



OPELIKA CITY COUNCIL
“ REGULAR MEETING AGENDA “
204 South 7th Street
January 5, 2016
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
4. PLEDGE OF ALLEGIANCE
5. READING OF MINUTES
 1. Minutes from City Council Meeting of 12-15-15.
6. UNFINISHED BUSINESS
7. REMARKS BY THE MAYOR
 1. Building Permit Report - December 2015.
 2. Recognize 20<40 class member - Jon Ham.
8. CITIZEN COMMUNICATIONS (Limit comments to five minutes or less)
9. REPORT OF DISBURSEMENTS
10. COMMITTEE REPORTS
11. GENERAL BUSINESS
 1. Request by Chipotle Mexican Grill LLC for a Restaurant Retail Liquor & Beer on Premise License.
 2. Request by Freedom Fuels LLC for a Retail Beer & Wine Off Premise License.
 3. Public Hearing for Demolition - 501 Lee Street
 4. Public Hearing, Fix Assessment for Removal of Building - 1201 Elliott Avenue
 5. Public Hearing, Fix Assessment for Removal of Building - 1309 S. Long Street
 6. Public Hearing, Amend Zoning Map, from R-3,GC R-5,GC & C-3,GC to PUD
12. AWARDING OF BIDS
 1. Uniform Purchase and Rental - ALL
 2. Bush Road Project - ENG
13. RESOLUTIONS
 1. Expense Reports from Various Departments.
 2. Designate City Personal Property Surplus and Authorize Disposal

3. Resolution Ordering Demolition - 501 Lee Street
4. Fix Assessment for Demolition of Building - 1201 Elliott Avenue
5. Fix Assessment for Demolition of Building - 1309 S. Long Street
6. Authorize Retirement and Disposition of Police Service Dog - OPD
7. Purchase One (1) Dual Purpose Canine - OPD
8. Purchase Cisco Network Equipment - IT Dept.
9. Amend & Extend Probation Services Contract - Municipal Court.
10. Personal Property Lease Agreement with Lee County - SW
11. Change Number of Positions & Org. Chart - SW.
12. Special Appropriation, JW Darden Foundation
13. Special Appropriation, Boys & Girls Club
14. ORDINANCES
 1. Amend Personnel P&P Manual, Section 12.5, Educational Assistance Program - Second Reading.
 2. Amend City Code, Section 28-26 Tampering Fee Section - OPS - First Reading.
 3. Amend Zoning Ord. & Map from R-3,GC R-5,GC & C-3,GC to PUD. - First Reading
15. APPOINTMENTS
16. ADJOURN



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

CM MINUTES (ID # 1499)

Meeting: 01/05/16 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 1499

Minutes from City Council Meeting of 12-15-15.



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

December 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
4. Pledge of Allegiance
 1. Izayrius Ray and Raina Curtis from West Forest School.
5. Reading of Minutes
 1. Minutes for the Council Meeting of 12-01-15.
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. November 2015 Building Reports
 Mayor Fuller called on Joey Motley, City Administrator, to present the City's Building report for November 2015.
 2. Recognize 20<40 class member - Brandon Morgan.
 Mayor Fuller recognized Brandon Morgan who was in the audience and is a member of the current class of the 20 Under 40 program.
 3. Proclamation for Taylor Rosenthal.
 Mayor Fuller presented a proclamation to Taylor Rosenthal recognizing his achievements in creating a vending machine for first aid products and declaring December 16, 2015 as Taylor Rosenthal Day. Taylor's Mom, Dad and sister were with him to accept the proclamation.
8. Citizen Communications
 (Limit comments to five minutes or less)
 Kyle Sandler stated that Taylor Rosenthal is a member of the Young Entrepreneur Program at the Middle School and is a National program.
9. Report of Disbursements
10. Committee Reports
11. General Business
 1. Public Hearing Weed Abatement Assessment - 308 Brannon Ave
 Bob Shuman presented this public hearing for the assessment of a weed abatement at 308 Brannon Avenue. President Smith open 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, Amend City Code, OPS Rules & Regulations.
 Bob Shuman presented this public hearing for a proposed Ordinance to amend the City Code for OPS General Service rules & regulations. President Smith open the public hearing asking if there

was anyone present that would like to speak for or against said Ordinance. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

1. Bids 329-15 One (1) Hydraulic Digger Derrick - OPS

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

13. Resolutions

1. Resolution 330-15 Designate City Personal Property Surplus and Authorize Disposal

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: Larry Gray, Council Member

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

2. Resolution 331-15 Purchase One (1) 2016 Isuzu NPR Diesel Chassis with 14' Flatbed Body & Liftgate - SW.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

3. Resolution 332-15 Purchase Three (3) Zoll X Series Manual Monitors/Defibrillators & Related Equipment - FD.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

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

4. Resolution 333-15 Weed Abatement Assessment - 308 Brannon Ave

RESULT: **APPROVED [UNANIMOUS]**

MOVER: David Canon, Council Member

SECONDER: Larry Gray, Council Member

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

5. Resolution 334-15 Amend Employee Contract, Robert Holley - OPD.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

6. Resolution 335-15 Tax Abatement for Daewon America, Inc.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Larry Gray, Council Member

SECONDER: David Canon, Council Member

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

7. Resolution 336-15 Tax Abatement for Pharmavite, LLC.

- RESULT:** APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith
8. Resolution 337-15 Amendments to Tax Abatement Agreement, Cumberland Platic Systems, LLC.
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith
9. Resolution 338-15 Annual Contract, Lee Co. Rabies Officer
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Larry Gray, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
10. Resolution 339-15 Resolution to Extend Temporary Moratorium for Sign Permits
- RESULT:** APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
11. Resolution 340-15 Agreement for ROW and Realignment of 22Nd Street.
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Larry Gray, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
12. Resolution 341-15 Alley Transfer Agreement with Lee County
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
13. Resolution 342-15 Land Transfer Agreement with Lee County
- RESULT:** APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gray, Smith T, Canon, Smith
14. Resolution 343-15 New Agreement with Canvas Planning Group / Aaron Fortner.
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Larry Gray, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gray, Smith T, Canon, Smith
15. Resolution 344-15 Expense Report - Patsy Jones

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

14. Ordinances

1. Ordinance 129-15-ORD Amend City Code, Electric Rates and Charges-OPS. - Second Reading.

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

2. Ordinance 130-15-ORD Amend City Code, General Service Rules and Regulations-OPS - First Reading.

This ordinance was introduced by Mr. Smith T.

Then Mr. Canon made the motion to suspend the rules and was seconded by Ms. Jones. The following vote was recorded:

AYE Jones, Gray, Smith T, Canon, Smith.

NAY None.

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

3. Ordinance 131-15-ORD Issue of GO Warrants, Series 2015 - First Reading.

This Ordinance was introduced by Mr. Canon.

Then Ms. Jones made the motion to suspend the rules and was seconded by Mr. Smith T. The following vote was recorded:

AYE Jones, Gray, Smith T, Canon, Smith.

NAY None.

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

4. Ordinance Amend Personnel P&P Manual, Section 12.5, Educational Assistance Program - First Reading.

This ordinance was introduced for a First Reading by Ms. Jones.

RESULT: **FIRST READING INTRODUCED**

15. Appointments

There was no appointments.

16. Adjourn

These City Council meeting minutes of 12-15-15 are hereby adopted and approved this the ____ day of _____, 2015.

/s/

 President of the City Council

City of Opelika, Alabama

ATTEST:

City Clerk - Treasurer

1. Motion to adjourn.

This City Council meeting was ended at 7:30 pm.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Larry Gray, Council Member

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

Attachment: CM 1-05-16, minutes for 12-15-15 CM. (1499 : Minutes from City Council Meeting of 12-15-15.)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 01/05/16 07:00 PM
Department: City Clerk
Category: Building Permit Report.
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

MAYOR'S REMARKS (ID # 1514)

DOC ID: 1514

Building Permit Report - December 2015.

Monthly Permits For December, 2015

Work & Repair On Buildings:

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	1	0
Building Repairs	4	5
Plumbing Upgrades	0	5
Electrical Upgrades	2	10
Mechanical Upgrades	2	3
Reroofs And Roof Repairs	0	3
Mobile Home Services	0	0
Building Additions/Accessory Structures	0	1

Monthly Totals For December 2006-2015

2006	\$8,467,902.0
2007	\$9,887,280.0
2008	\$5,197,447.0
2009	\$3,234,467.0
2010	\$2,923,621.0
2011	\$4,444,694.0
2012	\$4,376,038.0
2013	\$8,763,579.0
2014	\$8,049,163.0
2015	\$1,239,289.0

INSPECTION REQUEST TOTAL

362

Total Permits Issued:

0	New Buildings: Commercial	\$0.0
5	Commercial Renovations And Repairs	\$47,390.0
2	Signs	\$6,700.0
2	New Single Family Homes	\$535,713.0
9	Residential Repairs And Renovations	\$159,577.0
0	New Apartment Units	\$0.0
0	New Duplex Residences	\$0.0
18	Total Building Permits Issued	\$749,380.0

25	Electrical Permits	\$71,525.0
15	Plumbing Permits	\$68,777.0
18	HVAC Permits	\$349,607.0

76	Total Permits Issued For December 2015	\$1,239,289.0
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TAKEN FROM THE RECORDS OF THE
BUILDING INSPECTOR

Jeff Kappelman
Chief Building Inspector

Attachment: CM 1-05-16, building permit report Dec. 2015 (1514 : Building Permit Report - December 2015.)

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

PERMIT DATE	CONTRACTOR	STREET NUMBER	STREET NAME	OWNER	JOB DESCRIPTION	JOB COST
12/01/15	Triple B Construction	900	East Townelake Circle	Melvin Baker	Residential Roof Replacement	\$7,550.00
12/01/15	H Signs	3768	Pepperell Parkway	Sandy's Accessories	Commercial Signage	\$1,700.00
12/02/15	Builders Professional Group	2705	Tara Court	Builders Professional Group	Residential New Single Family	\$244,008.00
12/07/15	Effective Signs	2135	Interstate Drive	UPS Store	Commercial Signage	\$5,000.00
12/07/15	Cindy Payne	1511	Randolph Circle	Cindy Payne	Residential Roof Replacement	\$3,000.00
12/07/15	Inside Out	509	McLure Avenue	Joel Phillips	Residential Renovation	\$14,200.00
12/08/15	J. Mandi Construction	2101	Heritage Drive	Susan Wunderlich	Residential Roof Replacement	\$8,000.00
12/11/15	H & H Construction	2915	Pepperell Parkway	Four Seasons Credit Union	Commercial Exterior Repairs	\$10,000.00
12/14/15	Wilbert Payne	605	Martin Luther King Blvd.	Wilbert Payne	Residential New Accessory Building	\$4,700.00
12/15/15	Conner Brothers Construction	3400	Quail Cove	Retirement Systems of Alabama	Residential New Single Family	\$291,705.00
12/16/15	Crossroads Property Solutions	116	S 8TH Street	Crossroads Property Solutions	Commercial Interior / Exterior Repairs	\$5,000.00
12/18/15	Toro Industrial Construction	404	Fox Run Avenue	Deashin Robot	Commercial Interior Renovation	\$20,000.00
12/18/15	Sign Essentials	813	S Railroad Avenue	O Town Ice Cream	Commercial Signage	\$2,390.00
12/21/15	Gold Hill Construction	5185	Brannon Avenue	Ruby Perry	Residential Emergency Repairs	\$5,185.00
12/21/15	Gold Hill Construction	1303	Elm Street	Louise McCullough	Residential Emergency Repairs	\$3,085.00
12/21/15	D & J Enterprises	1001	2ND Avenue	Mike Thrower	Commercial Demolition	\$10,000.00
12/22/15	S & A Contracting	2505	Heritage Drive	Donald & Ann Cipperly	Residential Termite Damage Repair	\$14,357.00
12/23/15	J. Marsh Enterprises	400	10TH Street	MRI, LLC	Residential Renovation	\$99,500.00

Total \$749,380.00

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 # 1503)**

Meeting: 01/05/16 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright
Initiator: Martha Wright
Sponsors:

DOC ID: 1503

Request by Chipotle Mexican Grill LLC for a Restaurant Retail Liquor & Beer on Premise License.



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 01/05/16 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright
Initiator: Martha Wright
Sponsors:

GENERAL BUSINESS (ID # 1504)

DOC ID: 1504

Request by Freedom Fuels LLC for a Retail Beer & Wine Off Premise License.



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1470)

Meeting: 01/05/16 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 1470

Public Hearing for Demolition - 501 Lee Street

October 30, 2015

TO:

The Estate of Melvin A. Shorter
P.O. Box 375
Opelika, AL 36803

Tonya Lea Shorter
813 Donald Avenue
Opelika, AL 36801

Melvina Shorter Ponzio
411 Majestic Drive
Hollister, CA 95023

Stanley A. Shorter
2072 Luverne Street
Montgomery, AL 36104

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 the building located within the City of Opelika, Alabama (the "City") are unsafe to the extent that they are a public nuisance and subject to demolition. According to the real property records of Lee County, Alabama, Melvin A. Shorter, deceased, is the owner 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: 501 Lee Street, Opelika, AL 36801

Legal Description: A part of Lot 10 of Block 238 according to Totten's Official Real Estate Map of the City of Opelika, 1930, recorded in Town Plat Book 2, at Page 9 in the Office of the Judge of Probate of Lee County, Alabama, more particularly described as follows:

Beginning at the Northwest corner of Lot 10 of Block 238 and the point of beginning of the parcel or lot herein described, run thence South for 114 feet, more or less; run thence East for 100 feet, more or less; run thence North for 60 feet, more or less; run thence East for 35.5 feet, more or less; run thence North for 54 feet more or less to the Southern margin of Brown Court; run thence West along the Southern margin of Brown Court for 135 feet, more or less, to the point of beginning.

Being further described according to the following deeds:

- (1) Warranty Deed dated February 28, 1958 from W.C. Comer and Fannie Mae Comer to Melvin A. Shorter and Vilenar Shorter, of record in Deed Book 489 at Page 141 in the Office of the Judge of Probate of Lee County, Alabama.
- (2) Warranty Deed dated September 7, 1973 from Conrad L. Cloetta and Ellen D. Cloetta to Melvin A. Shorter and Vilenar M. Shorter, of record in Deed Book 917 at Page 372 in the Office of the Judge of Probate of Lee County, Alabama.

Also being further described as Parcel Number 43-10-03-08-3-000-055.000, according to records maintained in the Lee County Revenue Commissioner's Office.

Parcel Identification Number: 43-10-03-08-3-000-055.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on September 18, 2015. Based upon said inspection, the building located on the Subject Property is deemed to be "dangerous buildings" within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:

(Check all that apply)

- X (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.
- X (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.

- X (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.
- X (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.
- X (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.
- X (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 are 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 them 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, January 5, 2016, 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 buildings or structures 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 are unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the buildings or structures are unsafe to the extent that they are a public nuisance, the City Council shall order the demolition of the buildings or structures at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stand 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 David Chapman, Building Inspector, 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 30th day of October, 2015.

Sincerely,

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

NOTICE OF REQUIRED REPAIRS

TO:

**The Estate of Melvin A. Shorter
P.O. Box 375**

Opelika, AL 36803

**Tonya Lea Shorter
813 Donald Avenue
Opelika, AL 36801**

**Melvina Shorter Ponzio
411 Majestic Drive
Hollister, CA 95023**

**Stanley A. Shorter
2072 Luverne Street
Montgomery, AL 36104**

Parcel #: 10-03-08-3-000-055.00
Property Address: 501 Lee Street
Opelika, AL 36801

Date of Notice: October 30, 2015

This is to notify you of the repairs required to satisfy the minimum code requirements for the City of Opelika.

The repairs needed are listed below but not limited to the following:

Exterior:

- Remove the collapsed portion of the building and rebuild per code.
- Replace all doors and windows.
- Scrape, prime and paint the exterior of building.

Electrical: Have a licensed electrical contractor install a new electrical service and re-wire the entire house. Install smoke detectors inside each bedroom and outside each bedroom. If any gas appliances exist, then CO detectors need to be installed outside the bedrooms. Install 2 separate 20 amp circuits in the kitchen, 20 amp laundry circuit, 220 V circuit for electric range if gas is not provided. Install 2 exterior outlets at grade. One in front, one in back.

