



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
204 South 7th Street
September 19, 2017
TIME: 7:00 PM

1. Call to Order

President Smith called the council meeting to order at 7:00pm 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

The Reverend Tom Tippet gave the invocation.

4. Pledge of Allegiance

Both Keyleigh and Oscar were present and lead the Pledge of Allegiance.

1. Keyleigh Hardy and Oscar Beaver from Carver Primary.

5. Reading of Minutes

1. Minutes from the 9-05-17 city council meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller thanked OPS, OPD, OFD, OES and ESG in handling the various issues caused by hurricane Irma. OPS did a great job getting the power back on for about 3000 Opelika citizens.

Mayor Fuller also stated that Auburn St., MLK & Hurst St. would be closed starting on 9/25 for the construction of a new round-about and road. There would be detour signs to direct local traffic.

1. City financial statement - July 2017

Mayor Fuller stated the July & August 2017 City financial statements is part of the 9-19-17 city council agenda packet and to give him or the City Administrator a call should you have any questions.

2. City financial statement - August 2017.

3. August 2017 Building Permit Report

Mayor Fuller called on Joey Motley, City Administrator, to present a summary of the August 2017 Building permit report.

4. Present KOB Yard of the Year awards.

Mayor Fuller and Tipi Miller, KOB Director, presented the Yard of the Year awards to the winner in each City ward.

5. Recognize Ava Dawson, Zach Carter & Henry Laech for Opelika Kids Raise Money for Hurricane Harvey Victims.

Mayor Fuller recognized Ava Dawson, Zach Carter and Henry Laech for raising money for the hurricane Havey victims by setting up a lemonade stand. Mayor Fuller present each with a certificate and a City Challenge Coin.

6. Proclamation - City of Character Day.

Mayor Fuller presented a proclamation to Barbara Patton and Tom Tippettt declaring September 19th as the City of Character Day.

8. Citizen Communications

(Limit comments to five minutes or less)

Suzanne Montgomery stated she was here about a year ago with her concerns about the City's overlay corridor ordinance and asked where the City stands on this issue. Councilman Canon said the Planning Commission would be discussing this matter next Tuesday at 3pm at the public works facility and that this meeting is open to the public. Mr. Canon also stated any changes would come back to the City Council for approval.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request by Main Street, street closure October 4th, parade with the Clydesdale horses.

RESULT: APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: David Canon, Council Member

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

2. Public hearing, sewer project in Sutton Way SD - Continued from 9/5 CM.

Mr. Shuman stated this was a continuation of the public hearing that was started at the 9-05-17 city council meeting. President Smith declared the public hearing open and asked if there was anyone present that would like to speak for or against the proposed sewer project in Sutton Way subdivision.

Rob Bettenfield representing Amy Callahan, 2502 Cunningham Drive, stated he had a professional review their property and was told it would be in their best interest to support the sewer project. I was 'neutral' at the 9/5 council meeting but, I am now a yes in support of the sewer project. He also asked the City to do whatever they can to reduce the financial burden on the property owners. He also passed out a letter from Bonnie Mathews, 2806 Sutton Way, who could not make it tonight but, is still a yes for the sewer project.

Ray Lloyd, 2808 Sutton Way, stated he thinks some of the property owners do not understand that they are not going to have to come up with \$10,000+ because the City will finance the cost over 10 years. I think there has been some scare tactics used to put pressure on some property owners to say no. The septic tanks should have never been put in. We had a nice neighborhood and now the neighborhood is upside down because of this issue.

Susan Lloyd stated we have no room to expand their field lines. Just cutting out going out to dinner once a month could make the annual payment for the sewer assessment. I pray for the City Council to vote yes. Please read the letter from Bonnie Mathews before voting.

Judy Bryan, 2813 Sutton Way, stated she is at the end of the street and has been there for 15 years with no sewer problems. I am a single widower and cannot pay the cost of city sewer. I am still a no.

Susan Murray, 2809 Sutton Way, stated we had to cut just about all our trees down and there is no where else to go to expand field lines. I was told to sell our home but, we love the neighborhood and our home. We don't need the financial burden on us or our neighbors for city sewer but, that is the only way to fix the problem. I am still a yes.

Towanda Key, 2812 Sutton Way, stated I missed the meeting on 9/5 but, spoke to the City Clerk and President Smith. I will be moving soon and have not had any problems with my sewer. I hope the City can help me and my neighbors with financing if the project is approved. I am still a no. President Smith closed the public hearing.

3. Public Hearing Weed Abatement Assessment - 1733 1st Avenue

Mr. Shuman stated this public hearing was for a weed abatement assessment at 1733 1st Avenue. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

4. Public Hearing for Demolition - 117 Chester Avenue

Mr. Shuman stated this public hearing (PH) was for a demolition at 117 1st Avenue. President Smith asked Guy Gunter, City Attorney, if it would be appropriate to remove this PH from the agenda since the corresponding resolution is going to be removed because the address should be 118 1st Avenue. Mr. Gunter said it was OK to go ahead and conduct the public hearing even though the resolution would be removed later in the meeting.

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

5. Public Hearing for Demolition - 202 Stevens Street

Mr. Shuman stated this public hearing was for a demolition at 202 Stevens Street. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said demolition. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

1. Bids 195-17 S&C Pad-Mounted Gear-OPS

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

13. Resolutions

1. Resolution Resolution for Demolition - 105 Taylor Avenue - Tabled.

President Smith stated the City Council would like for the first five (5) resolutions to remain TABLED.

Ms. Pitts asked what was the status of 108 Plum Avenue? Jeff Kappelman, stated the property owner, Mr. Wright, was still trying to get a demolition permit.

Ms. Jones stated from the comments made during the public hearing for the Sutton Way sewer project, it appears to be some confusion with some of the property owners concerning the assessment procedures. I want all the citizens of Sutton Way to clearly understand how this sewer project will affect them financially.

Guy Gunter stated the property owner has two options. The first option is to pay off the total assessment within 30 days of the resolution to confirm being approved. The second option is to elect within 30 days of the resolution to confirm being approved, to pay the assessment in 10 annual installments with the 1st installment being due within 30 days of the resolution to confirm being approved and then nine (9) more years of annual payments. The City Council will set the interest rate to be paid on the annual installments but, cannot be higher than 12%. No monthly payments can be made, only annual payments.

President Smith stated to his knowledge, the City has never authorized such a public improvement project without the approval of a majority of the affected property owners.

Ray Lloyd, 2808 Sutton Way, asked if the council could say whether the interest rate would be 1.5%, 2.9% or what? Since the max is 12%, that would make a big difference. Mr. Lloyd also stated the national average for city sewage increasing the property value was 19%.

President Smith stated if the resolution to confirm the sewer project is approved, the City Council may set the interest rate at the prime rate as published by Wall Street Journal.

Guy Gunter stated that the Lee County Health Department is the public authority over approval and installations of septic tanks; the City can't do a thing.

2. Resolution Resolution for Demolition - 108 Plum Avenue - Tabled.

Remained Tabled.

3. Resolution Resolution for Demolition - 114 N. 19Th Street - Tabled.

Remained Tabled.

4. Resolution Repeal Ordinance no. 118-17-S, public improvement Sutton Way SD. - Tabled.

Remained Tabled.

5. Resolution Confirm Ordinance no. 118-17-S, public improvement Sutton Way SD. - Tabled.

Remained Tabled.

6. Resolution 196-17 Weed Abatement Assessment - 1733 1st Avenue.

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 Resolution for Demolition - 117 Chester Avenue

This resolution was removed from the agenda because the correct address is 118 Chester Avenue.

RESULT: REMOVED FROM AGENDA [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

8. Resolution 197-17 Resolution for Demolition - 202 Stevens Street

RESULT: APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: Dozier Smith T, Council Member

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

9. Resolution 198-17 Contract with Decisions Inc. Fire Battalion Chief Validated Selection Procedures - H/R.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

10. Resolution 199-17 Lease Agreement with Four D's Real Estate, LLC - H/R.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

11. Resolution 200-17 Authorizing Health Insurance Contract - H/R.

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

12. Resolution 201-17 Annual Renewal of the Excess Loss Insurance Contract - H/R.

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

13. Resolution 202-17 Contract for Group Life Insurance Contract - H/R

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

14. Resolution 203-17 Annual Renewal General Liability Insurance - 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

15. Resolution 204-17 Annual Appropriation to Envision for Period from July 1, 2016 to June 30, 2017

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

16. Resolution 205-17 Reserve city council current year discretionary funds.

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

17. Resolution 206-17 ADEM grant application for the Pepperell Creek Watershed - Eng.

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

18. Resolution 207-17 Expense reports from various departments.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith

14. Ordinances

1. Ordinance 122-17-ORD Lease Agreement with East Central Alabama Highway Safety Office - 2nd Reading.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

2. Ordinance 123-17-ORD Amend City Code, Sec. 2-147, Small Purchase Procedures - 2nd Reading.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

3. Ordinance 124-17-ORD Amend City Code, Sec. 14-302 (3), Municipal License Issuance Fees - 2nd Reading.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

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

4. Ordinance 125-17-ORD Repeal & Replace Chapter 10 in City Code, Solid Waste Disposal - 2nd Reading

Mr. Smith T moved to adopt this ordinance on second reading. Ms. Jones seconded said motion.

Mr. Canon then made the motion to amend said ordinance and read the two amendments as prepared by Guy Gunter, City Attorney. Ms. Pitts seconded the amendments as read by Mr.

Canon. The following vote was recorded:

Ayes Jones, Pitts, Smith T, Canon, Smith

Nays None

Mr. Gunter then asked for a copy of his Protocol and Procedures to Amend Ordinance and to Adopt Ordinance as Amended be attached to said Ordinance and be made a part of the minutes.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

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

15. Appointments

1. Appoint Brent Poteet to Property Maintenance Board of Appeals. Term ends 3-16-20.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

16. Adjourn

The City Council meeting minutes of September 19, 2017 are hereby adopted and approved this the 3rd day of October, 2017.

/s/ Eddie Smith

President of the City Council

City of Opelika, Alabama

ATTEST:

/s/ R. G. Shuman

R. G. "Bob" Shuman, CMC

City Clerk - Treasurer

1. Motion to Adjourn.

This city council meeting ended at 8:16 pm.

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

ADOPTED

CM MINUTES (ID # 2460)

Meeting: 09/19/17 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 2460

Minutes from the 9-05-17 city council meeting.

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



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

September 5, 2017

TIME: 7:00 PM

1. Call to Order

President Smith called the council meeting to order at 7:00 pm and asked Mr. Shuman to call the roll.

2. Roll Call

Mr. Shuman called the roll and all City Council members were present.

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

3. Invocation

Councilman Canon provided the invocation.

4. Pledge of Allegiance

Both Harrison and Kennedy were present and lead our Plead of Allegiance.

1. Harrison Hill and Kennedy Oliver from the Carver Primary School.

5. Reading of Minutes

1. Minutes from the 8-15-17 City Council meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

6. Unfinished Business

7. Remarks By the Mayor

1. Recognize the 100th OPS GIG customer - Allyson Baker.

Mayor Fuller and Derek Lee, Director of OPS, recognized Allyson Baker as the 100th GIG customer with OPS and also presented Mrs. Baker with a gift basket including various gift cards and merchandise donated by local businesses.

2. Recognize Mrs. Mary Greene for celebrating her 100th birthday.

Mayor Fuller presented a proclamation to Mary Green for celebrating her 100th birthday.

3. Recognize the 2017 - 2018 Twenty Under Forty class members.

Mayor Fuller recognized each member of the 2017-18 Twenty Under Forty class.

8. Citizen Communications

(Limit comments to five minutes or less)

Cathy Newkirk stated she is now over 60 and lived in Ward 2 for a very long time. I have taken my children and now grandchildren around Ward 2 and the area is looking worse 50 years later. Things should get better. We elected you to represent your Ward and all of the City. Some areas need more help than others. Something is wrong with Opelika and the people need help. Many have nothing to look forward too. You took an Oath of Office for all the Opelika citizens. What has happened? Are you closing your eyes? I am hurting and something needs to be done. Why aren't the ordinances being enforced? We now have forest out there that have grown over the

years. When are we going to come together and do what we are supposed to do for the citizens? We talk and talk and pray but, what changes have been done? I ask for all to pray for our City and the City officials.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request by Sing Sing Karaoke, Restaurant Retail Liquor and On-Premise Beer License.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

2. Public Hearing, Weed Abatement Assessment - 514 Old Columbus Rd.

Mr. Shuman stated this public hearing was for a weed abatement assessment at 514 Old Columbus Road for \$605.23. President Smith opened the public hearing asking if there was anyone that would like speak for or against said assessment. No one came forward to speak. President Smith closed this public hearing.

3. Public Hearing, Weed Abatement Assessment - 1109 Magnolia St.

Mr. Shuman stated this public hearing was for a weed abatement assessment at 1109 Magnolia Street for \$216.68. President Smith opened the public hearing asking if there was anyone that would like speak for or against said assessment. No one came forward to speak. President Smith closed this public hearing.

4. Public Hearing, Weed Abatement Assessment - 1211 Lizlin St.

Mr. Shuman stated this public hearing was for a weed abatement assessment at 1211 Lizlin Street for \$292.70. President Smith opened the public hearing asking if there was anyone that would like speak for or against said assessment. No one came forward to speak. President Smith closed this public hearing.

5. Public Hearing, Weed Abatement Assessment - 1806 Ridge St.

Mr. Shuman stated this public hearing was for a weed abatement assessment at 1806 Ridge Street for \$232.98. President Smith opened the public hearing asking if there was anyone that would like speak for or against said assessment. No one came forward to speak. President Smith closed this public hearing.

6. Public Hearing for Demolition - 105 Taylor Avenue

Mr. Shuman stated this public hearing was for a demolition at 105 Taylor Avenue. President Smith opened the public hearing asking if there was anyone that would like speak for or against said demolition. Annie Jones stated they have purchased 105 Taylor Avenue and would like to stop the demolition. Guy Gunter, City Attorney, stated that just because said property has changed owners, that does not stop the process. Mr. Gunter suggested the City Council 'Table' the resolution pertaining to the demolition of 105 Taylor Avenue. President Smith closed this public hearing.

7. Public Hearing for Demolition - 108 Plum Avenue

Mr. Shuman stated this public hearing was for a demolition at 108 Plum Avenue. President Smith opened the public hearing asking if there was anyone that would like speak for or against said demolition. A representative of the property owner stated they are working on developing this property and plan on building a new home on said property. He asked for a 120 day extension. Mr. Gunter suggested the City Council 'Table' the resolution pertaining to the demolition of 108 Plum Avenue. President Smith closed this public hearing.

8. Public Hearing for Demolition - 114 N. 19Th Street

Mr. Shuman stated this public hearing was for a demolition at 114 N. 19th Street. President Smith opened the public hearing asking if there was anyone that would like speak for or against said

demolition. Jeff Kappelman stated that this property has been sold to a new owner and suggested the resolution pertaining to the demolition of 114 N. 19th Street be 'Tabled'. President Smith closed this public hearing.

9. Public hearing, sewer project in Sutton Way SD.

Nicky Tidwell, 2811 Sutton Way, stated when this first came up we wanted city sewer. However, now that it looks like it will cost \$10,000+, I can't support this project. I don't think the City should make the home owners pay the \$10,000+. I think the City should require 100% of all property owners to do this project.

Tammie Hill, 2801 Sutton Way, stated I have been here for 9 years with no problems. We did some research when we bought the home and the lot was in good shape. I have not been happy with the process and think the City should have taken a official vote from the property owners. I am against this project.

Raymond Lloyd, 2808 Sutton Way, stated bought our home 4 years ago and there was no disclosure of septic tank issues. Across the street there has been major problems. I had our septic tanks pumped twice. We do not want to cut down our oak trees and our lot is not large enough for field lines. I support this city sewer project.

Steven Murray, 2809 Sutton Way, stated the cost for city sewer is significant but, I have already spend \$13,000 repairing & expanding our septic system. My septic system is maxed out and I want city sewer.

Nancy Weatherman, 2807 Sutton Way, stated I have been in my home for 15 years and was the first to address this issue. After the first year had to pump septic tank. The last time we had the septic tank man back to our home, he said it was running back in as he pumped it out. I now have a wet spot in my yard. I am for City sewer.

Robert Wilding, 2810 Sutton Way, stated the issue is not whether city sewer is good or not, the cost for city sewer is the issue. The financial burden is the issue. I cannot afford \$10,000+. City sewer would be great for Sutton Way SD but, the burden should not be just on the homeowners. Why should I take on that burden? I can't afford it.

President Smith asked for a show of hands from the property owners that was were present.

Ms. Jones stated there appears to be some property owners not present or not speaking.

Doreen Bailey, 2803 Sutton Way, stated she was a yes.

Bonnie Sample, 2806 Sutton Way, stated she was a yes.

The property owner from 2502 Cunningham Way said he was neutral on the proposed sewer project.

Tommy Truong, 2804 Sutton Way, stated he was a no.

Betty Wingard, 2805 Sutton Way, stated she was a no.

The final tally showed there was 5 yes, 5 no, 1 neutral and 3 not present.

President Smith announced that this public hearing would be continued to the next City Council meeting on September 19, 2017 along with the 'Tabling' of the two corresponding resolutions.

12. Awarding of Bids

13. Resolutions

1. Resolution 177-17 Expense reports from various departments.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

2. Resolution 178-17 Designate City Personal Property Surplus & Authorize Disposal

Mr. Smith T made the motion to delete item no. one on this resolution and was seconded by Mr. Canon. The following vote was recorded:

Aye Jones, Pitts, Smith T, Canon, Smith.

Nay None.

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

3. Resolution 179-17 Purchase-Splash Park Decking-Sole Source-P&R
 Ms. Pitts stated she was concerned about spending so much dollars at the Sportsplex since many Ward 2 citizens cannot afford to go to the Sportsplex.
 Mr. Smith T stated the decking at the Splash Park needs to be replaced since it is a safety issue.
 Mr. Canon asked if this would be a new surface. Mr. Motley said it would be a new surface and the Splash Park was resurfaced last year and it did not work. Mr. Motley also stated that the new decking does come with a warranty.

RESULT: APPROVED [4 TO 1]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Patricia Jones, Dozier Smith T, David Canon, Eddie Smith
NAYS: Tiffany Gibson-Pitts

4. Resolution 180-17 Purchase-Itron Meters and Related Equipment-OPS

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

5. Resolution 181-17 Purchase-Meter Communications Modules-OPS

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

6. Resolution 182-17 Purchase-Government Meeting Management Software-IT

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

7. Resolution 183-17 Weed Abatement Assessment - 514 Old Columbus Rd.

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 184-17 Weed Abatement Assessment - 1109 Magnolia St.

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

9. Resolution 185-17 Weed Abatement Assessment - 1211 Lizlin St.

Attachment: CM 9-19-17, minutes from the 9-05-17 CM (2460 : Minutes from the 9-05-17 city council meeting.)

- RESULT:** APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
10. Resolution 186-17 Weed Abatement Assessment - 1806 Ridge St.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
11. Resolution Resolution for Demolition - 105 Taylor Avenue
RESULT: TABLED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
12. Resolution Resolution for Demolition - 108 Plum Avenue
RESULT: TABLED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
13. Resolution Resolution for Demolition - 114 N. 19Th Street
RESULT: TABLED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
14. Resolution 187-17 Amendment to agreement with CivicPlus, city web services.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
15. Resolution 188-17 Agreement with L.P. Campbell Co., grant writing.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
16. Resolution 189-17 IHeart Radio Advertising (OPS)
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
17. Resolution 190-17 Tax abatement, West Fraser Expansion - OIDA
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
18. Resolution 191-17 Advertising budget adjustment - City Clerk.

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

19. Resolution Repeal Ordinance no. 118-17-S, public improvement Sutton Way SD.

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

20. Resolution Confirm Ordinance no. 118-17-S, public improvement Sutton Way SD.

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

21. Resolution 192-17 City budget for FY 2018.

Ms. Pitts asked why there are no funds in the City budget designated for improvements to Bandy Park? I was told there are maintenance funds in the City budget that can be used for Bandy Park but, that does not provide any accountability. What can be done now about this? I need it in writing. I am sad that the P&R Director & Board left Bandy Park out of their budget. I feel strongly that funds for Bandy Park needs to be listed in the City budget.

Ms. Jones stated specific items are not listed in the budget but, when the Administration gets firm cost information for a specific bid, it will come back to the city council for approval.

Guy Gunter stated he thought there was enough funds in the budget to do Bandy Park and the intent is to get quotes and bids for the Bandy Park improvements and bring them to the City Council for approval.

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

22. Resolution 193-17 Engineering Services Change for Cartech - Eng.

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

23. Resolution 194-17 Buying Stream Credits from Another Source for Frederick Rd.
 Extension - Eng.

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

14. Ordinances

1. Ordinance 120-17-ORD Amend Zoning Ord & Map: 73A Jeanette St/221 Veterans Parkway, R-5M to C-3 - 2nd Reading.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

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

2. Ordinance 121-17-ORD Amend Zoning Ord & Map: 2712 South Uniroyal Road, R-4M to M-1 - 2nd Reading.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

3. Ordinance Lease Agreement with East Central Alabama Highway Safety Office - 1st Reading.

This ordinance was introduced by Mr. Smith T.

RESULT: FIRST READING INTRODUCED

4. Ordinance Amend City Code, Sec. 2-147, Small Purchase Procedures - 1st Reading.
This ordinance was introduced by Ms. Jones.

RESULT: FIRST READING INTRODUCED

5. Ordinance Amend City Code, Sec. 14-302 (3), Municipal License Issuance Fees - 1st Reading.

This ordinance was introduced by Mr. Canon.

RESULT: FIRST READING INTRODUCED

6. Ordinance Amend City Code, Chapter 10, Solid Waste Disposal - OES - 1st Reading.
This ordinance was introduced by Mr. Smith T.

RESULT: FIRST READING INTRODUCED

15. Appointments

16. Adjourn

The City Council meeting minutes of September 5, 2017 are hereby adopted and approved this the _____ day of _____, 2017.

/s/

President of the City Council

City of Opelika, Alabama

ATTEST:

/s/

R. G. "Bob" Shuman

City Clerk - Treasurer

1. Motion to adjourn.
This council meeting ended at 8:27 pm.

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

Attachment: CM 9-19-17, minutes from the 9-05-17 CM (2460 : Minutes from the 9-05-17 city council meeting.)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**MAYOR'S REMARKS (ID # 2464)**

Meeting: 09/19/17 07:00 PM

Department: City Clerk

Category: City Financial Statements

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 2464

City financial statement - July 2017

COMMENTS - Current Meeting:

Mayor Fuller stated the July & August 2017 City financial statements is part of the 9-19-17 city council agenda packet and to give him or the City Administrator a call should you have any questions.

City of Opelika
Combined Balance Sheet - All Funds and Account Groups
YTD July 2017
*Thousands of dollars

	Governmental Funds					Proprietary Funds				
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total
ASSETS										
Cash	\$ 40,788	\$ 5,649	\$ 36	\$ 7,210	\$ -	\$ 2,031	\$ 20,295	\$ -	\$ -	\$ 76,009
Certificates of deposit	16,987	5,000	-	-	-	-	8,454	-	-	30,441
Receivables:										
Accounts and unbilled service	-	-	-	(20)	-	-	4,554	-	-	4,534
Taxes	5,677	6,158	-	-	-	-	-	-	-	11,835
Licenses and fees	2,429	-	-	-	-	-	-	-	-	2,429
Fines and forfeitures	254	-	-	242	-	-	-	-	-	496
Assessments	82	-	-	-	-	-	-	-	-	82
Interest	19	9	-	-	2	-	(3)	-	-	27
Other	(246)	1,287	-	-	-	-	-	-	-	1,041
Due from other funds	1,150	-	-	-	3	-	2,996	-	-	4,149
Due from other governments	16	1,236	-	-	-	-	931	-	-	2,183
Inventories of supplies, at cost	44	-	-	-	-	-	2,595	-	-	2,639
Prepaid expenses	-	-	-	-	-	-	2	-	-	2
Investments	-	13	264	-	1,029	-	-	-	-	1,306
Investments with fiscal agent	-	-	256	-	-	-	3,112	-	-	3,368
Capital assets:										
Land	-	-	-	-	-	-	2,471	10,023	-	12,494
Buildings	-	-	-	-	-	-	13,755	42,627	-	56,382
Equipment	-	-	-	-	-	-	11,180	21,733	-	32,913
Utility systems	-	-	-	-	-	-	120,261	-	-	120,261
Infrastructure	-	-	-	-	-	-	-	90,367	-	90,367
Construction in progress	-	-	-	-	-	-	6,888	4,683	-	11,571
Total capital assets	-	-	-	-	-	-	154,555	169,433	-	323,988
Less: accumulated depreciation	-	-	-	-	-	-	(66,816)	(54,405)	-	(121,221)
Capital assets, net	-	-	-	-	-	-	87,739	115,028	-	202,767
Deposits	-	69	-	-	-	19	12	-	-	100
Amount to be provided for general long term debt	-	-	-	-	-	-	-	-	92,031	92,031
Total assets	67,200	19,421	556	7,432	1,034	2,050	130,687	115,028	92,031	435,439
DEFERRED OUTFLOWS OF RESOURCES										
Employer retirement contributions	-	-	-	-	-	-	1,017	-	-	1,017
Bond refunding costs	-	-	-	-	-	-	143	-	-	143
Total deferred outflows of resources	-	-	-	-	-	-	1,160	-	-	1,160

*Thousands of dollars

Packet Pg. 19

City of Opelika

Combined Statement of Revenues, Expenditures, and Changes in Fund Balance - All Governmental Funds and Account Groups
YTD July 2017

*Thousands of dollars

Governmental Funds

	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	Total
REVENUES:						
Taxes	\$ 29,959	\$ 6,465	\$ -	\$ -	\$ -	\$ 36,424
Special assessments	-	-	-	-	-	-
Licenses and permits	14,572	264	-	-	-	14,836
Intergovernmental	336	587	-	85	-	1,008
Charges for services	1,578	-	-	-	-	1,578
Fines and forfeits	539	-	-	-	-	539
Grants	-	-	-	-	-	-
Contributions	28	17	-	-	-	45
Investment income	230	50	-	18	47	345
Miscellaneous	301	-	-	-	-	301
Total revenues	47,543	7,383	-	103	47	55,076
EXPENDITURES:						
General government	4,419	148	-	66	4	4,637
Public safety	11,034	491	-	-	-	11,525
Public works	3,439	8	-	291	-	3,738
Health	261	-	-	-	-	261
Education	2,766	-	-	-	-	2,766
Welfare	95	5,137	-	-	-	5,232
Culture and recreation	4,848	-	-	-	-	4,848
Economic development	2,210	800	-	-	-	3,010
Capital outlay	3,490	1,135	-	395	-	5,020
Debt service:						
Principal retirement	544	-	3,545	-	-	4,089
Interest and fees	89	-	3,407	-	-	3,496
Total expenditures	33,195	7,719	6,952	752	4	48,622
Excess of revenues over/(under) expenditures	14,348	(336)	(6,952)	(649)	43	6,454
Other financing sources/(uses):						
Proceeds from debt issuance	-	-	-	-	-	-
Proceeds used to refund bonds	-	-	1,213	-	-	1,213
Sale of capital assets	22	-	-	-	-	22
Transfers from other funds	2,525	2,853	6,257	105	20	11,760
Transfers to other funds	(6,661)	(2,070)	-	(412)	(8)	(9,151)
Total other financing sources/(uses)	(4,114)	783	7,470	(307)	12	3,844
Net change in fund balances	10,234	447	518	(956)	55	10,298
Fund balances, beginning of the year	51,803	10,326	38	7,966	978	71,111
Fund balances, end of period	\$ 62,037	\$ 10,773	\$ 556	\$ 7,010	\$ 1,033	\$ 81,409

Attachment: CM 9-19-17, City financial statement - July 2017 (2464 : City financial statement - July 2017)

City of Opelika
Combined Summary Statement of Revenues, Expenses, and Changes in Net Position
Proprietary and Fiduciary Funds
July 31, 2017
**Thousands of dollars*

	Electric 2017 YTD	Telecom 2017 YTD	Sewer 2017 YTD	Solid Waste 2017 YTD	Workmen's Comp. 2017 YTD	Health Insurance 2017 YTD	Total
ASSETS							
Current assets:							
Cash	\$ 10,722	\$ 1,044	\$ 7,457	\$ 1,073	\$ 2,938	\$ (907)	\$ 22,327
Certificates of deposit	8,454	-	-	-	-	-	8,454
Receivables and prepaid expenses	3,787	282	251	232	-	-	4,552
Due from other funds and governments	2,971	-	931	25	-	-	3,927
Inventory	2,595	-	-	-	-	-	2,595
Total current assets	28,529	1,326	8,639	1,330	2,938	(907)	41,855
Restricted assets:							
Cash and investments with fiscal agent	3,112	-	-	-	-	-	3,112
Total restricted assets	3,112	-	-	-	-	-	3,112
Net capital assets	49,948	9,563	26,754	1,476	-	-	87,741
Other assets:							
Deposits	-	10	2	-	19	-	31
Total other assets	-	10	2	-	19	-	31
Total assets	81,589	10,899	35,395	2,806	2,957	(907)	132,739
DEFERRED OUTFLOWS OF RESOURCES							
Retirement contributions	659	125	-	233	-	-	1,017
Bond refunding costs	-	-	143	-	-	-	143
Total deferred outflows of resources	659	125	143	233	-	-	1,160
Total assets and deferred outflows of resources	\$ 82,248	\$ 11,024	\$ 35,538	\$ 3,039	\$ 2,957	\$ (907)	\$ 133,899
LIABILITIES							
Current liabilities:							
Accounts and other payables	\$ 4,404	\$ 43	\$ 43	\$ (6)	\$ 61	\$ 243	\$ 4,788
Due to electric fund	-	2,971	-	-	-	-	2,971
Due to other funds	112	502	-	-	-	(82)	532
Bonds payable within one year	-	-	610	-	-	-	610
Unearned revenue	23	353	-	-	-	262	638
Total current liabilities	4,539	3,869	653	(6)	61	423	9,539
Noncurrent liabilities:							
Claims and employee benefits due in more than one year	107	8	-	43	148	-	306
Bonds payable, in more than one year, net	28,158	13,500	6,032	-	-	-	47,690
Net pension liability	5,088	1,327	-	1,725	-	-	8,140
Customer deposits held	2,779	52	-	164	-	-	2,995
Total noncurrent liabilities	36,132	14,887	6,032	1,932	148	-	59,131
Total liabilities	40,671	18,756	6,685	1,926	209	423	68,670
DEFERRED INFLOWS OF RESOURCES							
Difference on earnings on plan investments	3	16	-	(2)	-	-	17
Total deferred inflows of resources	3	16	-	(2)	-	-	17
NET POSITION							
Invested in capital assets, net of related debt	21,790	(3,937)	20,255	1,476	-	-	39,584
Restricted	3,112	-	-	-	209	82	3,403
Unrestricted	15,075	(3,910)	8,301	(773)	2,539	(1,492)	19,740
Encumbrances	1,597	99	297	412	-	80	2,485
Total net position	41,574	(7,748)	28,853	1,115	2,748	(1,330)	65,212
Total liabilities, deferred inflows, and net position	\$ 82,248	\$ 11,024	\$ 35,538	\$ 3,039	\$ 2,957	\$ (907)	\$ 133,899

Attachment: CM 9-19-17, City financial statement - July 2017 (2464 : City financial statement - July 2017)

