



OPELIKA CITY COUNCIL
“ REGULAR MEETING AGENDA “
204 South 7th Street
February 21, 2017
TIME: 7:00 PM

1. CALL TO ORDER
2. ROLL CALL
 1. Patricia Jones, Tiffany Gibson-Pitts, Dozier Smith T, David Canon, Eddie Smith
3. INVOCATION
4. PLEDGE OF ALLEGIANCE
 1. Drake Bledsoe and Ch'Kryia Russ from West Forest School.
5. READING OF MINUTES
 1. Minutes for the City Council Meeting of 2-07-17.
6. UNFINISHED BUSINESS
7. REMARKS BY THE MAYOR
 1. January 2017 Building Report
 2. Recognize the retirement of John Richardson.
 3. Recognize the Opelika School System Teachers of the Year.
 4. Recognize the OHS Boys & Girls Indoor Track Team - State Champions.
8. CITIZEN COMMUNICATIONS (Limit comments to five minutes or less)
9. REPORT OF DISBURSEMENTS
10. COMMITTEE REPORTS
11. GENERAL BUSINESS
 1. Request for the Autism 5K Run/Walk on April 8Th.
 2. Request by Main Street - 2017 Annual Events.
 3. Request AB Special Events Retail License, Arts Assoc. E.A.
12. AWARDING OF BIDS
 1. Oral Recommendation - 2017 City-Wide Resurfacing - Eng
 2. Service Installation Materials - OPS
13. RESOLUTIONS
 1. Expense Reports from Various Departments.
 2. Designate City Personal Property as Surplus & Authorize Disposal
 3. Purchase Municipal Court Furniture

4. Request ByT-Mobile for a Special Use Permit at 54 Reeder Ave.
5. Authorize a Recycling Grant Application with ADEM.
6. Agreement for VOD Operating Services - OPS
7. Amend Project Agreement with Gambro - ED.
8. Special Appropriation to the Boys & Girls Club.
9. Agreement with LCYDC, Intersection Road Improvement Intersection - ENG.

14. ORDINANCES

1. Amend Zoning Ord & Map: 305 2Nd Avenue from C-2, GC to C-3, GC and 215 2Nd Avenue from C-3. GC to C-2, GC - 2Nd Reading.
2. Amend Zoning Ord & Map: 1310 1St Avenue, 19,000 Sf Lot, from M-1 to R-4 - 2Nd Reading.
3. Amend City Code, Sec 9.5, Food Vendors - 2Nd Reading.

15. APPOINTMENTS

1. Reappoint Carlton Hunley III to the Medical Clinic Board. The new term expires 3-2-23.

16. ADJOURN



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

CM MINUTES (ID # 2125)

Meeting: 02/21/17 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 2125

Minutes for the City Council Meeting of 2-07-17.



OPELIKA CITY COUNCIL “REGULAR MEETING MINUTES”

204 South 7th Street

February 7, 2017

TIME: 7:00 PM

1. Call to Order

President Smith called this city council meeting to order and asked Mr. Shuman to call the roll.

2. Roll Call

All city council members were present.

1. Patricia Jones, Tiffany Gibson-Pitts, Dozier Smith T, David Canon, Eddie Smith

3. Invocation

Mallory Dear provided the invocation.

1. Mallory Dear from the East Alabama Youth for Christ.

4. Pledge of Allegiance

Amare and Jonathan lead the plead of allegiance.

1. Amare Slaughter and Jonathan Buckalew, 5th graders at West Forrest Intermediate.

5. Reading of Minutes

1. Minutes from the 1-17-17 City Council Meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Patricia Jones, President Pro-Tem

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

6. Unfinished Business

7. Remarks By the Mayor

1. Reappoint Lewis Cherry to the Planning Commission. The new term expires 2-15-23. Mayor Fuller stated for the record that he has re-appointed Lewis Cherry to the Opelika Planning Commission.

2. Recognize Karen Bush & Conner Pruitt - AHSAA State Diving Champion.. Mayor Fuller recognized Karen Bush and Conner Pruitt for winning the State Diving Championship and presented Conner with a special achievement certificate.

3. Recognize Revel Gholston & the OHS Theatre Group for Best in Show. Mayor Fuller recognized Revel Gholston and all the members of the OHS Theatre Group for winning Best of Show. Mayor Fuller presented a proclamation to Revel declaring February 7th, 2017 Revel Gholston day.

4. Recognize Jacob Foxe as police officer of the 4th Quarter 2016. Mayor Fuller and Chief McEachern recognized Jacob Foxe as the police officer of the 4th quarter of 2016. Mayor Fuller presented Jacob with a performance award in recognition of his outstanding job achievements.

8. Citizen Communications

(Limit comments to five minutes or less)

Renee Messing, 2137 Hamilton Place South, stated that they have been dealing with a water drainage and hole problem in their yard for two years. Mrs. Messing passed out several photos

showing these problems. I have talked with the City Administrator, Public Works Director and City Engineer. The problem is now going down the street with several neighbors yards. I have also talked with Patsy Jones and she has been wonderful. The City filled up the hole(s) with dirt, then it rained and the holes are back and the dirt gone. Something is going on and the City needs to get this problem fixed. Thanks for your assistance in getting this problem resolved.

Robert Springer stated that he has been running food trucks for 25 years and that is how he makes a living. I must use generators so the food is kept at a certain temperature per the Health Department. Mr. Springer said he thought the average decibels for a generator was 65 to 70. Guy Gunter, City Attorney, stated that the new Food Vendor ordinance states it must be 60 decibels or less and suggested the Planning Director, Matt Mosely, review this requirement to determine if the decibel level needs to be adjusted. Mr. Gunter also stated the acceptable sound level of music is controlled by the City's Noise Ordinance.

Sarah Gill, 2506 2nd Avenue, said she is opening a new business in Opelika and will have food trucks as well and wanted to introduce myself to the City officials. I look forward to working with the City so my business will be successful.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request by Prayer Force United for Walk on March 18Th.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

2. Request for 5K Make Your Move Run on 5-13-17.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: David Canon, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

3. Request by Mr. Sunny's Food & Gas for a Retail Beer & Wine Off Premise License.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

4. Public Hearing, Amend Zoning Ord. & Map, 305 2Nd Avenue from C-2, GC to C-3, GC; 215 2Nd Avenue from C-3. GC to C-2, GC

Matt Mosely, Planning Director, provide a summary of this zoning amendment. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said zoning amendment. No one came forward to speak. President Smith closed the public hearing.

5. Public Hearing, Amend Zoning Ord. & Map, 1310 1St Avenue, from M-1 to R-4

Matt Mosely, Planning Director, provide a summary of this zoning amendment. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said zoning amendment. No one came forward to speak. President Smith closed the public hearing.

6. Pubic Hearing, new rates and charges for OPS.
Guy Gunter, City Attorney, suggested during the work session to hold this public hearing covering the ordinance for new rates and charges for certain OPS service. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against the new rates and charges for certain OPS services. No one came forward to speak. President Smith closed the public hearing.

7. Request by Cottonseed Studios, temporary closure portion of 8th St. on 2/19.
Bob Shuman, City Clerk, stated Cottonseed Studios made a last minute request for the temporary street closer of a portion of 8th Street on February 19th. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said street closer. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

There was no bids for this city council meeting.

13. Resolutions

1. Resolution 021-17 Expense Reports from Various Departments.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

2. Resolution 022-17 Travel Advance for Animal Control School - OES.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

3. Resolution 023-17 Purchase - Two (2) 2017 Ford Police Interceptor AWD Utility Vehicles - PD

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

4. Resolution 024-17 Agreement for Traffic Engineering Services for Signal Timing on Gateway Dr. - Eng.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

5. Resolution 025-17 Amend Project Agreement with Gambro - ED.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

6. Resolution 026-17 Appropriation Contract with the Child Advocacy Center.

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

7. Resolution 027-17 Agreement with Condrey & Associates, Inc. for Salary Survey - H/R.

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

8. Resolution 028-17 Agreement for Governmental Services with the Bloom Group, Inc.

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

14. Ordinances

1. Ordinance Amend Zoning Ord & Map: 305 2Nd Avenue from C-2, GC to C-3, GC and 215 2Nd Avenue from C-3. GC to C-2, GC - 1St Reading.

This ordinance was introduced by Mr. Canon.

RESULT: FIRST READING INTRODUCED

2. Ordinance Amend Zoning Ord & Map: 1310 1St Avenue, 19,000 Sf Lot, from M-1 to R-4 - 1St Reading.

This ordinance was introduced by Mr. Smith T.

RESULT: FIRST READING INTRODUCED

3. Ordinance Amend City Code, Sec 9.5, Food Vendors - 1St Reading.

This ordinance was introduced by Ms. Jones.

RESULT: FIRST READING INTRODUCED

4. Ordinance 102-17-ORD Rates and Charges for OPS Residential Fiber Customers - 1St Reading.

This ordinance was introduced by Mr. Canon.

Then Mr. Smith T made a motion to suspend the rules with said motion being seconded by Mr. Canon. The following vote was recorded:

Ayes Jones, Pitts, Smith T, Canon, Smith.

Nays None.

RESULT: FIRST READING AND APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

15. Appointments

1. Re-appoint Raven Harvis to the Board of Zoning Adjustments. The new term expires 2-11-20.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

16. Adjourn

The City Council meeting minutes of February 7, 2017 are hereby adopted and approved this the ____ day of _____, 2017.

