Official Real Estate Map of Opelika, prepared 1930, recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-08-3-000-051.000, according to records maintained in the Lee County Revenue Commissioner's Office.

The Building Official of the City of Opelika has determined that the condition of the building or structure located at 508 Lee Street, Opelika, Alabama, Parcel No. 43-10-03-08-3-000-051.000, is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or occupants.

NOTICE IS HEREBY GIVEN to remedy the unsafe or dangerous condition by demolition of the building on the subject property within forty-five (45) days of this Notice to the Building Official's satisfaction. In the event that the owner does not comply within the time

Attachment: Copy of Lis Pendens (1236 : Resolution for Demolition - 508 Lee Street)

specified or to the Building Official's satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the subject property and such cost shall constitute a lien against the subject property.

In *Ellis v. City of Montgomery*, the United States District Court for the Middle District of Alabama, stated that, in cases such as this where a municipality seeks the demolition of a building by use of its police powers, "a simple *Lis Pendens* filing after sending notice to the current owner of a property would place subsequent purchasers on notice that demolition could occur." *Ellis v. City of Montgomery*, 460 F. Supp 2d, 1301, 1307 (MD Ala. 2006). Here, the City of Opelika is invoking the procedure recommended by the District Court.

By the filing of this Notice, the City is not claiming any right, title or interest in the subject property. Rather, the purpose of this Notice is to put all interested parties on notice of the City's intent to exercise its authority provided by law, and specifically by the City's ordinances.

In the event the City Council of the City of Opelika, Alabama, orders the building or structure located on the subject property to be demolished, all costs reasonably incurred in the demolition or removal of said building or structure may be assessed against the property and may be assessed against the property and shall constitute a lien on said property for the amount of the assessment.

The owner of the above-described property is Lindsey Hazel, and the owner's last known address is 507 Commanche Drive, Opelika, AL 36801.

Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk, 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 207 South 7th Street, Opelika, Alabama.

This Lis Pendens Notice has been filed and recorded as provided by Section 5-226(b)(3) of the *Code of Ordinances* of the City of Opelika.

Dated this the 21st day of July, 2015.

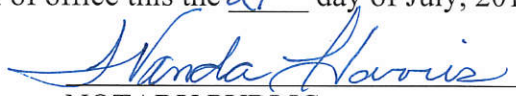

JEFF KAPPELMAN,
CHIEF BUILDING OFFICIAL OF THE
CITY OF OPELIKA
700 Fox Trail
Opelika, AL 36801
334-705-5420

STATE OF ALABAMA
COUNTY OF LEE

I, the undersigned authority, a notary public in and for said county and state, hereby certify that Jeff Kappelman, whose name is signed to the foregoing Notice, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said notice, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal of office this the 21st day of July, 2015.

(SEAL)


NOTARY PUBLIC

MY COMMISSION EXPIRES: 2/10/18

THIS INSTRUMENT PREPARED BY:

Guy F. Gunter, III
City Attorney
City of Opelika
P.O. Box 390
Opelika, AL 36803
334-705-2074
334-705-5515

Book/Pg: 8/392
Term/Cashier: SCAN3 / CO
Tran: 15079.221335.294350
Recorded: 07-21-2015 08:40:36
REC Recording Fee
Total Fees: \$ 14.00

14.1

Attachment: Copy of Lis Pendens (1236 : Resolution for Demolition - 508 Lee Street)

July 21, 2015

To:
Lindsey Hazel
507 Commanche Drive
Opelika, AL 36801

NOTICE OF DANGEROUS BUILDING, FINDING OF PUBLIC NUISANCE AND ORDER TO REMEDY

This notice, finding and order is given pursuant to Ordinance No. 116-15 and Section 5-226 of the *Code of Ordinances* of the City of Opelika, Alabama, informing you that a building located within the City of Opelika, Alabama (the “City”) is unsafe to the extent that it is a public nuisance and subject to demolition. According to the real property records of Lee County, Alabama, [Insert name of Owner(s)] is the owner, or a mortgagee, or a lienholder of the real property described in this notice. The building is located on the following described real property, to-wit, which is described hereinafter as the “Subject Property”:

Street Address: 508 Lee Street, Opelika, AL 36801

Legal Description: A certain house and lot in the City of Opelika, Alabama, being a part of Lot 10, Block 11 of the Foreman Survey of the Byrd Lands; as the same is shown by Totten’s Official Real Estate Map of Opelika, prepared 1930, recorded in Town Plat Book 2, Page 9, in the Office of the Judge of Probate of Lee County, Alabama, and more particularly described as follows: From the intersection of the west margin of Lee Line Street with the southeasterly margin of Oak Street, run Southerly along the west margin of Lee Line Street, 250 feet to the point of beginning of the property here described and conveyed: From said point of beginning on the west margin of Lee Line Street, run at right angles to Lee Line Street and in a Westerly direction 100 feet; thence at right angles and in a Southerly direction 100 feet to the north margin of Ray Street; thence at right angles and along the north margin of Ray Street in an Easterly direction 100 feet to the intersection of the north margin of Ray Street with the west margin of Lee Line Street; thence at right angles and along the west margin of Lee Line Street in a Northerly direction 100 feet to the point of beginning; together with all improvements thereon and appurtenances thereunto appertaining.

Parcel Identification Number: 43-10-03-08-3-000-051.000

Attachment: Notice of Dangerous Buildings Letter (1236 : Resolution for Demolition - 508 Lee Street)

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on July 6, 2015. Based upon said inspection, the building located on the Subject Property is deemed to be a “dangerous building” within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:

(Check all that apply)

- ☐ (1) The interior walls or other vertical structure members of the building list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- ☒ (2) Exclusive of foundation, the building shows thirty-three (33) percent or more of damage or deterioration of one (1) or more supporting members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- ☐ (3) The building has improperly distributed loads upon the floors or roofs, or, in which the same are overloaded or which has insufficient strength to be reasonably safe for the purpose used.
- ☒ (4) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism or other cause so as to become dangerous to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (5) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.

- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☒ (10) The building is so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- ☐ (11) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- ☒ (12) The building, or any portion thereof, is clearly unsafe for its use or occupancy.
- ☒ (13) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act.
- ☐ (14) The building has any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public.
- ☒ (15) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

Attached hereto is a report which outlines the findings from said inspection and identifies specific code violations.

The Building Official further finds and determines that the building on the Subject Property is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land). The Building Official further finds and determines that the building on the Subject Property cannot be reasonably repaired so that it will no longer exist in violation of the terms of Ordinance No. 116-15 governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is a fire

hazard existing in violation of the terms of Ordinance No. 116-15, governing unsafe structures and dangerous buildings. The Building Official further finds that the building on the Subject Property is unsafe to the extent that it is a public nuisance.

NOTICE is hereby given to remedy the unsafe or dangerous condition by demolition of the building on the Subject Property within forty-five (45) days of this Notice to the Building Official's satisfaction. In the event that the owner does not comply within the time specified herein to the Building Official's satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the Subject Property and such cost shall constitute a lien against the Subject Property.

The Building Official finds that the building on the Subject Property is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants. Therefore, the undersigned Building Official orders that the building on the Subject Property shall be and remain vacant until demolished.

Notice is hereby given that the City Council of the City of Opelika, Alabama, will hold a public hearing on Tuesday, September 15, 2015, at 7:00 p.m. in the City Council Chambers of the municipal building, 204 South 7th Street, Opelika, Lee County, Alabama, to discuss the findings of the Building Official. At that time, the City Council will consider the adoption of a resolution ordering the demolition of the building located on the Subject Property. At the public hearing, the City Council will receive any objections to the finding by the Building Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the findings by the Building Official. Any such written objection must be submitted to the City Clerk prior to the meeting of the City Council. All interested persons are invited to appear before the City Council in person or through his or her representative to show cause, if any, why his or her objection to the demolition of the building or structure should be sustained. No action shall be taken on the finding of the Building Official until determination is made thereon by the City Council. Upon the holding of the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order the demolition of the building or structure at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stands or to which it is attached. Any person aggrieved by the decision of the City Council may, within ten (10) days thereafter, appeal to the Circuit Court of Lee County, Alabama, upon the filing with the Clerk of the Circuit Court of Lee County, Alabama, notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Court. For further particulars, see Ordinance No. 116-15 and Section 5-227 of the *Code of Ordinances*. Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk at 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 204 South 7th Street, Opelika, Alabama.

You will further take note that:

Attachment: Notice of Dangerous Buildings Letter (1236 : Resolution for Demolition - 508 Lee Street)

(1) It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Building Official in carrying out the purposes of Ordinance No. 116-15.

(2) It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, or tamper with this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".

(3) It is unlawful for any person, or for any agent, servant or employee of such person, to enter, access or be upon any building that the Building Official has ordered to be vacated pursuant to this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".

(4) It is unlawful for any person who has received this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" to sell, transfer, mortgage, lease, encumber or otherwise dispose of the building on the Subject Property to another until such person shall first furnish the grantee, transferee, mortgagee or lessee a true copy of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and fully accepting the responsibility without condition for making the corrections, repairs or demolitions required by this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".

(5) It is unlawful for any person, owner or occupant of any building to refuse to permit entry into any building, structure or premises, or onto any property by the Building Official or his authorized representative after proper credentials are displayed at a reasonable hour for the purpose of inspection pursuant to Ordinance No. 116-15.

This office seeks and anticipates your cooperation and compliance in this matter. Positive efforts by citizens like yourself help make Opelika a better community.

If there is any other way this office can assist you in resolving this matter, please immediately call Jeff Kappelman, the Building Official assigned to your case at 334-705-5420.

Thank you in advance for your attention to this Notice and your prompt response.

DATED this the 21st day of July, 2015.

Sincerely, _____

Jeff Kappelman
Building Official of the City of Opelika, Alabama
700 Fox Trail
Opelika, AL 36801
334-705-5420

RESOLUTION NO. (ID # 1266)

Vacation of Northwest Portion of South 5Th Street Between Avenue A' & Avenue B

RESOLUTION NO. _____

**RESOLUTION APPROVING THE VACATION OF THE NORTHWESTERLY
PORTION OF SOUTH 5TH STREET LYING BETWEEN AVENUE A AND AVENUE B**

WHEREAS, Marca Properties, LLC is the owner of all of the property abutting along the northwesterly portion of said South 5th Street lying between Avenue A and Avenue B situated in the City of Opelika, Lee County, Alabama; and

WHEREAS, a Petition of vacation of said northwesterly portion of South 5th Street, duly executed by the abutting property owner, has been duly presented to the City Council (the “City Council”) of the City of Opelika, Alabama, a municipal corporation, for the assent and approval of the governing body, said Petition with map attached being hereto affixed, marked Exhibit “A” and made a part hereof; and

WHEREAS, the Petition is filed in accordance with the provisions of Section 23-4-20 of the *Code of Alabama*, 1975, which provides that any street or alley may be vacated, in whole or in part, by the owner or owners of the land abutting the street or alley or abutting that portion of the street or alley desired to be vacated; and

WHEREAS, Marca Properties, LLC is the sole owner of Lot 4 of Block D and Lot 3C of Block C as shown on Totten’s Official Real Estate Map of the City of Opelika, abutting upon the portion of South 5th Street to be vacated; and

WHEREAS, the portion of South 5th Street to be vacated is more particularly described as follows:

That portion of South 5th Street in the City of Opelika, Alabama, lying between Lot 4 of Block D and Lot 3C of Block C as shown on Totten's Official Real Estate Map of the City of Opelika, as the same is recorded in Town Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama, said street between said lots being 40 feet in width and being more particularly described as follows:

Commence at the Northwesterly corner of Lot 4 of Block D as shown on Totten's Official Real Estate Map of the City of Opelika, which point marks the intersection of the Southerly margin of Avenue A with the Easterly margin of South 5th Street; from said point of beginning run thence in a Southwesterly direction along the Southerly margin of Avenue A for 40 feet, more or less to a point, which point is the Northeasterly corner of Lot 3C of Block C; thence run in a Southeasterly direction at right angles with Avenue A and parallel with South 6th Street for a distance of 200 feet, more or less; thence run in a Northeasterly direction parallel with Avenue A for a distance of 40 feet, more or less; thence run in a Northeasterly direction parallel with South 6th Street for a distance of 200 feet, more or less, to the point of beginning; and

WHEREAS, said portion of South 5th Street has never, in fact, been opened or used by anyone as a public street; and

WHEREAS, the Petition states that no property owner will be deprived of any right they may have to convenient and reasonable means of egress or ingress to and from their property as a result of the requested vacation; and

WHEREAS, the southwesterly most portion of South 5th Street lying between Avenue A and Avenue B will remain a public right-of-way; and

WHEREAS, a public hearing was conducted by the City Council on September 15, 2015, at which all persons were given the opportunity to be heard in favor of or in opposition of the proposed right-of-way vacation; and

WHEREAS, public notice of the public hearing was provided in accordance with the provisions of Section 23-4-2, *Code of Alabama*, 1975; and

WHEREAS, the City Council has determined that it is in the best interest of the City to vacate the northwesterly portion of South 5th Street lying between Avenue A and Avenue B described in the attached Petition for Vacation and that the right-of-way should be returned to Marca Properties, LLC as the abutting property owner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika that the vacation of the above-described portion of South 5th Street is assented to and approved and the same is hereby vacated pursuant to the provisions of Section 23-4-20, et.seq. of the *Code of Alabama*, and also pursuant to said *Code* in Section 35-2-54.

BE IT FURTHER RESOLVED that the City of Opelika, Alabama, a municipal corporation, remise, release and quitclaim unto Marca Properties, LLC, whatever right, title and interest the said City of Opelika, Alabama, may have acquired in and to the above-described portion of said South 5th Street by virtue of the dedication or vacation of said roadway or otherwise.

BE IT FURTHER RESOLVED that Gary Fuller, the Mayor of the City of Opelika, Alabama, a municipal corporation, be and he is hereby authorized and directed on behalf of the City of Opelika, Alabama, to execute a quitclaim deed to Marca Properties, LLC for the purpose of carrying out the intent and intention of this paragraph and that Robert G. Shuman, City Clerk, be and he is hereby authorized and directed on behalf of the City of Opelika, Alabama, to attest the same.

BE IT FURTHER RESOLVED that the City Clerk shall cause a copy of this Resolution to be filed in the Probate Office of Lee County, Alabama and further cause a copy of this Resolution to be published once in a newspaper of general circulation in Lee County, Alabama, no later than fourteen (14) days after its adoption.

ADOPTED AND APPROVED this the ____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF
THE CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

RESOLUTION NO. (ID # 1332)

Annual Renewal of the Group Life Insurance Contract.

RESOLUTION NO. _____

ANNUAL GROUP LIFE INSURANCE CONTRACT
WITH LINCOLN NATIONAL INSURANCE COMPANY

BE IT RESOLVED by the City Council of the City of Opelika, Alabama, a municipal corporation as follows:

1. That in order to continue group life insurance benefits for the employees of the City of Opelika, the City shall enter into a written contract of insurance with Lincoln National Insurance Company.
2. That the written contract of insurance with Lincoln National Insurance Company shall include the following terms and conditions:
 - (a) All eligible full-time city employees and elected officials shall be entitled to the following coverages :
 - (i) Life Insurance Benefits - \$20,000.00
 - (ii) Accident death and dismemberment benefit -
20,000.00 (maximum benefit).
 - (b) The term of the Insurance contract shall be for two years commencing November 1, 2015 and November 1, 2017. The contract may be renewed at the end of the one year period at the same or lower rates.
 - (c) The premium for such coverage shall be computed as follows:

- (i) 20 cents per thousand of life insurance coverage per employee each month; and
 - (ii) 4.5 cents per thousand of accidental death and dismemberment coverage per employee each month.
- 3. That the Mayor is hereby authorized and directed to execute in the name and on behalf of the City, an insurance contract with Lincoln National Insurance Company on substantially the terms mentioned above for a period of two years, effective November 1, 2015.
- 4. That the Mayor is hereby authorized to renew the group life insurance policy on an annual basis provided the premiums do not exceed the amounts indicated above.
- 5. That the Mayor, Controller, and Human Resources Director are hereby authorized to take any and all reasonable, necessary and proper action to carry out the intent and purposes of this Resolution.

APPROVED AND ADOPTED this the _____ day of _____, 2015.

C.E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

ATTEST:

Robert G. Shuman

City Clerk/Treasurer



Lincoln Financial Group is the marketing name for Lincoln National Corporation and its affiliates.

August 25, 2015

The Lincoln National Life Insurance Company

8801 Indian Hills Drive
Omaha, NE 68114-4066
toll free (800) 423-2765
www.LFG.com

City of Opelika
204 S 7th Street
Opelika, AL 36801

RE: Renewal for Policy Number(s): 01-0149392

We are proud to provide your company with quality group products and services at a cost that delivers sound value.

Each renewal period, we analyze current benefit and rate structures to determine the appropriate rates for continued group insurance protection for your valued employees. This process includes recalculation of the premium rates to reflect factors like:

- plan features
- demographics
- nature of business
- experience
- any adjustments to our underlying rate structure

Based upon our review, your renewal rates, effective 11/1/2015, are as follows:

Coverage	Rate Basis	Current Rate	Current Monthly Premium	Renewal Rate	Renewal Monthly Premium	Renewal Monthly Premium Change	Rate Guarantee Until
Life	per \$1,000	0.180	\$1,219.31	0.200	\$1,354.79	\$135.48	11/1/2017
AD&D	per \$1,000	0.045	\$304.20	0.045	\$304.20	\$0.00	11/1/2017
Premium Totals:			\$1,523.51		\$1,658.99	\$135.48	

The monthly premium shown is based upon current billed lives and volume.

We appreciate your business and look forward to the continued opportunity to meet your group insurance needs. If you have any questions or if we can be of further assistance, please contact your local group representative at 1-800-523-2066.

Sincerely,

Terry Englert
Group Underwriting

cc: ALLIANCE INSURANCE GROUP LLC
PO BOX 240518

Attachment: 2015 Annual Renewal (1332 : Annual Renewal Group Life Insurance)

RESOLUTION NO. (ID # 1333)

Annual Renewal of the Excess Loss Insurance Contract.

RESOLUTION NO. _____

ANNUAL EXCESS LOSS INSURANCE CONTRACT
WITH OPTUM-UNIMERICA INSURANCE COMPANY

BE IT RESOLVED by the City Council of the City of Opelika, a municipal corporation as follows:

1. That the Mayor is hereby authorized and directed to contract with Optum - Unimerica Insurance Company to procure Excess Loss insurance coverage as detailed in Attachment "A".
2. That monthly Excess Loss insurance premiums are to be paid to Alliance Insurance Group, LLC, the City's insurance Broker.
3. That the Mayor and other appropriate officers of the City of Opelika are hereby authorized and directed to execute and deliver in name and on behalf of the City of Opelika such agreements, instruments and certificates as shall be required for the procurement of said policy and coverage.
4. That the Mayor and the City Treasurer are hereby authorized and directed to pay from budgeted funds for all premiums for said insurance and coverage.
5. That the Controller is authorized to adjust the 2016 Budget as necessary for the insurance contract approved by this resolution.

APPROVED AND ADOPTED this the _____ day of September 2015.

C. E. "Eddie" Smith, Jr.
President of the City Council
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

City of Opelika
10/1/2015
Stop Loss Bid Comparison

	Expiring Optum	Renewal Optum	HCC	HM	Renewal Optum	HCC	HM
Specific Stop Loss							
Coverages	Medical/Rx	Medical/Rx	Medical/Rx	Medical/Rx	Medical/Rx	Medical/Rx	Medical/Rx
Contract Basis	Paid	Paid	24/12	24/12	Paid	24/12	24/12
Specific Deductible	\$110,000	\$110,000	\$110,000	\$110,000	\$135,000	\$135,000	\$135,000
Aggregating Specific Deductible	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Policy Year Max (w/ Unlimited Lifetime Max)	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Monthly Rates:							
Single	\$30.60	\$34.23	\$27.93	\$43.46	\$26.81	\$20.55	\$33.01
Family	\$77.00	\$86.60	\$79.21	\$106.83	\$67.82	\$61.33	\$83.54
Laser Liability							
R.C.			\$150,000.00		\$150,000.00		
P.K.			\$125,000.00	\$175,000.00			\$175,000.00
J.A.			TBD	TBD	TBD	TBD	TBD
Aggregate Stop Loss							
Coverages	Medical/Rx	Medical/Rx	Medical/Rx	Medical/Rx	Medical/Rx	Medical/Rx	Medical/Rx
Contract Basis	12/12	12/12	12/12	12/12	12/12	12/12	12/12
Monthly Aggregate Rates:							
Composite	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Aggregate Claim Factors:							
Single	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Family	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Estimated Minimum Aggregate Deductible	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Enrollment							
Single	260	260	260	260	260	260	260
Family	101	101	101	101	101	101	101
Composite	0	0	0	0	0	0	0
Pricing Summary							
	361	361	361	361	361	361	361
Total Annual Specific Stop Loss	\$188,796	\$211,762	\$183,147	\$265,066	\$165,840	\$138,459	\$204,245
Total Annual Aggregate Stop Loss	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Annual Fixed Stop Loss Cost	\$188,796	\$211,762	\$183,147	\$265,066	\$165,840	\$138,459	\$204,245
Total Annual Stop Loss Cost	\$188,796	\$211,762	\$183,147	\$265,066	\$165,840	\$138,459	\$204,245
Difference expressed as percentage		12%	-3%	40%	-12%	-27%	8%
Difference expressed as premium		\$22,966	-\$5,649	\$76,270	-\$22,956	-\$50,337	\$15,449

Please Note: This is not a proposal for coverage and is intended for illustrative purposes only. Please refer to the contingencies for details and qualifications.

Attachment: Optum Renewal 2015 (1333 : Annual Renewal Excess Loss Insurance Contract)

RESOLUTION NO. (ID # 1343)

Annual Renewal General Liability Insurance.

RESOLUTION NO. _____

ANNUAL GENERAL LIABILITY INSURANCE RENEWAL WITH J. SMITH LANIER &
COMPANY

BE IT RESOLVED by the City Council of the City of Opelika as follows:

1. That the Mayor is hereby authorized and directed to contract
with J. Smith Lanier & Company, the Alabama Municipal Insurance Corporation, and
Traveler's Insurance to procure the insurance coverages shown in Attachment A.
2. That the Mayor and other appropriate officers of the City of
Opelika are hereby authorized and directed to execute and deliver in name and on behalf
of the City of Opelika such agreements, instruments and certificates as shall be required
for the procurement of said policies and coverage.
3. That the Mayor and the Treasurer are hereby authorized and
directed to pay from budgeted funds all premiums for such insurances and coverages.
4. That the Controller is authorized to adjust the 2016 Budget as necessary for the
insurance contract approved by this resolution.

APPROVED AND ADOPTED this the _____ day of _____, 2015.

C.E. "Eddie" Smith, Jr.
President of the City Council
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC
City Clerk/Treasurer

PREMIUM SUMMARY

Coverage	2014-15 Premium	2015-16 Premium
Property	\$55,015.00	\$56,854.00
Electronic-Data Processing	\$2,596.00	\$2,598.00
Equipment Floater	\$20,198.00	\$20,855.00
General Liability	\$80,403.00	\$89,934.00
Law Enforcement	\$21,451.00	\$19,432.00
Public Officials	\$30,044.00	\$33,792.00
Business Automobile	\$154,462.00	\$143,114.00
Increased Liability	\$21,250.00	\$21,250.00
Total	\$385,419.00	\$387,829.00

Notes:

Business Auto:	14-15	238 Units	\$649	Average Cost Per Unit
	15-16	236 Units	\$606	Average Cost Per Unit
General Liability	14-15	Expenditures	\$ 88,000,000	
	15-16	Expenditures	\$113,000,000	
	14-15	Electric	\$1,080,807	
	15-16	Electric	\$1,318,707	

RESOLUTION NO. (ID # 1334)

Annual Renewal of the Group Health Insurance Contract.

RESOLUTION NO. _____

ANNUAL GROUP HEALTH INSURANCE CONTRACT
WITH BLUE CROSS BLUE SHIELD OF ALABAMA

BE IT RESOLVED by the City Council of the City of Opelika, Alabama, a municipal corporation as follows:

1. That in order to continue group health insurance administration for the City of Opelika, the City shall enter into a written contract of insurance with Blue Cross Blue Shield of Alabama.

(A) The term of the contract shall be for two (2) years commencing October 1, 2015 and ending on September 30, 2017.
2. That the monthly premium for such insurance coverage shall be computed as follows:

(a) \$355.00 for employee coverage.
(B) \$755.00 for family coverage.
3. That attached as Exhibit "A", is the "Summary of Self-Funded Renewal Analysis" confirming that the administration fee is set at \$54.75 for health contracts and \$4.75 for dental contracts. The administration fee is calculated per contract per month.
4. Mayor is hereby authorized and directed to execute in the name and on behalf of the City, an insurance contract with Blue Cross Blue Shield on substantially the terms mentioned above for a period of two years, effective October 1, 2015.
5. That the Mayor is hereby authorized to renew the group health insurance policy on an annual basis provided the premiums and /or administration fees do not exceed the amounts indicated above.
6. That the Mayor, Controller, and Human Resources Director are hereby authorized to

take any and all reasonable, necessary and proper action to carry out the intent and purposes of this Resolution.

APPROVED AND ADOPTED this the _____ day of _____, 2015.

C.E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk/Treasurer

Blue Cross and Blue Shield of Alabama
Summary of Self Funded Renewal Analysis

City of Opelika

Group Number(s): 87600

Experience Period: 6/1/2014 - 5/31/2015

Rating Period: 10/1/2015 - 9/30/2016

Summary of Enrollment

Contracts in Force @ 5/31/2014:

Contracts in Force @ 5/31/2015:

	Health	Dental
	362	272
	369	284

NOTE: The renewal year projections do not reflect the impact of any Healthcare Reform Fees & Taxes that may be applicable in the next contract year.

Summary of Claims Costs and Estimate of the OCL

Original Projection for 10/1/2014 - 9/30/2015:

Actual Year to Date Claims Cost for 10/1/2014 - 5/31/2015:

Actual Experience Period Claims Cost for 6/1/2014 - 5/31/2015:

Recast for 10/1/2014 - 9/30/2015:

Expected Paid Claims Cost for 10/1/2015 - 9/30/2016.*

Expected Incurred Claims Cost for 10/1/2015 - 9/30/2016.*

	\$518.07	\$29.55
	\$435.95	\$29.57
	\$436.53	\$28.75
	\$450.39	\$31.06
	\$475.16	\$32.61
	\$477.66	\$32.75

*The information in this renewal analysis is based on the plan having Grandfathered Status under Healthcare Reform.

If any changes are made that cause the loss of Grandfathered Status under Healthcare Reform, mandated benefit changes will be made resulting in additional costs to of the health ECC amounts above.

Outstanding Claims Liability @ 5/31/2015:

	\$161,800	\$8,800
--	-----------	---------

Administrative Fees

Administrative Fees for 10/1/2014 - 9/30/2015:

Administrative Fees for 10/1/2015 - 9/30/2017:

OR

Administrative Fees for 10/1/2015 - 9/30/2017:

Runout Administrative Fees for 10/1/2015 - 9/30/2017:

	9.90%	14.25%
	11.50%	14.25%
	\$54.75	\$4.75
	11.50%	14.25%

Our records indicate that your plan currently carries out Prescription Drug benefits. If your plan makes any changes that require an interface with another vendor for the accumulation of out of pocket expenses, a \$1.50 PCPM interface fee will be charged in addition to the administrative fees listed above.

Current Funding Method

Weekly Wire/ACH transfer

RESOLUTION NO. (ID # 1342)

Policies and Fees for Vacation of Right-Of-Way

See Resolution

RESOLUTION NO. _____

**RESOLUTION ESTABLISHING POLICIES AND FEES FOR VACATION OF
PUBLIC STREET RIGHTS-OF-WAY AND ALLEYS**

WHEREAS, the City Council is from time-to-time requested to formally vacate certain streets and alleys upon the petition of abutting property owners; and

WHEREAS, the City Council is willing to consider such requests after determining the street or alley is no longer required for public use or public access; and

WHEREAS, the City Council desires to establish policies and filing fees for a vacation of the street right-of-way or alley.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama, as follows:

1. The Planning Department will administer all requests to vacate right-of-way. Requests to vacate by abutting property owners will be processed according to §23-4-20 and §35-2-54 of the *Code of Alabama*.
2. In order to vacate the City of Opelika's interest in a public street right-of-way or alley, a completed Petition to Vacate must be submitted to the Planning Department along with other required documentation.
3. The Petition to Vacate Application shall be accompanied by a non-refundable

filing fee of \$50.00 to the Planning Department to process the vacation request. In addition, the person(s) filing the Petition shall pay to the Planning Department a non-refundable fee (advertising fee) in the amount of \$700.00 to cover the estimated cost of advertising and the serving of notices on interested parties and utilities. The advertising fee includes the cost of publishing four (4) legal notices in a newspaper of general circulation. The advertising fee is an estimate only. If there are additional costs in excess of the \$700.00 advertising fee, such costs must be paid by the petitioner(s) prior to the mailing of notices of the public hearing to interested parties. No portion of any filing or advertising fee shall be refunded to the petitioner(s). The petitioners also bear the costs of providing any information necessary for the review process such as maps, drawings and legal descriptions.

4. This Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

 PRESIDENT OF THE CITY COUNCIL OF THE
 CITY OF OPELIKA, ALABAMA

ATTEST:

 CITY CLERK

RESOLUTION NO. (ID # 1330)

Adoption of the Hazards Mitigation Plan.

RESOLUTION NO _____

CITY OF OPELIKA

RESOLUTION ADOPTING HAZARDS MITIGATION PLAN

WHEREAS, the City of Opelika, Alabama has experienced repetitive natural disasters that have damaged commercial, residential and public properties, displaced citizens and businesses, closed streets and bridges, and presented general public health and safety concerns; and

WHEREAS, the community has prepared the *Lee County Natural Hazards Mitigation Plan* that outlines the community's options to reduce overall damage and impact from natural hazards; and

WHEREAS, the *Lee County Natural Hazards Mitigation Plan* has been reviewed by community residents, business owners, and federal, state and local agencies, and has been revised to reflect their concerns;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama, as follows:

1. The *Lee County Natural Hazards Mitigation Plan* is hereby adopted as an official plan of the City of Opelika.
2. The Lee County Natural Mitigation Plan Advisory Committee is hereby

established as the permanent community advisory body. The Lee County Emergency Management Agency shall designate its members, subject to approval of the City Council of the City of Opelika. They shall serve two-year terms. The group's duties shall be as designated by the *Lee County Natural Hazards Mitigation Plan*.

3. The Lee County Emergency Management Agency is charged with supervising the implementation of the Plan's recommendations within the funding limitations as provided by the City Council and the City of Opelika or other sources.
4. The Lee County Emergency Management Agency shall give priority attention to the action items recommended by the *Lee County Natural Hazards Mitigation Plan*.
5. The Lee County Emergency Management Agency shall convene the Lee County Natural Hazards Mitigation Plan Advisory Committee yearly, or as needed. The advisory committee shall monitor implementation of the plan and shall submit a written progress report to City Council of the City of Opelika in accordance with the following format:
 - a. A review of the original plan.
 - b. A review of any disasters or emergencies that occurred during the previous calendar year.
 - c. A review of the actions taken, including the previous year accomplishments.

- d. A discussion of any implementation problems.
- e. Recommendations for new projects, revised action items, or other needed changes to the plan. Such recommendations shall be subject to approval by the City Council of the City of Opelika.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

SEAL:

RESOLUTION NO. (ID # 1336)

Approval of Project Development Agreement (MRP).

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A PROJECT DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF OPELIKA, ALABAMA AND MADISON REAL PROPERTY,
LLC**

BE IT RESOLVED by the Opelika City Council (the “Council”), as the governing body of the City of Opelika, Alabama (the “City”) as follows:

Section 1. The City Council, upon evidence duly presented to and considered by it, has found and determined and does hereby find, determine and declare as follows:

(a) Pursuant to the applicable laws of the State of Alabama, the City and Madison Real Property, LLC, an Alabama limited liability company (the “Company”) have agreed to the terms of that certain Project Development Agreement to be dated the date of delivery (the “Project Development Agreement”), as set forth hereinafter, for the purposes referenced therein.

(b) The City is authorized to do any of the actions or undertakings referenced in Amendment 642 of the Constitution of Alabama of 1901, as amended (“Amendment 642”).

(c) The Project, as defined in the Project Development Agreement, is the development of a neighborhood shopping center consisting of approximately 36,300 square feet of space in an open air retail format to be located on approximately 4.68 acres at the intersection of Frederick Road and Corporate Drive within the corporate limits of the City. The Project will constitute “economic development”, within the meaning of Amendment 642.

(d) Pursuant to, and for the purposes of, Amendment 642, it is necessary, desirable and in the public interest for the City to provide financial incentives to the Company. In consideration for the obligations of the Company under the Project Development Agreement the City will agree to provide financial incentives to the Company described more particularly in the Project Development Agreement, including the sharing of an amount equal to 50% of aggregate sales tax revenues collected by the City in the Project Area (not to exceed \$1,112,578).

(e) The expenditure of public funds for the purposes specified in the Project Development Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities because it will facilitate the acquisition and construction of the Project for the benefit of the general public, will increase employment and retail/entertainment opportunities in the City and will increase the tax and revenue base of the City.

(f) On September 8, 2015, the City caused to be published in the Opelika-Auburn News, which newspaper has the largest circulation in the City, the notice required by Amendment 642, a true and correct copy of which notice is attached hereto as Exhibit "A". The Council certifies:

(1) The information set forth in said notice is true and correct.

(2) The publication of said notice is hereby ratified and confirmed.

(g) On September 15, 2015, the Council conducted a public hearing during the meeting referenced in said notice with respect to the matters therein contained. No person presented (orally or in writing) any objection to the Project Development Agreement.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) the agreements, covenants and undertakings of the City as set forth in the Project Development Agreement.

(b) the terms and provisions of the Project Development Agreement, in substantially the form set and Exhibit “B”, with such changes thereto (by addition or deletion), as the Mayor shall approve (other than an increase in the amount of the City’s financial commitment, which must be approved by this Council), which approval shall be conclusively evidenced by execution and delivery of the Project Development Agreement as herein provided.