Note: Only the exterior of this building has been inspected. I was not able to enter the building at time of inspection. Therefore, the condition of the walls, floor and floor covering, ceilings must be in good condition.

There must be a central source of heat, a water heater, plumbing fixtures and waste/vent must be in proper working order.

Please contact David Chapman of the Building Inspections Division office at (334) 705-5420 to answer any questions.

Dated this the 30th Day of October, 2015.

Sincerely,

**David R. Chapman
Building Inspector**







City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1478)

Meeting: 01/05/16 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:
DOC ID: 1478

Public Hearing, Fix Assessment for Removal of Building - 1201 Elliott Avenue

NOTICE OF HEARING TO FIX THE AMOUNT OF ASSESSMENT FOR THE REMOVAL OF THE BUILDING LOCATED AT 1201 ELLIOTT AVENUE

Gregory Dean Dudley
161 Lee Road 425
Phenix City, AL 36870

Wendell Fleming
Dawn Fleming
3616 3rd Avenue
Opelika, AL 36801

IRS Advocacy Group
155 Poydras Street
Suite 220-Stop 65
New Orleans, LA 70112-3747

PNC Bank (Successor in interest to Farmers National Bank)
605 2nd Avenue
Opelika, AL 36801

Capital One Bank
c/o Chamblee Brandy Leigh, Esq.
P.O. Box 4953
Montgomery, AL 36103

Farmers National Bank
c/o Robert H. Pettey, Jr., Esq.
P.O. Box 2345
Opelika, AL 36802

Kendrick Shirley
1994 Lee Road 137
Auburn, AL 36832

LVNV Funding, LLC
c/o John H. Nathan, Esq.

P.O. Box 1715
Birmingham, AL 35201

NOTICE is hereby given that the building or structure located at 1201 Elliott Avenue, Opelika, Alabama has been demolished and removed as authorized and provided for by Resolution No. 263-15. The property upon which said building or structure was located is more particularly described as follows:

Lot eight (8) of the survey known as RUDD HEIGHTS SUBDIVISION, as shown on Town Plat Book 3, at Page 88, in the Office of the Judge of Probate of Lee County, Alabama; together with all improvements thereon and all appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-09-01-12-4-001-041.000 , according to records maintained in the Lee County Revenue Commissioner's Office.

NOTICE is also given that the Building Official has caused to be prepared and submitted to the City Council a report showing all costs incurred in the demolition and removal of said building or structure. Said report has been delivered to the City Clerk of the City of Opelika and is now open for inspection in the Office of the City Clerk of the City of Opelika in the Municipal Building of the City of Opelika, Alabama.

NOTICE is also given that the City Council of the City of Opelika will meet on Tuesday, January 5, 2016, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama to hear and determine any objections or defenses that might be filed to the fixing of costs by the City Council which it finds were reasonably incurred in the demolition and removal of said building or structure. The amount of said costs, as determined by the City Council, shall constitute a special assessment against the land upon which the building or structure was located, and shall constitute a lien on said property for the amount of the

assessment. The lien shall be superior to all other liens on the property except prior recorded mortgages and other prior recorded security interests and liens for taxes and shall continue in force until paid.

This Notice is given under my hand on this the _____day of December, 2015.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

Cost Assessment Worksheet

Address	Costs
<u>1201 Elliott Avenue</u>	
Title Search	\$85.00
Lis Pendens	\$14.00
Release of Lis Pendens	\$8.00
Certified Letters	\$51.92
Certified Letters/Bob Shuman	\$45.43
Demolition Cost	\$4,400.00
Total	\$4,604.35



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 1480)

Meeting: 01/05/16 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:
DOC ID: 1480

Public Hearing, Fix Assessment for Removal of Building - 1309 S. Long Street

NOTICE OF HEARING TO FIX THE AMOUNT OF ASSESSMENT FOR THE REMOVAL OF THE BUILDING LOCATED AT 1309 SOUTH LONG STREET

Royrickers Cook
Catrina Cook
1962 Kirkland Drive
Auburn, AL 36832

NOTICE is hereby given that the building or structure located at 1309 South Long Street, Opelika, Alabama has been demolished and removed as authorized and provided for by Resolution No. 264-15. The property upon which said building or structure was located is more particularly described as follows:

Part of Lots 2 and 5, Block 12, Bennett Survey, Totten's Official Real Estate Map of the City of Opelika, Alabama, 1930, according to and as shown by that certain map or plat thereof of record in Town Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama; together with all improvements thereon and appurtenances thereunto appertaining, being more particularly described as follows: Commence at that certain point in the City of Opelika, Alabama where the East margin of Long Street intersects the Northerly margin of Price Street; run thence North along the East margin of Long Street for a distance of 150 feet to the POINT OF BEGINNING of the parcel of land herein described and conveyed; from said point of beginning, run thence Easterly, parallel with Price Street for a distance of 150 feet; run thence Northerly parallel with Long Street for a distance of 50 feet; run thence Westerly, parallel with Price Street for a distance of 150 feet± to the Easterly margin of Long Street; run thence South along the Easterly margin of Long Street for a distance of 50 feet to the POINT OF BEGINNING.

Also being further described as Parcel Number 43-10-04-18-2-002-155.000, according to records maintained in the Lee County Revenue Commissioner's Office.

NOTICE is also given that the Building Official has caused to be prepared and submitted to the City Council a report showing all costs incurred in the demolition and removal of said building or structure. Said report has been delivered to the City Clerk of the City of Opelika and is now open for inspection in the Office of the City Clerk of the City of Opelika in the Municipal Building of the City of Opelika, Alabama.

NOTICE is also given that the City Council of the City of Opelika will meet on Tuesday, January 5, 2016, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama to hear and determine any objections or defenses that might be filed to the fixing of costs by the City Council which it finds were reasonably incurred in the demolition and removal of said building or structure. The amount of said costs, as determined by the City Council, shall constitute a special assessment against the land upon which the building or structure was located, and shall constitute a lien on said property for the amount of the assessment. The lien shall be superior to all other liens on the property except prior recorded mortgages and other prior recorded security interests and liens for taxes and shall continue in force until paid.

This Notice is given under my hand on this the ____ day of December, 2015.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

Cost Assessment Worksheet

Address	Costs
<u>1309 S. Long Street</u>	
Title Search	\$38.00
Lis Pendens	\$14.00
Release of Lis Pendens	\$8.00
Certified Letters	\$19.47
Certified Letters/Bob Shuman	\$6.49
Demolition Cost	\$5,100.00
Total	\$5,185.96

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 1462)**

Meeting: 01/05/16 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Gerald (Jerry) Kelley

Sponsors:

DOC ID: 1462

Public Hearing, Amend Zoning Map, from R-3,GC R-5,GC & C-3,GC to PUD

The rezoning request is 79 acres for a development consisting of 139 single family lots, an amenities package, and an independent living/assisted living facility. The Planning Commission sends a positive recommendation to City Council to rezone the property. See narrative and maps attached.

City of Opelika

Planning Commission Report

Property Owner:	Barrett-Simpson (Representative)
Location:	3000 block of Birmingham Hwy/ U.S. Hwy 280
Zoning Requested:	PUD
Existing Zoning:	R-5, C-3, R-3, GC
Proposed Use:	Single Family/Residential Amenities & Independent/Assisted Living Facility

Staff Comments:

The letter dated November 4, 2015 from Mr. Allen and the Development Plan for The Springs of Mill Lake provide a vivid description of the proposed development. The City Council September 15, 2015 approved an inducement agreement with Chapman H. LLC to assist in the development of the project. (See Attachment)

The proposed development seventy-nine (79) acres consists of one hundred & thirty-nine (139) single family lots, an amenities package, and an independent living/assisted living facility. The Development Plan narrative provides a comprehensive review of the project.

On November 2, 2015 a Development Plan Review Conference was held and attended by administrative staff along with Chairman Pridgen, Vice-Chair Cherry, and Commissioner Hilyer. Blake Rice presented an overview of the project.

While the public hearing process is ongoing via the Planning Commission and City Council, legal documents for the Homeowner's Association and Private Covenants/Restrictions will be prepared and presented prior to final subdivision plat approval and Final Development Plan review; before any applicable permits are issued.

STAFF RECOMMENDATION: Approval of the PUD zoning district subject to a detailed site plan as set forth in Section 8.18.1; Subsection O. Final Review be presented within eighteen (18) months after approval by the Planning Commission of the Development Plan including the phase for the Independent Living/Assisted Living Facility.

At the November 17th meeting, the Planning Commission voted 7 to 0 to send a positive recommendation to City Council to rezone the property to PUD.

This is a request to advertise for a City Council public hearing to rezone the property from R-5, C-3, R-3, GC to PUD

CHAPMAN H. - LLC

November 4, 2015

Mr. Jerry Kelley, Planning Commission Director
% City of Opelika
204 South 7th Street
Opelika, Alabama 36801

Re: The Springs of Mill Lakes
Opelika, Alabama

Dear Mr. Kelley:

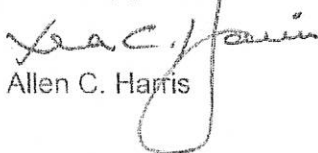
Our planned development of approximately 130 fee simple homes, a +55 Active Adult Community, will be an upscale development to attract the age targeted active adults, most of them retired and many of them baby boomers. Our market often downsizes, leaves homes with basements and multiple stories and they desire nice single level homes with amenities.

The homes at Mill Lakes will range in size from approximately 1800-2500 square feet with options for additional heated and cooled space such as bonus rooms. Also, some lots offer basement options for purchasers. The homes will be a minimum of 3 bedrooms and 2 baths. In addition to bedrooms and baths, the homes will feature flex space that can be used as a formal dining room, study, etc. These homes will also have 9' or 10' ceilings. All cased openings and doorways will be a minimum of 3' wide for full accessibility. Finishes will include classic crown moldings and other trim details such as, hardwood floors, high end appliances, solid surface granite and marble countertops, custom cabinetry and hard tile floors in wet areas. Exterior materials will include brick, stone and gables of hardie board and patterned cedar shake accents together with 30 year architectural shingles to manifest low maintenance for the entire home periphery. Lawn maintenance will be included in a monthly HOA fee keeping all lawns in pristine condition.

The exterior brick and stone will essentially wrap the house from the eave downward, gables of materials as noted above. The percentages of stone and brick will vary for architectural pleasure. Knowing that the product has to be the right product we are currently into exterior and floor plan design. Our expectation is that by end of January we will have this characteristic nailed down. Likewise, HOA docs are prepared and undergoing a scrutinous review as they must be project specific. We anticipate by year's end to have these docs complete for submission to the City.

Should you require any additional information feel free to contact me and I will be quick to respond.

Sincerely yours,


Allen C. Harris

P.O. Box 2488 Opelika, AL 36830

DEVELOPMENT PLAN

The Springs of Mill Lakes

A PLANNED UNIT DEVELOPMENT OF THE LANDS OF CHAPMAN H, LLC

PARCEL 1 OF THE SUBDIVISION OF THE PROPERTY OF WP PROPERTIES OPELIKA, LLC
LOCATED IN SECTIONS 14 & 15, TOWNSHIP 19 NORTH, RANGE 26 EAST,
OPELIKA, LEE COUNTY, ALABAMA

28 October, 2015



OVERALL DEVELOPMENT SCHEME

Chapman H, LLC intends to develop 79.391 acres of land described as Parcel 1 of the Subdivision of the property of WP Properties Opelika, LLC located in Sections 14 and 15, Township 19 North, Range 26 East, Opelika, Lee County, Alabama as shown on the Conceptual Layout included in this Development Plan. The property is currently zoned Low Density Residential (R-3), High Density Residential (R-5) and General Commercial (C-3). The Springs of Mill Lakes will be composed of approximately one hundred forty (140) single family residences targeted towards the over 55 population segment, an independent senior living / assisted living facility, generous open space and active activity areas and amenities for the neighborhood residents. The project will be developed in two phases. Phase One will be comprised of approximately seventy single family residences, the independent senior living / assisted living facility and the amenities. Phase Two will be comprised of the remainder of the single family residences.

PROJECT LOCATION

The Springs of Mill Lakes is located on the South side of U.S. Highway 280 (the Birmingham Highway) approximately 0.42 miles North of U.S. Highway 280's intersection with Pepperell Parkway. The site, having approximately 0.41 miles of frontage on U.S. Highway 280, is a portion of the old West Point Pepperell property.



LOCATION MAP
(no scale)

PROPOSED USES

The Springs of Mill Lakes subdivision will be comprised of approximately 140 single family residences sited on lots ranging in size from seventy feet by one hundred ten feet (70' x 110') up to seventy five feet by one hundred fifty feet (75' x 150'). The single family residence density is approximately 2.8 dwelling units per acre. The single family homes are located primarily in the North and West portions of the overall site.

The independent senior living / assisted living component of the project will be located on approximately 12 acres of land in the Northeast corner of the overall site. This facility will consist of approximately 160 independent living suites for seniors and approximately 60 assisted living suites.

Approximately 23% of the total project area, approximately 18 acres, will be set aside as green or open space and amenity areas for the homeowners and residents enjoyment.

PROPOSED FACILITIES

Single Family

The single family homes will be tailored to the needs of over 55 active adults who no longer desire to be burdened with the care and maintenance of a larger home and yard. The homes will be situated on the lots using a 15 foot front yard setback and a 6 foot side yard setback to create a close-knit neighborhood ambiance.

This portion of the project will be constructed in two phases consisting of approximately 70 lots each. All proposed amenities will be constructed as part of Phase One.

Eighteen (18) acres are being set aside along the Southern side of the project property for open or green space and will be dedicated to the homeowners association. The green space is centered on two existing lakes which will be utilized for storm water management for the project and incorporated into the amenities.

Amenities planned for the open and green space within the single family project include:

- Spacious clubhouse with multi use facilities
- Heated swimming pool adjacent to the clubhouse
- Outdoor fireplace & spacious grilling area on pool deck
- Pickle ball court
- Putting green
- Bass & bream stocked 3.5 acre mature lake
- Recreational 3.5 acre mature lake
- Paddle boat slips at recreational lake
- Several acres lakeside green space & picnic areas
- Walking trail around upper lake that meanders through a natural wetland
- Purpose built bird watching station

Senior Living / Assisted Living

The senior living / assisted living facility will consist of three buildings. One of which will house the approximately 160 independent living suites, one will house the approximately 60 assisted living units and the third building will contain the approximately 30,000 square foot activity/commons area. On-site parking will be provided for residents, staff and visitors.

A variety of living accommodations will be offered in the Independent Living Apartments including a one bedroom, a one bedroom with den, a two bedroom, a two bedroom with den and a two bedroom grande unit.

Many additional services will be available to all residents of the senior living / assisted living facility including the following:

- Transportation- Regularly scheduled transportation within community for shopping, health and medical appointments, church services, etc.
- Dining services- Residents will be entitled to receive 20 meals per month which they will be able to use at their leisure at the various dining venues for food and beverage. Meals may be utilized in either the main dining room or the more informal café/bistro. All meals in the main dining room are waiter/waitress served with maitre'd seating.

- Emergency call- An emergency call system with a resident check-in feature will be provided in the apartments with 24-hour monitoring.
- Concierge- Concierge services will be made available to the residents and will include such items as scheduling meeting rooms, handling resident special requests.
- Activities- A comprehensive and enriching activity program will be provided and will include arts and crafts, cultural and spiritual programs, educational programs, social events and physical and mental recreational opportunities. The schedule of activities will include lectures, tours, films, theatrical presentations and symphony performances.
- Wellness programs- A comprehensive program developed around the physical, mental and spiritual hallmarks of a wellness lifestyle will be provided.
- Health care program- As a resident of the Community residents will be entitled to priority access to the assisted living and memory care units.
- Pharmacy services- A pharmaceutical delivery service will be available on-site.