/S/

President of the City Council
City of Opelika, Alabama

ATTEST:

/s/

City Clerk - Treasurer

1. Motion to adjourn.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 02/21/17 07:00 PM
Department: Building Inspection
Category: Building Permit Report.
Prepared By: BJ Lowery
Initiator: Jeff Kappelman
Sponsors:

MAYOR'S REMARKS (ID # 2124)

DOC ID: 2124

January 2017 Building Report



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

Planning Department - Building Inspections Division

Telephone 334-705-5420

Fax 334-705-5159

Monthly Permits For January, 2017

Work & Repair On Buildings:

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	0
Building Repairs	7	17
Plumbing Upgrades	5	9
Electrical Upgrades	1	6
Mechanical Upgrades	3	2
Reroofs And Roof Repairs	0	6
Mobile Home Services	0	8
Building Additions/Accessory Structures	0	0

Monthly Totals For January 2008-2017

2008	\$9,667,809.01
2009	\$2,274,539.01
2010	\$15,454,374.01
2011	\$2,746,405.01
2012	\$4,989,160.01
2013	\$4,486,110.01
2014	\$5,831,286.01
2015	\$9,272,265.01
2016	\$5,665,645.01
2017	\$5,876,597.01

Total Permits Issued:

1	New Buildings: Commercial	\$1,187,312.01
7	Commercial Renovations And Repairs	\$1,650,409.01
2	Signs	\$7,700.01
12	New Single Family Homes	\$2,805,129.01
17	Residential Repairs And Renovations	\$226,047.01
0	New Apartment Units	\$0.01
0	New Duplex Residences	\$0.01
39	Total Building Permits Issued	\$5,876,597.01
39	Total Permits Issued For January, 2017	\$5,876,597.01

TAKEN FROM THE RECORDS OF THE
BUILDING INSPECTOR

Jeff Kappelman
Jeff Kappelman

Chief Building Inspector



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

Planning Department - Building Inspections Division

Telephone 334-705-5420

Fax 334-705-5159

Fiscal Year To Date Report - 2017

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	0
Building Repairs	27	36
Plumbing Upgrades	11	39
Electrical Upgrades	11	40
Mechanical Upgrades	6	23
Reroofs And Roof Repairs	0	12
Mobile Home Services	0	8
Building Additions/Accessory Structures	0	11

Yearly Totals For Oct. 1st - Sept. 30th	
2008	\$127,407,288.00
2009	\$67,359,271.00
2010	\$96,662,342.00
2011	\$45,352,237.00
2012	\$178,221,004.00
2013	\$61,881,917.00
2014	\$79,409,560.00
2015	\$192,080,600.00
2016	\$127,079,852.00
2017	\$29,950,098.00

Total Permits Issued:

11	New Buildings: Commercial	\$11,807,273.00
27	Commercial Renovations And Repairs	\$5,121,521.00
8	Signs	\$118,400.00
49	New Single Family Homes	\$12,211,875.00
45	Residential Repairs And Renovations	\$691,029.00
0	New Apartment Units	\$0.00
0	New Duplex Residences	\$0.00
140	Total Building Permits Issued	\$29,950,098.00

140 Total Issued for FY 2017

\$29,950,098.00


JEFF KAPPELMAN
Building Official

Attachment: January 2017 Building Report (2124 : January Building Report)

City of Opelika- Planning Department

Building Inspection Division- January 2017

Main Address	Work Class	Issue Date	Company/Owner	Valuation
2701 FREDERICK RD 303	Tenant Build Out	1/19/2017	Paul Brumett	\$ 1,000.00
2701 FREDERICK RD 201	Signs	1/11/2017	CURTISS SIGNS INC	\$ 2,000.00
1301 DEER TRACT RD	Alteration	1/9/2017	S&A CONTRACTING LLC	\$ 3,484.00
815 N 10TH ST 1	Decks	1/6/2017	Dawn Flemming	\$ 3,000.00
2833 SPRING LAKES XING	New Single Family Detached	1/25/2017	HOMEWORKS OF ALABAMA INC	\$ 278,479.00
2000 PEPPERELL PKWY	Alteration	1/20/2017	BAILEY HARRIS CONST CO	\$ 685,837.00
1010 MONROE AVE C	Roofs	1/30/2017	NATIONAL HOMECRAFT OF COLUMBUS GA ,LL	\$ 13,500.00
805 FRUITLAND AVE B	Alteration	1/17/2017	CHARMEL CONSTRUCTION CO	\$ 11,000.00
309 N 26TH ST	Roofs	1/31/2017	ARS	\$ 3,380.00
803 TOWNE LAKE PKWY	New Single Family Detached	1/5/2017	STONE MARTIN BUILDERS	\$ 259,871.00
801 AVENUE C	Alteration	1/23/2017	H&H CONSTRUCTION	\$ 75,000.00
2404 FREDERICK RD	Communication Towers	1/30/2017	MASTEC NETWORK SOLUTIONS LLC	\$ 14,500.00
700 BLACKBERRY CV	New Single Family Detached	1/27/2017	TIM VINSON	\$ 200,000.00
2506 PEPPERELL PKWY	Signs	1/13/2017	EFFECTIVE SIGNS LLC	\$ 5,700.00
3304 PEPPERELL PKWY	Alteration	1/26/2017	WILLIE J WRIGHT	\$ 1,200.00
1203 LIVE OAK CIR	New Single Family Detached	1/30/2017	RIVERCHASE HOME LLC	\$ 208,036.00
1309 CORDELIA DR	Roofs	1/20/2017	SUPERIOR ROOFING CO	\$ 4,390.00
801 TOWNE LAKE PKWY	New Single Family Detached	1/4/2017	STONE MARTIN BUILDERS	\$ 244,157.00
2633 SPRING LAKES XING	New Single Family Detached	1/9/2017	HARRIS DOYLE HOMES INC	\$ 220,362.00
2701 FREDERICK RD 302	Tenant Build Out	1/6/2017	Omar Zalazar	\$ 42,905.00
709 AVENUE E	Alteration	1/27/2017	A&E HOLDINGS LLC	\$ 4,998.00
3603 DOUBLE EAGLE LN	New Single Family Detached	1/5/2017	CONNER BROTHERS CONSTRUCTION	\$ 190,847.00
3688 QUAIL TRCE	New Single Family Detached	1/9/2017	CONNER BROTHERS CONSTRUCTION	\$ 299,841.00
1851 FREDERICK RD	New	1/23/2017	J&L CONTRACTORS INC	\$ 1,187,312.00
2356 PEPPERELL PKWY	Tenant Build Out	1/5/2017	Montesha Durrell	\$ 30,000.00
2701 FREDERICK RD 204	Tenant Build Out	1/30/2017	G M NORTHRUP CORPORATION	\$ 200,000.00

609 GENEVA ST	Alteration	1/30/2017	Caitlin Conci	\$	30,000.00
1905 ROCKY BROOK RD	Roofs	1/23/2017	SUPERIOR ROOFING CO	\$	9,035.00
2811 LAFAYETTE PKWY 3	Carport	1/25/2017	Saysamone Silavanh	\$	4,000.00
2810 LONE EAGLE LN	Addition	1/24/2017	THE WORTHY GROUP	\$	28,000.00
308 N 25TH ST	Roofs	1/31/2017	ARS	\$	3,380.00
1115 SAWYER DR	New Single Family Detached	1/6/2017	GRAYHAWK HOMES INC	\$	189,359.00
3319 DOUBLE EAGLE LN	Addition	1/24/2017	THE WORTHY GROUP	\$	8,500.00
2796 LAKEVIEW TER	New Single Family Detached	1/13/2017	HOMEWORKS OF ALABAMA INC	\$	260,862.00
110 STOWE AVE	Addition	1/19/2017	Gregory White	\$	10,000.00
3637 EAGLE TRL	New Single Family Detached	1/19/2017	CONNER BROTHERS CONSTRUCTION	\$	187,182.00
805 FRUITLAND AVE A	Alteration	1/17/2017	CHARMEL CONSTRUCTION CO	\$	11,000.00
1467 FOX RUN PKWY	Alteration	1/27/2017	WAYNE GENTRY BUILDER	\$	39,000.00
2052 TIGER TOWN PKWY	Addition	1/19/2017	RA HEATH CONSTRUCTION, INC	\$	554,967.00
1121 E COLLINWOOD CIR	Alteration	1/23/2017	R LUCAS CONSTRUCTION & DESIGN	\$	75,000.00
311 N 26TH ST	Roofs	1/31/2017	ARS	\$	3,380.00
1011 1ST AVE	Alteration	1/11/2017	PRO CAR CARE	\$	6,000.00
2813 SPRING LAKES XING	New Single Family Detached	1/24/2017	HOMEWORKS OF ALABAMA INC	\$	266,133.00
TOTAL				\$	5,876,597.00

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 # 2119)

Meeting: 02/21/17 07:00 PM
Department: City Clerk
Category: Request / Temp Street Closure
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 2119

Request for the Autism 5K Run/Walk on April 8Th.



February 3, 2017

MEMORANDUM

TO: Opelika City Council

FROM: Lennie Squiers, Treasurer, Lee County Autism Resource & Advocacy

RE: A-Day Autism 5K

Lee County Autism Resource & Advocacy is an all-volunteer non-profit benefitting the families of Lee County and surrounding areas with educational meetings, resources, outreach and family involvement.

The past two years we have held our Annual 5K/1 mile Fun Run (our fundraiser) in Opelika and once again are requesting the City to approve our request for the A-Day Autism 5K to be held in Opelika. April is National Autism Month and we have scheduled our run for April 8, 2017. I have contacted Pam Powers Smith and she has cleared the date.

Attached you will find a copy of the course for this year. A.O.R.T.A. will be our timers for the event. We understand the necessity of having course marshals at each intersection and that will be taken care of.

If any further information is needed, please feel free to contact me at 742-2694.

DISTANCE
3.0

Attachment: CM 2-21-17, route map for Autism 5K on April 8th (2119 : Request for the Autism 5K



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2135)

Meeting: 02/21/17 07:00 PM
Department: City Clerk
Category: Request / Temp Street Closure
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 2135

Request by Main Street - 2017 Annual Events.



TO: Opelika City Council
FROM: Opelika Main Street

Please find below requests for events in the downtown area for 2017. Thank you for your cooperation in handling all of these simultaneously.

A-Day Autism 5k fundraiser at Courthouse Square: Hosted by Lee County Autism Resource & Advocacy on April 8, 2017, 6-10 a.m.: This is an annual fundraiser for the Lee County Autism Resource & Advocacy Center. The 5k has been held in Opelika the last two years. The route map is attached.