Section 3. The Mayor is hereby authorized and directed to execute and deliver the Project Development Agreement for and on behalf and in the name of the City. The Clerk is hereby authorized and directed to affix the official seal of the City to the Project Development Agreement and to attest the same.

Section 4. The Mayor and the officers of the City are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices and petitions and proceedings, with respect to the Project Development Agreement, as the Mayor and such officers shall determine to be necessary or desirable to carry out the provisions of this ordinance or the Project Development Agreement or duly and punctually observe and perform all agreements and obligations of the City under the Project Development Agreement.

Section 5. All prior actions taken, and agreements, documents or notices executed and delivered, by the Mayor or any officer or member of the City Council or other representative of the City, in connection with the agreements, covenants, and undertakings of the City are hereby approved, or in connection with the preparation of the Project Development Agreement and the

terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 6. All resolutions, orders or parts thereof, of the City Council in conflict, or inconsistent with any provision of this resolution are, to the extent of such conflict or inconsistency, repealed.

Section 7. This resolution shall take effect its passage and adoption by the City Council.

ADOPTED AND APPROVED by the City Council of the City of Opelika, Alabama, on this the ____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

**LEGAL NOTICE OF PUBLIC MEETING AND PUBLIC HEARING
OF THE CITY COUNCIL OF THE CITY OF OPELIKA, ALABAMA**

NOTICE is hereby given that the City Council (the “Council”) of the City of Opelika, Alabama, (the “City”) will meet in public session at 7:00 p.m. on Tuesday, September 15, 2015, in the City Council Chambers of the Municipal Building, 204 South 7th Street in the City of Opelika, Alabama, for the purpose of considering the transaction of business that may properly come before the Council, such business to include, but not be limited to, the following:

1. The authorization by the Council, pursuant to Amendment 642 of the Constitution of Alabama of 1901, of a resolution (the “Resolution”) approving the execution and delivery of a Project Development Agreement (the “Agreement”) between the City and MADISON REAL PROPERTY, LLC (the “Company”) dated the date of delivery. The Company is an Alabama limited liability company, whose sole member is Hejal C. Patel.

2. Pursuant to the Agreement, the Company will agree to acquire and develop a neighborhood shopping center consisting of approximately 36,300 square feet of space in an open air retail format on approximately 4.68 acres located in the 2700 block of Frederick Road at the intersection of Frederick Road and Corporate Drive in the corporate limits of the City. In consideration of such obligation of the Company, the City has agreed to share with the Company an amount equal to fifty percent (50%) of the City’s sales tax and use tax revenues to be collected by new retail and service facilities in the Project Area, up to a total maximum City contribution of \$1,112,578.00.

3. The City seeks to achieve by undertaking its obligations pursuant to the Agreement and the Resolution, to promote the local economic and industrial development of the City by facilitating the acquisition and construction of the Project for the benefit of the general public, to

provide additional retail and service opportunities along the Pepperell Parkway corridor, and to increase employment in the City and to increase the tax revenue base of the City.

4. The persons or entities to whom or for whose benefit the City proposes to lend its credit or grant public funds or a thing of value are MADISON REAL PROPERTY, LLC, its tenants and the users and operators of the retail and service facilities in the Project Area, Hejal C. Patel, and others who may benefit indirectly from the development of the Project.

5. All interested persons may examine and review the Agreement and Resolution and all relevant documents and make copies thereof at personal expense, at the offices of the City Clerk and City Council during normal business hours, before and after the meeting referenced herein.

6. During the public meeting referenced above the Council will conduct a public hearing with respect to the Agreement and the matters therein contained. Interested persons will be given reasonable opportunity to express their opinions, arguments and their views, either orally or in writing, or both, at the hearing. Persons unable to attend the public hearing may submit their opinions, arguments and their views to the office of the City Clerk, 204 South 7th Street, Opelika, Alabama 36801.

7. Further information concerning the information in this notice can be obtained at the Office of the City Clerk at City Hall during normal business hours.

DATED this the ____ day of _____, 2015.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER
The Opelika-Auburn News
P.O. Drawer 2208
Opelika, AL 36803

Please publish the foregoing Notice one (1) time in the September 8, 2015 issue of your paper.

CITY CLERK

Exhibit "A"

Legal Description

Lots 1, 2, and 3 of WEST FREDERICKS COMMONS REDIVISION OF PARCEL A, according to and as shown by that certain map or plat thereof record in Plat Book 36, at Page 57, in the Office of the Judge of Probate of Lee County, Alabama.

RESOLUTION NO. (ID # 1331)

Reserve City Council Current Year Discretionary Account Balance.

RESOLUTION NO. _____

BE IT RESOLVED, by the City Council of Opelika, Alabama, a municipal corporation as follows:

1) That the Mayor and the Controller is hereby authorized and directed to make the necessary budget adjustment(s) so the remaining current year balance of each City Council discretionary account, for fiscal year 2014-2015, as detailed below, is moved to the appropriate reserve account for each Ward:

Ward I - \$ 7,800.00 Misc. Projects, current year balance.

Ward II - \$ 2,610.00 Misc. Projects, current year balance.

Ward III - \$ 2,410.00 Misc. Projects, current year balance.

Ward IV - \$ 10,000.00 Misc. Projects, current year balance.

Ward V - \$ 5,800.00 Misc. Projects, current year balance.

ADOPTED and APPROVED this the _____ day of _____, 2015.

C. E. "Eddie" Smith, Jr.
President of City Council
City of Opelika, Alabama

Attest:

R. G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. (ID # 1349)

City of Opelika FY 2016 Budget.

City of Opelika
Annual Budget
Fiscal year ending September 30, 2016

RESOLUTION NO. _____-2015

ADOPTION OF ANNUAL BUDGET FOR 2015-2016

BE IT RESOLVED by the Council of the City of Opelika, Alabama, a Municipal Corporation, as follows:

(1) That, for the purpose of financing the conduct of affairs of the City of Opelika, Alabama, during the fiscal year beginning October 1, 2015, and ending September 30, 2016, inclusive, the Budget of the City's expenses for such period be and the same is hereby approved and adopted as the official Annual budget of the City of Opelika, Alabama:

(2) That the amounts in the following report are appropriated to such uses, and authority is hereby granted to the Mayor to approve the expenditure of the amounts shown, for the purposes indicated.

(3) That the City Treasurer is authorized to make the appropriate disbursements upon receipt of approval from the Mayor.

(4) That the Mayor is hereby authorized to make adjustments of appropriated amounts between accounts within the various departments as necessitated by changing requirements, and compliance with Generally Accepted Accounting Principles, except in cases of changes in compensation accounts and Council's discretionary funds, in which approval of Council will be required.

(5) That the Mayor is hereby authorized to increase budgeted expenditures for Parks and Recreation special programs, fire training, money or receipts from sale of property condemned from Court proceedings, profit oriented activities, and donations, up to an amount equal to the additional revenue created by the program, activity, condemnation or donation.

(6) That the Mayor is hereby authorized to increase budgeted expenditures of the 2015-2016 Budget by the amount necessary to honor the contracts in progress at September 30, 2015.

(7) That the Mayor is hereby authorized to increase appropriated amounts from unassigned fund balance of the various funds by the amount of any unbudgeted payment, contract or bid for which the Council of the City of Opelika, Alabama, by resolution, ordinance or notation in the minutes of the Council

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

meetings has indicated approval.

(8) That the Mayor is hereby authorized to transfer to the sick and vacation pay accounts of the various departments the amounts due to retiring employees, from the Mayor's sick pay account, up to the amount budgeted in the Mayor's sick pay account.

(9) That the Mayor is hereby authorized to reclassify for proper recording, control, management and financial reporting items designated in the budget as fixed assets, if subsequent to the adoption of this budget it is determined that such items do not meet the financial reporting requirements for classification as a fixed asset. Provided this adjustment shall not increase total budgeted expenditures.

(10) That the Mayor is hereby authorized to adjust the budget as necessary to transfer to or from the City's Capital Outlay accounts in amounts of less than \$15,000. Provided such adjustment shall not increase total budgeted expenditures.

(11) That the Mayor is hereby authorized to adjust the budget as necessary for cost variances up to an amount equal to ten percent of a budgeted fixed asset (Capital Outlay) item's cost, but not more than \$15,000 for any budgeted fixed asset (Capital Outlay). Provided this adjustment shall not increase total budgeted expenditures.

(12) That the Mayor is hereby authorized to transfer to education and seminar accounts of the various departments the amounts spent for the employee educational assistance program, from the Mayor's Education Assistance account, up to the amount budgeted in the Mayor's Education Assistance account.

(13) That the Mayor is hereby authorized to transfer to the salary accounts of the various departments the amounts determined appropriate by the Mayor for an Employee Awards Program, from the Mayor's Employee Awards account, up to \$10,000.

(14) That the Mayor is hereby authorized to reclassify for proper recording, control, management and financial reporting and adjust the budget for items on the City Administrator's Capital Outlay list from Administration Capital Equipment to the appropriate account to meet the financial reporting requirements for classification as a fixed asset. Provided this adjustment shall not increase total budgeted capital expenditures. (see attachment A)

City of Opelika

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(15) The City Council established in the 2015 Budget a line of credit and finds and determines that it is necessary and in the public interest that OPS Telecom Fund renew the line of credit in the maximum sum of three million, two hundred thousand dollars (\$3,200,000) from OPS Electric Fund. Accordingly, OPS Telecom Fund is hereby authorized to borrow from OPS Electric Fund a sum not to exceed the sum of \$3,200,000 and to bear interest at the rate of 2.73% per annum, payable in full principal and accrued interest on September 30, 2019. Prior to the maturity of the debt, interest thereon shall be paid annually on September 30 of each year hereafter. The Mayor and the Director of Opelika Power Services, jointly and severally, are authorized and directed to request advances under the line of credit and make payments thereon at such times and in such amounts that they consider necessary or desirable. The Director of Opelika Power Services is authorized to execute and deliver such notes, drafts, acceptances, agreements, and other instruments deemed necessary or required to carry out the authority contained herein. The Mayor, Treasurer, and Controller are hereby authorized to transfer such funds and to make such accounting entries as shall be necessary to carry out the transactions approved herein.

Adopted and Approved this the _____ day of _____, 2015.

ATTEST:

R. G. Shuman
City Clerk - Treasurer

C. E. "Eddie" Smith, Jr.
President, Opelika City Council
City of Opelika, Alabama

Attachments:

A - Capital Outlay Expenditures for 2016

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City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

August 1, 2015

Honorable Mayor and members of the Council of the City of Opelika:

The Annual Budget report of the City of Opelika for the fiscal year ending September 30, 2016, is hereby submitted. This report includes a budget for the General Fund, Seven Cent Gasoline Tax Fund, Four Cent Gasoline Tax Fund, other special funds, grant funds, construction funds and enterprise funds. The debt service funds and the trust and agency funds are not included in this report since indenture requirements and General Fund appropriations supply adequate controls over the transactions of these funds.

The governmental budgets in the previous paragraph provide for a full range of services. These services include police and fire protection, the construction and maintenance of highways, streets and infrastructure, recreational activities and cultural events. In addition to these tax supported general government activities, the government provides for additional services based on user service charges. These enterprise fund services are included in the budgets for the Electric Utility Fund, the 1965 Sewer System Fund, the Solid Waste Collection Fund and the Telecommunications Fund.

The budgets for the Opelika School System, Opelika Housing Authority, Opelika Industrial Development Authority, Downtown Redevelopment Authority, Main Street, Incorporated, Indian Pines Recreation Authority, Incorporated, Medical Clinic Board, Lee/Russell Council of Governments, Ambulance Advisory Board, and the Utilities Board of the City of Opelika are not approved by the Mayor and Council. The budgets for these organizations are excluded from this report.

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BUDGETARY PROCESS

During the first week of May, the Finance Department prepares the revenue forecast for the next year and issues instructions for budget preparation to each department within the government. The instructions issued by the Finance Department are prepared in accordance with guidelines set by the Mayor. Each department head submits his budget request to the Finance Department during the month of June. The Finance Department reviews each request for completeness and compliance with budget instructions and generally accepted accounting principles. The Mayor, as he determines necessary, reviews and adjusts each department's budget requests. In August, the Mayor presents his proposed budget to the City Council. The City Council, as it determines necessary, reviews and adjusts the budget proposed by the Mayor. The City Council then requests the final budget be presented to the Mayor and City Council. The City Council holds any hearings it feels necessary to further discuss the budget. By the last City Council meeting in September, the new budget for the coming year is adopted.

BACKGROUND INFORMATION

The City of Opelika, located in east central Alabama, is a modern, well established city with a population of approximately 27,000. The records indicate that the first settlers signed a treaty with the Creek Indians in 1832. Since being chartered in 1854, Opelika has enjoyed steady growth, and today is a well - balanced city of industry, commerce, and trade.

Opelika borders the City of Auburn, to the southwest (population 58,000) the home of Alabama's largest university, Auburn University. The two cities combined, serve the employment, health care, shopping, and entertainment needs of a six county region.

REVENUE PROJECTIONS

The following paragraphs explain the revenue projections for the major revenue classifications for fiscal year ending September 30, 2016. To help us project

City of Opelika

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the major revenue classifications of general sales and use tax, gasoline tax, occupational license fees, and business license fees for the fiscal year ending September 30, 2016, we used simple linear regression. Linear regression is a statistical technique used to examine the behavior of a financial variable over successive periods of time. The basic assumption of this time series analysis is that the process that generated the financial variable is stable and that it will continue into the future. At the same time, changes may occur too fast for the time series analysis to represent the new behavior.

Since the financial crisis which began in the fall of 2008 and subsequent years, changes in financial variables initially occurred too fast for the behavior of the financial variables to be incorporated into the linear regression calculations. The basic assumption for time series analysis in the paragraph above may hold true for the 2016 revenue projections. Even though the few years subsequent to 2008 were relatively unstable, the process that generated the financial variables has been relatively stable over the last four years and the stability may to continue at least into 2016. Actual revenues in several categories such as Sales and Use tax collections have increased above projections for the fiscal year 2015. Other revenues such as property taxes and lodging taxes have increased since 2012. In 2012 we began seeing a small increase in growth of the city government's most significant revenues. Overall 2014 revenues showed increases in the range of 7% over 2013. 2015 revenues are showing overall increases of 7% over 2014.

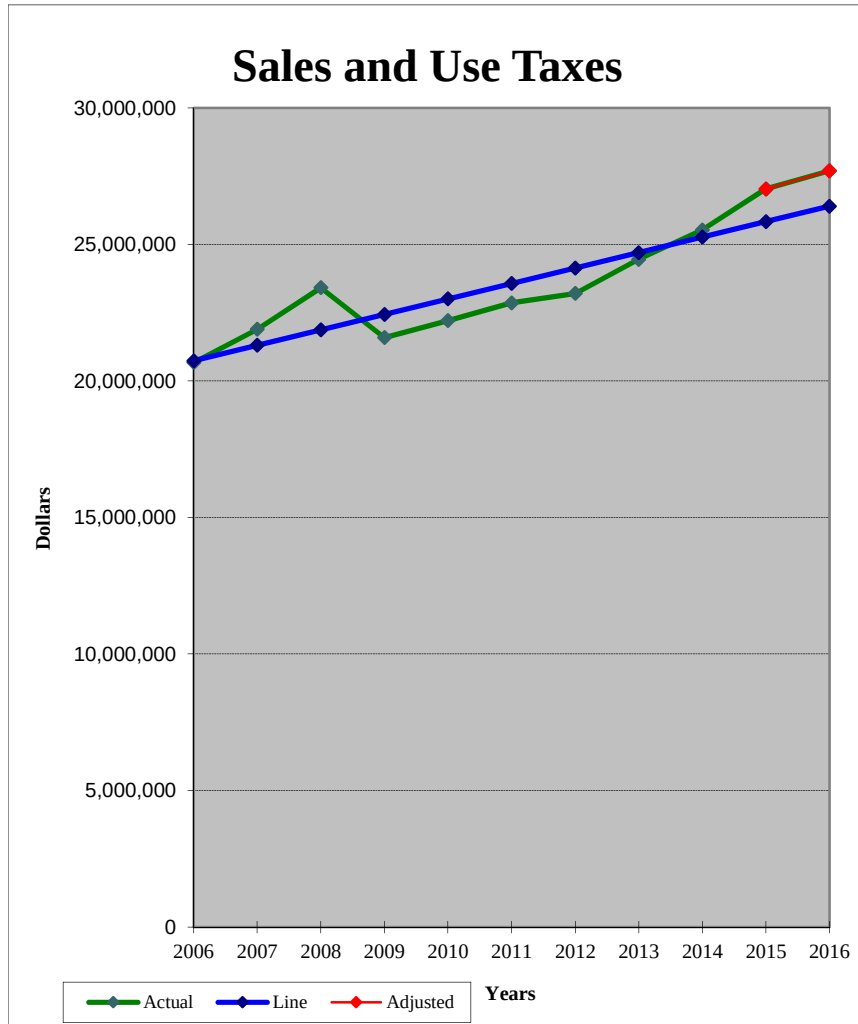
In order to be consistent with prior years' presentations, we will show the linear regression calculations below along with the revenue projections that we plan to use.

The City of Opelika 4% sales and use tax revenue forecast for fiscal year ending September 30, 2016, is \$27,696,000. The projection is based on expected sales tax revenues of \$27,034,000 in 2015 with an expected increase of 2.45% to \$27,696,000 in 2016. The sales tax revenue estimate includes a 1/2% tax rate increase enacted in 2003, which is projected to be approximately \$3,462,000 in 2016. The 1/2% of 3% sales tax is used to fund \$800,000 of the appropriation to the City Schools, \$360,000 committed to the Justice Center, with the remainder of the appropriation is used for payment of the Sportsplex Center debt. The sales tax projection for 2016 includes 1% that was enacted in August of 2011. The 1% Sales Tax Increase is projected to be \$6,924,000 in 2016 and it is used to fund debt service for a new high school and other infrastructure and road construction projects.

City of Opelika

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Fiscal year ending September 30, 2016



Year	Sales Tax ** Actual	Linear Regression Line	Sales Tax ** Actual % Increase
2006	20,671,973	20,738,490	
2007	21,890,952	21,304,691	5.90%
2008	23,418,387	21,870,892	6.98%
2009	21,588,173	22,437,093	-7.82%
2010	22,208,636	23,003,294	2.87%
2011	22,860,579	23,569,495	2.94%
2012	23,206,110	24,135,696	1.51%
2013	24,454,096	24,701,897	5.38%
2014	25,531,042	25,268,098	4.40%
2015 *	27,034,000	25,834,299	5.89%
2016	27,696,000	26,400,500	2.45%
Add: Manual Adjustment		1,295,500	
2016		27,696,000	2.45%
Projection			27,696,000
Projection rounded			27,696,000
Previous year's projection			25,747,000
Percent increase (decrease) from previous year's projection			7.57%

** Original data adjusted for tax rate change in 2003 and 2011

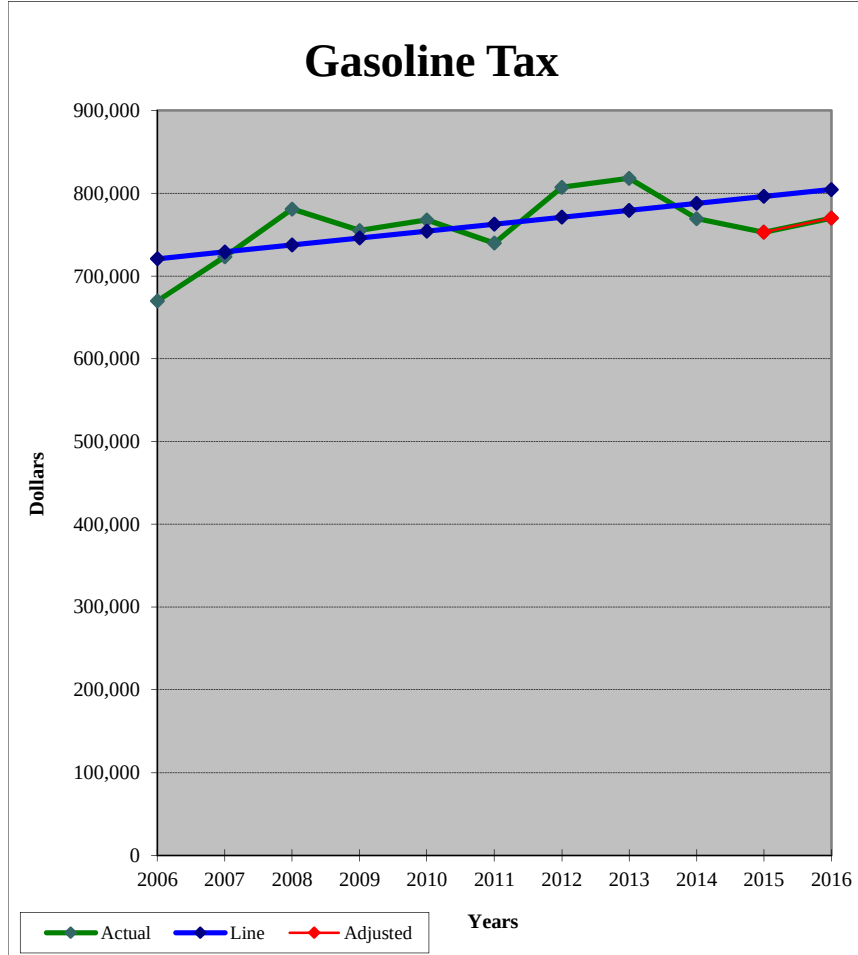
* Revised Sales and use tax projection based on June 2015.

City of Opelika

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Gasoline tax is two cents per gallon on distributors. The Opelika Revenue Division collects gasoline tax monthly. The gasoline tax revenue projection for fiscal year ending September 30, 2016, is \$770,000. This is a 2.26% increase from the expected 2015 Gasoline Tax revenue.



Year	Gasoline Tax Actual	Linear Regression Line	Gasoline Tax Actual % Increase
2006	669,924	720,738	
2007	723,393	729,121	7.98%
2008	781,029	737,503	7.97%
2009	754,950	745,885	-3.34%
2010	767,824	754,267	1.71%
2011	739,836	762,649	-3.65%
2012	807,269	771,031	9.11%
2013	818,099	779,414	1.34%
2014	769,258	787,796	-5.97%
2015 *	753,000	796,178	-2.11%
2016	770,000	804,560	6.85%
Less: Manual Adjustment		-34,560	
2016		770,000	2.26%
Projection			770,000
Projection rounded to nearest thousand			770,000
Previous year's projection			818,000
Percent increase or -decrease from previous year's projection			-5.87%

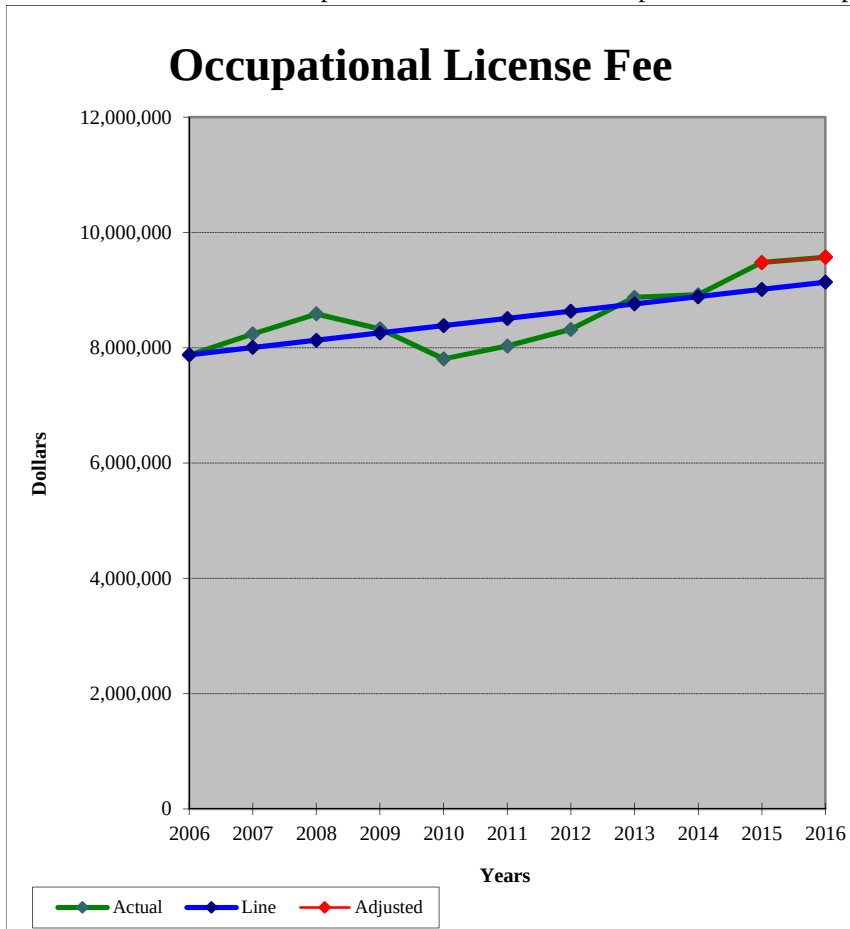
* Revised Gasoline tax projection based on June 2015

City of Opelika

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Fiscal year ending September 30, 2016

Occupational license fee is levied on the gross wages of all the employees within the city limits of Opelika. The Opelika Revenue Division collects this occupational license fee quarterly. The occupational license fee revenue projection for fiscal year ending September 30, 2016, is \$9,571,000. This is a .96% percent increase from the expected 2015 Occupational License Fee.



Year	Occupation Fee ** Actual	Linear Regression Line	Occupation Fee ** Actual % Increase
2006	7,874,160	7,879,002	
2007	8,243,007	8,004,938	4.68%
2008	8,589,125	8,130,874	4.20%
2009	8,328,026	8,256,810	-3.04%
2010	7,806,686	8,382,745	-6.26%
2011	8,028,982	8,508,681	2.85%
2012	8,317,240	8,634,617	3.59%
2013	8,872,885	8,760,553	6.68%
2014	8,917,021	8,886,488	0.50%
2015 *	9,480,000	9,012,424	6.31%
2016	9,571,000	9,138,360	-3.60%
Add: Manual Adjustment			
2016		432,640	0.96%
Projection			9,571,000
Projection rounded to nearest thousand			9,571,000
Previous year's projection			9,029,000
Percent increase or -decrease from previous year's projection			6.00%

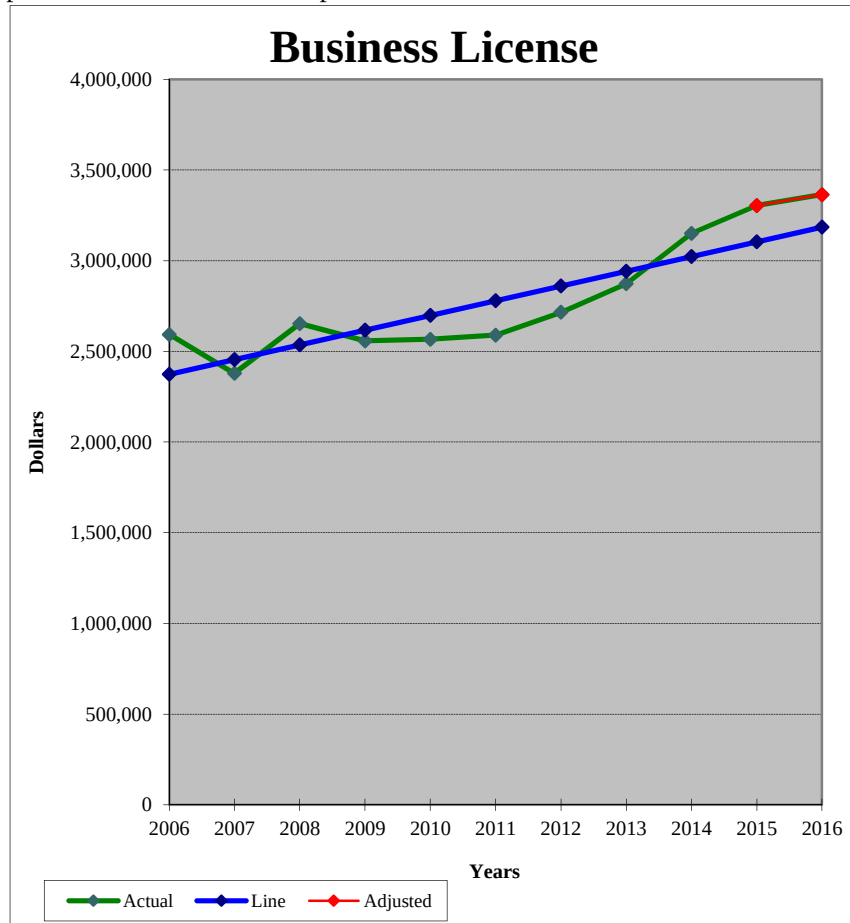
* Revised Occupation fee projection based on June 2015.

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Business license is a fee for the privilege of doing business in Opelika. The Opelika Revenue Division collects business license fees during January each year. The business license fees revenue projection for the fiscal year ending September 30, 2016, is \$3,365,000. This is a 1.82% percent increase over the expected 2015 Business License revenue.



Year	Business License Actual	Linear Regression Line	Business License Actual % Increase
2006	2,593,741	2,373,283	
2007	2,379,095	2,454,475	-8.28%
2008	2,653,764	2,535,666	11.55%
2009	2,557,723	2,616,858	-3.62%
2010	2,567,296	2,698,050	0.37%
2011	2,590,194	2,779,242	0.89%
2012	2,715,997	2,860,434	4.86%
2013	2,872,732	2,941,625	5.77%
2014	3,150,917	3,022,817	9.68%
2015 *	3,305,000	3,104,009	4.89%
2016	3,365,000	3,185,201	-3.62%
Add: Manual Adjustment			
2016		179,799	
		3,365,000	1.82%
Projection			
Projection rounded to nearest thousand			
Previous year's projection			
Percent increase or -decrease from previous year's projection			
			6.89%

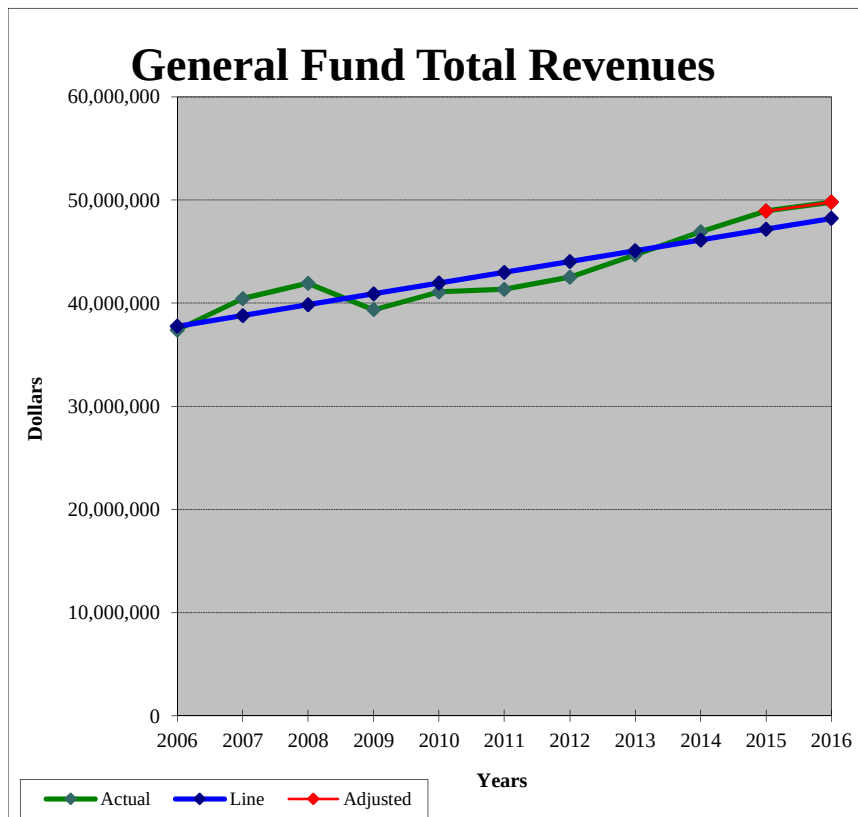
* Revised Business License projection based on June 2015.

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Forecasting based on prior years' actual is used to project all other general fund revenue items. These projections are based on the fiscal year ending September 30, 2014, actual amounts and/or the fiscal year ending September 30, 2015, revised projected amounts. The total general fund revenue forecast for fiscal year ending September 30, 2016, is \$49,877,000. This is a 6.69% increase over the 2015 revenue projection. Interest revenue are not included in the projection calculations below.



Year	Revenues Actual	Linear Regression Line	Revenues Actual % Increase
2006	37,415,243	37,765,640	
2007	40,447,286	38,810,902	8.10%
2008	41,940,395	39,856,164	3.69%
2009	39,373,875	40,901,426	-6.12%
2010	41,087,890	41,946,689	4.35%
2011	41,352,043	42,991,951	0.64%
2012	42,527,425	44,037,213	2.84%
2013	44,697,834	45,082,475	5.10%
2014	46,918,206	46,127,737	4.97%
2015 *	48,933,000	47,172,999	4.29%
2016	49,794,000	48,218,261	1.76%
Add: Manual Adjustment		1,575,739	
2016		49,794,000	1.76%
Projection			49,794,000
Projection rounded to nearest thousand			49,794,000
Previous year's projection			46,671,000
Percent increase or -decrease			6.69%

* Revised Total Revenue projection based on June 2015.

City of Opelika

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The total revenue data on the previous page does not include interest revenue because it is better projected from expected interest rate and cash balances. In addition, the total revenue data on the previous page does not include revenue items that are not stable over time or that will not continue into the future. The data on the previous page has also been adjusted for tax rate changes. The schedule below explains the computation of the total revenue projection and comparison to the total General Fund revenue forecast. (see next page also.)