City of Opelika

Combined Summary Statement of Revenues, Expenses, and Changes in Net Position

Proprietary and Fiduciary Funds

July 31, 2017

**Thousands of dollars*

	Electric 2017 YTD	Telecom 2017 YTD	Sewer 2017 YTD	Solid Waste 2017 YTD	Workmen's Comp. 2017 YTD	Health Insurance 2017 YTD	Total
Operating Revenues							
Charges for services	\$ 34,262	\$ 4,581	\$ 3,940	\$ 2,394	\$ 383	\$ 1,704	\$ 47,264
Operating Expenses							
Purchases	22,633	1,773	-	348	-	-	24,754
Depreciation	2,508	1,054	842	210	-	-	4,614
Personnel services	1,878	437	3	802	-	-	3,120
Other	2,325	1,195	1,806	438	162	3,116	9,042
Total operating expenses	29,344	4,459	2,651	1,798	162	3,116	41,530
Operating income/(loss)	4,918	122	1,289	596	221	(1,412)	5,734
Nonoperating Revenues/(Expenses)							
Gain/(Loss) on sale of capital assets	-	-	-	13	-	-	13
Fiber optic line leases	19	-	-	-	-	-	19
Investment income	55	2	8	2	3	-	70
Grant income	-	-	76	25	-	-	101
Pole rental	-	-	-	-	-	-	-
Miscellaneous revenues	1,047	40	3	59	-	-	1,149
Interest expense and charges	(1,197)	(299)	(241)	-	-	-	(1,737)
Total nonoperating revenues/(expenses)	(76)	(257)	(154)	99	3	-	(385)
Other Revenues and Transfers In/(Out):							
Capital contributions	368	14	-	-	-	-	382
Transfers from other funds	-	-	-	-	-	-	-
Transfers to other funds	(2,500)	-	-	-	-	-	(2,500)
Total other revenues/(expenses)	(2,132)	14	-	-	-	-	(2,118)
Net Income/(loss)	2,710	(121)	1,135	695	224	(1,412)	3,231
Net position, beginning of year	38,864	(7,627)	27,718	420	2,524	82	61,981
Net position before encumbrances	41,574	(7,748)	28,853	1,115	2,748	(1,330)	65,212
Encumbrances	1,597	99	297	412	-	80	2,485
Net position, end of period	\$ 39,977	\$ (7,847)	\$ 28,556	\$ 703	\$ 2,748	\$ (1,410)	\$ 62,727
Additional Information:							
Cash position at July 30, 2017	\$ 10,722	\$ 1,044	\$ 7,457	\$ 1,073	\$ 2,938	\$ (907)	\$ 22,327
Cash position at September 30, 2016	5,979	496	6,121	586	2,695	640	16,517
Change in cash	\$ 4,743	\$ 548	\$ 1,336	\$ 487	\$ 243	\$ (1,547)	\$ 5,810

Attachment: CM 9-19-17, City financial statement - July 2017 (2464 : City financial statement - July 2017)

City of Opelika
 General Fund Revenue and Expenditure Summary
 Comparison of Actual and Budget to Prior Year
 YTD July 2017
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2016	2017	Variance	2017 Budget	2017 Actual	Variance
Revenues:						
Taxes	\$ 30,251	\$ 29,959	\$ (292)	29,111	\$ 29,959	\$ 848
Licenses and permits	13,466	14,572	1,106	12,315	14,572	2,257
Intergovernmental	375	336	(39)	485	336	(149)
Charges for services	1,497	1,578	81	1,429	1,578	149
Fines and forfeits	545	539	(6)	624	539	(85)
Grants	18	-	(18)	-	-	-
Contributions	35	28	(7)	38	28	(10)
Investment income	55	230	175	40	230	190
Miscellaneous	207	303	96	241	303	62
Total revenues	46,449	47,545	1,096	44,283	47,545	3,262
Expenditures:						
General government	4,328	4,419	91	5,636	4,419	1,217
Public safety	11,076	11,034	(42)	12,598	11,034	1,564
Public works	3,295	3,439	144	4,538	3,439	1,099
Culture and recreation	4,948	4,848	(100)	6,058	4,848	1,210
Economic development	1,726	2,210	484	2,407	2,210	197
Health	232	261	29	283	261	22
Education	2,503	2,766	263	2,751	2,766	(15)
Welfare	112	95	(17)	98	95	3
Capital outlay	3,139	3,490	351	8,183	3,490	4,693
Debt service	627	633	6	623	633	(10)
Total expenditures	31,986	33,195	1,209	43,175	33,195	9,980
Other financing sources/(uses)						
Sale of capital assets	157	22	(135)	(3)	22	(25)
Transfers in	2,145	2,525	380	5,740	2,525	3,215
Transfer out	(6,647)	(6,661)	(14)	(10,256)	(6,661)	(3,595)
Total other financing sources/(uses)	(4,345)	(4,114)	231	(4,519)	(4,114)	(405)
Net change in fund balance	10,118	10,236	118	(3,411)	10,236	(13,647)
Fund balance, beginning of year	41,964	51,803	9,839	51,803	51,803	-
Fund balance, year to date	<u>\$ 52,082</u>	<u>\$ 62,039</u>	<u>\$ 9,957</u>	<u>\$ 48,392</u>	<u>\$ 62,039</u>	<u>\$ (13,647)</u>
Less:						
Nonspendable	103	42	(61)	-	42	(42)
Restricted	104	111	7	-	111	(111)
Committed	7	11	4	-	11	(11)
Assigned	21,821	23,241	1,420	-	23,241	(23,241)
Encumbrances	3,688	7,818	4,130	-	7,818	(7,818)
	<u>25,723</u>	<u>31,223</u>	<u>5,500</u>	<u>-</u>	<u>31,223</u>	<u>(31,223)</u>
Unassigned fund balance	26,359	30,816	4,457	48,392	30,816	17,576
20% budgeted revenues	<u>8,857</u>	<u>8,857</u>		<u>8,857</u>	<u>8,857</u>	
Available unassigned fund balance	<u>\$ 17,502</u>	<u>\$ 21,959</u>		<u>\$ 39,535</u>	<u>\$ 21,959</u>	

Attachment: CM 9-19-17, City financial statement - July 2017 (2464 : City financial statement - July 2017)

City of Opelika
General Fund Revenues
Comparison of Actual and Budget to Prior Year
YTD July 2017
*Thousands of dollars

	YTD Actual			Budget to Actual		
	2016	2017	Variance	2017 Budget	2017 Actual	Variance
Taxes:						
Sales	\$ 25,779	\$ 25,348	\$ (431)	\$ 25,141	\$ 25,348	\$ 207
Property:						
Property	3,249	3,352	103	2,764	3,352	588
Payments in lieu of taxes	22	25	3	18	25	7
Total property taxes	3,271	3,377	106	2,782	3,377	595
Other						
Gasoline	648	675	27	641	675	34
Cigarette	72	66	(6)	73	66	(7)
Wine and liquor	26	26	-	25	26	1
Rental	455	468	13	450	468	18
Total other taxes	1,201	1,234	33	1,189	1,235	46
Total taxes	30,251	29,959	(292)	29,112	29,960	848
Licenses and permits:						
Occupational license	9,059	9,744	685	8,247	9,744	1,497
Business:						
General	2,879	2,743	(136)	2,183	2,743	560
Lodging	650	588	(62)	685	588	(97)
Franchise fee	193	400	207	544	400	(144)
Miscellaneous	211	303	92	208	303	95
Total business	3,933	4,034	101	3,620	4,034	414
Telecommunications permits and fees	16	10	(6)	-	10	10
Permits and inspections	451	774	323	449	774	325
Other	6	10	4	-	10	10
Total licenses and permits	13,465	14,572	1,107	12,316	14,572	2,256
Intergovernmental:						
Shared county motor vehicle	94	99	5	87	99	12
Shared state:						
Bank excise tax	-	-	-	131	-	(131)
Business privilege tax	73	-	(73)	61	-	(61)
Liquor tax profits	121	121	-	109	121	12
State asset forfeiture	11	55	44	26	55	29
Total shared state	205	176	(29)	327	176	(151)
Shared federal asset forfeiture	29	-	(29)	23	-	(23)
Other	47	62	15	49	62	13
Total intergovernmental	375	337	(38)	486	337	(149)
Charges for services:						
General government - other	16	18	2	15	18	3
Public Safety:						
Fire training	3	5	2	3	5	2
City schools	-	12	12	-	12	12
Housing Authority	-	-	-	-	-	-
Auburn University	51	31	(20)	56	31	(25)
EAMC	71	99	28	53	99	46
Other	10	4	(6)	2	4	2
Health - Graves and monuments	111	129	18	113	129	16
Public Works - Paving and plan review fees	59	94	35	63	94	31
Culture and Rec - Entry and concession fees	1,175	1,185	10	1,124	1,185	61
Total charges for services	1,496	1,577	81	1,429	1,577	148
Fines and forfeits:						
Municipal Court	269	238	(31)	291	238	(53)
Red light violations	223	262	39	286	262	(24)
Other	53	38	(15)	47	38	(9)
Total fines and forfeits	545	538	(7)	624	538	(86)
Grant income	18	-	(18)	-	-	-
Contributions	35	28	(7)	38	28	(10)
Investment income	55	230	175	40	230	190
Miscellaneous	207	302	95	241	303	62
Total revenues	46,447	47,543	1,081	44,286	47,545	3,259
Other financing sources						
Proceeds of general obligation debt	-	-	-	-	-	-
Operating transfers from Electric fund	2,074	2,500	426	2,490	2,500	10
Other transfers	71	25	(46)	3,250	25	(3,225)
Sale of capital assets	157	22	(135)	3	22	19
Total other financing sources	2,302	2,547	245	5,743	2,547	(3,196)
Total revenue and other financing sources	\$ 48,749	\$ 50,090	\$ 1,341	\$ 50,029	\$ 50,092	\$ 63

Attachment: CM 9-19-17, City financial statement - July 2017 (2464 : City financial statement - July 2017)

City of Opelika
General Fund Expenditures
Comparison of Actual and Budget to Prior Year
YTD July 2017
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2016	2017	Variance	2017 Budget	2017 Actual	Variance
General government:						
Legislative	\$ 284	\$ 286	\$ 2	\$ 339	\$ 286	\$ 53
Executive	185	202	17	500	202	298
Legal	107	114	7	124	114	10
Administration	321	422	101	516	422	94
Accounting	384	367	(17)	650	367	283
Human resources	285	319	34	339	319	20
Information technology	1,100	1,038	(62)	1,264	1,038	226
Revenue	223	231	8	292	231	61
Municipal court	446	437	(9)	514	437	77
Purchasing	186	211	25	181	211	(30)
Community development	100	141	41	131	141	(10)
Planning	277	272	(5)	338	272	66
Other - nondepartmental	430	379	(51)	449	379	70
Total general government	4,328	4,419	91	5,637	4,419	1,218
Public safety:						
Police	6,883	6,531	(352)	7,789	6,531	1,258
Probation	29	57	28	98	57	41
Fire	3,914	4,174	260	4,410	4,174	236
Other - nondepartmental	250	271	21	300	271	29
Total public safety	11,076	11,033	(43)	12,597	11,033	1,564
Public works:						
Streets	952	996	44	1,002	996	6
Engineering	387	413	26	497	413	84
Administration	288	330	42	458	330	128
Cemetery	167	167	-	167	167	-
Auto shop	413	377	(36)	1,119	377	742
Building maintenance	272	318	46	402	318	84
Inspection	358	351	(7)	409	351	58
Grounds maintenance	459	487	28	484	487	(3)
Total public works	3,296	3,439	143	4,538	3,439	1,099
Culture and recreation:						
Parks and recreation	4,290	4,113	(177)	4,985	4,113	872
Library	565	642	77	989	642	347
Other - nondepartmental	93	94	1	84	94	(10)
Total culture and recreation	4,948	4,849	(99)	6,058	4,849	1,209
Economic development:						
Development	352	319	(33)	499	319	180
Other - nondepartmental	1,374	1,891	517	1,909	1,891	18
Total economic development	1,726	2,210	484	2,408	2,210	198
Health:						
Animal control	49	53	4	60	53	7
Other	184	208	24	223	208	15
Total health	233	261	28	283	261	22
Education	2,503	2,766	263	2,751	2,766	(15)
Welfare	112	95	(17)	98	95	3
Capital outlay	3,139	3,490	351	8,183	3,490	4,693
Debt service						
Principal retirement	491	544	53	517	544	(27)
Interest and charges	136	89	(47)	107	89	18
Total debt service	627	633	6	624	633	(9)
Total expenditures	31,988	33,195	1,207	43,177	33,195	9,982
Other financing uses						
Transfers out:						
Transfers to PR/Jail construction fund	2,301	2,551	250	2,209	2,551	(342)
Transfers to other funds	4,345	4,110	(235)	8,046	4,110	3,936
Total transfers out	6,646	6,661	15	10,255	6,661	3,594
Total expenditures and other financing uses	\$ 38,634	\$ 39,856	\$ 1,222	\$ 53,432	\$ 39,856	\$ 13,576

Attachment: CM 9-19-17, City financial statement - July 2017 (2464 : City financial statement - July 2017)

9/11/2017

Capital Outlay

Comparison of Actual to Last Year and Budget

YTD July 2017

Thousands of Dollars

	Year to Date			Year to Date			2017	2017	Var
	2016 ACTUAL	2017 ACTUAL	VAR	2017 BUDGET	2017 ACTUAL	Var	REVISED BUDGET	ACTUAL + ENCUMBRANCE	
General Government:									
Legislative	-	-	-	-	-	-	-	-	-
Executive	-	-	-	-	-	-	-	-	-
Legal	-	-	-	-	-	-	-	-	-
Other:	-	-	-	-	-	-	-	-	-
Administration	-	-	-	-	-	-	-	-	-
Accounting	-	-	-	-	-	-	-	-	-
Human Resources	-	-	-	-	-	-	-	-	-
Information Technology	305	402	97	528	402	(126)	704	726	22
Revenue	-	-	-	-	-	-	-	-	-
Municipal court	-	-	-	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-	-	-	-
Community Development	-	-	-	-	-	-	-	-	-
Planning	-	-	-	-	-	-	-	-	-
Total other	305	402	97	528	402	(126)	704	726	22
Total general government	305	402	97	528	402	(126)	704	726	22
Public safety:									
Police:									
Total police	339	336	(3)	348	336	(12)	433	363	(70)
Fire:									
Total fire	729	1,647	918	2,165	1,647	(518)	3,766	3,739	(26)
Total public safety	1,068	1,983	915	2,513	1,983	(530)	4,199	4,103	(97)
Public Works:									
Streets	79	-	(79)	108	-	(108)	-	-	-
Engineering	1,420	896	(523)	1,271	896	(375)	1,637	1,628	(9)
Other:									
Administration	193	76	(117)	-	76	76	95	84	(11)
Cemetery	-	-	-	-	-	-	-	-	-
Auto shop	-	-	-	-	-	-	-	-	-
Building maintenance	-	-	-	478	-	(478)	-	-	-
Inspection	-	-	-	19	-	(19)	-	-	-
Grounds maintenance	-	-	-	19	-	(19)	-	-	-
Total other	193	76	(117)	516	76	(440)	95	84	(11)
Total public works	1,692	973	(719)	1,895	973	(923)	1,732	1,712	(20)
Health, Education and Welfare									
Animal control	-	-	-	-	-	-	-	-	-
Total health, education and welfare	-	-	-	-	-	-	-	-	-
Culture and recreation									
Parks and recreation	74	132	58	213	132	(81)	173	192	19
Library	-	-	-	-	-	-	-	-	-
Total culture and recreation	74	132	58	213	132	(81)	173	192	19
Economic Development									
Conference Center	-	-	-	-	-	-	-	-	-
Total expenditures	3,139	3,490	352	5,150	3,490	(1,660)	6,808	6,733	(75)
Total expenditures and transfer	3,139	3,490	352	5,150	3,490	(1,660)	6,808	6,733	(75)

Attachment: CM 9-19-17, City financial statement - July 2017 (2464 : City financial statement - July 2017)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 09/19/17 07:00 PM
Department: City Clerk
Category: City Financial Statements
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

MAYOR'S REMARKS (ID # 2465)

DOC ID: 2465

City financial statement - August 2017.

Combined Balance Sheet - All Funds and Account Groups

*Thousands of dollars

Packet Pg. 28

City of Opelika
Combined Balance Sheet - All Funds and Account Groups
YTD August 2017
*Thousands of dollars

(7102 tsnGuv - tuemstatais nianunij City : 5982) 7102. Guv 'nua' financial statements, City 71-61-6 WC : Attachment

	Governmental Funds					Proprietary Funds				
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total
LIABILITIES										
Accounts payable	1,499	15	-	-	-	10	4,101	-	-	5,625
Interest payable	-	-	-	-	-	-	777	-	-	777
Accrued payroll and benefits, due within one year	552	(12)	-	-	-	-	(20)	-	-	520
Due to other funds	27	157	-	392	1	(82)	3,586	-	-	4,081
Due to other governments	1	(144)	-	-	-	-	-	-	-	(143)
Claims and judgements, due within one year	-	-	-	-	-	304	-	-	-	304
Bonds payable due within one year	-	-	-	-	-	-	610	-	-	610
Unearned revenues	-	-	-	-	-	262	376	-	-	638
Claims and judgements, due in more than one year	-	-	-	-	-	148	-	-	-	148
Bonds payable, due in more than one year	-	-	-	-	-	-	47,690	-	91,975	139,665
Net pension liability	-	-	-	-	-	-	8,140	-	-	8,140
Accrued payroll and benefits, due in more than one year	-	-	-	-	-	-	157	-	-	157
Customer deposits held	-	-	-	-	-	-	2,996	-	-	2,996
Total liabilities	2,079	16	-	392	1	642	68,413	-	91,975	163,518
DEFERRED INFLOWS OF RESOURCES										
Net difference in earnings on retirement plan	-	-	-	-	-	-	17	-	-	17
Unearned revenues	3,392	8,613	-	30	-	-	-	-	-	12,035
Total deferred inflows of resources	3,392	8,613	-	30	-	-	17	-	-	12,052
FUND BALANCES										
Nonspendable	67	69	-	-	980	-	-	-	-	1,116
Restricted	111	2,840	36	3,081	-	291	3,233	-	-	9,592
Committed	6	-	-	-	-	-	-	-	-	6
Assigned	23,887	7,511	-	-	-	-	-	-	-	31,398
Unassigned	31,831	941	-	-	53	-	-	-	-	32,825
Invested in capital assets, net of related debt	-	-	-	-	-	-	39,300	115,238	-	154,538
Unrestricted	-	-	-	-	-	1,001	19,870	-	-	20,871
Encumbrances	6,635	(244)	-	3,899	-	27	1,741	-	-	12,058
Total fund balances	\$ 62,537	\$ 11,117	\$ 36	\$ 6,980	\$ 1,033	\$ 1,319	\$ 64,144	\$ 115,238	\$ -	\$ 262,404

City of Opelika

Combined Statement of Revenues, Expenditures, and Changes in Fund Balance - All Governmental Funds and Account Groups

YTD August 2017

*Thousands of dollars

	Governmental Funds					Total
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	
REVENUES:						
Taxes	\$ 32,609	\$ 6,535	\$ -	\$ -	\$ -	\$ 39,144
Special assessments	-	-	-	-	-	-
Licenses and permits	15,577	295	-	-	-	15,872
Intergovernmental	640	684	-	95	-	1,419
Charges for services	1,762	-	-	-	-	1,762
Fines and forfeits	598	-	-	-	-	598
Grants	-	-	-	-	-	-
Contributions	28	17	-	-	-	45
Investment income	240	49	-	20	54	363
Miscellaneous	322	-	-	-	-	322
Total revenues	51,776	7,580	-	115	54	59,525
EXPENDITURES:						
General government	4,835	161	-	66	6	5,068
Public safety	12,174	501	-	-	-	12,675
Public works	3,779	13	-	291	-	4,083
Health	294	-	-	-	-	294
Education	3,044	-	-	-	-	3,044
Welfare	98	5,137	-	-	-	5,235
Culture and recreation	5,442	-	-	-	-	5,442
Economic development	2,525	813	-	-	-	3,338
Capital outlay	4,054	1,138	-	437	-	5,629
Debt service:						
Principal retirement	606	-	2,895	-	-	3,501
Interest and fees	89	-	3,527	-	-	3,616
Total expenditures	36,940	7,763	6,422	794	6	51,925
Excess of revenues over/(under) expenditures	14,836	(183)	(6,422)	(679)	48	7,600
Other financing sources/(uses):						
Proceeds from debt issuance	-	-	-	-	-	-
Proceeds used to refund bonds	-	-	212	-	-	212
Sale of capital assets	29	-	-	-	-	29
Transfers from other funds	2,775	3,098	6,208	105	19	12,205
Transfers to other funds	(6,906)	(2,124)	-	(412)	(12)	(9,454)
Total other financing sources/(uses)	(4,102)	974	6,420	(307)	7	2,992
Net change in fund balances	10,734	791	(2)	(986)	55	10,592
Fund balances, beginning of the year	51,803	10,326	38	7,966	978	71,111
Fund balances, end of period	\$ 62,537	\$ 11,117	\$ 36	\$ 6,980	\$ 1,033	\$ 81,703

Attachment: CM 9-19-17, City financial statements, Aug. 2017 (2465 : City financial statement - August 2017.)

City of Opelika
Combined Balance Sheet
Proprietary and Fiduciary Funds
August 31, 2017
**Thousands of dollars*

	Electric 2017 YTD	Telecom 2017 YTD	Sewer 2017 YTD	Solid Waste 2017 YTD	Workmen's Comp. 2017 YTD	Health Insurance 2017 YTD	Total
ASSETS							
Current assets:							
Cash	\$ 10,619	\$ 1,107	\$ 7,696	\$ 995	\$ 2,983	\$ (1,041)	\$ 22,359
Certificates of deposit	8,454	-	-	-	-	-	8,454
Receivables and prepaid expenses	4,442	288	251	244	-	-	5,225
Due from other funds and governments	2,971	-	933	25	-	-	3,929
Inventory	2,684	-	-	-	-	-	2,684
Total current assets	29,170	1,395	8,880	1,264	2,983	(1,041)	42,651
Restricted assets:							
Cash and investments with fiscal agent	3,233	-	-	-	-	-	3,233
Total restricted assets	3,233	-	-	-	-	-	3,233
Net capital assets	49,745	9,458	26,670	1,588	-	-	87,461
Other assets:							
Deposits	-	10	2	-	19	-	31
Total other assets	-	10	2	-	19	-	31
Total assets	82,148	10,863	35,552	2,852	3,002	(1,041)	133,376
DEFERRED OUTFLOWS OF RESOURCES							
Retirement contributions	659	125	-	233	-	-	1,017
Bond refunding costs	-	-	141	-	-	-	141
Total deferred outflows of resources	659	125	141	233	-	-	1,158
Total assets and deferred outflows of resources	\$ 82,807	\$ 10,988	\$ 35,693	\$ 3,085	\$ 3,002	\$ (1,041)	\$ 134,534
LIABILITIES							
Current liabilities:							
Accounts and other payables	\$ 4,554	\$ 201	\$ 98	\$ 1	\$ 61	\$ 253	\$ 5,168
Due to electric fund	-	2,971	-	-	-	-	2,971
Due to other funds	112	502	-	-	-	(82)	532
Bonds payable within one year	-	-	610	-	-	-	610
Unearned revenue	23	353	-	-	-	262	638
Total current liabilities	4,689	4,027	708	1	61	433	9,919
Noncurrent liabilities:							
Claims and employee benefits due in more than one year	107	8	-	43	148	-	306
Bonds payable, in more than one year, net	28,159	13,500	6,032	-	-	-	47,691
Net pension liability	5,088	1,327	-	1,725	-	-	8,140
Customer deposits held	2,782	52	-	162	-	-	2,996
Total noncurrent liabilities	36,136	14,887	6,032	1,930	148	-	59,133
Total liabilities	40,825	18,914	6,740	1,931	209	433	69,052
DEFERRED INFLOWS OF RESOURCES							
Difference on earnings on plan investments	3	16	-	(2)	-	-	17
Total deferred inflows of resources	3	16	-	(2)	-	-	17
NET POSITION							
Invested in capital assets, net of related debt	21,586	(4,042)	20,169	1,588	-	-	39,301
Restricted	3,233	-	-	-	209	82	3,524
Unrestricted	15,808	(3,863)	8,626	(702)	2,584	(1,583)	20,870
Encumbrances	1,352	(37)	158	270	-	27	1,770
Total net position	41,979	(7,942)	28,953	1,156	2,793	(1,474)	65,465
Total liabilities, deferred inflows, and net position	\$ 82,807	\$ 10,988	\$ 35,693	\$ 3,085	\$ 3,002	\$ (1,041)	\$ 134,534

Attachment: CM 9-19-17, City financial statements, Aug. 2017 (2465 : City financial statement - August 2017.)

City of Opelika

Combined Summary Statement of Revenues, Expenses, and Changes in Net Position

Proprietary and Fiduciary Funds

August 31, 2017

**Thousands of dollars*

	Electric 2017 YTD	Telecom 2017 YTD	Sewer 2017 YTD	Solid Waste 2017 YTD	Workmen's Comp. 2017 YTD	Health Insurance 2017 YTD	Total
Operating Revenues							
Charges for services	\$ 38,775	\$ 5,070	\$ 4,320	\$ 2,642	\$ 443	\$ 1,887	\$ 53,137
Operating Expenses							
Purchases	26,039	2,101	-	390	-	-	28,530
Depreciation	2,759	1,160	926	230	-	-	5,075
Personnel services	2,101	487	3	904	-	-	3,495
Other	2,655	1,380	1,977	486	177	3,443	10,118
Total operating expenses	33,554	5,128	2,906	2,010	177	3,443	47,218
Operating income/(loss)	5,221	(58)	1,414	632	266	(1,556)	5,919
Nonoperating Revenues/(Expenses)							
Gain/(Loss) on sale of capital assets	38	-	-	13	-	-	51
Fiber optic line leases	26	-	-	-	-	-	26
Investment income	64	2	8	2	3	-	79
Grant income	-	-	76	25	-	-	101
Pole rental	-	-	-	-	-	-	-
Miscellaneous revenues	1,377	54	2	64	-	-	1,497
Interest expense and charges	(1,316)	(329)	(265)	-	-	-	(1,910)
Total nonoperating revenues/(expenses)	189	(273)	(179)	104	3	-	(156)
Other Revenues and Transfers In/(Out):							
Capital contributions	455	16	-	-	-	-	471
Transfers from other funds	-	-	-	-	-	-	-
Transfers to other funds	(2,750)	-	-	-	-	-	(2,750)
Total other revenues/(expenses)	(2,295)	16	-	-	-	-	(2,279)
Net Income/(loss)	3,115	(315)	1,235	736	269	(1,556)	3,484
Net position, beginning of year	38,864	(7,627)	27,718	420	2,524	82	61,981
Net position before encumbrances	41,979	(7,942)	28,953	1,156	2,793	(1,474)	65,465
Encumbrances	1,352	(37)	158	270	-	27	1,770
Net position, end of period	\$ 40,627	\$ (7,905)	\$ 28,795	\$ 886	\$ 2,793	\$ (1,501)	\$ 63,695
Additional Information:							
Cash position at August 31, 2017	\$ 10,619	\$ 1,107	\$ 7,696	\$ 995	\$ 2,983	\$ (1,041)	\$ 22,359
Cash position at September 30, 2016	5,709	(1,111)	6,273	634	2,708	(719)	13,494
Change in cash	\$ 4,910	\$ 2,218	\$ 1,423	\$ 361	\$ 275	\$ (322)	\$ 8,865

Attachment: CM 9-19-17, City financial statements, Aug. 2017 (2465 : City financial statement - August 2017.)

City of Opelika
 General Fund Revenue and Expenditure Summary
 Comparison of Actual and Budget to Prior Year
 YTD August 2017
 *Thousands of dollars

	YTD Actual			Budget to Actual		
	2016	2017	Variance	2017 Budget	2017 Actual	Variance
Revenues:						
Taxes	\$ 32,766	\$ 32,609	\$ (157)	32,268	\$ 32,609	\$ 341
Licenses and permits	14,602	15,577	975	13,650	15,577	1,927
Intergovernmental	578	640	62	542	640	98
Charges for services	1,674	1,762	88	1,584	1,762	178
Fines and forfeits	596	598	2	692	598	(94)
Grants	24	-	(24)	-	-	-
Contributions	35	28	(7)	43	28	(15)
Investment income	61	240	179	44	240	196
Miscellaneous	215	322	107	267	322	55
Total revenues	50,551	51,776	1,225	49,090	51,776	2,686
Expenditures:						
General government	4,927	4,835	(92)	6,224	4,835	1,389
Public safety	12,165	12,174	9	13,949	12,174	1,775
Public works	3,680	3,779	99	5,046	3,779	1,267
Culture and recreation	5,546	5,442	(104)	6,765	5,442	1,323
Economic development	2,014	2,525	511	2,668	2,525	143
Health	278	294	16	314	294	20
Education	3,003	3,044	41	3,050	3,044	6
Welfare	134	98	(36)	109	98	11
Capital outlay	3,371	4,054	683	9,147	4,054	5,093
Debt service	690	695	5	691	695	(4)
Total expenditures	35,808	36,940	1,132	47,963	36,940	11,023
Other financing sources/(uses)						
Sale of capital assets	158	29	(129)	9	29	(20)
Transfers in	2,353	2,775	422	6,383	2,775	3,608
Transfer out	(6,998)	(6,906)	92	(11,368)	(6,906)	(4,462)
Total other financing sources/(uses)	(4,487)	(4,102)	385	(4,976)	(4,102)	(874)
Net change in fund balance	10,256	10,734	478	(3,849)	10,734	(14,583)
Fund balance, beginning of year	41,964	51,803	9,839	51,803	51,803	-
Fund balance, year to date	\$ 52,220	\$ 62,537	\$ 10,317	\$ 47,954	\$ 62,537	\$ (14,583)
Less:						
Nonspendable	103	67	(36)	-	42	(42)
Restricted	104	111	7	-	111	(111)
Committed	6	8	2	-	8	(8)
Assigned	22,375	23,887	1,512	-	23,887	(23,887)
Encumbrances	2,830	6,635	3,805	-	6,635	(6,635)
	25,418	30,708	5,290	-	30,683	(30,683)
Unassigned fund balance	26,802	31,829	5,027	47,954	31,854	16,100
20% budgeted revenues	9,818	9,818		9,818	9,818	
Available unassigned fund balance	\$ 16,984	\$ 22,011		\$ 38,136	\$ 22,036	

Attachment: CM 9-19-17, City financial statements, Aug. 2017 (2465 : City financial statement - August 2017.)

City of Opelika
General Fund Revenues
Comparison of Actual and Budget to Prior Year
YTD August 2017
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2016	2017	Variance	2017 Budget	2017 Actual	Variance
Taxes:						
Sales	\$ 28,120	\$ 27,819	\$ (301)	\$ 27,867	\$ 27,819	\$ (48)
Property:						
Property	3,294	3,395	101	3,064	3,395	331
Payments in lieu of taxes	22	25	3	20	25	5
Total property taxes	3,316	3,420	104	3,084	3,420	336
Other						
Gasoline	724	746	22	710	746	36
Cigarette	78	75	(3)	81	75	(6)
Wine and liquor	28	27	(1)	28	27	(1)
Rental	500	522	22	499	522	23
Total other taxes	1,330	1,370	40	1,318	1,370	52
Total taxes	32,766	32,609	(157)	32,269	32,609	340
Licenses and permits:						
Occupational license	9,954	10,477	523	9,141	10,477	1,336
Business:						
General	2,892	2,754	(138)	2,420	2,754	334
Lodging	720	651	(69)	759	651	(108)
Franchise fee	281	488	207	603	488	(115)
Miscellaneous	226	332	106	230	332	102
Total business	4,119	4,225	106	4,012	4,225	213
Telecommunications permits and fees	18	10	(8)	-	10	10
Permits and inspections	503	854	351	498	854	356
Other	7	11	4	-	11	11
Total licenses and permits	14,601	15,577	976	13,651	15,577	1,926
Intergovernmental:						
Shared county motor vehicle	108	106	(2)	97	106	9
Shared state:						
Bank excise tax	168	199	31	145	199	54
Business privilege tax	73	73	-	67	73	6
Liquor tax profits	132	136	4	121	136	15
State asset forfeiture	12	54	42	29	54	25
Total shared state	385	462	77	362	462	100
Shared federal asset forfeiture	29	-	(29)	30	-	(30)
Other	57	72	15	54	72	18
Total intergovernmental	579	640	61	543	640	97
Charges for services:						
General government - other	17	20	3	17	20	3
Public Safety:						
Fire training	3	5	2	4	5	1
City schools	12	12	-	-	12	12
Housing Authority	-	-	-	-	-	-
Auburn University	51	31	(20)	62	31	(31)
EAMC	80	106	26	59	106	47
Other	11	4	(7)	2	4	2
Health - Graves and monuments	121	137	16	125	137	12
Public Works - Paving and plan review fees	69	101	32	70	101	31
Culture and Rec - Entry and concession fees	1,310	1,346	36	1,246	1,346	100
Total charges for services	1,674	1,762	88	1,585	1,762	177
Fines and forfeits:						
Municipal Court	293	264	(29)	322	264	(58)
Red light violations	245	291	46	317	291	(26)
Other	58	42	(16)	52	42	(10)
Total fines and forfeits	596	597	1	691	597	(94)
Grant income	24	-	(24)	-	-	-
Contributions	35	28	(7)	43	28	(15)
Investment income	61	240	179	44	240	196
Miscellaneous	215	321	106	267	322	55
Total revenues	50,551	51,774	1,208	49,093	51,775	2,682
Other financing sources						
Proceeds of general obligation debt	-	-	-	-	-	-
Operating transfers from Electric fund	2,282	2,750	468	2,760	2,750	(10)
Other transfers	71	25	(46)	3,623	25	(3,598)
Sale of capital assets	158	29	(129)	9	29	20
Total other financing sources	2,511	2,804	293	6,392	2,804	(3,588)
Total revenue and other financing sources	\$ 53,062	\$ 54,578	\$ 1,516	\$ 55,485	\$ 54,579	\$ (906)

Attachment: CM 9-19-17, City financial statements, Aug. 2017 (2465 : City financial statement - August 2017.)