On The Tracks – April 21, 2017 - 6-11 p.m.: This letter serves as our formal request to hold a food and wine event on Friday, April 21st. This 22nd biannual event will serve as the only one of its kind in the area and will attract business, shopping, and newcomers to the downtown area. We would like to barricade both sides of the Railroad Avenue block between 8th and 10th Streets. This area would contain food booths and bands. We would also like to block 8th Street and 9th Street between Railroad Avenue and Avenue B, Avenue A between 8th and 9th street for safety purposes. Please note that Main Street will not be obtaining a liquor license for this event anymore. A special event liquor license is not allowed within an entertainment district, so participants will now purchase alcohol within our restaurants and go outside. Music will end at 11 pm and a golf cart may be used throughout the day to help with set up.

Relay for Life fundraiser at Courthouse Square: Hosted by the American Cancer Society on April 28, 2017, 8 a.m. – 1 a.m. I don't have all of the information at this time, but last year 9th Street was closed between Avenue A and Avenue B. Barricades were placed at the corner of Avenue A and 9th Street and Avenue B and 9th Street.

National Day of Prayer at Courthouse Square hosted by Laura Fuller on May 4, 10 a.m. – 1 p.m. No street closures have been requested.

Think Pink Walk fundraiser at Courthouse Square: Hosted by East Alabama Medical Center on October 14 at 8 a.m. The route map is attached.

On The Tracks – October 20, 2017: No changes to this event from the spring event above.

Touch-A-Truck– June 3, 2017: A favorite of all ages, this event allows people to touch and explore trucks and vehicles of all shapes and sizes. Children, under adult supervision, can climb in and learn about vehicles such as a fire engine, a school bus, an ambulance, construction trucks and many more. This event is free, but we encourage all attendees to shop and eat local before or after attending Touch-A-Truck. We would like to barricade the following roads for safety and event purposes: Railroad Avenue between 10th Street and 8th Street, and 9th Street between Avenue A and Railroad Avenue.

Christmas in a Railroad Town – December 8, 2017: No changes to this event from last year. There are several kids' activities (with help from Opelika Parks and Recreation) as well as food and late night shopping. The following roads will need to be blocked: Railroad Avenue between 10th Street and 7th Street; 8th Street between Avenue C and North Railroad Avenue; 9th Street between Avenue A and North Railroad Avenue; and Avenue A between 7th Street and 9th Street. Music will end at 9 pm and a golf cart will be used throughout the day. We would like to request additional assistance with barricade management. The size of the event is so large that traffic has become overwhelming for volunteers.

Thank you for your continued support of downtown and for considering all of the above requests.

Sincerely,

Carla Nelson, Director

Opelika Main Street





City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2130)

Meeting: 02/21/17 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright
Initiator: Martha Wright
Sponsors:

DOC ID: 2130

Request AB Special Events Retail License, Arts Assoc. E.A.



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

BIDS 029-17

Meeting: 02/21/17 07:00 PM
Department: Purchasing and Revenue
Category: Bid - Oral Recommendation
Prepared By: Angela Norrell

Initiator: Lillie Finley

Sponsors:

DOC ID: 2132

Oral Recommendation - 2017 City-Wide Resurfacing - Eng

Council Meeting 2/21/17

FACT SHEET

SUBJECT: Sealed Bid - Bid #17009 - 2017 City-Wide Resurfacing

FACTS:

- Bid opening date - 2/17/17
- User Department - Engineering

RECOMMENDATION:

- **Due to the lateness of the bid opening, I request to make an oral recommendation at the February 21, 2017 Council Meeting.**

Lillie Finley

1

2/16/17



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

BIDS 030-17

Meeting: 02/21/17 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 2133

Service Installation Materials - OPS

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited sealed bids for a contract for Service Installation Materials for Opelika Power Services; and

WHEREAS, Advanced Media Technologies submitted the sole bid meeting specifications; and

WHEREAS, this is a budgeted purchase from System Expansion and Upgrades;

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

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

APPROVED AND ADOPTED this the ____ day of _____, 2017.

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

Bids 030-17

Meeting of February 21, 2017

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

FACT SHEET

SUBJECT: Sealed Bid #17008 – We are asking the council to approve a contract for Service Installation Materials

FACTS:

- Bid opening date – 2/13/17
- User Department(s) – Opelika Power Services
- The bid was mailed to 33 vendors
- 1 bid was received
- Budgeted purchase
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend award Contract to on Advanced Media Technologies on their sole bid meeting specifications.**

BID# 17008 DATE: 2/13/17 DEPT: POWER SERVICES								33 VENDORS INVITED
DESCRIPTION: SERVICE INSTALLATION MATERIALS								1 BID RECEIVED
	ITEM 1: STB DVR-Motorola 1AF17103AAAA,STB,VIP2262v2,500Gb HD				ITEM 5: STB Non-DVR-Motorola Wireless,VIP2502W			
	ITEM 2: STB DVR-Motorola 1AF17103AAAA,STB,VIP2262,1000Gb HD				ITEM 6: Motorola Wireless Video Access Point VAP2400			
	ITEM 3: STB Non-DVR-Motorola 1AF02357AAAA,STB,VIP2202				ITEM 7: Motorola Wireless Video Access Point VAP2500			
	ITEM 4: STB Non-DVR-Motorola, VIP2102				ITEM 8: MXV4 Motorola VIP Universal Remote,P/N 587429-001-00			
	**ITEMS 1-8 NEW ONLY							
VENDOR NAME	ITEM 1	ITEM 2	ITEM 3	ITEM 4	ITEM 5	ITEM 6	ITEM 7	ITEM 8
ACCU-TECH CORPORATION								
ADVANCED MEDIA TECHNOLOGIES	\$ 185.00	\$ 199.00	EOL	\$ 99.00	\$ 99.00	\$ 54.00	\$ 47.00	\$ 7.65
AFFORDCOM								
AFL TELECOMMUNICATIONS LLC								
ANIXTER INC								
BRUMFIELD ELECTRICAL & COMM								
CABLEXPRESS CORP/CXTEC								
CDW GOVERNMENT INC								
ESH								
FIBER INSTRUMENT SALES INC								
GHMR								
GRAYBAR ELECTRIC CO-AL								
GRAYBAR ELECTRIC CO-NC								
GRAYBAR ELECTRIC CO-GA								
GRESKO/CAPSTONE UT SUPP								
GT KEY CO INC								
H D SUPPLY POWER SOL LTD								
HDD INC								
INLINE ELECTRIC SUPPLY								
INTERNATIONAL ROAD DYNAMICS								
INTERSTATE ELECTRICAL SUPPLY								
JACKSON THORNTON TECH								
MARKERTEK VIDEO SUPPLY								
MEGA HERTZ SALES CO								
MEMORYDEALERS.COM INC								
PCMG INC								
PCTEL CONNECTED SOLUTIONS								
PI MANUFACTURING CORP								
POWER & TELEPHONE SUPPLY CO								
STUART C IRBY CO								
T & C SPECIALTY DISTR INC								
TELECOM NETWORK SOL INC								
WESCO DISTRIBUTION INC								

BID# 17008 DATE: 2/13/17 DEPT: POWER SERVICES						33 VENDORS INVITED		
DESCRIPTION: SERVICE INSTALLATION MATERIALS						1 BID RECEIVED		
	ITEM 9: Arris Inc. VIP-5602 UHD STB(597606-001-00)							
	ITEM 10: Arris Inc. VIP-5662w UHD DVR STB(597606-002-00)							
	ITEM 11: Arris Inc. VIP-4402 HD STB(599238-001-00)							
	ITEM 12: Arris Inc. VAP3400(595594-001-00)							
	ITEM 13: Arris Inc. VAP3402(595595-001-00)							
VENDOR NAME	ITEM 9	ITEM 10	ITEM 11	ITEM 12	ITEM 13	TOTAL	TERMS	DISC
ACCU-TECH CORPORATION								
ADVANCED MEDIA TECHNOLOGIES	\$ 120.00	\$ 194.00	\$ 85.00	\$ 55.00	\$ 60.00	--	--	--
AFFORDCOM								
AFL TELECOMMUNICATIONS LLC								
ANIXTER INC								
BRUMFIELD ELECTRICAL & COMM								
CABLEXPRESS CORP/CXTEC								
CDW GOVERNMENT INC								
ESH								
FIBER INSTRUMENT SALES INC								
GHMR								
GRAYBAR ELECTRIC CO-AL								
GRAYBAR ELECTRIC CO-NC								
GRAYBAR ELECTRIC CO-GA								
GRESKO/CAPSTONE UT SUPP								
GT KEY CO INC								
H D SUPPLY POWER SOL LTD								
HDD INC								
INLINE ELECTRIC SUPPLY								
INTERNATIONAL ROAD DYNAMICS								
INTERSTATE ELECTRICAL SUPPLY								
JACKSON THORNTON TECH								
MARKERTEK VIDEO SUPPLY								
MEGA HERTZ SALES CO								
MEMORYDEALERS.COM INC								
PCMG INC								
PCTEL CONNECTED SOLUTIONS								
PI MANUFACTURING CORP								
POWER & TELEPHONE SUPPLY CO								
STUART C IRBY CO								
T & C SPECIALTY DISTR INC								
TELECOM NETWORK SOL INC								
WESCO DISTRIBUTION INC								

RESOLUTION NO. 031-17

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

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

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

Employee	Department	\$ Amount
-----	-----	
Gary Fuller	Mayor	4,898.66
Gary Fuller	Mayor	23.33
Lori Huguley	ED	4,898.66
Dozier Smith T	City Council	258.40

-) 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 _____, 2017.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

PERIOD ENDING

NAME _____

Name Gary Fuller

DEPARTMENT

Department Mayor's Office 11050

[illegible]

WEEKLY TOTAL EXPENSES

[illegible]

NUMBER OF DAYS AWAY FROM HOME

€

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

: C

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

Economic Development Trip

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM MY ADVANCE

MAIL TO:

ITEMIZED AUTOMOBILE EXPENSES

[illegible]

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

Gary Fuller

Mayor's Office

SIGNATURE

~~APPROVED BY~~

EXPENSE REPORT

PERIOD ENDING

NAME

DEPARTMENT

Name Gary Fuller

Department Mayor's Office 11050

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												0.00
MON 1/23/17	Opelika, AL									23.33		23.33
TUE												0.00
WED												0.00
THU												0.00
FRI												0.00
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	0.00	0.00	23.33	0.00	0.00	0.00	23.33