	2014-2015	2014-2015	2015-2016	2015-2016	2015-2016
	Revised	Forecast	Forecast	Regression	Difference
	<u>Forecast</u>	<u>Forecast</u>	<u>Forecast</u>	<u>Regression</u>	<u>Difference</u>
Total revenues excluding interest	48,933,000	46,671,000	49,794,000	48,218,000	(1,576,000)
Interest revenue	56,000	92,000	83,000	83,000	-
	<u>48,989,000</u>	<u>46,763,000</u>	<u>49,877,000</u>	<u>48,301,000</u>	<u>(1,576,000)</u>
2015-2016 percentage difference in actual forecast and the regression analysis					<u>-3.16%</u>
2015-2016 total revenue forecast including interest					<u>49,877,000</u>
2014-2015 total revenue forecast including interest					<u>46,763,000</u>
2014-2015 revised total revenue forecast including interest					<u>48,989,000</u>
Percent increase or -decrease over the previous year's forecast					<u>6.66%</u>
Percent increase or -decrease over the previous year's revised forecast					<u>1.81%</u>

The Four cent Gasoline Tax fund projection for the fiscal year ending September 30, 2016, is \$56,000. This year's projection is equal to last year's projection. This projection is based on actual revenues of \$56,764 and \$57,203 in fiscal years 2013 and 2014 respectively, along with the 2015 expected revenue of \$57,000. This fund includes the Five cent Gasoline Tax.

The Seven cent Gasoline Tax Fund projection for the fiscal year ending September 30, 2016, is \$76,000. This is a 1.0% increase over the previous year's projection. This projection consists of seven cent gasoline tax revenues, petroleum inspection fees, and interest income. The seven cent gasoline tax projection is based on actual revenues of 72,541 and 73,153, in fiscal years 2013 and 2014 respectively, along with the 2015 expected revenue of \$75,000.

City of Opelika

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The Alabama Trust Fund projection for the fiscal year ending September 30, 2016, is \$425,000. This is an decrease from last year's projection. This projection is based on actual revenues of \$595,674 and 226,060, in fiscal years 2013 and 2014.

The Road Maintenance Fund projection for the fiscal year ending September 30, 2016, is \$0. This is a \$0 decrease from the previous year's projection. This projection is based on actual interest revenues which have continued to decline for the last five years. To maintain the fund principal, interest earnings will not be spent this year.

The Electric Utility Fund (Opelika Power Services) electric sales projection for September 30, 2016, is based on three year average Kwh sales and purchases. Sales and Purchase cost per Kwh are based on 2014 actual revenue and cost. The expected power cost adjustment is also based on these Kwh projections.

The information below displays electric charges for services in excess of power purchased, and power purchased as a percent of revenues.

	Budget <u>2016</u>	YTD <u>2015</u>	Actual <u>2014</u>	Actual <u>2013</u>	Actual <u>2012</u>
Electric charges for services	38,427,000	28,536,203	38,137,587	34,131,980	35,271,849
Cost of Power purchased	<u>27,804,000</u>	<u>19,398,487</u>	<u>27,693,300</u>	<u>24,635,418</u>	<u>25,298,292</u>
Electric charges in excess of power purchased	<u>10,623,000</u>	<u>9,137,716</u>	<u>10,444,287</u>	<u>9,496,562</u>	<u>9,973,557</u>
Cost of power purchased as a percent of electric charges for services	<u>72.36%</u>	<u>67.98%</u>	<u>72.61%</u>	<u>72.18%</u>	<u>71.72%</u>

The Sewer Fund service charge projection for fiscal year ending September 30, 2016, is \$4,180,000. This projection is an increase of 3.21% over the 2015 budget. The 2016 projection includes \$208,000 for sewer assessment fees, \$22,000 for industrial sewer charges and \$3,834,000 for sewer service charges.

City of Opelika

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The Solid Waste Collection Fund service charge projection for the fiscal year ending September 30, 2016, is \$2,671,000. This projection is based on Solid Waste Collection Fund service charges through June 2015 and includes an increase of \$1 a month fee for residential containers and \$3 increase for commercial containers.

In 2015 the Telecommunications Fund includes budgeted revenue of \$3,994,000.

FINANCIAL INFORMATION

Debt Administration. The government's rating from Standard and Poor's Corporation is AA. The government's current rating from Moody's Investors Service is Aa2.

OTHER INFORMATION

Acknowledgments. The preparation of this report on a timely basis was made possible by the dedicated service of the entire staff of the finance department. Each member of all the City departments has our sincere appreciation for the contributions made in the preparation of this budget.

In closing, without the leadership and support of the governing body, preparation of this budget would not have been possible.

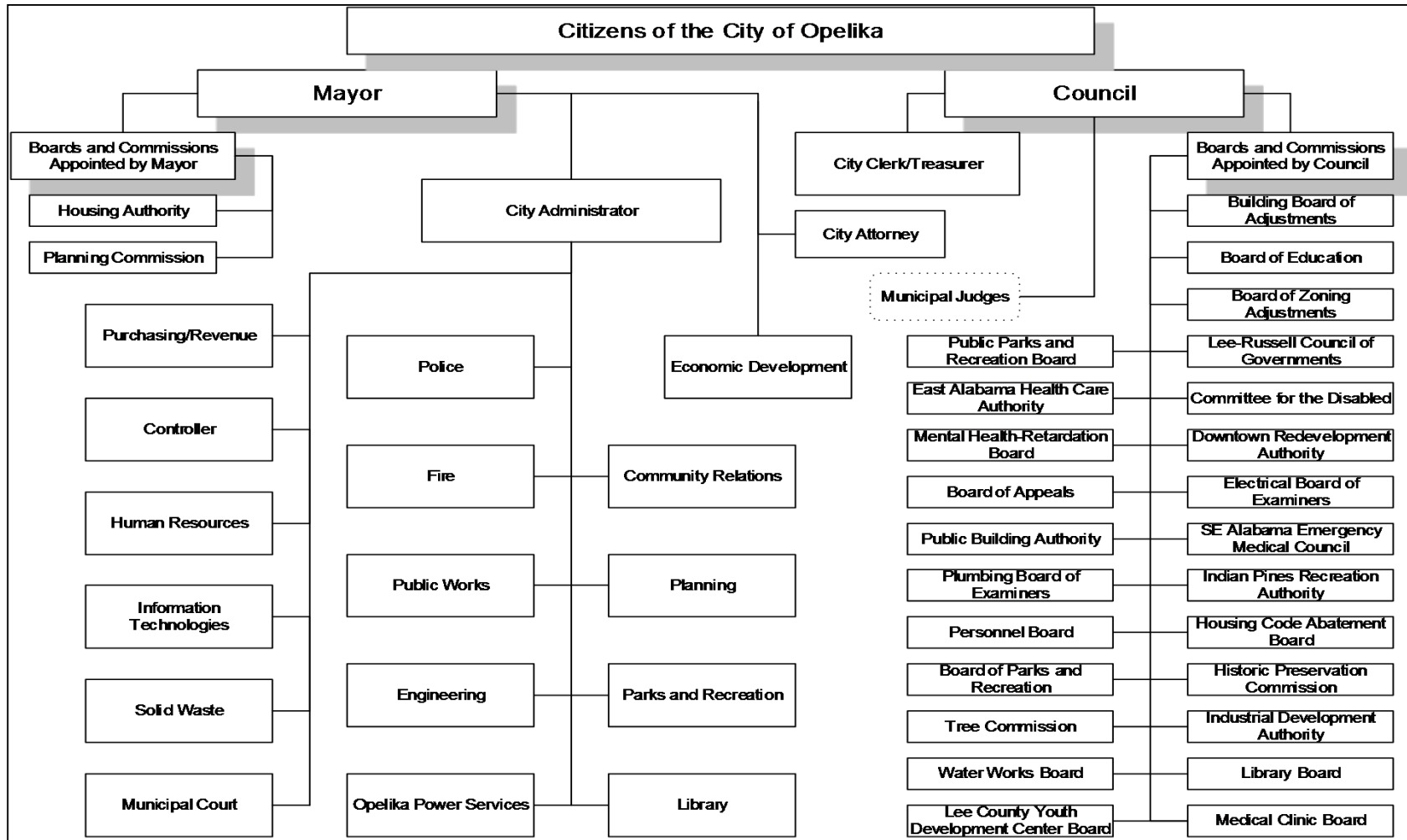
Sincerely,

Robert M Price, CPA
Controller

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016



City of Opelika
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Officials of the City of Opelika

Mayor
Council member, ward 1
Council member, ward 2
Council member, ward 3
Council President, ward 4
Council member, ward 5
Municipal Judge
Associate Judge
Public Defender
City Attorney
City Clerk/Treasurer
Controller
Chief Technology Officer
Human Resources Director
Planning Director
Purchasing Agent/Revenue Manager
Chief of Police
Fire Chief
City Engineer
Library Director
Parks and Recreation Director
Opelika Power Services Director
Economic Development Director
Community Relations Officer

Gary Fuller
Patricia A. Jones
Larry D. Gray
Dozier H. Smith T
Charles E. Smith, Jr.
David Canon
H. Kenneth Wilkes
Ben Hand
M. Joann Camp
Guy F. Gunter, III
Robert G. Shuman
Robert M. Price
Stephen N. Dawe
Lisa McLeod
Gerald E. Kelley
Lillie Finley
John H. McEachern III
Byron J Prather, Jr.
Scott H. Parker
Megan Walters
Samuel S. Bailey, Jr.
David Horton
Lori B. Huguley
Jan H. Gunter

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Fiscal year ending September 30, 2016

Budget Section

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Governmental Fund Types				
	General Fund	Special Revenue	Capital Projects	Proprietary Fund type	Memo Total
Revenues	49,877,000	9,892,000	160,000	49,397,000	109,326,000
Non-operating revenues				1,373,000	1,373,000
Other financing sources	<u>2,821,901</u>	<u>4,205,750</u>	<u>2,909,800</u>	<u>544,000</u>	<u>10,481,451</u>
Total revenues	<u>52,698,901</u>	<u>14,097,750</u>	<u>3,069,800</u>	<u>51,314,000</u>	<u>121,180,451</u>
Departmental expenditures	29,834,620	4,466,750	3,069,800	46,937,115	84,308,285
Appropriations	5,526,555	5,600,722			11,127,277
Capital outlay	4,078,898	569,000	-		4,647,898
Debt service	6,325,278				6,325,278
Non-operating expenses				2,098,522	2,098,522
Transfers-out	<u>6,933,550</u>	<u>3,461,278</u>	<u>-</u>	<u>2,681,638</u>	<u>13,076,466</u>
Total expenditures	<u>52,698,901</u>	<u>14,097,750</u>	<u>3,069,800</u>	<u>51,717,275</u>	<u>121,583,726</u>
Total revenues over (under) total expenditures	-	-	-	(403,275)	(403,275)

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Governmental Fund Types				
General Fund	Special Revenue	Capital Projects	Proprietary Fund type	Memo Total

Adjustments to obtain estimated funds flow:

Add:					
Depreciation				5,200,000	5,200,000
Debt Proceeds				1,527,165	1,527,165
Subtract:					
Funds committed for fire truck					
Fixed Assets				2,166,523	2,166,523
System Expansion				6,552,367	6,552,367
Line of credit from Electric to Telecommunications				1,527,165	1,527,165
Debt principal payments	-			585,000	585,000
Projected increase or (decrease) in funds	-	-	-	(4,507,165)	(4,507,165)
Projected fund balance, beginning of year	40,734,752	10,497,763	871,179	17,850,474	69,954,168
Projected fund balance, end of year	40,734,752	10,497,763	871,179	13,343,309	65,447,003

* Proprietary type funds use accrual based accounting and governmental funds use modified accrual based accounting. For the purposes of this overview the differences are not considered significant.

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Governmental Fund Types				
General Fund	Special Revenue	Capital Projects	Proprietary Fund type	Memo Total

Less: Fund balance non-spendable/restricted/committed/assigned/encumbered:

				-	-
Encumbered for future expenditures	3,682,429	336,851	14,810	4,001,368	8,035,458
Fund balance other than unassigned	<u>9,477,239</u>	<u>10,160,912</u>	<u>856,369</u>	<u>-</u>	<u>20,494,520</u>
Unassigned fund balance, end of year	<u><u>27,575,084</u></u>	<u><u>-</u></u>	<u><u>-</u></u>	<u><u>9,341,941</u></u>	<u><u>36,917,025</u></u>

The City Council desires that a minimum level of Unassigned Fund Balance be maintained at an amount equal to ten percent of budgeted revenues for the General Fund and the Proprietary Fund Types

<u>5,269,890</u>	<u>-</u>	<u>-</u>	<u>4,939,700</u>	<u>10,209,590</u>
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22,305,194	-	-	4,402,241	26,707,435
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* Proprietary type funds use accrual based accounting and governmental funds use modified accrual based accounting. For the purposes of this overview the differences are not considered significant.

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Computation of estimated funds available:
Proprietary Fund Types:

	Electric Utility	Sewer Fund	Solid Waste	Telecom Fund	Proprietary Fund type
Cash	14,277,018	4,380,807	206,786	(288,599)	18,576,012
Accounts Receivable	3,893,451	263,248	123,424	281,615	4,561,738
Due from other funds	-	265,570	-	-	265,570
Total	<u>18,170,469</u>	<u>4,909,625</u>	<u>330,210</u>	<u>(6,984)</u>	<u>23,403,320</u>
Accounts/Deposits payable	3,882,126	1,296	39,277	64,757	3,987,456
Due to other funds	1,269	-	1,625	170,677	173,571
Due to other governments	-	-	-	-	-
Accrued payroll	213,656	-	52,654	36,434	302,744
Bonds payable - current	-	585,000	-	-	585,000
Interest payable	<u>475,112</u>	<u>28,813</u>	<u>-</u>	<u>150</u>	<u>504,075</u>
Total	<u>4,572,163</u>	<u>615,109</u>	<u>93,556</u>	<u>272,018</u>	<u>5,552,846</u>
Estimated funds available	13,598,306	4,294,516	236,654	(279,001)	17,850,474
Reserves and encumbrances, estimated	<u>2,813,741</u>	<u>522,788</u>	<u>201</u>	<u>203,004</u>	<u>3,539,734</u>
Estimated unassigned funds available	<u>10,784,565</u>	<u>3,771,728</u>	<u>236,453</u>	<u>(482,005)</u>	<u>14,310,740</u>
Ten percent of projected revenues	<u>3,842,700</u>	<u>407,200</u>	<u>276,000</u>	<u>413,800</u>	<u>4,939,700</u>

* Proprietary type funds use accrual based accounting and governmental funds use modified accrual based accounting. For the purposes of this overview the differences are not considered significant.

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City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

General Fund

The General Fund is used for resources traditionally associated with the government which are not required legally or by sound financial management to be accounted for in another fund.

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Governmental Funds:					
General Fund:					
Revenues:					
Taxes:					
Sales	23,206,110	24,454,096	25,531,042	20,181,773	27,696,000
Property:					
Property	3,013,106	3,028,018	3,024,488	3,036,994	3,177,000
Payments in lieu of taxes	8,904	9,760	26,002	-	10,000
	3,022,010	3,037,778	3,050,490	3,036,994	3,187,000
Other:					
Gasoline	807,269	818,099	769,258	560,623	770,000
Cigarette	97,852	89,075	83,243	66,516	88,000
Wine	24,715	23,709	23,319	18,893	25,000
Rental	399,286	439,466	500,166	361,609	504,000
	1,329,122	1,370,349	1,375,986	1,007,641	1,387,000
Total taxes	27,557,242	28,862,223	29,957,518	24,226,408	32,270,000
Special assessments:	42,456	11,211	8,382	12,740	8,000
Licenses and permits:					
Occupational	8,317,240	8,872,885	8,917,021	7,118,108	9,571,000
Business:					
General	2,715,997	2,872,733	3,150,917	3,076,823	3,365,000

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Lodging	561,287	624,300	671,296	588,273	697,000
Franchise fee	78,444	67,747	79,861	82,236	8,000
	<u>3,355,728</u>	<u>3,564,780</u>	<u>3,902,074</u>	<u>3,747,332</u>	<u>4,070,000</u>
Telecommunication fees	22,000	10,000	11,000	9,000	-
Permits and inspections	412,047	354,038	409,244	352,736	410,000
	<u>434,047</u>	<u>364,038</u>	<u>420,244</u>	<u>361,736</u>	<u>410,000</u>
Total licenses and permits	<u>12,107,015</u>	<u>12,801,703</u>	<u>13,239,339</u>	<u>11,227,176</u>	<u>14,051,000</u>
Intergovernmental revenue:					
Shared county revenue:					
Motor vehicle license	97,666	98,839	103,277	79,744	107,000
Shared state revenue:					
Bank excise tax	86,057	102,713	144,739	-	145,000
Business privilege tax	70,736	71,267	71,801	-	72,000
State asset forfeiture	12,418	20,034	15,142	17,920	17,000
Share of liquor tax profits	105,960	111,659	121,362	100,719	127,000
	<u>275,171</u>	<u>305,673</u>	<u>353,044</u>	<u>118,639</u>	<u>361,000</u>
Shared Federal Revenue:					
Federal Asset Forfeiture	28,872	27,616	27,365	26,764	27,000
Other:					
Federal	-	-	-	-	-
State	30,293	30,958	26,709	17,285	-
Lee County	10,000	10,000	10,000	12,500	10,000

City of Opelika

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Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
	40,293	40,958	36,709	29,785	10,000
Total intergovernmental revenue	442,002	473,086	520,395	254,932	505,000
Charges for services:					
General Government:					
Other	25,082	26,507	13,012	7,670	13,000
Public safety:					
Highway Safety Program	17,302	-	-	-	-
Board of Education	12,855	12,000	12,000	12,000	4,000
Housing Authority	70,000	52,500	35,000	-	-
Communications / E911	42,500	40,000	102,000	-	51,000
Water Works Board	21,991	-	-	-	-
Auburn University	43,572	60,423	64,537	39,317	67,000
City of Auburn	1,683	-	-	-	-
Towing, firecalls, Training, EMS	897	2,401	3,815	3,352	-
	210,800	167,324	217,352	54,669	122,000
Public Works:					
Clearing and grading - other	77,697	50,415	67,842	42,868	52,000
Health:					
Graves and monuments	114,600	112,902	124,275	112,650	140,000
Cemetery Vases and Markers	4,598	3,356	2,157	1,910	-
	119,198	116,258	126,432	114,560	140,000
Culture and recreation:					
Entry fees and concessions	1,332,552	1,390,847	1,422,008	1,111,385	1,424,000
Total charges for service	1,765,329	1,751,351	1,846,646	1,331,152	1,751,000

City of Opelika

Annual Budget

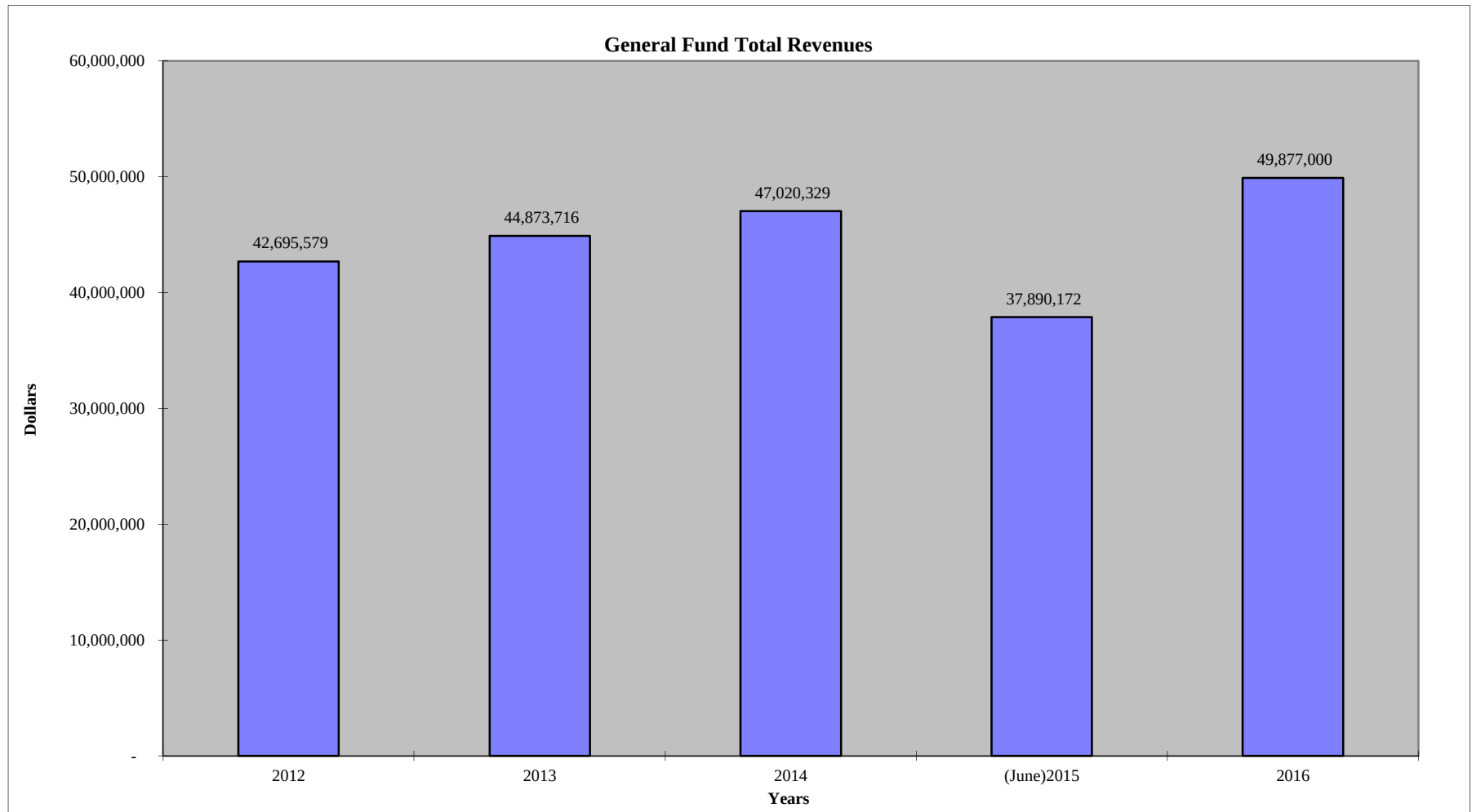
Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Fines and forfeits:					
Public safety:					
Fines and costs	421,068	587,711	825,393	490,892	890,000
Culture and recreation:					
Fines	36,709	35,018	23,954	30,371	29,000
Total fines and forfeits	457,777	622,729	849,347	521,263	919,000
Miscellaneous revenues:					
Interest earnings	85,361	92,425	86,412	59,467	83,000
Other:					
Rental income	41,827	51,113	63,789	43,657	64,000
Contributions	28,010	17,300	115,560	21,384	-
Insurance Claims	22,504	12,156	26,758	2,619	-
Cemetery lots	82,250	85,500	78,250	92,850	85,000
Miscellaneous	63,806	92,919	227,933	96,524	141,000
Total miscellaneous revenues	238,397	258,988	512,290	257,034	290,000
Total miscellaneous revenues	323,758	351,413	598,702	316,501	373,000
Total revenues	42,695,579	44,873,716	47,020,329	37,890,172	49,877,000

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016



City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Expenditures:					
Current:					
General government:					
Mayor					
Personal services	125,866	132,252	135,625	100,171	138,922
Other	37,250	47,548	75,274	44,928	323,700
Total mayor	163,116	179,800	210,899	145,099	462,622
Administration:					
Personal services	225,080	149,187	210,711	88,758	131,061
Other	208,561	221,700	366,365	213,565	311,530
Services provided to other funds	(1,200)	-	-	-	-
Total administration	432,441	370,887	577,076	302,323	442,591
Legal:					
Personal services	-	-	84,120	83,103	118,232
Other	-	-	11,830	7,960	27,920
	-	-	95,950	91,063	146,152
Legislative - City Clerk:					
Personal services	176,944	181,286	183,565	137,089	190,221
Other	185,251	186,893	149,518	110,479	247,920
Services provided to other funds	-	-	-	-	-
Total legislative	362,195	368,179	333,083	247,568	438,141

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Expenditures:					
Current:					
General government:					
Other:					
Revenue:					
Personal services	233,347	214,909	204,943	131,784	187,703
Other	41,498	41,846	48,703	37,639	79,813
Services provided other funds	-	-	-	-	-
	<u>274,845</u>	<u>256,755</u>	<u>253,646</u>	<u>169,423</u>	<u>267,516</u>
Accounting:					
Personal services	354,334	370,312	383,325	318,657	457,845
Other	61,398	49,345	74,002	56,114	93,410
Services provided other funds	(99,658)	(90,909)	(125,205)	(119,646)	(151,200)
	<u>316,074</u>	<u>328,748</u>	<u>332,122</u>	<u>255,125</u>	<u>400,055</u>
Information Technologies:					
Personal services	490,519	554,999	604,278	450,364	642,663
Other	611,131	511,308	583,999	632,174	918,463
Services provided other funds	(167,852)	(208,610)	(229,265)	(130,443)	(186,800)
	<u>933,798</u>	<u>857,697</u>	<u>959,012</u>	<u>952,095</u>	<u>1,374,326</u>
Judicial:					
Personal services	235,146	244,241	230,990	175,665	266,693
Other	136,083	215,509	415,872	234,177	357,250
	<u>371,229</u>	<u>459,750</u>	<u>646,862</u>	<u>409,842</u>	<u>623,943</u>

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Expenditures:					
Current:					
General government:					
Other:					
Human Resources administration:					
Personal services	194,744	166,972	229,860	173,750	246,664
Other	95,592	121,456	98,168	107,113	123,040
	<u>290,336</u>	<u>288,428</u>	<u>328,028</u>	<u>280,863</u>	<u>369,704</u>
Planning:					
Personal services	323,425	285,840	292,344	219,019	310,591
Other	75,716	27,615	24,276	13,885	42,780
Services provided to other fund:	-	-	-	-	-
	<u>399,141</u>	<u>313,455</u>	<u>316,620</u>	<u>232,904</u>	<u>353,371</u>
Purchasing:					
Personal services	240,521	292,050	254,808	188,961	209,865
Other	7,926	24,576	34,358	6,608	24,240
Services provided to other fund:	(63,168)	(68,314)	(63,823)	(56,531)	(66,293)
	<u>185,279</u>	<u>248,312</u>	<u>225,343</u>	<u>139,038</u>	<u>167,812</u>
Community Relations:					
Personal services	67,387	68,570	72,219	54,447	77,141
Other	45,904	56,972	54,362	26,416	59,250
	<u>113,291</u>	<u>125,542</u>	<u>126,581</u>	<u>80,863</u>	<u>136,391</u>

City of Opelika

Annual Budget

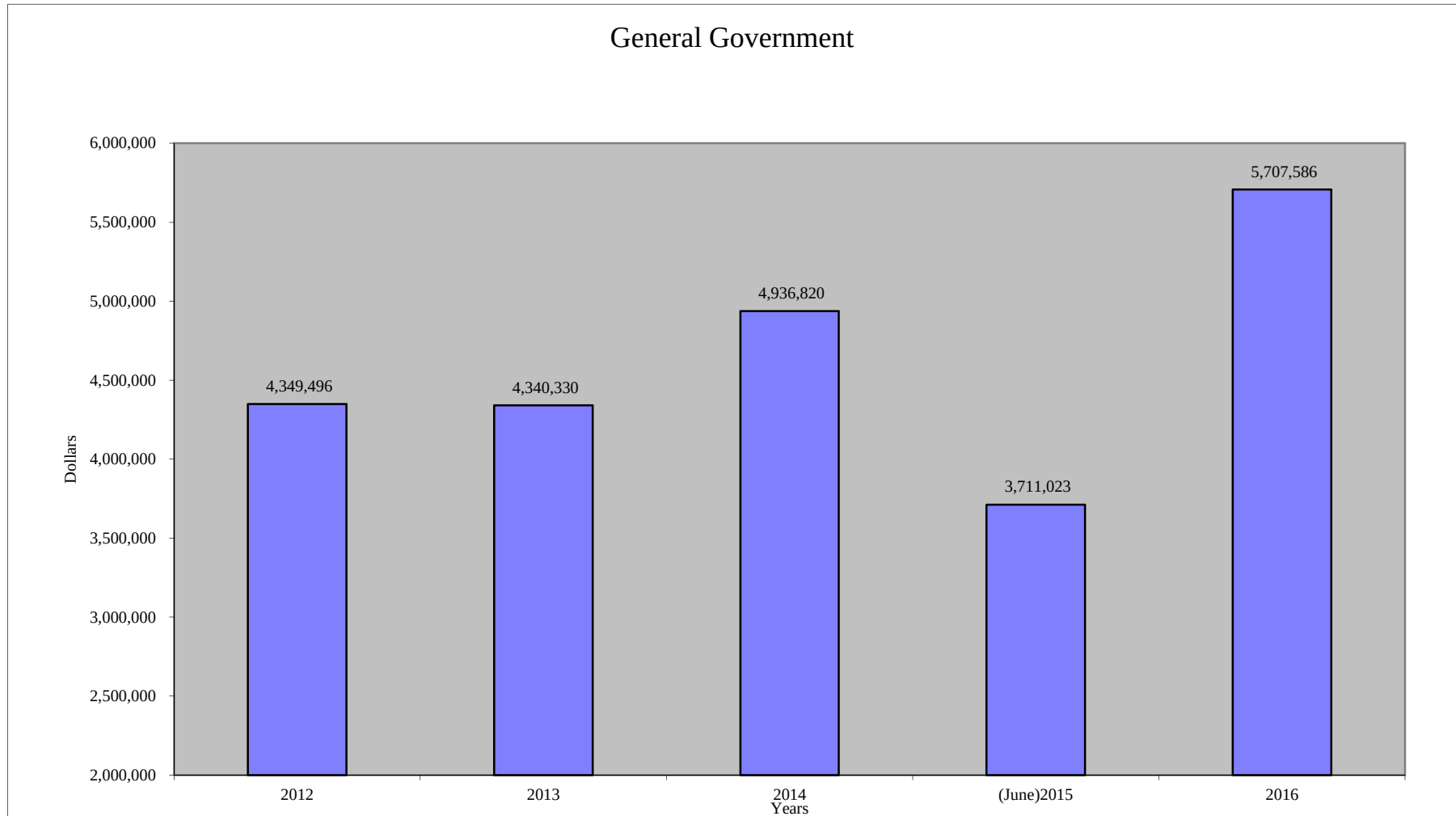
Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Expenditures:					
Current:					
General government:					
Other:					
Nondepartmental:					
Auburn-Opelika Airport	140,851	150,177	143,898	111,534	151,647
Lee County Area Council of Governments	108,400	128,400	128,400	111,158	136,215
Opelika Chamber of Commerce	70,000	70,000	70,000	52,500	60,000
Opelika Industrial Development Authority	125,000	125,000	125,000	93,750	125,000
Lee County Extension Service	10,000	10,000	10,000	7,500	10,000
Main Street, Inc.	15,000	15,000	17,500	13,125	20,600
Downtown Redevelopment Authority	-	4,500	4,500	4,500	4,500
Envision Opelika	15,000	12,000	12,000	-	12,000
Other	23,500	27,700	20,300	10,750	5,000
	<u>507,751</u>	<u>542,777</u>	<u>531,598</u>	<u>404,817</u>	<u>524,962</u>
Total other	<u>3,391,744</u>	<u>3,421,464</u>	<u>3,719,812</u>	<u>2,924,970</u>	<u>4,218,080</u>
Total general government	<u>4,349,496</u>	<u>4,340,330</u>	<u>4,936,820</u>	<u>3,711,023</u>	<u>5,707,586</u>

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016



City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

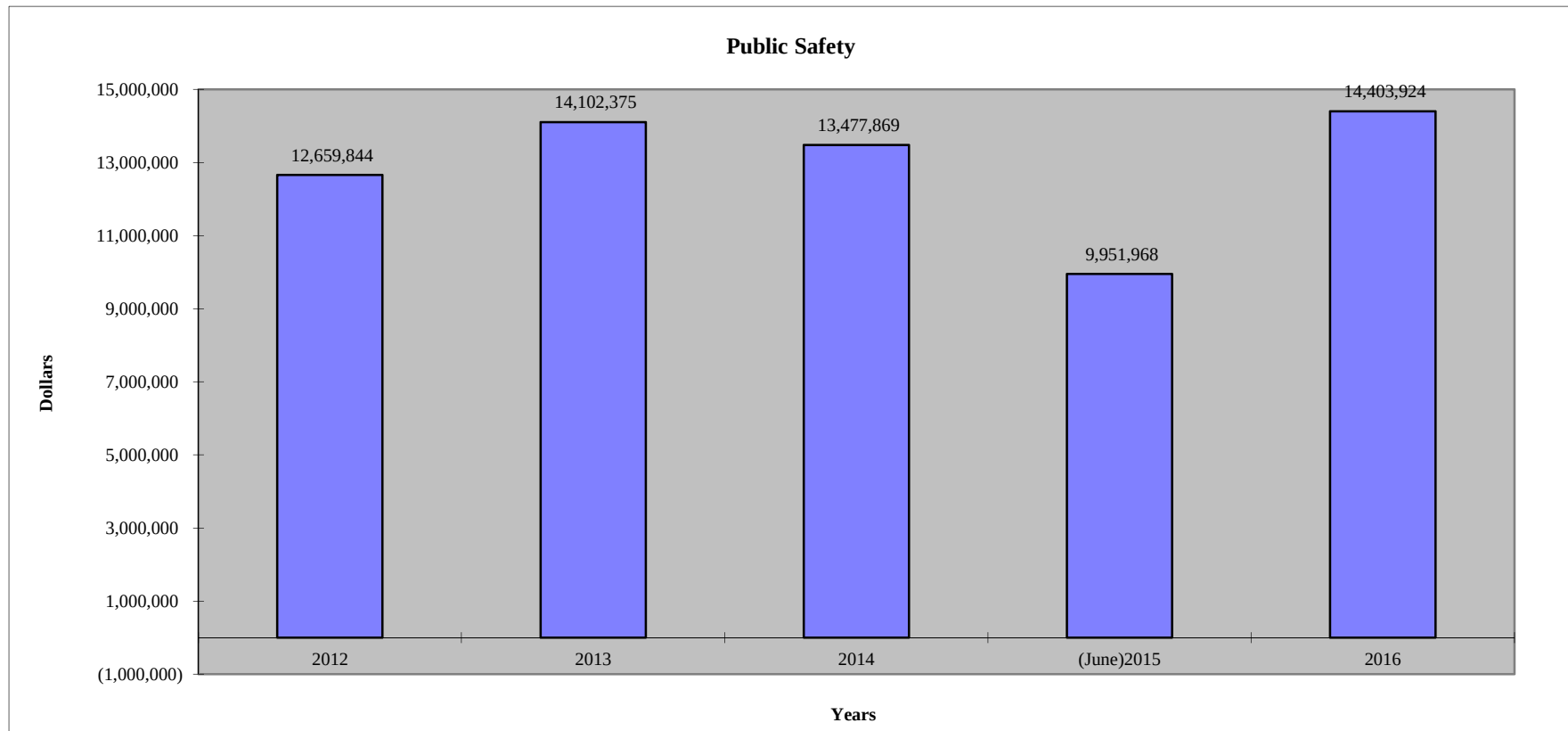
	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Public safety:					
Police:					
Personal services	6,044,086	6,273,419	6,455,101	4,979,229	7,127,552
Other	1,603,192	2,450,944	1,469,337	948,739	1,745,210
Services provided other funds	-	-	-	-	-
Total police	7,647,278	8,724,363	7,924,438	5,927,968	8,872,762
Fire:					
Personal services	4,201,532	4,509,103	4,600,169	3,359,023	4,560,360
Other	459,558	521,593	618,786	416,370	637,130
Total fire	4,661,090	5,030,696	5,218,955	3,775,393	5,197,490
Other:					
Nondepartmental:					
National Guard	1,000	1,000	-	-	-
Juvenile Court	15,000	15,000	10,000	7,500	10,000
Lee County Emergency Mgt	46,000	41,000	35,000	24,000	34,196
Emergency Medical Service	289,476	289,476	289,476	217,107	289,476
Other	-	840	-	-	-
Total other	351,476	347,316	334,476	248,607	333,672