City of Opelika
General Fund Expenditures
Comparison of Actual and Budget to Prior Year
YTD August 2017
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2016	2017	Variance	2017 Budget	2017 Actual	Variance
General government:						
Legislative	\$ 310	\$ 316	\$ 6	\$ 378	\$ 316	\$ 62
Executive	220	232	12	554	232	322
Legal	119	125	6	138	125	13
Administration	351	448	97	572	448	124
Accounting	409	396	(13)	719	396	323
Human resources	305	341	36	375	341	34
Information technology	1,337	1,108	(229)	1,374	1,108	266
Revenue	245	253	8	323	253	70
Municipal court	495	522	27	574	522	52
Purchasing	206	236	30	201	236	(35)
Community development	116	160	44	145	160	(15)
Planning	303	301	(2)	375	301	74
Other - nondepartmental	511	397	(114)	497	397	100
Total general government	4,927	4,835	(92)	6,225	4,835	1,390
Public safety:						
Police	7,473	7,203	(270)	8,638	7,203	1,435
Probation	34	68	34	109	68	41
Fire	4,324	4,632	308	4,870	4,632	238
Other - nondepartmental	334	271	(63)	333	271	62
Total public safety	12,165	12,174	9	13,950	12,174	1,776
Public works:						
Streets	1,071	1,095	24	1,111	1,095	16
Engineering	423	444	21	551	444	107
Administration	319	362	43	507	362	145
Cemetery	183	184	1	185	184	1
Auto shop	487	412	(75)	1,226	412	814
Building maintenance	299	347	48	445	347	98
Inspection	393	386	(7)	454	386	68
Grounds maintenance	505	549	44	567	549	18
Total public works	3,680	3,779	99	5,046	3,779	1,267
Culture and recreation:						
Parks and recreation	4,828	4,590	(238)	5,577	4,590	987
Library	618	758	140	1,095	758	337
Other - nondepartmental	101	94	(7)	93	94	(1)
Total culture and recreation	5,547	5,442	(105)	6,765	5,442	1,323
Economic development:						
Development	394	360	(34)	553	360	193
Other - nondepartmental	1,620	2,164	544	2,116	2,164	(48)
Total economic development	2,014	2,524	510	2,669	2,524	145
Health:						
Animal control	53	58	5	67	58	9
Other	225	236	11	247	236	11
Total health	278	294	16	314	294	20
Education	3,003	3,044	41	3,050	3,044	6
Welfare	134	98	(36)	109	98	11
Capital outlay	3,371	4,054	683	9,147	4,054	5,093
Debt service						
Principal retirement	541	606	65	573	606	(33)
Interest and charges	149	89	(60)	118	89	29
Total debt service	690	695	5	691	695	(4)
Total expenditures	35,809	36,939	1,130	47,966	36,939	11,027
Other financing uses						
Transfers out:						
Transfers to PR/Jail construction fund	2,530	2,795	265	2,449	2,795	(346)
Transfers to other funds	4,468	4,111	(357)	8,919	4,111	4,808
Total transfers out	6,998	6,906	(92)	11,368	6,906	4,462
Total expenditures and other financing uses	\$ 42,807	\$ 43,845	\$ 1,038	\$ 59,334	\$ 43,845	\$ 15,489

Attachment: CM 9-19-17, City financial statements, Aug. 2017 (2465 : City financial statement - August 2017.)

City of Opelika
 Capital Outlay
 Comparison of Actual and Budget to Prior Year
 YTD August 2017
 *Thousands of dollars

	YTD Actual			Budget to Actual		
	2016	2017	Variance	Budget	Actual	Variance
GENERAL FUND						
General Government:						
Legislative	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Executive	-	-	-	-	-	-
Legal	-	-	-	-	-	-
Administration	-	-	-	-	-	-
Accounting	-	6	6	196	6	190
Human Resources	-	-	-	-	-	-
Information Technology	460	440	(20)	733	440	293
Revenue	-	-	-	-	-	-
Municipal Court	5	-	(5)	-	-	-
Purchasing	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Planning	-	-	-	-	-	-
Total general government	465	446	(19)	929	446	483
Public Safety:						
Police	333	356	23	433	356	77
Probation	-	-	-	-	-	-
Fire	787	1,773	986	3,766	1,773	1,993
Total public safety	1,120	2,129	1,009	4,199	2,129	2,070
Public Works:						
Streets	1,490	1,150	(340)	1,582	1,150	432
Engineering	14	60	46	77	60	17
Administration	207	76	(131)	95	76	19
Cemetery	-	-	-	-	-	-
Auto Shop	-	-	-	-	-	-
Building Maintenance	-	-	-	-	-	-
Inspection	-	-	-	-	-	-
Grounds Maintenance	-	-	-	-	-	-
Total public works	1,711	1,286	(425)	1,754	1,286	468
Culture and Recreation:						
Parks and Recreation	80	192	112	173	192	(19)
Library	-	-	-	-	-	-
Total culture and recreation	80	192	112	173	192	(19)
Total General Fund capital outlay expenditures	\$ 3,376	\$ 4,053	\$ 677	\$ 7,055	\$ 4,053	\$ 3,002

Attachment: CM 9-19-17, City financial statements, Aug. 2017 (2465 : City financial statement - August 2017.)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 09/19/17 07:00 PM
Department: Building Inspection
Category: Building Permit Report.
Prepared By: BJ Lowery
Initiator: Jeff Kappelman
Sponsors:

MAYOR'S REMARKS (ID # 2453)

DOC ID: 2453

August 2017 Building Permit Report

COMMENTS - Current Meeting:

Mayor Fuller called on Joey Motley, City Administrator, to present a summary of the August 2017 Building permit 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 August, 2017

Work & Repair On Buildings:

Building Repairs	Commercial	Residential
Buildings Condemned	0	9
Buildings Demolished	0	0
Building Repairs	3	5
Plumbing Upgrades	6	26
Electrical Upgrades	3	3
Mechanical Upgrades	10	21
Reroofs And Roof Repairs	2	11
Mobile Home Services	0	0
Building Additions/Accessory Structures	0	6

Monthly Totals For August 2008-2017

2008	\$6,027,767.00
2009	\$5,072,520.00
2010	\$7,413,429.00
2011	\$4,738,734.00
2012	\$18,750,010.00
2013	\$3,697,147.00
2014	\$3,556,883.00
2015	\$12,780,071.00
2016	\$7,067,486.00
2017	\$11,413,886.00

Total Permits Issued:

3	New Buildings: Commercial	\$6,740,867.00
8	Commercial Renovations And Repairs	\$448,026.00
6	Signs	\$41,238.00
11	New Single Family Homes	\$2,989,444.00
18	Residential Repairs And Renovations	\$367,839.00
0	New Apartment Units	\$0.00
4	New Duplex Residences-Condos	\$826,472.00
50	Total Building Permits Issued	\$11,413,886.00

50

Total Permits Issued For August, 2017

\$11,413,886.00

TAKEN FROM THE RECORDS OF THE
BUILDING INSPECTOR

Jeff Kappelman
Jeff Kappelman
Chief Building Inspector

Attachment: August 2017 Building Report (2453 : August 2017 Building Permit Report)



*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	1	0
Buildings Demolished	1	0
Building Repairs	103	81
Plumbing Upgrades	27	170
Electrical Upgrades	37	136
Mechanical Upgrades	77	120
Reroofs And Roof Repairs	8	56
Mobile Home Services	0	15
Building Additions/Accessory Structures	9	55

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	\$160,312,822.00

Total Permits Issued:

27	New Buildings: Commercial	\$84,559,226.00
124	Commercial Renovations And Repairs	\$16,267,513.00
39	Signs	\$389,397.00
194	New Single Family Homes	\$49,620,292.00
187	Residential Repairs And Renovations	\$3,794,438.00
89	New Apartment Units	\$4,855,484.00
4	New Duplex Residences	\$826,472.00
664	Total Building Permits Issued	\$160,312,822.00

664	Total Issued for FY 2017	\$160,312,822.00
-----	--------------------------	------------------

Jeff Kappelman
JEFF KAPPELMAN
Building Official

Attachment: August 2017 Building Report (2453 : August 2017 Building Permit Report)

City of Opelika- Planning Department
Building Inspection Division
August 2017- Monthly Building Permit Detail Report

Issue Date	Main Address	Company	Work Class	Valuation
8/1/2017	100 S 8TH ST	ROOFSCAPES INC	Roofs	\$ 13,000.00
8/1/2017	2405 SAMUEL LN	Bryant Largreis	Accessory Buildings	\$ 2,056.00
8/2/2017	605 W TOWNE LAKE CIR	STONE MARTIN BUILDERS	New Single Family Detached	\$ 229,075.00
8/2/2017	2301 COBBLESTONE DR	COLUMBUS FOUR SEASONS SUNROOMS	Addition	\$ 27,972.00
8/2/2017	3608 DOUBLE EAGLE LN	CONNER BROTHERS CONSTRUCTION	New Single Family Detached	\$ 176,447.00
8/3/2017	3308 DOUBLE EAGLE LN	DAVID MYERS CONSTRUCTION INC	Addition	\$ 32,000.00
8/3/2017	800 TOWNE LAKE PKWY	STONE MARTIN BUILDERS	New Single Family Detached	\$ 244,006.00
8/3/2017	314 N 8TH ST	ADVANCED BUILDING CORPORATION	Addition	\$ 9,000.00
8/4/2017	1101 LIVE OAK CIR	MOORES CONSTRUCTION	Addition	\$ 25,000.00
8/4/2017	2917 LONE EAGLE LN	THE WORTHY GROUP	Accessory Buildings	\$ 19,000.00
8/7/2017	708 AVENUE D	Insure South	Alteration	\$ 30,000.00
8/8/2017	2406 FREDERICK RD 1	STORE ROOM FASTENERS-OPELIKA	Signs	\$ 1,000.00
8/8/2017	1406 RIDGE RD	Maria Traylor	Addition	\$ 1,500.00
8/8/2017	3794 PEPPERELL PKWY	EFFECTIVE SIGNS LLC	Signs	\$ 1,242.00
8/9/2017	3794 PEPPERELL PKWY D	INFINITY GROUP LLC, THE	Tenant Build Out	\$ 87,425.00
8/9/2017	1104 CEDAR CREEK DR	GRAYHAWK HOMES INC	New Single Family Detached	\$ 275,230.00
8/9/2017	1102 CEDAR CREEK DR	GRAYHAWK HOMES INC	New Single Family Detached	\$ 329,425.00
8/10/2017	200 N 13TH ST	MADISON DESIGN & CONSTRUCTION	Tenant Build Out	\$ 80,000.00
8/10/2017	1205 MORRIS AVE	SUPERIOR ROOFING CO	Roofs	\$ 11,765.00
8/11/2017	2106 WAVERLY PKWY 2D	ALL RESTORATION SOLUTIONS INC	Alteration	\$ 50,169.00
8/15/2017	1302 NORTHGATE DR	Charles Burhalter	Accessory Buildings	\$ 1,967.00
8/16/2017	3021 FREDERICK RD	SIGNS INC	Signs	\$ 1,500.00
8/16/2017	201 N 2ND ST	J MANIFOLD CONSTRUCTION	New	\$ 30,500.00
8/16/2017	1608 SPRING DR	Don Lucas	Accessory Buildings	\$ 2,000.00
8/17/2017	806 TOWNE LAKE PKWY	STONE MARTIN BUILDERS	New Single Family Detached	\$ 267,781.00

Attachment: August 2017 Building Report (2453 : August 2017 Building Permit Report)

8/17/2017	3411 LAKESHORE DR DR	Toland Construction	New Single Family Detached	\$	282,009.00
8/17/2017	23 SAMFORD AVE	Broadway Group	New	\$	441,050.00
8/17/2017	2900 PEPPERELL PKWY	NEWCO CONSTRUCTION OF AMERICA, INC	Alteration	\$	10,000.00
8/17/2017	3021 FREDERICK RD 4	SIGNS INC	Signs	\$	1,000.00
8/18/2017	804 COLUMBUS PKWY	DORRIS SIGN INC	Signs	\$	3,000.00
8/18/2017	3003 ALUMNI LN	DILWORTH DEVELOPMENT INC	Duplex	\$	206,618.00
8/18/2017	3014 ALUMNI LN	DILWORTH DEVELOPMENT INC	Duplex	\$	206,618.00
8/18/2017	3001 ALUMNI LN	DILWORTH DEVELOPMENT INC	Duplex	\$	206,618.00
8/18/2017	3012 ALUMNI LN	DILWORTH DEVELOPMENT INC	Duplex	\$	206,618.00
8/18/2017	4400 ANDERSON RD	EAST CONSTRUCTION, LLC	New Single Family Detached	\$	396,032.00
8/21/2017	121 N 20TH ST	SUPERIOR ROOFING CO	Roofs	\$	7,500.00
8/21/2017	2906 STILLWOOD WAY	William Stroik	Accessory Buildings	\$	6,300.00
8/22/2017	3602 DOUBLE EAGLE LN	CONNER BROTHERS CONSTRUCTION	New Single Family Detached	\$	214,544.00
8/22/2017	3455 LAKESHORE DR DR	TOLAND CONSTRUCTION LLC	New Single Family Detached	\$	270,721.00
8/23/2017	2105 INTERSTATE DR	LOGAN MULTICRAFT LLC	Tenant Build Out	\$	169,932.00
8/24/2017	3125 WYNDHAM INDUSTRIAL	MOORES CONSTRUCTION	Churches And Other Religious Bu	\$	550,000.00
8/24/2017	2613 SPRING LAKES XING	BEN WEBSTER HOMES	Alteration	\$	5,000.00
8/24/2017	1013 3RD AVE	Zach and Kate Thornton	Alteration	\$	70,000.00
8/24/2017	2406 FREDERICK RD 1	SOUTHERN SIGNCRAFTER INC	Signs	\$	33,496.00
8/25/2017	916 4TH AVE	WHATLEY CONSTRUCTION LLC	Alteration	\$	20,000.00
8/28/2017	2750 GRAND NATIONAL PK	FATHER NATURE LANDSCAPES	Foundation	\$	96,642.00
8/29/2017	685 FOX TRL	MARSHALL DESIGN BUILD LLC	Industrial	\$	5,719,317.00
8/29/2017	707 HERNDON ST	Marcus Fuller	Accessory Buildings	\$	17,000.00
8/29/2017	401 JETER AVE	JOHNSON'S HOME REPAIR & IMPROVEMENT	Alteration	\$	6,000.00
8/30/2017	1306 PRESTON ST	HOLLAND HOMES LLC	Alteration	\$	14,637.00
8/30/2017	1220 LAKEVIEW TER	HOMEWORKS OF ALABAMA INC	New Single Family Detached	\$	304,174.00
				\$	11,413,886.00


 Jeff Kappelman
 Chief Building Inspector



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 09/19/17 07:00 PM
Department: City Clerk
Category: Request / Temp Street Closure
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

GENERAL BUSINESS (ID # 2459)

DOC ID: 2459

Request by Main Street, street closure October 4th, parade with the Clydesdale horses.

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



Post Office Box 2464 • Opelika, AL 36803-2464 • 334.745.04

YESTERDAY, TODAY & TOMORROW

opelikamainstreet.org • info@opelikamainstreet.org

Clydesdale Event – October 4, 2017 -

This letter serves as our formal request to host a parade in conjunction with Adams Beverages in downtown Opelika. Their corporate headquarters will be bringing the official Clydesdale horses. The proposed route that will need to be barricaded is attached.

The streets that will need to be closed with barricades are 9th Street between Avenue B and North Railroad, 10th Street under bridge, South Railroad Avenue between 8th and 9th Street, 8th Street between South Railroad, and Avenue A from 8th Street to the 10th Street bridge. We would also like to block off a portion of the Courthouse Square parking lot as a viewing area once the parade is over. Please see proposed map. The event will begin at 4:30p, but we will need to block some roads as early as 2:00 pm to prepare.

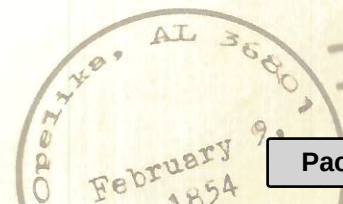
We believe this event will bring in a lot of people and would like to request assistance from the Opelika Police Department.

Please let us know if we need to provide anything further.

Thank you, Opelika Main Street

Experience something new in...

Historic Downtown Opelika



Retailers & Shops

1. Alabama Office Supply/Waterfield Home
11. Amos Ambling
2. Babbs Medicine Shop
3. Covered Closet
4. Evey Salon
62. Elbow & Associates
5. Factory South
6. Fringe & Fringe Kats
7. Heritage Gifts
20. James Bros Bikes
48. Maria Jewellers
61. Opelika Theatre Company
57. Railroad Junction
13. Southern Crossing
16. Spa 180
8. Studio 319
14. Taylor Made Designs
15. The Gallery on Railroad
7. The Popcorn
30. V3 Media
54. Vortex Designs
19. Winston Smith T Hardware
55. Wright's Market

Restaurants/Bars/Eateries

34. 0th and Red
33. Brewery
21. Cafe 123
23. Irish Bird Pub
24. Jokers
25. Jan Bob's
12. John Emerald Distillery
27. Ma Fie's Restaurant
18. Niles's A The Tracks
59. O Town Ice Cream
49. Red Clay Brewery
26. Secret Malibu's
58. Zoni

Attractions/Events/Services

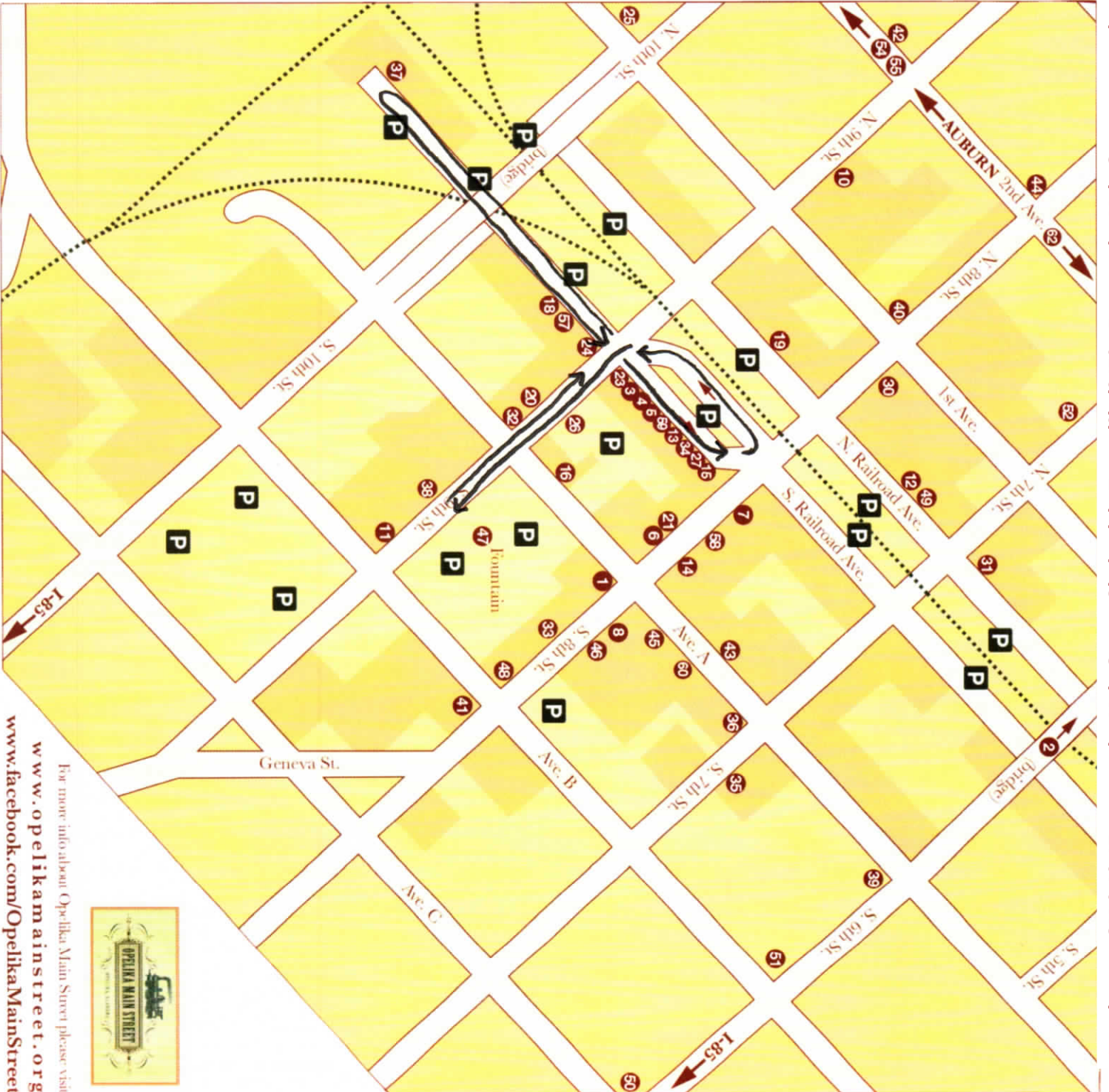
51. Auburn Bank
50. BancorpSouth
52. Charter Bank
10. CyberZone
31. Redding Plant Event Center
32. Museum of East Alabama
46. Collaboration Station

Historic & Government

35. City Hall
47. Courthouse Square
36. Federal Courthouse
37. Historic Train Depot
38. Lee County Courthouse
39. Opelika Chamber of Commerce

Churches

40. Emmanuel Episcopal Church
41. First Baptist Church of Opelika
42. First Presbyterian Church
43. First United Methodist Church
45. Four Corners Ministries
44. Trinity United Methodist Church
60. The Hills



For more info about Opelika Main Street please visit
www.opelikamainstreet.org
www.facebook.com/OpelikaMainStreet



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2440)

Meeting: 09/19/17 07:00 PM

Department: City Clerk

Category: Public Hearing

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 2440

Public hearing, sewer project in Sutton Way SD - Continued from 9/5 CM.

HISTORY:

09/05/17

City Council

Nicky Tidwell, 2811 Sutton Way, stated when this first came up we wanted city sewer. However, now that it looks like it will cost \$10,000+, I can't support this project. I don't think the City should make the home owners pay the \$10,000+. I think the City should require 100% of all property owners to do this project.

Tammie Hill, 2801 Sutton Way, stated I have been here for 9 years with no problems. We did some research when we bought the home and the lot was in good shape. I have not been happy with the process and think the City should have taken a official vote from the property owners. I am against this project.

Raymond Lloyd, 2808 Sutton Way, stated bought our home 4 years ago and there was no disclosure of septic tank issues. Across the street there has been major problems. I had our septic tanks pumped twice. We do not want to cut down our oak trees and our lot is not large enough for field lines. I support this city sewer project.

Steven Murray, 2809 Sutton Way, stated the cost for city sewer is significant but, I have already spend \$13,000 repairing & expanding our septic system. My septic system is maxed out and I want city sewer.

Nancy Weatherman, 2807 Sutton Way, stated I have been in my home for 15 years and was the first to address this issue. After the first year had to pump septic tank. The last time we had the septic tank man back to our home, he said it was running back in as he pumped it out. I now have a wet spot in my yard. I am for City sewer.

Robert Wilding, 2810 Sutton Way, stated the issue is not whether city sewer is good or not, the cost for city sewer is the issue. The financial burden is the issue. I cannot afford \$10,000+. City sewer would be great for Sutton Way SD but, the burden should not be just on the homeowners. Why should I take on that burden? I can't afford it.

President Smith asked for a show of hands from the property owners that was were present.

Ms. Jones stated there appears to be some property owners not present or not speaking.

Doreen Bailey, 2803 Sutton Way, stated she was a yes.

Bonnie Sample, 2806 Sutton Way, stated she was a yes.

The property owner from 2502 Cunningham Way said he was neutral on the proposed sewer project.

Tommy Truong, 2804 Sutton Way, stated he was a no.

Betty Wingard, 2805 Sutton Way, stated she was a no.

The final tally showed there was 5 yes, 5 no, 1 neutral and 3 not present.

President Smith announced that this public hearing would be continued to the next City Council meeting on September 19, 2017 along with the 'Tabling' of the two corresponding resolutions.

COMMENTS - Current Meeting:

Mr. Shuman stated this was a continuation of the public hearing that was started at the 9-05-17 city council meeting. President Smith declared the public hearing open and asked if there was anyone present that would like to speak for or against the proposed sewer project in Sutton Way subdivision.

Rob Bettenfield representing Amy Callahan, 2502 Cunningham Drive, stated he had a professional review their property and was told it would be in their best interest to support the sewer project. I was 'neutral' at the 9/5 council meeting but, I am now a yes in support of the sewer project. He also asked the City to do whatever they can to reduce the financial burden on the property owners. He also passed out a letter from Bonnie Mathews, 2806 Sutton Way, who could not make it tonight but, is still a yes for the sewer project.

Ray Lloyd, 2808 Sutton Way, stated he thinks some of the property owners do not understand that they are not going to have to come up with \$10,000+ because the City will finance the cost over 10 years. I think there has been some scare tactics used to put pressure on some property owners to say no. The septic tanks should have never been put in. We had a nice neighborhood and now the neighborhood is upside down because of this issue.

Susan Lloyd stated we have no room to expand their field lines. Just cutting out going out to dinner once a month could make the annual payment for the sewer assessment. I pray for the City Council to vote yes. Please read the letter from Bonnie Mathews before voting.

Judy Bryan, 2813 Sutton Way, stated she is at the end of the street and has been there for 15 years with no sewer problems. I am a single widower and cannot pay the cost of city sewer. I am still a no.

Susan Murray, 2809 Sutton Way, stated we had to cut just about all our trees down and there is no where else to go to expand field lines. I was told to sell our home but, we love the neighborhood and our home. We don't need the financial burden on us or our neighbors for city sewer but, that is the only way to fix the problem. I am still a yes.

Towanda Key, 2812 Sutton Way, stated I missed the meeting on 9/5 but, spoke to the City Clerk and President Smith. I will be moving soon and have not had an problems with my sewer. I hope the City can help me and my neighbors with financing if the project is approved. I am still a no.

President Smith closed the public hearing.

PUBLIC IMPROVEMENT ORDINANCE NO. 118-17-S

**AN ORDINANCE PROVIDING FOR THE CONSTRUCTION
OF CERTAIN SANITARY SEWERS AND APPURTENANCES
THERE TO WITHIN THE RIGHT-OF-WAY OF SUTTON WAY**

BE IT ORDAINED by the City Council (the "Council") of the City of Opelika, Alabama, a municipal corporation (the "City") as follows:

Section 1. That sanitary sewers shall be constructed within the right-of-way of Sutton Way in the City of Opelika, Alabama, with the materials and in the manner hereinafter specified for the purpose of draining, serving or benefitting the area as more fully described. The sanitary sewer main and improvements will be constructed to serve fourteen (14) residential lots within its service area. The said sewers shall be constructed in accordance with full details, drawings, specifications and surveys prepared by Barrett-Simpson, Inc., on file in the office of the City Engineer, 700 Fox Trail, Opelika, Alabama.

Section 2. That said sanitary sewer main of PVC pipe eight inches in diameter and appurtenances shall be constructed between the terminal points and in the area hereinafter designated, the centerline of the sanitary sewer main to be constructed being described as follows:

Beginning at a point which is 1.55 feet north of and 10.88 feet west of the intersection of the prolongation of the centerline of Sutton Way and the easterly right of way of Cunningham Drive, said point being Station 0+00, the center of Existing Manhole 1; thence N89°28'00"W, 223.61 feet to a point which is 4.82 feet northeasterly of the centerline of the aforementioned Sutton Way and is Station 2+23.61, the center of Proposed Manhole 2; thence N81°20'02"W, 163.19 feet to a point which is 4.80 feet northeasterly of the centerline of Sutton Way and is Station 3+86.80, the center of Proposed Manhole 3; thence N89°58'47"W, 279.29 feet to a point which is 5.37 feet north of the centerline of Sutton Way and is Station 6+66.09, the center of Proposed Manhole 4 and the end of the sewer main.

The sanitary sewer main to be constructed shall commence at an existing manhole located in the intersection of the right-of-way of Cunningham Drive and Sutton Way and shall run in a generally westerly direction along the right-of-way of Sutton Way for approximately 667.00 feet to the existing cul-de-sac at the end of Sutton Way.

Section 3 That said sanitary sewers hereinabove described shall be constructed with the necessary manholes, connections, and appurtenances, in accordance with full details, drawings, specifications, surveys, and estimates, prepared by Barrett-Simpson, Inc., on file in the office of the City Engineer, 700 Fox Trail, Opelika, Alabama, where property owners who may be affected by said public improvements may see and examine the same. Said sewers and appurtenances shall be constructed of the materials hereinafter specified. The sewer improvements provided for in this ordinance shall generally consist of the following, to-wit:

- (a) Construction or installation of a gravity sanitary sewer of PVC Pipe, SDR 26, eight (8) inches in diameter, for a distance of 667 feet.
- (b) Construction or installation of lateral sanitary sewer service lines of PVC pipe, SDR 26, four (4) inches in diameter, for a total distance of 502 feet, extended to the Right of Way of the respective streets mentioned above.
- (c) Construction or installation of all incidentals, appurtenances, and manholes as describe above.

Section 4 That said sanitary sewers and appurtenances mentioned above and described in sections 2 and 3 of this Ordinance shall be constructed for the purpose of draining, serving or benefitting the area or territory in the City of Opelika, Alabama described as follows; to wit: the following designated lots or parcels of land according to and as shown by recorded plats of record in the Office of the Judge of Probate of Lee County, Alabama, to-wit:

- (a) Lot 1 of Sutton Way Phase One, as recorded in Plat Book 9, at Page 149 in the Office of the Judge of Probate of Lee County, Alabama.
- (b) Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Sutton Way Phase Two, as recorded in Plat Book 20, at Page 14 in the Office of the Judge of Probate of Lee County, Alabama.
- (c) Lots 13 and 14, Sutton Way Phase Three, as recorded in Plat Book 20, at Page 76 in the Office of the Judge of Probate of Lee County, Alabama.

The street addresses of the abovementioned lots or parcels of land to be drained, served or benefitted by said sanitary sewer main are as follows:

2502 Cunningham Drive, 2801 Sutton Way, 2802 Sutton Way, 2803 Sutton Way, 2804 Sutton Way, 2805 Sutton Way, 2806 Sutton Way, 2807 Sutton Way, 2808 Sutton Way, 2809 Sutton Way, 2810 Sutton Way, 2811 Sutton Way, 2812 Sutton Way and 2813 Sutton Way.

That said sanitary sewers and appurtenances mentioned above and described herein shall be constructed in the City of Opelika between the terminal points described in section 2 above and for the purpose of draining, serving or benefitting the areas herein above designated and described.

Section 5. That the cost of the construction of the public improvements authorized by this Ordinance shall, after completion and acceptance thereof, be assessed in fair proportion against all of the lots or tracts of land lying within the district or territory drained, served or benefitted by the aforesaid sanitary sewers; provided, however, that the assessment shall not exceed the total cost of said improvement, and the amount so assessed shall not exceed the increased value of such property by reason of the special benefits derived from said improvement, and no charge assessed upon or against any lot or parcel of land drained, served or benefitted by said sanitary sewers shall be greater than the increased value of such property by reason of the special benefits derived from said improvement.

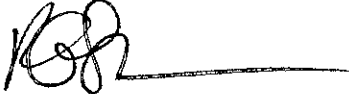
Section 6. That the City Council of the City of Opelika shall meet in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama at 7:00 p.m. on the 5th day of September, 2017 to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of the material or materials to be used.

Section 7. That this Ordinance shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation published in the City of Opelika, and a copy of said Ordinance shall be sent by registered or certified mail, postage prepaid, to the persons last assessing for City taxation the property which may be assessed for the cost of said public improvements, at their last known address, notices to be mailed not less than ten (10) days before the date of the meeting provided for in Section 6 of this Ordinance.

ADOPTED AND APPROVED this the 1st day of August, 2017.


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

ATTEST:

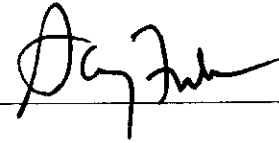

 CITY CLERK

TRANSMITTED TO MAYOR on this the 2nd day of August, 2017.