WEEKLY TOTAL EXPENSES

DATE	NAME OF PERSON(S) ENTERTAINED, COMPANY, TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS
1/23	Rep. Isaac Whorton	Niffer's Place	Business lunch	23.33	100%
			Agree To P.O.		
			Exts Verified		
			Footing Verified		
			Inv. Price Bio Price		
			Ok To Pay		
			A/C # Verified		

NUMBER OF DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

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

Gary Fuller

Mayor's Office

SIGNATURE

APPROVED BY

Name: _____

Department

Expense Report

Lori Huguley

Economic Development

Period Ending

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

[illegible]**WEEKLY CATEGORY TOTALS\$**

WEEKLY TOTAL OF EXPENSES

ITEMIZED ENTERTAINMENT AND BUSINESS MEAL						
DATE	NAME AND PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE		NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	%OR \$ ALLOCATED TO BUSINESS
						100%
						100%
						100%
						100%
						100%

NUMBER OF DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FROM PERSONAL AFFAIRS

• **0**

NATURE OR PURPOSE OF TRAVEL

Economic Development trip Korea

METHOD OF REIMBURSEMENT

DEDUCT FROM MY OR

[illegible]

SIGNATURE *Angela*

APPROVED BY *Ag 7m*

EXPENSE REPORT

PERIOD ENDING

NAME

Name

Dozier Smith T

DEPARTMENT

Department

City Council

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAINMENT	UNSC. EXPENSES	DAILY TOTAL
			AIR FARE, ETC.	RENTAL CAR, LIMO, ETC.	LOCAL TAXI, TOLLS & PUBLIC TRANSIT	AUTO EXPENSES Mileage Reimbursement	Breakfast	LUNCH	DINNER			
SUN												
MON												
TUE 3/14	Atlanta, GA		258.40									258.40
WED												
THU												
FRI												
SAT												
WEEKLY CATEGORY TOTALS \$			258.40									258.40

RECEIVED
FEB 15 2017
BY: *[Signature]*

WEEKLY TOTAL EXPENSES

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

Agree to P.O. *[Signature]*
 Exts. Verified
 Footing Verified
 Inv. Price Bro Price
 OK To Pay
 A/C # Verified

ITEMIZED AUTOMOBILE EXPENSES		
DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT

NUMBER OF DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

National League of Cities
Conference, Washington D.C.

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM MY ADVANCE☒ MAIL TO

SIGNATURE

APPROVED BY

RESOLUTION NO. 032-17

Designate City Personal Property as Surplus & 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.	2011 Ford Crown Victoria 2FABP7BV0BX122390	87002733

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 _____, 2017.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 033-17

Purchase Municipal Court Furniture

RESOLUTION NO. _____

WHEREAS, the Opelika Municipal Court desires to purchase furniture for the new office building utilizing the State of Alabama Contract #T390; alleviating the necessity of sealed bids; and

WHEREAS, Alabama Office Supply is the state vendor; and

WHEREAS, this purchase will come from the Municipal Court fund

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

1. That purchase be awarded to Alabama Office Supply.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Alabama Office Supply as the authorized vendor in the total amount of \$18,490.82.
3. That the Comptroller be authorized to make the proper budget adjustments into the proper accounts.

APPROVED AND ADOPTED this the ____ day of _____ 2017.

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

ATTEST:

Robert G. Shuman
City Clerk - Treasurer

RESOLUTION NO. 034-17

Request By T-Mobile for a Special Use Permit at 54 Reeder Ave.

RESOLUTION NO. _____

WHEREAS, T-Mobile has requested to modify their equipment at an existing wireless telecommunication facility located at 54 Reeder Avenue, Opelika, AL to provide improved wireless services essentially within the corporate limits and police jurisdiction of the City of Opelika, and;

WHEREAS, T-Mobile has complied with City's Ordinance No. 102-00 and has demonstrated the need for additional modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and T-Mobile customers in Opelika will benefit from improved service, and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for the modification of T-Mobile's equipment at this facility located at 54 Reeder Avenue, which consist of a 185' self-support tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama that T-Mobile is hereby granted a Special Use Permit to modify their equipment at the wireless telecommunications facility located at 54 Reeder Avenue. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion. Allowing the items addressed in conditions number 1, 2, 3 and 4 to be a condition of this permit is not intended to and does not establish a precedent of any kind, as regards both requiring a complete application and compliance with 47 U.S.C. 332(c)(7)(B)(i)(I):

1. Prior to the issuance of the Building Permit, T-Mobile or the tower owner must submit for review and approval by the City, a ANSI/TIA-222-G Annex J: Maintenance and Conditions Assessment for the tower. Assessment must be dated within the last five years. Assessment must contain a remediation report for any safety items noted as deficient in the assessment. Assessment must also include a twist and plumb report for the self-support tower and include all measurements, calculations, allowable tolerances and methodology used to determine the results of the report.
2. Prior to the issuance of the Building Permit, T-Mobile or the tower owner must submit for review and approval by the City, a signed Modification Compliance Letter.

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

ADOPTED and APPROVED this 21st day of February, 2017.

C.E. "Eddie" Smith, Jr.

President City Council

Opelika, Alabama

ATTEST:

R. G. Shuman, CMC

City Clerk-Treasurer

RESOLUTION NO. 035-17

Authorize a Recycling Grant Application with ADEM.

Resolution No. _____

WHEREAS, the Alabama Department of Environmental Management has the authority to award grants under the Alabama Recycling Fund Grant Program;

WHEREAS, the City of Opelika will partner with Lee County, the City of Auburn, and Auburn University in securing grant funds to further recycling efforts; and

WHEREAS, this grant application will focus on equipment purchases and public outreach/education for each of the four entities.

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

1. Authorization is giving the submission of a Grant Application under said program.

2. Authorization is given to the Mayor to sign any and all documents to secure said grant.

APPROVED AND ADOPTED, this _____ day of _____, 2017.

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

ATTEST:

 R. G. Shuman, CMC
 City Clerk - Treasurer

RESOLUTION**EXPLANATION**

PURPOSE: To authorize submission of a Grant Application to the Alabama Department of Environmental Management

PROGRAM: Alabama Recycling Grant Fund Program

FUNDING AGENCY: Alabama Department of Environmental Management (ADEM)

PROJECT: The City of Opelika partners with Lee County, the City of Auburn, and Auburn University through the “*East Alabama Recycling Partnership*” in applying for recycling program support. This year, Opelika will request recycling equipment and promotional/educational materials needed to further expand Opelika’s Recycling Program

DEADLINE: March 1, 2017

ESTIMATED GRANT AMOUNT: Each Partner Establishes A Budget

MATCH: Not Mandatory --- Opelika and each of the partners do contribute the in-kind costs of their individual recycling operation budgets

COMMENT:

This Application will be the eighth Application prepared and filed by the EARP Partnership under this program. Together and individually, the partners continue to increase the quantity of recyclables collected and diverted from the landfill each year.

PREPARED BY: Louise Campbell, L.P. Campbell Company

RESOLUTION NO. 036-17

Agreement for VOD Operating Services - OPS

RESOLUTION NO. _____

**RESOLUTION APPROVING ON DEMAND ESSENTIALS OPERATOR SERVICE
AGREEMENT WITH RENTRAK CORPORATION**

WHEREAS, on December 18, 2013 the City of Opelika (the “City) and Rentrak Corporation (“Rentrak”) entered into an On Demand Essentials Operator Service Agreement (the “Agreement”) which expired on December 18, 2016; and

WHEREAS, the City and Rentrak desire to revive the Agreement to extend its Term to December 18, 2019; and

WHEREAS, a proposed Amendment to On Demand Essentials Operator Service Agreement (the “Amendment”) to be entered into between the City and Rentrak 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 Amendment.

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

1. That the proposed Amendment between the City and Rentrak, a copy of which is attached as 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 Amendment.

2. That the Mayor is hereby authorized and directed to execute and deliver said Amendment in the name and on behalf of the City.

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

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

ADOPTED AND APPROVED this the ____ day of _____, 2017.

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

ATTEST:

CITY CLERK



Amendment to On Demand Essentials Operator Service Agreement

This Amendment (“Amendment”) is made and entered into effective January 22, 2017 (“Effective Date”) by and between City of Opelika, Alabama, d/b/a Opelika Power Services (“Operator”) and Rentrak Corporation (“Rentrak”).

Rentrak and Operator are parties to an On Demand Essentials Operator Service Agreement dated December 18, 2013 (hereinafter referred to as the “Agreement”) which expired on December 18, 2016; and WHEREAS, Rentrak and Subscriber agree to revive the Agreement to extend its Term to December 18, 2019 and agree that it shall be deemed to have been in effect continuously since its Effective Date December 18, 2013.

NOW THEREFORE, in consideration of the forgoing and the mutual agreements and representations set forth herein, and intending to be legally bound hereby, the parties hereby amend the Agreement as follows:

1. **Term.** Section 10.1 is modified to add the following sentence: “The Agreement will renew as of this Amendment Effective Date and continue for three (3) years (“Renewal Term”).”
2. **Subscription Fees.** Schedule 3.2 is modified to include the subscription fees for the Renewal Term as follows”
 - Year one: \$21,000 for the period commencing 12/19/2016 through 12/18/2017
 - Year Two: \$22,050 for the period commencing 12/19/2017 through 12/18/2018
 - Year Three: \$23,153 for the period commencing 12/19/2018 through 12/18/2019

Except as set forth in the Amendment, the Agreement shall remain in full force and effect accordance with its terms.

[signature page follows]

The parties have executed this Amendment as of the date set forth above.