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Total public safety	12,659,844	14,102,375	13,477,869	9,951,968	14,403,924



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City of Opelika
Annual Budget
Fiscal year ending September 30, 2016

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City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Public Works:					
Highways and streets:					
Personal services	5,296	5,353	6,055	4,049	9,035
Other	994,039	1,010,709	1,062,451	811,579	1,087,364
	<u>999,335</u>	<u>1,016,062</u>	<u>1,068,506</u>	<u>815,628</u>	<u>1,096,399</u>
Engineering:					
Personal services	342,664	335,955	324,044	264,258	370,561
Other	51,861	43,496	79,473	70,186	89,640
Services provided to other funds	-	-	-	-	-
	<u>394,525</u>	<u>379,451</u>	<u>403,517</u>	<u>334,444</u>	<u>460,201</u>
Other:					
Administration:					
Personal services	-	-	-	-	-
Other	314,966	320,499	335,391	263,669	350,964
Services provided other funds	-	-	-	-	-
	<u>314,966</u>	<u>320,499</u>	<u>335,391</u>	<u>263,669</u>	<u>350,964</u>
Cemetery:					
Personal services	-	-	-	-	-
Other	190,000	191,267	206,968	148,099	200,734
	<u>190,000</u>	<u>191,267</u>	<u>206,968</u>	<u>148,099</u>	<u>200,734</u>

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

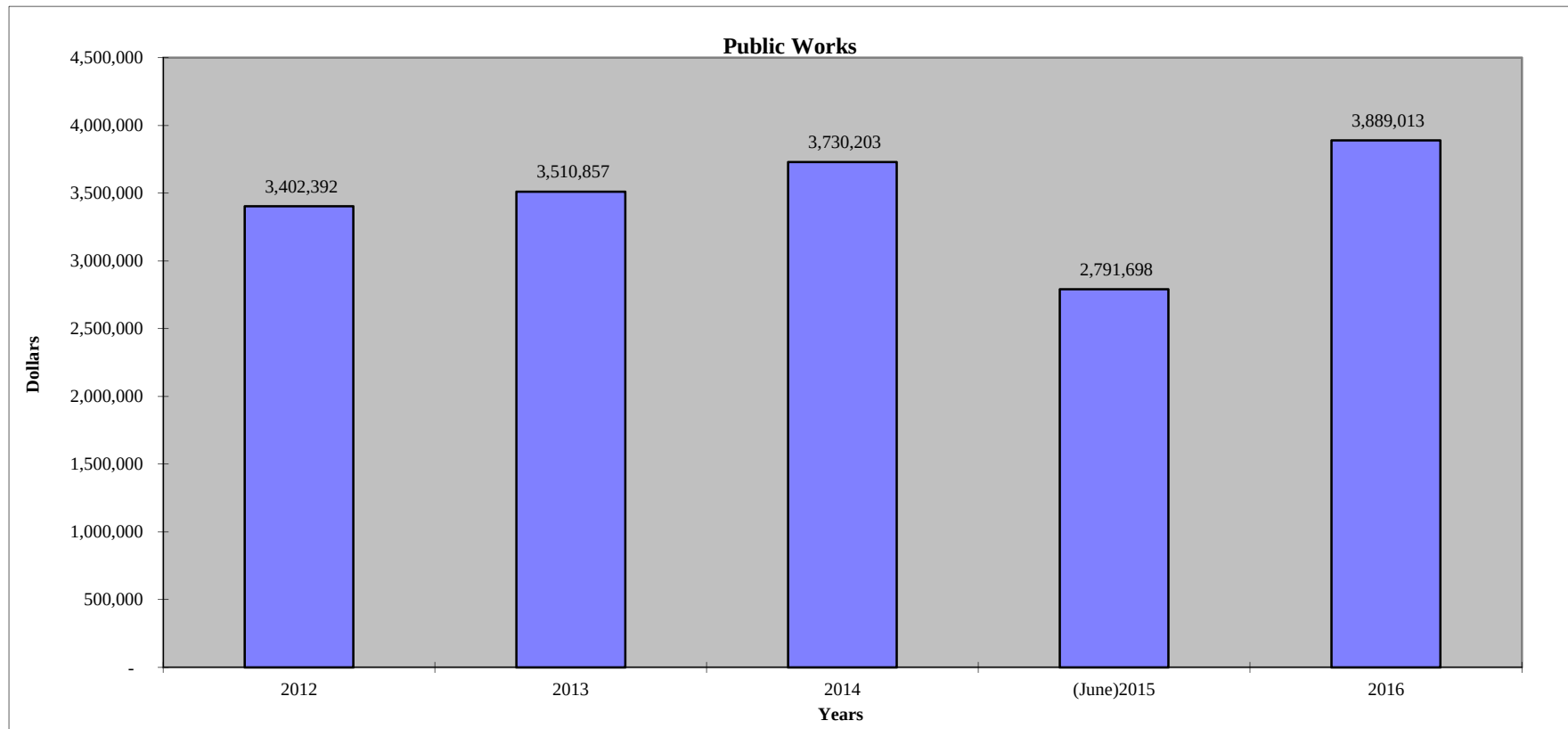
	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Automotive shop:					
Personal services	-	-	-	-	-
Other	318,853	333,202	340,480	256,618	352,748
	<u>318,853</u>	<u>333,202</u>	<u>340,480</u>	<u>256,618</u>	<u>352,748</u>
Grounds maintenance:					
Personal services	-	-	-	-	-
Other	506,234	519,825	566,141	407,537	551,974
Services provided other funds	-	-	-	-	-
	<u>506,234</u>	<u>519,825</u>	<u>566,141</u>	<u>407,537</u>	<u>551,974</u>
Building maintenance:					
Personal services	3,744	3,744	3,744	2,808	3,744
Other	292,665	299,523	327,586	237,017	323,365
	<u>296,409</u>	<u>303,267</u>	<u>331,330</u>	<u>239,825</u>	<u>327,109</u>
Inspection:					
Personal services	343,564	402,204	396,097	262,113	435,834
Other	38,506	45,080	81,773	63,765	113,050
	<u>382,070</u>	<u>447,284</u>	<u>477,870</u>	<u>325,878</u>	<u>548,884</u>
 Total other	 <u>2,008,532</u>	 <u>2,115,344</u>	 <u>2,258,180</u>	 <u>1,641,626</u>	 <u>2,332,413</u>

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Total public works	3,402,392	3,510,857	3,730,203	2,791,698	3,889,013



City of Opelika

Annual Budget

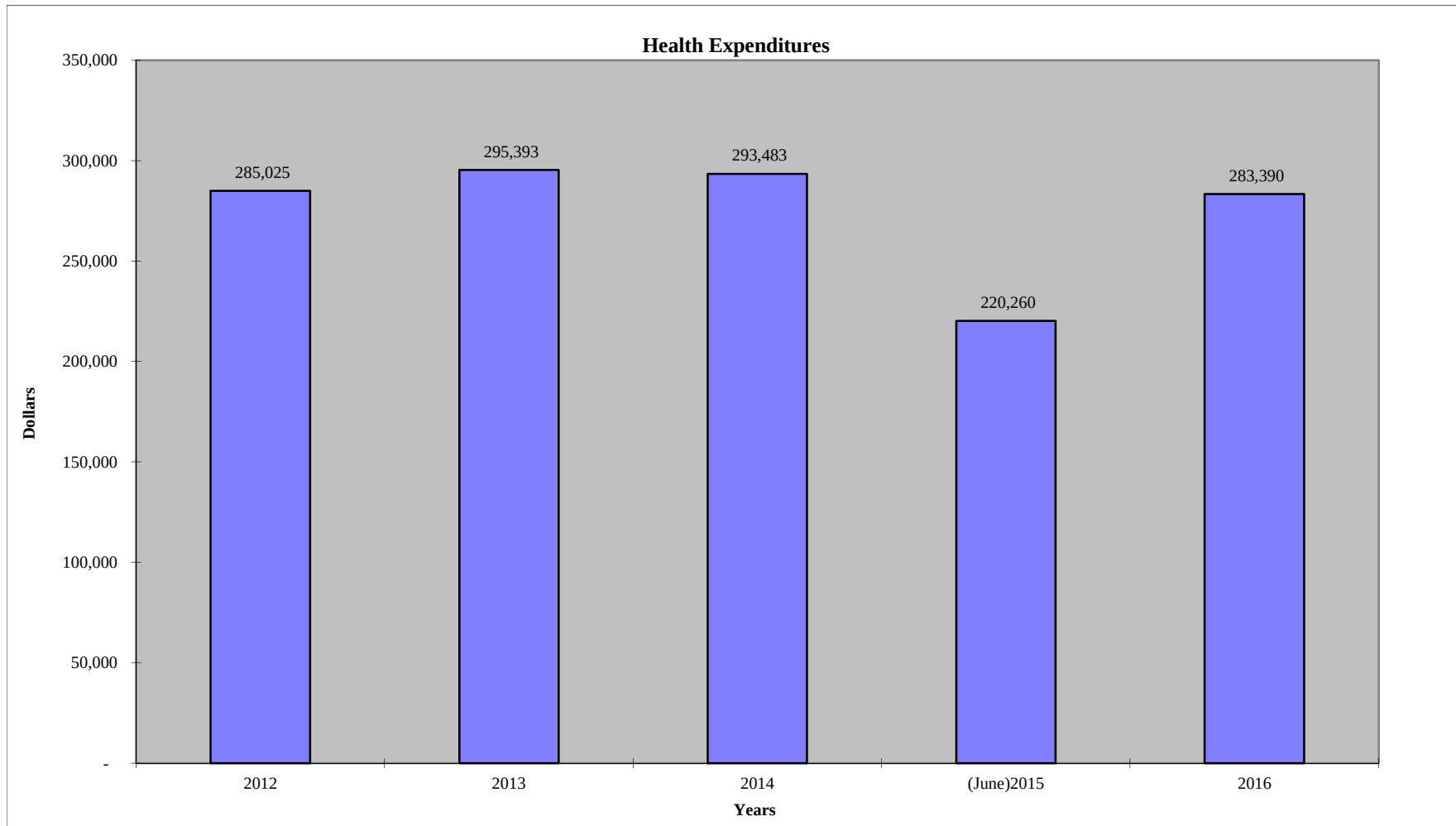
Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Health:					
Animal control:					
Personal services	50,122	51,725	53,347	40,266	56,680
Other	5,677	6,155	5,709	2,352	8,240
	<u>55,799</u>	<u>57,880</u>	<u>59,056</u>	<u>42,618</u>	<u>64,920</u>
Other:					
Nondepartmental:					
Public health	46,800	46,800	46,800	35,100	46,800
Mental health	47,500	47,500	47,500	33,750	42,500
Substance abuse	47,500	47,500	40,000	26,250	32,500
	-	-	-	-	-
Valley Haven School	2,000	2,000	2,000	2,000	2,000
Lee County Humane Society	67,126	75,413	77,127	61,042	77,170
Sickle Cell	1,500	1,500	-	-	-
Child care alliance	1,800	1,800	6,000	6,000	6,000
Red Cross	10,000	10,000	10,000	6,000	8,500
Child Advocacy Center	-	-	-	2,500	3,000
Other	5,000	5,000	5,000	5,000	-
	<u>229,226</u>	<u>237,513</u>	<u>234,427</u>	<u>177,642</u>	<u>218,470</u>
Total health	<u>285,025</u>	<u>295,393</u>	<u>293,483</u>	<u>220,260</u>	<u>283,390</u>

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016



City of Opelika

Annual Budget

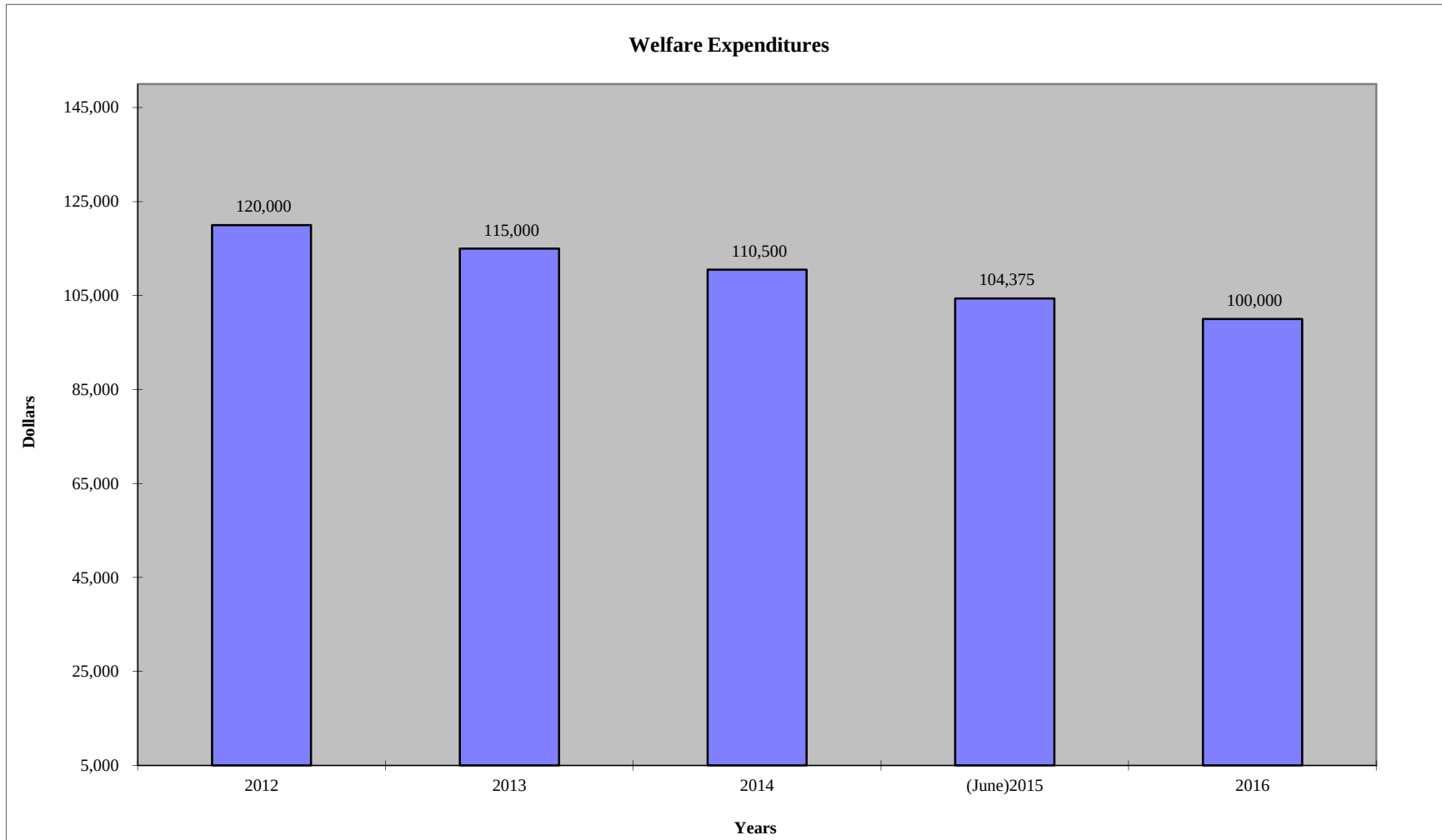
Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Welfare:					
Other:					
Nondepartmental:					
East Alabama Services for the Elderly	10,000	10,000	10,000	7,500	10,000
Lee County Youth Development	32,000	32,000	32,000	24,000	32,000
Boys and Girls Club	35,000	35,000	35,000	49,375	32,500
Council on Human Relations	20,000	20,000	20,000	15,000	20,000
Story Book Farms	8,000	8,000	-	-	4,000
Christian Care Ministries	-	-	1,000	-	1,500
Greater Peace Child Development	-	-	2,500	2,500	-
Other	15,000	10,000	10,000	6,000	-
Total welfare	120,000	115,000	110,500	104,375	100,000

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016



City of Opelika

Annual Budget

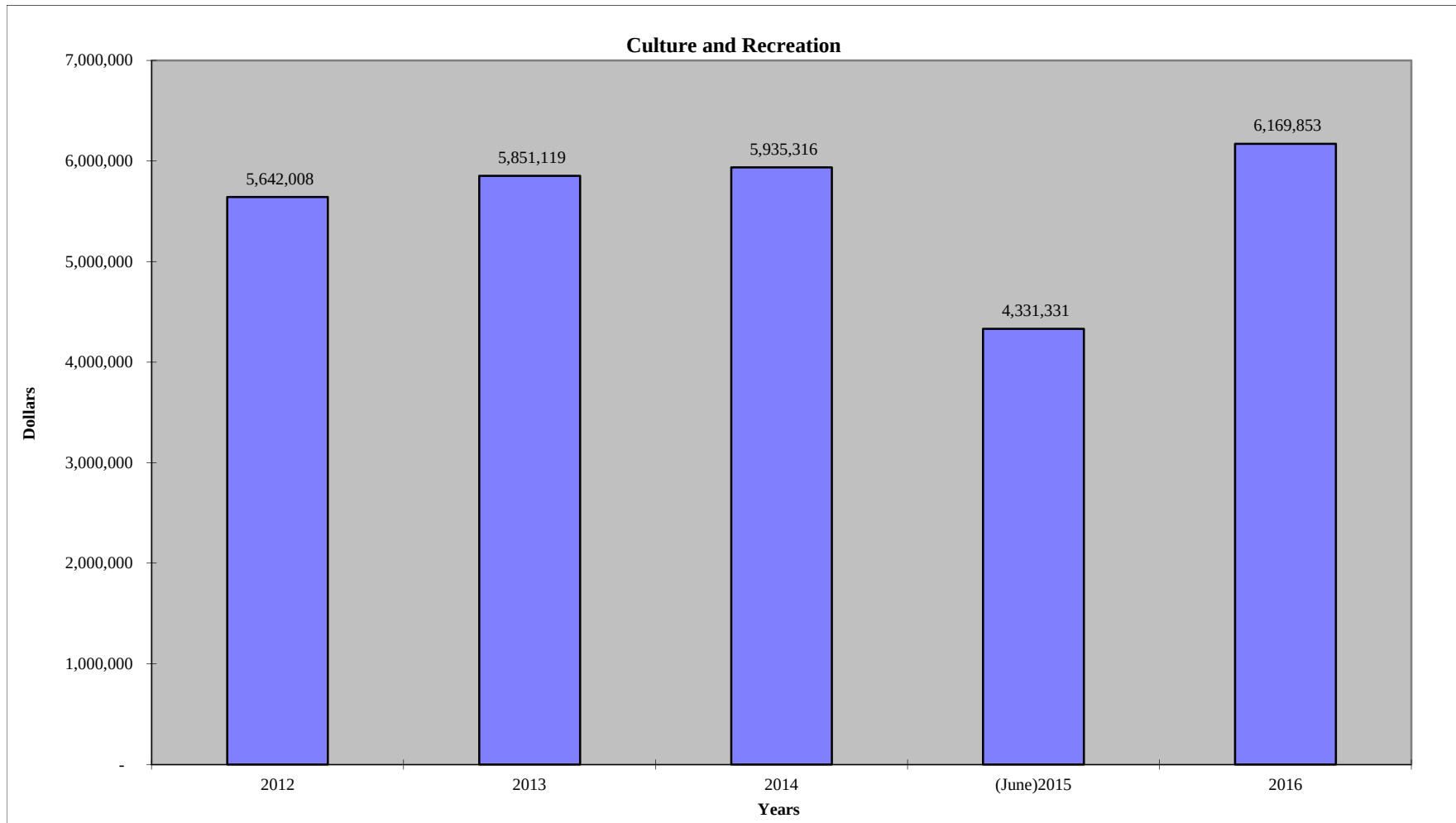
Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Culture and recreation:					
Parks and recreation:					
Personal services	1,397,896	1,452,114	1,510,197	1,133,109	1,565,107
Other	3,456,285	3,591,033	3,581,397	2,571,979	3,781,760
Total parks and recreation	4,854,181	5,043,147	5,091,594	3,705,088	5,346,867
Library:					
Personal services	492,310	513,870	526,818	383,515	570,475
Other	195,457	182,078	224,404	158,903	154,810
Total library	687,767	695,948	751,222	542,418	725,285
Nondepartmental:					
Opelika Tree Commission	60	4,273	-	-	-
Beautification Committee	35,000	35,000	32,500	27,500	40,000
Arts Association (Depot)	35,000	25,000	25,000	25,000	28,100
Museum of East Alabama	22,500	22,500	22,500	16,125	29,601
Other	7,500	25,251	12,500	15,200	-
Total nondepartmental	100,060	112,024	92,500	83,825	97,701
Total culture and recreation	5,642,008	5,851,119	5,935,316	4,331,331	6,169,853

City of Opelika

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Fiscal year ending September 30, 2016



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Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Economic development:					
Personal services	248,694	247,471	268,485	193,581	306,421
Other	126,630	155,166	117,138	93,802	249,238
Economic development	375,324	402,637	385,623	287,383	555,659
Nondepartmental:					
Perf incentive - Pharmavite	-	100,000	96,400	107,500	125,000
Perf incentive - Mando	100,000	100,000	100,000	-	100,000
Perf incentive - Bentler	25,000	17,833	-	-	-
Maxforma Economic Incentv	35,000	35,000	35,000	-	35,000
Gambro Economic Incentive	50,000	50,000	50,000	-	50,000
Daewon Economic Incentive	8,750	8,750	8,750	-	8,750
South East Alabama Gas	17,534	11,921	9,831	7,829	10,000
Tiger Town Warrants	543,515	574,909	648,995	521,860	660,000
Glynn Smith 2012A Warrants	-	73,587	105,248	83,105	110,000
Eastwynn	-	-	49,102	57,534	50,000
Old Lowes Building	-	-	-	60,117	100,000
Other	-	226,270	2,750	-	-
	779,799	1,198,270	1,106,076	837,945	1,248,750
Total economic development	1,155,123	1,600,907	1,491,699	1,125,328	1,804,409

City of Opelika

Annual Budget

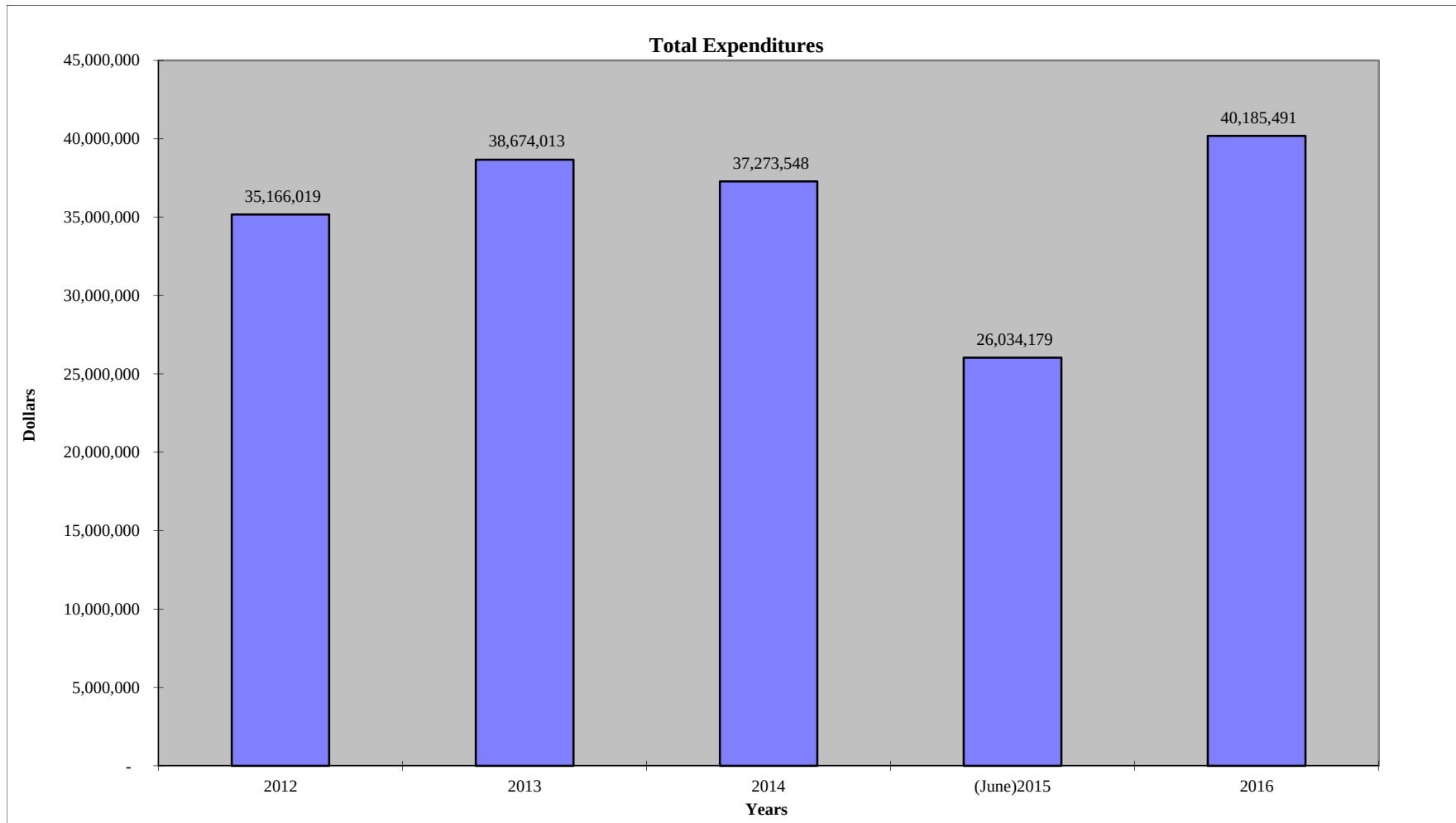
Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Education:	3,015,750	3,010,750	3,005,000	2,256,500	3,003,000
Total current expenditures	30,629,638	32,826,731	32,980,890	24,492,483	35,361,175
Capital outlay:	3,782,360	3,847,205	2,294,732	982,633	4,078,898
Debt service:					
Issue cost and Trustee fees	-	-	-	-	-
Principal	490,124	1,762,116	1,786,555	418,790	591,384
Interest	263,897	237,961	211,371	140,273	154,034
	754,021	2,000,077	1,997,926	559,063	745,418
Total expenditures	35,166,019	38,674,013	37,273,548	26,034,179	40,185,491
Excess of revenues over (under) expenditures	7,529,560	6,199,703	9,746,781	11,855,993	9,691,509

City of Opelika

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Fiscal year ending September 30, 2016



City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Other financing sources (uses):					
Proceeds from General Long-Term Debt	-	2,505,018		45,590	-
Sales of fixed assets	86,965	92,631	80,165	75,408	-
Transfers from Electric Utility Fund	2,970,725	2,484,699	922,140	2,193,871	2,681,638
Transfers from Sales Tax Revenue Fund	-	-	-	-	120,263
Transfers from Garden Hills Cemetery Perpetual Care Trust Fund	10,067	11,096	13,191	7,289	20,000
Transfers from Governmental Funds	2,092,511	618,039	428,211	422,674	-
Transfers from General Obligation Debt Service Fund	37		-	-	-
Transfers to Health Insurance Fund	-	(723,086)	(1,309,344)	-	(1,349,750)
Transfers to Community Development Fund	(199,592)	(360,429)	(64,975)	(1,509)	-
Transfers to General Obligation Debt Service fund	-	-	-	-	-
Transfers to Garden Hills Cemetery Perpetual Care Trust Fund	(20,563)	(21,375)	(19,563)	(23,213)	(12,000)
Transfers to Committed Road Const Fund	-	-		(14,810)	(2,909,800)
Transfers to 1/2% Sales Tax Reserve Fund	(1,987,358)	(2,151,608)	(2,402,130)	(1,941,527)	(2,662,000)
Transfers to Solid Waste Fund		-	-	-	-
Transfers to Sewer Fund	-	-	-	-	-
Transfers to 2010 Warrants	(1,289,233)	(1,286,833)	(1,281,601)	(116,362)	(1,565,660)
Transfers to 2003AWarrants	(1,260,317)	(1,276,963)	-	-	
Transfers to General Obligation Warrants Debt Service Fund	(1,241,827)	(4,067,310)	(4,014,090)	(4,011,974)	(4,014,200)
Total other financing sources (uses):	(838,584)	(4,176,121)	(7,647,996)	(3,364,561)	(9,691,509)

City of Opelika

Annual Budget

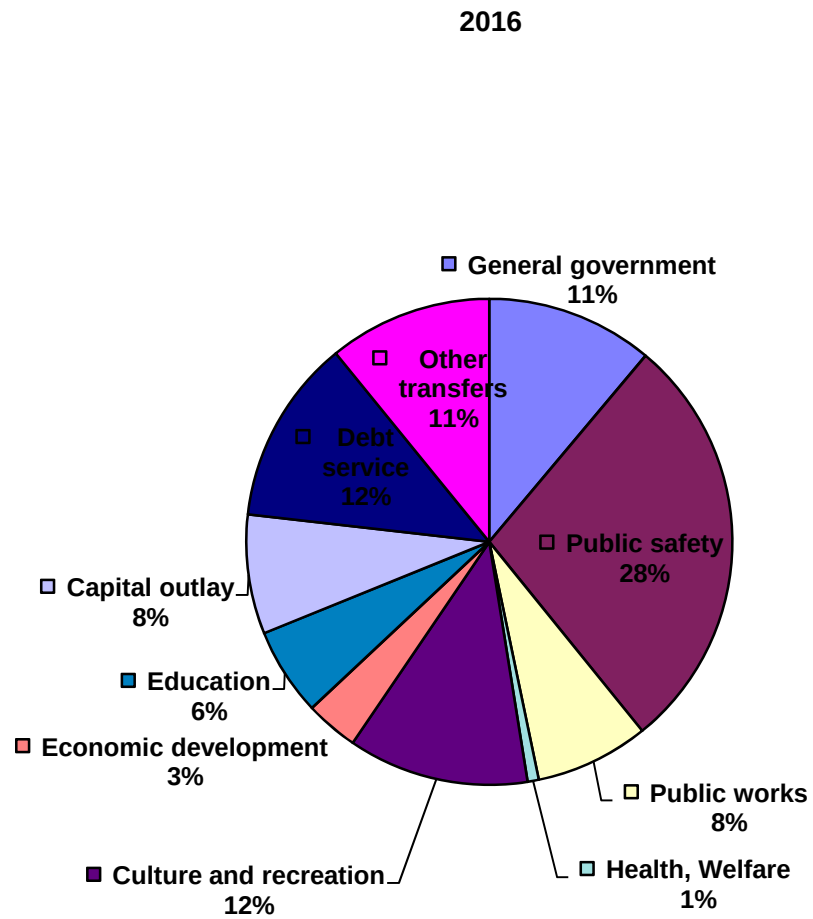
Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
General Fund:					
Excess of revenues and other sources over (under) expenditures and other uses	6,690,976	2,023,582	2,098,785	8,491,432	-
Excess of revenues and other sources over (under) expenditures and other uses	6,690,976	2,023,582	2,098,785	8,491,432	-
Projected fund balance, beginning of year	21,429,977	28,120,953	30,144,535	32,243,320	40,734,752
Projected fund balance, end of year	28,120,953	30,144,535	32,243,320	40,734,752	40,734,752

City of Opelika

Annual Budget

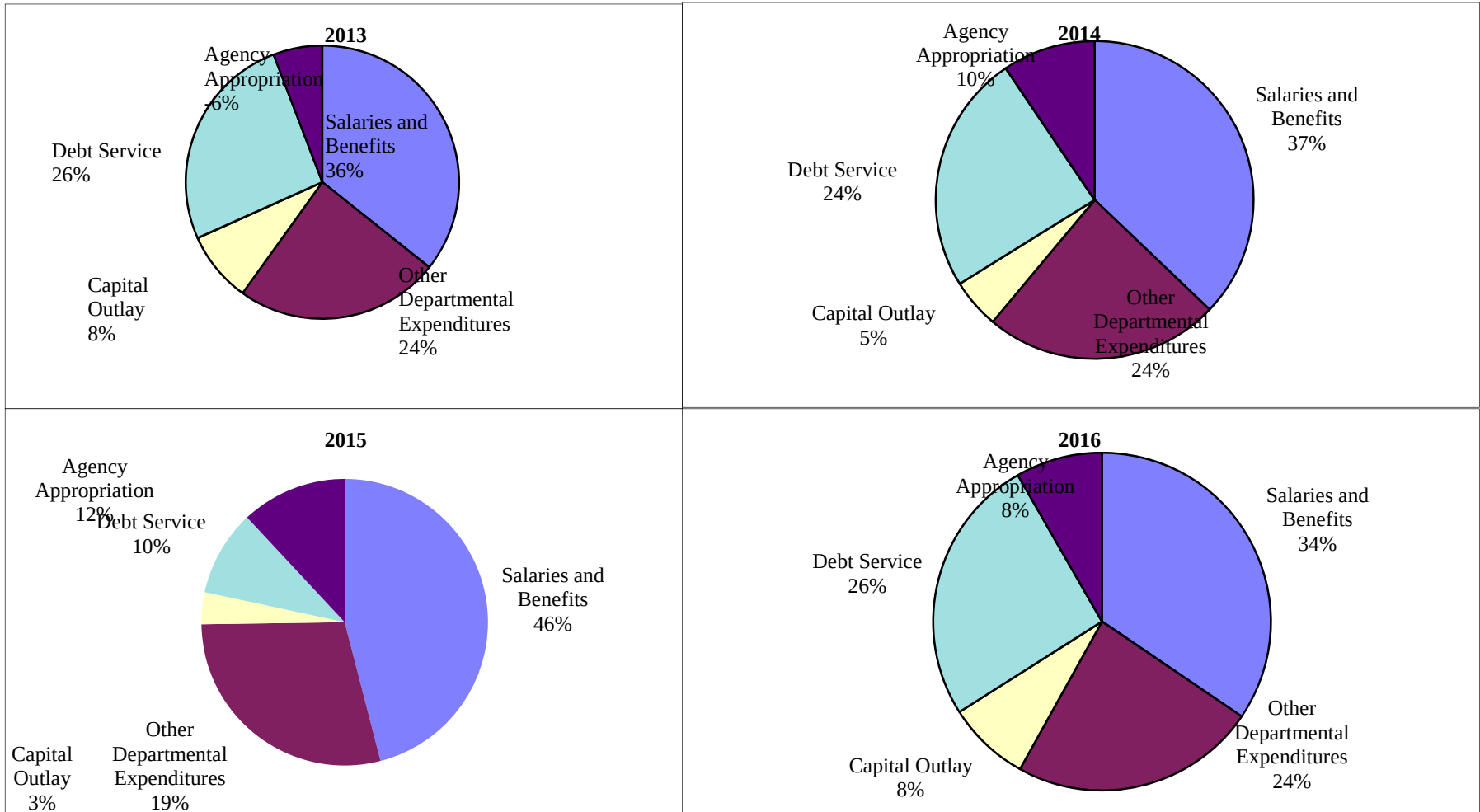
Fiscal year ending September 30, 2016



City of Opelika

Annual Budget

Fiscal year ending September 30, 2016



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Fiscal year ending September 30, 2016

Special Revenue Funds

Special revenue funds are used to account for specific revenues that are restricted to expenditure for particular purposes.