In addition to a comprehensive service package the proposed community will offer and provide a wide array of amenity and social spaces to be enjoyed and utilized by the residents on both an organized and independent, personal basis. Such amenities are anticipated as including the following:

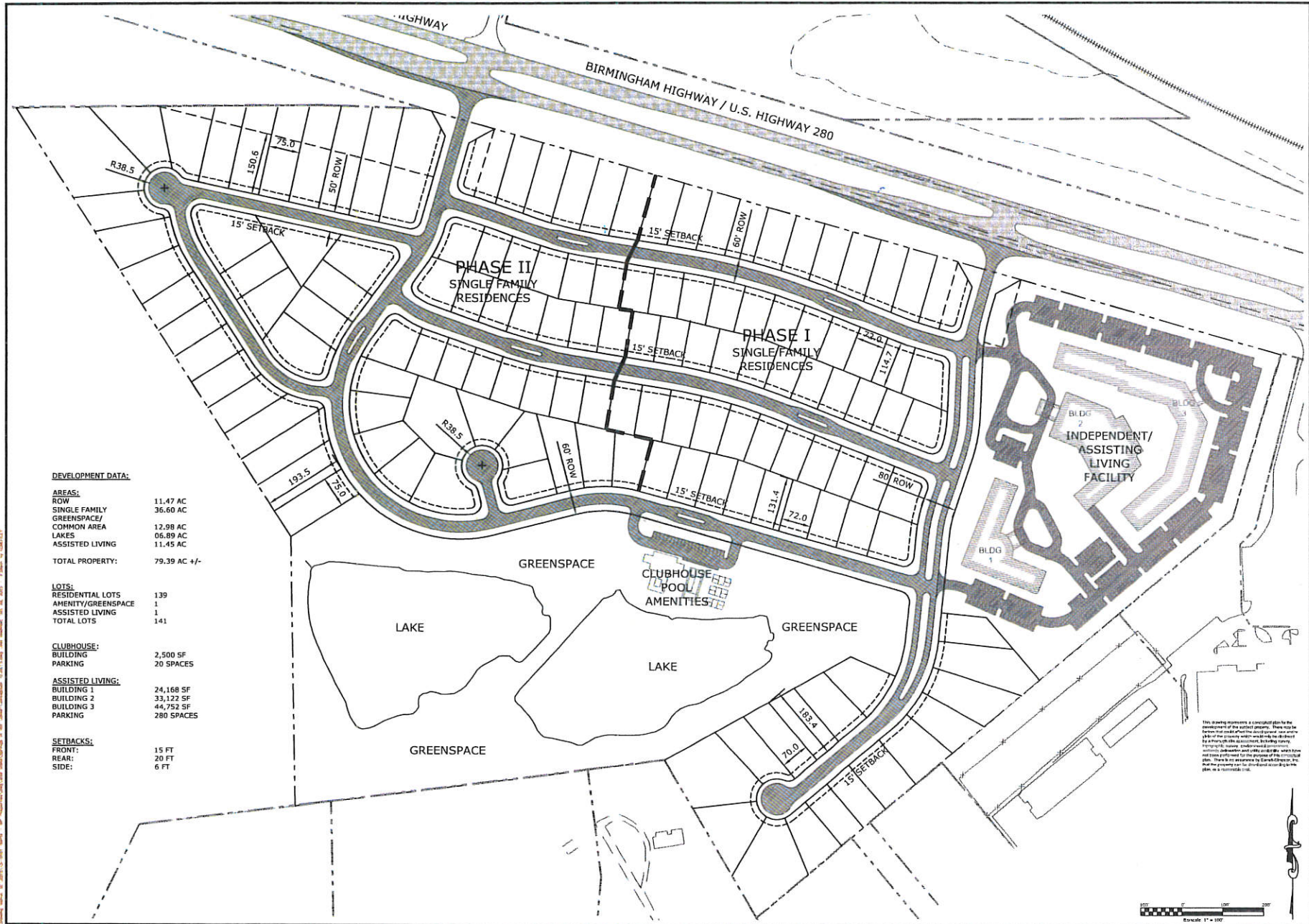
- Main lobby and reception areas with concierge desk
- Formal living or gathering room
- Mail and communications center
- Formal dining room
- Informal dining café or bistro with lounge
- Formal private dining room
- Beauty/Barber Salon
- Fine Arts and crafts areas and classes
- Performing Arts Theater/Assembly
- Banking facilities with ATM
- Library and computer area
- Wellness Center with Swimming Pool, Spa, and Exercise area

UTILITIES

The Springs of Mill Lakes will enjoy the full service of all public utilities. Potable water and fire protection will be provided via the installation of new mains served by Opelika Utilities. Sanitary sewer service will connect to the City of Opelika system. Electrical service and communication will be provided by Opelika Power Services. Streets within the project will be constructed to meet the requirements of the Opelika Public Works Manual and will be dedicated to public use.

SITE MANAGEMENT

A fully functional homeowners association will be established to operate and maintain the common facilities and amenities of The Springs of Mill Lakes.



BARRETT-SIMPSON, INC.
Civil Engineers & Land Surveyors
1000 1st St. N. Birmingham, AL 35203
205.988.1234

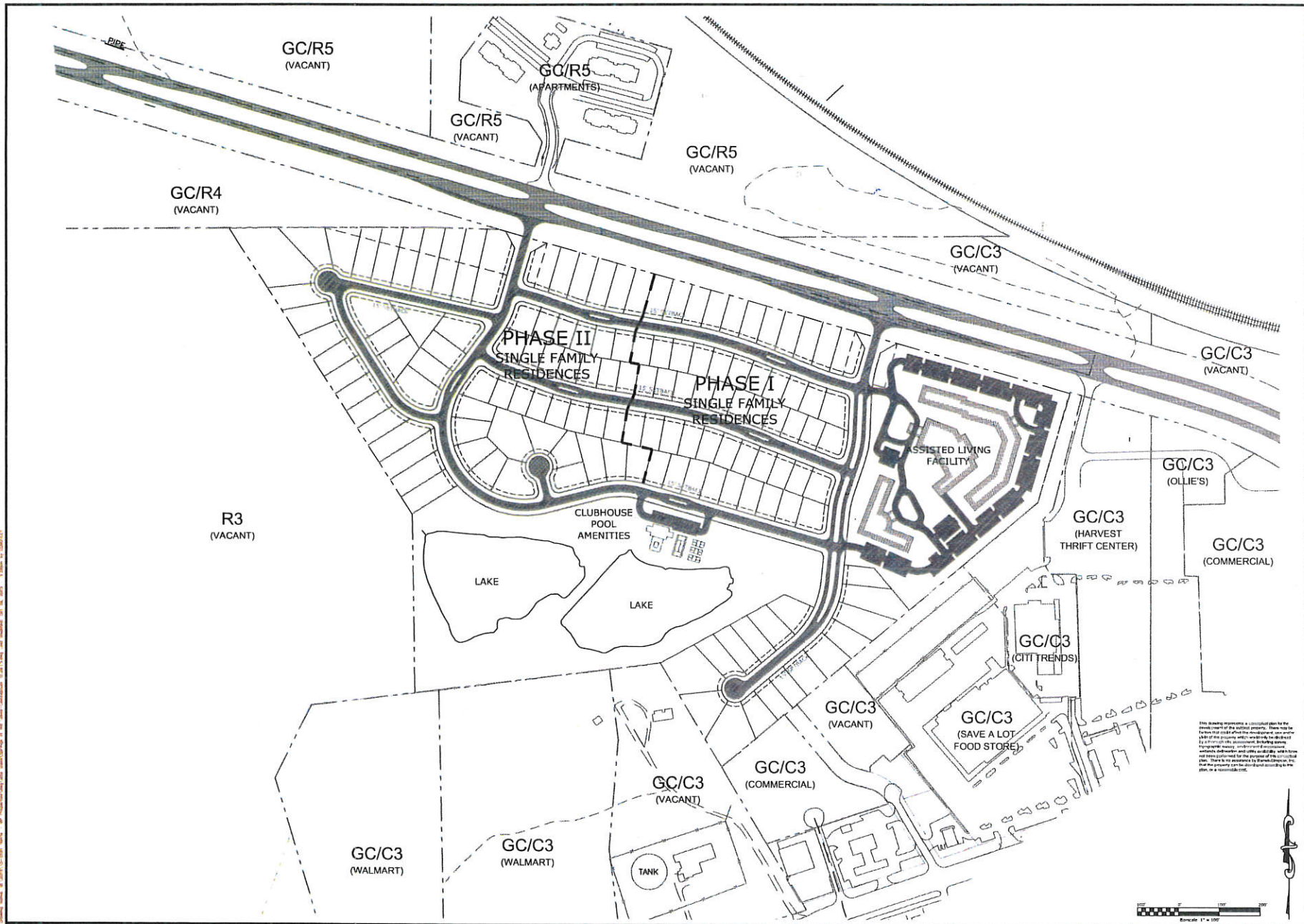
CHAPMAN H, LLC
SPRINGS OF MILL LAKES

CONCEPTUAL LAYOUT

DATE: 08/15/2022
REVISION: 01/15/2023
DATE: 01/15/2023
REVISION: 01/15/2023

DATE: 26 OCT 22
REVISION: 15-01
DATE: 11/15/22

C2



BARRETT-SIMPSON, INC.
Civil Engineers & Land Surveyors
1001 W. 10th Street, Suite 100
Oklahoma City, Oklahoma 73101
Phone: (405) 241-1234
Fax: (405) 241-1235
Email: info@bsi-engineers.com

CHAPMAN H, LLC

SPRINGS OF MILL LAKES

ADJACENT USES

OWNER:	CH	DATE:	07/16
DESIGNED BY:	CH	DATE:	07/16
DRAWN BY:	CH	DATE:	07/16
CHECKED BY:	CH	DATE:	07/16
APPROVED BY:	CH	DATE:	07/16
DATE:	26 JUL 2012	PROJECT:	15-01
FILE NAME:			

C3



BARRETT-SIMPSON, INC.
Civil Engineers & Land Surveyors



CHAPMAN H, LLC

SPRINGS OF MILL LAKES

RENDERING

DATE: 28 OCT 2015
PROJECT: 15-0
BY: [Signature]
C1

Drawing Name: W:\2015\15-0161 Harris - W Properties\New\Lake plan\Spring of Mill Lake-Conceptual 10.28.15.dwg Last Modified: Oct 29, 2015 - 2:58pm by EDWILEY



DEVELOPMENT DATA:

AREAS:	
ROW	11.47 AC
SINGLE FAMILY	36.60 AC
GREENSPACE/ COMMON AREA	12.98 AC
LAKES	06.89 AC
ASSISTED LIVING	11.45 AC

TOTAL PROPERTY: 79.39 AC +/-

LOTS:	
RESIDENTIAL LOTS	139
AMENITY/GREENSPACE	1
ASSISTED LIVING	1
TOTAL LOTS	141

This drawing represents a conceptual plan for the development of the subject property. There may be factors that could affect the development, use and/or yield of the property which would only be disclosed by a thorough site assessment, including survey, topographic survey, environmental assessment, wetlands delineation and utility availability, which have not been performed for the purposes of this conceptual plan. There is no assurance by Barrett-Simpson, Inc. that the property can be developed according to this plan, or a reasonable cost.

BARRETT-SIMPSON, INC.
Civil Engineers & Land Surveyors



706 12th St., Phenix City, AL 36860 (PH) 334-297-2423
223 S. 9th St., Opelika, AL 36801 (PH) 334-745-7030
121 W. Broad St., Eufaula, AL 36022 (PH) 334-687-4257

CHAPMAN H, LLC

SPRINGS OF MILL LAKES

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RENDERING

DRAWN BY: GUB 27 OCT 2015
DESIGNED BY: GUB 27 OCT 2015
REVIEWED BY: S. ROE 28 OCT 2015
APPROVED BY: S. ROE 28 OCT 2015

DATE: 28 OCT 2015

PROJECT NUMBER: 15-0161

SHEET NUMBER:

C1

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, January 5, 2016, 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 and the Zoning Map of the City of Opelika provided for and referred to therein. 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. Findings. The City Council has determined and hereby finds and declares that the following facts are true and correct:

“(a) Chapman H, LLC heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “The Springs of Mill Lake” consisting of approximately 79.391 acres of land.

(b) The proposed development is located in the following zoning districts: R-3, GC (low density residential, gateway corridor district), R-5, GC (high density, gateway corridor district) and C-3, GC (general commercial, gateway corridor district).

(c) The property described in section 3 below will be developed as a unified mixed residential development in two phases consisting of 139 single family lots, an amenities package and an independent/assisted living facility.

- (d) The amenities for the development will include a spacious clubhouse with multiuse facilities, a heated swimming pool adjacent to the clubhouse, outdoor fireplace and spacious grilling area on pool deck, pickle ball court, putting green, two mature lakes, lakeside green space and picnic areas, walking trails and a birdwatching area.
- (e) The project will be developed in two phases. Phase One will be comprised of approximately 70 single family residences, the independent/assisted living facility and the amenities. Phase Two will be comprised of the remainder of the single family residences.
- (f) The proposed development is located on the South side of U.S. Highway 280 (the Birmingham Highway) approximately 0.42 miles North of the intersection of U.S. Highway 280 with Pepperell Parkway. The site includes approximately 0.41 miles of frontage on U.S. Highway 280.
- (g) The Planning Commission of the City of Opelika heretofore conducted a public hearing on the proposed Development and referred to the Council its recommendation to approve the proposed Development.
- (h) It is advisable and in the interest of the City and the public interest that the property described in section 3 below should be developed as a unified residential development.

Section 2. Approval of the Development Plan. The Development Plan is hereby submitted for review is hereby approved and confirmed as required by Section 8.18(n) of the Zoning Ordinance of the City.

Section 3. Designation of Unified Planned Unit Development. The official zoning map of the City is hereby amended and the zoning classification for the following parcel of land shall be changed from a R-3, GC district (low density residential, gateway corridor district), a R-5, GC district (high density residential, gateway corridor district) and a C-3, GC district (general commercial, gateway corridor district) to a planned unit development ("PUD") on the Official Zoning Map:

All that tract or parcel of land lying and being in Section 14 and 15, T-19-N, R-26-E, Lee County, Alabama, and being more particularly described as follows: Begin at a concrete monument marking the NW Corner of Section 14, T-19-N, R-26-E Lee County, Alabama and run along the Northline of Section 14 S 88° 13' 27" E, 249.93 feet to a point on the southerly right-of-way of U.S. Highway 280's 250 foot right-of-way; thence along the said southerly and southwesterly right-of-way of U.S. Highway 280 S 73° 55' 58" E, 2178.91 feet; thence leaving said R.O.W. S 16° 27' 00" W, 418.65 feet; thence S 50° 02' 24" W, 1518.86 feet; thence N 30° 16' 57" W, 445.44 feet; thence S 82° 50' 02" W for 206.83 feet; thence S 82° 50' 02" W for 700.08 feet; thence N 00° 51' 17" W, 659.93 feet; thence N 32° 28' 30" W, 1247.82 feet; thence N 89° 41' 24" E, 329.71 feet; thence N 89° 43' 54" E, 413.73 feet to the Point of Beginning.

Section 4. Retention of copies of the Development Plan. Copies of the Development Plan shall be maintained in the offices of the City Clerk, City Planner, City Engineer, and Building Official and shall be open for public inspection.

Section 5. Repealer. Any ordinance or part thereof in conflict with provisions of this Ordinance be and the same are hereby repealed.

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 one (1) time 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

TO: PUBLISHER

Opelika, Alabama 36801

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

CITY CLERK



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

BIDS (ID # 1505)

Meeting: 01/05/16 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Angela Norrell
Sponsors:
DOC ID: 1505

Uniform Purchase and Rental - ALL

RESOLUTION NO. _____

WHEREAS, the Purchasing Department opened sealed bids for a contract for Uniform Purchase and Rental for various departments of the City; and

WHEREAS, Unifirst Corp. submitted the lowest bid meeting specifications; and

WHEREAS, this is a budgeted purchase;

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

1. That the bid be awarded to Unifirst Corp. on their low bid meeting specifications.
2. That the Purchasing-Revenue Manager be authorized to issue a purchase order to Unifirst Corp. on an as needed basis.
3. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.
4. That the Controller be authorized to adjust the budget as necessary for this purchase.

APPROVED AND ADOPTED this the _____ day of _____ 2016.