RENTRAK:

RENTRAK CORPORATION

By: _____

Name: _____

Title: _____

Date: _____

Address for notices:

Attn: General Counsel
Rentrak Corporation
11950 Democracy Dr., #600
Reston, VA 20190

OPERATOR:

CITY OF OPELIKA, ALABAMA

By: _____

Name: _____

Title: _____

Date: _____

Address for notices:

Attn: Derek Lee
P.O. Box 2168
Opelika, AL 36803
Fax: (334) 705-5148
Email: derek.lee@opelikapower.com

RESOLUTION NO. 037-17

Amend Project Agreement with Gambro - ED.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING AMENDMENT TO PROJECT AGREEMENT BY AND
AMONG THE STATE OF ALABAMA, THE CITY OF OPELIKA, ALABAMA,
THE OPELIKA INDUSTRIAL DEVELOPMENT AUTHORITY AND
GAMBRO RENAL PRODUCTS, INC.**

WHEREAS, the State of Alabama (the “State”), the City of Opelika, Alabama, (the “City”), the Opelika Industrial Development Authority (“OIDA”) and Gambro Renal Products, Inc., (the “Company”) previously entered into that certain Project Agreement made and executed effective on August 20, 2014 (hereinafter the “Project Agreement”); and

WHEREAS, the Company has requested that the initial Jobs Target Date in Subsection 2(c) of the Project Agreement be extended from December 31, 2016 to December 31, 2017; and

WHEREAS, the parties to the Project Agreement believe that the interest of the State and local community would be served by honoring the Company’s request and the parties are all in agreement to amend the Project Agreement as requested by the Company; and

WHEREAS, a proposed Amendment to Project Agreement (the “Amendment”) 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 Amendment.

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

1. That the proposed AMENDMENT TO THE PROJECT AGREEMENT to be

entered into by and among the State of Alabama, the City of Opelika, Opelika Industrial Development Authority and Gambro Renal Products, Inc., a copy of which is attached hereto and marked Exhibit "A", is hereby 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 the execution and delivery of said Amendment.

2. That the Mayor is hereby authorized and directed to execute and deliver the Amendment in the name and on behalf of the City.

3. That any 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 Amendment.

4. That Resolution No. 025-17 adopted on February 7, 2017 is hereby repealed.

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

ADOPTED AND APPROVED this the _____ day of _____, 2017.

PRESIDENT OF THE CITY COUNCIL

OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

RESOLUTION NO. 038-17

Special Appropriation to the 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 30, 2017 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 2017 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 2017 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
Tiffany Pitts	Ward 2	Current year acct.	\$1,000.00
Dozier Smith T	Ward 3	Reserve fund	\$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 _____ 2017.

C. E. "Eddie" Smith, Jr.

President of the City Council

Opelika, Alabama

ATTEST:

R. G. Shuman, CMC

City Clerk - Treasurer

RESOLUTION NO. 039-17

Agreement with LCYDC, Intersection Road Improvement Intersection - ENG.

RESOLUTION NO. _____

**RESOLUTION APPROVING AND AUTHORIZING A ROAD IMPROVEMENT
PROJECT AGREEMENT BY AND AMONG THE CITY OF OPELIKA, ALABAMA,
AND LEE COUNTY YOUTH DEVELOPMENT CENTER**

WHEREAS, LCYDC owns and operates the Opelika campus located at 1101 Spring Drive, Opelika, Alabama; and

WHEREAS, LCYDC desires to improve the entrance to the Opelika campus at the intersection of Spring Drive and Dallas Avenue; and

WHEREAS, the City has agreed to improve said intersection with the placement of new curb and gutter, grading, sod and new asphalt pavement ("Improvements") to enhance the roadway entrance to the Opelika campus; and

WHEREAS, the City has estimated the cost of the construction of said improvements at the sum of \$15,000; and

WHEREAS, pursuant to the applicable laws of the State of Alabama and for the purposes referenced herein, the City and LCYDC have delivered this Agreement.

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

1. That the proposed Road Improvement Agreement to be entered into by and

among the City, and Lee County Youth Development Center, 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 on behalf of the City said Agreement and such other ancillary documents and certificates as may be necessary to carry into effect the purpose and intent of said Agreement and carry out fully the transactions contemplated therein on behalf of the City. The City Clerk is hereby authorized to attest said Agreement.

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 _____, 2017.

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK



ROAD IMPROVEMENT PROJECT AGREEMENT

This **ROAD IMPROVEMENT PROJECT AGREEMENT** is made and entered into as of February __, 2017, by and between the **CITY OF OPELIKA, ALABAMA**, an Alabama municipal corporation (the “City”), and **LEE COUNTY YOUTH DEVELOPMENT CENTER, INC**, an Alabama non-profit corporation, (“LCYDC”).

RECITALS

WHEREAS, LCYDC owns and operates the Opelika campus located at 1101 Spring Drive, Opelika, Alabama; and

WHEREAS, LCYDC desires to improve the entrance to the Opelika campus at the intersection of Spring Drive and Dallas Avenue; and

WHEREAS, the City has agreed to improve said intersection with the placement of new curb and gutter, grading, sod and new asphalt pavement (“Improvements”) to enhance the roadway entrance to the Opelika campus; and

WHEREAS, the City has estimated the cost of the construction of said improvements at the sum of \$15,000; and

WHEREAS, LCYDC has agreed to assist the City as provided herein; and

WHEREAS, pursuant to the applicable laws of the State of Alabama and for the purposes referenced herein, the City and LCYDC have delivered this Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agreements herein contained, the City and LCYDC hereby covenant and agree as follows:

ARTICLE 1

DEFINITIONS

For the purposes of this Agreement, the following terms shall have the following meanings:

“Actual Cost of Construction” shall mean the amount payable by the City, evidenced by paid invoices or time sheets, for all labor, equipment and materials necessary for the completion of the Intersection Improvements.

“City” shall mean the City of Opelika, Alabama.

“Intersection Improvements” shall mean the resurfacing of approximately 140-feet of roadway along Spring Drive north of Dallas Avenue, and approximately 35-feet of roadway on Dallas Avenue on either side of Spring Drive, including grading, asphalt reconstruction, curb and gutter, storm water improvements, ground cover, streetscape improvements and other necessary appurtenances. An approximate illustration of the location and character of the Intersection Improvements is attached hereto as Exhibit “A”.

“LCYDC” shall mean Lee County Youth Development Center, Inc., an Alabama non-profit corporation.

“LCYDC contribution” shall have the meaning set forth in Section 3.01(2).

ARTICLE 2

AGREEMENTS AND OBLIGATIONS OF CITY

Section 2.01 Description of Obligations.

(1) The City hereby agrees to duly and punctually observe and perform all agreements under this Agreement.

(2) The City hereby agrees that on or before June 30, 2017 it shall construct or cause to be constructed the Intersection Improvements in accordance with the City's design standards and specifications.

(4) The City agrees to pay all costs and expenses incurred by the City in connection with the Intersection Improvements, subject to the LCYDC contribution as provided in Section 3.01(2).

ARTICLE 3

AGREEMENTS AND OBLIGATIONS OF LCYDC

Section 3.01 Description of Obligations.

(1) LCYDC hereby agrees to duly and punctually observe and perform all agreements under this Agreement.

(2) Upon completion of the Intersection Improvements and acceptance thereof by the City, LCYDC agrees to pay to the City one half of the actual costs of construction of the Intersection Improvements. The City agrees to fund the remainder of the actual costs of construction.

(3) Upon the completion of the Intersection Improvements, LCYDC shall maintain the ground cover and streetscape improvements within the dedicated rights-of-way. The City shall maintain the paved streets, curb and gutter and related storm water drainage improvements.

ARTICLE 4

PROVISIONS OF GENERAL APPLICATION

Section 4.01 Prior Agreements.

This Agreement shall completely and fully supersede all other prior agreements, both written and oral, among the parties hereto relating to the matters contained herein. None of the parties hereto shall hereafter have any rights under any such prior agreements but shall look to this Agreement for definition and determination of all of their respective rights, liabilities and responsibilities relating to the matters contained herein.

Section 4.02. Counterparts.

This Agreement may be executed in counterparts, each of which shall constitute but one and the same agreement.

Section 4.03. Binding Effect; Governing Law

(1) This Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective their successors and assigns.

(2) This Agreement shall be governed exclusively by the laws of the State of Alabama.

Section 4.04. Notices.

(1) All notices, demands, consents, certificates or other communications hereunder shall be in writing, shall be sufficiently given and shall be deemed given when delivered personally to a party or to an officer of the party to whom the same is directed or mailed by registered or certified mail, postage prepaid, or sent by overnight courier, addressed to:

(a) If to the City: City of Opelika
204 South 7th Street
Opelika, AL 36801
ATTN: Mayor

(b) If to LCYDC: Lee County Youth Development Center
1101 Spring Drive
Opelika, AL 36801
ATTN: Dr. Laura Cooper

(2) Any such notice or other document shall be deemed to be received as of the date delivered, if delivered personally, or as of three (3) days after the date deposited in the mail, if mailed, or the next business day, if sent by overnight courier.

Section 4.05. Amendments.

This Agreement may be amended or supplemented only by an instrument in writing duly authorized, executed and delivered by the parties hereto.

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

By: _____
GARY FULLER, ITS MAYOR

ATTEST:

CITY CLERK

LEE COUNTY YOUTH DEVELOPMENT CENTER, INC

By: _____
DR. LAURA COOPER, DIRECTOR OF
THE LEE COUNTY YOUTH DEVELOPMENT
CENTER

ORDINANCE NO. 103-17-ORD

Amend Zoning Ord & Map: 305 2Nd Avenue from C-2, GC to C-3, GC and 215 2Nd Avenue from C-3. GC to C-2, GC - 2Nd 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. That Ordinance 124-91 entitled “Zoning Ordinance City of Opelika, Alabama”, adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided for and referred to therein, as previously amended and/or modified, be and the same is hereby amended by rezoning or redistricting the parcels of land hereinafter in this section described, so as to change such parcels from one class of district to another class of district as follows, to-wit:

(a) From a C-2, GC District (Office/Retail, Gateway Corridor Overlay District) to a C-3, GC District (General Commercial, Gateway Corridor Overlay District), the parcels of land hereinafter described:

PARCEL ONE

Commencing at the South Corner of the rectangle formed by the intersection of Second Avenue and Third Street, and run thence in a Southwesterly direction along the Southeasterly margin of Second Avenue 100 feet; run thence in a Southeasterly direction, parallel to Third Street for a distance of 120 feet; run thence in a Northeasterly direction parallel to Second Avenue for a distance of 100 feet, more or less, to the Southwesterly margin of Third Street; run thence in a Northwesterly direction along the Southwesterly margin of Third Street for a distance of 120 feet to the point of beginning. Being a part of Lot 3-A of Block 37 as shown by Totten’s Official Real Estate Map of Opelika, Alabama, 1930.