The School Tax Special Revenue Fund is used to account for Ad valorem tax revenues that are restricted for school purposes. Revenues in excess of debt service on school debt are paid to the Opelika City Board of Education and are classified as an education appropriation.

The Lodging Tax Fund is used to account for revenues that are intended for economic development initiatives.

4¢ State Gasoline Tax Fund - This fund is used to account for the government's share of revenues to be used exclusively for the purposes of paying the costs of resurfacing, restoration, and rehabilitation of roads, bridges and streets, and bridge replacement and road construction.

7¢ State Gasoline Tax Fund - This fund is used to account for the government's share of revenues to be used exclusively for the purposes of paying the costs of transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways.

Capital Improvement Funds - These funds are used to account for the government's share of revenues to be used exclusively for the purposes of paying the costs of capital improvements or the renovation of capital improvements or to retire debt associated with capital improvements.

Workmen's Compensation Insurance Fund is used to account for the allocation of costs associated with the workmen's compensation self insurance fund.

Sportsplex fund is used to account for sales tax that is intended for debt service and other ongoing operations of the recreation center.

Garden Hills Cemetery Trust Fund is a permanent fund that is used to account for resources that are legally restricted.

Rosemere Cemetery Fund - This fund is used to account for the government's share of revenues to be used exclusively for the perpetual care, maintenance, and preservation of the graves in this cemetery.

Community Development grant funds are used for funding various projects including substandard housing and other community improvements.

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Schools Property Tax Fund:					
Revenues:					
Property:					
Property	5,862,279	5,942,782	5,897,407	5,999,388	6,100,000
Miscellaneous:					
Contributions	-	-	-	-	-
Interest	7,471	6,844	8,774	4,516	8,000
Total revenues	5,869,750	5,949,626	5,906,181	6,003,904	6,108,000
Expenditures:					
Nondepartmental:					
Education	4,876,279	4,958,890	4,921,728	5,211,588	5,115,722
Excess of revenues over (under) expenditures	993,471	990,736	984,453	792,316	992,278
Other financing sources (uses):					
Transfers to debt service funds	(993,471)	(990,736)	(984,453)	(470,679)	(992,278)
Excess of revenues and other sources over (under) expenditures and other uses	-	-	-	321,637	-
Projected fund balance, beginning of year	-	-	-	-	321,637
Projected fund balance, end of year	-	-	-	321,637	321,637

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Lodging Tax Fund:					
Revenues:					
Miscellaneous:					
Lodging Fees	279,878	304,301	322,610	277,483	325,000
Interest	-	-	-	-	-
Total revenues	279,878	304,301	322,610	277,483	325,000
Expenditures:					
Current:	149,200	224,727	110,936	107,688	250,000
General Government Appropriations	100,000	50,000	200,000	189,583	75,000
Capital Outlay	-	-	-	-	-
Excess of revenues over (under) expenditures	30,678	29,574	11,674	(19,788)	-
Other financing sources (uses):					
Transfers from General Fund	-	-	-	-	-
Transfers to General Fund	-	-	(21,039)	-	-
Transfers from (to) General Fund	-	-	(21,039)	-	-
Excess of revenues and other sources over (under) expenditures and other uses	30,678	29,574	(9,365)	(19,788)	-
Projected fund balance, beginning of year	730,553	761,231	790,805	781,440	761,652
Projected fund balance, end of year	761,231	790,805	781,440	761,652	761,652

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
4 cent State Gasoline Tax Fund:					
Revenues:					
Intergovernmental:					
Shared state gasoline tax	57,003	56,750	57,197	43,057	56,000
Miscellaneous:					
Interest	49	14	5	4	-
Other	-	-	-	-	-
Total revenues	57,052	56,764	57,202	43,061	56,000
Expenditures:					
Current:					
Public works	-	-	-	-	-
Capital Outlay	53,000	54,000	52,000	-	56,000
Total expenditures	53,000	54,000	52,000	-	56,000
Excess of revenues over (under) expenditures	4,052	2,764	5,202	43,061	-
Projected fund balance, beginning of year	31,654	35,706	38,470	43,672	86,733
Projected fund balance, end of year	35,706	38,470	43,672	86,733	86,733

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
7 cent State Gasoline Tax Fund:					
Revenues:					
Intergovernmental:					
Shared state gasoline tax	73,144	72,475	73,086	55,150	76,000
Miscellaneous:					
Interest	66	66	68	49	-
Total revenues	73,210	72,541	73,154	55,199	76,000
Expenditures:					
Current:					
Public works	-	-	-	-	-
Capital outlay	71,000	81,228	81,662	-	76,000
Total expenditures	71,000	81,228	81,662	-	76,000
Excess of revenues over (under) expenditures	2,210	(8,687)	(8,508)	55,199	-
Projected fund balance, beginning of year	129,855	132,065	123,378	114,870	170,069
Projected fund balance, end of year	132,065	123,378	114,870	170,069	170,069

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Capital Improvement Fund					
Revenues:					
Intergovernmental:					
Shared state gasoline tax	224,236	595,674	226,060	225,583	425,000
Miscellaneous:					
Interest	851	1,331	1,441	500	-
Other	-	-	-	-	-
Total revenues	225,087	597,005	227,501	226,083	425,000
Expenditures:					
Current:					
Public works	-	-	-	-	-
Capital Outlay	215,771	191,000	258,452	583,104	425,000
Total expenditures	215,771	191,000	258,452	583,104	425,000
Excess of revenues over (under) expenditures	9,316	406,005	(30,951)	(357,021)	-
Projected fund balance, beginning of year	178,754	188,070	594,075	563,124	206,103
Projected fund balance, end of year	188,070	594,075	563,124	206,103	206,103

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Workman's Compensation Insurance:					
Operating revenues:					
Charges for Insurance	582,235	587,345	538,675	368,684	539,000
Operating expenses:					
Insurance Claims and expenses	205,936	207,411	322,239	166,324	357,000
Operating income	376,299	379,934	216,436	202,360	182,000
Nonoperating revenues:					
Interest	23,735	11,675	8,578	4,456	-
Operating transfer in (out)	(200,000)	(200,000)	(228,000)	(200,000)	(182,000)
Change in net assets	200,034	191,609	(2,986)	6,816	-
Net assets, beginning of year	2,002,656	2,202,690	2,394,299	2,391,313	2,398,129
Net assets, end of year	<u>2,202,690</u>	<u>2,394,299</u>	<u>2,391,313</u>	<u>2,398,129</u>	<u>2,398,129</u>

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Health Insurance Fund:					
Operating revenues:					
Charges for Insurance	1,871,224	1,989,540	2,093,310	1,625,829	2,108,000
Operating expenses:					
Insurance Claims and expenses	2,539,709	3,103,956	3,630,654	2,668,733	3,639,750
Operating income	(668,485)	(1,114,416)	(1,537,344)	(1,042,904)	(1,531,750)
Nonoperating revenues:					
Interest	3,900	353	-	94	-
Operating transfer in (out)	200,000	923,086	1,537,344	999,670	1,531,750
Change in net assets	(464,585)	(190,977)	-	(43,140)	-
Net assets, beginning of year	655,562	190,977	-	-	(43,140)
Net assets, end of year	190,977	-	-	(43,140)	(43,140)

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Sportsplex Fund:					
Revenues:					
Miscellaneous:					
Interest	14,439	17,248	14,689	9,831	15,000
Contributions	196,000	182,250	182,500	112,500	200,000
Total revenues	210,439	199,498	197,189	122,331	215,000
Expenditures:					
Current:	47,821	18,396	8,849	8,240	200,000
Appropriation for Justice Center Additions	359,820	357,952	360,513	409,039	410,000
Capital Outlay	25,805	-	-	-	-
Excess of revenues over (under) expenditures	(223,007)	(176,850)	(172,173)	(294,948)	(395,000)
Other financing sources (uses):					
Proceeds of Sales of Equipment					
Transfers from Governmental Funds	1,987,358	2,151,608	2,402,131	1,941,527	2,662,000
Transfers to Governmental Funds (Debt)	(1,773,750)	(1,775,687)	(1,773,778)	(1,283,874)	(2,267,000)
Other financing sources (uses)	213,608	375,921	628,353	657,653	395,000
Excess of revenues and other sources over (under) expenditures and other uses	(9,399)	199,071	456,180	362,705	-
Projected fund balance, beginning of year	4,572,892	4,563,493	4,762,564	5,218,744	5,581,449
Projected fund balance, end of year	4,563,493	4,762,564	5,218,744	5,581,449	5,581,449

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Garden Hills Cemetery Trust Fund:					
Revenues:					
Miscellaneous:					
Interest	6,738	7,097	6,763	4,730	16,000
Other	75,433	61,384	71,607	41,844	-
Total revenues	82,171	68,481	78,370	46,574	16,000
Expenditures:					
Current:	4,568	5,024	5,203	4,716	8,000
Excess of revenues over (under) expenditures	77,603	63,457	73,167	41,858	8,000
Other financing sources (uses):					
Transfers from General Fund	20,563	21,375	19,563	23,213	12,000
Transfers to General Fund	(10,067)	(11,096)	(13,191)	(9,518)	(20,000)
Transfers from (to) General Fund	10,496	10,279	6,372	13,695	(8,000)
Excess of revenues and other sources over (under) expenditures and other uses	88,099	73,736	79,539	55,553	-
Projected fund balance, beginning of year	650,534	738,633	812,369	891,908	947,461
Adjustment for accounting change					
Projected fund balance, end of year	738,633	812,369	891,908	947,461	947,461

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Rosemere Cemetery Fund:					
Revenues:					
Miscellaneous:					
Interest	1	4	1	50	-
Contributions	-	11,478	23,716	46,830	24,000
Total revenues	1	11,482	23,717	46,880	24,000
Expenditures:					
Current:	-	-	-	5,126	12,000
Capital Outlay	10,323	-	-	-	12,000
Excess of revenues over (under) expenditures	(10,322)	11,482	23,717	41,754	-
Other financing sources (uses):					
Transfers from General Fund	-	-	-	-	-
Transfers to General Fund	-	-	-	-	-
Transfers from (to) General Fund	-	-	-	-	-
Excess of revenues and other sources over (under) expenditures and other uses	(10,322)	11,482	23,717	41,754	-
Projected fund balance, beginning of year	1,039	(9,283)	2,199	25,916	67,670
Projected fund balance, end of year	(9,283)	2,199	25,916	67,670	67,670

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Entitlement Grant Fund Program Year 2015:					
Revenues:					
Intergovernmental:					
Federal grants	-	36,998	36,488	78,096	221,330
Miscellaneous:					
Other	-	-	-	-	-
Total revenues	-	36,998	36,488	78,096	221,330
Expenditures:					
Current:	-	36,998	37,658	78,096	221,330
Capital Outlay:	-	-	-	-	-
	-	36,998	37,658	78,096	221,330
Excess of revenues over (under) expenditures	-	-	(1,170)	-	-
Other financing sources (uses):					
Transfers from General Fund	-	-	-	-	-
Transfers to General Fund	-	-	-	-	-
Transfers from (to) General Fund	-	-	-	-	-
Excess of revenues and other sources over (under) expenditures and other uses	-	-	(1,170)	-	-

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Entitlement Grant Fund Programs Year 2015:					
Projected fund balance, beginning of year	-	-	-	-	-
Projected fund balance, end of year	-	-	(1,170)	-	-

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Capital Projects Funds

The Opelika Corrections Fund is used to account for Special Court Costs and Fees which were enacted in 2009.

The 2011 Committed to Road Construction Fund is used to account for 1% sales tax proceeds that are used for the 2011 School and Road Construction Warrants

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Opelika Corrections Fund:					
Revenues:					
Fines and forfeits:					
Public safety:					
Fines and costs	140,649	145,293	154,842	98,230	160,000
Interest	-	-	-	-	-
Total revenues	140,649	145,293	154,842	98,230	160,000
Expenditures:					
Current:	-	-	-	-	-
Capital Outlay	-	-	-	-	160,000
Excess of revenues over (under) expenditures	140,649	145,293	154,842	98,230	-
Other financing sources (uses):					
Transfers from General Fund	-	-	-	-	-
Transfers to General Fund	-	-	-	-	-
Transfers from (to) General Fund	-	-	-	-	-
Excess of revenues and other sources over (under) expenditures and other uses	140,649	145,293	154,842	98,230	-
Projected fund balance, beginning of year	332,165	472,814	618,107	772,949	871,179
Projected fund balance, end of year	472,814	618,107	772,949	871,179	871,179

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
2011 Committed to Road Construction Fund:					
Revenues:					
Miscellaneous:					
Interest	-	-	-	-	-
Total revenues	-	-	-	-	-
Expenditures:					
Debt Service	-	-	-	-	-
Capital Outlay	-	537,734	212,627	14,810	2,909,800
Excess of revenues over (under) expenditures	-	(537,734)	(212,627)	(14,810)	(2,909,800)
Other financing sources (uses):					
Debt proceeds net premium	-	-	-	-	-
Transfers from other funds	-	537,734	212,627	14,810	2,909,800
Transfers to other funds	-	-	-	-	-
Transfers from (to) General Fund	-	537,734	212,627	14,810	2,909,800
Excess of revenues and other sources over (under) expenditures and other uses	-	-	-	-	-
Projected fund balance, beginning of year	-	-	-	-	-
Projected fund balance, end of year	-	-	-	-	-

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Enterprise Funds

Enterprise Funds are established to account for the financing of self-supporting enterprises that render goods or services to the public at large on a consumer charge basis. Accounting for the operations of such funds is similar to that of a private, profit-making business.

Electric Utility Fund - This fund is used to account for the activities of the government's electric distribution operations.

Telecommunication Fund - This fund is used to account for the activities of the government's telecommunication activities.

1965 Sewer System fund - This fund is used to account for the activities of the government's wastewater treatment operations.

Solid Waste Collection Fund - This fund is used to account for the activities of the government's solid waste collection activities.

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City of Opelika
Annual Budget
Fiscal year ending September 30, 2016

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City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Enterprise Funds:					
Opelika Power Services:					
Electric Utility Fund:					
Operating revenues:					
Charges for services	35,271,849	34,131,980	38,137,587	28,536,203	38,427,000
Operating expenses:					
Power purchased	25,298,292	24,635,418	27,693,300	19,398,487	27,804,000
Depreciation	1,662,870	1,989,418	2,616,671	2,112,447	2,800,000
Personal services	2,299,539	2,679,652	3,052,243	2,190,382	3,208,623
Other	1,516,316	1,916,501	2,384,118	1,628,530	2,469,410
Services provided by other funds	173,652	142,604	160,444	32,669	35,675
Total operating expenses	30,950,669	31,363,593	35,906,776	25,362,515	36,317,708
Operating income	4,321,180	2,768,387	2,230,811	3,173,688	2,109,292
Nonoperating revenues (expenses):					
Interest revenues	109,905	82,657	65,444	55,562	62,000
Miscellaneous revenues	382,651	315,185	1,211,214	939,989	1,211,000
Sale of fixed assets	23,013	(3,905)	(750)	-	-
Interest expense and fiscal charges	-	(488,431)	(1,435,383)	(1,077,478)	(1,435,654)
Other expenses	-	-	-	-	-
Total nonoperating revenue (expenses)	515,569	(94,494)	(159,475)	(81,927)	(162,654)

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Income before operating transfers	4,836,749	2,673,893	2,071,336	3,091,761	1,946,638
Opelika Power Services:					
Electric Utility Fund:					
Operating transfers in (out):					
Capital Contributions	504,287	175,818	447,925	128,163	450,000
To other funds	(3,013,449)	(2,484,698)	(922,140)	(2,193,871)	(2,681,638)
	(2,509,162)	(2,308,880)	(474,215)	(2,065,708)	(2,231,638)
Income before extraordinary item	2,327,587	365,013	1,597,121	1,026,053	(285,000)
Extraordinary loss	-	-	-	-	-
Change in net assets	2,327,587	365,013	1,597,121	1,026,053	(285,000)
Net Assets, beginning of year	35,194,097	37,521,684	37,353,845	38,950,966	39,977,019
Projected Retained earnings/Net Assets	37,521,684	37,886,697	38,950,966	39,977,019	39,692,019

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Opelika Power Services:					
Telecommunications Fund:					
Operating revenues:					
Charges for services	-	-	1,455,145	2,786,479	4,138,000
Operating expenses:					
Telecommunication Purchases	-	151,842	1,437,368	1,632,873	2,128,000
Depreciation	-	782	1,040,619	819,150	1,100,000
Personal services	481	399,715	459,167	364,289	534,533
Other	43,450	187,098	916,443	738,203	1,107,632
	-	-	-	-	-
Total operating expenses	43,931	739,437	3,853,597	3,554,515	4,870,165
Operating income	(43,931)	(739,437)	(2,398,452)	(768,036)	(732,165)
Nonoperating revenues (expenses):					
Interest revenues	-	-	-	617	-
Miscellaneous revenues	-	-	5,486	5,978	36,000
Sale of fixed assets	-	-	-	-	-
Interest expense and fiscal charges	-	-	(270,396)	(279,558)	(361,000)
Other expenses	-	-	-	-	-
Total nonoperating revenues (expenses)	-	-	(264,910)	(272,963)	(325,000)

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Income before operating transfers	(43,931)	(739,437)	(2,663,362)	(1,040,999)	(1,057,165)
Opelika Power Services:					
Telecommunications Fund:					
Operating transfers in (out):					
From other funds	-	-	-	-	-
To other funds	-	-	-	-	-
Net income (Loss) before extraordinary item	(43,931)	(739,437)	(2,663,362)	(1,040,999)	(1,057,165)
Extraordinary loss	-	-	-	-	-
Net income (Loss)	(43,931)	(739,437)	(2,663,362)	(1,040,999)	(1,057,165)
Net Assets, beginning of year	(804)	(44,735)	(798,687)	(3,462,049)	(4,503,048)
Net Assets, end of year	(44,735)	(784,172)	(3,462,049)	(4,503,048)	(5,560,213)

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
1965 Sewer System Fund:					
Operating revenues:					
Charges for services	3,698,438	3,957,064	4,044,196	3,070,704	4,072,000
Operating expenses:					
Depreciation	952,555	991,983	1,011,135	770,899	1,000,000
Personal services	3,744	3,744	3,744	2,808	3,744
Other	1,978,537	1,940,784	1,988,624	1,541,608	2,083,464
Services provided by other funds	33,550	47,309	22,117	22,619	32,557
Total operating expenses	2,968,386	2,983,820	3,025,620	2,337,934	3,119,765
Operating income	730,052	973,244	1,018,576	732,770	952,235
Nonoperating revenues (expenses):					
Interest revenues	4,550	6,555	7,586	3,703	9,000
Miscellaneous revenues	725	3,462	6,567	1,683	4,000
Sale of fixed assets	-	804	(48,500)	1,304	-
Interest expense and fiscal charges	(340,678)	(350,867)	(324,929)	(238,827)	(301,868)
Other expenses	-	-	-	-	-
Total nonoperating revenues (expenses)	(335,403)	(340,046)	(359,276)	(232,137)	(288,868)

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
1965 Sewer System Fund:					
Income before operating transfers	394,649	633,198	659,300	500,633	663,367
Operating transfers in (out):					
Capital Contributions	83,753	80,110	91,492	77,639	94,000
From general fund	(179,400)	-	-	-	-
	<u>(95,647)</u>	<u>80,110</u>	<u>91,492</u>	<u>77,639</u>	<u>94,000</u>
Net income before extraordinary item	299,002	713,308	750,792	578,272	757,367
Extraordinary loss	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Net income (Loss)	299,002	713,308	750,792	578,272	757,367
Net Assets, beginning of year	24,218,917	24,517,919	25,083,174	25,833,966	26,412,238
	<u>24,517,919</u>	<u>25,231,227</u>	<u>25,833,966</u>	<u>26,412,238</u>	<u>27,169,605</u>
Projected Net Assets, end of year					

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Solid Waste Collection Fund:					
Operating revenues:					
Charges for services	2,033,489	2,058,412	2,368,810	1,928,750	2,760,000
Operating expenses:					
Landfill dumping charges	380,234	358,495	371,693	260,888	408,000
Depreciation	274,836	251,409	227,548	152,538	300,000
Personal services	1,177,072	1,135,089	1,141,411	847,963	1,268,773
Other	438,769	494,204	515,463	306,283	523,355
Services provided by other funds	124,676	125,061	109,094	91,975	129,349
Total operating expenses	2,395,587	2,364,258	2,365,209	1,659,647	2,629,477
Operating income	(362,098)	(305,846)	3,601	269,103	130,523
Nonoperating revenues (expenses):					
Interest revenues	1,582	1,416	2,235	1,052	-
Miscellaneous revenues	16,992	110,996	47,463	24,358	49,000
Sale of fixed assets	59,246	2,319	1,836	-	2,000
Grant income	-	73,448	7,025	-	-
Other expenses	-	-	-	-	-
Total nonoperating revenues (expenses)	77,820	188,179	58,559	25,410	51,000

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

	Actual 2012	Actual 2013	Actual 2014	Year to Date (June)2015	Budget 2016
Income before operating transfers	(284,278)	(117,667)	62,160	294,513	181,523
Solid Waste Collection Fund:					
Operating transfers in (out):					
From general fund	-	-	-	-	-
Net income (Loss) before extraordinary item	(284,278)	(117,667)	62,160	294,513	181,523
Extraordinary loss	-	-	-	-	-
Net income (Loss)	(284,278)	(117,667)	62,160	294,513	181,523
Net Assets, beginning of year	1,137,096	852,818	735,151	797,311	1,091,824
Net Assets, end of year	852,818	735,151	797,311	1,091,824	1,273,347

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City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Capital Outlay Section

13.15.a

Capital outlay:		Capital
	<u>Resurfacing</u>	<u>Outlay</u>
General Fund:		
Capital outlay - equipment, improvements and projects (exhibit A)		2,578,898
Contingency		-
Resurfacing:	1,500,000	<u>1,500,000</u>
Total General Fund Capital Outlay		<u>4,078,898</u>
Special Funds Capital Outlay:		
Resurfacing:		
State Gasoline Tax Fund 4 cent	56,000	56,000
State Gasoline Tax Fund 7 cent	76,000	76,000
Capital Improvement Fund	425,000	425,000
Lee County Road - Maintenance Fund		
Committed to Road Construction Fund (1% Sales Tax)		
Rosemere Cemetery	<u>-</u>	<u>12,000</u>
Total Special funds Capital Outlay		<u>569,000</u>
Total General Fund and Special Funds Capital Outlay		<u>4,647,898</u>
Total Resurfacing	2,057,000	

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Capital outlay:

Enterprise Funds:

Electric Utility Fund:

	<u>From Reserves</u>	<u>Capital Outlay</u>
Equipment		885,000
Construction	2,980,000	4,630,000
	-	-
Total electric Utility Fund fixed assets and system expansion	2,980,000	5,515,000

Telecommunications Fund:

	<u>Line of Credit</u>	
Equipment	777,165	800,000
Cable System Construction	750,000	750,000
Total Telecommunications Fund fixed assets	1,527,165	1,550,000

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Capital outlay:

Enterprise Funds:

1965 Sewer System Fund:

Capital
Outlay

Capital Outlay Equipment and Projects

1,172,367

Total 1965 Sewer System Fund fixed assets and system expansion

1,172,367

Solid Waste Collection Fund:

Capital Outlay Equipment

481,523

Total Solid Waste Collection Fund fixed assets

481,523

Total City of Opelika Capital Outlay

13,366,788

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City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources Section

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

	<u>Budgeted Positions</u>	
	<u>Full Time</u>	<u>Part Time</u>
General Fund:		
General Government:		
Mayor:		
Mayor	1	
Administrative Asst to Mayor	1	
City Attorney:		
City Attorney		1
Administrative Asst to City Attorney	1	
Administration:		
City Administrator	1	
Legislative		
City Clerk/Treasurer	1	
Council Members		5
Other:		
Revenue:		
License and Tax Examiner	1	
Revenue Assistant	2	
Community Relations:		
Community Relations Officer	1	
Accounting:		
Accountant	1	
Accounting Technician I	2	
Accounting Technician II	1	
Assistant Controller	1	
Controller	1	

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

	<u>Budgeted Positions</u>	
	<u>Full Time</u>	<u>Part Time</u>
General Fund (continued):		
General Government (continued):		
Other (continued):		
Information Technology:		
Administrative Assistant	1	
Chief Technology Officer	1	
GIS Administrator	1	
GIS Associate	1	
IT Associate	1	
IT Technical Specialist	1	
Senior Systems Administrator	2	
Systems Administrator	1	
Systems Support Specialist	1	
Judicial:		
Court Clerk	1	
Administrative Clerk	1	
Court Magistrate	3	
Human Resources Administration:		
Human Resources Analyst	2	
Human Resources Director	1	
Human Resources Risk Manager	1	
Human Resources Receptionist		1

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

	<u>Budgeted Positions</u>	
	<u>Full Time</u>	<u>Part Time</u>
General Fund (continued):		
General Government (continued):		
Other (continued):		
Planning:		
Assistant Planning Director	1	
Community Development Administrator	1	
Planning and Zoning Technician	1	
Planning Director	1	
Purchasing:		
Administrative Assistant	1	
Buyer	1	
Purchasing Agent / Revenue Manager	1	
Stores Manager	1	
Custodian	1	
Public Safety:		
Police:		
Administrative Coordinator	1	
Assistant Chief of Police		1
Chief of Police	1	
Identification Technician	1	
Inmate Work Detail - Evidence Clerk	1	
Police Captain	4	
Police Corporal	7	
Police Detective	10	

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

General Fund (continued):

Public Safety (continued):

Police:

Police Lieutenant

Police Officer

Police Records Clerk

Police Sergeant

School Crossing Guard

Communications:

Communications Operator

Communications Supervisor

Fire:

Administrative Coordinator

Fire Captain - Inspector

Fire Captain - Training Officer

Fire Chief

Fire Inspector

Fire Fighter - EMS Officer

Apparatus Operator Sergeant

Assistant Fire Chief

Fire Captain

Fire Lieutenant

Fire Fighter

Budgeted PositionsFull
TimePart
Time

6

46

3

8

4

13

1

1

1

1

1

1

1

15

3

6

6

36

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

		<u>Budgeted Positions</u>	
		<u>Full</u>	<u>Part</u>
		<u>Time</u>	<u>Time</u>
General Fund (continued):			
Public Works:			
Highways and Streets:	ESG		
Engineering:			
Administrative Assistant		1	
Assistant City Engineer		1	
CAD Technician		1	
City Engineer		1	
Survey Crew Chief		1	
Other:			
Administration:	ESG		
Cemetery:	ESG		
Automotive shop:	ESG		
Building maintenance:	ESG		
Inspection:			
Building Inspector		3	
Chief Building Inspector		1	
Code Enforcement Officer		1	
Customer Service Representative II		2	
Grounds Maintenance:	ESG		

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

	<u>Budgeted Positions</u>	
	<u>Full</u> <u>Time</u>	<u>Part</u> <u>Time</u>
General Fund (continued):		
Health:		
Animal Control:		
Animal Control Officer	1	
Culture and Recreation:		
Parks and Recreation:		
Administrative Coordinator	1	
Assistant Parks & Recreation Director	1	
Athletics Coordinator	1	
Building Service Worker	3	
Parks and Recreation Director	1	
Parks and Recreation Marketing Membership	1	
Recreation Customer Service	2	
Sportsplex Manager	1	
Center Area Manager	2	
Parks and Recreation Center Assistant	3	
Adult Activities Coordinator	1	
Aquatics Coordinator	1	
Center Supervisor	3	
Fitness Coordinator	1	
Assistant Sportsplex Manager	1	
Sportsplex Coordinator	1	

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

		<u>Budgeted Positions</u>	
		<u>Full</u> <u>Time</u>	<u>Part</u> <u>Time</u>
General Fund (continued):			
Culture and Recreation:			
Parks and Recreation:			
Receptionist		1	
Tennis Pro		1	
Springvilla Manager		1	
Part Time Temporary	Employment Service		
Library:			
Children's Specialist		1	
Circulation Specialist		1	
Library Assistant I		1	4
Library Assistant II		1	
Library Assistant III		2	
Library Director		1	
Reference Librarian		1	
Economic Development:			
Administrative Assistant		1	
Economic Development Project Manager		1	
Economic Development Coordinator		1	
Economic Development Director		1	
Total Governmental Funds employees		<u>269</u>	<u>16</u>

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

Budgeted Positions

Enterprise Funds:

<u>Full</u>	<u>Part</u>
<u>Time</u>	<u>Time</u>

Opelika Power Services:

Electric Utility Fund:

Administrative Assistant

1

Administrative Coordinator

1

Electrical Distribution Engineer

1

Electrical Distribution Supervisor

1

GIS Technician

Fiber

1

Manager of Distribution Service

1

Manager of Fiber Services

Fiber

1

Manager of Information Technology

Fiber

1

Opelika Power Services Director

Fiber

1

Senior Distribution Service

1

Warehouse Manager

1

Warehouse Technician

2

Work Flow Coordinator

2

Apprentice Lineman I, II & III

6

Electronics Technician

1

Journeyman Lineman

5

Lead Electronics Technician

1

Lead Lineman

3

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

	<u>Budgeted Positions</u>	
	<u>Full Time</u>	<u>Part Time</u>
Enterprise Funds:		
Opelika Power Services:		
Electric Utility Fund:		
Lead Substation Electrician	1	
Line Supervisor	2	
Manager of Field Services	1	
Meter Technician	1	
Customer Service:		
Customer Service Representative	6	
Customer Service Supervisor	1	
Manager of Customer Support	1	
Senior Customer Service Representative	1	
Utility Billing Technician	1	
Total Electric Utility Fund employees	<u>46</u>	
Opelika Power Services:		
Telecommunications:		
Field Services Supervisor:	1	
Field Services Technician	3	
Manager of Marketing / Communication	1	
Network Engineer	1	
Head End Technician	1	
Total Telecommunications Fund employees	<u>7</u>	
Total Opelika Power Services employees	<u>53</u>	

City of Opelika

Annual Budget

Fiscal year ending September 30, 2016

Human Resources:

	<u>Budgeted Positions</u>	
	<u>Full Time</u>	<u>Part Time</u>
1965 Sewer System Fund:	ESG	
Total 1965 Sewer System Fund employees	0	
Solid Waste Collection Fund:		
Solid Waste Director	1	
Administrative Clerk	1	
Assist Superintendent	1	
Knuckleboom Operator	9	
Motor Vehicle Operator	1	
Refuse Equipment Operator	6	
Solid Waste Superintendent	1	
Utility Serviceworker	1	
Solid Waste Maintenance Coordinator	1	
Solid Waste Collection Fund Recycling:		
Motor Vehicle Operator	2	
Solid Waste Worker	1	
Total Solid Waste Employees	25	0
Total Enterprise Funds employees	78	0
Total City of Opelika employees	347	16

RESOLUTION NO. (ID # 1351)

Contract with Two Local Veterinarians / Animal Impound-Shelter Services.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL IMPOUNDMENT,
SHELTER AND RELATED SERVICES WITH THE BRUCE ENTERPRISES, INC.,
AND OPELIKA ANIMAL HOSPITAL, LLC**

WHEREAS, the City of Opelika, Alabama (the “City”) has enacted ordinances which prohibit the running at large of dogs, cats and other animals; provide for the inoculation of dogs against rabies; and make other provisions to promote the health, welfare and safety of humans and animals; and

WHEREAS, state law requires the City to provide a suitable shelter for the impoundment of all animals found running at large; and

WHEREAS, the City currently contracts with the Lee County Humane Society (“LCHS”) for animal shelter services; and

WHEREAS, LCHS reserves the right to refuse acceptance of animals from the City once the shelter is deemed by the Executive Director or his/her designee as having reached its capacity to provide humane care; and

WHEREAS, the City needs a secondary source of animal shelter services for those animals rejected by LCHS; and

WHEREAS, the City desires to contract with Bruce Enterprises, Inc., and Opelika Animal Hospital, LLC, for secondary animal impoundment, shelter and related services; and

WHEREAS, a proposed CONTRACT FOR ANIMAL IMPOUNDMENT, SHELTER AND RELATED SERVICES (hereinafter the “Contract”) has been prepared and submitted to the City Council for approval, and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama, as follows:

1. That the proposed CONTRACT by and among the City, Bruce Enterprises, Inc., and Opelika Animal Hospital, LLC, a copy of which is attached hereto and marked as Exhibit "A", is hereby approved, authorized, ratified and confirmed in the form substantially submitted to the City Council with such changes thereto (by addition, deletion or substitution) as the Mayor shall approve, which approval shall be conclusively evidenced by the execution and delivery of said Contract.