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

ATTEST:

Robert G. Shuman
City Clerk - Treasurer

FACT SHEET

SUBJECT: Sealed Bid #16002 – Contract for Uniform Purchase and Rental

FACTS:

- Bid opening date – 12/9/15
- User department(s) – Various
- The bid was mailed to 15 vendors
- 5 bids were received
- Budgeted purchase
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend Contract be awarded to Unifirst Corp. on their low bid meeting specifications.**

Lillie Finley

RENTAL: ITEM #1: TYPE A EXECUTIVE TYPE UNIFORMS FOR MEN
 ITEM #2: TYPE B SERVICE TYPE UNIFORMS FOR MEN
 ITEM #3: TYPE C ALTERNATIVE FOR TYPE B SERVICE UNIFORMS FOR MEN AND WOMEN
 ITEM #4: TYPE D SERVICE UNIFORM FOR WOMEN

VENDOR NAME	#1		#2		#3		#4			
	SS SHIRTS	LS SHIRTS	PANTS	SS SHIRTS	LS SHIRTS	PANTS	SS SHIRTS	LS SHIRTS	PANTS	SS SHIRTS
ARAMARK UNIFORM SERVICES	\$ 0.48	\$ 0.48	\$ 0.54	\$ 0.36	\$ 0.36	\$ 0.52	\$ 0.62	\$ 0.62	\$ 0.70	\$ 0.36
AZARS UNIFORMS INC										
BONNER'S UNIFORMS	\$ 0.35	\$ 0.35	\$ 0.38	\$ 0.25	\$ 0.25	\$ 0.31	\$ 0.32	\$ 0.32	\$ 0.49	\$ 0.25
CINTAS CORP #231	\$ 0.25	\$ 0.25	\$ 0.25	\$ 0.19	\$ 0.19	\$ 0.20	\$ 0.19	\$ 0.19	\$ 0.29	\$ 0.19
G & K SERVICES INC										
MAIN STREET CLEANERS										
MCCAIN UNIFORMS										
MIXEDWORLD ME										
RENTAL SERVICE CORPORATION										
RIVERSIDE MANUFACTURING CO										
SERVICEWEAR APPAREL										
SOCCER WHOLESAL										
SOUTHERN SURVIVAL MILITARY SURPLUS										
UNIFORMS CORP	\$ 0.158	\$ 0.175	\$ 0.185	\$ 0.118	\$ 0.14	\$ 0.192	\$ 0.213	\$ 0.224	\$ 0.251	\$ 0.118
VICTORY DESIGNS										

ITEM #5: TYPE E ENHANCED UNIFORMS
 ITEM #6: MATS, 3 X 5
 ITEM #7: MATS, 3 X 10
 ITEM #8: MATS, 4 X 6
 ITEM #9: DUST MOP, 24"
 ITEM #10: DUST MOP, 30"

VENDOR NAME	#5		#6		#7		#8		#9		#10			
	SS SHIRTS	LS SHIRTS	PANTS	COVERALLS	BOMBER JACKET/ JACKET LINER	3 X 5	3 X 10	4 X 6	24"	30"	TOTAL			
ARAMARK UNIFORM SERVICES						\$ 1.35	\$ 3.50	\$ 2.60	\$ 0.20	\$ 0.28	\$14.91/wk.			
AZARS UNIFORMS INC														
BONNER'S UNIFORMS	\$ 0.50	\$ 0.50	\$ 0.60	\$ 1.30	\$ 1.25	\$ 0.75	\$ 2.00	\$ 3.00	\$ 0.99	\$ 1.25	\$20.27/wk.			
CINTAS CORP #231	\$ 0.40	\$ 0.40	\$ 0.40	\$ 0.80	\$ 2.50	\$ 0.67	\$ 1.95	\$ 3.95	\$ 0.34	\$ 0.34	\$17.98/wk.			
G & K SERVICES INC														
MAIN STREET CLEANERS														
MCCAIN UNIFORMS														
MIXEDWORLD ME														
RENTAL SERVICE CORPORATION														
RIVERSIDE MANUFACTURING CO														
SERVICEWEAR APPAREL														
SOCCER WHOLESAL														
SOUTHERN SURVIVAL MILITARY SURPLUS														
UNIFORMS CORP	\$ 0.296	\$ 0.322	\$ 0.327	\$ 0.655	\$ 0.441	\$ 0.218	\$ 1.22	\$ 2.45	\$ 0.34	\$ 0.46	\$11.11/wk.			
VICTORY DESIGNS														

PURCHASE: ITEM #1: TYPE A EXECUTIVE TYPE UNIFORMS FOR MEN
ITEM #2: TYPE B SERVICE TYPE UNIFORMS FOR MEN
ITEM #3: TYPE C ALTERNATIVE FOR TYPE B SERVICE UNIFORMS FOR MEN AND WOMEN
ITEM #4: TYPED SERVICE UNIFORM FOR WOMEN

VENDOR NAME	#1		#2		#3		#4		COVERALLS
	SS SHIRTS	LS SHIRTS	PANTS	SS SHIRTS	LS SHIRTS	PANTS	SS SHIRTS	LS SHIRTS	
ARAMARK UNIFORM SERVICES	\$ 16.99	\$ 17.99	\$15.99	\$ 12.99	\$ 13.99	\$ 12.99	\$ 14.99	\$ 14.99	\$ 24.99
AZARS UNIFORMS INC									
BONNER'S UNIFORMS									
CINTAS CORP #231	\$ 23.00	\$ 25.00	\$20.00	\$ 16.00	\$ 18.00	\$ 16.00	\$ 20.00	\$ 22.00	\$ 26.00
G & K SERVICES INC	\$ 20.98	\$ 22.98	\$21.98	\$ 11.98	\$ 13.98	\$ 15.98	\$ 19.98	\$ 19.98	\$ 28.98
MAIN STREET CLEANERS									
MCCAIN UNIFORMS	\$ 22.00	\$ 24.00	\$29.00	\$ 10.50	\$ 13.00	\$ 17.50	\$ 11.00	\$ 16.00	\$ 28.00
MIXEDWORLD.ME									
RENTAL SERVICE CORPORATION									
RIVERSIDE MANUFACTURING CO									
SERVICEWEAR APPAREL									
SOCCER WHOLESAL									
SOUTHERN SURVIVAL MILITARY SURPLUS									
UNIFORMS CORP	\$ 13.30	\$ 14.55	\$14.05	\$ 9.40	\$ 11.30	\$ 15.10	\$ 14.05	\$ 14.80	\$ 23.90
VICTORY DESIGNS									

ITEM #5: TYPE E POLO SHIRTS
ITEM #6: TYPE F T-SHIRTS
ITEM #7: TYPE G COVERALLS
ITEM #8: TYPE H JACKET

VENDOR NAME	#5		#6		#7		#8		TOTAL	DEL	TERMS
	POLO	60%/40%	100%	COVERALLS	ADMIN	SVC					
ARAMARK UNIFORM SERVICES	\$ 13.99	\$ 4.99	\$ 4.99	\$ 24.99	\$ 37.99	\$ 22.99			--	10 days	--
AZARS UNIFORMS INC											
BONNER'S UNIFORMS											
CINTAS CORP #231	\$ 17.00	\$ 16.00	\$23.00	\$ 26.00	\$ 42.00	\$ 42.00			--	--	--
G & K SERVICES INC	\$ 14.98	\$ 8.49	\$ 8.79	\$ 57.98	\$ 51.98	\$ 29.98			--	30 days	--
MAIN STREET CLEANERS											
MCCAIN UNIFORMS	\$ 29.00	\$ 24.00	\$26.00	\$ 72.00	\$ 52.00	\$ 50.00			--	7-30 days	--
MIXEDWORLD.ME											
RENTAL SERVICE CORPORATION											
RIVERSIDE MANUFACTURING CO											
SERVICEWEAR APPAREL											
SOCCER WHOLESAL											
SOUTHERN SURVIVAL MILITARY SURPLUS											
UNIFORMS CORP	\$ 14.50	\$ 3.00	\$ 7.00	\$ 20.25	\$ 29.00	\$ 29.00			--	28-56 days	--
WINDY											



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

BIDS (ID # 1509)

Meeting: 01/05/16 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Angela Norrell
Sponsors:
DOC ID: 1509

Bush Road Project - ENG

RESOLUTION NO. _____

WHEREAS, the Purchasing Department opened sealed bids for a contract for the Bush Road Project for the Engineering Department; and

WHEREAS, Chris Clark Grading and Paving submitted the lowest bid meeting specifications; and

WHEREAS, this is a budgeted purchase from the 2011 Road Construction Fund; and

WHEREAS, per the development agreement between Lee County, the City of Opelika, and Bush Properties Inc., Lee County will reimburse the City \$250,000 for the cost of construction, and Bush Properties, Inc. will reimburse the City 50% of the signal construction cost. This will make the final cost to the City \$424,773.65;

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

1. That the bid be awarded to Chris Clark Grading and Paving on their low bid meeting specifications.
2. That the Purchasing-Revenue Manager be authorized to issue a purchase order to Chris Clark Grading and Paving in the amount of \$763,943.65.
3. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.
4. That the Controller be authorized to adjust the budget as necessary for this purchase.

APPROVED AND ADOPTED this the ____ day of _____ 2016.

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

ATTEST:

Bids (ID # 1509)

Meeting of January 5, 2016

Robert G. Shuman
City Clerk - Treasurer

FACT SHEET

SUBJECT: Sealed Bid #16004 – Contract for the Bush Road Project

FACTS:

- Bid opening date – 12/28/15
- User department(s) – Engineering
- 3 bids were received
- Budgeted purchase from the 2011 Road Construction Fund
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend Contract be awarded to Chris Clark Grading and Paving on their low bid meeting specifications in the amount of \$763,943.65.**

ITEM NO.	DESCRIPTION	UNIT	Preliminary Estimate			Chris Clark		D & J Enterprizes		Robinson Paving	
			QUANTITY	UNIT PRICE	EXTENSION	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
201A-002	CLEARING AND GRUBBING (MAXIMUM ALLOWABLE BID \$4000 PER ACRE) (APPROX. 3 ACRES)	LUMP SUM	1	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 3,600.00	\$ 3,600.00
206D-000	REMOVING PIPE	LIN FT	500	\$ 16.04	\$ 8,020.00	\$ 15.00	\$ 7,500.00	\$ 15.00	\$ 7,500.00	\$ 5.10	\$ 2,550.00
206E-000*	REMOVING CURB AND GUTTER	LIN FT	1455	\$ 3.74	\$ 5,441.70	\$ 10.00	\$ 14,550.00	\$ 4.00	\$ 5,820.00	\$ 6.80	\$ 9,894.00
206E-001	REMOVING HEADWALLS	EACH	1	\$ 213.80	\$ 213.80	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 335.00	\$ 335.00
206E-002	REMOVING INLETS	EACH	2	\$ 748.27	\$ 1,496.54	\$ 700.00	\$ 1,400.00	\$ 800.00	\$ 1,600.00	\$ 335.00	\$ 670.00
206E-003	REMOVING MANHOLES	EACH	1	\$ 1,000.00	\$ 1,000.00	\$ 800.00	\$ 800.00	\$ 800.00	\$ 800.00	\$ 335.00	\$ 335.00
210A-000*	UNCLASSIFIED EXCAVATION	CU YD	6270	\$ 5.35	\$ 33,544.50	\$ 4.00	\$ 25,080.00	\$ 3.00	\$ 18,810.00	\$ 3.55	\$ 22,258.50
210D-011*	BORROW EXCAVATION (A-4 OR BETTER)	CU YD	550	\$ 8.80	\$ 4,840.00	\$ 10.00	\$ 5,500.00	\$ 12.00	\$ 6,600.00	\$ 14.00	\$ 7,700.00
214A-000*	STRUCTURE EXCAVATION	CU YD	990	\$ 37.42	\$ 37,045.80	\$ 3.00	\$ 2,970.00	\$ 10.00	\$ 9,900.00	\$ 5.80	\$ 5,742.00
214B-000*	FOUNDATION BACKFILL	CU YD	280	\$ 42.76	\$ 11,972.80	\$ 5.00	\$ 1,400.00	\$ 15.00	\$ 4,200.00	\$ 38.20	\$ 10,696.00
214B-001*	FOUNDATION BACKFILL (COMMERCIAL)	CU YD	40	\$ 42.76	\$ 1,710.40	\$ 40.00	\$ 1,600.00	\$ 20.00	\$ 800.00	\$ 38.20	\$ 1,528.00
301E-008*	CRUSHED AGGREGATE BASE COURSE, TYPE 8, PLANT MIXED	TON	2820	\$ 37.00	\$ 104,340.00	\$ 22.00	\$ 62,040.00	\$ 26.00	\$ 73,320.00	\$ 27.15	\$ 76,563.00
424A-340*	SUPERPAVE BITUMINOUS CONCRETE WEARING SURFACE LAYER, 1 1/2" MAXIMUM AGGREGATE SIZE MIX, ESAL RANGE A/B	TON	370	\$ 82.00	\$ 30,340.00	\$ 85.00	\$ 31,450.00	\$ 85.00	\$ 31,450.00	\$ 83.90	\$ 31,043.00
424B-635*	SUPERPAVE BITUMINOUS CONCRETE UPPER BINDER LAYER, 3/4" MAXIMUM AGGREGATE SIZE MIX, ESAL RANGE A/B	TON	680	\$ 100.00	\$ 68,000.00	\$ 80.00	\$ 54,400.00	\$ 80.00	\$ 54,400.00	\$ 77.70	\$ 52,836.00
424B-665*	SUPERPAVE BITUMINOUS CONCRETE LOWER BINDER LAYER, 3/4" MAXIMUM AGGREGATE	TON	225	\$ 85.00	\$ 19,125.00	\$ 80.00	\$ 18,000.00	\$ 80.00	\$ 18,000.00	\$ 77.70	\$ 17,482.50
430B-043	AGGREGATE SURFACING (1" DOWN, CRUSHER RUN)	TON	100	\$ 28.00	\$ 2,800.00	\$ 22.00	\$ 2,200.00	\$ 28.00	\$ 2,800.00	\$ 22.55	\$ 2,255.00
540A-013	PLAIN CEMENT CONCRETE PAVEMENT, 6 INCHES THICK	SQ YD	30	\$ 50.00	\$ 1,500.00	\$ 50.00	\$ 1,500.00	\$ 84.00	\$ 2,520.00	\$ 48.40	\$ 1,452.00
529A-010	RETAINING WALL	SQ FT	416	\$ 100.00	\$ 41,600.00	\$ 100.00	\$ 41,600.00	\$ 55.00	\$ 22,880.00	\$ 23.00	\$ 9,568.00
530A-001	15" ROADWAY PIPE (CLASS 3 R C)	LIN FT	273	\$ 35.00	\$ 9,555.00	\$ 31.85	\$ 8,695.05	\$ 28.00	\$ 7,644.00	\$ 31.90	\$ 8,708.70
530A-002	18" ROADWAY PIPE (CLASS 3 R C)	LIN FT	366	\$ 38.00	\$ 13,908.00	\$ 34.10	\$ 12,480.60	\$ 30.00	\$ 10,980.00	\$ 31.90	\$ 11,675.40
530A-003	24" ROADWAY PIPE (CLASS 3 R C)	LIN FT	157	\$ 60.00	\$ 9,420.00	\$ 48.00	\$ 7,536.00	\$ 40.00	\$ 6,280.00	\$ 38.05	\$ 5,973.85
533A-087	15" STORM SEWER PIPE (HDPE)	LIN FT	180	\$ 20.00	\$ 3,600.00	\$ 23.15	\$ 4,167.00	\$ 22.00	\$ 3,960.00	\$ 31.90	\$ 5,742.00
533A-096	18" STORM SEWER PIPE (HDPE)	LIN FT	286	\$ 25.00	\$ 7,150.00	\$ 27.00	\$ 7,722.00	\$ 28.00	\$ 8,008.00	\$ 31.90	\$ 9,123.40
533A-099	24" STORM SEWER PIPE (HDPE)	LIN FT	115	\$ 35.00	\$ 4,025.00	\$ 42.50	\$ 4,887.50	\$ 35.00	\$ 4,025.00	\$ 38.05	\$ 4,375.75
600A-000	MOBILIZATION	LUMP SUM	1	\$ 85,000.00	\$ 85,000.00	\$ 7,000.00	\$ 7,000.00	\$ 18,012.60	\$ 18,012.60	\$ 16,500.00	\$ 16,500.00
606A-000	6" UNDERDRAIN PIPE	LF	200	\$ 20.00	\$ 4,000.00	\$ 15.65	\$ 3,130.00	\$ 15.00	\$ 3,000.00	\$ 15.90	\$ 3,180.00
614A-000*	SLOPE PAVING CONCRETE	CY	25	\$ 120.00	\$ 3,000.00	\$ 300.00	\$ 7,500.00	\$ 600.00	\$ 15,000.00	\$ 400.00	\$ 10,000.00
618A-000*	CONCRETE SIDEWALK, 4" THICK	SQ YD	760	\$ 45.00	\$ 34,200.00	\$ 30.00	\$ 22,800.00	\$ 55.00	\$ 41,800.00	\$ 39.00	\$ 29,640.00
621C-015	INLETS, TYPE S1 OR S3 (1 WING)	EACH	13	\$ 3,000.00	\$ 39,000.00	\$ 2,725.00	\$ 35,425.00	\$ 2,800.00	\$ 36,400.00	\$ 3,600.00	\$ 46,800.00
621C-017	INLETS, TYPE S1 OR S3 (2 WING)	EACH	1	\$ 3,500.00	\$ 3,500.00	\$ 2,725.00	\$ 2,725.00	\$ 3,000.00	\$ 3,000.00	\$ 3,600.00	\$ 3,600.00
621C-059	INLET UNITS, TYPE S1 OR S3	EACH	1	\$ 500.00	\$ 500.00	\$ 2,005.00	\$ 2,005.00	\$ 3,500.00	\$ 3,500.00	\$ 4,300.00	\$ 4,300.00
621D-015	MANHOLES, TYPE L OR M (STORM)	EACH	15	\$ 4,400.00	\$ 66,000.00	\$ 300.00	\$ 4,500.00	\$ 700.00	\$ 10,500.00	\$ 280.00	\$ 4,200.00
621E-004	MANHOLE UNITS, TYPE L OR M (STORM)	EACH	7	\$ 750.00	\$ 5,250.00	\$ 2,050.00	\$ 14,350.00	\$ 3,000.00	\$ 21,000.00	\$ 4,860.00	\$ 34,020.00
621F-005	CONCRETE GUTTER (VALLEY)	EACH	8	\$ 750.00	\$ 6,000.00	\$ 300.00	\$ 2,400.00	\$ 700.00	\$ 5,600.00	\$ 280.00	\$ 2,240.00
623A-001*	CONCRETE CURB, TYPE N	LIN FT	150	\$ 28.00	\$ 4,200.00	\$ 20.00	\$ 3,000.00	\$ 15.00	\$ 2,250.00	\$ 32.00	\$ 4,800.00
623B-000	CONCRETE CURB, TYPE N	LIN FT	40	\$ 25.00	\$ 1,000.00	\$ 25.00	\$ 1,000.00	\$ 15.00	\$ 600.00	\$ 100.00	\$ 4,000.00
623B-001*	CONCRETE CURB, TYPE N SPECIAL	LIN FT	150	\$ 35.00	\$ 5,250.00	\$ 25.00	\$ 3,750.00	\$ 100.00	\$ 15,000.00	\$ 54.00	\$ 8,100.00
632C-003*	COMBINATION CURB AND GUTTER, TYPE C (MODIFIED)	LIN FT	3825	\$ 25.00	\$ 95,625.00	\$ 11.00	\$ 42,075.00	\$ 12.00	\$ 45,900.00	\$ 14.00	\$ 53,550.00
7A-000*	TOPSOIL	CU YD	305	\$ 35.00	\$ 10,675.00	\$ 10.00	\$ 3,050.00	\$ 15.00	\$ 4,575.00	\$ 55.00	\$ 16,775.00
2A-100	SOD (BERMUDA)	SQ YD	1500	\$ 4.00	\$ 6,000.00	\$ 4.00	\$ 6,000.00	\$ 4.50	\$ 6,750.00	\$ 5.00	\$ 7,500.00
2C-000	SEEDING	ACRE	2	\$ 1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,500.00	\$ 3,000.00	\$ 2,000.00	\$ 4,000.00
5A-000	MOWING	ACRE	3	\$ 75.00	\$ 225.00	\$ 1,000.00	\$ 3,000.00	\$ 200.00	\$ 600.00	\$ 5.00	\$ 15.00
5B-001	TEMPORARY SEEDING	ACRE	3	\$ 325.00	\$ 975.00	\$ 1,000.00	\$ 3,000.00	\$ 1,000.00	\$ 3,000.00	\$ 2,000.00	\$ 6,000.00
	TEMPORARY MULCHING	TON	10	\$ 300.00	\$ 3,000.00	\$ 200.00	\$ 2,000.00	\$ 450.00	\$ 4,500.00	\$ 1,500.00	\$ 15,000.00

Packet Pg. 55

RESOLUTION NO. (ID # 1512)

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 Amount	Department	\$
	-----	-----	-----
56.97	Tracey Johnson	OFD	
744.20	Lori Huguley	ED	
581.20	Gary Fuller	Mayor	
744.20	Gary Fuller	Mayor	

-) 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 _____, 2016.

C. E. "Eddie" Smith, Jr.

President City Council

City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk - City Treasurer

EXPENSE REPORT

PERIOD ENDING

NAME Tracey Johnson

DEPARTMENT

Fire Dept

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 & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN												
MON												
TUE	Alexander City, AL							14.27	9.49			23.76
WED	Alexander City, AL							9.52				9.52
THU	Alexander City, AL							9.23				9.23
FRI	Alexander City, AL							14.46				14.46
SAT												
WEEKLY CATEGORY TOTALS \$								47.48	9.49			\$56.97

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

Rope 1 class
Alexander City

METHOD OF REIMBURSEMENT

DEDUCT FROM
MY ADVANCE

MAIL: TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
	Total	

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT
11-17-15	meal reimbursement	\$23.76
11-18-15	meal reimbursement	\$9.52
11-19-15	meal reimbursement	\$9.23
11-20-15	meal reimbursement	\$14.46
	Total	\$56.97

APPROVED BY

[Signature]

Name

Department

Lori Huguley

ECONOMIC DEVELOPMENT

Period Ending

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

				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	
4/24/2015	Sun	Las Vegas, NV		744.2										744.2
			0.00	0.00	0	0	0.00	0.00	0.00	0.00	0	0	0	744.20

WEEKLY CATEGORY TOTALS\$

WEEKLY TOTAL OF EXPENSES

[illegible]

EXPENSE REPORT

PERIOD ENDING

NAME

Name Gary Fuller

DEPARTMENT

Department

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 & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST Itemize Below	LUNCH Itemize Below	DINNER Itemize Below			
SUN												0.00
MON												0.00
TUE												0.00
WED												0.00
THU												0.00
FRI												0.00
SAT 5/21/15	Las Vegas, NV		581.20									581.20
WEEKLY CATEGORY TOTALS \$		0.00	581.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	581.20

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

5

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

100%

NATURE OR PURPOSE OF TRAVEL

ICSC Convention

METHOD OF REIMBURSEMENT

DEDUCT FROM
MY ADVANCE

MAIL TO

Employee Gary Fuller

Department Administration

SIGNATURE

APPROVED BY

EXPENSE REPORT

PERIOD ENDING

NAME

DEPARTMENT

Name Gary Fuller

11050

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS Itemize Below			ENTERTAIN- MENT 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 4/24/15	Las Vegas, NV		744.20									744.20
MON												0.00
TUE												0.00
WED												0.00
THU												0.00
FRI												0.00
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	744.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	744.20

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

100%

NATURE OR PURPOSE OF TRAVEL

Consultant's Forum/Economic Development

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

RESOLUTION NO. (ID # 1507)

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 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.	Auto Car Garbage Truck 5VCACRJFOAH210221	87002653

SECTION 2. That the Mayor 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 _____, 2016.

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

ATTEST:

Robert G. Shuman
City Clerk - Treasurer

RESOLUTION NO. (ID # 1472)

Resolution Ordering Demolition - 501 Lee Street

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF THE BUILDINGS OR
STRUCTURES LOCATED AT 501 LEE STREET, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-3-000-055.000 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 501 Lee Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-3-000-055.000, (hereinafter the Subject Property”) are 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, Melvin A. Shorter, deceased, 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, Melvin A. Shorter is the person last assessing the subject property for state taxes; and

WHEREAS, Melvin A. Shorter died intestate and there has been no administration of his estate; and

WHEREAS, the City is informed that Melvin A. Shorter was survived by his three children, namely, Tonya Lea Shorter, Melvina Shorter Ponzio and Stanley A. Shorter; 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 the Estate of Melvin A. Shorter, Tonya Lea Shorter, Melvina Shorter Ponzio and Stanley A. Shorter; 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 the entrances to the buildings 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, January 5, 2016 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 building located at 501 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, January 5, 2016, 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 501 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 501 Lee Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-3-000-055.000, 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 part of Lot 10 of Block 238 according to Totten's Official Real Estate Map of the City of Opelika, 1930, recorded in Town Plat Book 2, at Page 9 in the Office of the Judge of Probate of Lee County, Alabama, more particularly described as follows:

Beginning at the Northwest corner of Lot 10 of Block 238 and the point of beginning of the parcel or lot herein described, run thence South for 114 feet, more or less; run thence East for 100 feet, more or less; run thence North for 60 feet, more or less; run thence East for 35.5 feet, more or less; run thence North for 54 feet more or less to the Southern margin of Brown Court; run thence West along the Southern margin of Brown Court for 135 feet, more or less, to the point of beginning.

Being further described according to the following deeds:

- (1) Warranty Deed dated February 28, 1958 from W.C. Comer and Fannie Mae Comer to Melvin A. Shorter and Vilenar Shorter, of record in Deed Book 489 at Page 141 in the Office of the Judge of Probate of Lee County, Alabama.
- (2) Warranty Deed dated September 7, 1973 from Conrad L. Cloetta and Ellen D. Cloetta to Melvin A. Shorter and Vilenar M. Shorter, of record in Deed Book 917 at Page 372 in the Office of the Judge of Probate of Lee County, Alabama.

Also being further described as Parcel Number 43-10-03-08-3-000-055.000, 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 buildings or structures were 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 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 _____ 2016.

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

ATTEST:

CITY CLERK

Cc: The Estate of Melvin A. Shorter
P.O. Box 375
Opelika, AL 36803

Tonya Lea Shorter

813 Donald Avenue
Opelika, AL 36801

Melvina Shorter Ponzio
411 Majestic Drive
Hollister, CA 95023

Stanley A. Shorter
2072 Luverne Street
Montgomery, AL 36104





Attachment: 501 Lee St. photos (1472 : Resolution Ordering Demolition - 501 Lee Street)

RESOLUTION NO. (ID # 1479)

Fix Assessment for Demolition of Building - 1201 Elliott Avenue

RESOLUTION NO. _____

RESOLUTION FIXING AMOUNT OF ASSESSMENT FOR
DEMOLITION AND REMOVAL OF BUILDINGS
LOCATED AT 1201 ELLIOTT AVENUE

WHEREAS, the building or structure located at 1201 Elliott Avenue, Opelika, Alabama has been demolished and removed as provided for by Resolution No. 263-15, and the Building Official of the City of Opelika has caused to be prepared a report showing the costs incurred in the demolition and removal of said building or structure and the amount proposed to be assessed against the land upon which said building or structure was located; and

WHEREAS, said report was heretofore delivered to the City Clerk of the City of Opelika and was open for inspection in the Office of the City Clerk of the City of Opelika; and

WHEREAS, the 5th day of January, 2016, at 7:00 p.m. in the City Council Chambers in the Municipal Building in the City of Opelika was the date, time and place heretofore appointed to hear and determine any objections or defenses that might be filed to the fixing of said costs, the proposed assessment, or the amount thereof; and

WHEREAS, the City Clerk has heretofore given notice of said meeting at which the fixing of said costs shall be considered by first class mail to all entities having an interest in the property; and

WHEREAS, the City Council met at the designated time and place to pass upon all such objections to and protests against the proposed assessment; and

WHEREAS, the President of the City Council presided over said public hearing and opened the floor for comments from the public and any persons interested in said assessment or the amount thereof; and

WHEREAS, the City Council has considered all evidence and other matters in relation to the proposed assessment and the members of the Council are of the opinion that the amount to be assessed against said property should be in accordance with the amount shown on the report heretofore delivered by the Building Official to the City Council.

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

1. That the sum of \$4,604.35 is hereby determined to be the amount reasonably incurred in the demolition and removal of the building located at 1201 Elliott Avenue, Opelika, Alabama and said assessment shall constitute a special assessment against the following described real property:

Lot eight (8) of the survey known as RUDD HEIGHTS SUBDIVISION, as shown on Town Plat Book 3, at Page 88, in the Office of the Judge of Probate of Lee County, Alabama; together with all improvements thereon and all appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-09-01-12-4-001-041.000 , according to records maintained in the Lee County Revenue Commissioner's Office.

Payment of the assessment shall be made in the manner and as provided in Section 11-40-35, *Code of Alabama*, 1975.

2. If the owner of said property shall elect to pay said assessment in installments, the principal amount of said assessment shall bear interest at the rate of _____ percent per annum.

3. The City Clerk is hereby directed to mail, by certified mail, a copy of this resolution to the owner of the property as the information appears on the records of the Office of the Revenue Commissioner and the Office of the Judge of Probate of Lee County, Alabama.

ADOPTED AND APPROVED this the _____ day of _____ 2016.

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

ATTEST:

CITY CLERK

Cost Assessment Worksheet

Address	Costs
<u>1201 Elliott Avenue</u>	
Title Search	\$85.00
Lis Pendens	\$14.00
Release of Lis Pendens	\$8.00
Certified Letters	\$51.92
Certified Letters/Bob Shuman	\$45.43
Demolition Cost	\$4,400.00
Total	\$4,604.35

RESOLUTION NO. (ID # 1481)

Fix Assessment for Demolition of Building - 1309 S. Long Street

RESOLUTION NO. _____

RESOLUTION FIXING AMOUNT OF ASSESSMENT FOR
DEMOLITION AND REMOVAL OF BUILDINGS
LOCATED AT 1309 SOUTH LONG STREET

WHEREAS, the building or structure located at 1309 South Long Street, Opelika, Alabama has been demolished and removed as provided for by Resolution No. 264-15, and the Building Official of the City of Opelika has caused to be prepared a report showing the costs incurred in the demolition and removal of said building or structure and the amount proposed to be assessed against the land upon which said building or structure was located; and

WHEREAS, said report was heretofore delivered to the City Clerk of the City of Opelika and was open for inspection in the Office of the City Clerk of the City of Opelika; and

WHEREAS, the 5th day of January, 2016, at 7:00 p.m. in the City Council Chambers in the Municipal Building in the City of Opelika was the date, time and place heretofore appointed to hear and determine any objections or defenses that might be filed to the fixing of said costs, the proposed assessment, or the amount thereof; and

WHEREAS, the City Clerk has heretofore given notice of said meeting at which the fixing of said costs shall be considered by first class mail to all entities having an interest in the property; and

WHEREAS, the City Council met at the designated time and place to pass upon all such objections to and protests against the proposed assessment; and

WHEREAS, the President of the City Council presided over said public hearing and opened the floor for comments from the public and any persons interested in said assessment or the amount thereof; and

WHEREAS, the City Council has considered all evidence and other matters in relation to the proposed assessment and the members of the Council are of the opinion that the amount to be assessed against said property should be in accordance with the amount shown on the report heretofore delivered by the Building Official to the City Council.

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

1. That the sum of \$5,185.96 is hereby determined to be the amount reasonably incurred in the demolition and removal of the building located at 1309 South Long Street, Opelika, Alabama and said assessment shall constitute a special assessment against the following described real property:

Part of Lots 2 and 5, Block 12, Bennett Survey, Totten's Official Real Estate Map of the City of Opelika, Alabama, 1930, according to and as shown by that certain map or plat thereof of record in Town Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama; together with all improvements thereon and appurtenances thereunto appertaining, being more particularly described as follows: Commence at that certain point in the City of Opelika, Alabama where the East margin of Long Street intersects the Northerly margin of Price Street; run thence North along the East margin of Long Street for a distance of 150 feet to the POINT OF BEGINNING of the parcel of land herein described and conveyed; from said point of beginning, run thence Easterly, parallel with Price Street for a distance of 150 feet; run thence Northerly parallel with Long Street for a distance of 50 feet; run thence Westerly, parallel with Price Street for

a distance of 150 feet± to the Easterly margin of Long Street; run thence South along the Easterly margin of Long Street for a distance of 50 feet to the POINT OF BEGINNING.

Also being further described as Parcel Number 43-10-04-18-2-002-155.000, according to records maintained in the Lee County Revenue Commissioner's Office.

Payment of the assessment shall be made in the manner and as provided in Section 11-40-35, *Code of Alabama*, 1975.

2. If the owner of said property shall elect to pay said assessment in installments, the principal amount of said assessment shall bear interest at the rate of _____ percent per annum.

3. The City Clerk is hereby directed to mail, by certified mail, a copy of this resolution to the owner of the property as the information appears on the records of the Office of the Revenue Commissioner and the Office of the Judge of Probate of Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____ 2016.

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

ATTEST:

CITY CLERK

Cost Assessment Worksheet

Address	Costs
<u>1309 S. Long Street</u>	
Title Search	\$38.00
Lis Pendens	\$14.00
Release of Lis Pendens	\$8.00
Certified Letters	\$19.47
Certified Letters/Bob Shuman	\$6.49
Demolition Cost	\$5,100.00
Total	\$5,185.96

RESOLUTION NO. (ID # 1508)

Authorize Retirement and Disposition of Police Service Dog - OPD

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING RETIREMENT
AND DISPOSITION OF POLICE SERVICE DOG**

WHEREAS, the Opelika Police Department desires to retire one of its police service dogs, a brown Belgian Malinois dog known as “KIS”; and

WHEREAS, Kis needs relief from the stresses associated with law enforcement work and deserves a dignified retirement; and

WHEREAS, there is a close bond between Kis and his handler; and

WHEREAS, Kis’s handler is willing to adopt Kis and provide a suitable home for him; and

WHEREAS, Kis is not needed for public or municipal purposes; and

WHEREAS, the most humane disposition of Kis is to donate and transfer ownership of Kis to his handler, Sergeant James Daniel.

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

1. That the Mayor is hereby authorized and directed to donate and transfer ownership of Kis on an “as is” basis to his handler, James Daniel.
2. That the proposed Bill of Sale, a copy of which is attached hereto and marked

Exhibit "A", is hereby authorized, approved, 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 Bill of Sale.

3. That the Mayor is hereby authorized and directed to execute and deliver said Bill of Sale in the name and on behalf of the City. The City Clerk is authorized and directed to attest said document and to affix the seal of the City thereto.

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

ADOPTED AND APPROVED this the _____ day of _____, 2016.

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

ATTEST:

 CITY CLERK

STATE OF ALABAMA)
 : BILL OF SALE
COUNTY OF LEE)

KNOW ALL MEN BY THESE PRESENTS, that without consideration, the under-
signed, the City of Opelika, Alabama, a municipal corporation, does hereby give, donate, grant
and transfer to James Daniel the following described personal property, to-wit:

One (1) brown Belgian Malinois dog known as “KIS”

The City is donating and transferring said dog on an “AS IS” basis and disclaims any express and/or implied warranties with respect to such dog.

TO HAVE AND TO HOLD said personal property unto James Daniel, his heirs, executors, administrators and assigns to his own use forever.

IN WITNESS WHEREOF, this Bill of Sale is executed this the _____ day of January, 2016.

CITY OF OPELIKA, ALABAMA,
a municipal corporation

BY: _____
Its Mayor

ATTEST:

City Clerk

STATE OF ALABAMA

LEE COUNTY

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that Gary Fuller and Robert G. Shuman, whose names as Mayor and City Clerk, respectively, for the City of Opelika, Alabama, a municipal corporation, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of said conveyance, they, as such officers and with full authority, voluntarily executed the same on the day the same bears date.

GIVEN under my hand and official seal of office this the ____ day of January, 2016.

(SEAL)

NOTARY PUBLIC
MY COMMISSION EXPIRES:

Attachment: 1-5-16 - BILL OF SALE OPD K-9 KIS TO JAMES DANIEL 12-29-15 (1508 : Authorize Retirement and Disposition of Police Service Dog-PD)

RESOLUTION NO. (ID # 1506)

Purchase One (1) Dual Purpose Canine - OPD

RESOLUTION NO. _____

WHEREAS, the Police Department desires to purchase One (1) Dual Purpose Canine, including training and housing for canine trainee; and

WHEREAS, this is a sole source purchase; and

WHEREAS, AL Canine Law Enforcement Officer Training Center, Inc. is the sole vendor; and

WHEREAS, this is a budgeted purchase from Capital Outlay;

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

1. That the purchase be awarded to AL Canine Law Enforcement Officer Training Center, Inc.
2. That the Purchasing-Revenue Manager be authorized to issue a purchase order to AL Canine Law Enforcement Officer Training Center, Inc. not to exceed \$17,000.00 as a sole source purchase.
3. The Controller is authorized to adjust the budget as necessary for this purchase.

APPROVED AND ADOPTED this the _____ day of _____ 2016.

C. E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

ATTEST:

Robert G. Shuman

City Clerk - Treasurer

CITY OF OPELIKA
Sole Source Justification

DEPARTMENT OPELIKA POLICE DEPARTMENT

REQUISITION NUMBER _____

NAME OF REQUESTING EMPLOYEE Chief of Police, John H. McEachern, III

VENDOR Alabama Canine Law Enforcement Officers Training

PRODUCT/SERVICE (1) One Dual Purpose Canine, Training/Housing for Canine Trainee

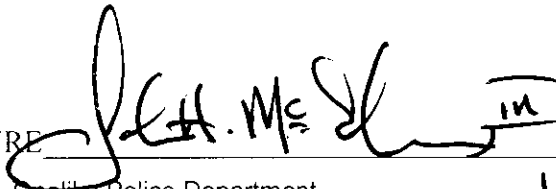
Estimated annual expenditure for the commodity or service \$ 17,000.00

Initial all entries below that apply to the proposed purchase: Attach a detailed explanation containing complete justification and support documents. (More than one entry will apply to most sole source products/services requested).

1. Sole Source Request is for the original manufacturer or provider of item(s) or services, and there are no regional distributors. (Attach the manufacturer's witness certification that no regional distributors exist. Item no.4 also must be completed). _____
2. Sole Source Request is for the only the vendor who supplies this product/services within the State of Alabama (Franchised Protected Area). _____
3. The Parts/Equipment are not interchangeable with similar parts of another manufacturer. (Explain in separate memorandum) _____
4. This is the only known item or service that will meet the specialized needs of the Police Department or perform the intended function. (Attach memorandum with details of specialized function(s) or application.) JHM
5. The Parts/Equipment are required from this sole source to permit standardization. (Attach memorandum describing basis for standardizing request.) _____
6. None of the above apply. A detailed explanation and justification for this sole source request is contained in the attached memorandum. _____

The undersigned requests that the State of Alabama Bid Law Title 41 Article 3 Competitive Bidding Requirements be waived and that the vendor identified as the supplier of the service or material described in this sole source justification be authorized as a sole source for the service or material. I further certify that the item(s) requested is of an indispensable nature, all other viable alternatives have been explored and it has been determined that only this product or service will fulfill the function for which the product is needed.

DEPARTMENT HEAD SIGNATURE

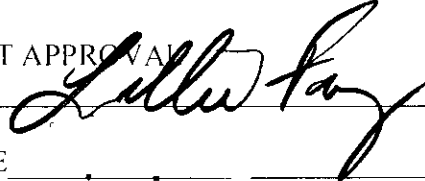


DEPARTMENT/DIVISION/DATE

Opelika Police Department

12/29/2015

PURCHASING DEPARTMENT USE ONLY

PURCHASING AGENT APPROVAL
(SIGNATURE/DATE)
 12/29/15

DISAPPROVAL/DATE

COMMENTS

The Opelika Police Department requests the purchase of one (1) dual purpose

canine to be utilized in the detection of narcotics/patrol. The Alabama Canine Law

Enforcement Officers Training is the only such training offered in the state. This

purchase requisition is for the canine and training/housing of the canine trainee.

AM K-9, located in Anniston, Alabama utilizes "Vapor-Wake" training only in

bomb detection canines and is "single purpose" only.

Alabama Canine Law Enforcement Officers Training is the only training to offer

"PSP" or Polizeispurhundprufung.

COUNCIL ACTION/DATE

RESOLUTION NO. (ID # 1502)

Purchase Cisco Network Equipment - IT Dept.

RESOLUTION NO. _____

WHEREAS, the City of Opelika wishes to refresh its Cisco network infrastructure; and

WHEREAS, Cisco systems is on State Contract T637, Contract# 4013346; and

WHEREAS, the city has already approved funds within the Capital Outlay budget.

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

- 1) That Accounting and Purchasing departments are hereby authorized to issue purchase order(s) and/or pay the below amounts when billed after the Cisco equipment has been delivered to IT.
- 2) This purchase authorizes the following expenditure:-

	Per Unit	Total
· 1 x Cisco 1025W AC PWR Spare PWR-C2-1025WAC=	\$1,000.00	\$1,000.00
· 3 x Cisco Meraki Cloud Contr 1Y LIC-ENT-1YR	\$98.43	\$295.29
· 1 x Cisco Cat 48Port PoE 4X1G 3650X-48FS-S	\$5,400.00	\$5,400.00
· 7 x Cisco 640W AC PSU PWR-C2-640WAC=	\$650.00	\$4,550.00
· 7 x Cisco SmartNET 8x5NBD CON-SNT-WSC3652S	\$314.77	\$2,2036.39
· 3 x Cisco Meraki MR66 11BN MR66-HW	\$851.72	\$2,555.16
· 7 x Cisco Cat 3650 24PT PoE 4x1G WS-C3650	\$2,745.29	\$19,217.03
· 3 x Cisco Meraki MR 802.3 AT POE injecto MA-INJ-4-US	\$106.70	\$320.10
· 1 x Cisco SmartNET 8x5NBD CON-SNT-WSC654	\$642.24	\$642.24
· 6 x Cisco Meraki 5/7DBI Dual Band OMNI ANT-10	\$64.98	\$389.88
TOTAL		\$36,573.09

- 3) That Accounting is authorized to transfer the funds to the correct accounts from the capital outlay budget.

ADOPTED AND APPROVED this the _____ day of _____, 2016

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

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer



SALES QUOTATION

QUOTE NO.	ACCOUNT NO.	DATE
GRJB998	0936449	12/14/2015

BILL TO:
CITY OF OPELIKA
PO BOX 390

SHIP TO:
CITY OF OPELIKA
Attention To: STEPHEN DAWE
204 S 7TH ST

Accounts Payable
OPELIKA , AL 36803-0390

OPELIKA , AL 36801
Contact: LOU MALLOY 334.705.5140

Customer Phone #

Customer P.O. # GRJB998 QUOTE

ACCOUNT MANAGER		SHIPPING METHOD	TERMS	EXEMPTION CERTIFICATE	
GRIFFIN CURCIO 877.635.6656		FEDEX Ground	Net 30 Days-Govt State/Local	GOVT-EXEMPT	
QTY	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE	
1	3179759	CISCO 1025W AC CONFIG 2 PWR SPARE Mfg#: PWR-C2-1025WAC= Contract: National IPA Technology Solutions 130733	1,000.00	1,000.00	
3	2016942	CISCO MERAKI CLOUD CONTR 1Y Mfg#: LIC-ENT-1YR Contract: National IPA Technology Solutions 130733	98.43	295.29	
1	3212000	Electronic distribution - NO MEDIA CISCO CAT 3650 48PORT POE 4X1G Mfg#: WS-C3650-48FS-S Contract: National IPA Technology Solutions 130733	5,400.00	5,400.00	
7	3067327	CISCO 640W AC PWR SUPPLY F/370W Mfg#: PWR-C2-640WAC= Contract: National IPA Technology Solutions 130733	650.00	4,550.00	
7	3203056	CISCO SMARTNET 8X5XNBD Mfg#: CON-SNT-WSC3652S Contract: National IPA Technology Solutions 130733	314.77	2,203.39	
3	2521847	Electronic distribution - NO MEDIA CISCO MERAKI MR66 11BN 2.4GHZ MGD AP Mfg#: MR66-HW Contract: National IPA Technology Solutions 130733	851.72	2,555.16	
7	3232595	CISCO CAT 3650 24PT POE 4X1G IP BASE Mfg#: WS-C3650-24PS-S Contract: National IPA Technology Solutions 130733	2,745.29	19,217.03	
3	3259541	CISCO MERAKI MR 802.3 AT POE INJECTO Mfg#: MA-INJ-4-US Contract: National IPA Technology Solutions 130733	106.70	320.10	
1	3281763	CISCO SMARTNET 8X5XNBD Mfg#: CON-SNT-WSC654 Contract: National IPA Technology Solutions 130733	642.24	642.24	
6	2402478	Electronic distribution - NO MEDIA CISCO MERAKI 5/7DBI DUAL BAND OMNI Mfg#: ANT-10 Contract: National IPA Technology Solutions 130733	64.98	389.88	
SUBTOTAL				36,573.09	
FREIGHT				0.00	
TAX					

TOTAL

36,57:

13.8.a

CDW Government
230 North Milwaukee Ave.
Vernon Hills, IL 60061

Fax: 312.705.3491

Please remit payment to:
CDW Government
75 Remittance Drive
Suite 1515
Chicago, IL 60675-1515

Attachment: 2015-CDWG-CiscoQuote (1502 : Cisco Equipment Purchase - IT)

RESOLUTION NO. (ID # 1501)

Amend & Extend Probation Services Contract - Municipal Court.

RESOLUTION NO. _____

**RESOLUTION APPROVING AMENDMENT AND EXTENSION TO CONTRACT
FOR PROBATION SUPERVISION AND REHABILITATION SERVICES
BETWEEN THE CITY OF OPELIKA, ALABAMA AND PROFESSIONAL
PROBATION SERVICES, INC.**

WHEREAS, on June 3, 2015, the City of Opelika, Alabama (the “City”) and Professional Probation Services, Inc. (“PPSI”) entered into a Contract for Probation Supervision and Rehabilitation Services (the “Contract”); and

WHEREAS, on October 7, 2015, the City gave notice to PPSI of its intent to terminate the Contract; and

WHEREAS, the Contract expires at midnight on January 8, 2016; and

WHEREAS, the City desires to extend and amend the Contract; and

WHEREAS, a proposed AGREEMENT TO EXTEND AND AMEND CONTRACT FOR PROBATION SUPERVISION AND REHABILITATION SERVICES (the “Extension Agreement”) between the City and PPSI has been prepared and submitted to the City Council for approval; and

WHEREAS, the City Council has determined that it is now in the best interest of the City and its citizens to approve said Extension Agreement.

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

Alabama, as follows:

1. That the proposed Extension Agreement to be entered into between the City and PPSI, a copy of which is attached hereto and marked Exhibit "A", be and the same 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 execution and delivery of said Extension Agreement.

2. That the Mayor is hereby authorized and directed to execute and deliver said Extension Agreement in the name and on behalf of the City, and the City Clerk is hereby authorized and directed to attest said Contract and to 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 Extension Agreement.

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

ADOPTED AND APPROVED this the _____ day of _____, 2016.

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

**AGREEMENT TO EXTEND AND AMEND CONTRACT FOR PROBATION
SUPERVISION AND REHABILITATION SERVICES**

WHEREAS, on June 3, 2015, the City of Opelika, Alabama (the “City”), and Professional Probation Services, Inc. (“PPSI”), entered into a Contract for Probation Supervision and Rehabilitation Services (the “Contract”); and

WHEREAS, the Contract provides that the Contract may be terminated at any time, by either party, with or without cause, upon ninety (90) days written notice of intent to terminate delivered to the non-terminating party; and

WHEREAS, on October 7, 2015, the City gave notice to PPSI of its intent to terminate the Contract; and

WHEREAS, the Contract expires at midnight on January 8, 2016; and

WHEREAS, the parties have agreed to extend the Contract, subject to said Contract being modified according to the terms and conditions hereinafter stated.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and PPSI hereby agree as follows:

1. The Contract is hereby extended to March 31, 2016. However, the City may, at its sole election, extend the Contract for two (2) successive one month terms .

2. The Section entitled “DESIGNATION BY THE CITY AND COURT” is amended to read:

“The City and Court retain PPSI to coordinate, provide and direct probation programs and services to offenders sentenced by and under the jurisdiction of the Court. Neither the Court nor the City, however designate PPSI as the sole entity authorized to provide such services to the Court.”

3. The Section of the Contract entitled "PERIOD OF SERVICE" is hereby amended to read as follows:

"The performance of the aforesaid services shall commence on the 1st day of July, 2015 and shall continue until the 31st day of March, 2016. The City shall have two (2) successive options for terms of one (1) month each (the "option term") to extend the Contract. Each option term shall be for a period of one (1) month and shall be exercised, if at all, by written notice to PPSI no later than ten (10) days prior to the date the Contract term would expire but for such exercise, time being of the essence. If the City exercises the option, all terms, covenants and conditions of the Contract, except as modified above, shall remain in full force and effect during the option term."