PARCEL TWO

One lot in the City of Opelika, in Lee County, Alabama, containing one-half acre, more or less, more particularly described as follows: The Southwest half of Lot No. Three (3) in Block Thirty-Seven (37), according to the Grant Survey, said Southwest half of Lot Three (3) being described as follows: Beginning at a point on the Southeast side of Second Avenue, 100 feet Southwesterly from the South corner of the rectangle formed by the intersection of Second Avenue and Third Street, and running thence Southwesterly, along the said Southeast side of Second Avenue, a distance of 100 feet; thence in a Southeasterly direction, at right angles, to said Second Avenue and parallel with said Third Street, 190 feet; thence in a Northeasterly direction, at right angles with said Third Street and parallel with Second Avenue, a distance of 100 feet; thence in a Northwesterly direction, at right angles with said Second Avenue and parallel with said Third Street, a distance of 190 feet to the beginning point, together with all improvements and fixtures situated thereon. The lot hereby conveyed fronts 100 feet on Second Avenue and runs back of uniform width, a distance of 190 feet, together with all improvements and fixtures situated thereon.

The above-described parcels of land are further described as 305 Second Avenue, Opelika, Alabama.

(b) From a C-3, GC District (General Commercial, Gateway Corridor Overlay District) to a C-2, GC District (Office/Retail, Gateway Corridor Overlay District), the parcel of land herein described:

Commence at the point where the Southeast margin of Second Avenue in the City of Opelika, Lee County, Alabama intersects the Northeast margin of Third Street, both public streets in the City of Opelika, Lee County, Alabama, which is the POINT OF BEGINNING; thence run South $41^{\circ}33'$ East for 108.95 feet; thence run North $48^{\circ}27'$ East for 90.0 feet to the Westerly side of the property described as tract two in that certain warranty deed from I. J. Scott, Sr., and Frances M. Scott of record in the Office of the Judge of Probate in Deed Volume 1014 at Page 95; run thence North $41^{\circ}33'$ West for 108.95 feet to the Southeast margin of Second Avenue; run thence South $48^{\circ}27'$ West along the Southeast margin of Second Avenue for 90.0 feet to the POINT OF BEGINNING.

The above-described parcel of land is further described as 215 Second Avenue, Opelika, Alabama.

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

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

ADOPTED AND APPROVED this the ____ day of _____, 2017.

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

ATTEST:

 CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2017.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 2086)

Amend Zoning Ord & Map: 1310 1St Avenue, 19,000 Sf Lot, from M-1 to R-4 - 2Nd 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. That Ordinance 124-91 entitled “Zoning Ordinance City of Opelika, Alabama”, adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided for and referred to therein, as previously amended and/or modified, be and the same is hereby amended by rezoning or redistricting the parcel of land hereinafter in this section described, so as to change such parcel from one class of district to another class of district as follows, to-wit:

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

A parcel of land lying in Section 7, Township 19 North, Range 27 East in Opelika, Lee County, Alabama, said parcel being more particularly described as follows: From the intersection of the Northwest line of First Avenue with the Northeast line of 14th Street, run thence North 46°01’35” East along the Northwest line of First Avenue for 102.19 feet to the point of beginning; FROM THIS POINT OF BEGINNING, run thence North 45 degrees West for 188.02 feet to a point on the Southeasterly margin of a twenty foot alley; thence North 44°44’22” East along the Southeasterly margin of said alley for 100.22 feet; thence South 44°55’35” East for 190.02 feet to the Northwest margin of First Avenue; thence along the Northwest margin of said street, South 45°54’59” West for 99.99 feet to the point of beginning. This parcel of land is also known as Lot 1-B of Block 23 of Totten’s Real Estate Map of the City of Opelika, Alabama.

The above-described parcel of land is further described as 1310 First Avenue.

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

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

ADOPTED AND APPROVED this the ____ day of _____, 2017.

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

ATTEST:

 CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2017.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 2110)

Amend City Code, Sec 9.5, Food Vendors - 2Nd Reading.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE *CODE OF ORDINANCES* OF THE CITY OF OPELIKA, ALABAMA BY ADDING A NEW CHAPTER 9.5 ENTITLED “FOOD, FOOD ESTABLISHMENTS AND FOOD VENDORS; BY ADDING ARTICLE I THEREOF ENTITLED “MOBILE FOOD VEHICLES AND PUSHCARTS”; ESTABLISHING REGULATIONS FOR MOBILE FOOD VENDORS; DECLARING A PENALTY; REPEALING ORDINANCES IN CONFLICT, PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

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

Section 1. **Amendment.** That the *Code of Ordinances* of the City of Opelika, Alabama, is hereby amended by adding a new Chapter 9.5 entitled “Food, Food Establishments and Food Vendors to read as follows:

Chapter 9.5 FOOD, FOOD ESTABLISHMENTS AND FOOD VENDORS

ARTICLE I. Mobile Food Vehicles and Pushcarts.

Sec. 9.5-1 Application and Scope of this Article.

The provisions of this article apply to mobile food vehicles and pushcart vendors engaged in the business of cooking, preparing and distributing food or beverage with or without charge upon public and private spaces.

Sec. 9.5-2 Purpose.

The general purpose of these regulations is to promote the health, safety, comfort, convenience, prosperity and general welfare of the citizens of Opelika by requiring that new and existing mobile food vehicles and pushcart vendors provide residents and customers with a level of cleanliness, quality and safety.

It is also the intent of these regulations to establish reasonable guidelines and restrictions for mobile food vehicles and pushcart vendors in relation to established restaurant businesses and encourage the safe and convenient use of the City's public rights-of-way.

Sec. 9.5-3 Findings.

The City of Opelika does hereby find that:

(a) Alabama municipalities are authorized to regulate the use of public streets for public health, safety, welfare and convenience.

(b) No person, firm, association or corporation is authorized or permitted to use the streets, avenues, alleys, public rights-of-way of any municipality for the operation of any private enterprise, without first obtaining the consent of the proper authorities of such municipality. (Ala. Const. Article XII, §220; *Code of Alabama* 1975 §11-49-1(a)).

(c) Mobile food vehicles and pushcart vendors are operating near and affecting the trade of established restaurants that have invested in property and pay taxes in the City of Opelika.

(d) Despite concerns of the potential effects on established restaurants and the interest of citizens in the use of public rights-of-way for safe and convenient travel, mobile food vehicles and pushcarts are a national trend and provide the useful service of convenience and varied dining options in business areas and in areas that lack nutritional dietary options.

(e) The City Council of the City of Opelika finds that it is in the interest of the public health, safety, welfare and convenience to authorize the operation of

mobile food vehicles and pushcart vendors within the City of Opelika, subject to regulations to protect the safe and convenient use of public rights-of-way and to balance the rights and interests of these mobile businesses with those of established restaurant businesses.

Sec. 9.5-4 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Applicant” means any person or business who applies for a license or license renewal under the provisions of this article.

“Business License” means the license required of any business to operate within the City by the license code of the City.

“City” means the City of Opelika, Alabama.

“License” means the business license issued by the City which allows a mobile food vendor to operate within the City of Opelika.

“Licensee” means holder of a business license issued by the Purchasing/Revenue Department.

“Mobile Food Vehicle” means, except for pushcarts, a unit mounted on or pulled by a self-propelled vehicle where food or beverage for individual portion service is prepared, including prepackaged foods; is designed to be readily movable; and from which food or beverages are vended, served or offered for sale.

“Operator” means the individual or business entity that is legally responsible for the operation of the mobile food vehicle or pushcart, such as the owner, the owner’s agent or other person, and possesses a valid permit to operate a mobile food vehicle or pushcart.

“Operating Hours” means the designated time frame mobile food vehicles and/or pushcarts are authorized to operate within the City.

“Owner” means the individual or business entity who owns and operates the mobile food vehicle or pushcart used in business for the purpose of earning income.

“Permit” means written authorization or approval which authorizes the holder to vend food items from a mobile food vehicle or pushcart at authorized locations and times, for a specified period of time. Under the provisions of this *Code* section, a “permit” is not equivalent to a license, and vice-versa.

“Permittee” means the entity, person, company or corporation which has been granted a permit by the Purchasing/Revenue Department to operate one or more mobile food vehicles or pushcarts within the City.

“Pushcart” or **“Cart”** means a non-self-propelled mobile food unit that is lightweight enough, designed and intended to be moved by one person. A pushcart can be used to prepare and serve only:

- (1) Non-potentially hazardous foods such as popcorn, lemonade, soft drinks, hotdogs, pizza;
- (2) Flavored ice, ice cream, yogurt and desserts maintained at required temperatures; or
- (3) Foods pre-wrapped, as necessary, including sandwiches and tacos, and maintained at required temperatures.

“Restaurant” means a brick-and-mortar establishment where meals are generally served and eaten on the premises; prepares and serves food and drink to customers in return for money, either paid before meal, after meal or with a running tab.

“Person” means any natural individual, firm, partnership, association, company or corporation. Whenever the word “person” is used in any section in this article prescribing a penalty or fine as applied to a partnership or association, the word shall include the partners or members thereof; such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of such section; such words as applied to limited liability companies shall mean the members, agents or employees thereof who are responsible for any violation of such section.

Sec. 9.5-5 Permit and License Required for Yearly Operation.

It shall be unlawful for any person to operate within the City a mobile food vehicle or pushcart without having obtained from the Purchasing/Revenue Manager a mobile vending food permit for that purpose and a business license. The requirement to obtain a business license is independent of the grant of any permit. All mobile food vendors must obtain an annual business license issued by the Purchasing/Revenue Department prior to commencing any food sales in the City. Licenses shall be assigned NAICS Code 72212 and shall be subject to the provisions of Schedule S of Section 8-37, License Classifications.

Sec. 9.5-6 Application for Mobile Food Vending Permit.

(a) **Generally.** An application for a mobile food vending permit shall be made to the Purchasing/Revenue Department. The Purchasing/Revenue Department may promulgate forms for such application, but in the absence of such forms the application shall be in writing and signed by the applicant. The application shall then be forwarded to the Planning Department for review. The application must receive approval from the Purchasing/Revenue Department and Planning Department prior to its final approval and the issuance of a permit. The application may be reviewed by any departments of the City as may be convenient or necessary to determine whether the application is complete or whether the permit should be granted.