CITY CLERK

ACTION BY MAYOR

APPROVED this the 2nd day of August, 2017.


MAYOR

ATTEST:


CITY CLERK

Attachment: CM 9-05-17, public hearing, sewer project in Sutton Way SD (2440 : Public hearing, sewer project in Sutton Way SD - Continued from 9/5 CM)



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Amy Callahan
2502 Cunningham Drive
Opelika, Alabama 36801

RE: **NOTICE OF PUBLIC HEARING**
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc

Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

James Hill
2801 Sutton Way
Opelika, Alabama 36801

RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Aaron Andrew
2802 Sutton Way
Opelika, Alabama 36801

RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc

Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Doreen Bailey
2803 Sutton Way
Opelika, Alabama 36801

RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Tommy Truong
2804 Sutton Way
Opelika, Alabama 36801

RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Betty Wingard
2805 Sutton Way
Opelika, Alabama 36801

RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Bonnie Sample
2806 Sutton Way
Opelika, Alabama 36801

**RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way**

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Nancy Weatherman
2807 Sutton Way
Opelika, Alabama 36801

**RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way**

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Raymond Lloyd
2808 Sutton Way
Opelika, Alabama 36801

**RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way**

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Steven Murray
2809 Sutton Way
Opelika, Alabama 36801

RE: **NOTICE OF PUBLIC HEARING**
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Robert Wilding
2810 Sutton Way
Opelika, Alabama 36801

RE: **NOTICE OF PUBLIC HEARING**
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc

Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Nicky Tidwell
2811 Sutton Way
Opelika, Alabama 36801

RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Towanda Key
2812 Sutton Way
Opelika, Alabama 36801

RE: **NOTICE OF PUBLIC HEARING**
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc

Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director



Legislative Office

Telephone 334-705-5110
Fax 334-705-5104

Rich in heritage, with a vision for the future

August 11, 2017

Judy Bryan
2813 Sutton Way
Opelika, Alabama 36801

RE: NOTICE OF PUBLIC HEARING
Sanitary Sewer Improvements Sutton Way

Dear Property Owner(s):

For your information and use, please find attached a copy of Ordinance no. 118-17-S authorizing the installation of new sanitary sewer pipe and improvements within the right-of way of Sutton Way.

Said Ordinance declares the Opelika City Council will hold a public hearing on **September 5, 2017**, at 7:00 p.m., in the City Council Chambers in the Municipal Building located at 204 South 7th Street, Opelika Alabama. The public hearing will be to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of material(s) to be used.

Please read and review the attached Ordinance very carefully. Should you have any questions, you may contact Joey Motley, City Administrator, at 334-705-5152.

Yours very truly,

R. G. "Bob" Shuman, CMC
City Clerk - Treasurer

RGS: pc
Attachment

cc: Honorable Gary Fuller, Mayor
Joey Motley, City Administrator
Guy F. Gunter III, City Attorney
Scott Parker, City Engineer
Mike Hilyer, Public Works Director

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 2449)**

Meeting: 09/19/17 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 2449

Public Hearing Weed Abatement Assessment - 1733 1St Avenue

COMMENTS - Current Meeting:

Mr. Shuman stated this public hearing was for a weed abatement assessment at 1733 1st Avenue. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

WEED ABATEMENT INVOICE**Date: 09/06/2017****To: State of Alabama
PO Box 327210
Montgomery Al. 36132****Property Address:
1733 1st Ave
Opelika Al. 36801
Parcel # 09-06-13-2-000-073.000**

On 08/03/2017 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement:	<u>176.9</u>
Certified mail:	<u>12.98</u>
Misc.	<u></u>
Total	<u>189.88</u>

Attachment: WEED INVOICE 1733 1st Ave (2449 : Public Hearing Weed Abatement Assessment - 1733 1st Avenue)

To: State of Alabama
 PO Box 327210
 Montgomery Al 36132

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 1733 1st Ave, Parcel 09-06-13-2-000-073.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 1733 1st Ave, Parcel No. 073.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$189.88.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 19th day of September, 2017.

You are further notified that the cost of abating such nuisance, if confirmed by the City Council, shall constitute a weed lien on said property and shall be turned over to the Revenue Commissioner of Lee County, Alabama to add the amount of such weed lien to the next regular bill of taxes levied against said property.

Dated this the 6th day of September, 2017.

 Jerry Bush
 Code Compliance Officer

Cc: Joey Motley – City Administrator
 Lillie Finley – Purchasing-Revenue Manger
 Guy. F. Gunter, III – City Attorney



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2349)

Meeting: 09/19/17 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:
DOC ID: 2349

Public Hearing for Demolition - 117 Chester Avenue

July 11, 2017

TO:

Randall D. Robertson
1603 Morris Avenue
Opelika, AL 36801

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

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

Street Address: 117 Chester Avenue, Opelika, AL 36801

Legal Description: Lots 25 and 26, Block B, M.L. Johnson Subdivision, according to and as shown by map or plat of said subdivision of records in Town Plat Book 2, at Page 35, in the Office of the Judge of Probate of Lee County, Alabama; together with all improvements thereon and all appurtenances thereunto appertaining.

Parcel Identification Number: 43-10-03-08-2-002-039.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on May 16, 2017. Based upon said inspection, the building located on the Subject Property is deemed to be a "dangerous building" within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:
(Check all that apply)

- ☐ (1) The interior walls or other vertical structure members of the building list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

- ☐ (2) Exclusive of foundation, the building shows thirty-three (33) percent or more of damage or deterioration of one (1) or more supporting members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- ☐ (3) The building has improperly distributed loads upon the floors or roofs, or, in which the same are overloaded or which has insufficient strength to be reasonably safe for the purpose used.
- ☒ (4) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism or other cause so as to become dangerous to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☒ (5) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.
- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such

equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.

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

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

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

and dangerous buildings. The Building Official further finds that the building on the Subject Property is unsafe to the extent that it is a public nuisance.

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

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

Notice is hereby given that the City Council of the City of Opelika, Alabama, will hold a public hearing on Tuesday, September 19, 2017, at 7:00 p.m. in the City Council Chambers of the municipal building, 204 South 7th Street, Opelika, Lee County, Alabama, to discuss the findings of the Building Official. At that time, the City Council will consider the adoption of a resolution ordering the demolition of the building located on the Subject Property. At the public hearing, the City Council will receive any objections to the finding by the Building Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the findings by the Building Official. Any such written objection must be submitted to the City Clerk prior to the meeting of the City Council. All interested persons are invited to appear before the City Council in person or through his or her representative to show cause, if any, why his or her objection to the demolition of the building or structure should be sustained. No action shall be taken on the finding of the Building Official until determination is made thereon by the City Council. Upon the holding of the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order the demolition of the building or structure at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stands or to which it is attached. Any person aggrieved by the decision of the City Council may, within ten (10) days thereafter, appeal to the Circuit Court of Lee County, Alabama, upon the filing with the Clerk of the Circuit Court of Lee County, Alabama, notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Court. For further particulars, see Ordinance No. 116-15 and Section 5-227 of the *Code of Ordinances*. Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk at 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 204 South 7th Street, Opelika, Alabama.

You will further take note that:

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

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

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

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

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

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

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

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

DATED this the ____ day of July, 2017.

Sincerely,

Jeff Kappelman
Building Official of the City of Opelika, Alabama
700 Fox Trail

Opelika, AL 36801
334-705-54

NOTICE OF REQUIRED REPAIRS

To:

Randall D. Robertson
1603 Morris Road
Opelika, AL 36801

Parcel #: 10-03-08-2-002-039.000
Property Address: 117 Chester Avenue
Opelika, AL 36801

Date of Notice: July 11, 2017

This is to notify you of the repairs required to satisfy the minimum code requirements for the City of Opelika. It would appear that this structure is not cost effective to repair. However, in the event of a repair, the items listed below but not limited to the following would be required:

Exterior:

- Replace all deteriorated fascia boards.
- Replace the roof and roof decking.
- Replace all the deteriorated siding and trim.
- Paint exterior.
- Replace all the broken windows. The windows and doors must be in good condition and fully functional.
- Stairways: Add handrail 34" to 38" above tread nosing.

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

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

There must be a central source of heat, a water heater, plumbing fixtures and waste/vent must be in proper working order. The bathroom and kitchen must be fully functional to occupy this building.

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

Dated this the 11th Day of July, 2017.

Sincerely,

**David R. Chapman
Building Inspector**

COMMENTS - Current Meeting:

Mr. Shuman stated this public hearing (PH) was for a demolition at 117 1st Avenue. President Smith asked Guy Gunter, City Attorney, if it would be appropriate to remove this PH from the agenda since the corresponding resolution is going to be removed because the address should be 118 1st Avenue. Mr. Gunter said it was OK to go ahead and conduct the public hearing even though the resolution would be removed later in the meeting.

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

Photos of 117 Chester Avenue





Attachment: Photos of 117 Chester Avenue (2349 : Public Hearing for Demolition - 117 Chester Avenue)





City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2356)

Meeting: 09/19/17 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 2356

Public Hearing for Demolition - 202 Stevens Street

July 19, 2017

TO:

SaJason Brewer Finley
Shayla Ladell Finley
2801 Fawn Avenue
Opelika, AL 36801

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

This notice, finding and order is given pursuant to Ordinance No. 116-15 and Section 5-226 of the *Code of Ordinances* of the City of Opelika, Alabama, informing you that a building located within the City of Opelika, Alabama (the "City") is unsafe to the extent that it is a public nuisance and subject to demolition. According to the real property records of Lee County, Alabama, SaJason Brewer Finley and Shayla Ladell Finley are the owners of the real property described in this notice. The building is located on the following described real property, to-wit, which is described hereinafter as the "Subject Property":

Street Address: 202 Stevens Street, Opelika, AL 36801

Legal Description: A lot or parcel of land lying and being in the City of Opelika, Lee County, Alabama, particularly described as follows: From the Northwest corner of Section 8, Township 19 North, Range 27 East, in said County and State, run East 246.8 feet; run thence South 1,638.7 feet, to a point on the Southeasterly margin of Avenue A, in said City of Opelika, Alabama; run thence along said street margin South 47 degrees 36 minutes West for 50 feet to a point; thence leaving said margin of said street run thence South 42 degrees 24 minutes East for 100.0 feet to a point which is the TRUE POINT OF BEGINNING of the parcel herein conveyed; thence continue to run South 42 degrees 24 minutes East for 130.0 feet to a point; run thence North 47 degrees 36 minutes East for 100.0 feet to a point; run thence South 47 degrees 36 minutes West for 100.0 feet to the aforesaid True Point of Beginning.

Parcel Identification Number: 43-10-03-08-2-002-103.001

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on June 15, 2017. Based upon said inspection, the building located on the

Subject Property is deemed to be a “dangerous building” within the meaning of Ordinance No. 116-15 because of the following conditions and/or defects:
(Check all that apply)

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

- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.
- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (10) The building is so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- ☐ (11) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- X (12) The building, or any portion thereof, is clearly unsafe for its use or occupancy.
- X (13) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act.
- ☐ (14) The building has any portion remaining on a site after the demolition or destruction of the same or whenever the building, structure, part of building or structure, party wall, or foundation is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public.
- X (15) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

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

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

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

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

Notice is hereby given that the City Council of the City of Opelika, Alabama, will hold a public hearing on Tuesday, September 19, 2017, at 7:00 p.m. in the City Council Chambers of the municipal building, 204 South 7th Street, Opelika, Lee County, Alabama, to discuss the findings of the Building Official. At that time, the City Council will consider the adoption of a resolution ordering the demolition of the building located on the Subject Property. At the public hearing, the City Council will receive any objections to the finding by the Building Official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the findings by the Building Official. Any such written objection must be submitted to the City Clerk prior to the meeting of the City Council. All interested persons are invited to appear before the City Council in person or through his or her representative to show cause, if any, why his or her objection to the demolition of the building or structure should be sustained. No action shall be taken on the finding of the Building Official until determination is made thereon by the City Council. Upon the holding of the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order the demolition of the building or structure at the expense of the City and assess the expenses of the demolition against the land on which the building or structure stands or to which it is attached.

Any person aggrieved by the decision of the City Council may, within ten (10) days thereafter, appeal to the Circuit Court of Lee County, Alabama, upon the filing with the Clerk of the Circuit Court of Lee County, Alabama, notice of appeal and bond for security of costs in the form and amount to be approved by the Circuit Court. For further particulars, see Ordinance No. 116-15 and Section 5-227 of the *Code of Ordinances*. Anyone interested in the status of these proceedings may inquire with the Opelika City Clerk at 334-705-5110 or in person at the City Clerk's office located on the second floor of City Hall, 204 South 7th Street, Opelika, Alabama.

You will further take note that:

- (1) It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Building Official in carrying out the purposes of Ordinance No. 116-15.
- (2) It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, or tamper with this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".
- (3) It is unlawful for any person, or for any agent, servant or employee of such person, to enter, access or be upon any building that the Building Official has ordered to be vacated pursuant to this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".
- (4) It is unlawful for any person who has received this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" to sell, transfer, mortgage, lease, encumber or otherwise dispose of the building on the Subject Property to another until such person shall first furnish the grantee, transferee, mortgagee or lessee a true copy of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy" and fully accepting the responsibility without condition for making the corrections, repairs or demolitions required by this "Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy".
- (5) It is unlawful for any person, owner or occupant of any building to refuse to permit entry into any building, structure or premises, or onto any property by the Building Official or his authorized representative after proper credentials are displayed at a reasonable hour for the purpose of inspection pursuant to Ordinance No. 116-15.

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

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

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

DATED this the ____ day of July, 2017.

Sincerely,

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

NOTICE OF REQUIRED REPAIRS

To:

SaJason Brewer Finley
 Shayla Ladell Finley
 2801 Fawn Avenue
 Opelika, AL 36801

Parcel #: 10-03-08-2-002-103.001
Property Address: 202 Stevens Street
 Opelika, AL 36801

Date of Notice: July 19, 2017

This is to notify you of the repairs required to satisfy the minimum code requirements for the City of Opelika. It would appear that this structure is not cost effective to repair. However, in the event of a repair the items listed below but not limited to the following would be required:

Exterior:

- Replace all missing and damaged vinyl siding, soffit and fascia.
- Replace the burned up gable vent at back of house.
- Repair/replace roof with new.
- **Stairways:** Build Rear entry stairs with a min width of 36", max rise of 7 ¾", min tread depth of 10", Handrail 34" to 38" above tread nosing. Guardrail 36" min height with balusters spaced such that a sphere 4" in diameter cannot penetrate. The open side of a stairway can have a guardrail no less

than 34" in height and not more than 36". Handrails need to be a graspable type.

- Repair/replace, or remove rotted deck at front and install stairs to front door.
- All windows and front door are boarded up: Boarding of windows and doors for future repair shall not extend beyond one year, Section 110.1 2012 International Property Maintenance Code. These windows and doors have been boarded for several years. All windows must be in good condition and operable. One window in each bedrooms must have min egress of 5.7 sq ft. Windows must be operable and have locking hardware. Install at least one egress window in each bedroom. R310.1.

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

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

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

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

Dated this the 19th Day of July, 2017.

Sincerely,

David R. Chapman
Building Inspector

COMMENTS - Current Meeting:

Mr. Shuman stated this public hearing was for a demolition at 202 Stevens Street. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said demolition. No one came forward to speak. President Smith closed the public hearing.

202 Stevens Street



Attachment: Photos of 202 Stevens Street (2356 : Public Hearing for Demolition - 202 Stevens Street)



Attachment: Photos of 202 Stevens Street (2356 : Public Hearing for Demolition - 202 Stevens Street)





City Council
204 South 7Th Street
Opelika, AL

Meeting: 09/19/17 07:00 PM
Department: Purchasing and Revenue
Category: Bid - Oral Recommendation
Prepared By: Angela Norrell

Initiator: Lillie Finley
Sponsors:

ADOPTED

BIDS 195-17

DOC ID: 2461

S&C Pad-Mounted Gear-OPS

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited bids for a Contract for S&C Pad Mounted Gears for Opelika Power Services; and

WHEREAS, Gresco/Capstone Utility Supply was the lowest bidder, but did not meet specifications; and

WHEREAS, Stuart C. Irby Co. was the next lowest responsible bidder meeting specifications; and

WHEREAS, this is a budgeted contract from the System Expansion and Upgrades fund;

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

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

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, CMC
City Clerk - Treasurer

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

FACT SHEET

SUBJECT: Sealed Bid #17035 – We are asking the Council to approve a contract for S&C Pad Mounted Gears

FACTS:

- Bid opening date – 9/18/17
- User departments – Opelika Power Services
- The bid was mailed to 19 vendors
- 5 bids were received
- Budgeted contract
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the contract be awarded to Stuart C Irby Co. on their bid meeting specifications on an as needed basis.**

[illegible]

RESOLUTION NO. (ID # 2327)

Resolution for Demolition - 105 Taylor Avenue - Tabled.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 105 TAYLOR AVENUE, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-2-002-047.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 105 Taylor Avenue, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-002-047.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, W.L. Reed and Earlene Reed are the record owners of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, W.L. Reed and Earlene Reed are the persons last assessing the subject property for state taxes; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to W.L. Reed and Earlene Reed, 5500 Taylor Road, Opelika, AL 36801; and

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

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

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

WHEREAS, Tuesday, September 5, 2017, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the building located at 105 Taylor Avenue is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, September 5, 2017, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 105 Taylor Avenue, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the building or structure located at 105 Taylor Avenue, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-002-047.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

Part of Lot 5, Block 1, of the BYRD LANDS, according to and as shown by Totten's Official Real Estate Map of the City of Opelika, Alabama of record in Town Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama and being more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 5, the same being located on the Southerly margin of Taylor Avenue, run thence in an Easterly direction along the margin of said Taylor Avenue for a distance of 75.0 feet to a point which is also in the Northeast corner of said Lot 5; run thence in a Southerly direction along the Easterly margin of said Lot 5 for a distance of 85.0 feet to a point; run thence in a Westerly direction parallel with Taylor Avenue for a distance of 75.0 feet to a point which is located on the Westerly margin of said Lot 5; run thence in a Northerly direction along the Westerly margin of said Lot 5 for a distance of 85.0 feet to a point and the POINT OF BEGINNING.

Also being further described as Parcel Number 43-10-03-08-2-002-047.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2017.

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

ATTEST:

CITY CLERK

Cc: W.L. Reed
5500 Taylor Road
Opelika, AL 36801

Earlene Reed
5500 Taylor Road
Opelika, AL 36801

RESOLUTION NO. (ID # 2329)

Resolution for Demolition - 108 Plum Avenue - Tabled.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 108 PLUM AVENUE, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-2-002-046.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 108 Plum Avenue, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-002-046.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, Eula Yolanda Pendleton and Vici Pendleton are the record owners of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, Eula Yolanda Pendleton and Vici Pendleton are the persons last assessing the subject property for state taxes; and

WHEREAS, East Alabama Medical Center is the owner of a judgment lien which is attached to the subject property; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Eula Yolanda Pendleton, 1775 Hurst Street, Lot 78, Opelika, AL 36801; Vici Pendleton, 1775 Hurst Street, Lot 78, Opelika, AL 36801 and East Alabama Medical Center, 2000 Pepperell Parkway, Opelika, AL 36801; and

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

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

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

WHEREAS, Tuesday, September 5, 2017 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the building located at 108 Plum Avenue is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, September 5, 2017, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 108 Plum Avenue, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the building or structure located at 108 Plum Avenue, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-002-046.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

Lot 4, Block 1, BYRD LANDS, according to and as shown by Totten's Official Real Estate Map of the City of Opelika, Alabama, of record in Town Plat Book 2 at Page 9 in the Office of the Judge of Probate of Lee County, Alabama.

Also being further described as Parcel Number 43-10-03-08-2-002-046.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2017.

PRESIDENT OF THE CITY COUNCIL OF THE

CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

Cc: Eula Yolanda Pendleton
1775 Hurst Street, Lot 78
Opelika, AL 36801

Vici Pendleton
1775 Hurst Street, Lot 78
Opelika, AL 36801

East Alabama Medical Center
2000 Pepperell Parkway
Opelika, AL 36801

RESOLUTION NO. (ID # 2331)

Resolution for Demolition - 114 N. 19Th Street - Tabled.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 114 19TH STREET, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-09-06-13-2-000-101.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE *CODE OF ALABAMA*, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 114 19th Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-09-06-13-2-000-101.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

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

WHEREAS, Angie Lunceford is the person last assessing the subject property for state taxes; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Angie Lunceford, 3505 Pepperell Parkway, Opelika, AL 36801; and

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

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

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

WHEREAS, Tuesday, September 5, 2017 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the building located at 114 19th Street is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, September 5, 2017, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 114 19th Street, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the building or structure located at 114 19th Street, Opelika, Alabama, Parcel I.D. Number: 43-09-06-13-2-000-101.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

Lot 52, FIVE POINTS SUBDIVISION, according to and as shown by Totten's Official Real Estate Map of the City of Opelika, Alabama, of record in Town Plat Book 3 at Page 67 in the Office of the Judge of Probate of Lee County, Alabama.

Also being further described as Parcel Number 43-09-06-13-2-000-101.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2017.

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

ATTEST:

CITY CLERK

Cc: Angie Lunceford
3505 Pepperell Parkway
Opelika, AL 36801

RESOLUTION NO. (ID # 2418)

Repeal Ordinance no. 118-17-S, public improvement Sutton Way SD. - Tabled.

RESOLUTION NO. _____

RESOLUTION REPEALING ORDINANCE NUMBER 118-17-S

WHEREAS, pursuant to Public Improvement Ordinance No. 118-17-S, which was adopted by the City Council of the City of Opelika, Alabama, on the 1st day of August, 2017, the 5th day of September, 2017 at 7:00 p.m. C.D.T. in the City Council Chambers of the Municipal Building of the City of Opelika, Alabama, was fixed as the time and place when and where the City Council will meet to hear any objections or remonstrances that might be made to the public improvements provided for by said Ordinance, the matter of making the same, or the character of the material or materials to be used; and

WHEREAS, the City Council of the City of Opelika met on the 5th day of September, 2017 at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, at said public hearing all persons who desired to speak for or in opposition to said ordinance were afforded the opportunity to do so; and

WHEREAS, the City Council has heard arguments and received petitions by persons both favoring and opposing said improvements; and

WHEREAS, the City Council is of the opinion that the aforesaid Public Improvement Ordinance No. 118-17-S should not be confirmed.

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

1. That Public Improvement Ordinance No. 118-17-S which was adopted by the City Council on Tuesday, August 1, 2017 and which is an ordinance to provide for the construction of sanitary sewers and appurtenances thereto within the right-of-way of Sutton Way be and the same is hereby repealed.

2. 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

RESOLUTION NO. (ID # 2419)

Confirm Ordinance no. 118-17-S, public improvement Sutton Way SD. - Tabled.

RESOLUTION NO. _____

RESOLUTION CONFIRMING ORDINANCE NUMBER 118-17-S

WHEREAS, pursuant to Public Improvement Ordinance No. 118-17-S, which was adopted by the City Council of the City of Opelika, Alabama, on the 1st day of August, 2017, the 5th day of September, 2017 at 7:00 p.m. C.D.T. in the City Council Chambers of the Municipal Building of the City of Opelika, Alabama, was fixed as the time and place when and where the City Council will meet to hear any objections or remonstrances that might be made to the public improvements provided for by said Ordinance, the matter of making the same, or the character of the material or materials to be used; and

WHEREAS, the City Council of the City of Opelika met on the 5th day of September, 2017 at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, at said public hearing all persons who desired to speak for or in opposition to said ordinance were afforded the opportunity to do so; and

WHEREAS, the City Council has heard arguments and received petitions by persons both favoring and opposing said improvements; and

WHEREAS, the City Council is of the opinion that the aforesaid Public Improvement Ordinance No. 118-17-S can now be confirmed.

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

1. That Public Improvement Ordinance No. 118-17-S which was adopted by the City Council on Tuesday, August 1, 2017 and which is an ordinance to provide for the construction of sanitary sewers and appurtenances thereto within the right-of-way of Sutton Way as more

particularly described in said Ordinance, be in all respects confirmed and that the proposed public improvements be made as designated and provided for in the aforesaid Ordinance.

2. That notice be given for bids for such work as may be necessary in order to make the aforesaid public improvement as required by the laws of the State of Alabama; that such notice be given by the Mayor of the City of Opelika for and on behalf of the said City; that said notice shall be published once a week for two (2) consecutive weeks in a newspaper published in the City of Opelika. The date for receiving bids as set out in said notice shall not be earlier than two (2) weeks after the date of first publication of said notice. The Purchasing/Revenue Manager shall also send notice by mail to all persons who have filed a request in writing to be notified of a solicitation for bids for the type public works project in the request.

3. That sealed bids will be received at the office of the Purchasing/Revenue Manager of the City of Opelika in the Municipal Building of the City of Opelika until __:00 __.m., C.D.T. on _____, 2017, at which time all bids received will be opened and publicly read.

4. That the proposal, plans and specifications for said public improvements may be obtained in the office of the City Engineer of the City of Opelika.

5. That the right be reserved to reject any and all bids received and to waive any and all formalities in the bidding.

6. That each bidder shall file with his bid (a) a certified check payable to the City of Opelika for an amount not less than five percent (5%) of his bid, or (b) a bid of bond payable to the City of Opelika in an amount not less than five percent (5%) of his bid.

7. That the bidder to whom award is made must furnish a performance bond executed by a surety duly authorized and qualified to make such bond in the State of Alabama in the amount of the contract price, and in addition thereto, must furnish another bond with good and sufficient surety payable to the City of Opelika in an amount equal to fifty percent (50%) of the contract amount, with the obligation that such contractor shall promptly make payment to all persons supplying him with labor, materials, food stuffs or supplies for or in the prosecution of the work provided for in such contract, and for the payment of reasonable attorney's fees, incurred by successful claimants or plaintiffs on suits on said bonds; all as provided and required by laws of the State of Alabama applicable thereto.

8. 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

RESOLUTION NO. 196-17

Weed Abatement Assessment - 1733 1st Avenue.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
1733 1st Ave, Parcel No. 073.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 1733 1st Ave, parcel no. 073.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 1733 1st Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 19th day of September, 2017 at 7:00 p.m. in the City Council Chambers in the

Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

Council to hear and determine any objections or defenses which may be raised by any of the property

owners liable to be assessed for the work of abating said weed nuisance; and

WHEREAS, a copy of the itemized statement of expenses, together with the notice of the time when said statement shall be submitted to the City Council for confirmation, was sent to the property owner by certified mail at least five (5) days in advance of the time fixed by the City Council to consider the assessment of the cost against the property; and

WHEREAS, the Council met at the designated time and place for the purpose of

receiving and

considering said statement of expenses and to pass upon all such objections to and protest against the proposed assessment for the work of abating said nuisance; and

WHEREAS, the President of the City Council presided over said public hearing and opened the

floor for comments from the public and any persons interested in said assessment or the amount thereof;

and

WHEREAS, the City Council has considered all evidence and other matters in relation to the

proposed assessment and the members of the Council are of the opinion that the amount to be assessed

against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

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

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$189.88 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 1733 1st Ave, Parcel no. 073.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-09-06-13-2-000-073.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and

shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the City.

This Resolution and the weed lien assessed herein are adopted pursuant to Act No. 2012-366 of the 2012 Regular Session of the Legislature of Alabama and Article III of Chapter 18 of the Code of Ordinances of the City of Opelika, Alabama.

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

C. E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 09/06/2017****To: State of Alabama
PO Box 327210
Montgomery Al. 36132****Property Address:
1733 1st Ave
Opelika Al. 36801
Parcel # 09-06-13-2-000-073.000**

On 08/03/2017 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

The following is a list of charges that City of Opelika incurred for the abatement:

Cost of Abatement: 176.9

Certified mail: 12.98

Misc.

Total 189.88

Attachment: WEED INVOICE 1733 1st Ave (196-17 : Weed Abatement Assessment - 1733 1st Avenue)

RESOLUTION NO. (ID # 2350)

Resolution for Demolition - 117 Chester Avenue

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 117 CHESTER AVENUE, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-2-002-039.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 117 Chester Avenue, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-002-039.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

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

WHEREAS, Randall D. Robertson is the person last assessing the subject property for state taxes; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Randall D. Robertson, 1603 Morris Avenue, Opelika, AL 36801; and

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

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

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

WHEREAS, Tuesday, September 19, 2017 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the building located at 117 Chester Avenue is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, September 19, 2017, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 117 Chester Avenue, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the building or structure located at 117 Chester Avenue, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-002-039.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

Lots 25 and 26, Block B, M.L. Johnson Subdivision, according to and as shown by map or plat of said subdivision of records in Town Plat Book 2, at Page 35, in the Office of the Judge of Probate of Lee County, Alabama; together with all improvements thereon and all appurtenances thereunto appertaining.

Also being further described as Parcel Number 43-10-03-08-2-002-039.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

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

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

Cc: Randall D. Robertson
1603 Morris Avenue
Opelika, AL 36801

RESOLUTION NO. 197-17

Resolution for Demolition - 202 Stevens Street

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 202 STEVENS STREET, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-2-002-103.001 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 202 Stevens Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-002-103.001, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

WHEREAS, SaJason Brewer Finley and Shayla Ladell Finley are the record owners of the above-described property as shown from a search of records of the Office of the Judge of Probate of Lee County, Alabama; and

WHEREAS, SaJason Brewer Finley and Shayla Ladell Finley are the persons last assessing the subject property for state taxes; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to SaJason Brewer Finley and Shayla Ladell Finley, 2801 Fawn Avenue, Opelika, AL 36801; and

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

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

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

WHEREAS, Tuesday, September 19, 2017 at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the building located at 202 Stevens Street is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, September 19, 2017, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 202 Stevens Street, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the building or structure located at 202 Stevens Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-002-103.001, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

A lot or parcel of land lying and being in the City of Opelika, Lee County, Alabama, particularly described as follows: From the Northwest corner of Section 8, Township 19 North, Range 27 East, in said County and State, run East 246.8 feet; run thence South 1,638.7 feet, to a point on the Southeasterly margin of Avenue A, in said City of Opelika, Alabama; run thence along said street margin South 47 degrees 36 minutes West for 50 feet to a point; thence leaving said margin of said street run thence South 42 degrees 24 minutes East for 100.0 feet to a point which is the TRUE POINT OF BEGINNING of the parcel herein conveyed; thence continue to run South 42 degrees 24 minutes East for 130.0 feet to a point; run thence North 47 degrees 36 minutes East for 100.0 feet to a point; run thence South 47 degrees 36 minutes West for 100.0 feet to the aforesaid True Point of Beginning.

Also being further described as Parcel Number 43-10-03-08-2-002-103.001, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

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

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

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

Cc: SaJason Brewer Finley
2801 Fawn Avenue
Opelika, AL 36801

Shayla Ladell Finley
2801 Fawn Avenue
Opelika, AL 36801

RESOLUTION NO. 198-17

Contract with Decisions Inc. Fire Battalion Chief Validated Selection Procedures - H/R.

RESOLUTION NO. _____

FIRE BATTALION CHIEF VALIDATED SELECTION PROCEDURE CONTRACT

WHEREAS, a new promotional procedure was adopted in 1997; and

WHEREAS, the last test for Fire Battalion Chief was administered on April 15, 2013;
and

WHEREAS, the list of eligible candidates has been exhausted; and

WHEREAS, the validated selection procedure must be re-examined at this time to ensure
validity; and

WHEREAS, a proposal has been received by Decisions Inc, which was the sub-
contractor that assisted in developing the original procedures; and

WHEREAS, the cost of the proposal is \$19,950.00, plus expenses; and

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

Opelika, Alabama, a municipal corporation, as follows:

1. That the Mayor is hereby authorized and directed to execute in the name and on behalf of the City, an agreement with Decisions, Inc., on substantially the terms mentioned in Exhibit "A".
2. That the Mayor, Controller, and Human Resources Director are hereby authorized to

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

APPROVED AND ADOPTED, this _____ day of _____, 2017

C.E. "Eddie" Smith Jr.

President City Council

Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk - Treasurer

“ATTACHMENT A”



Decisions Inc., Consultants

1014 County Road 196 • Crane Hill, Alabama 35053 • Phone (256) 747-8910

Email: dianejclark@gmail.com

Diane J. Clark, Ph.D., SPHR

August 25, 2017

Lisa McLeod, Human Resources Director
City of Opelika
P.O. Box 390
Opelika, AL 36803

Dear Lisa:

Thank you for contacting Decisions, Inc. regarding the development of a promotional examination for the rank of Assistant Chief in the Fire Department. Information from the most recent Assistant Chief examination would be reviewed, along with an onsite interview with a sample of employees in the Assistant Chief positions and discussion with the Fire Chief regarding the job duties of the position.

A detained job simulation would be developed would be developed, and a couple of complex fire exercises would be developed. The Fire scenes would be presented in the format recently implemented for lower ranks. A candidate information guide to assist candidates in preparing for the examination would be prepared. Role players would be needed for the job simulation exercises, which would be videotaped and graded by outside assessors, following the examination procedures. We would need assessors to grade the fire scenes, as they are administered. Decisions would train the role players and assessors.

As requested, I have reviewed the cost carefully and understand that funds are very limited in today's economy. Development of the examination procedure would involve a pre-test visit onsite and the examination procedures would probably require two days, and grading the video would require an additional day. The cost of providing this service would be \$19,950.00 plus expenses, which includes the 5% discount. We look forward to working with you, and the Fire Department on this project.

I have enclosed two copies of our usual Memorandum of Agreement, which I have signed. If approved, please have the Mayor sign them, and forward one to me for my files. If you need additional information, please do not hesitate to call me.

Sincerely,

Diane J. Clark, Ph.D., SPHR, SCP

Enclosures (2)

Solutions for your management and human resources issues

MEMORANDUM OF AGREEMENT

Between

**The City of Opelika, Alabama
And
Decisions Incorporated**

Because of an identified need for professional services to assist the City of Opelika, Alabama (hereinafter referred to as the City), in developing, administering, and documenting the validity of the examination procedures used for establishing an eligible list for Assistant Chief in the Fire Department, the City and Decisions, Incorporated (hereinafter referred to as Decisions) have entered into an agreement for provision of professional services effective upon signing of this agreement by both parties.

Whereas, the City has statutory authority to enter into a contract with any private person, organization or group; and

Whereas, the City has a need for professional services and Decisions has the capacity to provide such services;

Now, Therefore, the City and Decisions, intending to be mutually bound and in consideration of the mutual covenants and stipulations set out herein, agree as follows:

1. Services to be Provided

Decisions will provide the City with appropriate examination procedures for the classifications of Assistant Chief in the Fire Department that will consist of job simulation exercises, and fire scene management exercises, administer the examination procedures and provide the documentation needed to establish the validity of the examination. The examinations will be designed to comply with federal regulatory and professional standards, such as, the Uniform Guidelines on Employee Selection Procedures (29 CFR 1607) and the Principles for the Validation and Use of Personnel Selection Procedures. When the examination is completed, the City will be provided with a report that will serve as written documentation of the validity of the testing procedure.

2. Authorization to Conduct Work

The City reserves the right to specifically and overtly authorize Decisions to engage in activities that will result in financial liability under the terms of this agreement. Decisions acknowledges that the statement of

services to be provided constitutes the general area of work expected to be performed by Decisions and that specific activities to be performed for which the City will be charged must be specifically and overtly authorized by the City contact person designated in paragraph 5, and that no other person employed by the City may implicitly or explicitly authorize work to be paid under this agreement.

3. Period of Agreement

The term of this agreement will begin on the date it is signed by both parties, which is expected to be prior to September 1, 2017, and end on November 30, 2017

The contract may be terminated at an earlier date upon mutual agreement of the parties or upon ten (10) days written notice by one of the parties to the other.

- a. In the event of termination, all work products developed during the course of the agreement by, for, and in behalf of the City will be returned to the City within fifteen days of the receipt of the notice of cancellation.
- b. Decisions will cease performance of any work upon the receipt of the notification of cancellation. All costs incurred prior to the issuance and receipt of that notice of cancellation shall be paid by the City.

4. Financial Arrangements

The parties hereto agree that this agreement will be performed for a fixed fee of \$19,950.00 plus reimbursable expenses for items such as travel, copying, etc.

- a. The City will pay Decisions monthly for work completed prior to the invoice date
- b. In the event of cancellation, payment will be on a pro-rata basis of the total work performed pursuant to paragraph 1.
- c. Decisions will submit an invoice for each payment, which will include a description of the work performed and any reimbursable expenses since the previous invoice.
- d. The City will make all arrangements for facilities for conducting the examinations and in obtaining experts to assist in administering and grading the examinations.

5. Single Source Contact

The City and Decisions agree that each will designate in writing a single source contact for the purpose of coordination and problem solving during the period of this agreement. Decisions designates Diane J. Clark as its contact, and the City designates Lisa McLeod, Human Resources Director as its contact.

6. Terms and Conditions

It is understood and agreed that all terms and conditions are herein included. No oral agreements of any kind shall be binding or recognized. This agreement may be amended by written agreement of the parties.

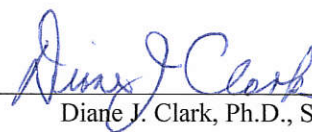
7. Personnel System Benefits Excluded

It is understood and agreed that Decisions is an Alabama Corporation and that no one associated with Decisions is entitled to the benefits of the City of Opelika Personnel System.

AGREED:

Gary Fuller., Mayor
City of Opelika, Alabama
P. O. Box 390
Opelika, AL 36803

Date: _____



Diane J. Clark, Ph.D., SPHR
Decisions, Inc.
1014 County Road 196
Crane Hill, AL 35053

Date: August 25, 2017

RESOLUTION NO. 199-17

Lease Agreement with Four D's Real Estate, LLC - H/R.

RESOLUTION NO. _____

RESOLUTION APPROVING LEASE AGREEMENT

WITH FOUR D'S REAL ESTATE, LLC

WHEREAS, Four D's Real Estate, LLC (the "Company") is the owner in fee simple of the office building located at 105-E North 10th Street, Opelika, Alabama 36801 (the "Premises"); and

WHEREAS, the City of Opelika (the "City") operates a health care clinic to provide medical services on behalf of the City to its qualified employees and retirees; and

WHEREAS, said clinic is located at 105-E North 10th Street; and

WHEREAS, the existing lease between the City and the Company expires on October 31, 2017; and

WHEREAS, the City desires to renew its lease with the Company for an additional term of three (3) years; and

WHEREAS, a proposed Lease Agreement was 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 Lease Agreement.

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

1. That the attached Lease Agreement to be entered into between the Company, as Lessor, and the City, as Lessee, is hereby approved, authorized, ratified and confirmed.

2. That the Mayor is hereby authorized to execute and deliver said Lease Agreement in the name of and on behalf of the City of Opelika, and the City Clerk is authorized to attest the same.

3. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or caused to be executed and delivered in the name and on behalf of the City such other notices, certificates, assurances, 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 Lease Agreement.

4. This resolution shall take effect upon 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

State of Alabama
Lee County

This Lease, made this ____ day of October, 2017, between party of the first part, hereinafter called Lessor, by Four D's Real Estate, LLC and the City of Opelika, party of the second part, hereinafter called the Lessee.

WITNESSETH: That the lessor does hereby lease and rent unto the Lessee, the following premises in the City of Opelika, Alabama. viz:

105 Suite E 10th North Street,
 Opelika, AL 36801

For occupation by the Lessee as tenant and for no other different object or purpose, for and during the term of 36 months to wit: from the 1st day of November, 2017 to the day of 1st day of November 2020 (hereinafter "the Original Lease Term") and the Lessor shall not be liable for the failure to deliver possession of said premises, provided the Lessor shall exercise due diligence.

The lessee agrees to pay the Lessor or said Agents, at the office of said Agents, the sum of Nine Hundred (900.00) Dollars, payable as follows: By check, Nine Hundred Dollars, due and payable, respectively, on the 1st day of month and on the 1st day of each month thereafter. A late fee charge of \$25.00 will be enforced on the unpaid balance on the 16th day of the month. Any late charges will reflect on the following month's rent. A security deposit of -0- is on file.

Lessor agrees to maintain and repair the exterior walls, foundations, roof, gutters, downspouts, the exterior surfaces, all structural portions of the leased premises, the HVAC system, water and sewer pipes outside the exterior walls of the building, the electrical panel boxes, the sidewalks, parking areas and the outside grounds.

The Lessee agrees to maintain and repair the interior electrical system and electrical fixtures, the fixtures, the interior plumbing system and plumbing fixtures, the doors, the windows, the interior walls and the flooring. The Lessee shall also repair any damage done to the leased premises due to the negligence of the Lessee or its agents, employees, licensees or invitees.

The Lessee agrees to change the filter once a month in the HVAC equipment and to replace broken glass and all keys lost or broken. The Lessee shall surrender possession of the leased premises to the Lessor at the termination of this Lease in as good a condition as when taken, excepting only loss by fire and other insured casualty and ordinary wear and tear.

The Lessor agrees and covenants to maintain fire and extended coverage insurance on the leased premises during the term of the lease.

Lessor shall pay all taxes due to any governmental agency that is due and shall assess said property for ad valorem taxes within the time prescribed by law.

And the Lessee further covenants and agrees that if the Lessee should at any time, during the continuance of this Lease, remove or attempt to remove, or manifest an intention to remove the goods, furniture, effects, improvements, and personal property brought thereon, out of or from said premises (except in the regular course of trade) without having paid in full all rent which shall become due during the term, or should an execution or other process be levied upon the goods and chattels of the Lessee in and upon said premises, Lessee or an assignment be made for or if a petition in bankruptcy be filed by the said Lessee or an assignment be made for the benefit of Lessee's creditors, or a receiver be appointed, or should the Lessee violate any other conditions of this lease, then in such case, or upon the happening of anyone or more of such cases, the whole rent for the whole term of this Lease shall at once become due and payable, at the option of the Lessor, and the Lessor may proceed by attachment, suit or otherwise, to collect, the whole rent reserved in the same manner, as if by the terms of this Lease the whole rent for the entire term when payable in advance.

Should the Lessee fail to pay rents as they fall due as aforesaid, or violate any of the conditions of this Lease, or should the Lessee be adjudged a bankrupt, or should a receiver be appointed or should execution or other process be levied upon the interest of the Lessee in the Lease of the property of the Lessee upon leased premises, the Lessor shall have the right at Lessor's option, to re-enter said premises and annul this Lease. Such re-entry shall not bar the recovery of rent or damages for breach of covenant, nor shall the receipt of rent after conditions broken be deemed a waiver of forfeiture. And in order to entitle the Lessor to re-enter it shall not be necessary to give notice of rent being due and unpaid or of other conditions broken, nor to make demand for rent, the execution of this Lease, signed by the parties thereto, which Signing is hereby acknowledged, being sufficient notice of the rents being due and a demand for

the same, and shall be so construed, any law, usage or custom to the contrary, notwithstanding,

And the Lessee agrees to comply with all the laws and ordinances of the City of Opelika in regard to nuisance, in so far as the buildings and premises hereby let, and the streets and alleys bounding the same, are concerned, and that the Lessee will, by no act or omission render the Lessor liable for any violation of such city laws or ordinances. The Lessee agrees to pay all bills for water used on said premises during this term; to keep all electrical apparatus in order; to permit no waste of property; nor allow the same to be done, but to take good care of said premises; not to assign this Lease, nor under lease or let said premises, or any of premises, or any part of interest therein, without written consent of the Lessor, hereon endorsed; and this Lease, or any renewal thereof being terminated, to surrender quiet and peaceable possession of said premises in like good order as at the commencement of said term, natural wear and tear expected.

It is further understood and agreed that the Lessor shall not be required to do any interior repairs upon the building hereby leased, unless so stipulated and agreed in writing at the commencement of this Lease, nor is the Lessor, liable for any breakage, or getting out of order the water pipes, water closets or other plumbing but on the contrary, the Lessee shall keep the same repair as is required by the sanitary maintenance and proper operation of all exterior water and sewage lines.

It is further understood and agreed the Lessor shall not be liable for any damage which may accrue on account of any defect in said building, after the builder's warranty expires, or in said premises or from rain, wind or other causes. Nothing contained herein shall be construed as a warranty that said premises are fit or suitable for the use and purpose for which they are leased. The Lessor reserves the right during this term, to visit and inspect by himself or agents, said premises at any reasonable time; to show the same to intended tenants or purchaser; also to display "For Sale" or "For Rent" signs on said buildings or premises. However, no "for rent" sign shall be posted more than sixty days prior to the conclusion of the lease term.

It is further understood and agreed that the Lessor reserves the right to make repairs on or about said premises that may be deemed necessary by him during this term. And the Lessee further covenants with the Lessor that the furniture, goods, and effects that will be brought upon said premises shall be owned by the Lessee. If the Lessee vacates the premises before the end of said term, without written consent of the Lessor, the Lessor has the right to re-enter and let said premises as the agent of the Lessee herein named, and such re-entry and re-letting shall not discharge this Lessee from liability from rent nor from any other covenant here in contained and to be kept by this lease.

And as a part of the consideration of this Lease, and for the purpose of whether securing to the Lessor prompt payment of said receipts hereby stipulated or any costs or fees or damages that the Lessor may suffer, whether by the failure to surrender quiet and peaceable possession of said premises as aforesaid, or for any damages whatsoever which may be awarded the Lessor under this Lease, the Lessee hereby waives all right which Lessee may have under the constitution and Laws of the State of Alabama or any other State of the United States, to have any personal property of the Lessee exempt from levy or sale or other legal process.

Where the rent under this Lease is payable in monthly installments, or other installments, in advance, and there is default by the Lessee entitling the Lessor to repossess said property, and Lessor does so repossess said property amicably or by legal proceedings, the rent for the unexpired term of said installment period, shall be due and payable as liquated damages for the breach of the conditions of the Lease.

If the building leased herein is destroyed by fire, without fault of the lessee, such destruction shall cancel the Lease, and rent shall be payable only to the time of such destruction.

If the rented premises, or the building of which it is or may be a part shall be damaged by fire, without fault of the Lessee, then and in that event, the Lessor shall have the option to decide whether Lessor shall or shall not repair and restore said building or rented premises to their original shape, and if Lessor decides to repair and restore the building or the premises as aforesaid, then, from such time such damage occurs until the repairs are completed, an equitable abatement for the rent must be allowed. It is understood, however, that if the damage is such is not to render the rented premises tenantable for the purpose for which they are rented then, there shall be no abatement for the rent while repairs are being made.

It is hereby agreed further that if the Lessee shall continue on said premises, or any part thereof, after the termination of this contract, then at the option of the Lessor, this contract shall continue in full force under all terms, conditions, and covenants here and above set out.

In the event the Lessee herein obtains the written consent of the owners of agent to sublet the property herein leased, such sublet shall be made through the original agents of the Lessor only, and the usual commissions to be paid the original agents by the

original Lessee of the amount of such rental, except upon express agreement to the contrary.

In the event this Lessee renews this Lease for another period or re-rents the property herein described, all rent payments made after such new rental shall be applied first to the payment of any sum or sums of money due under the previous lease or term, until all indebtedness under said previous lease or term is paid up.

In the absence of any agreements to the contrary any and all improvements erected made or placed upon the premises hereby Lessee shall at and on the completion or installment of same, become the property of the landlord, whether permanently attached to the freehold or not.

In the event Lessee violates the terms of said Lessee's previous lease so as to create or cause a forfeiture of same or be disposed from these or any other premises or fails or refuses on demand to pay rent past due under a former lease, then and thereupon this Lease contract shall be null and void, at the option of the Lessor.

IN TESTIMONY WHEREOF, we have hereunder set our hand in duplicate the day and year first above written.

LESSEE

LESSOR

BY _____
As Agent

DATED: _____

RESOLUTION NO. 200-17

Authorizing Health Insurance Contract - H/R.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING GROUP HEALTH INSURANCE CONTRACT
WITH BLUE CROSS BLUE SHIELD OF ALABAMA

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

1. That in order to continue group health insurance administration for the City of Opelika, the City shall enter into a written contract of insurance with Blue Cross Blue Shield of Alabama.
 - (a) The term of the contract shall be for two (2) years commencing October 1, 2017 and ending on September 30, 2019.
2. That the monthly premium for such insurance coverage shall be computed as follows:
 - (a) \$355.00 for employee coverage.
 - (b) \$755.00 for family coverage.
3. That the "Summary of Self-Funded Renewal Analysis" confirming that the administration fee is set at \$56.75 per contract per month, is attached as Exhibit "A"
4. Mayor is hereby authorized and directed to execute in the name and on behalf of the City, an insurance contract with Blue Cross Blue Shield on substantially the terms mentioned above for a period of two years, effective October 1, 2017.
5. That the Mayor is hereby authorized to renew the group health insurance policy on an annual basis provided the premiums and /or administration fees do not exceed the

amounts indicated above.

6. That the Mayor, Controller, and Human Resources Director are hereby authorized to take any and all reasonable, necessary and proper action to carry out the intent and purposes of this Resolution.

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

C.E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

ATTEST:

Robert G. Shuman

City Clerk/Treasurer

ATTACHMENT "A"

BLUE CROSS BLUE SHIELD OF ALABAMA SUMMARY OF SELF FUNDED RENEWAL ANALYSIS

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

Group Number(s): 87600
 Experience Period: 6/1/2016 - 5/31/2017
 Rating Period: 10/1/2017 - 9/30/2018

Summary of Enrollment

	<u>Health</u>	<u>Dental</u>
Contracts in Force @ 5/31/2016:	362	283
Contracts in Force @ 5/31/2017:	353	287

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

Summary of Claims Costs and Estimate of the OCL

Original Projection for 10/1/2016 - 9/30/2017:	\$758.73	\$36.11
Actual Year to Date Claims Cost for 10/1/2016 - 5/31/2017:	\$554.26	\$31.15
Actual Experience Period Claims Cost for 6/1/2016 - 5/31/2017:	\$506.86	\$32.16
Recast for 10/1/2016 - 9/30/2017:	\$564.99	\$33.73
Expected Paid Claims Cost for 10/1/2017 - 9/30/2018:	\$556.12	\$35.42
Expected Incurred Claims Cost for 10/1/2017 - 9/30/2018:	\$559.60	\$35.58

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

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

Outstanding Claims Liability @ 5/31/2017:	\$197,700	\$7,600
---	-----------	---------

Administrative Fees

Administrative Fees for 10/1/2016 - 9/30/2017:	\$54.75	\$4.75
Administrative Fees for 10/1/2017 - 9/30/2018:	\$56.75	\$4.75
Runout Administrative Fees for 10/1/2016 - 9/30/2017:	11.50%	14.25%
Runout Administrative Fees for 10/1/2017 - 9/30/2018:	11.50%	14.25%

Current Funding Method

Weekly Wire/ACH transfer

RESOLUTION NO. 201-17

Annual Renewal of the Excess Loss Insurance Contract - H/R.

RESOLUTION NO. _____

ANNUAL EXCESS LOSS INSURANCE CONTRACT
WITH BCS INSURANCE COMPANY

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

1. That the Mayor is hereby authorized and directed to contract with BCS Insurance Company to procure Excess Loss insurance coverage as detailed in Exhibit "A".
2. That monthly Excess Loss insurance premiums and commissions are to be paid to Alliance Insurance Group, LLC, the City's insurance Broker.
3. That the Mayor and other appropriate officers of the City of Opelika are hereby authorized and directed to execute and deliver in name and on behalf of the City of Opelika such agreements, instruments and certificates as shall be required for the procurement of said policy and coverage.
4. That the Mayor and the City Treasurer are hereby authorized and directed to pay from budgeted funds for all premiums for said insurance and coverage.
5. That the Controller is authorized to adjust the 2018 Budget as necessary for the insurance contract approved by this resolution.

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, CMC

City Clerk - Treasurer

ATTACHMENT "A"

Excess Loss Insurance Coverage

QUOTATION FOR STOP LOSS COVERAGE

PROPOSED INSURED

City of Opelika
204 S 7th St
Opelika AL, 36801-4904

Policy Period: 10/01/2017 - 09/30/2018

Proposal No: 2

Firm Stop Loss Proposal

SPECIFIC STOP LOSS COVERAGE

Covered Expenses	Option 1		Option 2		Option 3		Option 4	
	Medical, Rx Card, Rx Same As Any Other		Medical, Rx Card, Rx Same As Any Other		Medical, Rx Card, Rx Same As Any Other		Medical, Rx Card, Rx Same As Any Other	
Benefit Period	24/12		24/12		24/12		24/12	
Specific Deductible per Person	\$	110,000	\$	125,000	\$	140,000	\$	110,000
except for	\$	250,000	\$	250,000	\$	250,000	\$	250,000
Maximum Reimbursement Per Person	Unlimited		Unlimited		Unlimited		Unlimited	
Rate(s) includes Commissions of	0.00%		0.00%		0.00%		0.00%	
Aggregating Specific Deductible	\$	0	\$	0	\$	0	\$	15,000
Rate Per Month	Enrollment							
Employee	233	\$ 39.45	\$ 34.09	\$ 32.05	\$ 36.67			
Employee plus Family	121	\$ 70.49	\$ 60.36	\$ 56.38	\$ 65.52			

COST ANALYSIS

Estimated Specific Premium	\$	212,654	\$	182,958	\$	171,476	\$	197,664
Estimated Total Premium	\$	212,654	\$	182,958	\$	171,476	\$	197,664

Attachment: Excess Loss Proposal for Council (201-17 : Annual Renewal Excess Loss Insurance Contract)

Special Considerations:**Aggregating Specific**

Option 4 includes a \$15,000 aggregating specific.

Option 5 includes a \$15,000 aggregating specific.

Option 6 includes a \$15,000 aggregating specific.

The network is BC and/or BS Network.

The claims administrator is BCBS of Alabama.

RX vendor is Magellan RX.

The premium may include administrative fees charged by UTIC Insurance Company for services provided.

Retirees are not covered under stop loss.

This proposal will expire the 6th of the following month or when the next set of monthly claim reports are available - whichever is earlier.

Lasers

██████████ must have a specific deductible of \$250,000 (Option 1, 2, 3, 4, 5, 6).

Proposal Terms:

1. The rates and factors in this proposal are firm. Please provide a signed proposal by September 6, 2017. BCS is not obligated to provide Stop Loss Insurance coverage until a fully completed application, disclosure (new business only) and schedule is received, reviewed and accepted.
2. Upon receipt of the fully completed application and disclosure, BCS retains the right to re-underwrite the terms of the proposed policy and/or exclude specific individuals from coverage based upon the new information received in the disclosure.
3. Only individual claims up to the Group's Specific Stop Loss deductible will be applied toward Aggregate Stop Loss coverage.
4. The Specific Stop Loss deductible is per covered individual per contract period.
5. The Aggregate Stop Loss factor equals the Expected Losses adjusted by the Corridor percentage.
6. If the enrollment changes by 10% or more at any time prior to the contract effective date, BCS has the right to re-rate, laser, and/or rescind this proposal.
7. The final rates will remain unchanged for a period of one year from the contract effective date, unless benefits or other terms of the contract are changed by mutual agreement.
8. This proposal is being provided to you in reliance upon the accuracy and completeness of the experience data provided to BCS by you, or on your behalf when this proposal was requested. We may modify or withdraw this proposal, or declare the policy, based upon incorrect, false or misleading information provided to us.
9. Unless otherwise agreed, this proposal expires the earlier of 14 days from the Date of the Proposal shown below, or the Proposal Effective Date whichever is sooner. However, this proposal expires immediately on the date you file a voluntary petition, or an involuntary petition is filed against you, that commences a Federal bankrupt proceeding, or the date you become insolvent or unable to meet your debts as they become due.
10. BCS reserves the right to modify or withdraw this proposal upon receipt of material information from whatever source.
11. Unless otherwise agreed by mutual agreement, reinstating Attachment Point (incurred date) definition: A definition of incurred date is as follows: A claim is considered to be incurred on the date that a service is rendered or a supply is delivered. In the case of a hospital claim, each day of a hospital stay is considered a separate incurred date.

Date of Proposal:

August 23, 2017

Expiration Date of Proposal:

September 6, 2017

Proposal Acceptance:

Please acknowledge acceptance of the terms in this proposal by signing and returning by September 6, 2017. No signed proposal will be accepted after the effective date unless otherwise agreed by mutual agreement. Failure to remit the signed application and/or disclosure by the expiration date of this proposal will result in updated large claim data being required for our review. Please indicate which option is selected and whether aggregate is to be included.

Option Selected: _____

Are you also purchasing aggregate coverage: Yes or No _____

Signature: _____

Title: _____

Accepted on the _____ day of _____, 20_____

Attachment: Excess Loss Proposal for Council (201-17 : Annual Renewal Excess Loss Insurance Contract)

RESOLUTION NO. 202-17

Contract for Group Life Insurance Contract - H/R

RESOLUTION NO. _____

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

1. That in order to continue group life insurance benefits for the employees of the City of Opelika, the City shall enter into a written contract of insurance with Nationwide Employee Benefits Company.
2. That the written contract of insurance with Nationwide Employee Benefits Company shall include the following terms and conditions:
 - (a) All eligible full-time city employees and elected officials shall be entitled to the following coverages :
 - (i) Life Insurance Benefits - \$25,000.00
 - (ii) Accident death and dismemberment benefit - 25,000.00 (maximum benefit).
 - (b) The term of the Insurance contract shall be for three years commencing November 1, 2017 and ending October 31, 2020.
 - (c) The premium for such coverage shall be computed as follows:
 - (i) 14.5 cents per thousand of life insurance coverage per employee each month; and

- (ii) 4.5 cents per thousand of accidental death and dismemberment coverage per employee each month.
- 3. That the Mayor is hereby authorized and directed to execute on behalf of the City, an insurance contract with Nationwide Employee Benefits Company on substantially the terms mentioned above.

APPROVED AND ADOPTED this the _____ day of September, 2017

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

ATTEST:

Robert G. Shuman
City Clerk/Treasurer

ATTACHMENT "A"

Nationwide Life Insurance

Proposal For

City of Opelika

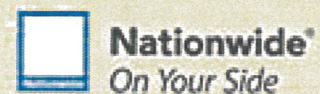
Prepared on 07/05/2017

Presented By

Nationwide Employee BenefitsSM

Sales Rep: John Strange

Effective Date: 11/01/2017



Nationwide® has been a proven financial performer and leading insurance provider for over 80 years. Based in Columbus, Ohio, we're one of the largest, strongest and most diversified insurance and financial companies in the world. In addition to our employee benefit products, we also offer a full-range of insurance and financial services for businesses.

13.13.a

Our History of Solid Performance and Fiscal Responsibility

Employing strict underwriting standards, aggressively managing expenses and maintaining a strong, diversified investment portfolio has enabled Nationwide to continuously maintain a position of financial strength. This provides us with the necessary capital that allows us to keep our promises to you and our customers.

Consider the following ratings as a barometer of our strength.

FINANCIAL STRENGTH RATINGS

AGENCY	RATING	RANK	RECEIVED	AFFIRMED
A.M.Best	A+ "Superior"	2nd strongest of 16	10/17/02	3/27/13
Moody's	A1 "Good"	5th strongest of 21	3/10/09	5/10/12
Standard & Poor's	A+ "Strong"	5th strongest of 22	12/22/08	8/31/12

These rating and rankings reflect Rating Agency assessment of the financial strength and claims-paying ability of Nationwide Life Insurance Company and are subject to change at any time. They are not intended to reflect the investment experience or financial strength of any variable account, which is subject to market risk. The dates above reflect the most recent ratings we have received.

Our Commitment to the Community

We're committed to using our resources to positively impact and inspire the communities we serve. We currently sponsor the NASCAR Nationwide Series and The Memorial Tournament. In 2006, the Nationwide Insurance Foundation awarded its largest single contribution, a \$50 million grant, to Columbus Children's Hospital. It was the second largest philanthropic gift ever made to a U.S. hospital, and it will touch the lives of thousands of children in need of top-notch medical care. In honor of the gift, the hospital was renamed Nationwide Children's Hospital.



Nationwide Employee BenefitsSM

We provide a full suite of non-medical group insurance products which include:

- Group Life with AD&D offers employees and their families' financial security when faced with the loss of a loved one.
- Group Disability (STD and LTD) offers employees support for daily and long-term expenses when a disability keeps them from working.
- Dental offers a reliable network of providers and many flexible plan designs, including preventative health and wellness benefits.
- Accident and Hospital Ca\$hback PlansSM complement high-deductible plan offerings and health savings accounts to help protect employees in unexpected events.
- Medical stop-loss insurance helps employers with self-funded health plans prepare to handle increased claims activity or catastrophic claims.
- Business travel accident helps protect employees traveling for work.

Attachment: Life Insurance Proposal Council (202-17 : Group Life Insurance)

Benefit Summary

13.13.a

Classes	Employee Term Life/AD&D Benefit	Dependent Life Benefit(Spouse/Child(ren))
All FT Active EEs	\$25,000	None/ None
Retirees	\$5,942/No AD&D	None/ None

Cost Summary

Employee Group Term Life & AD&D

Product/Class	Lives(#)	Volume	Rate/\$1,000	Monthly Premium	Annual Premium
Term Life	330	\$8,202,650	\$0.145	\$1,189.38	\$14,272.56
AD&D	330	\$8,196,708	\$0.045	\$368.85	\$4,426.22
Total	-		-	\$1,558.24	\$18,698.83

Benefit Plan Highlights and Assumptions

Basic Term Life and AD&D:

- **Rates are guaranteed for 3 years.**
- This proposal provides coverage for all employees actively at work on the policy effective date working a minimum of 30 hours per week. Coverage terminates at retirement.
- All FT Active EEs: This proposal assumes the rates are based on a non-contributory basis and 100% participation is required.
- Retirees: This proposal assumes the rates are based on a non-contributory basis and 100% participation is required.
- For salary-based benefits, benefit amounts are rounded to the next higher \$1,000.
- Guarantee Issue Amounts: \$25,000.
- Basic Term Life and AD&D Benefit Reduction Schedule: 35% at age 70.
- Waiver of Premium is included for total disability prior to age 60, 6 month elimination period. Waiver terminates at age 65.
- Definition of Earnings includes base earnings and commissions, excluding bonuses, overtime pay and extra compensation.
- Nationwide Bank Secure Money Market Account - included for beneficiary payments in excess of \$25,000.
- Additional AD&D Benefits Included : Airbag & Seatbelt, Child Education, Repatriation, Coma Benefit, Common Carrier Benefit.
- Accelerated Death Benefit - Up to 75% of the Basic Life face amount, max \$250,000.
- This proposal is based on commission of 15.0%
- The proposed rates are based on the accuracy of the data submitted and include the plan design, qualifications and assumptions as specified herein, assuming Nationwide's standard contract language and definitions. We reserve the right to modify the plan design and/or rates as deemed appropriate by Nationwide if the proposed qualifications or assumptions are incorrect or if the plan design is modified.

Attachment: Life Insurance Proposal Council (202-17 : Group Life Insurance)

Proposal Assumptions

Product specific assumptions have been indicated on their corresponding pages. The following assumptions apply to the proposal as a whole.

- This proposal is offered on a fully insured basis and is valid for 90 days from 07/05/2017.
- This proposal assumes an SIC code of 9711 and is based on a situs state of AL.
- Nationwide reserves the right to review this offering if final census differs by more than 10%, if there are changes to the proposal assumptions or the benefits/provisions preferred by group differ from those included in this proposal.
- Nationwide requires a minimum of \$1,000 annual premium for all lines of coverage combined.
- This proposal assumes that the proposed plans are the only plans being offered to the employees of City of Opelika. Nationwide reserves the right to re-evaluate this proposal if coverage is also offered by another carrier.
- All employees under the age of 18 (eighteen) are not eligible for coverage.
- Employees whose wages are reported on Form 1099 in lieu of Form W-2 are not eligible for coverage.
- This Proposal is subject to underwriting approval by Nationwide; coverage should not be cancelled until the application has been approved in writing. This information is intended to present only a general overview of the benefits. Not all details, limitations and exclusions are included. Nationwide's standard policy provisions will apply.
- This Proposal assumes the Actively at Work provision. Consideration may be given to individuals who are not actively at work on the effective date of coverage subject to Nationwide's review and approval. An updated listing of non-active employees must be submitted prior to the effective date of coverage should include the following information: employee name, age, gender, last day worked, date leave began, reason for leave, estimated return to work date and benefit amount.

This coverage has been selected for employees and eligible dependents, subject to the terms and conditions of this proposal and the application to which this is attached. Nationwide's standard policy provisions will apply unless otherwise noted.

Authorized Signature

Title

Date

Thank you for considering Nationwide Employee BenefitsSM.
It is a privilege to serve you and your employees!

Products Underwritten by Nationwide Life Insurance Company

Life insurance is the cornerstone of every employer's benefit plan because it provides a common-sense and much-needed benefit. Specifically, it provides financial protection in the event an employee is injured as a result of an accident or upon an employee's death.

We offer employers the flexibility of choosing from two products, Basic Group Term Life, which they may partially or fully fund, and/or Voluntary Group Term Life which is paid in full by employees.

The following features are options with most of our Life insurance plans:

- Accidental Death and Dismemberment (AD&D) benefits
- Dependent life coverage
- Waiver of Premium provision
- Accelerated death benefit provision
- Domestic partner coverage
- Rate guarantee periods

All plans also include our free of charge Secure Account feature which keeps the beneficiaries' benefit proceeds safe and sound during the difficult times following a death. Once beneficiaries are ready to access the funds, their Secure Account is ready and waiting for one-time or go-forward withdrawals.

This information is intended to provide a brief description of the group life and AD&D insurance coverage Underwritten by Nationwide Life Insurance Company. Not all details, limitations or exclusions are included.

EMPLOYEE ASSISTANCE PROGRAMS (EAP)

The Nationwide EAP offers all employees and their household members counseling sessions at no cost to them, and is designed to address a wide range of life problems, including initial behavioral and substance abuse issues. Our EAP also offers management referrals and employer consultations along with workplace promotions and services. Nationwide's EAP provides services to help reduce employee absenteeism and benefit expenses while boosting job productivity and healthy lifestyles. Whether your employees are seeking guidance with a family problem, options for elder care, assistance with substance abuse or other personal issues, Nationwide's EAP offers the support they need.

Nationwide EAP - Phone/Web

By offering Nationwide's EAP to your employees, you are providing them with the resources to improve their well-being and help them manage problems before they become an emotional or financial burden.

The program provides beneficiaries dealing with the loss of a loved one, or employees with a qualified disability, up to three visits with a licensed mental health professional. These services are available for up to six months after the qualifying event.

In addition, employees and their family members will appreciate ongoing access to convenient support that includes toll-free, telephone consultation and referral services from anywhere in the United States in addition to extensive Nationwide EAP website services that include:

- Community resources
- Child and elder care provider databases
- Consumer education and services
- Parenting information and services
- Tips on dealing with emotions
- Advice on handling difficult life events, like losing a loved one
- Online financial calculators and tools
- Self-assessments
- Online will, living will and financial power of attorney preparation assistance
- Legal tools and library
- Information on dealing with identity theft

Return-to-Work Assistance

For employees who have been absent from the workplace, most commonly for psychiatric or chemical dependency problems, return-to-work assistance can help minimize employer risk and support a returning employee to re-engage with the workplace.

The Nationwide Employee Assistance Program is administered by Horizon Behavioral Services, LLC, an independent National Employee Assistance Provider.

This information is intended to provide a brief description of the services available under the employee assistance program. Not all details, limitations or exclusions are included.

TRAVEL ASSISTANCE

When selecting Life/AD&D or Disability coverage from Nationwide, your employees will now be eligible to receive travel assistance service provided by On Call International. On Call is a 24-hour, toll free service provider that offers a comprehensive range of information, referral, coordination and arrangement services designed to respond to most medical care situations and many other emergencies you may encounter when you travel. On Call also offers pre-trip assistance, including passport/visa requirement information, foreign currency and weather information.

Covered Services

By offering Nationwide's travel assistance when traveling 100 or more miles from your primary residence, or when traveling in a foreign country, On Call offers you and your dependents the following services:

Pre-Trip Assistance:

- Inoculation requirement information
- Passport/visa requirement information
- Currency exchange rates
- Consulate/embassy referral
- Health hazard advisory
- Weather information

Emergency Medical Transportation*:

- Emergency evacuation
- Medically necessary repatriation
- Visit by family member or friend*
- Return of traveling companion*
- Return of dependent children*
- Return of vehicle*
- Return of mortal remains*

*Emergency Evacuation and Medically Necessary Repatriation are subject to a maximum combined single limit of \$100,000. The additional transportation benefits are subject to certain sub-limits. Please refer to the Description of Covered Services for complete details of coverage.

Emergency Personal Services:

- Urgent message relay
- Interpretation/translation services
- Emergency travel arrangements
- Recovery of lost or stolen luggage/personal possessions
- Legal assistance/bail bond

Medical Services:

- Medical referrals for local physicians/dentists
- Medical case monitoring
- Prescription assistance and eyeglass replacement assistance
- Convalescence arrangements

This information is intended to provide a brief description of the services available under the travel assistance program. Not all details, limitations or exclusions are included.

RESOLUTION NO. 203-17

Annual Renewal General Liability Insurance - H/R.

RESOLUTION NO. _____

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

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

1. That the Mayor is hereby authorized and directed to contract
with J. Smith Lanier & Company, the Alabama Municipal Insurance Corporation, and
Chubb Insurance to procure the insurance coverages shown in Attachment A.
2. That the Mayor and other appropriate officers of the City of
Opelika are hereby authorized and directed to execute and deliver in name and on behalf
of the City of Opelika such agreements, instruments and certificates as shall be required
for the procurement of said policies and coverage.
3. That the Mayor and the Treasurer are hereby authorized and
directed to pay from budgeted funds all premiums for such insurances and coverages.
4. That the Controller is authorized to adjust the 2018 Budget as necessary for the
insurance contract approved by this resolution.

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

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

ATTEST:

Robert G. Shuman, CMC
City Clerk/Treasurer

ATTACHMENT "A"

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

PROPOSAL OF INSURANCE AND RISK MANAGEMENT

Prepared for:

City of Opelika

Policy Period:

10/01/2017 to 10/01/2018

Presented by:

Eddy Kilman ,CIC
Exec. Vice President/Managing Director



J. Smith Lanier & Co.
a Marsh & McLennan Agency LLC company

PREMIUM SUMMARY

Coverage	2016-17 Premium	2017-18 Premium
Property	\$57,751.00	\$57,751.00
Electronic-Data Processing	\$2,589.00	\$2,589.00
Equipment Floater	\$21,329.00	\$21,094.00
General Liability	\$86,027.00	\$74,205.00
Law Enforcement	\$17,655.00	\$19,356.00
Public Officials	\$32,414.00	\$27,036.00
Business Automobile	148,974.00	\$159,447.00
Employee Benefits	\$1,470.00	\$1,470.00
Increased Liability	\$21,250.00	\$21,250.00
Total	\$389,459.00	\$384,198.00

Notes:

Business Auto: 16-17 247 Units \$603 Average Cost Per Unit
 17-18 264 Units \$604 Average Cost Per Unit

Attachment: General Liability Insurance for Council (203-17 : Annual Renewal General Liability Insurance)

AUTHORIZATION TO BIND

Named Insured: **City of Opelika**

Choose the appropriate option:

- ☐ I hereby authorize J. Smith Lanier & Co. to bind my coverage per the terms and conditions outlined in this Proposal.

Authorized Signature

Date

- ☐ I hereby authorize J. Smith Lanier & Co to bind my coverage with changes as stated below. I understand these changes may result in possible additional underwriting requirements or more/less premium.

Authorized Signature

Date

RESOLUTION NO. 204-17

Annual Appropriation to Envision for Period from July 1, 2016 to June 30, 2017**RESOLUTION NO. _____**

**A RESOLUTION APPROVING ANNUAL APPROPRIATION TO ENVISION
OPELIKA FOUNDATION, INC. FOR PERIOD FROM JULY 1, 2016 TO JUNE 30, 2017**

WHEREAS, the City of Opelika, Alabama, (hereinafter referred to as the “City”), and Envision Opelika Foundation, Inc. (hereinafter referred to as “Envision Opelika”) heretofore entered into a Contract for Services (the “Contract”) for a period of five (5) years commencing July 1, 2012 and ending at midnight on June 30, 2017.; and

WHEREAS, Envision Opelika has duly performed all of the obligations to be performed by it under said Contract for Services; and

WHEREAS, Envision Opelika inadvertently failed to submit an invoice for its services for the last year of the Contract; and

WHEREAS, the City Council has determined that Envision Opelika is due to be compensated for its services for the period from July 1, 2016 to June 30, 2017.

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

1. That the City does hereby appropriate the sum of \$12,000 to Envision Opelika to compensate it for services rendered from July 1, 2016 to June 30, 2017.
2. That the Purchasing-Revenue Manager is hereby authorized and directed to issue a purchase order to Envision Opelika for the provision of services previously rendered pursuant

to the Contract in the amount of \$12,000.00.

3. That the City Council finds and declares that a public purpose is served by said \$12,000 appropriation to Envision Opelika.

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

RESOLUTION NO. 205-17

Reserve city council current year discretionary funds.**RESOLUTION NO. _____**

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

1) That the Mayor and the Controller is hereby authorized and directed to make the necessary budget adjustment(s) so the remaining current year balance of each City Council discretionary account, for fiscal year 2016-2017, as detailed below, is moved to the appropriate reserve account for each Ward:

Ward I	-	\$ 8,100.00	Misc. Projects, current year balance.
Ward II	-	\$ 2,450.00	Misc. Projects, current year balance.
Ward III	-	\$ 5,900.00	Misc. Projects, current year balance.
Ward IV	-	\$ 10,000.00	Misc. Projects, current year balance.
Ward V	-	\$ 8,700.00	Misc. Projects, current year balance.

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

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

Attest:

R. G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 206-17

ADEM grant application for the Pepperell Creek Watershed - Eng.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE SUBMITTAL OF A
SECTION 319(h) GRANT APPLICATION TO THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (“ADEM”)**

WHEREAS, the 1987 amendments to the Clean Water Act (CWA) established the 319 Nonpoint Source Management Program; and

WHEREAS, under Section 319 local governments may receive grant funds that support a wide variety of activities including technical assistance, financial assistance, education, training and technology; and

WHEREAS, the City of Opelika, Alabama (the “City”) desires to partner with Auburn University to apply to the Alabama Department of Environmental Management (ADEM) for a Section 319(h) grant in the approximate amount of \$425,618.00; and

WHEREAS, said grant funds will be used to implement best management practices, provide outreach and education, support and plan City initiatives, enhance community stewardship and improve water quality in the Pepperell Branch; and

WHEREAS, said grant funds will also be used to employ a part-time coordinator/educator to manage the grant and to provide project coordination; and

WHEREAS, the City believes itself to be qualified and is willing and able to carry out all activities described in the ADEM grant application; and

WHEREAS, the City will agree, upon award and acceptance of the grant, to the terms of the grant; and

WHEREAS, the City recognizes the forty percent (40%) match requirement for the Section 319(h) grant and will secure matching funds; and

WHEREAS, the 40% match may include a combination of staff, services, materials and supplies; and

WHEREAS, most of the local match will be accounted for through “in-kind” services including services from Auburn University, City staff time, and volunteer time from organizations such as KOB, 4-H and local master gardeners; and

WHEREAS, the balance of the local match will probably not exceed \$50,000.

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

1. That the Mayor is hereby authorized to execute and submit to ADEM an application, in conjunction with Auburn University, for Section 319(h) funds on behalf of the City of Opelika, Alabama, in the approximate amount of \$425,618.00.
2. Upon approval of said application, the Mayor is hereby authorized and directed to enter into and execute a Grant Agreement with ADEM for such Section 319(h) financial assistance and to further carry out and comply with the terms of the Grant Agreement.
3. That the City hereby agrees to accept the grant funds and to comply with the terms of the grant as well as all applicable laws, environmental requirements and regulations as stated in the Grant Agreement.

4. That the portion of the local match not covered by in-kind services shall be paid from the Unassigned Fund Balance.

5. 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 Grant Agreement.

6. That the Mayor and Controller are hereby authorized and directed to make all appropriate accounting and budget entries necessary to carry into effect the provisions of the attached Agreement.

7. 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

RESOLUTION NO. 207-17

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
-----	-----	-----
Cindy Boyd	Accounting	272.86
Kelly Smith	Accounting	103.78
Heather Middleton-High	H/R	89.02

-) 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.
- 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 of the City Council
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

EXPENSE REPORT

NAME Cindy Boyd DEPARTMENT Accounting PERIOD ENDING 8/18/2017

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

DATE	DAY	CITY AND STATE	LODGING	AIR, RAIL, ETC.	RENTAL CAR, LIMO, ETC.	TRANSPORTATION		BUSINESS MEALS			ENTERTAINMENT Itemize Below	MISC EXPENSES Itemize Below	DAILY TOTAL
						LOCAL TAXI, TOLLS, & PUBLIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
	SUN											\$ -	\$ -
	MON											\$ -	\$ -
	TUE											\$ -	\$ -
16-Aug	WED	Orange Beach, AL					\$ 136.43						\$ 136.43
		GFOAA Summer Conference											\$ 136.43
17-Aug	THU												\$ -
18-Aug	FRI						\$ 136.43						\$ 136.43
	SAT												\$ -
WEEKLY CATEGORY TOTALS \$			\$ -	\$ -	\$ -	\$ -	\$ 272.86	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 272.86

WEEKLY TOTAL OF EXPENSES ↑

ITEMIZED ENTERTAINMENT AND BUSINESS MEALS					
DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	ALLOCATED TO BUSINESS
			Approved To Pay		
			Not Verified		
			Not Verified		
			Approved To Pay		
			Not To Pay		
			Approved To Pay		

NUMBER OF DAYS AWAY FROM HOME

3

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0

NATURE OR PURPOSE OF TRAVEL

GFOAA Summer Conference

METHOD OF REIMBURSEMENT

MAIL TO:

C. Boyd

SIGNATURE

APPROVED BY

ITEMIZED AUTOMOBILE EXPENSES		
DATE	MILEAGE, GAS, PARKING, REPAIRS, ETC	AMOUNT
16-Aug	Mileage, City Hall to OB, 255 mi @ .535	\$ 136.43
18-Aug	Mileage, City Hall to OB, 255 mi @ .535	\$ 136.43

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT

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

WEEKLY TOTAL OF EXPENSES ↑

NUMBER OR DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

MUNIS Training

METHOD OF REIMBURSEMENT

MAIL TO:

KELLY SMITH

ACCOUNTING

Keller Smith

SIGNATURE _____

Cynthia B May

APPROVED BY

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT

EXPENSE REPORT

NAME

Name: Heather Middleton-High

DEPARTMENT

Human Resources

PERIOD ENDING

9/9/2017

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAIN- MENT	EXPENS ES	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	Itemize Below					
							BREAKFAST	LUNCH	DINNER	Itemize Below	Itemize	
SUN												\$0.00
MON												\$0.00
TUE												\$0.00
WED 9/6	Round trip to Columbiana, AL					\$89.02						\$89.02
THU												\$0.00
FRI												
SAT												\$0.00
WEEKLY CATEGORY TOTALS \$		\$0.00	\$0.00	\$0.00	\$0.00	\$89.02	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$89.02

WEEKLY TOTAL EXPENSES

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

NUMBER OF DAYS AWAY FROM HOME

0

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

MUNIS Software Forum

METHOD OF REIMBURSEMENT

☐ DEDUCT
FROM MY

☐ MAIL

Send Check to Human Resources

ITEMIZED AUTOMOBILE EXPENSES		
DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
9/6/17	166.4 miles	\$89.02
	TOTAL	\$89.02

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT
	Total	

SIGNATURE

APPROVED BY

ORDINANCE NO. 122-17-ORD

Lease Agreement with East Central Alabama Highway Safety Office - 2nd Reading.

ORDINANCE NO. _____

AN ORDINANCE APPROVING LEASE AGREEMENT WITH
EAST ALABAMA HIGHWAY SAFETY OFFICE

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

Section 1. It is hereby established and declared that the following described real property of the City of Opelika, Alabama (the "City") is not currently needed for public or municipal purposes, to-wit:

One (1) room on the first floor of the Public Works Administration Building located at 700 Fox Trail, Opelika, Alabama.

Section 2. That the City, having received an offer from East Alabama Highway Safety Office to lease said room described in Section 1 above, it is hereby declared to be in the best interest of the public and the City, to lease said office room to East Alabama Highway Safety Office at a monthly rental of \$1,900.00 for a term of one (1) year commencing on October 1, 2017 and ending on September 30, 2018.

Section 3. That a proposed Lease Agreement to be entered into between the City and East Alabama Highway Safety Office, a copy of which is attached as Exhibit "A", be and the same is hereby approved, authorized, ratified and confirmed in substantially the form submitted to the City Council.

Section 4. That the Mayor and the City Clerk are hereby authorized and directed to execute, attest and deliver said Lease Agreement in the name and on behalf of the City.

Section 5. That this ordinance shall become effective immediately upon its adoption and publication as required by law.

Section 6. That the City Clerk of the City of Opelika is hereby authorized and directed to cause this ordinance to be published one (1) time in a newspaper published in and of general circulation in the City of Opelika, Alabama.

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

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

ATTEST:

CITY CLERK

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

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

STATE OF ALABAMA)
COUNTY OF LEE)

LEASE AGREEMENT

THIS LEASE AGREEMENT (the “Lease”) is made this the 1st day of October, 2017 (the “Effective Date”) by and between the City of Opelika, Alabama, a Municipal Corporation, (hereinafter referred to as “**LANDLORD**”), and East Central Highway Safety Office (hereinafter referred to as “**TENANT**”).

In consideration of the mutual covenants contained herein, **LANDLORD** and **TENANT** agree as follows:

1. **Property leased.** **LANDLORD** hereby leases to **TENANT** and **TENANT** hereby leases from **LANDLORD** for the term and for the terms, covenants and conditions set forth in this Lease, one (1) office room in the Engineering Department located within the Public Works Administration Building located at 700 Fox Trail, Opelika, Alabama, said premises being hereinafter referred to as the “Leased Premises”. Office furnishings to include desks, chairs, tables, bookcases, filing cabinets and other personal items shall be included as part of the Leased Premises.
2. **Term.** The term of this Lease (the “Term”) shall be one (1) year commencing on the effective date and ending on September 30, 2018.
3. **Rent.** **TENANT** agrees to pay **LANDLORD** monthly rent for the term of this Lease in the sum of one thousand nine hundred dollars (\$1,900.00). Rent shall be payable in advance on the 1st day of each month commencing October 1, 2017 and continuing on the 1st day of each month thereafter until the termination of this Lease. Rental payments shall be made to the City of Opelika.

4. Condition of Premises. **TENANT** accepts the Leased Premises in its present, “AS IS” condition. **LANDLORD** shall not be obligated to perform any work, or make any improvements or alterations to the Leased Premises. **TENANT**, during the term of this Lease, shall keep the Leased Premises in clean condition, free of debris and trash.

5. Use. The Leased Premises shall be used by the **TENANT** for commercial/governmental office space as the business office of the Project Director of East Central Alabama Highway Safety Office. The Leased Premises shall not be used for any other purpose without the written consent of **LANDLORD**.

6. Compliance with Laws. **TENANT** shall comply with all laws, orders and regulations of Federal, State, County and Municipal authorities as to its use of the Leased Premises. **TENANT** shall not do, or permit to be done, any act within or upon the Leased Premises which invalidates any fire insurance policies covering the building, fixtures or property therein; and shall not bring or keep anything therein, except not or hereafter permitted by the Opelika Fire Department, the Fire Insurance Rating Organization, or other authority having jurisdiction.

7. Maintenance. The **LANDLORD** agrees to maintain the Leased Premises in a good and safe condition during the term of this Agreement. **TENANT** shall be responsible for all damages to the Leased Premises resulting from the willful acts or negligence of the **TENANT** and its agents, employees or invitees.

8. Utilities. **LANDLORD** shall provide and pay the costs of all water, sewer and electrical power, fuel and all other utilities consumed in or at the Leased Premises. **TENANT** shall provide and pay costs of telephone services and additional Internet connections.

9. Insurance. **LANDLORD** agrees to procure and keep in force during the term of this Agreement, insurance covering the building and **LANDLORD's** property.

LANDLORD's insurance coverage shall not be required to cover any of **TENANT's** property and **TENANT** shall not have any claim against any of the proceeds of **LANDLORD's** coverage.

10. Loss, Damage. **LANDLORD** shall not be liable for any loss, damage or expense to any person or property of **TENANT** or to the property of others given to the **TENANT**. **LANDLORD** shall also not be liable for any theft of **TENANT's** property, nor for injury or damage to persons or property resulting from any cause whatsoever, unless due to the willful acts of **LANDLORD**, its agents, servants and/or employees.

11. No Other Space. **TENANT** is afforded no other space in the building other than the office described above.

12. Indemnification. **TENANT** agrees to indemnify and hold **LANDLORD** harmless from and against any and all liability for any injury to or death of any person or persons or any damaged property in any way arising out of or connected with the use or occupancy of the Leased Premises, or in any way arising out of the activities of the **TENANT**, his employees, guests, and invitees, and from all costs, expenses, liabilities, including, but not limited to, court costs and reasonable attorney's fees incurred by the **LANDLORD** in connection therewith, excepting, however, liability caused by the **LANDLORD'S** gross negligence.

13. Smoking. No smoking is allowed on the Leased Premises. This rule will be strictly adhered to.

14. Alcoholic Beverages. Alcoholic beverages are prohibited on the Leased Premises.

This rule will be strictly adhered to.

15. Care of Leased Premises. TENANT agrees to use due care in the use of the Leased Premises and further agrees that he will not commit waste thereon.

16. Remedies for Default. If TENANT shall fail to pay rent when due, shall default in any other provision of this Lease, or shall abandon the Leased Premises, LANDLORD, in addition to all other remedies provided either at law or in equity, may reenter and take possession of the Leased Premises and remove all persons and property therefrom, without being deemed guilty of any manner of trespass.

All rights and remedies of LANDLORD under this Lease shall be cumulative and none shall exclude any other right or remedy at law. Such rights and remedies may be exercised and enforced concurrently and whenever and as often as occasion therefor arises.

17. Attorney's Fees. LANDLORD shall be entitled to recover reasonable attorney's fees and costs in connection with any action or proceeding to enforce this Lease or otherwise secure any rights due it under this Lease or as may be accorded by law.

18. Relationship that of LANDLORD and TENANT. The Execution of this Lease or the performance of any act pursuant to the provisions thereof shall not be deemed or construed to have the effect of creating between LANDLORD and TENANT the relationship of principle or agent, or of partnership, or of joint venture, and the relationship between them shall only be that of LANDLORD and TENANT.

19. Notices. All notices required to be given to LANDLORD hereunder, shall be delivered to the City of Opelika, 204 Seventh Street South, Opelika, Alabama 36801, or

such other address as **LANDLORD** may direct by written notice forwarded to **TENANT** by certified mail. All notices required to be given **TENANT** shall be delivered to the address written above, or such address as **TENANT** may direct by written notice forwarded to **LANDLORD** by certified mail.

20. Conversion to Tenancy at Will. After the execution of this Lease, this Agreement shall convert to a tenancy at will between the parties hereto and may be terminated at any time without cause upon **TENANT's** giving notice in writing to **LANDLORD**, or **LANDLORD's** giving notice in writing to **TENANT** at least thirty (30) days prior to the termination date.

21. Waiver. The failure of the **LANDLORD** to insist upon strict performance of any of the covenants or conditions of this Lease or to exercise any option herein conferred in any one or more instances shall not be construed as a waiver or relinquishment of any such covenants, conditions or options, but the same shall be and remain in full force and effect. The receipt by the **LANDLORD** of rent, with knowledge of the breach of any covenant hereof, shall not be deemed to have been made unless expressed in writing and signed by the **LANDLORD**.

22. Renewal Options. This Lease may be renewed from year to year on the same terms as provided herein for a maximum period of five (5) years, unless one party gives the other notice it does not intend to renew at least thirty (30) days prior to the end of the lease year.

23. Entire Agreement. This Lease constitutes the entire agreement between the parties hereto, and any change or modification to this Lease shall be in writing and signed by the parties hereto.

24. Counterparts. This Lease may be executed in two or more counterparts, each of which shall be deemed to be an original but all of which shall constitute one and the same instrument.

25. Binding Effect. The provisions of this Lease shall be binding upon and shall inure to the benefit of the parties and their respective successors, legal representatives, heirs and assigns.

IN WITNESS WHEREOF, **LANDLORD** and **TENANT** have respectively caused this Lease to be executed by their duly authorized representatives as of the day and year first above written.

CITY OF OPELIKA—LANDLORD

BY: _____
ITS MAYOR

ATTEST:

CITY CLERK

EAST CENTRAL HIGHWAY SAFETY OFFICE

TERRY HENDERSON, ITS DIRECTOR
TENANT

ORDINANCE NO. 123-17-ORD

Amend City Code, Sec. 2-147, Small Purchase Procedures - 2nd Reading.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 2-147 OF THE
CODE OF ORDINANCES OF THE CITY OF OPELIKA, ALABAMA;
AMENDING PROCEDURES AND POLICIES FOR
SMALL PURCHASES AND REQUISITIONS**

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

Section 1. **Amendment.** That Section 2-147 the *Code of Ordinances* of the City of Opelika, Alabama, is hereby amended to read as follows:

Sec. 2-147. Purchasing agent, generally.

There is hereby established the office of purchasing agent. The offices of purchasing agent and revenue officer may be consolidated with the approval of the city council. Subject to the administrative direction of the mayor, the purchasing agent is authorized to contract for and make purchases of all supplies, materials, equipment and services required by the city, subject to the following limitations:

- (a) *Budgetary requirements.* Neither the mayor, the purchasing agent nor any other officer or employee of the city shall make purchases in the name of the city, on the credit of the city or create any debt or liability against the city, unless the expenditure has been previously authorized by the city council, or unless the funds for such expenditure have been appropriated by the city council, either specifically or in the annual budget of the city.
- (b) *Competitive bidding requirements.* All procurements for the city shall be awarded in accordance with the applicable provisions of the Code of Ala. 1975, Titles 39 and 41 (Code of Ala. 1975, §§ 39-1-1 etc., 41-1-1 etc., and in accordance with the provisions of this article. For those types of contracts meeting threshold requirements for competitive bids, invitation for bids shall be issued by the purchasing agent and shall be awarded upon the approval of the city council.

(c) *Professional services.* Any contract for the purpose of procuring professional services as defined by the competitive bid laws of the state, with a value greater than required for competitive bidding, shall be awarded by the city council in the form of a professional services contract. Any such contract with a value less than required for competitive bidding shall be awarded by the purchasing agent. Contracts for professional services as defined in the competitive bid laws of the state are exempt from competitive bidding.

(d) *Electric and sewer system purchases.* The purchase of equipment, supplies or materials needed, used or consumed in the normal and routine operation of the city's municipally owned electric and sanitary sewer systems shall be exempt from competitive bidding provided no part of the operating expenses of said system or systems have, during the current fiscal year, been paid from revenues derived from taxes or from appropriations from the general fund of the city.

(e) *Small purchases.* Contracts for small purchases of one thousand dollars (\$1000.00) or less, except that purchases by Opelika Power Services are specifically subject to a limitation of two thousand dollars (\$2000.00) or less, may be approved by the mayor, the department heads, division managers or their designees without proposals or quotations. The purchasing agent shall adopt operational procedures to facilitate small purchases. Such operational procedures shall require the proper accounting for funds expended and facilitate an audit of the small purchase made.

(f) *Motor vehicle repairs.* The mayor, department heads, division managers and their designees are hereby authorized to contract for the purchase of automotive repair parts or enter into contracts for repair of motor vehicles for amounts of two thousand dollars (\$2000.00) or less without proposals or quotations, subject to the administrative instructions of the mayor.

(g) *Emergency purchases.* Notwithstanding any other provisions of this article, the purchasing agent may make or authorize others to make emergency procurements of commodities and services. In cases of emergency affecting the public health, safety or convenience, so declared in writing by the purchasing agent, setting forth the nature of the danger to public health, safety or convenience involved in delay, requisitions may be submitted and purchase orders issued for the purchase of materials, services, equipment, supplies, or other personal property to the extent necessary to meet the emergency without public advertisement pursuant to Code of Ala. 1975, § 41-16-53; provided, however, that proper documentation and verification of the facts supporting the same shall be submitted to the purchasing agent and approved by the city council.

(h) *Sole source purchases.* A contract may be awarded without competition when the purchasing agent receives in writing a valid justification from the requesting department head/division manager that there is only one source for the required supply or service item or, by the nature of an item, the bid cannot be awarded by competition. Such written justification shall include specific facts which support the conclusion that there is only one source. The purchasing agent shall conduct a good-faith review of available

sources and conduct negotiations, as appropriate, as to price, qualifications, delivery and terms. Sole source justifications must receive the approval of the purchasing agent and the mayor.

(i) *Requisitions and purchase orders.* Except as otherwise stated herein, a purchase requisition must be submitted or transmitted to the purchasing agent in order to receive a purchase order to acquire with city funds, materials, equipment, supplies, other personal property, or services. The requisition shall be initiated and properly documented by the requisitioning department head, division manager or their designees and sent to the purchasing agent. All purchases executed by the purchasing agent will be made pursuant to an approved requisition from the department head or division manager whose appropriation is to be charged. Insofar as it is practical, as determined by the purchasing agent, for purchases of one thousand dollars (\$1000.00), and two thousand dollars (\$2000.00) for Opelika Power Services or more up to the amount required by competitive bids for purchases of materials, supplies, equipment, merchandise or services, and two thousand dollars (\$2000.00) or more up to the amount required for competitive bids for purchases of automotive repairs, parts and accessories, competitive prices will be solicited from at least three (3) vendors. Approval shall be made by the purchasing agent to the responsive and responsible vendor offering the lowest quoted price. Such written quotes shall be maintained as public record.

(j) *Credit card purchases.* The mayor may authorize certain officials, officers, employees and municipal board members to use a city credit card to pay work-related expenses. All such purchases shall be made in accordance with all city guidelines and procedures. No purchases of personal items shall be made on city credit cards, even if the intent is to reimburse the city.

(k) *Responsible bidders/contractors.* The city will make awards to responsible bidders or contractors possessing the ability to perform successfully under the terms and conditions of the procurement. Consideration will be given to such matters as the bidder's/contractor's integrity, compliance with public policy, record of past performance, relevant experience, reliability, capacity, facilities, equipment and credit which will assure good-faith performance, technical resources and other necessary essential qualities to assure financial stability and adequate personnel. If a bidder or contractor who otherwise would have been awarded a contract is found non-responsible, a written determination of non-responsibility setting forth the basis of the finding, shall be prepared by the purchasing agent. The failure of a bidder or contractor to supply prompt information in connection with an inquiry with respect to responsibility may be grounds of a determination of non-responsibility with respect to such bidder or contractor. A copy of the determination shall be sent promptly to the non-responsible bidder or contractor. The final determination shall be made part of the contract file and be made a public record.

(l) *Promulgation of rules and regulations.* The purchasing agent, subject to the direction of the mayor, is authorized to promulgate rules, regulations and policies in

furtherance of the provisions of this article.

(m) *Controlling laws.* All procurements of goods, materials, equipment, supplies, personal property or services shall comply with all federal, state and local laws, rules and regulations. To the extent this article may conflict with any superseding federal or state law, it shall automatically conform to such federal or state law.

Section 2. **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.

Section 3. **Effective Date.** This ordinance adopted shall become effective and enforced immediately upon its passage and publication as required by law.

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. 124-17-ORD

Amend City Code, Sec. 14-302 (3), Municipal License Issuance Fees - 2nd Reading.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SUBSECTION 14-302(3) OF THE
CODE OF ORDINANCES OF THE CITY OF OPELIKA, ALABAMA;
ADJUSTING MUNICIPAL LICENSE ISSUANCE FEES**

WHEREAS, pursuant to §11-51-90, *Code of Alabama* (1975), municipal license issuance fees may be increased every five (5) license years by an amount equal to the percentage increase, if any, in the U.S. Department of Labor's Producer Price Index during that five-year period; and

WHEREAS, an analysis of the Producer Price Index was performed by the Alabama Department of Revenue for calendar years 2011 and 2016; and

WHEREAS, pursuant to the provisions of §11-51-90, *Code of Alabama*, municipal license issuance fees may be adjusted to a maximum amount of \$12.00, at the discretion of the municipal governing body, for the license year beginning January 1, 2018; and

WHEREAS, City staff has recommended that municipal license issuance fees be adjusted to \$12.00.

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

Section 1. **Amendment.** That effective January 1, 2018, Subsection 14-302(3) of the *Code of Ordinances* of the City of Opelika, Alabama, is hereby amended to read as follows:

(3) **Issue fee.** For each license issued, there shall be an issue fee collected of twelve dollars (\$12.00) and said issue fee shall be collected in the same manner as the license tax.

Section 2. **Adjustment Effective Date.** That the increase in business license issuance fees shall become effective for the license year beginning January 1, 2018.

Section 3. **Effective Date.** That this Ordinance shall become effective on January 1, 2018.

Section 4. **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

ORDINANCE NO. 125-17-ORD

Repeal & Replace Chapter 10 in City Code, Solid Waste Disposal - 2nd Reading

Final 8/17/17

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OPELIKA BY REPEALING CHAPTER 10 ENTITLED “GARBAGE AND TRASH” IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW CHAPTER 10 ENTITLED “SOLID WASTE DISPOSAL”; ESTABLISHING A PURPOSE, ADOPTING DEFINITIONS, REQUIRING SERVICE, ESTABLISHING LIMITATIONS AND PROHIBITED ACTIVITIES, ESTABLISHING PROCEDURES FOR SOLID WASTE COLLECTION, PROVIDING FOR CUSTOMER RESPONSIBILITIES, ESTABLISHING USE OF SPECIAL CONTAINERS, ESTABLISHING FEES . AND CHARGES FOR THE COLLECTION OF SOLID WASTE, PROVIDING FOR TERMINATION OF SERVICE, PROVIDING PENALTIES, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALING CLAUSE, PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 2017.

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

Section 1. **Replacement of Chapter 10 of the *Code of Ordinances*, adopting Sections 10-1 through 10-114.** That current Chapter 10 of the *Code of Ordinances* of the City of Opelika, Alabama, entitled “Garbage and Trash” is hereby repealed in its entirety and replaced with new Chapter 10 entitled “Solid Waste Disposal,” consisting of Sections 10-1 through 10-114, which said Chapter shall read as follows:

CHAPTER 10—SOLID WASTE DISPOSAL

ARTICLE 1. General

Sec. 10-1. – Short Title.

This Chapter shall be known as and may be referred to as the “Solid Waste Disposal Ordinance of the City”.

Sec. 10-2. – Findings.

The City Council has ascertained and does find, determine and declare as follows:

- (1) That the removal, storage, transportation, utilization and disposal of solid waste are matters of serious public concern affecting the public health and welfare;
- (2) That the health, safety and welfare of the people of the city require efficient waste removal and disposal service and also proficient utilization of acceptable waste, with such removal, disposal and utilization being under controlled conditions.

Sec. 10-3. – Statutory Authorization.

This Chapter is adopted pursuant to the statutory authority in Alabama *Code*, §§11-45-1, 11-45-9, 11-47-130, 11-47-131, 22-27-3 and 22-27-5. The City has the power under existing law (including, without limitation) *Code of Alabama*, 1975, Title 22, chapter 27 (*Code of Alabama*, 1975), §22-7-1, et. seq., to regulate the storage, removal, collection, transportation and disposal of solid waste as provided in this chapter.

Sec. 10-4. – Purpose.

This Chapter is adopted for the purpose of protecting the public health, welfare and safety; preventing the spread of disease; preventing the creation of nuisances; preserving natural resources; and protecting the City’s water, air and land resources. This Ordinance meets the purposes, goals and policies of the City’s Solid Waste Plan. Nothing in this chapter is intended or shall be construed to supersede or interfere with the authority of the Alabama Department of Environmental Management, the United States Environmental

Protection Agency or any other public agency that may have jurisdiction over the subject matter of this chapter.

Sec. 10-5. -- Definitions

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

“ADEM”: The Alabama Department of Environmental Management.

“Appliances”: Any household device processed for recycling by the city. The devices or items currently processed are as follows: Washers, dryers, stoves, hot water heaters, air conditioners, refrigerators, freezers and any like devices. The devices utilizing or containing freon shall be designated as hazardous.

“Approved container”: A refuse container or commercial container supplied by a private hauler or any other person other than the city which has been approved for refuse collection by the Environmental Services Director or his designated representative of the city.

“Bulky items”: Discarded non-putrescible waste of a size and form which cannot be easily deposited in, or removed by City personnel from containers provided by the City for the collection and disposal of solid waste, including, but not limited to the following items: furniture, carpet, mattresses and clothing. Bulky items do not include white goods, any motor vehicle or any subassembly, component or part thereof.

“City”: City of Opelika, Alabama.

“City garbage collection system”: The method, procedures and policies whereby the City provides and makes available to certain premises within the City routine garbage collection services.

“Construction and demolition waste”: Lumber, roofing and sheathing scraps, dirt, stones, bricks, ceramics, rubble, broken concrete, plaster, conduit, pipe, wire, insulation, carpet or carpet padding, gutters, sheetrock, siding, HVAC, etc.

“Curbside”: shall mean and refer to the area in front of the premises and immediately behind the curb of the street, and where there is no curb, the area in front of the premises nearest and most convenient to the travelled portion of the street, the use of which will not block, hinder or obstruct vehicular, pedestrian or other traffic lawfully using the street or sidewalk.

“Curbside collection”: The method by which the city collects refuse from approved ninety-five-gallon roll-out carts or containers. Such containers will be serviced by the city on scheduled collection days at the curblin in front of the residence where it has been placed prior to collection by the resident and removed after collection by the resident.

“Disposal charges”: shall mean the tipping fee charged at the landfill or transfer station based on the tonnage of solid waste delivered for disposal.

“Garbage and trash”: All waste and discarded materials, including rubbish and debris, waste and discarded food, animal and vegetable matter (but not including liquid waste), waste paper, cans, glass, crockery, rags, ashes, cinders, brush, grass, weeds, and cuttings from trees, lawns, gardens, etc. Tree cuttings shall be less than six inches (6”) in diameter and five feet (5’) in length. Does not include construction or demolition material.

“Premises”: Any dwelling, apartment, flat, rooming house, hotel, motel, restaurant, boarding house, eating establishment, shop or any other place of business or building, together with the lot upon which the same is situated.

“Environmental Services Department”: That Department of the City charged with the responsibility of operating the City garbage and trash collection system in accordance with the terms and conditions of this chapter and other City policies.

“Environmental Services Director or Director”: The individual that manages the garbage, trash and recycling and specifically administers Chapter 10 of the Code of Ordinances.

“FEMA”: The Federal Environmental Management Agency.

“Garbage”: The putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including waste from markets, storage facilities, handling and sale of produce and other food products and, in general, from food from human consumption and non-putrescible waste matter, such as glass, plastic, paper, cartons, boxes and cardboard. Provided, however, the term “garbage” shall not include any household sewage, livestock or poultry waste, hazardous waste or materials and properly disposed of or unprotected medical waste, dead animals or the carcasses of deer or other large animals, ashes, trash, street or highway cleans, abandoned automobiles or appliances or industrial waste.

“Garbage service charge fee”: The amount due to the City by any person for services rendered in connection with the collection of garbage, trash or other refuse.

“Multi-family unit (generally)”: A house, building, structure or any multiple or combination of the same on a premises, where there exists four (4) or more family units.

“Non-residential units”: Any lot, property, building, premises or structure within the City generating garbage that is not a family unit or multi-family unit as herein described. Non-residential units shall include, but not be limited to, businesses, commercial establishments, public buildings, churches and non-profit organizations and any building, structure or part thereof used in connection with or for the foregoing, including the purpose of carrying on any business, trade, occupation or profession for which a business license is required by the City.

“Plastic bag or plastic container”: A plastic bag or holder of trash of sufficient fitness and strength to be lifted and loaded without tearing or leaking and being capable of being securely closed or tied shut, utilized for the purpose of containing trash only.

“Recycling materials”: Includes, but is not limited to, newspapers, aluminum, steel, plastic and cardboard placed at curbside or placed in containers for pickup by the City or placed in bins or areas designed by the City for recycling.

“Recycling”: The process of collecting and turning used products into new products by reprocessing or manufacturing them.

“Refuse”: All putrescible and non-putrescible solid waste (except body waste), including garbage and waste.

“Refuge cart”: A watertight plastic cart provided by the city with a ninety-five (95) gallon capacity, equipped with an attached, hinged, close-fitting lid. Ninety-five (95) gallon carts are equipped with handle and wheels for roll-out service at the curb. Carts are resistant to disturbance by animals and insects.

“Refuge container or container”: A watertight plastic receptacle provided by the City in either three hundred (300) gallon or ninety-five (95) gallon capacity, equipped with an attached, hinged, close-fitting lid. Containers are resistant to disturbance by animals and insects.

“Sanitary landfill or transfer station”: The place for dumping or disposing of garbage or trash provided and supervised or designated by the city for such use.

“Sanitation officer”: A person designated by the Environmental Services Director to perform duties within Opelika Environmental Services ascribed to the Sanitation Officer in this chapter.

“Solid waste”: All garbage, rubbish, yard waste or trash, debris, “white goods”, construction and demolition waste or other discarded material or refuse.

“Solid waste superintendent”: A person designated by the Environmental Services Director to perform duties within Opelika Environmental Services ascribed to the Solid Waste Superintendent in this chapter.

“Special event cart”: Refuge carts that may be placed at special events with forty-eight (48) hours notice.

“Trash”: All tree and lawn trimmings, leaves, pine straw, trash that has been burned, rocks, bricks, dirt, ashes, lumber, concrete, bushes and demolition type waste generated by family units, except the term shall expressly not include any paper, cartons, cardboard, refuse, garbage, litter, rubbish, sludge, liquids or toxic or hazardous waste. Trash includes only those items of waste that are capable of being collected by equipment of the City utilized for that purpose and accepted for deposit at the landfill.

“Waste”: Any paper, cartons or other refuse thrown away or rejected for further use.

“White good”: Refrigerators, freezers, stoves, dishwashers, clothes washers, clothes dryers, water heaters, air conditioners, other large appliances, etc.

Sec. 10-6. – Authority to promulgate rules and regulations/variances.

(a) The Environmental Services Director or his or her designated representative is authorized to promulgate and issue any rules, regulations and/or policies not inconsistent with the provisions of this chapter, and in furtherance of and reasonably necessary to facilitate the administration and collection of garbage, refuse, trash and other waste within the corporate limits of the City. Without limiting the generality of the foregoing, the Director and his or her designated representative is specifically authorized to place, post and/or affix notices to any premises, structure or business within the corporate limits of the City in regard to the administration of municipal ordinances and departmental policies pertaining to garbage, recycling, refuse, litter and/or trash collection, disposal and management.

(b) In those isolated instances in which the Director determines that a strict enforcement of the provisions of this chapter pertaining to the method and manner of collection will, due to the physical or topographic circumstances, render strict adherence to all of the provisions of this chapter impossible or otherwise impair or impeded the efficient collection activities of the City, then he may authorize a variance from the provisions hereof, but only to the limited extent necessary or required. All the other provisions of this chapter shall remain in full force and effect. All variances granted by the Director shall be in writing, documenting the reasons and justifications therefore, identifying the location and specific regulation to which the variance applies, be signed and authorized by the Director, kept on file by the Department and a copy forwarded to the Mayor. The Mayor shall have the right to approve or disapprove the granting of the variance. A variance may be repealed, amended or modified pursuant to the same procedure.

Sec. 10-7. – Penalties.

(a) Any person who violates or fails or refuses to obey or comply with any provision of this chapter shall, upon conviction, be punished, as provided by the court, as follows:

- (1) For a first conviction: a fine of \$100.00
- (2) For a second conviction: a fine of \$200.00
- (3) For a third conviction: a fine of \$300.00

- (4) For a fourth and subsequent conviction: a fine in an amount not exceeding \$500.00 or imprisonment of not more than six (6) months, or both such fine and imprisonment, at discretion of the municipal judge trying the case.
- (5) Each day of violation of this chapter is a separate offense.

(b) Any person who has been charged with the violation of any provision of this chapter, except for a fourth or subsequent violation, may pay the fine prescribed above to the municipal court magistrate who is hereby authorized and instructed to receive such amount. Voluntary settlement shall not be permitted to any person who has been thrice convicted of the same offense prior to the date of the instant alleged offense and such person shall be required to stand trial in the municipal court. Offenses not settled as provided in this section prior to the court appearance date shown on the notice of violation will be disposed of in the same manner as any case appearing on the regular municipal court docket.

Sec. 10-8. – Presumption.

If any article of solid waste bearing a person's name is discovered on any public property not designated for the throwing, dumping or depositing of solid waste, including public streets, sidewalks, gutters, alleys, bodies of water, drainage ditches, storm sewers, sanitary sewers, or other property over or with respect to which the City has an easement, or on private property of another without such person's permission, a rebuttable, prima facie presumption shall arise that the person whose name appears on the article threw, dumped, attached, placed, deposited or otherwise caused the article to be thrown, dumped, attached, placed or deposited at the place where it was found; however, this presumption, if un rebutted at trial, shall not serve as a basis for a conviction for a violation of this chapter in absence of other evidence of such nature and degree as required by law.

Sec. 10.9. -- Maintenance of premises.

All persons, firms and corporations within the corporate limits of the City of Opelika are required to keep their premises in a clean and sanitary condition, free from accumulation of solid wastes.

Sec. 10-10. – Litter and dumping.

(a) It shall be unlawful for any person to throw, dump, place, leave or deposit litter, refuse, paper, rubbish, debris, brush, tree removal debris, boxes, tools, scrap iron, machinery, construction or demolition waste, scraps or waste material, or other trash or debris on public property, including but not limited to a city right-of-way, road or other public thoroughfare, or on private property within the City, irrespective of whether such private property is owned by such person; however, the owner or person in control of such private property may utilize authorized private containers in such a manner that such material will be prevented from being carried or deposited by the elements onto any street, sidewalk or other public place or private property; however, such material shall be permitted on such public or private property when it is properly placed for collection, as provided by this chapter.

(b) It shall be unlawful for the owner or any person in control of any private property within the City to fail to maintain the premises free of litter, scrap or waste material.

(c) It shall be the duty of any persons owning or occupying a building or lot within any business district of the City to sweep or clean the sidewalks and alleys adjacent to such building or lot so as to remove all solid waste or filth and to maintain the cleanliness of the premises.

(d) It shall be unlawful for any person to throw, dump, place, leave, deposit or dispose of solid waste at any site other than a facility permitted by ADEM to accept the type of waste being offered for disposal or to store, collect, transport, process, dispose of, sell

or offer for sale solid waste or disposal materials so as to create a nuisance or unless properly licensed to perform this type of work.

Sec. 10-11. -- Depositing solid waste on streets and gutters.

It shall be unlawful for any person to sweep or deposit into the public streets, sidewalks, gutters or alleys of the City, or other property of the City over or with respect to which the City or the public has an easement, any solid waste or any other material or article that would tend to impede the flow of water in such gutters or along such streets, sidewalks, alleys or other property; to clog the storm drainage system; or to be an obstruction to traffic or pedestrians.

Sec. 10-12. -- Depositing solid waste in ditches or sewers.

It shall be unlawful for any person to throw, sweep, dump or otherwise deposit in or around the public drainage ditches, storm sewers or sanitary sewers of the City any solid waste or any other article or material that would tend to impede the flow of water or would tend to clog such ditches, storm sewers or sanitary sewers.

Sec. 10-13. – Litter in bodies of water.

(a) It shall be unlawful for any person to throw, sweep, dump or otherwise deposit in or around any public lake, stream or body of water of the City any solid waste or other article or material that would tend either to impede the flow of water or clog such bodies of water or otherwise detract from the environmental quality or aesthetics of the area.

(b) It shall be unlawful for any person to throw, drop, dump or deposit litter or any foreign material in any fountain, pond, lake, stream, bay or other body of water in or adjacent to a public park or elsewhere within the City.

Sec. 10-14. – Demolition and construction waste.

(a) It shall be unlawful for any construction or demolition contractor to fail to provide on-site containers for loose debris, paper, building material waste, scrap building material, and other trash produced by those working on the site. The Environmental Services Director or his or her designee shall have the authority to determine the number of containers necessary to provide proper containerization.

(b) Dirt, mud, demolition and construction waste, and other debris, whether located upon public or private property, shall be removed on a continuing basis as produced on the premises or in relation to a demolition or construction project; and in no case shall such waste remain on or near the premises or in relation to a demolition or construction project for a period longer than thirty (30) days. Construction sites and demolition and construction materials and waste on such sites shall be kept in a clean, litter-free and orderly condition at all times. The occupant of such premises or the contractor of a construction or demolition project shall collect and remove or arrange for the collection and removal of all demolition and construction waste produced on such premises or in relation to a demolition or construction project. In cases where the occupant or contractor arranges for the collection and removal of demolition and construction work, such collection and removal must be conducted by a solid waste collector utilizing a solid waste collection vehicle licensed by the City for such collection. Such demolition and construction waste shall be disposed of at a facility permitted by ADEM to accept the type of waste being offered for disposal, whether such facility is operated by the City or privately. Any solid waste collector licensed for the purpose of offering collection service for demolition and construction waste may offer such services in accordance with the schedule of charges such collector determines to be appropriate. No person shall transfer responsibility or financial liability for the disposal of demolition and construction waste by depositing the waste upon any public street or other public place or private parcel, lot premises, litter receptacle or refuse receptacle, except as otherwise provided in this chapter.

(c) All construction and demolition debris shall be contained in a manner so as to prevent blowing or scattering.

(d) Building contractors must collect, transport and dispose of all refuse generated from the work. All construction and demolition debris shall be hauled by a licensed commercial hauler, or by the person generating the waste. The building contractor must safely transport such waste and properly dispose of such waste in an approved landfill. The contractor must keep a copy of the disposal ticket provided by the landfill and provide a copy of the ticket to the City upon request. A certificate of occupancy for a newly constructed or renovated building will not be issued until all refuse and litter caused by the construction or remodeling is removed from the site.

(e) No construction or demolition debris shall be deposited on any roadway.

(f) No construction or demolition debris shall be deposited on any real property within the City without a permit from the Alabama Department of Environmental Management.

(g) No construction or demolition debris shall be burned.

(h) No person shall operate or permit the operation on his or her property of a disposal site in the City for the disposal of solid waste from construction or demolition activities unless such person shall have first applied for and received a permit from the Alabama Department of Environmental Management.

Sec. 10-15. – Prohibited acts and practices.

(a) It shall be unlawful for any person to place or cause to be placed, any waste upon any street, highway, road, right-of-way, waterway, stream or other body of water, or upon public or private property except in accordance with the provisions of this chapter.

(b) It shall be unlawful for any person to dispose of any acid, explosive material, flammable liquids, motor oil or any dangerous or highly corrosive material in any container which might cause harm or injury to any person. Special handling arrangements for such items shall be made pursuant to the rules and regulations of the Alabama Department of Environmental Management and the Federal Environmental Protection Agency.

(c) It shall be unlawful to bury, burn or dispose of waste, except by use of a garbage disposal unit, or in accordance with the provisions of this chapter, or as permitted by the Alabama Department of Environmental Management and the Federal Environmental Protection Agency..

(d) It shall be unlawful for any person to remove waste from containers placed for removal, except the collector, its authorized employees and agents.

Sec. 10-16. -- Depositing building material on streets.

(a) All applications for the use of street, or other public spaces of the city for the purpose of depositing building materials thereon, shall be made to the director of public works describing the grounds and the desired periods of occupation. Permits for the use of streets and other public spaces for the deposit of building material shall not be granted, in the first instance, for a longer time than four (4) months, but may be renewed from time to time at the discretion of the director of public works for not more than one month at any one time.

(b) The permit shall not authorize the preparation in the streets or spaces belonging to the city of materials which can be prepared elsewhere; material shall not be deposited in or over the gutter so as to prevent a free passage of water, nor extend beyond the middle of the street. The permit shall specify the ground to be occupied which must be in front of the premises to be built upon unless more space is absolutely necessary.

Sec. 10-17. – Entry powers.

The Environmental Services Director, the sanitation officer and any police officer, or their authorized representatives, in order to protect the health and safety of the citizens of the City, shall have the power and authority to enter at any reasonable time in, or upon, public and private property for the purpose of inspecting and investigating conditions relative to the provisions of this chapter; provided, however, that such official shall before making entry identify himself to the person present or in charge of the premises and state the purpose of his visit and entry.

Secs. 10-18—10-30. - Reserved.**ARTICLE II. – STORAGE AND COLLECTION****Sec. 10-31. – Garbage collection systems, mandatory participation.**

Every person in possession, charge or control of any premises within the City where solid waste is created or accumulated shall subscribe to and participate in a system of garbage collection and disposal pursuant to the provisions of this article, unless granted a certificate of exemption in accordance with *Alabama Code* §22-27-3(g), 1975, or otherwise exempt by the provisions of this article.

Sec. 10-32. - Residential garbage collection.

The City provides and makes available a City garbage collection system, pursuant to the provisions of this chapter, within the corporate limits of the City. Except as otherwise provide in sections 10-33 and 10-34, and as provided in subsections (a) and (b) of this section, every person in possession or control of any residential premises wherein solid waste is created or accumulated shall participate in and subscribe to the City garbage collection and disposal system pursuant to the provisions of this article and pay to the City such fees and charges for such services as established in this chapter. Except as provided herein, garbage removal from occupied single-family residential units shall be made exclusively by the City garbage collection system. Participation in the City's removal or collection by single-family residential customers is mandatory for all residents of the City. Once weekly, the City will collect from each such residential premises garbage deposited in one or more ninety-five-gallon refuse carts and properly placed for collection in accordance with the provisions of this article. Fees for garbage collection are assessed for the availability of the service. No commercial firm engaged in garbage collection within the corporate limits of the City shall collect garbage from residential premises as herein defined, except those to whom the City does not make available garbage collection services.

(a) Persons disposing of their own solid waste pursuant to the *Code of Alabama* 1975, §22-27-3(g), shall cause all such materials to be placed in approved receptacles.

(b) If an owner or property management company (or their agent) in possession, charge or control of any premises designed or intended for multiple occupancy where waste is created or accumulated, and which contracts with licensed private haulers shall cause all such material to be placed in approved receptacles.

(c) All roads inside mobile home parks shall be maintained to City standards. Failure to do so may result in the City not providing curbside collection. City will have option to provide 300-gallon carts or front-end loader containers provided by a private hauler with residents still paying the monthly residential fee.

Sec. 10-33. – Multi-family garbage collection.

The owners, occupants and/or residents of all multi-family residential units must participate in and subscribe to either the City garbage collection system in accordance with the provisions of this chapter, including all applicable fees and charges assessed by this chapter or a garbage collection system provided by a private garbage collection firm duly licensed by the City for the collection and disposal of garbage. The Solid Waste Superintendent shall determine the best method of service for multi-family units and shall have sole discretion to require service by a private hauler. The City shall have the option to provide service through a private collection firm and bill the residents individually on their power bill. All such service by the City shall be by means of approved refuse containers provided by the City. The number, type and size of the containers will be determined by the Solid Waste Division of the Department of Environmental Services. The use of refuse containers serving more than one residential unit shall be limited to duplexes, apartments or other multi-family dwellings. The determination of such shall be at the sole discretion of the Environmental Services Director.

The owners, occupants and/or residents of all non-participating multi-family residential units as herein defined within the corporate limits of the City shall not be provided garbage collection services by the City, but rather participate in and subscribe to a garbage collection system provided by a duly licensed commercial firm, which utilizes dumpster containers. Such dumpster containers shall be placed in reasonable proximity to said multi-family units in accordance with all City ordinances and policies. The residents of such multi-family units shall place garbage only in the dumpster containers for collection and disposal. It shall be unlawful and constitute a public nuisance for any owner, occupant or resident of a non-participating multi-family unit to utilize or place for collection at curbside or anywhere else upon the public right-of-way any garbage can, box, cart, bag or receptacle containing garbage and/or for any person, firm or corporation to collect or attempt to collect such garbage so placed or containerized. Commercial firms engaged in garbage collection within the corporate limits of the City shall collect garbage from multi-family units only in accordance with the terms and conditions of this chapter.

Sec. 10-34. -- Mobile home park collection.

The owners, occupants and/or residents of all mobile home parks must participate in and subscribe to either the City garbage collection system in accordance with the provisions of this article, including all applicable fees and charges assessed by this chapter, or a garbage system provided by a private garbage collection firm licensed by the City for the collection and disposal of garbage. The Solid Waste Superintendent shall determine the best method of service for mobile home parks and shall have sole discretion to require service by a private hauler. The City has the option to contract with a private hauler to provide service in mobile home parks and bill the residents individually. Opelika Environmental Services shall not collect garbage or other solid waste from any area within a mobile home park where the private streets or roadway do not meet the minimum standards prescribed in article V of Chapter 26, §§26-167, et. seq. The owners of all mobile home parks must sign an Access Agreement & Release For Use Of Private Drive For Solid Waste Collection. All garbage service by the City shall be by means of approved refuse containers provided by the City. The number, type and size of the containers will be determined by the Solid Waste Division of the Department of Environmental Services. The Superintendent may require the placement of 300 gallon refuse containers at the entrance of the mobile home park where the private streets and roads inside the park are substandard. All mobile home parks will have one central location for trash collection This location must be agreed on by the trailer park owner and Opelika Environmental Services..

Sec. 10-35. -- Commercial and other non-residential premises garbage collection.

All non-residential premises, including churches, non-profit premises, commercial or business establishments, public buildings or any other premises within the corporation limits of the City where solid waste is created or accumulated shall participate in and subscribe to either the City's garbage collection system in accordance with the provisions

of this article, including all applicable fees and charges assessed by City ordinance, if such garbage collection services are made available, or a garbage collection system provided by a private commercial collection firm duly licensed by the City for the collection and disposal of garbage if garbage collection services are not made available by the City. Once or more weekly the City will collect from participating non-residential premises garbage deposited in containers approved by the City and properly placed for collection in accordance with the provisions of this article and at the time scheduled for collection as established by the City for the area. If a non-residential premises elects to no longer subscribe to the City's garbage collection system or if the premises generates or accumulates more than the maximum amount of garbage that can be contained totally within the City approved containers, after fourteen (14) days' notice, the City's garbage collection services shall be terminated and the owner or occupant of such premises shall immediately make arrangements with a private commercial disposal firm duly licensed by the City for the collection and disposal of garbage. No large containers for bulk collection of garbage and refuse shall be allowed on public streets or sidewalks of the City but must be located on private property at the rear of the establishment at a place easily accessible to the garbage collection or adjacent to a public or private alley commonly used to serve such establishment. All commercial and other non-residential refuse generators shall maintain their alleys and the area surrounding the refuse carts or containers free from refuse and other potential hazards to the public health, safety or welfare. Opelika Environmental Services will only collect waste inside the refuse carts or containers. All other waste will be collected only at an agreed upon rate. The City shall not be liable for any damage caused to the driving surface on commercial or non-residential property. All commercial and non-residential customers must sign an Access Agreement & Release For Use Of Private Drive For Solid Waste Collection.

Sec. 10-36. – Industrial Service.

The City does not provide refuse collection services to any industrial establishment and the owner, operator, person in charge and/or manager of an industrial premises shall participate in and subscribe to a refuse collection system provided by a duly licensed commercial firm.

Sec. 10-37—10-49. - Reserved.

ARTICLE III. - CITY GARBAGE COLLECTION SYSTEM; PLACEMENT AND HANDLING OF TRASH

Sec. 10-50. – Garbage containers, use and placement, etc.

(a) Mandatory use of City containers. The owners or occupants of every residence participating in the City's garbage collection system in accordance with the provisions of this article shall utilize only the City's refuse carts and containers as herein defined. Only City containers properly maintained and in good working order may be utilized for garbage collection by the City system. The City will not collect garbage from any other type or kind of garbage container or receptacle, can, bag or box, etc. (non-conforming receptacles). The use or placement of such non-conforming receptacles for the collection of garbage by the City is unlawful and shall constitute a public nuisance which shall be abated in accordance with the law.

(b) Curbside collection of City containers. The owner or occupant of any premises participating in the City's garbage collection system shall deposit garbage in a City container with the lid firmly closed and place the container at curbside as herein provided on the date and at the time established by the City for garbage collection in the area. Residents who habitually have overflowing carts will be provided a second residential cart at the rate of \$10.00 per month. After each scheduled garbage collection in that area, the containers shall be removed from curbside and City right-of-way by the owner or occupant of the premises. It shall be unlawful and create a public nuisance for any person, firm or corporation participating in the City's garbage collection system to allow or permit a container to remain at curbside or upon the City right-of-way no later than the end of the scheduled day of collection.

(c) The City will not collect any garbage placed outside of the enclosed refuse cart or container provided by the City for the collection of garbage.

Sec. 10-51. – Service not provided by City.

The City does not provide service for the removal or collection, from any premises, of

- (1) Construction and demolition waste or materials resulting from the construction, demolition or removal of buildings or structures, such as earth, gravel, rocks, sand, plaster, mortar and roofing materials. All building materials shall be unacceptable for collection;
- (2) Materials resulting from commercial-related activities, work performed by a contractor, or work requiring a building permit;
- (3) Tree limbs and trimmings resulting from land clearing or from tree service contractors or other commercial workers;
- (4) Rocks, dirt or other debris resulting from a commercial landscaping or construction;
- (5) Hazardous materials or other waste that are determined by law or by the Solid Waste Division to be hazardous to the health or safety of collection personnel;
- (6) Dangerous materials or substances such as ashes, cinders, poisons, acids, caustics, infected materials and explosives and other similar noxious matter;
- (7) Any solid waste resulting from industrial processes;
- (8) Material which cannot be reduced by compaction, such as iron, automobile engines and tires;
- (9) Trees with a diameter that is greater than six (6) inches. Opelika Environmental Services will quote a rate to remove such trees or **for** the customer shall contract with a private licensed hauler to remove said trees.

Sec. 10-52. – Loading containers/carts.

City containers and/or carts shall only be utilized for the disposal of garbage as defined herein subject to the limitations of this article. City refuse carts and containers shall not be loaded with concrete, bricks, dirt, scrap metal, rocks or other heavy waste or demolition-type material and in no event shall a container be loaded to exceed 200 pounds. Refuse carts and containers may be utilized for depositing of trash for collection by the City if such trash is in compliance with all requirements set out in this article. Garbage that will not fit in the cart should not be placed outside the cart. Only materials stored inside the cart will be collected. All garbage must be contained within the cart, with lid closed.

Sec. 10-53 – Placement location.

It shall be unlawful to place containers for collection of garbage, refuse or other waste at any place other than immediately adjacent to the curb (or the edge of the roadway on non-curb streets) in front of the premises where such waste was accumulated unless prior approval is, upon showing of need, obtained from the Solid Waste Division for placement at some other location. Refuse carts and containers should be placed within two (2) feet of the street and must not be placed within five (5) feet of a vehicle, mailbox or other obstruction as determined by the Director. After each scheduled garbage collection in the area, refuse carts and containers shall be removed from curbside to the owner's, occupant's or resident's side yard, carport, garage, backyard or screened area so that the cart or container is not visible from the street. Customers who fail or refuse to remove cart or container from the curb or street within the time period specified in Section 10-54 shall be issued a warning for the first occurrence. After the initial warning, City personnel will remove the refuse cart or container from the curb or

street as specified in this section and the customer shall be assessed a \$10.00 service charge for this service. The service charge will be added to the customer's next bill. To fail to comply with these provisions after notification by the Solid Waste Division will cause service to be discontinued until correction has been made. At no time will collection personnel enter houses, buildings or fences for the purpose of the collection of garbage, refuse or other waste; however, the Director of Opelika Environmental Services shall promulgate rules pertaining to special off-street services for persons with disabilities who are without assistance and cannot place containers at the curb, but no outbuilding shall be entered without permission.

Sec. 10-54. – Placement time; removal time.

It shall be unlawful to place or permit the placement of garbage containers immediately adjacent to the curb (or the edge of the roadway on non-curb streets) before 5:00 pm on the day preceding the day designated by the Solid Waste Division for collection or leave such container on the placement site no later than the end of the scheduled day of collection. Containers must be properly placed for collection no later than 6:30 a.m. on the scheduled day of collection.

Sec. 10-55. – Bulky items.

All bulky items to be removed by the Solid Waste Division from private residences shall be placed adjacent to the curb (or the edge of the roadway on non-curbed streets) or in an accessible place approved by the Solid Waste Division. Bulky items shall be collected weekly. All such waste not collected by the City must be delivered by the owner to an authorized receiving facility. Placement location in Section 10-53 shall apply to bulky items.

Sec. 10-56. – White goods.

(a) White goods will be collected at curbside, provided that each white good item has a sticker attached. White good stickers may be purchased at the Opelika City Hall located at 204 South 7th Street. Curbside pickup of white goods is available only to residential premises. The fee for a sticker to be attached to a refrigerator, freezer, air-conditioner or any other type of white good item containing Freon is \$15.00. The fee for a sticker to be attached to all other white good items (for example, stoves, water heaters, washing machines, etc.) is \$5.00.

(b) White good items may be delivered by the owner without charge to an authorized receiving facility.

Sec. 10-57. – Residential trash collection.

The City will provide residential trash collection services once a week in accordance with the provisions of this article and pursuant to the rules and regulations promulgated by the Department of Environmental Services. Participation in the City residential trash collection system is voluntary. However, failure to participate in the City trash collection system shall not authorize or permit the occupants of any premises within the City to unlawfully accumulate trash or other debris.

The following rules are hereby established pertaining to the method and placement and handling of trash, as herein defined, on or near the street for pick-up by the Solid Waste Division:

(a) All trash items capable of being containerized, such as grass clippings, shrubbery trimmings and loose trash that may be blown away shall be boxed or bagged in adequate strength plastic bags securely closed and tied shut and shall be placed on the curbside in front of the premises on regular collection days. All plastic bags so placed shall be in good condition without tears or leaks and securely tied or fastened. The City will not collect trash on collection days which is not bagged or containerized as required in this section. Residential customers may, on a voluntary basis, have the City provide a 95-gallon cart for yard waste at a rate of \$10.00/month. Residential customers who fail or refuse to bag or containerize grass and shrubbery trimmings will

be issued a warning for the first occurrence and will be assessed a \$10.00 service fee for each occurrence thereafter on the customer's next bill.

(b) Limbs, brush, shrubbery and other wood items not capable of being bagged as provided in subsection (a) above shall be cut in lengths not exceeding five (5) feet and widths no greater than six (6) inches in diameter. Limbs, brush, shrubbery and other wood items shall be placed on curbside in front of the premises.

(c) From November 1 of each year until March 1 of the next succeeding calendar year, unbagged leaves shall be kept separate from other yard waste and shall be placed in piles within five (5) feet of the curb or the edge of the roadway on non-curbed streets so as to be accessible to the City's leaf collection machines. Limbs and other yard waste shall not be mingled with the leaves. It shall be unlawful to blow, place, dump or deposit leaves or other loose yard waste on the street surface. If trash is placed on the street, trash must be bagged or containerized. Residents shall also have the option to bag or box leaves.

(d) The owner or occupant of each residential unit shall be limited to a combined volume of trash of five (5) cubic yards per week. When the combined volume of trash exceeds five (5) cubic yards per week and the owner or occupant requests that all trash be collected and removed on the same collection day, after the initial five (5) cubic yards is collected, the owner or occupant will be charged \$75.00 per load plus disposal charges. Otherwise, Opelika Environmental Services will collect and remove approximately five (5) cubic yards of such trash per week until the entire amount is removed.

(e) No collection of trash shall be made from any residential unit that does not subscribe to the City garbage collection system.

(f) City will only collect tree trimmings and other yard waste from within 100 feet of the house and only in the maintained area of the yard. Waste from outside the maintained area of the yard will be treated as special trash and yard waste as described in Section 10-63.

(g) Any lawncare service must place their yard waste in front of the resident's house unless approval has been given by Opelika Environmental Services to place the yard waste elsewhere. Annually when applying for a business license, the owner of each lawncare service doing business in the City shall procure a permit at a cost of \$100.00 that allows such business to bring its yard waste to the Jeter Recycling Center for disposal. Grass and shrubbery clippings must be bagged.

(h) Section 10-53-Placement location shall apply to residential trash collection.

Sec. 10-58. – Non-residential and commercial trash collection.

(a) Except as provided in this section, no collection of trash shall be made by Opelika Environmental Services from any commercial or non-residential premises when the owner or person in possession does not subscribe to and receive garbage services from the City.

(b) The owners and persons in possession, charge or control of commercial and other non-residential premises are responsible for the removal of all trash and bulky items from such premises and for its delivery to an authorized receiving facility.

(c) The owners and persons in possession, charge or control of commercial and non-residential premises may contract with the City or a private commercial collection firm for the collection and removal of trash.

(d) Opelika Environmental Services will collect and remove trash and bulky items from commercial and non-residential premises on an as needed basis for \$75.00 per load plus disposal charges. Quotes will be given on any loads less than a full load.

(e) It shall be unlawful and constitute a public nuisance for the owners and the persons in possession, charge or control of any non-subscribing commercial or non-residential premises to place or deposit trash and bulky items at curbside or within ten (10) feet of the street for collection by the City.

(f) Section 10-53-Placement location shall apply to non-residential and commercial trash collection.

Sec. 10-59. – Improper use of public trash receptacles.

It shall be unlawful for any person operating any place of business in the City who is required by this article to keep an approved container on or about his/her premises, or for any employee, servant or agent of such person, to place or deposit garbage, trash, paper, rubbish or other waste material in any trash basket or waste receptacle provided and maintained by the City on a public street or sidewalk for the use of the general public.

Sec. 10-60. – Removal of dead animals.

Small dead animals not exceeding seventy-five (75) pounds in weight which die in the normal course of community activity, excluding condemned animals or animals from a slaughterhouse, shall be removed by the Department of Sanitation of the City upon request. Animals exceeding seventy-five (75) pounds in weight shall be removed by the Solid Waste Division, upon request on an actual cost basis.

Sec. 10-61. – Destruction, alteration or mutilation of garbage containers.

It shall be unlawful for any person to destroy, alter or mutilate any garbage container provided by the City. Any person who knowingly intentionally destroys, alters or mutilates any garbage container shall be guilty of a misdemeanor. Replacement cost shall be \$75.00.

Sec. 10-62. – Cleanliness and orderliness of container site.

It shall be unlawful for any person in charge or control of any premises to allow or permit garbage or trash containers to be open or uncovered, and it shall be unlawful for such person to permit or allow an accumulation of garbage, trash or litter in the vicinity of any garbage or trash container serving such premises.

Sec. 10-63. – Special trash and yard waste.

Waste that has not been containerized, cut to proper lengths or stored that has been authorized for collection in accordance with the provisions of this article may be collected by the Solid Waste Division by making arrangements for a special collection or other means of disposal. Residents disposing of building or construction debris (which is not the result of commercial-related activity and which does not result from the work of a general contractor) which is determined by the Solid Waste Director to be impractical to contain may arrange for a special collection. In cases where no arrangements for special collection have been made with respect to waste that has not been containerized, cut to proper length or stored and is authorized for collection in accordance with the provisions of this article, such waste may be collected by the Solid Waste Division and shall be considered a special collection. Fees for these special collections are in addition to the customer's normal monthly rate for containerized service. Materials resulting from the repair or replacement of driveways or concrete slabs are excluded from special collections. Opelika Environmental Services will collect and remove special trash and yard waste for \$75.00 per load plus disposal charges. Quotes will be given on any loads less than a full load.

Sec. 10-64. – Segregation of garbage from other waste.

(a) It shall be the responsibility of the customer to segregate uncollectable waste from garbage, yard waste and other permitted household and commercial refuse. It shall be unlawful for any person to deposit or permit to be deposited waste unacceptable for collection in any approved refuse cart or container provided or intended for garbage waste.

(b) It shall be the responsibility of the customer to segregate yard waste from garbage and other permitted household and commercial refuse. It shall be unlawful for any person to combine yard waste and garbage in any approved container provided or intended for garbage collection.

Sec. 10-65. – Solid waste rules and regulations.

The following rules and regulations are hereby established pertaining to the handling of garbage, trash and recycling as herein defined.

Commercial Garbage Service

1. Customer may require additional 95-gallon or 300-gallon carts. Rate on additional carts will be the same as first cart. The City has the option to use 300-gallon carts in place of multiple 95-gallon carts. The City may provide a front-end loader container provided by a private hauler at the same rate City is charging for multiple 95 or 300-gallon carts. Customer may only use private hauler if approved by Opelika Environmental Services.
2. Clear access to pick up the cart will be the responsibility of the owner, occupant, or person in charge of any commercial or non-residential property. If carts are blocked and cannot be serviced, business may bring their garbage for that week to the Jeter Recycling Center and placed in a 300-gallon garbage container.
3. The City will have the option when dealing with mobile home parks to bill individual residents or send a single bill to the mobile home park owner. The City will only pick up, tree trimmings, small yard clippings, grass (bagged), leaves and pine straw at agreed upon central location. Any other items will be picked up for a rate agreed to by both parties. If excessive waste is put out due to move in, move out, or remodeling the City will pick up trash/bulky waste at a rate of \$75.00 per load plus disposal charges. Quotes will be given on any loads less than a full load.
4. Cart lids must be completely closed to be serviced. If carts are frequently overflowing, Opelika Environmental Services may require an additional cart. If agreement cannot be reached on level of service, customer will be required to use a private hauler.
5. All waste placed inside the 95- or 300-gallon cart shall be bagged to help minimize litter on our city streets. No boxes shall be placed in the carts unless they have been broken down or cut up so they will not cause the garbage to become stuck in the cart when the cart is being picked up.

Residential Garbage Service

1. Lids on carts must be closed or the cart will not be picked up. There will be an exception to this rule during the week after Thanksgiving Day and Christmas Day .If overloading the cart becomes a recurring problem and the Environmental Services Director determines a second cart is required, the resident will be charged an additional \$10.00 per month for the second cart.
2. All waste placed inside the 95-gallon cart shall be bagged to help minimize litter on our city streets. No boxes shall be placed in the carts unless they have been broken

down or cut up so they will not cause the garbage to become stuck in the cart when the cart is being picked up.

3. Residents will be responsible to keep their carts washed and cleaned.
4. Cars or other objects blocking carts will be the responsibility of the resident. If carts are blocked and cannot be serviced, residents may bring their bagged garbage to the Jeter Recycling Center and place in a 300-gallon garbage cart.
5. All carts that have to be replaced due to customer abuse will be replaced at a charge of \$75.00 and will be added to the next power bill from Opelika Power Services or paid in advance by the customer.
6. The Environmental Services Director, or his designee, will inspect home based businesses to determine if their waste is consistent with normal residential waste. If not, the resident will be charged an additional agreed upon rate. If an agreement cannot be reached, the resident may be required to use a private hauler for solid waste collection services.
7. Any resident requesting handicap hand pick-up must have a written doctor's excuse and there must not be another person living or working at the residence that is capable of pulling the cart to the street. Residents must bag this waste.
8. Any resident that is unable to be serviced at a public street must sign a Private Access Agreement provided by Opelika Environmental Services and private roadway must meet city approval.

Trash/Yard Waste

1. Residents may bring yard waste to the Jeter Recycling Center. Tree parts shall not exceed 6 inches in diameter or 5 feet in length.
2. The city is not required to pick up any tree parts exceeding 6 inches in diameter or 5 feet in length. If the resident requests collection of tree parts exceeding these limits, the resident will be charged \$75.00 per load plus disposal charges.
3. The city will only pick up tree trimmings from trees located in the manicured section of residential yards. The city will not pick up tree trimmings from natural areas of the residence. If the resident requests this service, the resident will be charged \$75.00 per load plus disposal charges.
4. Tree removal/trimming companies are required to remove all their waste from the residence. Trees exceeding 6 inches in diameter cut down by residents and placed at the street will be charged \$75.00 per load plus disposal charges. Resident may contract with a private hauler if desired.
5. All grass and shrubbery trimmings shall be bagged or boxed. This also applies to all lawn care companies. Residential customers not bagging grass and shrubbery trimmings will be issued a warning for the first occurrence and will be assessed a \$10.00 service fee for each occurrence thereafter on their next bill.
6. Residents shall not place loose trash at the curb that may blow when being transported by Opelika Environmental Services. This waste shall be bagged or it will not be

picked up. All styrofoam must be bagged or boxed. Residential customers not bagging loose waste will be issued a warning for the first occurrence and will be assessed a \$10.00 service fee for each occurrence thereafter on their next bill.

7. All trash shall be placed within three feet of the curb or edge of the road. No loose trash should be thrown into any storm sewer, gutter, sidewalk or street within the city. Any trash placed on a street should be bagged, boxed or tied in bundles.
8. No construction or demolition material will be picked up as part of regular service. This includes carpet, carpet padding or tile replacement. Anyone requesting this service will be charged \$75.00 per load plus disposal charges. . Quotes will be given on any loads less than a full load.

Recycling:

1. If glass or any other unapproved material is placed in the recycling cart the City may cancel the recycling service after giving one warning.
2. If habitual problem with placing bags or bagged material in the recycling cart, recycling service may be cancelled after giving one warning.

Other:

1. Any charges for additional services may be added to the power bill or billed and paid in advance at the direction of the Environmental Services Director.
2. Any fees assessed to a resident may be added to the power bill or billed and paid in advance at the direction of the Environmental Services Director.
3. Cars blocking garbage or trash shall be the responsibility of the residential or commercial customer.
4. No liquids, such as paint, are allowed in the garbage or trash. Paints or other liquids must be solidified by using sand, oil dry or kitty litter before placing in garbage cart. Residents who place paint or any other liquid that has not been properly treated in their garbage cart or in their trash will be charged a \$25.00 service fee. Residents may bring paint to the Jeter Recycling Center or the Northside Recycling Center. Residents should first check with the store where they purchased the paint to see if the paint retailer will accept the unused paint.

Sec. 10-66. – Discontinuation of garbage and trash collection services. (Posting of Notices).

- (a) The Solid Waste Division may refuse to collect on any occasion and/or permanently discontinue garbage and/or trash services from any premises within the City where the owner, occupant or other person in control thereof fails or refuses to comply with any provisions of this article, or any other ordinance of the City or policy of the Department in regard to the collection, storage, handling of garbage or refuse at such premises.
- (b) Prior to a discontinuance of such services to any premises, the Director of the Department shall give the owner or occupant thereof as indicated by the records of the City, at least five (5) days' written notice of the City's intention to discontinue service. The Director of such Department and/or his/her designated representative is authorized to post and attach and/or affix notices to the premises or structures located thereon in regard to any such failures to comply and/or to mail or otherwise notify such persons in violation of such City regulations concerning the collection, storage or handling of garbage, trash or refuse. After the lapse of the period specified in the written notice, if

the account has not been paid in full, Opelika Environmental Services, notwithstanding any deposit as referred to in section 10-108, may then discontinue service without further notice.

(c) At any time prior to 4:30 p.m. on the day preceding the discontinuation of service date, the customer may request in writing an administrative hearing before the Director or his designee. No hearing shall be necessary if the customer does not request a hearing in writing. Upon such request, the Director or his designee shall, as soon as practicable, fix day and time for the administrative hearing. In any event, all disputes shall be heard by the Director or his designee before the customer's service is discontinued. The hearing shall offer the customer reasonable opportunity to be heard on any dispute concerning the amount of his/her bill or any other matter relating to the termination of the customer's service. The customer may appear at the hearing in person or through a designated representative. The final decision of the Director or his/her designee shall be made in writing, and a copy of the decision shall be delivered to the customer either personally or by certified mail, return receipt requested. If the decision shall be to terminate the customer's service, the date of termination shall be stated therein. All such decisions shall be final and binding upon the parties, subject, however, to such remedies as any aggrieved party might have in law or equity.

Sec. 10-67—10-79. - Reserved.

ARTICLE IV -- RECYCLING

Sec. 10-80. – Purpose.

The City's single stream recycling program is established for the purpose of reducing the associated costs of solid waste disposal, conserving landfill space and conserving natural resources. Single stream recycling refers to a recycling system in which all materials, including paper, plastics and metals, are mixed within the collection truck. These materials are then handled separately throughout the collection process. Single stream recycling systems are designed in order to handle a mixture of recyclables.

Sec. 10-81. – Collection of residential recyclable materials.

(a) Participation the City's residential curbside recycling program is optional. Every person in possession or control of any residential premises may participate in and subscribe to the City's curbside single stream recycling program by paying to the City such fees and charges for such services as established in this chapter.

(b) For residential customers wishing to participate in the City's recycling program, the City will provide a container that is clearly distinguishable from the container provided for household garbage collection.

(c) No person shall deposit or cause to be deposited, in any recycling container, anything other than the approved recyclable materials.

(d) Residential recyclable materials placed inside a recycling container shall not be bagged or contained and shall conform to all residential recycling program guidelines consistent with this article.

Sec. 10-82. – Recyclable materials.

The following types of refuse placed inside a recycling container and collected as part of the City's recycling program:

(a) Plastic containers, including milk, juice, water containers, beverage bottles and detergent bottles. All containers must be washed and top removed. This does not include toys, furniture or styrofoam. No bags allowed.

- (b) Metal food or drink cans. This does not include cookware, hangers or aerosol cans. Cans must be washed.
- (c) Newspapers and magazines.
- (d) Cardboard. Cardboard must be cut in small pieces no larger than 12'x12"x24' and cannot jam the cart when it is being picked up.
- (e) Paper. Typically, this includes all grades and colors. It does not include carbon paper, plastic wrap or the cover of a hardback book.

Sec. 10-83. – Frequency of recyclable material collection.

The frequency of recyclable refuse collection shall be every other week. The Director of Environmental Services will designate specific collection days.

Sec. 10-84. – Recycling program non-participants.

Non-participating customers may also deliver recyclable materials to recycling drop-off sites maintained by the City. All recycling rules and regulations must be followed.

Sec. 10-85. – Placement and collection of curbside recycling cart.

The location, placement and time of collection of recycling containers shall be in conformity with sections 10-53 and 10-54 of this chapter.

Sec. 10-86. -- Business recycling program.

The City may provide recycling services to business and commercial establishments as part of its solid waste collection program, subject to the following provisions:

- (a) The size, color and type of City-owned recycling containers provided to business and commercial establishments shall be determined by the Director of Environmental Services.
- (b) Participants in the business recycling program shall be subject to the rules and regulations promulgated by the Director, consistent with the provisions of this chapter.
- (c) Participating business and commercial establishments shall subscribe to the recycling program and pay to the City such fees and charges for such services as established in this chapter.

Sec. 10-87. – Scavenging and unauthorized collection of recyclable materials.

- (a) Recyclable materials placed at curbside for collection, or any recycling receptacle placed by the City, are the property of the City. It is a violation of this article for any person not authorized by the City to collect or pick up or cause to be collected or picked up any such recyclable materials or receptacles.
- (b) Nothing in this section is intended to prevent any occupant of residential or commercial property from donating or selling recyclable material from its own refuse.

Sec. 10-88. – Destroying, scattering recyclable materials.

It is unlawful for any person to burn, break, scatter or salvage recyclable materials placed at curbside for pickup or in any bins or areas designated by the City for recycling.

Sec. 10-89—10-100. - Reserved.

ARTICLE V – FEES, RATES AND CHARGES

Division I. Generally.

Sec. 10-101. – Solid waste fees established.

There are established, for the collection, hauling and disposal of acceptable solid waste by the City, the fees, rates and charges prescribed in this article.

Sec. 10-102. – Billing procedures.

All bills for solid waste collection service shall be rendered monthly on the same statement rendered by Opelika Power Services for electric service. Opelika Power Services (“OPS”) is hereby designated as the agent for the collection of refuse fees. All bills for services rendered hereunder shall be due and payable monthly and the fees charged as set out on the utility bill for electricity mailed out by the City. Delinquent accounts are subject to the same penalties as are imposed by OPS in connection with a delinquent account for electric service rendered by the City.

Sec. 10-103. – Service charges and fees mandatory.

Service charges for the availability of solid waste collection services are mandatory. Failure to pay the charges prescribed in this article shall constitute a violation of this chapter and shall be unlawful. Solid waste collection service, as provided for in this chapter, is mandatory for all residential premises, occupants or persons in the City upon which garbage or other refuse or rubbish is produced or accumulated and the occupant or other persons, as the case may be, shall pay to the City, in accordance with the provisions of this article, monthly service charges for solid waste collection services rendered or made available by the City for the collection of garbage and other refuse from such premises.

No person, occupant, family unit or other entity that is required by this chapter to receive and pay for garbage collection services by the City as herein provided shall be permitted to refuse such services by the City and the failure of any person, occupant or other entity to receive such service by reason of such refusal or otherwise shall not exempt any of the aforesaid from payment of the service charges or fees provided for in this article; provided, however, that such mandatory service and fees shall not apply to the following:

- (a) Multi-family, residential, commercial, non-residential and industrial premises utilizing the services of a private solid waste collection firm duly licensed and permitted under this chapter.
- (b) A household, business or any property owner having obtained a certificate of exemption pursuant to §22-27-3, *Code of Alabama*, 1975 or amendments thereto.
- (c) Any person or occupant of the City in which no garbage or refuse collection services are provided by the City for the entire area.
- (d) Where the occupant or other person responsible for the premises or family unit for garbage collection services can establish to the reasonable satisfaction of the City that said premises or family unit, etc., as the case may be, did not produce or accumulate garbage or other refuse, nor utilize City solid waste collection service for the entire billing cycle. The Director of Environmental Services is authorized to promulgate rules and regulations for the administration of this provision.

Sec. 10-104. – Exception to service charge.

The head of any household who is over sixty-two (62) years of age shall be entitled to a reduction (exemption) from the monthly service charge in the amount of four dollars (\$4.00). In order to obtain the benefit of the exemption herein allowed, the head of the household must make written application under oath to the Mayor or his designee giving the name and date of birth of the applicant and the location of the residential premises occupied by the applicant. The Mayor or his designee shall also require proof of age from each applicant. In no case shall such exemption herein allow to more than one (1) person in each household. Nor shall said exemption apply to any person unless the

electric meter or water meter (or garbage account if premises is not served by City electric or water) is registered in the name of the applicant. The grant of any exemption provided under the provisions of this section shall become effective upon the approval of each application by the Mayor or his designee.

Sec. 10-105. – Duty to pay when City fails to render service.

The failure of the City to collect garbage or other refuse from any premises, which failure results from the violation, by the owner or occupant of such premises, of any provision of this chapter or any rule or regulation of the governing body governing the storage, preparation, handling or disposal of garbage and other refuse, shall not relieve such owner or occupant of the duty to pay the garbage service charges imposed by this article, nor shall an inadvertent or temporary failure or omission on the part of the City or any of its employees to make any collection of garbage or refuse relieve any person from the duty to pay such charges.

Sec. 10-106. – Deductions not allowed for interruption of service beyond City's control.

No deduction for monthly charges provided for in this article shall be made or allowed by reason of any failure of the City to make collection of garbage as frequently as provided, due to anything beyond the control of the City or due to stoppage of work by employees of the City or due to weather conditions.

Sec. 10-107. – Delinquencies; discontinuance of service for non-payment.

Pursuant to §22-27-5(e), *Code of Alabama*, 1975, or other applicable law, if the fees, charges and rates imposed by this article for garbage and refuse services of the City are not paid within ninety (90) days after the same shall be due and payable, the City may, at the expiration of said ninety-day period, suspend such services and may proceed to recover the amount of such delinquency with interest in a civil action. Opelika Environmental Services shall give the customer at least five (5) days' written notice of its intention to discontinue service. After the lapse of the period specified in the written notice, notwithstanding any deposit referred to in section 10-108, if the account has not been paid in full, Opelika Environmental Services may then discontinue service without further notice. At any time prior to 4:30 p.m. on the day preceding the discontinuance of service date, the customer may request in writing an administrative hearing pursuant to the provisions of section 10-66(c). The hearing shall be conducted pursuant to the provisions of section 10-66(c).

Sec. 10-108. – Penalty for non-payment.

(a) Bills will be rendered monthly and shall be paid by the due date or delinquent date specified on the bill. If any bill is not paid on or before the date shown on the bill, there will be added to the bill an additional late charge equal to five percent (5%) of the bill. Payments due on the weekend or holiday will be due the next business day. The Director shall have the authority to extend the time of payment of any account and/or waive any penalty or late fee in the event of undue hardship or in exceptional circumstances. The Director shall also have the authority to waive late fees for customers who have made arrangements to pay past due balances.

Sec. 10-109. – Deposit fee.

(a) A deposit may be required from an applicant to guarantee the payment of bills and the protection of the City's refuse carts and containers on the customer's premises. For residential customers, the deposit will be in the form of cash. For commercial customers, the deposit will be in the form of cash, approved surety bond or irrevocable letter of credit. Deposits may be required according to the customer's credit rating. Deposits are not billable. Deposit amounts are established in accordance with the provisions of Section 28-406. When service is terminated, the deposit may be applied by the City against any unpaid bills of the customer. The balance, if any, shall be refunded to the customer.

(b) If a current customer fails to pay the solid waste collection fee for two (2) consecutive months, then the customer must pay the deposit set out in subsection (a) before the service will be continued.

Sec. 10-110. – Move-in and Move-out fee.

Whenever a new customer applies for solid waste collection service, the customer shall be charged a prepaid move-in and move-out fee of twenty-five dollars (\$25.00). This fee is in addition to the deposit fee prescribed in Section 10-109 and the fee will cover the cost of additional waste produced when the resident moves in and moves out.

DIVISION II. RESIDENTIAL SERVICE CHARGES.

Sec. 10-111. – Residential charges and fees.

For each residential dwelling unit, there is a mandatory minimum charge in the amount of twenty-two dollars (\$22.00) per month. Beginning October 1, 2017, and continuing monthly thereafter, the following charges shall be paid to the City by every residential customer for the collection, hauling and disposing of refuse:

Curbside Service	Monthly Service Charge
Rate Effective October 1, 2017	\$22.00
Rate Effective October 1, 2018	\$23.00
Rate Effective October 1, 2019	\$24.00
Rate Effective October 1, 2021	\$25.00
Rate Effective October 1, 2023	\$26.00

Every other year following October 1, 2023, the rate on refuse carts will increase \$1.00/month on October 1st. Recycling rates may be adjusted from time to time, depending on market availability, market rates, number of customers.

Additional ninety-five (95) gallon refuse carts may be requested and/or required for the second and each additional such refuse cart. Residential charges for the additional cart shall be ten dollars (\$10.00) per month. Commercial charges for additional carts will be the same as the original cart.

Customers subscribing to the City’s curbside recycling program shall pay an additional monthly fee of ten dollars (\$10.00).

Attachment: ORDINANCE TO amend solid waste ordinance FINAL 091217 (125-17-ORD : Ordinance to Amend Solid Waste Ordinance - 2nd Reading)

An additional ninety-five (95) gallon cart may be requested for the disposal of yard waste in at a monthly fee of \$10.00.

DIVISION III. COMMERCIAL AND BUSINESS CHARGES AND SERVICES.

Sec. 10-112. – Commercial and business charges and fees.

(a) The owner or proprietor of any commercial or business establishment in the City may contract to receive City garbage and trash collection services. 95-gallon garbage carts shall be used where possible.

Commercial and businesses utilizing City garbage service shall pay to the City the rates listed below for the collection, hauling and disposal of garbage:

Rates effective October 1, 2017

Description of Service	Monthly Service Charge
One (1) 95-gallon cart, once per week	\$22.00
One (1) 95-gallon cart, twice per week	\$44.00
Two (2) 95-gallon carts. Once per week	\$44.00
One (1) 300-gallon cart, once per week	\$55.00
One (1) 300-gallon cart, twice per week	\$110.00
Two (2) 300-gallon carts, once per week	\$110.00
Two (2) 300-gallon carts, twice per week	\$220.00

In subsequent years, beginning October 1, 2018, rates shall be adjusted annually on the first day of October of each year. Rates for 95-gallon carts will increase \$1.00 for each weekly pickup. Rates for 300-gallon carts will increase \$2.50 for each weekly pickup. For example, effective October 1, 2018 commercial rates shall be adjusted as follows:

Description of Service	Monthly Service Charge
One (1) 95-gallon cart, once per week	\$23.00
One (1) 95-gallon cart, twice per week	\$46.00
Two (2) 95-gallon carts. Once per week	\$46.00
One (1) 300-gallon cart, once per week	\$57.50
One (1) 300-gallon cart, twice per week	\$115.00
Two (2) 300-gallon carts, once per week	\$115.00

In subsequent years, beginning October 1, 2018, rates shall be adjusted annually on the first day of October of each year.

A rate chart for various service levels will be posted annually on October 1st on the City of Opelika website, www.opelika.org, or may be obtained by contacting Opelika Environmental Services.

At the request of the customer or at the direction of the Environmental Services Director, additional carts will be issued and they shall be charged based on a per container per dump charge.

Failure to pay any service charge within thirty (30) days after the due date shall be grounds for terminating service by the City.

Sec. 10-113. - Downtown service charges.

If, in the discretion of the Mayor or his designee, it is more feasible or cost effective to contract with a private hauler for the collection of refuse for a group of commercial customers and residents in the downtown business district, the City may enter into a contract with a private hauler and bill the commercial and residential customers for the cost of such services. The refuse collection service charge billed to such commercial customers in the downtown business district shall be calculated by the sanitation officer based on the history of comparable businesses in accordance with the fees set forth in Section 10-112. Businesses serving full meals shall be charged the equivalent of the rate for one (1) 300-gallon cart picked up three times per week. Other businesses serving food will be charged the rate for one (1) 300-gallon cart picked up one or two times per week, depending on the estimated volume.

Sec. 10-114. – Miscellaneous rates and charges.

There is hereby adopted by the City the following schedule of miscellaneous rates and charges:

- | | | |
|-----|--|---|
| (a) | Failure to remove refuse cart or container from curb as prescribed in sections 10-53 and 10-54 | \$10.00 service charge |
| (b) | White goods sticker for items containing Freon as prescribed in section 10-56(a) | \$15.00 |
| (c) | White goods sticker for all other white goods as prescribed in section 10-56 | \$5.00 |
| (d) | Failure to bag grass, shrubbery clippings or loose trash as prescribed in section 10-57(a) | \$10.00 |
| (e) | Failure to bag garbage placed in 95- or 300-gallon Cart as prescribed in Section 10-65. | \$10.00 |
| (f) | Paint Contamination | \$25.00/occurrence |
| (g) | Event Carts (Minimum of 5) | \$10.00/each |
| (h) | Excess volumes of trash as prescribed by section 10-57(d)

After the initial five (5) cubic yards |

\$75.00/load plus disposal charges. |
| (i) | Removal of trash and bulky items from commercial and non-residential premises on as-needed basis as prescribed by section 10-58(d). Quotes will be given on loads less than a full load. | \$75.00/load plus disposal charges. |
| (j) | Removal of dead animals exceeding 75 pounds as prescribed by section 10-60 | Actual cost of removal |

Sec. 10-115 Fuel Cost Surcharge.

- (a) Applicability. This Fuel Cost Surcharge (FCS) is applicable to and becomes a part of the residential and commercial service charges as defined in sections 10-111 and 10-112.
- (b) General.
- (1) The FCS reflects increases in the average cost of diesel fuel from the City’s sources.

(2) The service charges as defined in sections 10-111 and 10-112 shall be adjusted on October 1 of each year, starting October 1, 2018, based on the average cost of diesel fuel as of July 1 of that year.

(3) If the average cost of diesel fuel reaches \$3.50 per gallon on July 1 of each year a fuel surcharge will be assessed monthly for all 95 gallon and 300 gallon carts.

For 95 gallon carts

Cost per gallon As of July 1	Monthly surcharge increase per container
\$3.50	\$.25
\$4.00	\$.50
\$4.50	\$.75
\$5.00	\$1.00
\$5.50	\$1.25
\$6.00	\$1.50

For 300 gallon carts

Cost per gallon As of July 1	Monthly surcharge increase per container
\$3.50	\$.50
\$4.00	\$1.00
\$4.50	\$1.50
\$5.00	\$2.00
\$5.50	\$2.50
\$6.00	\$3.00

If fuel cost exceed \$6.00 per gallon, FSC will continue to increase at the same rate stated above.

(c) The Fuel Cost Surcharge shall be added to each customer’s monthly bill. The monthly Fuel Cost Surcharge shall be effective for bills rendered on or after October 1, 2018.

Sec. 10-116. Disposal Cost Surcharge.

(a) Applicability. This Disposal Cost Surcharge (DSC) is applicable to and becomes a part of the residential and commercial service charges as defined in sections 10-111 and 10-112.

(b) General.

(1) The DCS reflects increases in the tipping fee charged to the City at the landfill or transfer station based on the tonnage of solid waste delivered for disposal.

(2) The service charges as defined in sections 10-111 and 10-112 shall be adjusted on October 1 of each year, starting October 1, 2018, based on the Disposal Charge (tipping fee) paid by the City as of July 1 of that year.

(3) If the Disposal Charge (tipping fee) reaches \$27.00 per ton for disposal on July 1 of each year, a Disposal Cost Surcharge will be added monthly for all 95 gallon and 300 gallon carts as follows:

For 95 gallon carts

Disposal Charge per ton As of July 1	Monthly Surcharge Increase per container
---	---

\$30.00	\$.25
\$31.00	\$.50
\$32.00	\$.75
\$33.00	\$1.00
\$34.00	\$1.25
\$35.00	\$1.50
\$36.00	\$1.75
\$37.00	\$2.00

For 300 gallon carts

Disposal Charge per ton As of July 1	Monthly Surcharge Increase per container
\$30.00	\$.50
\$31.00	\$1.00
\$32.00	\$1.50
\$33.00	\$2.00
\$34.00	\$2.50
\$35.00	\$3.00
\$36.00	\$3.50
\$37.00	\$4.00

If disposal cost exceeds \$34.00 per ton, DSC will continue to increase at the same rate stated above.

(c) The Disposal Cost Surcharge shall be added to each customer’s monthly bill. The monthly Disposal Cost Surcharge shall be effective for bills rendered on or after October 1, 2018.

(d) The Disposal Cost Surcharge shall be in addition to the Fuel Cost Surcharge and not in lieu thereof.

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

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

Section 4. **Effective Date.** This Ordinance shall become effective as of October 1, 2017.

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

Section 6. **Codification.** Codification of this Ordinance in the *Code of Ordinances* of the City of Opelika is hereby authorized and directed.

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