2. That the Mayor is hereby authorized and directed to execute and deliver said Contract in the name and on behalf of the City and such other ancillary documents and certificates as may be necessary to effect the purpose and intent of said Contract and to carry out fully the actions contemplated therein on behalf of the City. The City Clerk is hereby authorized to affix the corporate seal of the City thereto and to attest the same.

3. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they, or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution and the attached Contract.

4. That this Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

CONTRACT FOR ANIMAL IMPOUNDMENT, SHELTER AND RELATED SERVICES

THIS CONTRACT (the “Contract”) made and entered into this the ____ day of _____, 2015, by and between **THE CITY OF OPELIKA, ALABAMA**, a municipal corporation, hereinafter referred to as “**CITY**,” and **BRUCE ENTERPRISES, INC.**(“**BE**”), and **OPELIKA ANIMAL HOSPITAL, LLC** (“**OAH**”), hereinafter collectively referred to as the “**CONTRACTOR**.”

For and in consideration of the payments set forth in Section 5 below, and the mutual promises contained herein, the Parties agree as follows:

1. **Purpose.** The purpose of this Contract is to describe the rights and responsibilities of the **CITY** and the **CONTRACTOR** in respect to the provision of animal impoundment and shelter services to the **CITY** which has no animal shelter of its own.
2. **Contract Documents.** This Contract incorporates by reference certain documents which define and describe the services to be provided by the **CONTRACTOR**. The Contract documents consist of (a) Request for Proposals (“RFP”) Bid No. B15-022; (b) Contract Proposal (“CP”) (five pages) submitted by the **CONTRACTOR** in response to the **CITY’S** RFP; and (c) this Contract. The RFP and CP are incorporated and referenced herein as though included in full as part of this Contract. Anything called for by one of the Contract documents and not called for by the others shall be of like effect as if required by all. In the event of any inconsistency, conflict or ambiguity in the Contract documents, the provisions of this Contract shall take precedence and govern
3. **Duties and Responsibilities of the CONTRACTOR.**
 - (a) The **CONTRACTOR** agrees to perform all of the services necessary to receive, house, care, feed, humanely euthanize and dispose of dogs, cats and ferrets (hereinafter referred to as “animals”) delivered to **CONTRACTOR** by Opelika Animal Control Officers (“OAC”) and employees of the Opelika Police Department (“OPD”). All housing and disposal of animals shall be within the requirements of the laws and regulations of the State of Alabama and the United States. The **CONTRACTOR** shall be solely responsible for all costs and expenses of housing, care, feeding, euthanasia and disposal of the animals.
 - (b) The **CONTRACTOR** shall operate and maintain animal shelters at the following locations: Animal Health Center located at 1520 Second Avenue, Opelika, Alabama; and Opelika Animal Hospital located at 1615 Second Avenue, Opelika, Alabama. The **CONTRACTOR** shall be responsible for the day-to-day custodial care of the shelter facilities and grounds, including the removal of litter and debris from outdoor areas.

(c) The **CONTRACTOR** shall provide adequate feed, water, shelter, space, care and treatment of all animals housed at its facilities. Animal quarters shall be sanitized and cleaned daily.

(d) The **CONTRACTOR** shall provide a system to monitor medical and other information on each shelter animal.

(e) The **CONTRACTOR** shall be responsible for the humane euthanasia of any animal using methods approved by the State, if euthanasia is required for reasons of public safety or welfare.

(f) The **CONTRACTOR** shall provide an adequately trained staff of sufficient size to provide all of the services required under this Contract.

(g) The **CONTRACTOR** shall maintain regularly scheduled, suitable and advertised office hours at its facilities for the convenience of the public and for the purpose of transacting business in connection with the duties of this Contract. At a minimum, the **CONTRACTOR** shall operate its facilities and keep it open to the public from 8:00 a.m. to 5:00 p.m. on weekdays, except for federal and city holidays. The **CONTRACTOR** shall provide thirty (30) days' written notice to the **CITY** of any change in hours of operation to those currently available to the public. In addition, the **CONTRACTOR** will make access to a designated area within its facilities available to OAC and OPD for the delivery of animals outside of the **CONTRACTOR'S** normal business hours. The **CONTRACTOR** agrees to ensure that OAC and OPD will have 24-7 cell phone contact information for individual veterinarians of **CONTRACTOR** for after-hours issues.

(h) The **CONTRACTOR** shall keep and maintain accurate records for each animal brought in by the **CITY** for impoundment or sheltering on forms to be provided by the **CITY**. At the time of impoundment, the **CONTRACTOR** must complete an intake form. Records will show the date, time, place and circumstances under which each animal came into the possession of the **CONTRACTOR** and a final disposition of each animal. This includes all animals that have been adopted. The **CONTRACTOR** will permit the **CITY** at reasonable times to inspect and audit such records.

(i) The **CONTRACTOR** will provide for reclamation of impounded animals by their owners, upon proper notification by the **CITY**, that the individual is eligible to reclaim the animal.

(j) The **CONTRACTOR** shall collect, secure and deposit all fees, fines and costs due, including the cost of providing veterinary care to animals from owners of impounded animals in accordance with applicable laws and City procedures.

4. **Term of Contract.** The initial term of this Contract is one (1) year beginning October 1, 2015 and terminating at Midnight on September 30, 2016. The Parties, by mutual

agreement, may extend this Contract for two (2) renewal terms of one (1) year each. After the initial one year term, either Party may terminate this Contract by giving ninety (90) days' written notice of intent to terminate the other Party.

5. **Compensation.** In consideration of **CONTRACTOR** performing the services hereunder, the **CITY** agrees to pay to the **CONTRACTOR** the sum of eighty-five dollars (\$85.00) for each sheltered animal. All invoices for services shall be submitted on a monthly basis to the **CITY**. The **CITY** will process and pay invoices within twenty (20) days from receipt of the invoice. Each invoice shall be accompanied by a statement that identifies the number of sheltered animals and the basis for compensation. BE and OAH may, at their option, render separate monthly invoices for their services.

The **CITY** reserves the right contemplated by §3-7A-8, *Code of Alabama*, to recover from the owner the entire cost paid to the **CONTRACTOR** for the board and shelter of such animal prior to redemption of the animal by said owner. To facilitate said reimbursement, **CONTRACTOR** agrees not to return any animal to owner or other person until the owner produces a receipt by the **CITY** authorizing such redemption. Inquiries concerning the return of animals shall be directed to the **CITY**.

To foster the adoption of stray animals, the **CITY** agrees to waive its recovery of the costs described in the preceding paragraphs for a bona fide adoption contingent upon the adopter agreeing that the animal will be "microchipped" and, if over six months of age, spayed or neutered prior to placement. The cost of microchipping and/or neutering shall be paid directly by the adopter to the **CONTRACTOR**.

Both Parties further agree that **CONTRACTOR** will require current proof of immunization against rabies before any animal is redeemed by owner or adopted by another. If no current proof is provided, the **CITY** agrees that the **CONTRACTOR** shall provide such immunization and recover the cost thereof from such person attempting to redeem or adopt prior to releasing the animal.

6. **Delivery of Animals to Contractor.** The **CITY** recognizes that the **CONTRACTOR** is made up of two separate legal entities and that they are participating in this Agreement as joint partners or joint venturers. In light of the fact that both legal entities of the **CONTRACTOR** responded to the RFP with one joint proposal, **CONTRACTOR** is executing this Agreement with both members of **CONTRACTOR** as signatories. Both Parties recognize that neither member of **CONTRACTOR** currently has the capacity, independently, to house the quantity of animals contemplated by the **CITY'S** RFP and the availability of both entities of **CONTRACTOR** is a material component of the **CITY'S** willingness to enter into this Agreement. The **CITY** will attempt to distribute animals evenly among BE and OAH as space permits, but is under no obligation to guarantee the same. Each entity of the **CONTRACTOR** is completely severable from the other entity in regards to any legal action brought against one of the entities of the **CONTRACTOR** by others.

7. **Indemnification.**

A. The **CONTRACTOR** shall defend, indemnify and hold the **CITY** and its officers, officials and employees harmless from any and all claims, injuries, damages, losses, causes of action or suits, including attorney's fees, arising out of or in connection with the performance of this Contract, except for injuries and damages caused by the negligence of the **CITY**.

B. **CONTRACTOR** shall notify the **CITY** of any suit, claim, demand, loss or action made or filed against the **CONTRACTOR** immediately upon the **CONTRACTOR'S** receipt or learning of it.

8. **Insurance.** The **CONTRACTOR** shall obtain and maintain during the term of this Contract or any renewal term insurance of the types described in the RFP. The **CONTRACTOR** shall furnish the **CITY** with certificates of insurance and copies of amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements before the commencement date of this Contract. The **CONTRACTOR** shall provide the **CITY** with written notice of any policy cancellation, within two (2) business days of its receipt of such notice. Failure on the part of **CONTRACTOR** to maintain the insurance as required shall constitute a material breach of the Contract, upon which the **CITY** may, upon giving five (5) business days' notice to the **CONTRACTOR** to correct the breach, immediately terminate the Contract, or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sum so expended to be repaid to the **CITY** on demand, or at the sole discretion of the **CITY**, offset against any monies due to the **CONTRACTOR** from the **CITY**.

9. **Nonassignment.** Except as provided herein, **CONTRACTOR** shall not have the right, authority or power to sell or assign this Contract or any interest therein to any person, to any other person or Party without the consent of the **CITY**. Notwithstanding the foregoing, **CONTRACTOR** shall have the right to subcontract out services, from time to time, as required due to limited space and unforeseen circumstances, such as catastrophic events such as fire damage, storm damage, building remodel, etc.

10. **Force Majeure Provisions.** In this Contract, "event of force majeure" means any event beyond the control of the **CITY** and the **CONTRACTOR**, which prevents a Party from complying with any of its obligations under this Contract, including but not limited to:

- (a) Acts of God, such as but not limited to, fires, explosions, earthquakes, drought and floods;
- (b) War, hostilities (whether war be declared or not), invasion, act of foreign enemies or embargo;
- (c) Rebellion, revolution, insurrection or civil war;
- (d) Riots, strikes, or civil, disorder; or
- (e) Acts or threats of terrorism.

Neither the **CITY** nor the **CONTRACTOR** shall be considered in breach of this Contract to the extent that performance of their respective obligations is prevented by event of force majeure that arises after the Effective Date. The “Affected Party” prevented from carrying out its obligations hereunder shall give notice to the other Party of an event of force majeure upon it being foreseen by or upon it being known to, the Affected Party. If or to the extent that the **CONTRACTOR** is prevented from performing the services by the event of force majeure, while the **CONTRACTOR** is so prevented, **CONTRACTOR** shall be relieved of its obligations to provide said services which shall endeavor to continue to perform its obligations under the Contract so far as reasonably practical. The Parties shall use their reasonable endeavors to (a) overcome the event of force majeure; (b) mitigate the effect of any delay occasioned by any event of force majeure, including recourse by alternative mutually acceptable sources of services; and (c) ensure resumption of normal performance of the Contract as soon as reasonably practical and shall perform their obligations to the maximum extent practicable.

11. Termination and Default.

A. Upon mutual agreement, the **CITY** and **CONTRACTOR** may terminate this Contract in whole or in part. The **CONTRACTOR** shall be paid for its work performed for its work up to the date of termination in accordance with the Contract.

B. Upon **CONTRACTOR’S** failure to cure a default (i.e., non-performance or violation of Contract terms) within twenty (20) days of written notice of such default from the **CITY** to the **CONTRACTOR**, this Contract may be cancelled or annulled by the **CITY** by written notice of default to the **CONTRACTOR**.

12. Non-Exclusive Contract. This is a non-exclusive contract for animal shelter services and both parties remain free to enter into similar agreements with third parties. The Contractor acknowledges that the City currently contracts with the Lee County Humane Society (“LCHS”) for animal shelter services. The City needs a secondary source for animal shelter services, when the shelter operated by LCHS has reached capacity. This Contract will apply primarily to those animals that have been refused acceptance by LCHS or there is a need to have an animal examined by a licensed veterinarian.

13. Alabama Immigration Law Compliance. The **CONTRACTOR** agrees to fully comply with the Immigration Reform and Control Act of 1986 and the Beason-Hammon Alabama Taxpayer and Protection Act, as amended. By signing this Contract, the contracting Parties affirm, for the duration of the Contract, that they will not violate federal immigration law, or knowingly employ, hire for employment or continue to employ an unauthorized alien within the State of Alabama. During the performance of this Contract, the contracting Parties shall participate in the E-Verify Program and shall verify every employee that is required to be verified according to applicable federal rules and regulations.

14. Governing Law. The governing law of this Contract shall be the law of the State of Alabama.

15. **Severability.** In case any one or more of the provisions contained herein shall be invalid, illegal or unenforceable in any respect and for any reason whatsoever, the validity, legality and enforceability of the remaining provisions shall not in way be effected or impaired thereby and in the event any such provision is held to be invalid, illegal or unenforceable, the Parties shall make their best efforts to agree on a provision and substitution for such invalid, illegal or unenforceable provision that is as near an economic benefit as possible to the provision found to be invalid, illegal or unenforceable.

16. **Notices.** Any notice, request, demand, claim or other communication hereunder shall be in writing and shall be deemed duly given or made (a) when personally delivered to the intended recipient, (b) six (6) days after it is sent by certified first class mail, return receipt requested, postage prepaid; (c) three (3) days after it is sent by recognized overnight courier service, or (d) when sent by facsimile service (with such facsimile to be confirmed promptly in writing by mail or overnight courier as aforesaid), to the following addresses and recipients:

City of Opelika
Attn: Mayor
204 South 7th Street
Opelika, AL 36801
Telephone: 334-705-5150
Facsimile: 334-705-5153

Contractor: Opelika Animal Hospital, LLC
Dr. Gary Hunt, DVM
1615 2nd Avenue
Opelika, AL 36801
Telephone: 334- 749-2025

Contractor: Bruce Enterprises, Inc.
Dr. Homer S. Bruce, DVM
1520 2nd Avenue
Opelika, AL 36801
Telephone: 334-745-0060

17. **Binding Nature.** It is the intention of the Parties that the commitments and obligations set forth herein shall be binding upon the Parties hereto and their respective successors and permitted assigns.

18. **No Third Party Beneficiaries.** Other than as set forth in this Contract, this Contract shall not confer any rights or remedies upon any person other than the Parties and their respective successors or permitted assigns.

19. **Titles and Headings.** The section titles and headings are for convenience only and do not define, modify or limit any of the terms and provisions hereof.

20. **Amendments and Waivers.** No amendment of any provision of this Contract shall be valid unless the same shall be in writing and duly signed by an authorized representative of each of the Parties. No waiver by any Party of any default or breach of any covenant hereunder, whether intentional or not, shall be deemed to extend to any prior or subsequent default or breach of covenant or affect in any way any rights arising by virtue of any prior or subsequent such occurrence.

21. **Independent Contractor Status.** In connection with performing services under this Contract, the **CONTRACTOR** shall be an independent contractor for the **CITY** and neither the **CONTRACTOR** nor its employees, shall under any circumstances, be considered employees, servants or agents of the **CITY**. The **CITY** shall not be responsible for any negligence, misconduct or wrongdoing by the **CONTRACTOR**, or its employees, servants or agents while performing under this Contract.

22. **Counterparts.** This Contract may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, and it shall not be necessary in making proof of this Contract to produce or account for more than one such counterpart.

23. **Entire Agreement.** This Contract constitutes the entire agreement among the Parties hereto and supersedes any prior understandings, agreements or representations by or among the Parties hereto, whether written or oral, to the extent that they relate to the subject matter hereof.

IN WITNESS WHEREOF, the Parties have caused this Contract to be executed on its behalf as of the date first above written.

THE CITY OF OPELIKA, ALABAMA

By: _____
GARY FULLER,
TITLE: MAYOR

ATTEST:

CITY CLERK

BRUCE ENTERPRISES, INC.
D/B/A ANIMAL HEALTH CENTER

By: _____
DR. HOMER S. BRUCE
TITLE: PRESIDENT

OPELIKA ANIMAL HOSPITAL, LLC

By: _____
DR. JERE COLLEY
TITLE: MANAGING MEMBER

By: _____
DR. GARY HUNT
TITLE: MANAGING MEMBER

RESOLUTION NO. (ID # 1348)

Agreement for Engineering Services for Down Town Bicycle Plan.

RESOLUTION NO. _____

RESOLUTION ACCEPTING PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FROM AECOM

WHEREAS, the City of Opelika, Alabama, a municipal corporation (hereinafter referred to as the “City”) desire to enter into an agreement relating to a Transportation Alternatives project with partial funding by the Federal Highway Administration for the construction of a shared use path to downtown Opelika known as TAPAA-TA15(924) (the “Project”); and

WHEREAS, professional engineering services are needed to prepare construction plans, specifications and other documents to be submitted to the Alabama Department of Transportation (ALDOT) that are necessary for the execution of the Project; and

WHEREAS, AECOM is a professional engineering firm that possesses the requisite knowledge, experience, skill and resources to design the Project and to prepare the necessary plans, drawings, specifications and other documents to ALDOT that is required; and

WHEREAS, a proposal for surveying and engineering services (the “Proposal”) has been prepared by AECOM and submitted to the City Council for approval and the City Council has determined that it is now in the best interest of the City and its citizens to accept AECOM’s proposal as submitted in the proper ALDOT format

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama, as follows:

1. That the Proposal for engineering services, a copy of which is attached hereto and

marked Exhibit "A", as submitted by AECOM is reasonable and responsive and is hereby accepted at a total cost not to exceed \$ 37,182

2. That the Mayor is hereby authorized and directed to execute and deliver said Proposal in the name and on behalf of the City and to execute and deliver or cause to be executed or delivered in the name and on behalf of the City such other agreements, contracts, change orders, notices, certificates, assurances and other instruments or other communications as he deems necessary or appropriate in order to carry into effect the intent of the provision of this Resolution.

3. That any compensation to be paid to AECOM for engineering services shall be paid from the 2011 Road Construction Fund and the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments and accounting entries as necessary to implement this Resolution

4. That the Purchasing-Revenue Manager is hereby authorized and directed to issue a purchase order to AECOM for the provision of engineering services as outlined in the Proposal attached hereto at a total cost not to exceed \$ 37,182.

5. That this Resolution shall take effect upon its passage and adoption by the City Council.

BE IT FURTHER RESOLVED that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

CERTIFICATE

I, the undersigned qualified and acting Clerk of the City of Opelika, do hereby certify that the above and foregoing is a true and correct copy of a resolution passed and adopted by the City Council of the City of Opelika, Alabama, at a regular meeting of such Council held on the ____ day of _____, 2015, and such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the ____ day of _____, 2015.

CITY CLERK



AECOM
3800 Colonnade Parkway
Suite 400
Birmingham, AL 35243-2349
www.aecom.com

205 970 1443 tel
205 970 7784 fax

August 28, 2015

Mr. Scott Parker, PE
City Engineer
City of Opelika
700 Fox Trail
Opelika, AL 36803

Reference: **Destination Downtown – Opelika Multi-Use Path
City of Opelika, Lee County**

Dear Mr. Parker:

Please find attached our manday and fee proposal for the above referenced project. In addition to the manday and fee proposal, the meeting minutes from our walk-through of the project site held on August 7, 2015, and a list of our assumptions are included for your reference. Should you have any questions or need additional information, please do not hesitate to call.

Respectfully submitted,
AECOM

Christy M. Cahalan
Project Manager

Attachments

Cc: File

9/1/2015

Alabama Department of Transportation

9:31 AM

Project No. STPPC-5713()			
County Russell			
Description Shared Use Path - Downtown Opelika			
Scope of Work Striping, ADA mod, minor drainage mod,details, traffic anal			
Project Length 1.52 Miles			
Consultant AECOM			
Fee Proposal (Roadway Plans)			
PERSONNEL COST			
	Man-days	x	Daily Rate
Project Manager (10% of Eng.)	1.51	\$	411.36 \$ 621.15
Engineer	15.07	\$	328.44 \$ 4,949.59
Engineering Technician/CADD	30.00	\$	253.48 \$ 7,604.40
Clerical	1.00	\$	193.72 \$ 193.72
Total Direct Labor			\$ 13,368.86
Combined Overhead (%)	149.10		\$ 19,932.97
Out-of-Pocket Expenses**			\$ 500.00
Sub-Total			\$ 33,801.83
Operating Margin (10%)			\$ 3,380.18
Sub-Total			\$ 37,182.01
SUB-CONSULTANTS (attach man-day & fee FROM each sub-consultant; show total fee for each here)			
		\$	-
		\$	-
Subconsultant Administration Expense (5%)		\$	-
Sub-Total			\$ 37,182.01
Facilities Capital Cost of Money (% of Direct Labor)	0.00	\$	-
TOTAL FEE			\$ 37,182.01

**See Grand Total Fee sheet

Attachment: Total submittal Fee proposal (1348 : Agreement for Engineering Services for Down Town Bicycle Plan)

Project No.	TAPAA-TA15(924)
County	Lee
Description	Shared Use Path - Downtown Opelika
Scope of Work	Striping, ADA mod, minor drainage mod,details, traffic analysis
Project Length	1.52 Miles
Consultant	AECOM

GRAND TOTAL OF FEE PROPOSAL

Corridor Study	\$0
Field Surveys	\$0
Preliminary Roadway Plans	\$0
Preliminary Bridge Plans	\$0
Right-of-Way Map, Tract Sketches and Deeds	\$0
Roadway Plans	\$37,182
Bridge Plans	\$0
GRAND TOTAL FEE	\$37,182

Combined overhead rate (%) >>>>>>>>>>	149.1
---------------------------------------	-------

Facilities Capital Cost of Money (if used) >>>>> 0

LABOR RATES

Classification	Daily Rate
Project Manager	\$411.36
Engineer	\$328.44
Environmental	\$318.96
Engineering Technician/CADD	\$253.48
Environmental Technician	\$253.52
Clerical	\$193.72
PLS	\$0.00
Survey Crew	\$0.00

****Certification of Out-of-Pocket Expenses:**

If Out-of-Pocket Expenses are included in this proposal, we hereby certify that these costs are not included in the Combined Overhead Rate and are typically invoiced to all clients as a direct job cost.

Signed

Date _____

Position/Title

9/1/2015

Alabama Department of Transportation

9:31 AM

Project No. TAPAA-TA15(924)
County Lee
Description Shared Use Path - Downtown Opelika
Scope of Work Striping, ADA mod, minor drainage mod,details, traffic analysis,
Project Length 1.52 Miles
Consultant AECOM

PRELIMINARY ROADWAY & BRIDGE PLANS (4) ALTERNATES			
		Engineer	Technician/CADD
Roadway			
Phase I			
1. Assemble and review all existing studies, plans and reports		0.00	0.00
2. Develop design criteria for all roadways and submit to City Council		1.00	0.00
3. Perform conceptual traffic analysis for the design year		0.00	0.00
4. Establish conceptual design alternates		1.00	0.00
5. Develop typical sections		1.00	0.00
6. Review/confirm location of grade separations		0.00	0.00
7. Identify potential hazardous waste sites		0.00	0.00
8. Coordinate with railroad, utility and other companies as needed		0.00	0.00
9. Meet with State/FHWA to determine alternates to be carried forward		0.00	0.00
Phase I Totals		3.00	0.00
Phase II			
1. Prepare preliminary design plans of (4) alternates		1.00	0.00
2. Make adjustments in main roadway profile to optimize its location (4 ALTS)		1.00	0.00
3. Place existing and proposed major drainage facilities on layout (4 ALTS)		1.00	0.00
4. Submit request for ROW and utility cost estimates		0.00	0.00
5. Perform detailed traffic analysis/Prepare and submit traffic analysis report		0.00	0.00
6. Prepare cost estimate for each alternate		1.00	0.00
7. Present preliminary design plans to State/FHWA for review		0.00	0.00
8. Attend and present the preliminary plans at Public Involvement Meeting		0.00	0.00
9. Analyze and resolve comments from Public Involvement Meeting		0.00	0.00
10. Meet with State/City to determine design to be carried forward (once with City and once with City and State)		1.00	0.00
Phase II Totals		5.00	0.00
Phase III			
1. Provide State with 3 sets of plan rolls for the entire project		0.00	0.00
2. Perform access study by developing alternates to provide access		0.00	0.00
3. Compare cost of providing access vs. cost of damages for loss of access		0.00	0.00
4. Provide recommendations for providing access to each tract in a report		0.00	0.00
Phase III Totals		0.00	0.00

Attachment: Total submittal Fee proposal (1348 : Agreement for Engineering Services for Down Town Bicycle Plan)

9/1/2015

Alabama Department of Transportation

9:31 AM

PRELIMINARY ROADWAY & BRIDGE PLANS (4) ALTERNATES			
		Engineer	Technician/CADD
Phase IV			
1. Make necessary revisions/complete preliminary design plans		0.00	0.00
2. Submit locations of haz. mat. sites & UST's to the State		0.00	0.00
3. Make appropriate revisions to cost estimate (4 Alts)		1.00	0.00
4. Present preliminary plans to State/City for review		1.00	0.00
5. Attend Design Hearing		0.00	0.00
6. Analyze and resolve comments from Design Hearing		0.00	0.00
7. Provide narrative of sequence of construction concept		0.00	0.00
8. Provide conceptual signing plans		0.00	0.00
9. Present preliminary design plans and recommendations to State/FHWA		0.00	0.00
10. Furnish deliverables to State at completion of project		0.00	0.00
		0.00	0.00
Phase IV Totals		2.00	0.00
PRELIMINARY ROADWAY TOTALS		10.00	0.00
Bridge			
1. Prepare preliminary span layouts (TS&L) plans for all required bridges		0.00	0.00
2. Furnish preliminary cost estimates of each alternative bridge		0.00	0.00
		0.00	0.00
PRELIMINARY BRIDGE TOTALS		0.00	0.00
PRELIMINARY PLANS TOTALS		10.00	0.00

Attachment: Total submittal Fee proposal (1348 : Agreement for Engineering Services for Down Town Bicycle Plan)

9/1/2015

Alabama Department of Transportation

9:31 AM

Project No. TAPAA-TA15(924)			
County Lee			
Description Shared Use Path - Downtown Opelika			
Scope of Work Striping, ADA mod, minor drainage mod,details, traffic analy			
Project Length 1.52 Miles			
Consultant AECOM			
Fee Proposal (Preliminary Roadway Plans)			
PERSONNEL COST			
	Man-days	x	Daily Rate
Project Manager (10% of Eng.)	0.00	\$	411.36 \$ -
Engineer	0.00	\$	328.44 \$ -
Engineering Technician/CADD	0.00	\$	253.48 \$ -
Clerical	0.00	\$	193.72 \$ -
Total Direct Labor			\$ -
Combined Overhead (%)	149.10		\$ -
Sub-Total			\$ -
Out-of-Pocket Expenses**			\$ -
Sub-Total			\$ -
Operating Margin (15%)			\$ -
Sub-Total			\$ -
SUB-CONSULTANTS (attach man-day & fee FROM each sub-consultant; show total fee for each here)			
		\$	-
		\$	-
		\$	-
Subconsultant Administration Expense (5%)		\$	-
Sub-Total			\$ -
Facilities Capital Cost of Money (% of Direct Labor)	0.00	\$	-
TOTAL FEE			\$ -

Attachment: Total submittal Fee proposal (1348 : Agreement for Engineering Services for Down Town Bicycle Plan)

9/1/2015

Alabama Department of Transportation

9:31 AM

STPPC-5713() CPMS # 100060115 County Lee Description Shared Use Path - Downtown Opelika Scope of work Striping, ADA mod, minor drainage mod,details, traffic analysis, Length 1.52 miles Consultant AECOM					
ROADWAY PLANS SHEET TITLE	NO OF SHEETS	ESTIMATED MAN-DAYS			
		ENGINEER		TECHNICIAN	
		SHEET	TOTAL	SHEET	TOTAL
TITLE SHEET	1.00	0.25	0.25	0.00	0.00
INDEX SHEET	1.00	0.25	0.25	0.00	0.00
GEOMETRIC LAYOUT/SURVEY CONTROL	0.00	0.00	0.00	0.00	0.00
PROJECT NOTE SHEET (Project)	1.00	0.50	0.50	0.00	0.00
PROJECT NOTE SHEET (TCP)	1.00	0.50	0.50	0.00	0.00
PROJECT NOTE SHEET (Signage)	1.00	0.50	0.50	0.00	0.00
PROJECT NOTE SHEET (Signals)	0.00	0.00	0.00	0.00	0.00
PROJECT NOTE SHEET (ITS)	0.00	0.00	0.00	0.00	0.00
PROJECT NOTE SHEET (Lighting)	0.00	0.00	0.00	0.00	0.00
PROJECT NOTE SHEET (Traffic Loops)	0.00	0.00	0.00	0.00	0.00
PLANS LEGEND & ABBREVIATIONS	1.00	0.50	0.50	0.00	0.00
TYPICAL SECTIONS					
Main Roadway	2.00	0.25	0.50	1.00	2.00
Cross Roads	1.00	0.00	0.00	0.50	0.50
Detour & Misc.	0.00	0.00	0.00	0.00	0.00
Ramps	0.00	0.00	0.00	0.00	0.00
Ditches	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
SUMMARY SHEET					
Main Summary	1.00	0.50	0.50	0.50	0.50
SUMMARY BOX SHEETS					
Roadway Drainage (non-culvert)	0.00	0.00	0.00	0.00	0.00
Culvert Extension, New Culvert	0.00	0.00	0.00	0.00	0.00
Bridge Culvert Extension, New Bridge Culvert	0.00	0.00	0.00	0.00	0.00
Guardrail/End Anchors	0.00	0.00	0.00	0.00	0.00
Slope Paving (Under Bridges)	0.00	0.00	0.00	0.00	0.00
Side Drain Pipe	0.00	0.00	0.00	0.00	0.00
Signing	0.00	0.00	0.00	0.00	0.00
Base & Pavement	0.00	0.00	0.00	0.00	0.00
Bridge	0.00	0.00	0.00	0.00	0.00
Striping & Pavement Markings	0.00	0.00	0.00	0.00	0.00
Curb & Gutter	0.00	0.00	0.00	0.00	0.00
Bridge End Slabs	0.00	0.00	0.00	0.00	0.00
Roadway Lighting	0.00	0.00	0.00	0.00	0.00
Signals	0.00	0.00	0.00	0.00	0.00
ITS	0.00	0.00	0.00	0.00	0.00
Sidewalk	0.00	0.00	0.00	0.00	0.00
Slope Paving (Ditches)/Ditch Summary	0.00	0.00	0.00	0.00	0.00
Concrete Safety Barrier	0.00	0.00	0.00	0.00	0.00
Retaining Wall	0.00	0.00	0.00	0.00	0.00
Misc. Boxes	3.00	0.06	0.18	0.50	1.50
Erosion Control	0.00	0.00	0.00	0.00	0.00
Removal Items	0.00	0.00	0.00	0.00	0.00
Utility Relocation	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
PLAN & PROFILE					
Main Roadway	0.00	0.00	0.00	0.00	0.00
Crossroads	0.00	0.00	0.00	0.00	0.00
Detours	0.00	0.00	0.00	0.00	0.00
Retaining Walls	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00

Attachment: Total submittal Fee proposal (1348 : Agreement for Engineering Services for Down Town Bicycle Plan)

ROADWAY PLANS SHEET TITLE	NO OF SHEETS	ESTIMATED MAN-DAYS			
		ENGINEER		TECHNICIAN	
		SHEET	TOTAL	SHEET	TOTAL
PAVING LAYOUT (includes striping)					
Main Roadway	6.00	0.75	4.50	1.50	9.00
Crossroads	0.00	0.00	0.00	0.00	0.00
Intersections	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
INTERCHANGES					
Geometrics	0.00	0.00	0.00	0.00	0.00
Ramps Profiles	0.00	0.00	0.00	0.00	0.00
Site Grading	0.00	0.00	0.00	0.00	0.00
Cross Sections	0.00	0.00	0.00	0.00	0.00
Signing	0.00	0.00	0.00	0.00	0.00
Ramp Gore Details	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
TRAFFIC CONTROL					
Sequence of Construction	1.00	0.13	0.13	0.75	0.75
Summary & Items	1.00	0.13	0.13	0.75	0.75
Typical Section Sketches	0.00	0.00	0.00	0.00	0.00
Layout Sheets (signs, devices, shifts, etc.)	0.00	0.00	0.00	0.00	0.00
Special Drawings	3.00	0.06	0.18	0.50	1.50
	0.00	0.00	0.00	0.00	0.00
SIGNING					
Sign Layout	3.00	0.13	0.39	1.00	3.00
Sign X-Section	0.00	0.00	0.00	0.00	0.00
Sign Panel Details	1.00	0.06	0.06	1.00	1.00
Soils Data Sheets (provided by ALDOT)	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
SIGNALIZATION					
Signal Layout and Traffic Analysis (1 per site)	0.00	0.00	0.00	0.00	0.00
Traffic Counts (1 per site)	1.00	1.00	1.00	0.00	0.00
Signal Warrant Analysis (1 per site)	0.00	0.00	0.00	0.00	0.00
Soils Data Sheets (provided by ALDOT)	0.00	0.00	0.00	0.00	0.00
Traffic Analysis at 14th Street	1.00	2.00	2.00	1.00	1.00
ITS					
Systems Engineering	0.00	0.00	0.00	0.00	0.00
Special Study	0.00	0.00	0.00	0.00	0.00
Legend	0.00	0.00	0.00	0.00	0.00
Special Details	0.00	0.00	0.00	0.00	0.00
ITS Layouts	0.00	0.00	0.00	0.00	0.00
Optical Fiber Splice Charts	0.00	0.00	0.00	0.00	0.00
Fiber - Cable Routing Diagram	0.00	0.00	0.00	0.00	0.00
Specifications	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
LIGHTING					
Plan Layout	0.00	0.00	0.00	0.00	0.00
Demo Plans	0.00	0.00	0.00	0.00	0.00
Special Details	0.00	0.00	0.00	0.00	0.00
Soils & Passive Pressure (provided by ALDOT)	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00

9/1/2015

Alabama Department of Transportation

9:31 AM

ROADWAY PLANS SHEET TITLE	NO OF SHEETS	ESTIMATED MAN-DAYS			
		ENGINEER		TECHNICIAN	
		SHEET	TOTAL	SHEET	TOTAL
UTILITY SHEETS					
Utility Locations (plan/profile)	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
DRAINAGE SECTIONS					
Pipe & Culvert X-Sect./Hydraulic Computations	0.00	0.00	0.00	0.00	0.00
Hydraulic Data Sheet	0.00	0.00	0.00	0.00	0.00
Details	1.00	1.00	1.00	1.50	1.50
	0.00	0.00	0.00	0.00	0.00
SOIL SHEETS					
Soil Boring Logs	0.00	0.00	0.00	0.00	0.00
Soil Profile	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
EROSION CONTROL					
Legend & Sequence	1.00	0.50	0.50	1.00	1.00
Phased Sheets (Phase I)	0.00	0.00	0.00	0.00	0.00
Phased Sheets (Phase II)	0.00	0.00	0.00	0.00	0.00
Phased Sheets (Phase III)	0.00	0.00	0.00	0.00	0.00
CBMPP & NOI	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
ROADWAY CROSS SECTIONS					
Main Roadway	0.00	0.00	0.00	0.00	0.00
Crossroads	0.00	0.00	0.00	0.00	0.00
Earthwork Balancing	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
REVIEW COMMENTS					
30% Review			0.50		1.00
Plan-in-Hand Inspection			0.50		1.50
PS&E Inspection			0.50		1.50
Cost Estimates			0.00		2.00
Design Hearing			0.00		0.00
SUB-TOTAL	32.00		15.07		30.00
10% Supervision			1.51		
TOTALS	32.00		15.07		30.00

Attachment: Total submittal Fee proposal (1348 : Agreement for Engineering Services for Down Town Bicycle Plan)



AECOM
3800 Colonnade Parkway
Suite 400
Birmingham, Alabama 35243
www.aecom.com

205 970 1443 tel
205 970 7784 fax

August 26, 2015

Mr. Scott Parker, P.E.
City Engineer
City of Opelika
700 Fox Trail
Opelika, AL 36803

Subject: **TAPAA-TA15(924)**
Shared Use Path - Downtown
City of Opelika, Lee County, Alabama

Dear Mr. Parker:

A pre-proposal walk-through meeting was held at the project site for the above referenced project on Friday, August 7, 2015. The following were in attendance:

<u>Name</u>	<u>Organization</u>	<u>Telephone</u>	<u>E-mail Address</u>
Scott Parker	City of Opelika	334-705-5450	sparker@opelika-al.gov
John Gwin	City of Opelika	334-705-5456	jgwin@opelika-al.gov
David Bollie	ALDOT/County Transportation	334-241-8535	bollied@dot.state.al.us
Trent Deason	ALDOT/County Transportation	334-241-8535	deasont@dot.state.al.us
Wyman Turner	AECOM	205.397.6660	wyman.turner@aecom.com
Christy Cahalan	AECOM	205.970.0373	christy.cahalan@aecom.com

South Railroad Avenue Section

In general, the typical section of the project from 5th Street South to Samford will consist of two (2) – 13 ft travel lanes and a 10 ft multi-use path for a total width of 36 ft. This will be accomplished through re-striping and grinding off the existing stripe. The re-striping will begin at 5th Street South and South Railroad Avenue.