(b) **Application contents.** The application shall contain all of the following:

1. The name, mailing address, physical address, telephone number(s) and e-mail address of the applicant or applicants. If an applicant is anything other than a natural person, then all documents related to the creation and maintenance of the

entity such as Articles of Incorporation and similar relevant documents shall be included.

2. Such information to allow the determination to be made whether the applicant does or will meet all permit requirements and whether the grant of the permit will be consistent with public safety and in the best interests of the City and public. The Purchasing/Revenue Department and/or Planning Department may by rule or practice include specific information requests and documentation either to be included on the application form or to be required to be provided by supplementation after application is made.

3. Photographs or other accurate graphic depictions of the mobile food vehicle or pushcart along with its size, dimensions and other description, all as it is to be setup for business, shall be included in the application. If the permit is granted, it shall apply only to the mobile food vehicle or cart so depicted and described.

4. All insurance, release, indemnity and hold harmless documents, certificates and/or assurances to meet requirements of Section 9.5-9.

5. Copies of all applicable certificates from food preparation associations or other business organizations to which the applicant belongs; all permits, licenses and/or other approvals from the Health Department, State, and Lee County.

6. Name and address of the approved food supply source and any affiliated food establishment in the City.

7. The proposed location(s) and times of operation for conducting business.

8. The anticipated volume of food to be stored, prepared and sold.

9. Description of preparation methods and food products offered for sale, including the intended menu, display and distribution containers.

10. The dates, jurisdiction, court and disposition of:

(a) All felony charges related to the applicant or any principal of applicant.

(b) All misdemeanors and violations related directly or indirectly related to food, food preparation, food vending operations and/or business operations related to the applicant or any principal of applicant.

11. Such other additional information required by law, rule or ordinance or that any department of the City reasonably deemed important to assist the City in determining whether the permit should be granted. The applicant shall be provided reasonable time to supplement the application.

Sec. 9.5-7 Permit Fees.

Upon approval of an application for a mobile food vending permit, the annual permit fee shall be \$10.00 for each vehicle or pushcart.

Sec. 9.5-8 Form of Permit.

In addition to naming the vendor, the approved operating locations (sites) and other information deemed appropriate by the Purchasing/Revenue Manager of the Purchasing/Revenue Department, the mobile food vending permit shall contain the following conditions:

(a) Each mobile food vending permit shall expire on December 31st of each year.

(b) The permit shall not be transferable from person to person or from place to place without the approval of the Purchasing/Revenue Manager.

(c) The permit is valid for one (1) vehicle or pushcart only.

Sec. 9.5-9 General Rules and Regulations.

(a) **Compliance with law generally.** Except as otherwise provided in this article, all ordinances, rules and regulations applicable to streets, sidewalks and other places to which the permit is applicable, shall apply to the permittee.

(b) **Location of service.**

(1) No mobile food vehicle and/or food cart shall operate in the Downtown Business District zoned C-1, except as provided in Section 9.5-9(n).

(2) No food cart shall operate in any residential area.

(3) No mobile food vehicle and/or food cart shall operate upon the following streets in the Tiger Town Shopping Center area:

- (i) Frederick Road between Parker Way and Interstate Drive;
- (ii) Gateway Drive between Frederick Road and Capps Landing;
- (iii) Enterprise Drive;
- (iv) Tiger Town Parkway;
- (v) Interstate Drive.

(4) No mobile food vehicle and/or food cart shall operate in those areas prohibited under Sections 9.5-9(o) and (q).

(5) Except as otherwise provided in subsections 1 thru 4 above, licensed mobile food vehicles and/or push carts may operate and conduct business in all other areas of the City of Opelika, subject to the provisions of Section 9.5-9(b)(6).

(6) The mobile food vehicle or cart may be located only at specific locations approved by the Planning Department. Permittee shall have the responsibility to initiate a request to utilize such locations. The Planning Department shall have complete discretion as to which locations to approve considering the needs of traffic, pedestrians, public safety, public works, public convenience, the general use of adjacent private property and any other factor that is proper and lawful for the City to consider in approving or disapproving such locations. The Planning Department shall have continuing authority to approve locations, grant conditional approvals, revoke prior approval of locations, make conditional revocation of approved locations, require adjustments by permittee in setup of locations to accommodate public safety and convenience and to otherwise maintain full lawful control over all public ways of the City. Permittee shall acquire no property interest or privilege of any kind in any location approved by the Planning Department. In the event the permittee disagrees with any determination as to a location approved or disapproved by the City, Permittee may appeal within thirty (30) days to the Opelika City Council which shall hold a public hearing and determine whether the location should be allowed, disallowed or allowed or disallowed with certain conditions.

(c) **Size of unit.** The service unit shall not be of such size as to interfere with the City or public's use of any public ways. Mobile food vehicles must maintain a fifteen (15) foot clearance from fire hydrants, driveway entrances and handicap parking spaces, ramps.

(d) **Business license required.** The requirement to obtain a business license from the City is independent of the grant of any permit. Permittee shall pay and maintain a current and proper business license for all business activity conducted as part of the permit activity and shall comply with all ordinances, rules and regulations applicable to the business license.

(e) **Location near restaurants.** Permittee shall not locate the mobile food vehicle or cart within two hundred (200) feet of the main entrance of any premises upon which is located a licensed restaurant or other seller of prepared food, unless it is the permittee's restaurant, or unless the written consent of the owner or manager of such restaurant is obtained in advance and is available for inspection upon request. If the owner or manager of such restaurant grants such permission to permittee, the consent may contain reasonable conditions such as allowing permittee to locate at a specific distance less than two hundred (200) feet from the

main entrance of the restaurant, to not serve certain types of food, or other reasonable conditions.

(f) **Insurance, release and indemnity.** The permittee shall, for the duration of the permit, maintain liability insurance in the form of a comprehensive general policy. This insurance shall be in sufficient amounts to reasonably assure the permittee's financial responsibility in the event of a claim, with the following minimum limits:

- (1) Three hundred thousand dollars (\$300,000) for bodily injury for each person injured;
- (2) One million dollars (\$1,000,000) for bodily injury for each occurrence;
- (3) One million dollars (\$1,000,000) for property damage for each such occurrence.

Certificates of insurance shall name and endorse as an additional insured the City and all of the City's officers, agents and employees, and shall be filed with the City. The insurance policy or policies herein required shall contain a clause obligating the insurer to give the City, by registered or certified mail, no less than thirty (30) days' written notice before any material change, cancellation, lapse or termination shall take place. Permittee shall also by reason for applying for and receiving a permit, release and hold the City harmless and indemnify the City, its officers, agents and employees, for any damage or claim for injury arising out of or resulting from permittee's operation, and a separate release and indemnity agreement may be required but the effectiveness of permittee's release and obligations shall not depend thereon. Such insurance, hold harmless, release or indemnity provision or requirement shall operate as a waiver or limitation of any defense, limitation or liability, indemnity or insurance coverage otherwise applicable to the City.

(g) **Other permits and licenses.** Permittee shall obtain and keep current and active all required permits, licenses and other approvals and grants of permission from all public agencies that regulate this type of business. Mobile food vehicles and push carts shall be operated from a commissary that is licensed or approved by all public agencies that regulate that type of business. Any suspension, revocation or other negative action related to any permits, licenses and other grant of permission from any public agencies in regard to the operation of this type of

business shall be the basis for revocation of the permit. The permit shall not operate to grant permission to continuing business if any such suspension, revocation or other action would make such continuation unlawful.

(h) **Single unit; replacement units.** Each permit shall apply to only one mobile food vehicle or pushcart, and a separate permit shall be required for each additional mobile food vehicle or pushcart. A damaged or destroyed mobile food vehicle or pushcart may be replaced if and only if approval therefore is obtained from the Purchasing/Revenue Department. Any such replacement unit must be of substantially the same type, size and dimension and with the same general characteristics as the original. Such replacement unit may be disallowed if the original permit would not have allowed the use of the replacement unit.

(i) **Hours of operation.** The hours of operation of any mobile food vehicle or pushcart shall be limited to the hours between 8:00 a.m. and 6:00 p.m. except as provided in this subsection and shall take place at approved locations. The owner of a permit may apply for a permit to extend the hours of operation. The application to extend hours will be reviewed by the Planning Department. The proposed extended hours of operation must be compatible with the existing uses in the neighborhoods where the mobile food vehicle or push cart operates. The extended hours of operation shall not adversely affect or place an undue burden on the neighborhood. An application which is determined by the Planning Department to be inconsistent with the public health, safety and welfare shall be denied. If all requirements are met, the Planning Department will approve the requested extended hours or approve shorter extended hours which are compatible with uses in the neighborhood. Extended hours shall not exempt the permittee from any other requirements of this chapter.

(j) **Trash and refuse.** Permittee shall contain all refuse, trash and litter within the mobile food vehicle or pushcart or a trash can maintained by the permittee, and located adjacent to the mobile food vehicle unit or pushcart in such manner as not to block or otherwise obstruct pedestrian or vehicle traffic. Permittee shall be responsible for properly disposing of such refuse, trash and litter as would any business and shall not place it in any public trash container, or in any private container without proper permission.

(k) **Dining area.** No mobile food vehicles shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters.

(l) **Utilities.** Permittee must provide its own utilities and shall not use the City's utilities.

(m) **Obstruction of public ways prohibited.** Permittee shall not operate the mobile food vehicle in a manner as to block or otherwise obstruct any mobile vehicle or pedestrian traffic on any street, sidewalk, public way, fire lane or other public place.

(n) **Downtown business district.** It shall be unlawful to operate a mobile food vehicle or pushcart in the Downtown Business District zoned C-1, except in connection with special events such as parades, concerts, festivals, etc., authorized by City officials. The Revenue Officer may issue permits to mobile food vehicles and push carts in connection with special events subject to such reasonable conditions as the Revenue Officer may impose.