4. Except as expressly modified above, all other terms of the Contract shall remain in full force and effect.

DATED this the ____ day of January, 2016.

CITY OF OPELIKA, ALABAMA

By: _____
ITS MAYOR

ATTEST:

CITY CLERK

PROFESSIONAL PROBATION SERVICES, INC.

By: _____
CLAY COX,
CHIEF EXECUTIVE OFFICER

ATTEST:

ITS SECRETARY

Attachment: Agreement for Services PPSI 122115 (1501 : Amend Probation Extension Contract - Mun. Court)

RESOLUTION NO. (ID # 1498)

Personal Property Lease Agreement with Lee County - SW

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING EXECUTION OF PERSONAL
PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF
OPELIKA, ALABAMA AND LEE COUNTY, ALABAMA**

WHEREAS, the City of Opelika, Alabama, (the “City”) has certain items of tangible personal property which are no longer needed for public or municipal purposes, namely, three (3) 10-bin Recycling Trailers; and

WHEREAS, the City desires to lease said personal property to Lee County, Alabama, (“Lee County”) as accommodation rent free; and

WHEREAS, a proposed Personal Property Lease Agreement (hereinafter 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, as follows:

1. That the proposed Personal Property Lease Agreement to be entered into by and between the City and Lee County, a copy of which is attached hereto and marked Exhibit “A”, be and the same 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 Agreement.

2. That the Mayor is hereby authorized to execute and deliver said Agreement on behalf of the City. The City Clerk is hereby authorized to attest said Agreement and to 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 _____, 2016.

 PRESIDENT OF THE CITY COUNCIL
 OF THE CITY OF OPELIKA

ATTEST:

CITY

PERSONAL PROPERTY LEASE AGREEMENT

THIS PERSONAL PROPERTY LEASE AGREEMENT (hereinafter the “Agreement”) is made the ____ day of _____, 2016, by and between the City of Opelika, Alabama, a municipal corporation (hereinafter referred to as the “LESSOR”) and Lee County, Alabama, a political subdivision of the State of Alabama (hereinafter referred to as the “LESSEE”).

For and in consideration of the terms, conditions and mutual covenants contained herein and other good and valuable consideration received by each party the sufficiency of which are hereby acknowledged, the LESSOR and LESSEE agree as follows:

1. **Leased Personal Property.** LESSOR hereby leases to LESSEE and LESSEE hereby leases from LESSOR the following described tangible personal property (the “Leased Property”):

(a) One (1) Pro-Trailer 10-Bin Recycling Trailer, VIN: 1P9RB2626AA371171

Opelika ID #87002665

(b) One (1) Pro-Trailer 10-Bin Recycling Trailer, VIN: 1P9RB2421DA277464

Opelika ID #87002821

(c) One (1) Pro-Trailer 10-Bin Recycling Trailer, VIN: 1P9RB2423DA277465

Opelika ID #87002822

2. **Term and Termination.**

(a) The term of this Agreement shall be for a term of three (3) years, beginning January 1, 2016 and ending on December 31, 2018.

(b) Either party may terminate this Agreement without cause by giving thirty (30) days written notice to the other party. The parties shall deal with each other in

good faith during the thirty-day period after which such notice has been given.

Upon any such early termination, LESSEE will relinquish possession of the Leased Property to LESSOR.

3. **Rent.** The Leased Property is leased to LESSEE as an accommodation and shall be rent free.

4. **Use.** LESSEE will exercise due care in the use, operation and maintenance of the Leased Property and will not use, operate or maintain the Leased Property improperly, carelessly, in violation of any applicable law or for any purpose or any manner contrary to that contemplated by this Agreement.

5. **Maintenance.** LESSEE shall provide for the service, repair and maintenance of the Leased Property, at its own expense, so as to keep the Leased Property in as good condition, repair, appearance and working order as when delivered to LESSEE hereunder, ordinary wear and tear excepted. LESSEE shall, at its own expense, replace any and all parts and devices which may from time to time become worn out, lost, stolen, destroyed, damaged beyond repair or rendered unfit for use for any reason whatsoever.

6. **Damage to or Destruction of Leased Property.** LESSEE shall be responsible for any loss of the Leased Property from any cause whatsoever, whether or not insured, from the effective date of this Agreement. If the Leased Property is lost, stolen or damaged, LESSEE will promptly notify LESSOR of such event. In no event shall such loss or damage relieve LESSEE of its obligations under this Agreement. In the event of such loss or damage, LESSEE at its option shall:

(a) Promptly repair the Leased Property to return it to good working order; or

(b) Replace the Leased Property with like property, in good condition and working order, free and clear of all liens and encumbrances; or

(c) Pay LESSOR the replacement value of the Leased Property.

7. **Indemnity.** To the fullest extent permitted by law, LESSEE shall and does hereby agree to indemnify, protect, defend and hold harmless LESSOR and its officers, elected officials, employees, representatives and agents from and against all damages, losses, liens, causes of action, suits, judgments, expenses (including reasonable attorney's fees) and other claims of any nature, kind or description by any person or entity, arising out of, caused by, or resulting from LESSEE's use, possession, maintenance and operation of the Leased Property.

8. **Ownership.** The Leased Property is and shall remain the exclusive property of LESSOR.

9. **Liens and Encumbrances.** LESSOR shall keep the Leased Property free and clear of any liens or other encumbrances and shall not permit any act where LESSOR's title or rights may be negatively affected. LESSEE shall be responsible for complying with and conforming to all laws and regulations relating to the possession, use or maintenance of the Leased Property.

10. **Surrender.** Upon the expiration or earlier termination of this Agreement, LESSEE shall return the Leased Property to LESSOR in good repair, condition and equal working order as was received, with exception of ordinary wear and tear resulting from proper use thereof, by delivering the Leased Property at LESSEE's cost and expense to such place as LESSOR shall specify within the incorporated area of the City of Opelika.

11. **Assignment.** Neither this Agreement nor LESSEE's rights hereunder are assignable except with LESSOR's prior, written consent.

12. **Binding Effect.** The covenants and conditions contained in this Agreement shall apply to and bind the parties and their successors and permitted assigns of the parties.

13. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama.

14. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties and supersedes any prior understandings or representations of any kind preceding the date of this Agreement. There are no promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Agreement. This Agreement may be modified in writing and must be signed by both LESSOR and LESSEE.

15. **Cumulative Rights.** LESSOR's and LESSEE's rights under this Agreement are cumulative, and shall not be construed as exclusive of each other unless otherwise required by law.

16. **Waiver.** The failure of either party to enforce any provisions of this Agreement shall not be deemed a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and date first above written.

**THE CITY OF OPELIKA, ALABAMA,
a municipal corporation
LESSOR**

GARY FULLER, ITS MAYOR

ATTEST:

**ROBERT G. SHUMAN
CITY CLERK**

**LEE COUNTY, ALABAMA
a political subdivision of the
State of Alabama
LESSEE**

**BILL ENGLISH,
CHAIRMAN OF THE
LEE COUNTY COMMISSION**

RESOLUTION NO. (ID # 1500)

Change Number of Positions & Org. Chart - SW.

RESOLUTION NO. _____

**RESOLUTION INCREASING THE NUMBER OF POSITIONS OF REFUSE
EQUIPMENT OPERATOR, DECREASING THE NUMBER OF POSITIONS OF
KNUCKLEBOOM OPERATOR AND AMENDING THE ORGANIZATONAL CHART
OF THE SOLID WASTE DIVISION OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Mayor has submitted his recommendation to the City Council to modify the organizational chart of the Solid Waste Division of the City of Opelika; and

WHEREAS, the City Council hereby finds and determines that said plan of reorganization is in the best interest of the Solid Waste Division.

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

1. That the number of authorized positions in the existing job classification of Refuse Equipment Operator at pay grade 13 is hereby increased from six (6) to eight (8).
2. That the number of authorized positions in the existing job classification of Knuckleboom Operator at pay grade 11 is hereby reduced from six (6) to four (4). This reduction shall be implemented by transferring two persons in the position of Knuckleboom Operator to the two new positions of Refuse Equipment Operator.
3. That the Director of Solid Waste and the Controller are hereby authorized and directed to modify the organizational chart of the Solid Waste Department to implement the changes in personnel as contemplated by this Resolution.

4. That the Controller is authorized to make the appropriate budget adjustments to implement this Resolution. Any deficiency in the Salaries and Wages Account of the Solid Waste Division resulting from the reorganization approved herein shall be paid from the Unassigned Fund Balance Account.

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

ADOPTED AND APPROVED this the _____ day of _____, 2016.

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

ATTEST:

CITY CLERK

RESOLUTION NO. (ID # 1515)

Special Appropriation, JW Darden Foundation**RESOLUTION NO. _____**

WHEREAS, Doctor J. W. Darden was the first African-American medical doctor in Opelika, Alabama, and

WHEREAS, the J. W. Darden Foundation Inc. has been formed to honor and preserve the many contributions that Doctor Darden made to this community, and

WHEREAS, the J. W. Darden Foundation Inc. is holding their annual “Black Tie Legacy Gala” on January 30, 2016 to raise additional funds that are needed to support Medical Scholarships and the Darden Wellness Center, and

WHEREAS, City Council President Eddie Smith Ward 4, President Pro-tem Patricia Jones Ward 1, Councilman Larry Gray Ward 2, Councilman Dozier Smith T Ward 3 and Councilman David Canon Ward 5 would like to contribute a portion of their discretionary funds to the J. W. Darden Foundation Inc. to help sponsor the 2016 Black Tie Legacy Gala.

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

1. The City Council approves a special appropriation of \$2000.00 from the City Council discretionary funds as detailed below:

Patricia Jones	Ward 1 Reserve Fund	\$400.00
Larry Gray	Ward 2 Reserve Fund	\$400.00
Dozier Smith T	Ward 3 Reserve Fund	\$400.00
Eddie Smith	Ward 4 Reserve Fund	\$400.00
David Canon	Ward 5 Reserve Fund	\$400.00

2. That the City Council hereby declares and determines that the expenditures of said public funds will serve a public purpose for the City of Opelika.
3. That Mayor Fuller and the Controller are hereby authorized and directed to transfer said funds as designated above to the appropriate account(s).

4. That the City Clerk-Treasurer is hereby authorized to prepare and process the appropriate document(s) so that a check can be prepared for \$2,000.00 payable to the J.W. Darden Foundation Inc.

ADOPTED and APPROVED this the _____ day of _____, 2016.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. (ID # 1516)

Special Appropriation, Boys & Girls Club**RESOLUTION NO. _____**

WHEREAS, The Boys and Girls Clubs of Greater Lee County, Alabama is a charitable, non-profit corporation; and

WHEREAS, The Boys and Girls Clubs of Greater Lee County, Alabama provides educational activities in a wholesome environment for disadvantaged children in the City of Opelika, Alabama; and

WHEREAS, the Mayors of Opelika and Auburn are jointly sponsoring a Mayors Ball on March 31, 2016 for the benefit of The Boys and Girls Clubs of Greater Lee County, Alabama; and

WHEREAS, each City Council member would like to use their discretionary funds to help sponsor the 2016 Mayors Ball.

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

1. The Council has determined and hereby finds and declares that an expenditure of public funds in the sum of \$5,000.00 to help sponsor the 2016 Mayors Ball will serve a public purpose by promoting The Boys and Girls Clubs of Greater Lee County which provides assistance to disadvantaged youth in the City of Opelika.
2. That the Mayor and City Controller are hereby authorized to make the appropriate budget adjustments in order to transfer the sum of \$1,000.00 from the Council discretionary funds to the appropriate account as detailed below:

Patricia Jones	Ward 1	Reserve fund	\$1,000.00
Larry Gray	Ward 2	Current year acct.	\$1,000.00
Dozier Smith T	Ward 3	Current year acct.	\$1,000.00
Eddie Smith	Ward 4	Reserve fund	\$1,000.00
David Canon	Ward 5	Reserve fund	\$1,000.00

3. That the City Clerk is hereby authorized to process the necessary paperwork so a

check in the amount of \$5,000.00 payable to The Boys and Girls Clubs of Greater Lee County can be prepared and mailed.

ADOPTED AND APPROVED this the _____ day of _____ 2016.

C. E. "Eddie" Smith, Jr.

President of the City Council

Opelika, Alabama

ATTEST:

R. G. Shuman, CMC

City Clerk - Treasurer

ORDINANCE NO. (ID # 1493)

Amend Personnel P&P Manual, Section 12.5, Educational Assistance Program - Second Reading.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT
TO SECTION 12.5 OF THE PERSONNEL POLICIES AND PROCEDURES
MANUAL OF THE CITY OF OPELIKA, ALABAMA PERTAINING
TO THE EDUCATIONAL ASSISTANCE PROGRAM**

WHEREAS, the City of Opelika, Alabama, (the “City”) has previously adopted general provisions pertaining to personnel rules and regulations, including, but not limited to, staffing, separations, disciplinary actions, grievance procedures, compensation and employee benefits, which are set forth in the “Policies and Procedures of the City of Opelika” (hereinafter referred to as the “Personnel Manual”); and

WHEREAS, Section 12.5 of the Personnel Manual provides for an Educational Assistance/Tuition Reimbursement Program for City employees; and

WHEREAS, City staff has recommended to the City Council that said Section 12.5 of the Personnel Manual be updated at the present time to provide for additional policies and procedures pertaining to the Educational Assistance Program; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety and general welfare to amend the Personnel Manual at this time as recommended by City staff to update section 12.5 thereof.

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

Section 1. **Amendments.** That Section 12.5 of the Personnel Manual of the City of Opelika is amended to read as follows:

12.5 EDUCATIONAL ASSISTANCE PROGRAM

12.5.1. Purpose. It is the objective of the City of Opelika (“City”) is to provide a Educational Assistance/Tuition Reimbursement Program (“Program”) to assist employees in career development, to enhance the skills of the employee in his/her immediate position or to prepare the employee for another position in the City workforce.

12.5.2. Requirements for Participation in the Educational Assistance/Tuition Reimbursement Program.

- (a) Only full-time classified employees are eligible.
- (b) Employees must have worked in a full-time capacity for the City for the previous twelve (12) months.
- (c) The employee must be in an active work status.
- (d) The employee must not have any serious disciplinary actions within the previous eighteen (18) months. Serious disciplinary actions are written final warnings, demotions or suspensions. The employee must be working at a satisfactory or better level of performance as determined by his/her performance evaluation.
- (e) Employees receiving financial assistance from other sources such as Veterans Administration, grants, scholarships, fellowships, etc., are not eligible for benefits under this Program.
- (f) Employees must have their application for educational assistance/tuition reimbursement approved by their Department Head, Human Resources Director, and the Mayor prior to enrollment in a course of study.
- (g) It is expected that educational activities will not interfere with the employee’s work and unsatisfactory job performance during enrollment may result in forfeiture of all benefits under this Program. Efforts should be made to attend courses during non-scheduled work hours. If, however, this is not possible, courses may be attended during scheduled work hours subject to the approval of the employee’s Department Head and the Mayor. In the event that approval is granted for class attendance during employee’s scheduled work hours, the employee shall make up the missed time or use annual leave to cover time away from the work place.

12.5.3. Eligible Education and Tuition Expenses.

(a) Educational assistance will be provided for courses of study which are directly related to the employee's present job or which will enhance the employee's potential for enhancement to a position within the City which the individual has a reasonable expectation of achieving.

(b) Eligible courses shall only be available through an accredited college, university, community college, technical school or business school approved by the Mayor. The educational establishment must have a campus within a sixty-five (65) mile radius of the City.

(c) Reimbursable costs and expenses comprise registration fees, tuition, lab fees and shop fees. No other expenses shall be considered for reimbursement. Employees are prohibited from requesting tuition reimbursement for allowable costs for which they have received financial support from other sources, such as VA benefits, grants, scholarships, fellowships, etc.

(d) The maximum reimbursement the employee shall receive within one (1) calendar year is \$10,000 and \$4,000 for one (1) semester.

(e) Student activity fees, late fees, books, school supplies, parking fees, lodging, meals and transportation costs do not qualify for reimbursement.

(f) Successful completion of coursework is defined as:

- A grade of C (or 2.0) or better for an undergraduate course
- A passing grade or better for a graduate course
- A grade of "pass" for a pass/fail course

(g) Employees will be reimbursed using the following criteria:

Percent of Reimbursement	Grade Obtained
100%	A
85%	B
75%	C
100%	Pass (Pass/Fail courses)
0%	D, F or Fail (Pass/Fail courses)

12.5.4. Application for Participation in Program. Prior to commencing any course of study, an employee must complete application form and forward it to the Human Resources Department with his/her department head's recommendation. All

requests for reimbursement must be approved by the Mayor. Employees will be notified of approval or denial of their reimbursement application in writing by the Human Resources Department.

12.5.6 Approval. In determining whether to approve a request for tuition reimbursement, the following factors will be considered:

- (a) The nature and purpose of the course of study.
- (b) The benefits to be derived by the employee and the City.
- (c) Employee's standing with the City (conduct and performance).
- (d) The responsibility and length of service of the employee.

12.5.7. Availability of Funds. All reimbursement for tuition and education expenses is made to the extent to which budgeted funds are available. Due to budget considerations, the City may limit the number of employees annually who participate in this program. Requests for participation will be handled on a first come-first serve basis. No waiting list will be maintained. If an employee's request for participation is rejected due to unavailability of funds, the employee will be required to reapply when and if funds become available.

12.5.8 Tax Liability. All portions of tuition and education reimbursements may be a taxable event to the recipient depending upon the IRS regulations and guidelines that may be in effect at the time of the reimbursement. Employees are advised to contact their income tax preparer or consultant to determine how any educational reimbursement will be treated in regard to income liability.

12.5.9 Proof of Payment. After the employee has successfully completed a course, he/she must submit to the Human Resources Department an itemized statement of the total fees paid in connection with the course and also must submit a copy of the official transcript, grade notification or certificate of completion as evidence of meeting the tuition refund requirement. A reimbursement check will be issued in the pay period following completion of a thirty (30) day qualification period of continued active employment.

12.5.10 Continuation of Employment/Repayment of Reimbursed Tuition. By implementing this program, the City, in good faith, is investing in its employees. There is an assumption that employees are participating in the program in good faith as well. If, within twenty-four (24) months of the date of successful

completion of the course(s), the employee terminates his/her employment, retires or resigns for any reason other than a reduction in force, is separated due to unsatisfactory service, or is dismissed from employment for cause, the employee shall be obligated to repay in full the last twenty-four (24) months of reimbursed fees. In other words, all tuition assistance received by the employee within the last twenty-four (24) months of employment, except as otherwise provided herein, shall be repaid to the City. If the employee retires due to disability or dies before the completion of the period of time specified above, he/she shall have no obligation to repay the City. Prior to the City's reimbursement to the employee, the employee shall execute a Tuition Reimbursement Agreement which stipulates the terms of repayment of the course for which the City has paid should the employee voluntarily terminate employment, be dismissed, or be terminated for unsatisfactory service. To the extent allowed by law, the City may deduct the amount of any tuition repayment obligation from any compensation due and owing to employee at the time of separation from employment. When the Tuition Reimbursement Agreement has been executed by the employee, the Human Resources Department shall request the reimbursement check.

12.5.11. Program Responsibility. The administration of the City's Educational Assistance/Tuition Reimbursement Program shall be the responsibility of the Human Resources Department. A copy of all education and training courses completed by employees requiring official City approval for the expenditure of City funds shall be placed in the employee's official personnel record.

12.5.12. Short Courses, Seminars, Workshops-City Selected. The City will pay the full cost of short courses, seminars, workshops, etc., when an employee is required to attend specific education and training for the benefit of the City. Allowable expenses include tuition, materials, transportation, lodging and meals if such training is approved in advance by the department head. These types of training expenses are normally paid from the respective department training budgets.

12.5.13. Amendments. The City reserves the right to amend or terminate this Program at any time. All affected employees will be notified of any changes made to the Program. Nothing in this Program is intended, nor should it be construed, as a guarantee or contract of employment.

Section 2. **Severability.** The provisions of this ordinance are severable. If any section, subsection, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. **Cumulative of All Other Ordinances.** The provisions of this ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the subject matter as covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

Section 4. **Effective Date.** This ordinance shall become effective upon its passage, approval and publication as required by law.

Section 5. **Publication.** The City Clerk of the City of Opelika, Alabama is hereby authorized and directed to cause this Ordinance to be published one (1) time in a newspaper of general circulation published 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



12.5 EDUCATIONAL ASSISTANCE PROGRAM

12.5.1. **Policy.** Recognizing the importance of continued education, the City of Opelika (City) has established an Educational Assistance Program to encourage employees to pursue course(s), which will benefit them as well as the City. The City will refund a portion of the costs incurred by a classified employee who satisfactorily completes pre-approved courses, segments of course work and terms of study. The employee must sign an agreement promising to reimburse the City for all educational costs spent for training if the employee leaves employment within the period of time as specified on the repayment agreement. The maximum amount of time an employee is expected to agree to work after completion of courses is three (3) years. If the City has any trade out agreements with schools and/or colleges, the employee will be allowed to take courses at those locations exempt from the refund procedures. The employee will however be required to reimburse the City the amount of any classes taken whereby the employee does not make a "C" or higher.

12.5.2. **Short Courses, Seminars, Workshops – City Selected.** The City will pay the full costs of short courses, seminars, workshops, meetings, etc. when an employee is required to attend specific education and training for the benefit of the City. This includes tuition, materials, transportation, lodging, and meals if such training is approved in advance by the department head.
NOTE: Due to the cost of certain City Selected Workshops, employees may be required to sign a repayment agreement prior to being approved to attend.

12.5.3. **Eligibility.** All Classified Service Employees are eligible to participate.

12.5.4. **Approval of Course(s) Voluntarily Taken and Claims Procedure.** To be eligible for Educational Assistance, employees must gain course approval in advance from their department head(s), the Human Resources Director, and the Mayor. The application form is provided through the Human Resources Department. The application form must be completed and signed by the appropriate supervisors through the chain of command for the employee's department. The Human Resources Department will assist in the proper routing for those approving signatures. If the request is denied at any step in the process, the employee will receive a written reason for the denial by copy of the form. The Mayor, in coordination with the Human

Resources Director, shall have the discretion and authority to control and manage the operation and administration of the Educational Assistance Program, including the authority to make and enforce rules and regulations for the efficient administration of the Plan, to interpret the Plan, to approve or disapprove request for tuition refund, and to respond to all questions concerning the Plan. Advance approval is required whether the employee intends to take one course, approved segments of courses, or terms of study leading to a degree, or several courses at a time. This applies to extension courses, correspondence courses, and segments of courses leading to degrees at technical schools, colleges, universities or special trade schools. Segments of courses leading to degrees require approval before each term of study. The decision of the Mayor shall be final and binding. However, if approval is denied by the employee's Department Head, the employee has the right to seek review by the Mayor upon a written request filed within 15 days of the denial.

12.5.5. **Courses Generally Covered By The Program.** Only courses or course work which are mutually beneficial to the employee and the City are eligible for tuition refund. Courses or segments, which are part of a degree program at an accredited college or university, may also be approved when the segment satisfies the requirements of this Educational Assistance Program.

12.5.6. **Refund Procedures.** Upon satisfactorily completing an approved course(s) or approved segment, the following grade/percentage schedule will be followed: ("C" = 75%, "B" = 85%, "A" = 100%). Example: Cost of course = \$100.00, grade received = "B", amount refunded = \$85.00. The employee will be refunded amounts of tuition, registration, lab fees, shop fees, and student activity fees (where required), upon remaining employed as an active employee for a minimum of thirty calendar days after completion of the course or approved segment. These refunds will be made subject to the employee signing a repayment

12.5.7. **Proof For Payment.** After an employee has successfully completed a course(s) or approved segment, he/she must submit to the Human Resources Department an itemized statement of the total fees paid in conjunction with the course(s), segment of course work, or terms of study, and must also submit a copy of the official transcript, grade notification, or certificate of completion as evidence of meeting the tuition refund requirement. A refund check will be issued in

the pay period following completion of a thirty (30) day qualification period of continued active employment.

12.5.8. **Tax Liability.** Tax laws may delegate that some monies refunded to employees for educational expenses may be taxable. Generally excluded from taxation are refunds for refresher courses or courses dealing with current developments in the employee's field. Refunds of expenses for education resulting in a technical degree or four (4) year degree are almost always taxable to the employee. If monies are taxable, the taxable refund amount will be properly shown on the employee's annual W-2 form.

12.5.9. **Repayment.** If an employee is terminated or voluntarily leaves the City during the time period in which an agreement has been the employee will repay the City a pro-rated share of the amount refunded to him/her by withholding from his/her final pay check pursuant to the written repayment agreement signed by the employee as part of the application process. The employee will repay the City a pro-rated share of the amount refunded. The cost of transportation, meals, equipment, and/or lodging is not refundable. Employees must use outside benefits available to them, if any, prior to being repaid by the City, i.e. GI Bill.

12.5.10. **Funding.** There will be a special fund created for this purpose and amounts approved will be paid from this special fund each fiscal year. The City Council will establish an amount each year based upon available funds. When this amount is exhausted, on a first come first served basis, no further funds will be paid for this purpose during that fiscal year without approval of the City Council. If during the fiscal year funds are depleted and there are employees wishing to take advantage of the program, a waiting list will be established. When funds are made available, employees on the waiting list will be contacted to ascertain if they are still interested in educational assistance before new employees are allowed to apply for assistance. This program shall not be deemed to create or constitute a contract between the City of Opelika and any employee. The City Council of the City of Opelika may amend or terminate this program at any time by duly adopted ordinance.

ORDINANCE NO. (ID # 1497)

Amend City Code, Section 28-26 Tampering Fee Section - OPS - First Reading.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 28-26-UNAUTHORIZED APPROPRIATION
OF THE ELECTRIC CURRENT-OF THE
CODE OF ORDINANCES OF THE CITY OF OPELIKA**

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

Section 1. **Amendment** That Section 28-26 of the *Code of Ordinances* of the City of Opelika, Alabama, is hereby amended to read as follows:

Sec. 28-26. - Unauthorized Appropriation of the Electric Current.

It shall be unlawful for any person:

- (a) To connect any electric motor to the municipal power line or system of the city contrary to the provisions of section 28-22 of this Code, or to willfully or knowingly use any electric motor so connected.
- (b) To knowingly withdraw or cause to be withdrawn, without permission, and to appropriate to himself for his own use, or for the use of any other person, any current of electricity from the wires or electrical distribution system of the city.
- (c) To knowingly, willfully, and intentionally withdraw or cause to be withdrawn any electrical current for any purpose.
- (d) To alter or interfere with, with intent to cheat and defraud the city, or by any contrivance whatsoever to withdraw or take off such electrical current in any manner, except through the meter provided by the city.
- (e) If any of the above acts are committed, Opelika Power Services may bill the customer an estimated amount of electricity consumed. Customers will also pay a two hundred fifty dollar (\$250.00) tampering fee. Customers will also be billed for an additional deposit of up to triple the standard deposit. Failure to pay may result in discontinuation of electric service.

Section 2. **Repealer Clause.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the section hereby adopted are repealed.

Section 3. **Severability.** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of any competent jurisdiction, said section shall not affect any other section, clause, provision or portion of this Ordinance which is not in or of itself invalid or unconstitutional.

Section 4. **Construction.** If any section, paragraph, sentence or word of this Ordinance or the section hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this Ordinance and the section hereby adopted independent of the elimination therefrom of such portion that may be declared invalid.

Section 5. **Effective Date.** This Ordinance and the section hereby adopted shall take effect and be enforced immediately upon its adoption and publication as required by law.

Section 6. **Publication.** The City Clerk of the City of Opelika is hereby authorized and directed to cause a copy of this Ordinance to be published in a newspaper of general circulation in the City of Opelika, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2016.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2016.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK

Sec. 28-26. - Unauthorized appropriation of electric current.

It shall be unlawful for any person:

- (a) To connect any electric motor to the municipal power line or system of the city contrary to the provisions of section 28-22 of this Code, or to willfully or knowingly use any electric motor so connected.
- (b) To knowingly withdraw or cause to be withdrawn, without permission, and to appropriate to himself for his own use, or for the use of any other person, any current of electricity from the wires or electrical distribution system of the city.
- (c) To knowingly, willfully, and intentionally withdraw or cause to be withdrawn any electrical current for any purpose.
- (d) To alter or interfere with, with intent to cheat and defraud the city, or by any contrivance whatsoever to withdraw or take off such electrical current in any manner, except through the meter provided by the city.
- (e) If any of the above acts are committed, Opelika ~~Light and Power~~ Power Services may bill the customer an estimated amount of electricity consumed. Customers will also pay a ~~one-two hundred fifty~~ hundred dollar (\$~~100~~250.00) tampering fee. Customers will also be billed for an additional deposit of up to triple the standard deposit. Failure to pay may result in discontinuation of electric service.

ORDINANCE NO. (ID # 1510)

Amend Zoning Ord. & Map from R-3,GC R-5,GC & C-3,GC to PUD. - First Reading

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. Findings. The City Council has determined and hereby finds and declares that the following facts are true and correct:

“(a) Chapman H, LLC heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “The Springs of Mill Lake” consisting of approximately 79.391 acres of land.

(b) The proposed development is located in the following zoning districts: R-3, GC (low density residential, gateway corridor district), R-5, GC (high density residential, gateway corridor district) and C-3, GC (general commercial, gateway corridor district).

(c) The property described in section 3 below will be developed as a unified mixed residential development in two phases consisting of 139 single family residential lots, an amenities package and an independent/assisted living facility.

(d) The amenities for the development will include a spacious clubhouse with multiuse facilities, a heated swimming pool adjacent to the clubhouse, outdoor fireplace and spacious grilling area on pool deck, pickle ball court, putting green, two mature lakes, lakeside green space and picnic areas, walking trails and a birdwatching area.

(e) The project will be developed in two phases. Phase One will be comprised of approximately 70 single family residences, the independent/assisted living facility and the amenities. Phase Two will be comprised of the remainder of the single family residences.

(f) The proposed development is located on the South side of U.S. Highway 280 (the Birmingham Highway) approximately 0.42 miles North of the intersection of U.S. Highway 280 with Pepperell Parkway. The site includes approximately 0.41 miles of frontage on U.S. Highway 280.

(g) The Planning Commission of the City of Opelika heretofore conducted a public hearing on the proposed Development and referred to the Council its recommendation to approve the proposed Development.

(h) It is advisable and in the interest of the City and the public interest that the property described in section 3 below should be developed as a unified residential development.

Section 2. Approval of the Development Plan. The Development Plan is hereby submitted for review is hereby approved and confirmed as required by Section 8.18(n) of the Zoning Ordinance of the City.

Section 3. Designation of Unified Planned Unit Development. The official zoning map of the City is hereby amended and the zoning classification for the following parcel of land shall be changed from a R-3, GC district (low density residential, gateway corridor district), a R-5, GC district (high density residential, gateway corridor district) and a C-3, GC district (general commercial, gateway corridor district) to a planned unit development ("PUD") on the Official Zoning Map:

All that tract or parcel of land lying and being in Section 14 and 15, T-19-N, R-26-E, Lee County, Alabama, and being more particularly described as follows: Begin at a concrete monument marking the NW Corner of Section 14, T-19-N, R-26-E Lee County, Alabama and run along the Northline of Section 14 S 88° 13' 27" E, 249.93 feet to a point on the southerly right-of-way of U.S. Highway 280's 250 foot right-of-way; thence along the said southerly and southwesterly right-of-way of U.S. Highway 280 S 73° 55' 58" E, 2178.91 feet; thence leaving said R.O.W. S 16° 27' 00" W, 418.65 feet; thence S 50° 02' 24" W, 1518.86 feet, thence N 30° 16' 57" W, 445.44 feet; thence S 82° 50' 02" W for 206.83 feet; thence S 82° 50' 02" W for 700.08 feet; thence N 00° 51' 17" W, 659.93 feet; thence N 32° 28' 30" W, 1247.82 feet; thence N 89° 41' 24" E, 329.71 feet; thence N 89° 43' 54" E, 413.73 feet to the Point of Beginning.

Section 4. Retention of copies of the Development Plan. Copies of the Development Plan shall be maintained in the offices of the City Clerk, City Planner, City Engineer, and Building Official and shall be open for public inspection.

Section 5. Repealer. Any ordinance or part thereof in conflict with provisions of this Ordinance be and the same are hereby repealed.

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 one (1) time in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2016.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2016.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2016.

MAYOR

ATTEST:

CITY CLERK