5th Street South

An ADA ramp and dome mat is needed at 5th Street South and South Railroad Avenue.

An ADA ramp and dome mat is needed at the 5th Street South Bridge and along with a crosswalk. We are not concerned about the slope of the ramp at the Bridge because the slope requirement would be waived because of the slope of the existing roadway.

An ADA ramp and dome mat on South Railroad Avenue is needed to match up with the ramp at the bridge.

Signage for the multi-use path should also be included.

4th Street South

The crosswalk on Byrd Avenue will be backed up and a radial ramp and dome mat at Byrd and 4th is needed. A ramp and dome mat is also needed on the other side of 4th and a section of sidewalk will be removed.

Minor structure concrete should be included for the concrete patch close to the intersection with Byrd.

Gas Substation

The bollard at the driveway should be removed and the driveway reconstructed. The inlet will be converted back to a grate inlet with new top similar to the grate inlets found along the project.

Jeter Avenue

Ramps with dome mats are needed across Jeter along with a 50 ft section of sidewalk repair/replacement.

2nd Avenue/Samford Avenue and South Railroad Street



The multi-use path will continue uninterrupted through the intersection. No left turn will be allowed onto South Railroad Street from Sanford. No right turn will be allowed onto South Railroad Street Sanford. The typical section for Sanford becomes a 3 lane section – 2 thru lanes with a center reversible turn lane and a 10 ft multi-use path.

South Railroad Street thru traffic will yield to traffic on Sanford.

The sidewalk on Sanford Bridge will not be touched.

There is a large section of sidewalk that should be replaced in front of Wing Town.

Dover Street

Ramps with dome mats are needed across Dover.

Clifford Street

Ramps with dome mats are needed across Cliffard St.

Ashford Apartments

Ramps with dome mats are needed across the Ashford Apts. entrance.

Ashton Way

Ramps with dome mats are needed across Ashton Way.

Samford Court

Ramps with dome mats are needed across Sanford Court.

Court Street

Diagonal from Court Street the inlet should be repaired/modified as a grate inlet similar to the grate inlets along the project.

Hopewell Baptist Church

Signage indicating bike lanes end/share the road should be placed in the vicinity of the Hopewell Baptist Church.

1st Avenue Section

Simmons

The typical section beginning at Simmons will consist of two (2) – 13 ft lanes and a 10 ft multi-use path. No center turn lane.

A ramp with dome mat is needed at the intersection of Simmons and 1st Avenue.

A stop bar is also needed.

A glue down/bolt down mat is needed on the parking lot side

Edge stripe should be included in areas with no gutter or curb and gutter.

14th Street

Traffic analysis for turning movements should be performed at the signal at 14th Street to determine need for turn lanes/protected movements.

The City of Opelika will request a scope change to end the project at 14th Street.

Directional wayfinding signage will be included for downtown destinations.

This is our understanding of the scope of work for Project # TAPAA-TA15(924). Should you have any additions, corrections or comments, please don't hesitate to contact me at (205) 568-3622.

Yours Sincerely,

Christy Cahalan
Project Manager

TAPAA-TA15(924)
Shared Use Path - Downtown
City of Opelika, Lee County, Alabama

Assumptions:

- The plans will be similar to a resurfacing set of plans, but will be half-size, rather than 8.5" x 11".
- Plan reviews will be cursory and electronic pdf, not formal, sit down reviews, but will follow the general ALDOT percent complete submittal process.
- Two inlets will be modified to include repair/replacement of top with a grate gutter side and concrete top.
- Several long sections of sidewalk will be replaced.
- 20+ ADA ramps will be constructed.
- Detailed striping plans and a signage scheme for destination points will be included.
- A separation scheme will be determined to provide separation from the travelway and the multi-use path to include an alternative to the plastic bollards originally presented such as profile striping, reflectors, etc.
- Traffic analysis of turning movements at the signalized 14th Street intersection is included.

AGREEMENT FOR CONSULTING AND ENGINEERING SERVICES

THIS AGREEMENT made as of _____, 2015, by and between the City of Opelika (hereinafter referred to as "CLIENT"), and AECOM Technical Services, Inc., a corporation organized under the laws of the State of New York (hereinafter referred to as "CONSULTANT").

WHEREAS, CLIENT plans to undertake a project known as Project No. TAPAA-TA15(924) Destination Downtown – Opelika Multi-Use Path Project (hereinafter referred to as the "Project") requiring professional services and desires CONSULTANT to perform such services associated therewith (hereinafter referred to as the "SERVICES"); and

WHEREAS, CONSULTANT is desirous of performing the SERVICES required; and

WHEREAS, CLIENT and CONSULTANT desire to enter into a basic Agreement to cover the Services required as more particularly described hereinafter.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto agree as follows:

ARTICLE 1 **Scope of Services**

- 1.1 A written definition of the SERVICES to be performed by CONSULTANT is set forth in Appendix A, Scope of Services, attached hereto and made a part hereof.
- 1.2 CONSULTANT will perform or cause to be performed those SERVICES described in Appendix A in accordance with all laws, regulations, applicable codes and with the provisions of this Agreement. CONSULTANT shall endeavor to complete the SERVICES in an expeditious and timely manner.
- 1.3 CLIENT and CONSULTANT shall meet prior to the commencement of SERVICES, with a view to agreeing generally upon Project premises, schedules, number and kinds of employees to be used by CONSULTANT for the purpose of facilitating performance of the SERVICES, general agreement on accounting and other procedures, the time of acceptance by CLIENT of the completed Project and other related matters. It is understood that CONSULTANT will not proceed with SERVICES until receipt of authorization to do so from CLIENT.

ARTICLE 2 **Client Responsibilities**

Unless otherwise indicated in Appendix A, CLIENT shall do or provide the following in a timely manner so as not to delay the SERVICES:

- 2.1 Designate in writing a person to act as CLIENT's representative with respect to the SERVICES to be rendered under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and

define CLIENT's policies and decisions with respect to CONSULTANT's SERVICES for the Project.

- 2.2 Provide all criteria and full instructions as to CLIENT's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which CLIENT will require to be included in the Drawings and Specifications.
 - 2.3 Assist CONSULTANT by placing at CONSULTANT's disposal all available information pertinent to the Project including previous reports and any other data relative to design or constructions of the Project such as the following:
 - 2.3.1 data prepared by or services of others, including without limitation borings, probings and subsurface explorations, hydrographic surveys, laboratory tests and inspections of samples, materials and equipment;
 - 2.3.2 appropriate professional interpretations of all of the foregoing;
 - 2.3.3 environmental assessment and impact statements;
 - 2.3.4 property, boundary, easement, right-of-way, topographic and utility surveys;
 - 2.3.5 property descriptions; and
 - 2.3.6 zoning, deed and other land use restrictions;
- all of which CONSULTANT may use and fully rely upon in performing SERVICES under this Agreement.
- 2.4 Arrange for access and to make all provisions for CONSULTANT to enter upon public and private property as required for CONSULTANT to perform SERVICES under this Agreement.
 - 2.5 Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others and the CLIENT as may be necessary for completion of the Project.
 - 2.6 Examine all studies, reports, sketches, estimates, specifications, drawings, proposals and other documents presented by CONSULTANT and shall render in writing decisions pertaining thereto within a reasonable time so as not to delay the work of CONSULTANT.
 - 2.7 Give prompt written notice to CONSULTANT whenever CLIENT observes or otherwise becomes aware of any defect in the project.

ARTICLE 3
Compensation and Terms of Payment

- 3.1 The CLIENT shall compensate CONSULTANT for the SERVICES performed under this Agreement in accordance with Appendix B, Compensation, attached hereto and made a part hereof. CONSULTANT's charge for SERVICES performed shall be invoiced monthly by CONSULTANT and shall be payable by the CLIENT within twenty (20) days after receipt of invoice.
- 3.2 In the event the CLIENT disputes any invoice item, the CLIENT shall give CONSULTANT written notice of such disputed item within ten (10) days after receipt of invoice and shall pay to CONSULTANT the undisputed portion of the invoice according to the provisions hereof.
- 3.3 If CLIENT fails to pay any invoiced amounts when due, interest will accrue on each unpaid amount at the rate of twelve percent (12%) per annum from the date due until paid according to the provisions of this Agreement. Interest shall not be charged on any disputed invoice item that is finally resolved in CLIENT's favor.
- 3.4 If any payment provided for hereunder is to be made on some basis other than a lump sum price, CONSULTANT shall not provide, nor be obligated to provide any services, the charges for which would exceed the amount of compensation authorized by CLIENT without the written authorization of the CLIENT.

ARTICLE 4
Termination

- 4.1 This Agreement may be terminated by either party for cause upon seven (7) days written notice or by the CLIENT for convenience upon thirty (30) days written notice by the terminating party to the other party in which event CONSULTANT shall be paid for (a) SERVICES rendered to the date of termination, (b) for all costs incurred by CONSULTANT in connection with the SERVICES to the date of termination, (c) for all costs necessary to terminate all commitments for the SERVICES made by CONSULTANT prior to the date of termination, and (d) for all costs and expenses of CONSULTANT's demobilization.

ARTICLE 5
Force Majeure

- 5.1 CONSULTANT, including CONSULTANT's subcontractors, if any, shall not be responsible hereunder for any delay, default or nonperformance of this Agreement, if and to the extent that such delay, default or nonperformance is caused by an act of God, weather, accident, labor strike, fire, explosion, riot, war, rebellion, terrorist activity, sabotage, flood, epidemic, act of government authority in either its sovereign or contractual capacity, labor, material, equipment or supply shortage, or any other cause beyond the reasonable control of such party.

ARTICLE 6

Ownership of Documents

- 6.1 CLIENT shall be considered to be the owner of all documents, drawings, plans, and specifications prepared by CONSULTANT pursuant hereto, except those documents comprising procedures and calculations proprietary to CONSULTANT. From time to time when no longer needed by CONSULTANT, and at the request of CLIENT, CONSULTANT shall turn over all files and records containing information not proprietary to CONSULTANT and accumulated by CONSULTANT in the performance of its duties hereunder, except that CONSULTANT may keep copies of all of same for its permanent files and records. Nothing contained in this paragraph shall be construed as limiting or depriving CONSULTANT of its rights to use its basic know-how and skills to design or carry out other projects or work for itself or others, whether or not such other projects or work are similar to the SERVICES to be performed pursuant to this Agreement.
- 6.2 Any reuse of CONSULTANT prepared documents without the written verification or adaptation by CONSULTANT for the specific purpose intended will be at CLIENT's sole risk and without liability or legal exposure to CONSULTANT or its consultants. Any such verification or adaptation will entitle CONSULTANT to further compensation at rates to be agreed upon by CLIENT and CONSULTANT.

ARTICLE 7

Indemnity

- 7.1 CONSULTANT agrees to protect, indemnify and hold CLIENT free and harmless from and against claims, liabilities, demands and causes of action arising in favor of third parties, for personal injuries, death, or damages to property, if and to the extent that the same arise out of the negligence of CONSULTANT, its agents, servants and employees, while engaged in the performance of SERVICES hereunder.
- 7.2 CLIENT agrees to protect, indemnify and hold CONSULTANT free and harmless from and against claims, liabilities, demands and causes of action arising in favor of third parties, for personal injuries, death, or damages to property, if and to the extent that the same arise out of the negligence of CLIENT, its agents, servants and employees, while engaged in the performance of SERVICES hereunder.

ARTICLE 8

Responsibility

- 8.1 CONSULTANT shall perform its duties hereunder on a professional efforts basis, consistent with generally accepted industry standards. CONSULTANT shall correct any defects to the extent arising out of its negligence without additional cost to the CLIENT; provided, however, the CLIENT agrees

CONSULTANT's total liability for corrective work shall not exceed the total compensation received by CONSULTANT under this Agreement. CONSULTANT's liability under this Article is conditioned upon receipt of written notice of any defect promptly upon discovery and an opportunity to inspect the defect to verify the cause thereto.

- 8.2 Notwithstanding anything contained in this Agreement and to the fullest extent permitted by law, it is agreed that neither party shall be liable to the other in any event for any special or consequential damages suffered by the other arising out of the SERVICES hereunder. Special or consequential damages as used herein shall include, but not be limited to, loss of capital, loss of product, loss of profit, loss of use of any system, or other property, or any other indirect, special or consequential damage, whether arising in contract, tort (including negligence), warranty or strict liability.
- 8.3 Notwithstanding anything in this Agreement, Consultant shall not be responsible for, nor have control or charge of construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with this project, and shall not be responsible for any construction contractor's failure to carry out the work in accordance with the contract documents. Consultant shall not be responsible for, nor have control over, the acts or omissions of any construction contractors, their subcontractors, any of their agents or employees or any other person performing any work related to this project.
- 8.4 Since CONSULTANT has no control over the cost of labor, materials, equipment or services furnished by others, or over any contractor's methods of determining prices, or over competitive bidding or market conditions, CONSULTANT's opinion of probable Project Cost and Construction Cost provided for herein are to be made on the basis of its experience and qualifications and represent its best judgment as an experienced and qualified professional familiar with the construction industry; but CONSULTANT cannot and does not guarantee that proposals, bids or actual Project or Construction Cost will not vary from opinion of probable cost prepared by CONSULTANT.
- 8.5 Notwithstanding anything contained in this Agreement, CONSULTANT shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to hazardous materials in any form at the Project Site. To the fullest extent permitted by law, CLIENT agrees to defend, indemnify and hold harmless CONSULTANT from any cost, expense, claim or liability, including reasonable attorneys' fees, arising out of CONSULTANT's performance of SERVICES and made or brought against CONSULTANT for any actual or threatened environmental pollution or contamination except to the extent caused by CONSULTANT's gross negligence.
- 8.6 CONSULTANT's liabilities, obligations and responsibilities are exclusively those expressly set forth in this Agreement, and no other liabilities, obligations and responsibilities are either expressed or implied.

ARTICLE 9

Insurance

- 9.1 CONSULTANT shall provide, pay for, and maintain in force at all times during the SERVICES to be performed, the following insurance:
- 9.1.1 Workers' Compensation Insurance as may be required by all state and federal workers' compensation acts, the Federal Longshoremen's and Harbor Workers' Compensation Act, the Outer Continental Shelf Act and such other acts as may be applicable to the SERVICES performed hereunder.
- 9.1.2 General Public Liability insurance covering liabilities for death and personal injury and liabilities for loss of or damage to property with combined single limit of not less than One Million (\$1,000,000.00) Dollars per occurrence.
- 9.1.3 Automobile Public Liability Insurance with a minimum of One Million (\$1,000,000.00) Dollars per occurrence coverage for both bodily injury and property damage.
- 9.1.4 Professional Liability Insurance with limits of liability not less than One Million (\$1,000,000.00) Dollars per claim.
- 9.2 CONSULTANT shall provide to CLIENT within thirty (30) days of signing of this Agreement certificates evidencing such policies. The certificates provided to CLIENT shall state that CLIENT shall be given thirty (30) days notice prior to cancellation of the policy. CONSULTANT shall name CLIENT as an additional insured on the policies described in paragraphs 9.1.2 and 9.1.3.
- 9.3 The CLIENT shall require each contractor, subcontractor and other consultants contracted by the CLIENT to provide appropriate insurance and to name CONSULTANT as a named insured as herein described and to include CONSULTANT as an indemnified party in its indemnification provision to the CLIENT.

ARTICLE 10

Miscellaneous

10.1 Record Keeping and Audit

If any payment provided for hereunder is to be made on some basis other than a lump sum price, CLIENT shall have the right to inspect and audit CONSULTANT's books, records and all associated documents relating to such costs (excluding, however, the basis for agreed upon fixed rates). CONSULTANT agrees to maintain records and associated documents for a period of two (2) years from the end of the calendar year in which such costs were incurred and to make such books and records available to CLIENT at all reasonable times within the two (2) year period and for so long thereafter as any dispute remains unresolved. CLIENT may photocopy or reproduce any such books and records at its own expense.

10.2 Changes

a) CLIENT shall have the right to make changes, additions, and required substitution. However, any difference in cost to CONSULTANT resulting from these changes shall be added or deducted from the price. If these changes result in delays in design or construction, the time for performance will be extended a period equal to the delay.

b) CLIENT shall furnish CONSULTANT with written instructions, signed by a duly authorized person, covering any deviations which CLIENT may require.

10.3 Assignment

This Agreement shall not be assignable by either party without the prior written consent of the other party hereto, except that it may be assigned without such consent to the successor of either party acquiring all or substantially all of the business and assets of such party.

10.4 Governing Law

The provisions of this Agreement shall be governed by the laws of the State of Alabama, unless stated otherwise.

10.5 Approvals, Authorizations, Notices

All notices authorized or required between the parties, or required by any of the provisions herein shall be given in writing and shall be sent by certified mail, return receipt requested, and deposited with an accepted postal service, postage prepaid, and addressed to the party intended to receive it. Notices may also be given by personal delivery or may be sent by telex to the party intended to receive it with the sending party confirming the message by certified mail in the same manner as provided above within ten (10) calendar days thereafter, but said notice shall be deemed given on the date the telex is sent. Notice shall be addressed, mailed and delivered or telexed to the party to whom the notice is given at the address shown herein, to wit:

CLIENT

Mr. Scott Parker
City of Opelika
700 Fox Trail
Opelika, Alabama 36803

CONSULTANT

AECOM Technical Services, Inc.
Attn. Eddie Lobdell
3800 Colonnade Parkway, Suite 400
Birmingham, Al. 35243

10.6 Entire Agreement

This agreement constitutes the entire Agreement between the parties hereto and supersedes any oral or written understandings, proposals, or communications heretofore entered into by or on account of the parties and may not be changed, modified or amended except in writing signed by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

ATTEST

AECOM Technical Services, Inc.

By: _____

By: _____

ATTEST

CLIENT

By: _____

By: _____

APPENDIX A
SCOPE OF SERVICES

Consultant, upon receipt of written authorization to proceed, shall commence performance of the Services set forth below.

The plan set will be developed per the approved proposal shown and scope of work letter and list of assumptions shown in Appendix B. In general, the plan set will be developed per AECOM's Transportation Support Services Contract with the Alabama Department of Transportation shown in Appendix A.

RESOLUTION NO. (ID # 1340)

Agreement Between the City and EAMC for OPD Services.

RESOLUTION NO. _____

**RESOLUTION APPROVING SUPPLEMENTAL LAW ENFORCEMENT SERVICES
AGREEMENT WITH EAST ALABAMA HEALTHCARE AUTHORITY,
D/B/A EAST ALABAMA MEDICAL CENTER**

WHEREAS, East Alabama Healthcare Authority, d/b/a East Alabama Medical Center (hereinafter referred to as the “Hospital”) is desirous of contracting with the City of Opelika (hereinafter referred to as the “City”) for the performance of the supplemental law enforcement services by the Opelika Police Department; and

WHEREAS, a proposed Supplemental Law Enforcement Services Agreement (the “Agreement”) has been prepared and submitted to the City Council for approval and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama (the “City”), as follows:

1. That the proposed Supplemental Law Enforcement Services Agreement to be entered into between the City and the Hospital, a copy of which is attached hereto and marked as Exhibit “A”, be and the same is hereby accepted, approved, authorized, ratified and confirmed in the form substantially submitted to the City Council with such changes thereto (by addition, deletion or substitution) as the Mayor shall approve, which approval shall be conclusively evidenced by the execution and delivery of said Agreement.

2. That the Mayor is hereby authorized and directed to execute and deliver said Agreement in the name and on behalf of the City. The City Clerk is hereby authorized and directed to attest said Agreement and affix the seal of the City thereto.

3. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they, or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution and the attached Agreement.

4. That this Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

 PRESIDENT OF THE CITY COUNCIL OF THE
 CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

SUPPLEMENTAL LAW ENFORCEMENT SERVICES AGREEMENT

THIS SUPPLEMENTAL LAW ENFORCEMENT SERVICES AGREEMENT

(hereinafter referred to as the “Agreement”) is made and entered into this the ____ day of _____, 2015, by and between the City of Opelika, Alabama, a municipal corporation (hereinafter referred to as the “City”) and East Alabama Healthcare Authority, d/b/a East Alabama Medical Center, an Alabama corporation (hereinafter referred to as the “Hospital”). The City and the Hospital collectively will hereinafter be referred to as the “Parties”.

RECITALS

WHEREAS, the Hospital is desirous of contracting with the City for the performance of law enforcement services by the Opelika Police Department (hereinafter referred to as “OPD”); and

WHEREAS, the City is agreeable to rendering such law enforcement services on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties mutually agree as follows:

Section 1. Scope of Services Provided by City.

1.1 The City agrees, as available, through OPD, to provide to the Hospital one fully sworn peace officer (hereinafter police officer) for one eight-hour shift for each calendar day during the term of this Agreement. Sworn officers shall at all times remain part of OPD, subject to, and in direct relationship with the City’s chain of command and under OPD’s rules, regulations and standard operating procedures.

Attachment: EAMCagreement (1340 : EAMC Agreement with OPD)

1.2 At all times during the term of this Agreement, the City shall provide fully sworn police officers who have been trained and certified with standards mandated by the Alabama Peace Officers Standards and Training Commission (“APOSTC”). The City shall be responsible for maintaining the certification and training of those assigned police officers in compliance with APOSTC standards.

1.3 Assigned police officers will provide law enforcement services primarily in and around the emergency room. During times when there is little activity in the emergency room, assigned police officers will patrol the first level of the Hospital in public areas and in the parking lots.

1.4 The hours of duty performed by OPD employees under the Agreement shall be from 7:00 p.m. to 3:00 a.m. each day of the week, Monday through Sunday. One OPD officer, if available, shall work an eight-hour shift each day.

1.5 All City employees who work in conjunction with OPD pursuant to this Agreement shall remain employees of the City and shall not have any claim or right to employment, civil service protection, salary or benefits or claims of any kind from the Hospital based on this Agreement. No City employee shall become an employee of the Hospital.

1.6 The Parties agree that the Opelika Police Chief shall have the sole discretion to order police officers and units to another location other than the Hospital should, in the Police Chief’s opinion, such re-assignment be necessary to protect the health, safety and welfare of citizens of Opelika.

1.7 The sworn personnel performing such law enforcement services as herein provided shall be in the prescribed uniform of the OPD during the performance of their duties. Similarly, patrol vehicles used by officers assigned under the provision of services of this

Agreement shall bear the markings and insignia of the OPD. The City agrees that it will provide assigned police officers with such basic equipment as may be necessary and reasonable in order to carry out the duties anticipated under this Agreement.

1.8 The City agrees that the Hospital will have access to all public information, in conformance with the Alabama Public Records Act, which in any way deals with criminal activity. It is further agreed that the City will provide to the Hospital copies of such incident reports, arrest reports or other public documents which document or substantiate actual or potential criminal activity in, or connected with, the Hospital campus. This information will be provided by the City on a regular basis.

1.9 The City will require all law enforcement officers to complete a daily log provided by the Hospital, at the conclusion of each shift and forward the original report to the Hospital's designee. This report will include, but not be limited to, data as follows:

- a. Hours worked
- b. Calls/requests for service.
- c. Suspicious persons—name and description
- d. Arrest/Citations
- e. Drug paraphernalia confiscated/found
- f. Property recovered/stolen
- g. Conflict resolution; e.g. apparent or actual conflict between two or more persons.
- h. Weapons violations/seized.

1.10 Assigned OPD officers will communicate problems or issues with the charge nurse in emergency room or lead security representative (whichever is more appropriate, based on the situation).

1.11 Assigned OPD officers will be expected to view the New Contract Orientation video, which is modeled after the Forensics Officer Training. This video will include core competencies and HIPAA information. In addition, this video outlines the EAMC customer service expectations, core competencies and emergency codes and will allow police officers to gain a better understanding of the Hospital's patient and family-centered culture and prepare them to appropriately react if they encounter an emergency.

1.12 Assigned OPD officers will not be required to complete safety registry reports due to the lack of access to a computer. Security or emergency room staff (whichever is more appropriate) will complete safety registry reports based on the situation.

1.13 Assigned OPD personnel will oversee presence accountability with the assistance of the EAMC Security Director and Manager. In order for the Security Director and Manager to be able to monitor daily activities, a report, similar to the one used by Security, will be designed with OPD shift report as the title and will require written updates of activities on a daily basis. For EAMC security record-keeping purposes, this form will also require a brief of any situation that requires OPD officers to directly encounter a problematic patient, visitor or employee.

1.14 Except as otherwise specifically set forth in this Agreement, services rendered by assigned police officers shall encompass those duties and functions of the type customarily rendered by Opelika police officers under the statutes of the State of Alabama and under City municipal codes. OPD officers will conduct investigations of theft, trespassing, domestic violence, illegal drug issues, etc., while on duty at the Hospital.

Section 2. Term of Agreement.

2.1 The term of this Agreement shall commence upon execution by the Parties and shall remain in effect through September 30, 2017, unless sooner terminated as provided for herein.

Section 3. Right of Termination.

3.1 Either party may terminate this Agreement with or without cause by giving not less than thirty (30) calendar days' written notice to the other party.

3.2 Notwithstanding the foregoing, the Opelika Police Chief may cancel the provision of services with only ten (10) calendar days' advance notice, or less, in the event of exigent circumstances, if the Police Chief concludes that there are insufficient personnel to provide the agreed upon services and still perform other law enforcement duties as required by law.

3.3 In the event of a termination, each Party shall fully discharge all obligations owed to the other Party accruing prior to the date of such termination, and, except as otherwise provided herein, each Party shall be released from all obligations, which would otherwise accrue subsequent to the date of termination.

Section 4. Insurance.

4.1 The City shall have and maintain at all times during the term of this Agreement worker's compensation insurance as required by law, for all City personnel providing law enforcement services to the Hospital.

4.2 The Hospital shall have and maintain, during the term of this Agreement, general commercial liability insurance that provides protection from any and all claims for bodily and personal injury, liability and property damage, which may arise, from operation or performance

under this Agreement. The amount of insurance coverage shall not be less than \$2,000,000 per occurrence.

Section 5. Billing Rates.

For and in consideration of the rendition of the supplemental law enforcement services to be performed by the City for the Hospital under this Agreement, the Hospital shall pay the City for such services at a rate based on the City's actual cost of providing the additional service contemplated in this Agreement. The City's cost under this Agreement shall include the actual costs of salaries, benefits and overtime. The City will bill the Hospital per police officer on availability at the rates set forth in Exhibit "A".

Section 6. Payment Procedures.

6.1 The Hospital shall pay the City for all undisputed amounts within twenty (20) days after date of said invoice. The monthly bills shall be based on an hourly rate of \$35.00 per hour.

6.2 At the end of each fiscal year (September 30), the cumulative billings for the preceding months in the fiscal year shall be readjusted by the City to reflect the actual cost of such services in accordance with section 5 above. The City will maintain records of all costs incurred as a result of providing services under this Agreement. On or before December 1 of each year during the term of this Agreement, the City will provide to the Hospital a detailed statement reflecting the cost of the services incurred by the City during the preceding fiscal year. If such itemized statement reveals that the Hospital has been undercharged for the cost of services during the preceding fiscal year, then the Hospital shall pay to the City the amount of the undercharge on or before December 30 of the succeeding fiscal year. If such statement reveals that the Hospital has been overcharged for the cost of services during the preceding fiscal

year, then the City shall refund to the Hospital the amount of the overcharge on or before December 30 of the succeeding fiscal year. The Parties agree that the intent of this Agreement is to have a zero profit and a zero loss for the City.

Section 7. Duties and Obligations of the Hospital

7.1 The Hospital will make available to assigned City personnel the current “Ebola Hut” as a police office.

7.2 The Director and Manager of Support Services will serve as the Hospital’s liaison with assigned police officers.

7.3 The Hospital’s Support Services Manager shall be responsible for arranging a basic orientation to the Hospital and for assuring that police officers have access to the Hospital’s security office.

7.4 The Hospital will provide all assigned police officers a locker and adequate break room.

7.5 The Hospital will provide training to all assigned police officers regarding response protocols that may involve acts of violence, an active shooter, infant abduction, and/or crimes such as patient/visitor thefts.

Section 8. Entire Agreement.

This Agreement represents the entire understanding between the City and the Hospital as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may be modified only by an agreement in writing signed by both the City and the Hospital.

Section 9. Binding on Successors.

This Agreement shall bind and inure to the benefit of the respective successors and assigns of each of the Parties.

Section 10. Governing Law.

This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama.

Section 11. Notices.

Any notice which is required or may be given under this Agreement shall be in writing and shall be provided by certified mail, return receipt requested, at the following address:

City of Opelika
Attn: Mayor
P.O. Box 390
Opelika, AL 36803

East Alabama Healthcare Authority
Attn: President
2000 Pepperell Parkway
Opelika, AL 36801

Section 12. Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which taken together, shall constitute one instrument.

Section 13. No Presumption Re: Drafter

The Parties acknowledge and agree that the terms of this Agreement have been negotiated and discussed between the Parties and their attorneys, and this Agreement reflects their mutual understanding regarding the same. The cause of the nature of such negotiations and discussions, it would be inappropriate to deem any Party to be the drafter of this Agreement and therefore no presumption for or against validity or as to any interpretation hereof, based upon the identity of the drafter shall be applicable in interpreting or enforcing this Agreement.

IN WITNESS WHEREOF, the City and the Hospital have caused this Agreement to be executed on their behalf by their duly authorized representatives.

CITY OF OPELIKA, ALABAMA

By: _____
ITS MAYOR

ATTEST:

CITY CLERK

EAST ALABAMA HEALTHCARE AUTHORITY
d/b/a EAST ALABAMA MEDICAL CENTER

By: _____
EXECUTIVE VICE PRESIDENT

ATTEST:

ITS SECRETARY

Attachment: EAMCagreement (1340 : EAMC Agreement with OPD)

RESOLUTION NO. (ID # 1350)

Contract with City of Auburn for OFD Services.**RESOLUTION NO. _____****RESOLUTION APPROVING PROFESSIONAL SERVICES CONTRACT WITH THE CITY OF AUBURN, ALABAMA FOR THE PERFORMANCE OF FIRE PREVENTION AND SUPPRESSION SERVICES BY THE OPELIKA FIRE DEPARTMENT**

WHEREAS, the City of Opelika, Alabama, (the “City”) desires to enter into a Contract with the City of Auburn, Alabama (“Auburn”) for the performance of fire prevention, fire suppression and emergency medical services by the Opelika Fire Department at Auburn University Regional Airport located at 2150 Mike Hubbard Boulevard, Auburn, Alabama; and

WHEREAS, a proposed Professional Services Contract (the “Contract”) has been prepared and submitted to the City Council for approval, and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama, as follows:

1. That the proposed Professional Services Contract to be entered into between the City of Auburn and the City of Opelika, a copy of which is attached hereto and marked Exhibit “A”, be and the same is hereby accepted, approved, authorized, ratified and confirmed in the form substantially submitted to the City Council with such changes thereto (by addition, deletion or substitution) as the Mayor shall approve which approval shall be conclusively evidenced by execution and delivery of said Contract.

2. That the Mayor is hereby authorized and directed to execute and deliver said

Contract in the name and on behalf of the City.

3. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution and the attached Contract.

5. That this Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2015.

 PRESIDENT OF THE CITY COUNCIL
 OF THE CITY OF OPELIKA

ATTEST:

 CITY CLERK

City of Auburn
Professional Services Contract

The City of Auburn, Alabama (City), 161 North Ross Street, Auburn, Alabama and,
City of Opelika/Opelika Fire Department , the Contractor, hereby agree that:

1. The Contractor, acting in support of the City Public Safety Department, shall provide fire and emergency services to include fire prevention, fire suppression and emergency medical services at Auburn University Regional Airport during major sporting events and/or special events.
2. The rendering of services will provide support of the City Public Safety Department/Police Division under the direction supervision of the City Police Chief or his/her designee.
3. The Contractor will provide the above services during the time period from August 1, 2015 through July 31, 2016 .
4. The Contractor will provide the above services as determined by the City Chief of Police.
5. The Contractor will be compensated by the City of Auburn for the above services at the following rates: Capt.-\$29.93/hr.; Lt.-\$24.77/hr.; AO-\$24.17/hr.; FF- \$20.88/hr.
6. The Contractor will receive compensation for services provided within ten working days of the receipt of an approved invoice.
7. The Contractor **will not** be compensated for travel expenses.
8. The Contractor agrees to comply with all applicable Federal and State laws and regulations in the performance of this Contract. Contractor represents that it is an Equal Opportunity Employer and does not discriminate on the grounds of disability, age, race, color, religion, sex, national origin, veteran status, genetic information or any other classification protected by Federal and/or Alabama state constitutional and/or statutory law.

This contract has been reviewed and accepted by the undersigned contractor:

 Signature

 City of Opelika
 Agency Name

 Tax I. D. Number

 Mayor Gary Fuller
 Name

 204 7th Street South
 Address

 Opelika, AL 36801
 City, State, Zip Code

ADOPTED AND APPROVED by the City Council of the City of Auburn, Alabama, this
 _____ day of, _____ , 2015.

 Mayor

ATTEST:

 City Manager

Attachment: 2015 Opelika FD contract (1350 : Professional Services Contract with City of Auburn)

RESOLUTION NO. (ID # 1356)

Annual Appropriation Contract with Christian Care Ministries**RESOLUTION NO. _____**

BE IT RESOLVED by the City Council of the City of Opelika as follows:

-) That the proposed CONTRACT FOR SERVICES to be entered into between the City of Opelika and the Christian Care Ministries (CCM), a copy of which is hereto attached as Exhibit “A”, be and the same is hereby approved, adopted, authorized, ratified and confirmed,
-) That Gary Fuller, Mayor of the City of Opelika is hereby authorized and empowered to execute the foregoing agreement in the name and on behalf of the City of Opelika and the City Clerk is hereby authorized to affix the corporate seal of the City of Opelika thereto and to attest the same, and the Mayor shall deliver one copy to the Employer’s Child Care Alliance, and retain one copy.

ADOPTED and APPROVED this the _____ day of _____, 2015.

C. E. “Eddie” Smith, Jr.
President City Council
City of Opelika, Alabama

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer

ORDINANCE NO. (ID # 1272)

Amend Zoning Map, Rezoning from R-4 to I-1 at 207 Avenue A

The applicant is requesting a rezoning of his 24,000 sf property (207 Avenue A) to operate a funeral home. Ward Funeral Home was established in the mid-50's and closed in the mid-90's. During the past twenty (20) years the funeral home has undergone significant deterioration and dilapidation. Mr. Ward desires to restore the home to its original stature and conduct a funeral business. The Planning Commission sends a positive recommendation to City Council to rezone property.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONINGORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA

BE IT ORDAINED by the City Council (the "City Council") of the City of Opelika, Alabama (the "City") as follows:

Section 1. That Ordinance 124-91 entitled "Zoning Ordinance City of Opelika, Alabama", adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided for and referred to therein, as previously amended and/or modified, be and the same is hereby amended by rezoning or redistricting the parcel of land hereinafter in this section described, so as to change such parcel from one class of district to another class of district as follows, to-wit:

From a R-4 District (Medium Density Residential District) to a I-1 District (Institutional District), the parcel of land hereinafter described:

From the point of intersection of the northeasterly margin of South Third Street with southeasterly margin of Avenue A, in the City of Opelika, Lee County, Alabama, run north 47 degrees 36 minutes east, along the southeasterly margin of Avenue A, 250.0 feet; thence south 42 degrees 24 minutes east, 110.0 feet; thence south 47 degrees 26 minutes west, 100 feet; thence north 42 degrees 24 minutes west, 5.0 feet; thence south 47 degrees 36 minutes west, 150.0 feet, to the northeasterly margin of South Third Street; thence north 42 degrees 24 minutes west, along the northeasterly margin of South Third Street, 105.0 feet, to the point of beginning; being Lot 1, and part of Lots #14 and #15, Block 9, as the same appears on Totten's Official Real Estate Map of the City of Opelika, Alabama, as the same appears in the Lee County Probate Records, Town Plat Book 2, Page 9.

Being further described as the premises located at 207 Avenue A, Opelika, Lee County, Alabama.

Section 2. Any ordinance or part thereof in conflict with provisions of this Ordinance be and the same are hereby repealed.

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2015.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 1274)

Amend Zoning Map of Zoning Ordinance, Rezoning from I-1, GC to C-2, GC

Rezoning from I-1,GC to C-2,GC. Greater Peace CDC develop for a neighborhood mixed use development of commercial services, offices, and residential. The 7.8 acre rezoning area located on southwest corner of Fox Run Parkway and Greater Peace Drive. The Planning Commission sends a positive recommendation to City Council to rezone the property.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONINGORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA

BE IT ORDAINED by the City Council (the “City Council”) of the City of Opelika, Alabama (the “City”) as follows:

Section 1. That Ordinance 124-91 entitled “Zoning Ordinance City of Opelika, Alabama”, adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided for and referred to therein, as previously amended and/or modified, be and the same is hereby amended by rezoning or redistricting the parcels of land hereinafter in this section described, so as to change such parcels from one class of district to another class of district as follows, to-wit:

From an I-1, GC District (Institutional, Gateway Corridor Overlay District) to a C-2, GC District (Office/Retail, Gateway Corridor Overlay District), the parcels of land hereinafter described:

Lot 11A and Lot 2 as shown on plat of survey entitled “Jeter School Subdivision”, Section 8, T19N, R27E, in the City of Opelika, Lee County, Alabama said plat surveyed by Jim McCrory Alabama Reg. No. 12493 and recorded in the Office of the Judge of Probate of Lee County, Alabama on October 17, 2000, in Town Plat Book 22 on Page 14. Lot 11 A containing 2 acres more or less and Lot 11A containing 5.86 acres more or less.

Said parcel consists in the aggregate of 7.8 acres and is located at the Southwest corner of Fox Run Parkway and Greater Peace Drive.

Section 2. Any ordinance or part thereof in conflict with provisions of this Ordinance be and the same are hereby repealed.

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2015.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 1325)

Speed Limit Change on Oak Bowery Road

ORDINANCE NO. _____

**ORDINANCE AMENDING SECTION 16-183 AND SECTION 16-185 OF THE CODE OF
THE CITY OF OPELIKA TO ESTABLISH A MAXIMUM SPEED LIMIT OF 35 MPH
ON OAKBOWERY ROAD FROM BONITA AVENUE TO MORRIS AVENUE**

WHEREAS, the City of Opelika's Engineering Department routinely reviews the speed limits in the City Code in order to make corrections, additions, or amendments, where appropriate; and

WHEREAS, the Engineering Department has undertaken an investigation and completed a traffic study for the portion of Oakbowery Road between Bonita Avenue and Grand National Parkway; and

WHEREAS, the Engineering Department based on evaluations and findings from its investigation and study, recommends a reduction in the speed limit for the portion of Oakbowery Road between Bonita Avenue and Morris Avenue to 35 miles per hour for all vehicles; and

WHEREAS, the City Council finds that setting a maximum speed limit of 35 miles per hour for said portion of Oakbowery Road between Bonita Avenue and Morris Avenue is reasonable and serves an important public interest in that it will promote and protect the health, safety and welfare of the citizens of the City of Opelika.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Opelika, Alabama as follows:

Section 1. **Section 16-183 amendment.**

Section 16-183 of the Code of Ordinances of the City of Opelika is hereby amended to read as follows:

SECTION 16-183. - Forty-five mile per hour limits.

No person shall operate a motor vehicle at a speed greater than forty-five (45) miles per hour by day or night upon the following listed streets, avenues or highways of the city:

- (1) Anderson Road-Cusseta Road to Northpark Drive.
- (2) Andrews Road-East City limits to Norman Street.
- (3) Birmingham Highway (U.S. 280-AL 38)-Mile Post 108.0 to Pepperell Parkway.
- (4) Columbus Parkway (U.S. 280/431-AL 1)-South Sixth Street to Mile Post 137.1.
- (5) Crawford Road (AL 169)-Marvyn Parkway to Mile Post 26.6.
- (6) Cusseta Road-Lafayette Parkway to East City limits.
- (7) Fox Run Parkway (U.S. 431-AL 1)-West Point Parkway to Columbus Parkway.
- (8) Frederick Road-West City limits to South Long Street.
- (9) Gateway Drive (U.S. 280-AL 38)-Pepperell Parkway to Interstate Highway 85.
- (10) Gateway Drive-Interstate Highway 85 to Marvyn Parkway.
- (11) Grand National Parkway-Birmingham Highway to Oakbowery Road.
- (12) Hamilton Road-South City limits to Gateway Drive.
- (13) Lafayette Parkway (U.S. 431-AL 1)-West Point Parkway to Mile Post 136.88.
- (14) Marvyn Parkway (AL 51)-McCoy Street to Mile Post 113.0.
- (15) Morris Avenue-Oakbowery Road to Rocky Brook Road.
- (16) North Uniroyal Road-Columbus Parkway to West Point Parkway.
- (17) Oakbowery Road-Morris Avenue to Grand National Parkway.
- (18) Old Columbus Road-East City limits to Edwards Road.
- (19) Pepperell Parkway-West City limits to 0.2 miles west of Pleasant Drive.
- (20) Ridge Road-East City limits to North Uniroyal Road.
- (21) Shelton Mill Road-West City limits to Birmingham Highway.
- (22) Society Hill Road-South City limits to Williamson Avenue.

(23) South Fox Run Parkway-Columbus Parkway to McCoy Street.

(24) South Uniroyal Road-South City limits to Columbus Parkway.

(25) Spring Villa Road-West City limits to East City limits.

(26) Stonewall Road-West City limits to Grand National Parkway.

(27) Veterans' Parkway-Pepperell Parkway to Oakbowery Road.

(28) Waverly Parkway-Birmingham Highway to White Road.

(29) West Point Parkway-Fox Run Parkway to North Uniroyal Road.

(Code 1964, § 16-42; Ord. No. 119-84; § 1, 12-4-84; Ord. No. 129-92, § 1, 7-21-92; Ord. No. 104-02, § 5, 2-5-02; Ord. No. 100-06, § 1, 1-17-06)

Section 2. **Section 16-185 amendment.**

Section 16-185 of the Code of Ordinances of the City of Opelika is hereby amended to read as follows:

SECTION 16-185 - Thirty-five mile per hour limits.

No person shall operate a motor vehicle at a speed greater than thirty-five (35) miles per hour by day or night upon the following listed streets, avenues or highways of the city:

(1) Andrews Road-Lake Condry Road to Norman Street.

(2) Auburn Street-Magazine Avenue to South Long Street.

(3) Chewacla Road-Old Columbus Road to South Uniroyal Road.

(4) Columbus Parkway-South Tenth Street to South Sixth Street.

(5) Country Club Road-West City limits to Dorsey Street.

(6) Cunningham Drive-Frederick Road to North Thirtieth Street.

(7) Dunlop Road-Waverly Parkway to Birmingham Highway (U.S. 280)

(8) First Avenue-Twenty-Second Street to Thomason Drive.

(9) Fitzpatrick Avenue-Pleasant Drive to Fourth Avenue.

(10) Geneva Street-Columbus Parkway to McCoy Street.

(11) Lake Condry Road-Lafayette Parkway to West Point Parkway.

(12) McCoy Street-Columbus Parkway to Geneva Street

- (13) Morris Avenue-Rocky Brook Road to Lafayette Parkway.
- (14) Northpark Drive-West Point Parkway to northern terminus.
- (15) Oakbowery Road-Morris Avenue to Bonita Avenue.
- (16) Old Columbus Road-Marvyn Parkway to Edwards Road.
- (17) Pepperell Parkway-Sixteenth Place to 0.2 miles west of Pleasant Drive.
- (18) Pleasant Drive-Waverly Parkway to Pepperell Parkway.
- (19) Ridge Road-West Point Parkway to Hanson Street.
- (20) Rocky Brook Road-Morris Avenue to Sixth Avenue.
- (21) Samford Avenue-South Railroad Avenue to Lafayette Parkway.
- (22) Saugahatchee Lake Road-Veterans' Parkway to End.
- (23) Second Avenue-Sixteenth Place to South Railroad Avenue.
- (24) Sixth Street-Second Avenue to Columbus Parkway.
- (25) South Long Street-Auburn Street to Williamson Avenue.
- (26) South Railroad Avenue-South Sixth Street to Samford Avenue.
- (27) Sunbelt Parkway-Grand National Parkway to End.
- (28) Tenth Street-Bonita Avenue to Columbus Parkway.
- (29) Thomason Drive-First Avenue to Gateway Drive.
- (30) Waverly Parkway-White Road to Pleasant Drive.
- (31) Williamson Avenue-South Long Street to Marvyn Parkway.

(Code 1964, § 16-43; Ord. No. 101-81, § 1, 1-6-81; Ord. No. 104-02, § 7, 2-5-02; Ord. No. 114-05, § 1, 6-21-05; Ord. No. 100-06, § 2, 1-17-06)

Section 3. **Implementation; posting of speed limits.**

The Mayor is hereby authorized to cause the installation of appropriate speed limit signs for all applicable speed zones on Oakbowery Road. All speed limit signs shall be so placed and so painted as to be plainly visible and legible in daylight or in darkness when illuminated by headlights and shall otherwise be in conformance with state law.

Section 4. **Enforcement.**

The speed limits established herein shall be enforced as provided by state law for traffic offenses.

Section 5. **Conflict and Severability.**

In the event any provision of this ordinance conflicts with any other provision of the Code of Ordinances or any other ordinance of the City of Opelika on the subject matter of this ordinance, the more strict provision shall apply and supersede. If any provision of this ordinance is held to be invalid, unconstitutional, or unenforceful for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this ordinance, which shall be deemed separate, distinct and independent provisions enforceable to the fullest extent possible.

Section 6. **Effective date.**

This ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 7. **Publication.**

This ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2015.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

Speed Study for Oak Bowery Road

August 27, 2015

The Engineering Department was requested to perform a speed study on Oak Bowery Bridge from Bonita Avenue to National Village Parkway. Three traffic and speed pneumatic detection tube devices were strategically placed within each of the representative sections of roadway with a variety of traffic and residential density conditions. The data was collected from midnight Thursday, August 20th and concluded at midnight, Tuesday August 25. The weekend data was excluded from the analysis for Average Annual Daily Traffic (AADT) that measures Vehicles per Day (VPD), but all the data was used to determine the speed data. The locations of the test are described below and are within a 45 MPH posted speed zone:

- **Tube 1** was placed just north of the newly constructed bridge and north of the left hand curve approaching the bridge and is used to analyze **Zone 1** of the section of Oak Bowery Road from Bonita Avenue to Northgate Drive.
- **Tube 2** was placed north of Veterans Parkway near the intersection of Whittelsey Court and is used to analyze **Zone 2** of section of roadway from Northgate Drive to Morris Avenue.
- **Tube 3** was placed north of Morris Avenue near the second sewer lift station and is used to analyze **Zone 3** of the section of roadway from Morris Avenue to National Village Parkway.

DATA:

	Zone 1	Zone 2	Zone 3
AADT (weekdays)	2017 VPD	3626 VPD	990 VPD
Average Speed	44 MPH	46 MPH	51 MPH
85% Speed	50 MPH	53 MPH	61 MPH
Access density (turnouts per mile)	33	47	10

EXISTING CONDITION ANALYSIS:

According to the data obtained above, the 85% speed that was measured is greater than the posted speed. In usual circumstances, the 85% speed is used to determine the appropriate posted speed of a roadway section. However, the original posting of 45 MPH for each of these sections of roadway was determined by legislation, §32-5A-171(2)(b) that stated “on any county maintained road in an unincorporated area should have a maximum speed limit of 45 MPH”. It is assumed that this section of roadway was unincorporated in the past and county maintained when the existing speed limit posting was established and that traffic volumes and turnout density was less than what was measured with the data presented.

Even with the existing posted speed, that speed data illustrates that over half the traffic driving on these sections of roadway are exceeding the speed limit. This factor alone should be enough to derive methods of traffic slowing and calming at least to the existing speed limit. These methods could include increased speed limit enforcement or other physical traffic calming devices to promote driver and citizen safety. This recorded speed also would be evident in recent reports from residents along this

roadway having difficulty turning and accessing the roadway due to the high rate of speed of oncoming vehicles.

RECOMMENDED CHANGES AND ANALYSIS:

The City of Opelika Public Works Manual describes Oak Bowery Road from Bonita Avenue to Morris Avenue as a Major Collector. According to the general national recommendations, major collectors are typically posted at 45 MPH. However, due to the fact that there is a high density of driveways in Tube zones 1 and 2, these areas are considered by the Engineering Department as residential or developed areas. The classification of these areas can be used to alter the posted speed limit by engineering judgmental consideration.

There are also vertical and horizontal curves in these two areas that appear (with visual observation) that the 45-MPH roadway design requirements could not be met and therefore the speed should be reduced. Additional geometric design of the roadway can be conducted to establish the actual design speed if requested.

According to It is hereby recommended that the speed limit along section 1 and 2 from Bonita Avenue to Morris Avenue be reduced to 35-MPH due to the factors collected and analyzed above. A minimum recommendation is to place an advisory speed limit (yellow and black) at the southbound left hand curve as the roadway approaches the new bridge on Oak Bowery Road. It is also recommended that the existing speed limit of 45 MPH on Zone 3 from Morris Avenue to National Village Parkway remain as is, however, increased speed limit enforcement is recommended to get the actual speed back down to the appropriate and posted level.



Scott Parker, P.E

City of Opelika Engineer

ORDINANCE NO. (ID # 1338)

Approval of Project Agreement (CH)

**EXCERPTS FROM THE MINUTES OF A REGULAR MEETING
OF THE OPELIKA CITY COUNCIL**

[Approval of Project Development Agreement between City of Opelika, Alabama and Chapman H, LLC and Allen Harris]

The Opelika City Council met in regular session at the City Hall in the City of Opelika, Alabama, at 7:00 o'clock p.m. on the 15th of September 2015.

The meeting was called to order by the President, and the roll was called with the following results:

Present:

Absent:

* * *

The President stated that a quorum was present and that the meeting was open for the transaction of business.

* * *

Thereupon, the following ordinance was introduced in writing by the President, read by the Clerk and considered by the City Council:

**LEGAL NOTICE
OF
PUBLIC MEETING OF THE**

14.4.c

CITY COUNCIL OF THE CITY OF OPELIKA, ALABAMA

Notice is hereby given that the City Council of the City of Opelika, Alabama (the "City") will meet in public session at 7:00 p.m. on Tuesday, September 15, 2015 at the City Hall at 204 South 7th Street in the City of Opelika, Alabama for the purpose of considering the transaction of business that may properly come before the City Council, such business to include, but not be limited to, the following:

1. The authorization by the Council, pursuant to Section 94.01 of the Official Recompilation of the Constitution of Alabama of 1901 and Section 11-47-2 of the Code of Alabama (1975), of an ordinance (the "Ordinance") approving the execution and delivery of a Project Development Agreement (the "Agreement") between the City and Chapman H, LLC, an Alabama limited liability company (the "Developer"), dated the date of delivery, pursuant to which the City will agree to provide \$1,725,000 in cash incentives to facilitate the Project described below. The City's cash incentives will be evidenced by the City's issuance of a \$1,725,000 General Obligation Warrant (Chapman H Project), Series 2015 (the "Warrant") in favor of Chapman H, LLC, an Alabama limited liability company (the "Developer"), whose sole member is Allen Harris, a resident of Auburn, Alabama ("Mr. Harris"). The Warrant will bear no interest.

2. Pursuant to the Agreement, the Developer will agree to construct a planned development on approximately 79 acres of land (the "Project Site") fronting Highway 280, slightly west of the intersection of Hwy. 280 and Pepperell Parkway. The "Project" shall consist of (i) approximately 130 lots for development as single family dwellings for persons who are 55 years or older and (ii) an assisted living facility with an expected occupancy of up to 200 residents. In consideration, the Developer will agree to purchase the Project Site, will perform certain environmental remediation on the Project Site, will acquire and construct certain infrastructure required to service the Project, and will construct the assisted living facility on the Project Site. The Developer intends to sell the 130 single family lots within five (5) years after completion of the Project.

3. The Warrant will be issued to the Developer in order to evidence the City's obligations to the Developer under the Agreement. The Warrant shall be a general obligation of the City, secured by the City's full faith and credit. The Warrant, the proceedings of the City in connection therewith, and the obligations of the City under the Agreement will be subject to validation by the Lee County Circuit Court in accordance with, and as provided in, Section 6-6-755 of the Code of Alabama (1975).

4. The City seeks to achieve, by undertaking its obligations pursuant to the Agreement and the Ordinance, to promote the local economic development of the City by facilitating the development of the Project for the benefit of the general public, to increase employment in the City and to increase the tax and revenue base of the City.

5. The persons or entities to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value are the Developer, Mr. Harris and others who may benefit indirectly from the development of the Project.

6. All interested persons may examine and review the Agreement and Ordinance and all relevant documents pursuant to which the Warrant is to be issued, and may make copies thereof at personal expense, at the offices of the City Clerk during normal business hours, before and after the meeting referenced herein.

7. Further information concerning the information in this notice can be obtained from the City Clerk at the offices thereof during normal business hours.

03350346.1

Attachment: LEGAL NOTICE OF PUBLIC MEETING (CH) (1338 : Approval of Project Agreement (CH))

ORDINANCE NO. (ID # 1347)

Lease Agreement Between the City and KOB & OMS.

ORDINANCE NO. _____

**ORDINANCE APPROVING THE LEASING OF THE
RAILROAD DEPOT LOCATED AT 1032 SOUTH RAILROAD AVENUE
TO OPELIKA MAIN STREET, INC AND KEEP OPELIKA BEAUTIFUL, INC.**

BE IT ORDAINED by the City Council of the City of Opelika, Alabama as follows:

Section 1. It is hereby established and declared that the following described property of the City of Opelika, Alabama is no longer needed for public or municipal purposes:

Brick building and land known as the Railroad Depot situated in Opelika, Lee County, Alabama, and described as follows:

Commence at the Northwest Corner of Section 18, Township 19 North, range 27 East in Lee County, Alabama, thence run South along the Section Line for a distance of 925.55 feet to a point, thence run East 1,557.23 feet to a point at the intersection of the railroad centerlines of the Central of Georgia Railway Company and C.S.X. Transportation, thence run North 72 degrees 16 minutes 59 seconds East 119.83 feet to a point, which is the corner of a warehouse building owned by Central Removal and Restoration, Inc., thence run South 42 degrees 32 minutes 45 seconds East 24.98 feet along the southwest wall of the warehouse building to the point of beginning. From the point of beginning, run South 42 degrees 32 minutes 45 seconds East along the southwest wall of the warehouse building 37 feet, more or less, thence run South 42 degrees 26 minutes 00 seconds East 54.13 feet, thence run North 47 degrees 34 minutes 00 seconds East 368.3 feet, thence run along an arc in a southerly direction having a radius of 1,181.29 feet, an arc length of 564.44 feet, and an arc chord with bearing south 02 degrees 23 minutes 24 seconds West and length 559.09 feet, thence run South 50 degrees 24 minutes 52 seconds West 63.16 feet, thence run North 39 degrees 35 minutes 08 seconds West 270.71 feet, thence run South 50 degrees 24 minutes 52 seconds West 27.01 feet, thence run North 39 degrees 43 minutes 18 seconds West 213.06 feet, thence run North 47 degrees 34 minutes 00 seconds East 57.27 feet, thence run North 47 degrees 34 minutes 99 seconds East 35 feet, more or less, to the southwest wall of the warehouse building and the point of

beginning. Said parcel of land described contains 2.15 acres, and is located in Lee County, Alabama.

The above-described property is located at 1032 South Railroad Avenue, Opelika, Alabama.

Section 2. The City of Opelika having received an offer from Opelika Main Street, Inc., a non-profit corporation, and Keep Opelika Beautiful, Inc., a non-profit corporation, to lease the above-described property, it is hereby declared to be in the best interest of the public and the City of Opelika, Alabama to lease said property to Opelika Main Street, Inc., and Keep Opelika Beautiful, Inc., for a term not to exceed five (5) years.

Section 3. The proposed Lease Agreement to be entered into between the City of Opelika, as Lessor, and Opelika Main Street, Inc., and Keep Opelika Beautiful, Inc., as Lessees, a copy of which is attached hereto as Exhibit "A", is hereby approved, authorized, ratified and confirmed.

Section 4. Pursuant to the authority granted by §11-47-21 of the *Code of Alabama*, 1975, the Mayor of the City of Opelika, Alabama, is hereby authorized and directed to execute said Lease Agreement in the name of and on behalf of the City of Opelika, and the City Clerk is hereby authorized and directed to attest said Lease Agreement.

Section 5. This ordinance shall become effective immediately upon its adoption and publication as required by law.

Section 6. The City Clerk of the City of Opelika is hereby authorized and directed to cause this ordinance to be published one (1) time in a newspaper published in and of general circulation in the City of Opelika, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2015.

PRESIDENT OF THE CITY COUNCIL OF THE
CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR this the ____ day of _____, 2014.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

STATE OF ALABAMA)
COUNTY OF LEE)

LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into this the ____ day of September, 2015 at Opelika, Alabama, by and between the City of Opelika, Alabama, a Municipal Corporation, hereinafter called “**LESSOR**”, and Opelika Main Street, Inc., a non-profit corporation and Keep Opelika Beautiful, Inc., a non-profit corporation, hereinafter called “**LESSEES**”.

ARTICLE 1

PROPERTY LEASED

LESSOR hereby leases to **LESSEES**, and **LESSEES** lease from **LESSOR**, that certain property described below, hereinafter called “Leased Premises”, situated in Lee County, Alabama and described as follows:

Brick building and land known as the Railroad Depot situated in Opelika, Lee County, Alabama, and described as follows:

Commence at the Northwest Corner of Section 18, Township 19 North, range 27 East in Lee County, Alabama, thence run South along the Section Line for a distance of 925.55 feet to a point, thence run East 1,557.23 feet to a point at the intersection of the railroad centerlines of the Central of Georgia Railway Company and C.S.X. Transportation, thence run North 72 degrees 16 minutes 59 seconds East 119.83 feet to a point, which is the corner of a warehouse building owned by Central Removal and Restoration, Inc., thence run South 42 degrees 32 minutes 45 seconds East 24.98 feet along the southwest wall of the warehouse building to the point of beginning. From the point of beginning, run South 42 degrees 32 minutes 45 seconds East along the southwest wall of the warehouse building 37 feet, more or less, thence run South 42 degrees 26 minutes 00 seconds East 54.13 feet, thence run North 47 degrees 34 minutes 00 seconds East 368.3 feet, thence run along an arc in a southerly direction having a radius of 1,181.29 feet, an arc length of 564.44 feet, and an arc chord with bearing south 02 degrees 23 minutes 24 seconds West and length 559.09 feet, thence run South 50 degrees 24 minutes 52 seconds West 63.16 feet, thence run North 39 degrees 35 minutes 08 seconds West 270.71 feet, thence run South 50 degrees 24 minutes 52 seconds West 27.01 feet, thence run North 39 degrees 43 minutes 18 seconds West 213.06 feet, thence run North 47 degrees 34 minutes 00 seconds East 57.27 feet, thence run North 47 degrees 34 minutes 99 seconds East 35 feet, more or less, to the southwest wall of the warehouse building and the point of

beginning. Said parcel of land described contains 2.15 acres, and is located in Lee County, Alabama.

The above-described property is located at 1032 South Railroad Avenue, Opelika, Alabama.

ARTICLE II

RENT

LESSEES shall pay **LESSOR** the sum of One Hundred and No/100 (\$100.00) Dollars as annual rent payable in advance on each 15th day of October until the termination of this tenancy.

ARTICLE III

LEASE TERM

This lease shall be for a term of five (5) years commencing on October 1, 2015 and expiring at 12:00 midnight on September 30, 2020. The parties agree that any party shall have the right to terminate the Lease at any time by giving the other parties ninety (90) days previous notice in writing of its desire to terminate the same and **LESSEES** obligation.

ARTICLE IV

USE OF PREMISES

LESSEES agree to use the Leased Premises as offices, meeting rooms and other uses that are appropriate and necessary for the implementation of their programs. **LESSEES** agree not to alter or make additions to the Leased Premises without **LESSOR'S** written consent. **LESSEES** agree not to do or to permit any act or practice injurious to the building, which may be unreasonably disturbing to other residents, which may affect the insurance risk factor on the building, or which law may otherwise prohibit.

ARTICLE V

UTILITIES

LESSEES during the term hereof shall pay all charges for electricity, telephone, Internet, sewage, water and other utilities used in and on the Leased Premises and for the removal of rubbish and garbage therefrom immediately upon coming due and hold **LESSOR** harmless from any liability therefore.

ARTICLE VI

REPAIRS

LESSOR shall maintain the Leased Premises in condition fit for their intended use and shall make all necessary repairs except as follows:

1. **LESSEES** shall make all repairs of the Leased Premises occasioned by its negligent use of the Leased Premises.
2. **LESSEES** shall repair or replace all broken or damaged doors and windows.
3. **LESSEES** shall at all times keep the Leased Premises in every part clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin.
4. **LESSEES** shall keep the yards and sidewalks free from all accumulations of trash, rubbish and garbage.

ARTICLE VII

INSURANCE

(a) **LESSOR** shall secure from a good and responsible company or companies doing business in the state of Alabama and shall maintain during the entire term of this Lease fire and extended coverage insurance in an amount not less than the value of the building and other improvements on the Leased Premises.

(b) **LESSEES** shall secure and keep in force from the commencement date of this Lease and throughout the full term of the Lease, at **LESSEES'** expense, commercial general liability

insurance on the Leased Premises, insuring **LESSOR** and **LESSEES** against liability for injury to persons or damage to property occurring in or about the Leased Premises or arising out of the use or occupancy thereof. Said insurance shall specify a single occurrence policy limit of at least \$2,000,000 naming **LESSOR** as an additional insured.

ARTICLE VIII

ASSIGNMENT AND SUBLEASE

LESSEES agree not to assign or sublet the Leased Premises, nor any part thereof, without the written consent of **LESSOR**.

ARTICLE IX

WASTE AND NUISANCE

LESSEES shall not commit, or suffer to be committed any waste on the Leased Premises, nor shall it maintain, commit, or permit the maintenance or commission of any nuisance on the Leased Premises or use the Leased Premises for any unlawful purpose.

ARTICLE X

INDEMNIFICATION

LESSEES agree to indemnify and hold **LESSOR** harmless against any and all claims, demands, damages, costs, including reasonable attorney's fees for defense thereof, arising from the conduct or management of **LESSEES'** activities in the Leased Premises or from any breach on the part of **LESSEES** of any conditions of this Lease or from any act of negligence of **LESSEES** or their agents, contractors, employees, concessionaires or licensees in and about the Leased Premises. In case of any action or proceeding brought against **LESSOR** by reason of such claim, **LESSEES** upon notice from **LESSOR** covenant to defend such action or proceeding by counsel acceptable to **LESSOR**.

ARTICLE XI

GOVERNMENT REGULATIONS

LESSEES covenant that they will observe and comply with all rules, regulations and laws now in effect or which may be enacted during the continuance of this Lease by any municipal, county, state or federal authorities having jurisdiction over said premises or the activities conducted therein by **LESSEES**, their tenants and assigns.

ARTICLE XII

REMEDIES FOR DEFAULT

If **LESSEES** shall fail to pay rent or any other sum to **LESSOR** when due, shall default in any other provision of this Lease or shall abandon the premises, **LESSOR**, in addition to all other remedies provided either at law or in equity, may avoid and terminate this Lease and re-enter into possession of the Leased Premises. All rights and remedies of **LESSOR** under this Lease shall be cumulative, and none shall exclude any other right or remedy at law. Such rights and remedies shall be exercised and enforced concurrently and whenever and as often as occasion therefore arises.

ARTICLE XIII

INSPECTION

LESSEES shall permit **LESSOR** and its agents to enter into and upon the Leased Premises, at all reasonable times, for the purpose of inspecting the same.

ARTICLE XIV

SUCCESSORS AND ASSIGNS

This lease shall inure to the benefit of and be binding upon the permitted successors and assigns of the parties hereto.

ARTICLE XV
ENTIRE AGREEMENT

This Lease contains the entire agreement of the parties and all representations, agreements and statements made previously by any party to the other, unless set forth herein, are null and void.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this the _____ day of February, 2014.

CITY OF OPELIKA-- LESSOR

BY: _____
ITS MAYOR

ATTEST:

CITY CLERK

OPELIKA MAIN STREET, INC.
A NON-PROFIT CORPORATION

BY: _____
Its _____

KEEP OPELIKA BEAUTIFUL, INC.
A NON-PROFIT CORPORATION

BY: _____
Its _____