(o) **Schools.** On days when school is in session, it shall be unlawful for any permittee to operate any mobile food vehicle and/or pushcart within five hundred (500) feet of the property line of any public school without first obtaining written consent to operate from the Opelika Board of Education.

(p) **Special events.** No mobile food vehicle and/or pushcart vendor shall operate within five hundred (500) feet of any fair, stadium, carnival, circus, festival, special event, civic event or other like event that is licensed or sanctioned by the City unless the permittee is an authorized participant in such event. The Revenue Officer shall issue permits to the owners of mobile food vehicles and push carts in connection with special events subject to such conditions the Revenue Officer determines are necessary. The Revenue Officer shall approve the hours of operation with respect to the special event.

(q) **City-owned or controlled property.** It shall be unlawful for any permittee to operate a mobile food vehicle and/or pushcart in or within any City owned or controlled property, including public parks, without first obtaining written authorization from the Opelika City Council.

(r) **Unattended mobile food vehicles and push carts.** Mobile food vehicles and push carts shall not be left unattended or stored on a vending site when vending is not taking place or outside of the allowed hours of operation.

(s) **Parking overnight on street prohibited.** No mobile food vehicle and/or push cart shall be parked on a street overnight, or left unattended and unsecured at any time. Any mobile food vehicle and/or push cart which is found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

(t) **Display name and address of owner.** The mobile food vehicle or pushcart must prominently display the name and address of the owner.

(u) **Obstruction of public ways prohibited.** No mobile food vehicle and/or pushcart shall vend in any congested area where the operation will impede pedestrian or vehicle traffic, including customer queues, accessory units or signage.

(v) **Solicitation of occupants of vehicles prohibited.** No mobile food vehicle and/or pushcarts shall make or solicit any sales to occupants in vehicles or engage in any activities which impede vehicular traffic.

(w) **Operation in unauthorized area prohibited.** No operator of a mobile food vehicle or pushcart shall park, stand or move the mobile food vehicle and/or pushcart and conduct business within areas of the City where the permittee has not been authorized to operate. A mobile food truck operating outside of an approved route, at an unauthorized location or beyond the hours for which the operation has been permitted, shall be deemed operating without a permit in violation of this section and may be subject to enforcement under sections 9.5-10 and 9.5-13.

(x) **Customer service area.** The customer service area for mobile food vendors shall be the side of the vehicle that faces a curb along a sidewalk when parked. No food service shall be provided on the driving lane side of the vehicle. No food shall be prepared, sold or displayed outside of the mobile food vehicle.

(y) **Signage.** Signage is allowed only when placed on the mobile food vehicle and/or pushcart. No separate free-standing signs are permitted.

(z) **Compliance with parking regulations.** Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.

(aa) **Fire safety.** Mobile food vehicles must have the following fire extinguisher on board during operation: minimum Class 2A, 10B and C rated extinguisher. If food preparation involves deep-frying, a Class K fire extinguisher must also be on the mobile food vehicle. Fire extinguishers shall be maintained pursuant to the National Fire Protection Association (NFPA).

(bb) **Non-exclusive permit.** The issuance of a permit does not grant or entitle the holder to the exclusive use of any service route or parking space.

(cc) **Sex offenders prohibited.** No registered sex offender shall operate or vend food from a mobile food vehicle and/or pushcart. Permittee must provide a background check from the Alabama Criminal Justice Information Center (ACJIC).

(dd) **Generator noise.** The decibels on any generator used by mobile food vehicle may not exceed “60 dBA”. The operator must provide the manufacturer’s specs on decibels generated by the particular generator. The Planning Department shall make the final determination if power generator used by mobile food vehicle constitutes a noise violation.

(ee) **Compliance with food service laws.** Permittee shall in all respects comply with all ordinances, laws, statutes, rules and regulations of any kind as they exist or are hereafter adopted or amended, including without limitation, those pertaining to the manufacture, preparation, display and service of foods, confections and beverages and/or pertaining to the operation and licensing of a mobile food service business.

(ff) **Permit non-transferable.** The mobile food vending permit shall not be transferred or assigned, in whole or in part, to another owner or operator unless the consent of the City is first given.

(gg) **Non-exclusive permit; police powers reserved, amendments to regulations.** Any permit granted pursuant to this article shall be non-exclusive. The City may grant any number of such permits as the City deems appropriate. The grant of a permit shall not limit or abridge any power or authority of the City to commence appropriate civil, criminal or other enforcement actions. The City retains full authority in the law to amend the ordinances, rules or regulations that apply to any permit. If a mobile food vehicle is parked on a public street, the vendor shall conform to all applicable parking regulations.

Sec. 9.5-10. Denial, Revocation, Suspension of Permit and/or Business License

An application or approved permit and/or business license may be denied, revoked, suspended or not renewed for any of the following reasons:

- (a) The permittee and/or licensee or any of its principals fail to satisfy any qualification or requirement imposed by this article, or other local, state or federal laws or regulations and pertain to the particular permit or license; and
- (b) The permittee and/or licensee or any of its principals is or has engaged in a business trade or profession without having obtained a valid license, permit or work card when such applicant or principal knew or reasonably should have known that one was required; and
- (c) The permittee and/or licensee or any of its principals has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, permit or work card to the extent that such disciplinary action reflects upon the qualification, acceptability or fitness of the applicant or principal to conduct such a business; or
- (d) The permittee and/or licensee or any of its principals has been convicted of any crime that involves any local, state or federal law or regulation arising out of the operation of a similar business; or

(e) The permittee and/or licensee or any of its principals has been convicted of a crime as a result of having perpetrated deceptive practices upon the public within the past ten (10) years; or

(f) The mobile food vehicle or pushcart upon which the business is proposed to be conducted does not satisfy all local, state or federal laws or regulations which relate to the activity that is to be licensed; or

(g) The permittee and/or licensee or any of its principals is in default of any payments owed to the City; or

(h) The application contains material omissions or false, fraudulent or deceptive statements; or

(i) The mobile food vehicle and/or pushcart is operated in such a manner as constituting a public nuisance pursuant to the Opelika City Code or state statutes; or

(j) The proposed operation is in violation of any federal, state or local laws, including, but not limited to, the provisions of this article; or

(k) The licensee, his agents or employees interfere with an inspection of the food establishment by the Health Department; or

(l) There is a violation of any section of this article; or

(m) The Lee County Health Department denies, revokes or suspends the license of the mobile food vehicle or pushcart.

The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this article or state and federal laws and regulations. The Lee County Health Department may impose additional requirements to

protect against health hazards related to the operation of a mobile food vehicle or pushcart.

Sec. 9.5-11 Appeal to City Council upon Denial, Revocation or Suspension.

Upon any denial, revocation or suspension of a mobile food permit and/or business license by the Purchasing/Revenue Department, the applicant or permittee and/or licensee may appeal the denial, revocation or suspension to the City Council by filing a written statement of appeal with the City Clerk within ten (10) days following the denial, revocation or suspension and a hearing shall be held thereon by the Council at a regular meeting of the City Council or a continuance thereof. The applicant or permittee, during the appeal, may be represented by counsel.

(a) Prior to revocation, written notice shall be given to the permittee and/or licensee or person in charge. The notice shall set forth:

(1) The grounds upon which the City will seek denial, revocation or suspension of the permit and/or license.

(2) The specific violations of this article or of federal or state law upon which the City will rely in seeking denial, revocation or suspension of the permit and/or license.

(3) That a hearing will be held before the Opelika City Council.

(4) The date, time and place of the hearing; and

(5) That the permittee and/or licensee may appear in person or be represented by counsel and present testimony.

(b) The hearing shall be held in accordance with this section. If the permittee and/or license holder fails to appear at the hearing at the date, time and place specified, the City shall present sufficient evidence to establish a prima facie case

showing that an act or acts have been committed or omitted that constitutes grounds for denial, revocation or suspension of a permit and/or license.

(c) After completion of the hearing, the City Council shall make written findings as to whether or not grounds exist for denial, revocation or suspension of the permit and/or license. If the City Council finds that grounds do exist for denial, revocation or suspension, it shall deny, revoke or suspend the permit and/or license temporarily for up to one hundred eighty (180) days or permanently.

(d) A copy of the written findings shall be sent by certified mail, return receipt requested, to the permittee and/or licensee. If the address of the permittee or licensee is unknown, or if the findings are returned undelivered, the findings shall be served on the person in charge of the mobile food vehicle or by publication if necessary.

(e) If the City Council revokes the permit and/or license, the revocation notice shall be served on the permittee and/or licensee or person in charge with a copy a copy of the findings.

(f) Upon service of written notice that the permit and/or license have been revoked as provided herein, all food operations shall cease immediately.

(g) Whenever a permit and/or license are revoked, the Lee County Health Department shall be notified.

(h) In the event a permit and/or license is revoked, the City shall not liable to the permittee and/or licensee for any refund for any part of the permit and/or license fee.

(i) Reinstatement of a permit and/or license that is revoked shall require application of a permit and license fee as if it were an initial application. No new permit and/or license application shall be considered until the expiration period of the suspension or revocation.

Sec. 9.5-12 Service of Notices.

Any notice provided for in this article may be served by personal delivery, certified mail, return receipt requested or publication if found necessary.

Sec. 9.5-13 Penalties.

Any person found guilty of violating any provisions of this article shall be fined in an amount not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) and may also be sentenced to imprisonment for a period not exceeding six (6) months, at the discretion of the court trying the case. Such violation shall be deemed a separate offense and shall be punishable as such hereunder.

Section 2. **Repealer Clause.** All former ordinances or parts thereof conflicting with this Ordinance or the sections hereby adopted are repealed to the extent they are in conflict. All remaining portions of said Ordinance shall remain in full force and effect.

Section 3. **Severability Clause.** If any section, subsection, clause, or portion of this ordinance is held to be invalid or unconstitutional by any court of valid jurisdiction, said section shall not effect any other section, subsection, 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 any section hereby adopted are 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 independent of the elimination therefrom of such portion that may be declared invalid.

Section 5. **Effective Date.** This ordinance and the section adopted shall become effective and enforced immediately upon its passage and publication as required by law.

Section 6. **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 _____, 2017.

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

ATTEST:

 CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2017.

 CITY CLERK

ACTION BY MAYOR

APPROVED this the _____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK