



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

1. Call to Order

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

Mr. Bill Price gave the invocation.

1. Mr. Bill Price, Elder at 1st Presbyterian Church will provide our invocation.

4. Pledge of Allegiance

Parker, Madi and Keona lead the Pledge of Allegiance.

1. Parker Thompson, Madi Thomas and Keona Lyles from Jeter Primary School.

5. Reading of Minutes

1. Minutes from the 10-17-17 city council meeting.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller thanked all the city council members for attending his annual prayer breakfast.

Mayor Fuller reminded everyone present that City Hall will be closed on Friday for Veterans Day. He also stated the City's Veteran's Day celebration would be Friday, November 10th, with the City Hall ceremony starting at 10am.

1. Recognize Ethel Mae Ennis Story for her 105th birthday.
Mayor Fuller presented a proclamation to Ethel Ennis recognizing her 105 birthday.
2. Recognize Tara Young with an employee performance award.
Mayor Fuller presented Tara Young with an award in recognition of her outstanding job performance.
3. Recognize Noah Allmond - Firehouse Magazine Award of Valor.
Mayor Fuller recognized Noah Allmond for receiving the Firehouse Magazine Award of Valor.

8. Citizen Communications

(Limit comments to five minutes or less)

Martha Leonard stated there is a broken lid cover over a hole across from NBC bank at Tiger Town and asked the City to investigate and take action to prevent an accident. Mrs. Leonard also said there was a large hole near Lowe's & Longhorn at Tiger Town that needs fixing before an

accident happens there. President Smith thanked Mrs. Leonard for bringing this information to our attention and the City Administrator would investigate both concerns.

Clayton Alexander stated he had been here before asking for something to be done about the noise and dust caused by the logging operation beside his home. Mr. Alexander said the logging operation should not be allowed. There are trains that make terrible noise between 1-2 am in the morning and is less than 50 yards from my home. I have tried talking to the logging operation but, it has done no good. Jeff Kappelman, City Inspector, said they went to the logging operation with a sound meter about 1-2 years ago. President Smith asked Mr. Alexander to speak to the City Administrator before he leaves.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request by LRCOG, 2018 Mardi Gras walk/run on 2-10-18.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

2. Request by EAMC, temporary closure of East Thomason Circle.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

3. Request temporary street closure, Veterans Day.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

4. Public Hearing Weed Abatement - 407 Hunter Street

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

5. Public Hearing - Weed Abatement Assessment - 411 S4th St.

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

6. Public Hearing for Demolition - 415 C. Fair 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.

7. Public Hearing for Demolition - 419 A. Fair 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.

8. Public Hearing for Demolition - 419 B. Fair 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.

9. Public Hearing for Demolition - 1408 Monroe Avenue

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.

10. Public Hearing, Amend Towne Lake PUD Master Plan, Towne Lake Parkway

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

11. Request temporary street closure, 2017 Victorian Front Porch Tour.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

12. Awarding of Bids

1. Bids 272-17 Police Uniforms - PD

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

2. Bids 273-17 SUB 4 CIRCUIT #43 12KV UPGRADE - OPS

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

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

13. Resolutions

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

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

3. Resolution 274-17 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

4. Resolution 275-17 Designate City Personal Property Surplus & Authorize Disposal

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

5. Resolution 276-17 Emergency Repair - Truck #762 Engine Replacement - OPS

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

6. Resolution 277-17 Purchase - Two (2) 2018 Ford F150 Pickup Trucks - PD

- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
7. Resolution 278-17 Purchase - Three (3) Zero Turn Mowers - PW/ESG
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
8. Resolution 279-17 Weed Abatement Assessment - 407 Hunter Street
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
9. Resolution 280-17 Weed Abatement Assessment - 411 S 4Th St.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
10. Resolution 281-17 Order Demolition - 415 C. Fair Street.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
11. Resolution 282-17 Order Demolition - 419 A Fair Street
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
12. Resolution 283-17 Order Demolition - 419 B. Fair Street
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
13. Resolution 284-17 Order Demolition - 1408 Monroe Avenue.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
14. Resolution 285-17 Contract with Mobile Studios, Carver-Jeter Project, Management Services

- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
15. Resolution 286-17 Appropriation contract FY2018, Keep Opelika Beautiful.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
16. Resolution 287-17 Appropriation contract FY2018, Museum of East Ala.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
17. Resolution 288-17 Appropriation contract FY2018, ODRA.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
18. Resolution 289-17 Appropriation contract FY2018, Lee Co. Rabies Officer.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
19. Resolution 290-17 Appropriation contract FY2018, Ala. Cooperative Extension.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
20. Resolution 291-17 Appropriation contract FY2018, Lee Co. Humane Society.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
21. Resolution 292-17 Special appropriation, Main Street 2017 Christmas in a Railroad Town.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
22. Resolution 293-17 Approving Change Order #3 for Frederick Road Project

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

23. Resolution 294-17 Wetland and Stream Mitigation for Cunningham Drive Bridge

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

14. Ordinances

1. Ordinance 127-17-ORD Amend Academy Estates PUD Master Plan, Academy Drive - 2nd Reading

Mr. Canon stated there was a number of questions raised at the last council meeting and asked if contact had been made. Mayor Fuller said yes and the two property owners are not interested. Mr. Canon also asked the City to do a good job in monitoring this area during the construction.

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

2. Ordinance Amend Towne Lake PUD Master Plan, Towne Lake Parkway - 2nd Reading
Mr. Smith T introduced this ordinance.

RESULT: **FIRST READING INTRODUCED**

3. Ordinance 128-17-ORD Call for a special city election on February 13, 2018 - 1st Reading.

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

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

Nays None.

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

4. Ordinance Amend City Code, City Clerk-Treasurer - 2nd Reading.
Mr. Smith T introduced this ordinance.

RESULT: **FIRST READING INTRODUCED**

5. Ordinance 129-17-ORD Amending Rates and Charges for Residential and Business Fiber Optic Services OPS) - 1st Reading.

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

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

Nay None.

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

15. Appointments

There was not appointments.

16. Adjourn

The City Council meeting minutes of November 7, 2017 are hereby adopted and approved this the 21st day of November, 2017.

/s/ Patricia A. Jones

President pro-tem 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 council meeting ended at 8:03pm.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

CM MINUTES (ID # 2569)

Meeting: 11/07/17 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 2569

Minutes from the 10-17-17 city council meeting.

RESULT: **APPROVED [UNANIMOUS]**
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

October 17, 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

Mr. Sheehan gave the invocation.

1. Mr. Rusty Sheehan will provide the invocation.

4. Pledge of Allegiance

McKenna and Dazsha' were both present to lead the Pledge.

1. McKenna Niswender and Dazsha' Copeland from West Forest Intermediate School will lead the pledge.

5. Reading of Minutes

1. Minutes from the 10-03-17 city council meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller presented several performance awards to employees of the OPS department.

1. Building Permit Report - September 2017.

Mayor Fuller called on Joey Motley, City Administrator, to provide a summary of the September 2017 Building Inspection report.

2. Recognize the Character Council's 10th Anniversary.

Mayor Fuller presented a proclamation to Tom Tippet and all the members of the Character Council in recognition of their 10th anniversary.

3. Employee Service Awards.

Mayor Fuller recognized and presented service pins to employees from various departments.

8. Citizen Communications

(Limit comments to five minutes or less)

Elizabeth Mueller from the Lee Co. Humane Society thanked Mayor Fuller and the City Council for their continued financial support.

Jeffrey Harte lives in the Estates SD and supports the proposed development and amending the Academy Estates PUD master plan. However, he has major concerns about the construction traffic and asked the City to find a way to create a temporary construction entrance to the 18 acres. The current single entrance already has traffic issues and it will become dangerous with the additional construction traffic. Mr. Harte also gave Mr. Shuman a typed letter from the Estates homeowners association detailing their concerns.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request for the 2017 Collinwood Luminaries on 12/14 at 5pm.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

2. Request for Rehab Works 5k / 1mile run on Sunday 11-05-17.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

3. Public Hearing, Weed Abatement Assessment - 1243 Frederick Rd.

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

4. Public Hearing for Demolition - 18 Easy Street

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

5. Public Hearing for Demolition - 20 Easy Street

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

6. Public Hearing for Demolition - 108 Hamer PL

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

7. Public Hearing for Demolition - 122 Plum Avenue

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

8. Public Hearing for Demolition - 124 Plum Avenue

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

9. Public Hearing for Demolition - 206 Byrd Avenue

President Smith opened the public hearing asking if there was anyone present that would like to speak for against said demolition.

Emily Key stated she is working with the home owner and trying to save this building. She thinks it will go into foreclosure. Ms. Key asked if the City would Table the demolition for a short time.

President Smith explained the process will proceed because of the notices and advertising that has already been done by the City.

President Smith closed the public hearing.

10. Public Hearing for Demolition - 210 Dover Street

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

11. Public Hearing for Demolition - 303 Byrd Avenue

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

12. Public Hearing for Demolition of 3 Accessory Buildings - 1009 Renfro Avenue

President Smith stated these structures had already been demolished by the owner.

RESULT: REMOVED FROM AGENDA [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

13. Public Hearing, Amend the Academy Estates PUD Master Plan, Academy Drive

President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said amendment.

A property owner stated she was not opposed to the development but, was very concerned about the construction traffic and the safety of the children in the neighborhood.

Jimmica Slaughter stated that she agrees with the other comments and the traffic is already bad.

She said there are a lot of kids that play in our community and the construction traffic is going to make it dangerous.

Jeffery Harte asked for all the Estate homeowners to stand so Mayor Fuller and City Council could see how many property owners were present. About 30 +/- citizens stood up.

12. Awarding of Bids

1. Bids 235-17 Three-Phase Pad Mounted Wye-Wye Transformers - OPS.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

2. Bids 236-17 Police Equipment - PD.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

3. Bids 237-17 Jeter Avenue Sidewalk Project - ENG

RESULT: APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

13. Resolutions

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

Mr. Gunter stated, the Administration would like for this resolution to remain Tabled.

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

Mr. Gunter stated, the Administration would like for this resolution to remain Tabled.

3. Resolution 238-17 Expense reports from various departments.
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
4. Resolution 239-17 Designate City Personal Property Surplus & Authorize Disposal
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
5. Resolution 240-17 Refund of Overpayment for Business License - American National Insurance Co.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
6. Resolution 241-17 Purchase One (1) 2018 Ford F150 Pickup - PW / ESG.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
7. Resolution 242-17 Purchase One (1) 2018 Ford F550 Pickup - PW / ESG.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
8. Resolution 243-17 Purchase One (1) Kubota Tractor - PW / ESG.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
9. Resolution 244-17 Purchase Two (2) Kubota Tractors- PW / ESG.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
10. Resolution 245-17 Purchase Two (2) Zero Turn Mowers - PW / ESG.
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 246-17 Purchase-Two (2) AT 308 Sniper Rifles-Sole Source - PD.

- RESULT:** APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
12. Resolution 247-17 Purchase Ninety (90) Cases of Practice 9MM Ammunition - PD
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
13. Resolution 248-17 Purchase-Five (5) Chevy Tahoes - PD.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
14. Resolution 249-17 Purchase-Nine (9) Scott Safety AP75 Air Pack Upgrade Kits - FD.
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
15. Resolution 250-17 Purchase Two (2) 2018 Ford F150 Super Cab Trucks - FD.
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 251-17 Purchase ESRI GIS Licensing 3-YR Contract - IT
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
17. Resolution 252-17 Weed Abatement Assessment - 1243 Frederick Rd.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
18. Resolution 253-17 Resolution for Demolition - 18 Easy Street
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
19. Resolution 254-17 Resolution for Demolition - 20 Easy Street
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
20. Resolution 255-17 Resolution for Demolition - 108 Hamer PL

- RESULT:** APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
21. Resolution 256-17 Resolution for Demolition - 122 Plum Avenue
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
22. Resolution 257-17 Resolution for Demolition - 124 Plum Avenue
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
23. Resolution 258-17 Resolution for Demolition - 206 Byrd Avenue
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
24. Resolution 259-17 Resolution for Demolition - 210 Dover Street
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
25. Resolution 260-17 Resolution for Demolition - 303 Byrd Avenue
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
26. Resolution Resolution for Demolition of Three Accessory Buildings - 1009 Renfro
 These structures have already been demolished by the owner.
RESULT: REMOVED FROM AGENDA [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
27. Resolution 261-17 Street Name Change Bush Road to Robert M. Harper Drive
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
28. Resolution 262-17 Street Name Change Fox Run Avenue to Car Tech Drive

- RESULT:** APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
29. Resolution 263-17 Street Name Change Lafayette Parkway to Bulldog Parkway
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
30. Resolution 264-17 Appropriation contract FY2018, Lee Co. Youth Development Center.
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
31. Resolution 265-17 Appropriation contract FY2018, East Al. Services for the Elderly.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
32. Resolution 266-17 Appropriation contract FY2018, Twin Cedars Child Advocacy Center.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
33. Resolution 267-17 Appropriation contract FY2018, Valley Haven School.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
34. Resolution 268-17 Appropriation contract FY2018, Council on Human Relations.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
35. Resolution 269-17 Appropriation contract FY2018, J. W. Darden Foundation.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
36. Resolution 270-17 Architectural Services Agreement for new Police HQ facility.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
37. Resolution 271-17 Lawsuit, engagement letter Bradley Arant.

Mr. Gunter asked for the minutes to reflect he has filed with the City Clerk a certificate that states he has reviewed the pending litigation to be discussed with legal counsel during the Executive Session and it complies with Alabama State Code.

At 8:34pm, Mr. Canon made the motion to move into Executive Session to discuss a pending lawsuit. Ms. Jones seconded said motion. The following vote was recorded:

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

Nays None.

President Smith advised everyone present that the Executive Session would last about 30 minutes and then the city council would reconvene and finish the rest of the council meeting agenda.

At 9:03pm, Ms. Jones made the motion to reconvene the council meeting and was seconded by Mr. Smith T. The following vote was recorded:

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

Nays None.

RESULT: APPROVED [4 TO 0]

MOVER: David Canon, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

AYES: Patricia Jones, Tiffany Gibson-Pitts, David Canon, Eddie Smith

ABSTAIN: Dozier Smith T

14. Ordinances

1. Ordinance Amend Academy Estates PUD Master Plan, Academy Drive - 2nd Reading
This ordinance was introduced by Mr. Canon.

RESULT: FIRST READING INTRODUCED

2. Ordinance 126-17-ORD Lease property to AMEA, Solar Power Plant - OPS - First Reading.

This ordinance was introduced by Mr. Smith T.

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

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

Nays None.

RESULT: FIRST READING AND APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

15. Appointments

Mayor Fuller asked that the record reflect that he has appointed Jimmy Wright to the Opelika Housing Authority replacing Bobby Huling.

16. Adjourn

The City Council meeting minutes of October 17, 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, CMC

City Clerk - Treasurer

1. Motion to adjourn.

The council meeting ended at 9:05pm.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 2552)**

Meeting: 11/07/17 07:00 PM

Department: City Clerk

Category: Request / Temp Street Closure

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 2552

Request by LRCOG, 2018 Mardi Gras walk/run on 2-10-18.

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

Shuman, Robert

Subject: FW: Lee Russell 2017 Mardi Gras walk/run

From: Jackie Pinkard [mailto:jpinkard@lrcog.com]
Sent: Wednesday, October 18, 2017 1:00 PM
To: Shuman, Robert <RShuman@opelika-al.gov>
Subject: FW: Lee Russell 2017 Mardi Gras walk/run

Good Afternoon Mr. Shuman:

I am requesting approval once again from the City of Opelika for the Lee-Russell 2018 Fun Run/Walk. Mr. Bailey and the Park Board has approved the request (see below).

The information you requested for this year's event is below. Let me know if you need anything else.

Thanks

Jackie

Name of Event: The 12th Annual Unforgettable Footsteps Mardi Gras Walk/Run

Sponsor: Lee-Russell Council of Governments

Date: February 10, 2018

Place: Opelika Municipal Park

Start & End Time: 6:30 a. m. – 10:30 a. m.

Estimated number of participants: 75

Route: map is attached; it is the same as 2015

We are requesting 10-20 safety cones from the City

Attachment: CM 11-07-17, request Lee Russell 2018 Mardi Gras walkrun (2552 : Request by LRCOG, 2018 Mardi Gras walk/run on 2-10-18.)

10th Annual Unforgettable Footsteps Mardi Gras Walk/Run

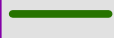
11.1.b

February 7, 2018

Legend



 1-Mile Route (Walk)

 5K Route (Run)



Parking



Registration



Start | Finish



Walk Route Direction



Run Route Direction



Volunteer



Water Station



Bathroom

EVENT LOCATION

**Municipal Park
(Monkey Park)
1102 Denson Drive
Opelika, Alabama**

EVENT SCHEDULE

7:00A - Day-Of Registration

7:30A - Pre-Registered

8:00A - 5K Run

8:15A - 1-Mile Walk

1-Mile Route (Walk)

Leave the Start | Finish line at Municipal Park (Park Road).
Turn LEFT onto Rocky Brook Road.
Turn LEFT onto McClure Avenue.
Turn LEFT onto N. 5th Avenue (Denson Drive).
Turn LEFT onto Park Road to the Start | Finish line.

5K Route (Run)

Leave the Start | Finish line at Municipal Park (Park Road).
Turn RIGHT onto N. 5th Street (Denson Drive).
Turn LEFT onto McClure Avenue.
Turn RIGHT onto Gwen Mill Drive.
Turn LEFT onto India Road and follow to Northgate Drive.
Follow the same path back to the Start | Finish line.



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 11/07/17 07:00 PM
Department: City Clerk
Category: Request / Temp Street Closure
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

GENERAL BUSINESS (ID # 2562)

DOC ID: 2562

Request by EAMC, temporary closure of East Thomason Circle.

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

Shuman, Robert

From: Tracy Garner <tracy.garner@eamc.org>
Sent: Wednesday, October 25, 2017 12:14 PM
To: Shuman, Robert; Shuman, Robert
Cc: Lindsay Eidson; Genia Odom
Subject: Request to close East Thomason Circle .

Mr. Shuman ,

It is time again to request the closing of East Thomason Circle for East Alabama Medical Center. The request is for two dates . The first date is 11/17/2017 from 8:30 AM to 3:00 PM .This is for EAMC's Fall Festival (Gainshare Day) . The second date is 12/1/2017 from 6:00 AM to 5:00 PM. This is for EAMC's Turkey Day. The section of road needing to be close is from Thomason Place to West Thomason Circle . In the past EAMC maintenance and security has handled the traffic and the setting up and removing the barriers for both events. Could this request be added to the next city council meeting ? Thank you for your help with this . Tracy Garner

Attachment: CM 11-07-17, EAMC request to close East Thomason Circle . (2562 : Request by EAMC, temporary closure of East Thomason

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 2561)**

Meeting: 11/07/17 07:00 PM

Department: City Clerk

Category: Request / Temp Street Closure

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 2561

Request temporary street closure, Veterans Day.

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

CITY OF OPELIKA

REQUEST TEMPORARY STREET CLOSURE

=====

DATE of Request: Oct. 24, 2017_____

NAME OF INDIVIDUAL: _Leigh Krehling_____

ADDRESS: _204 S. 7th Street_____

_____ ZIP _____

PHONE # _705-5136_____

EMAIL Address _lkrehling@opelika-al.gov_____

NAME OF ORGANIZATION: ____City of Opelika_____

ADDRESS: _____

_____ ZIP _____

PHONE # _____

REASON FOR REQUEST: ____Veterans Day Event_____

Information needed:

1. Date of event. November 10, 2017
2. Start and end time. 10 - Noon
3. Est. number of participants. 150
4. Map of route or detailed route description.
5. Specific location of street barricades if needed. **Need the block between Avenue B and Avenue A on South 7th Street barricaded for the Veterans Day event.**

Note: If event is to be held in downtown Opelika, your request must first be approved by Opelika Main Street and then the City Council.

SIGNED: ____Leigh Krehling_____

NAME (printed): ____Leigh Krehling_____

Email completed form & information to: R. G. "Bob" Shuman
City Clerk - Treasurer
rshuman@opelika-al.gov
334-705-5110

Attachment: CM 11-07-17, request temp. street closure, Veteran Day (2561 : Request temporary street closure, Veterans Day.)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 2566)**

Meeting: 11/07/17 07:00 PM
Department: Purchasing and Revenue
Category: Public Hearing
Prepared By: Martha Wright
Initiator: Lillie Finley
Sponsors:

DOC ID: 2566

Public Hearing Weed Abatement - 407 Hunter Street

COMMENTS - Current Meeting:

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

**To: Alan Keith Lafoy
407 Hunter St.
Opelika AL 36801**

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
407 Hunter St. Parcel 09-01-12-4-001-037.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 407 Hunter St, Parcel No. 037.000 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 \$246.98.

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 7th of day November 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 30th day of October 2017.

Liz Wright,
Code Compliance Officer

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

Attachment: Weeds, NPH-Resolution, cost to abate, (2566 : Public Hearing Weed Abatement - 407 Hunter Street)

WEED ABATEMENT INVOICE

Date: 10/30/2017

**To: Alan Keith Lafoy
407 Hunter St.
Opelika Al. 36801**

**Property Address:
407 Hunter St.
Opelika Al. 36801
Parcel # 09-01-12-4-001-037.000**

On August 17, 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>234.00</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>246.98</u>

Attachment: 407 Hunter Weed Invoice (2566 : Public Hearing Weed Abatement - 407 Hunter Street)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 2559)**

Meeting: 11/07/17 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 2559

Public Hearing - Weed Abatement Assessment - 411 S4th St.**COMMENTS - Current Meeting:**

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

WEED ABATEMENT INVOICE

Date: 10/27/2017

**To: State of Alabama
PO Box 327210
Montgomery Al. 36132**

**Property Address:
411 S 4th St
Opelika Al. 36801
Parcel # 10-03-08-3-000-028.000**

On September 15, 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>130.55</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>143.53</u>

Attachment: WEED INVOICE 411 S 4th St. (2559 : Public Hearing - Weed Abatement Assessment - 411 S 4Th St)

To: State of Alabama
 PO Box 327210
 Montgomery Al 36132

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 411 S 4th St. Parcel 10-03-08-3-000-028.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 411 S 4th St., Parcel No. 028.000 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 \$143.53.

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 7th day of November, 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 27th day of October, 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 # 2428)

Meeting: 11/07/17 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 2428

Public Hearing for Demolition - 415 C. Fair Street

August 22, 2017

TO:

Jeffrey Simon
1312 Gwen Mill Drive
Opelika, AL 36801

NOTICE OF DANGEROUS BUILDINGS, 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, Jeffrey Simon 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: 415 C Fair Street, Opelika, AL 36801

Legal Description: Lot 10, Block No. 8, as shown by plat of survey of "Subdivision of Palmer Property" made by T.B. Chambers, Surveyor, said plat being recorded at Page 11 of Plat Book 2 in the Office of the Judge of Probate of Lee County, Alabama. According to and as shown by map or plat of survey made by James L. McCrory, Surveyor, Registration Number 12493, dated July 6, 1979, known as Fair Street Subdivision, approved by the Opelika Planning Commission, City of Opelika, Lee County, Alabama, and recorded in Subdivision Records in said Probate Office, Lee County, Alabama in Plat Book 10, at Page 150.

Parcel Identification Number: 43-10-03-08-2-001-089.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on August 1, 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 buildings 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 buildings have 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 buildings have become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.

- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- X (10) The buildings are so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- ☐ (11) The buildings have parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- X (12) The buildings, or any portions thereof, are clearly unsafe for their use or occupancy.
- X (13) The buildings are neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the buildings, structures, part of buildings or structures, party wall, or foundation to their danger, have become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the buildings, structures, part of buildings or structures, 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 buildings are, because of their 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 their 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 dilapidated 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, November 7, 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 dilapidated 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 Official assigned to your case at 334-705-5420.

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

DATED this the ____ day of August, 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:

**Jeffrey Simon
 1312 Gwen Mill Dr.
 Opelika, AL 36801**

Parcel #: 10-03-08-2-001-089.000
Property Address: 415 C. Fair Street
 Opelika, AL 36801

Date of Notice: August 22, 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/damaged siding, trim, and fascia boards.
- Scrape, prime and paint siding, trim.
- **Windows:** The windows have been boarded up beyond the 1 year allowable time frame according to the ICC 2012 Property Maintenance Code. Remove all boards and replace all damaged, broken, and dilapidated windows throughout.
- **Stairways:** Install handrails 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.
- Remove all debris throughout.

Electrical: Have a licensed electrical contractor install a new electric service. 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 completed and fully functional in order to occupy.

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

Dated this the 22th Day of August, 2017.

Sincerely,

David R. Chapman
Building Inspector

COMMENTS - Current 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.

415 C. Fair Street



Attachment: Photos of 415 C. Fair Street (2428 : Public Hearing for Demolition - 415 C. Fair Street)



Attachment: Photos of 415 C. Fair Street (2428 : Public Hearing for Demolition - 415 C. Fair Street)



Attachment: Photos of 415 C. Fair Street (2428 : Public Hearing for Demolition - 415 C. Fair Street)



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2430)

Meeting: 11/07/17 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 2430

Public Hearing for Demolition - 419 A. Fair Street

August 22, 2017

TO:

Jeffrey Simon
1312 Gwen Mill Drive
Opelika, AL 36801

NOTICE OF DANGEROUS BUILDINGS, 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, Jeffrey Simon 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: 419 A Fair Street, Opelika, AL 36801

Legal Description: Lot 9, Block No. 8, as shown by plat of survey of “Subdivision of Palmer Property” made by T.B. Chambers, Surveyor, said plat being recorded at Page 11 of Plat Book 2 in the Office of the Judge of Probate of Lee County, Alabama. According to and as shown by map or plat of survey made by James L. McCrory, Surveyor, Registration Number 12493, dated July 6, 1979, known as Fair Street Subdivision, approved by the Opelika Planning Commission, City of Opelika, Lee County, Alabama, and recorded in Subdivision Records in said Probate Office, Lee County, Alabama in Plat Book 10, at Page 150.

Parcel Identification Number: 43-10-03-08-2-001-086.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on August 1, 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 buildings 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 buildings have 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 buildings have become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.

- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- X (10) The buildings are so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- ☐ (11) The buildings have parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- X (12) The buildings, or any portions thereof, are clearly unsafe for their use or occupancy.
- X (13) The buildings are neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the buildings, structures, part of buildings or structures, party wall, or foundation to their danger, have become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the buildings, structures, part of buildings or structures, 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 buildings are, because of their 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 their 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 dilapidated 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, November 7, 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 dilapidated 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 Official assigned to your case at 334-705-5420.

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

DATED this the ____ day of August, 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:

**Jeffrey Simon
1312 Gwen Mill Dr.
Opelika, AL 36801**

**Parcel #: 10-03-08-2-001-086.000
Property Address: 419 A Fair Street
Opelika, AL 36801**

Date of Notice: August 22, 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/damaged siding, trim, and fascia boards.**
- **Scrape, prime and paint siding, trim.**
- **Windows: The windows have been boarded up beyond the 1 year allowable time frame according to the ICC 2012 Property Maintenance Code. Remove all boards and replace all damaged, broken, and dilapidated windows throughout.**
- **Remove all debris throughout.**

Electrical: Have a licensed electrical contractor install a new electric service. Rewire 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 completed and fully functional in order to occupy.

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

Dated this the 22th Day of August, 2017.

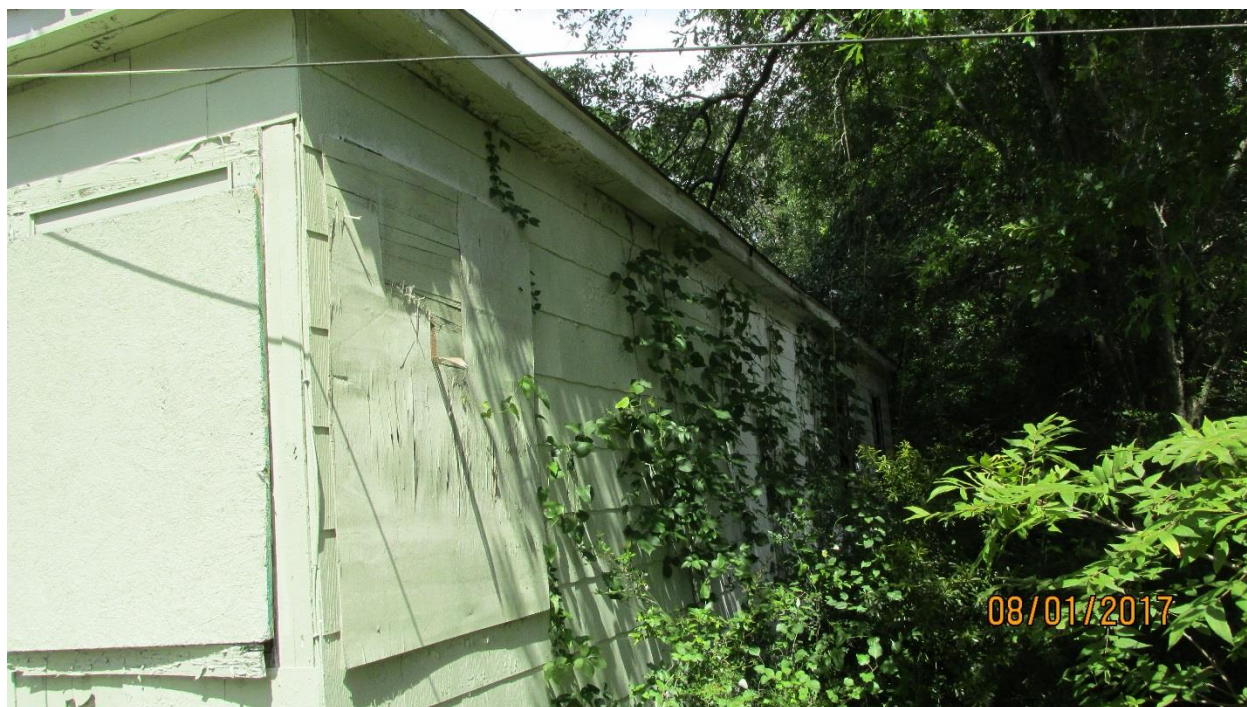
Sincerely,

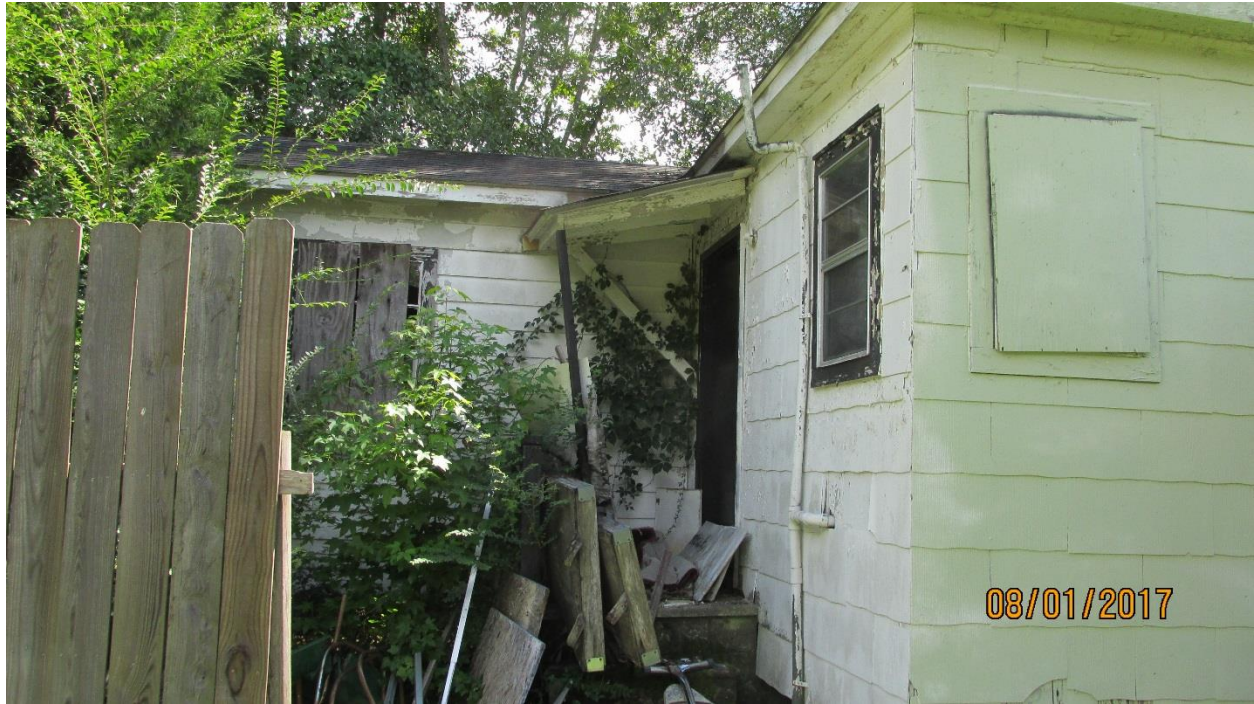
**David R. Chapman
Building Inspector**

COMMENTS - Current 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.

419 A. Fair Street







City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2432)

Meeting: 11/07/17 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 2432

Public Hearing for Demolition - 419 B. Fair Street

August 22, 2017

TO:

Jeffrey Simon
1312 Gwen Mill Drive
Opelika, AL 36801

NOTICE OF DANGEROUS BUILDINGS, 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, Jeffrey Simon 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: 419 B Fair Street, Opelika, AL 36801

Legal Description: Lot 9, Block No. 8, as shown by plat of survey of "Subdivision of Palmer Property" made by T.B. Chambers, Surveyor, said plat being recorded at Page 11 of Plat Book 2 in the Office of the Judge of Probate of Lee County, Alabama. According to and as shown by map or plat of survey made by James L. McCrory, Surveyor, Registration Number 12493, dated July 6, 1979, known as Fair Street Subdivision, approved by the Opelika Planning Commission, City of Opelika, Lee County, Alabama, and recorded in Subdivision Records in said Probate Office, Lee County, Alabama in Plat Book 10, at Page 150.

Parcel Identification Number: 43-10-03-08-2-001-086.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on August 1, 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 buildings 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 buildings have 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 buildings have become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat-infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (6) The building has light, air, heating, cooling and sanitation facilities which are inadequate to protect the life, health, property, morals, safety or general welfare of the public or the occupants.
- ☐ (7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of ingress and egress to and from said building.
- ☐ (8) The building does not provide minimum safeguards to protect or warn occupants in the event of fire.

- ☐ (9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises, or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, morals, safety or general welfare of the public or the occupants.
- X (10) The buildings are so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- ☐ (11) The buildings have parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- X (12) The buildings, or any portions thereof, are clearly unsafe for their use or occupancy.
- X (13) The buildings are neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the buildings, structures, part of buildings or structures, party wall, or foundation to their danger, have become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the buildings, structures, part of buildings or structures, 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 buildings are, because of their 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 their 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 dilapidated 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, November 7, 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 dilapidated 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 Official assigned to your case at 334-705-5420.

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

DATED this the ____ day of August, 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:

**Jeffrey Simon
1312 Gwen Mill Dr.
Opelika, AL 36801**

**Parcel #: 10-03-08-2-001-086.000
Property Address: 419 B Fair Street
Opelika, AL 36801**

Date of Notice: August 22, 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/damaged siding, trim, and fascia boards.**
- **Scrape, prime and paint siding, trim.**
- **Windows: The windows have been boarded up beyond the 1 year allowable time frame according to the ICC 2012 Property Maintenance Code. Remove all boards and replace all damaged, broken, and dilapidated windows throughout.**
- **Replace broken windows in side entry door.**
- **Remove all debris throughout.**

Electrical: Have a licensed electrical contractor install a new electric service. Rewire 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 completed and fully functional in order to occupy.

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

Dated this the 22th Day of August, 2017.

Sincerely,

David R. Chapman
Building Inspector

COMMENTS - Current 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.

419 B. Fair Street

Attachment: Photos of 419 B. Fair Street (2432 : Public Hearing for Demolition - 419 B. Fair Street)



Attachment: Photos of 419 B. Fair Street (2432 : Public Hearing for Demolition - 419 B. Fair Street)



Attachment: Photos of 419 B. Fair Street (2432 : Public Hearing for Demolition - 419 B. Fair Street)



Attachment: Photos of 419 B. Fair Street (2432 : Public Hearing for Demolition - 419 B. Fair Street)



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2426)

Meeting: 11/07/17 07:00 PM
Department: Building Inspection
Category: Public Hearing
Prepared By: David Chapman
Initiator: Jeff Kappelman
Sponsors:

DOC ID: 2426

Public Hearing for Demolition - 1408 Monroe Avenue

August 22, 2017

TO:

Gwenda Fay (Dorsey) Ingram
6927 34th Avenue East
Palmetto, FL 34221

Gwenda Fay (Dorsey) Ingram
905 Beauford Drive
Opelika, AL 36804

Vivian Ann Stephens
6927 34th Avenue East
Palmetto, FL 34221

Wells Fargo Bank, N.A.
P.O. Box 2394
Mobile, AL 36652

NOTICE OF DANGEROUS BUILDINGS, 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, Gwenda Fay (Dorsey) Ingram and Vivian Ann Stephens are the owners of the real property described in this notice. Wells Fargo Bank, N.A. is the lienholder of record as shown from a search of the records of the Office of the Judge of Probate of Lee County, Alabama. The building is located on the following described real property, to-wit, which is described hereinafter as the “Subject Property”:

Street Address: 1408 Monroe Avenue, Opelika, AL 36801

Legal Description: From the intersection of the West margin of Talladega Street with the North margin of Monroe Street, as the same appears on Totten’s Official Real Estate Map of Opelika, Alabama, of record in the Probate office of Lee

County, Alabama, Town Plat Book 2, Page 9, proceed West along the North margin of Monroe Street 150.5 feet; thence North 12 degrees 11 minutes West, to the Southeasterly margin of the right-of-way of the western of Alabama Railway, and the point of beginning of the lot here described and conveyed: From said point of beginning proceed South 12 degrees 11 minutes East to the north margin of Monroe Street; thence West along the North margin of Monroe Street, 60 feet; thence North 12 degrees 11 minutes West 248 feet, to the Southeasterly margin of the right-of-way of the Western of Alabama Railway; thence in a Northeasterly direction, along the Southeasterly margin of the right-of-way of the Western of Alabama Railway to the point of beginning, being a part of Block I of the Smith T Survey as the same is shown on the above-described Totten's Map of the City of Opelika, Alabama.

Parcel Identification Number: 43-09-06-13-1-002-113.000

As the Building Official of the City of Opelika, the undersigned inspected the building on the Subject Property on August 1, 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 buildings 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 buildings have 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 buildings have 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 buildings are so damaged, decayed, dilapidated, structurally unsafe, or is of such faulty construction or unstable foundation that partial or complete collapse is possible.
- ☐ (11) The buildings have parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.
- ☐ (12) The buildings, or any portions thereof, are clearly unsafe for their use or occupancy.
- ☒ (13) The buildings are neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the buildings, structures, part of buildings or structures, party wall, or foundation to their danger, have become a harbor for

vagrants, criminals, or immoral persons, or enables persons to resort to the buildings, structures, part of buildings or structures, 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 buildings are, because of their 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 their 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 dilapidated 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, November 7, 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 dilapidated 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 Official assigned to your case at 334-705-5420.

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

DATED this the ____ day of August, 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:

**Gwenda Fay (Dorsey) Ingram
6927 34th Avenue East
Palmetto, FL 34221**

**Gwenda Fay (Dorsey) Ingram
905 Beauford Drive
Opelika, AL 36804**

**Vivian Ann Stephens
6927 34th Avenue East
Palmetto, FL 34221**

Wells Fargo Bank, N.A.
P.O. Box 2394
Mobile, AL 36652

Parcel #: 09-06-13-1-002-113.000
Property Address: 1408 Monroe Avenue
Opelika, AL 36801

Date of Notice: August 22, 2017

This is to notify you of the repairs required to satisfy the minimum code requirements for the City of Opelika. Most of the structure is blocked by all the vegetation on and around the building.

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

Exterior:

- Replace all missing and deteriorated siding and fascia boards.
- Scrape, prime and paint siding, trim and doors.
- Repair/replace roof. Replace roof boards and rafters as needed to repair the holes in the roof.

- Stairways: Stairways need to be in good condition. Stairs should have a min width of 36", max rise of 7 ³/₄", 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.

- Remove all vegetation on and around the building.

- Windows: Replace all broken windows. Windows must be operable and have locking hardware

Electrical: Have a licensed electrical contractor install a new electrical service and re-wire the entire house. Install smoke detectors inside each bedroom and outside each bedroom. If any gas appliances exist, then CO detectors need to be installed outside the bedrooms. Install 2 separate 20 amp circuits in the kitchen, 20 amp

laundry circuit, 220 V circuit for electric range if gas is not provided. Install 2 exterior outlets at grade. One in front, one in back.

Note: Only the exterior of this building has been inspected and only partially visible. 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 22nd Day of August, 2017.

Sincerely,

**David R. Chapman
Building Inspector**

COMMENTS - Current 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.

1408 Monroe Avenue

Attachment: Photos of 1408 Monroe Avenue (2426 : Public Hearing for Demolition - 1408 Monroe Avenue)







**City Council**204 South 7Th Street
Opelika, AL**SCHEDULED****GENERAL BUSINESS (ID # 2504)**

Meeting: 11/07/17 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 2504

Public Hearing, Amend Towne Lake PUD Master Plan, Towne Lake Parkway

The public hearing concerns an amendment to the 2000 Towne Lake PUD master plan. The amendment effects 54.7 acres of the 170-acre Towne Lake PUD development. The amendment is to replace the 102-single family-patio home lots and 190 apartment units approved with 127 single family homes; the density decreases from 5.86 dwellings per acre to 2.38 dwelling acres. The request also includes removing a "walking/jogging trail"; the trail was an amenity for residents of the patio homes and apartments. At the September 26th meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to City Council to approve the amendment to the master plan (See Planning Commission report and map attached).

COMMENTS - Current Meeting:

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

City of Opelika

Planning Commission Report

Action Requested: Amendment to Towne Lake PUD Master Plan

Location of Property: Towne Lake Parkway

Property Owner(s): Broadview Properties Family
Blake Rice, PE, authorized representative

Current Land Use: Undeveloped

Current Zoning: PUD (Planned Unit Development)

Staff Comments:

At the January 4, 2000 meeting, the City Council approved the rezoning of the Towne Lakes PUD development. The 170-acre master plan consisted of single family homes, patio homes, apartments and commercial development near Columbus Parkway. Since 2000 about sixty single family homes (15,200 sf to 55,000 sf lot size range, 85' lot width on 58 acres) have been constructed or under construction. Now, the applicant believes single family are more favorable and in greater demand than the patio homes or apartments that were approved on the 2000 master plan. Therefore, the applicant is requesting an amendment to the 2000 Towne Lake Master plan to replace the proposed 102 single family-patio home lots (50' lot width, 5,200 to 7,400 sf range of lot sizes) & 190 apartment units (on 19 acres) with 128 single family homes (60' to 90' lot width, 9,140 sf to 35,700 sf - range of lot sizes on 54.7 acres). (See Current Master Plan and Proposed Amendment Master Plan attached.) The proposed amendment from patio homes & apartments to single family homes decreases the density from 5.86 dwelling units per acre to 2.38 dwelling units per acre. The applicant also requests removing the "walking/jogging trail" as shown on the 2000 Master Plan. The trail primarily provides an amenity to occupants of the patio home and apartments units. The trail is located adjacent to the patio homes and apartment units.

Staff recommendation

The amendment decreases the total 292 dwelling units (patio homes + apartment units) approved in 2000 to 128 units; the density is reduced from 5.86 dwelling units per acre to 2.38 dwelling units per acre for the 54.7-acre area. The proposed change improves compatibility with the existing 60 single family homes and decreases projected traffic volumes entering & existing the neighborhood. **Staff recommends a positive recommendation be sent to City Council to approve the amendments to the 2000 Towne Lake master plan by replacing the patio homes & apartments with single family homes, and remove the "walking/jogging trail" as shown on the 2000 Master Plan.**

At the September 26th meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to the City Council to amend the Towne Lake Master Plan as stated in the above report.

This is a request to advertise for a City Council public hearing for amendments to the master plan.

Towne Lake PUD Master Plan
Approved on Jan 4, 2000
Ordinance #100-00

Boundary area of Amendments to the
Towne Lake Master Plan, 54.7 Acres

SCALE 1"=200'

Interstate 85

North Uniroyal Road

Beauford Drive

East Towne Lake Circle

Towne Lake Parkway

WALKING/JOGGING TRAILS

WALKING/JOGGING TRAILS

APARTMENTS
19.1 ACRES
10 UNITS PER ACRE

PATIO HOMES
50 LOTS
30.1 ACRES
OR 60 ACRES LOTS

COMMERCIAL OFFICE
21.8 ACRES

Columbus Parkway

scale	1"=200'
job number	4-5-060
drawn by	KJC
date	11-05-99
revised	
revised	
sheet number	

PUD
Towne Lake Subdivision
Opelika, Alabama



GOODWYN, MILLS & CAWOOD, INC.
ENGINEERS • ARCHITECTS • PLANNERS • SURVEYORS
125 Interstate Park Drive, P.O. Box 3605, Montgomery, Alabama 36109-
Phone: (334) 271-3200 Fax: (334) 272-

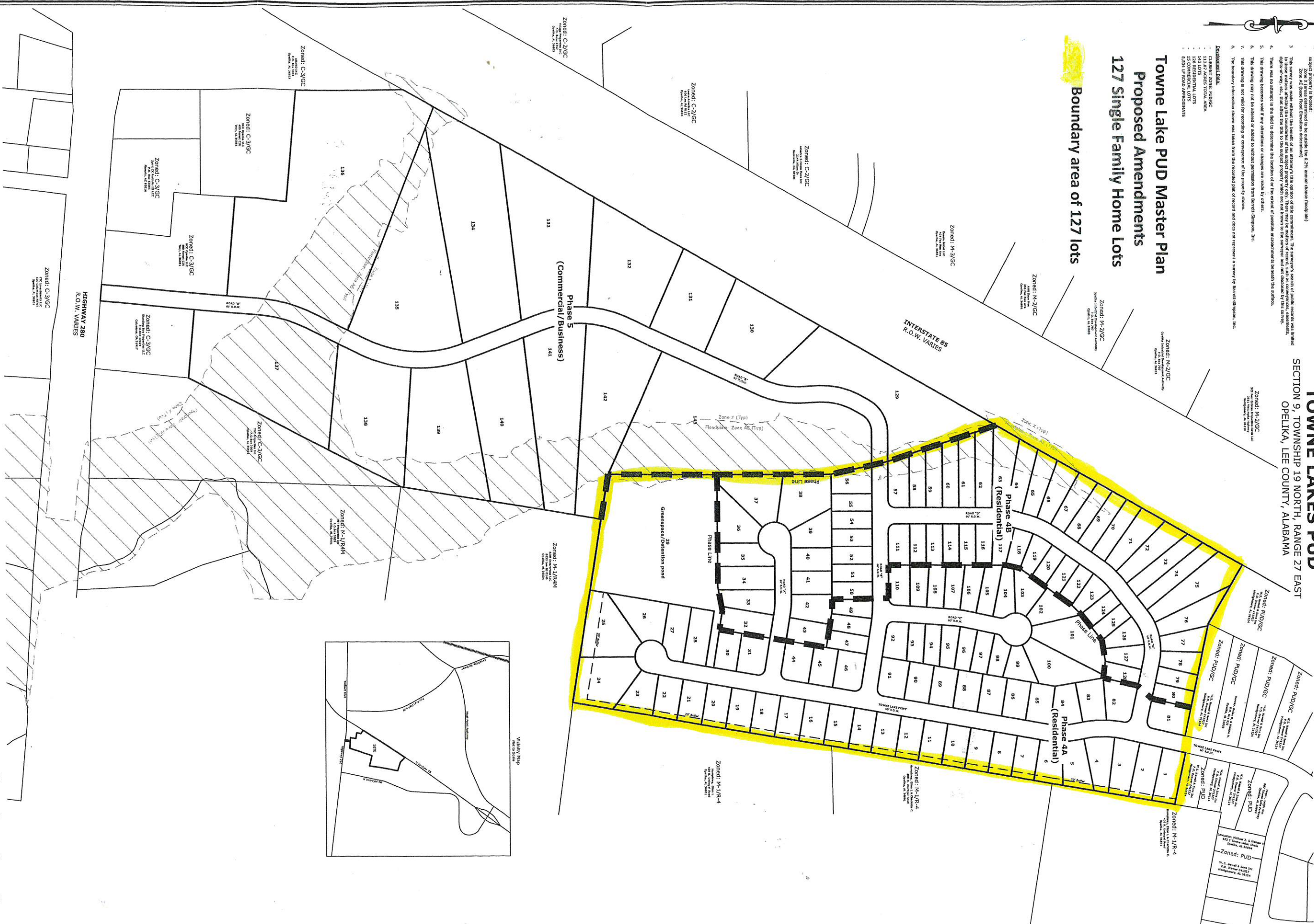
ZONING EXHIBIT OF

TOWNE LAKES PUD
SECTION 9, TOWNSHIP 19 NORTH, RANGE 27 EAST
OPELIKA, LEE COUNTY, ALABAMA /

1. Survey North is on plat of record and information provided by owner.
 2. Located to the NW 1/4 Sec. 8W7P, T106N, R19E, S10E, 0.0481 COBOL# 0.0191 COBOL#, effective November 2, 2011, the survey was made by Robert L. Harty.
 3. The survey zone Z lies determined to be outside the 0.2% annual chance floodplain) Zone Rd. (area pool contains wetlands).
 4. This survey was made without the benefit of the attorney's title opinion of title commitment. The attorney's title opinion of title commitment is as follows:
The surveyor has examined the public records and the title insurance policy covering the subject property and has found no other recorded interests or claims against the property which would affect the title to the subject property which he is not known to the surveyor and not disclosed by this survey.
There was no attempt in the field to determine the location of or the extent of possible encroachments beneath the surface.
 5. This drawing becomes void if any alterations or changes are made by others.
 6. This drawing may not be altered or added to without permission from Barrett-Simpson, Inc.
 7. This drawing is not valid per se concerning or compliance of the property zoning.
 8. The boundary information shown was taken from the recorded plat of record and does not represent a survey by Barrett-Simpson, Inc.
- DESCRIPTIVE DATA:**
- CURRENT ZONE: MUDCG
11.07 ACRES TOTAL AREA
12.01 ACRES FLOODPLAIN
15 CONVEYANCE LOTS
15 CONVEYANCE LOTS
0.241 IF ROAD APPROXIMATE

**Towne Lake PUD Master Plan
Proposed Amendments
127 Single Family Home Lots**

Boundary area of 127 lots



B

BARRETT-SIMPSON, INC.
Engineers & Land Surveyors

756 12th STREET, PRINCE CITY, AL 36068 (PH 334-397-3423, FAX 334-397-3446)
211 WALDOX STREET, LEBANON, AL 36027 (PH 334-657-4357, FAX 334-687-8828)
225 SOUTH 8th STREET, OPELETA, AL 36601 (PH 334-745-7056, FAX 334-745-4307)

DATE: 16 AUG, 2017
FILE: TOWNE LAKES 4
FIELD BY: N/A

SCALE: 1"=150'
PROJECT NO: 17-0206
FIELD OK: N/A

DRAWN BY: JAH, THH
DRAWING NO: 17-0206

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, November 7, 2017, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 S. 7th Street, Opelika, Lee County, Alabama.

PURPOSE

The purpose of said Public Hearing will be to consider the adoption of an ordinance to amend the Development Plan for Towne Lakes Subdivision PUD. The Development Plan for Towne Lake Subdivision PUD was approved by the City Council as required by Section 8.18(n) of the Zoning Ordinance of the City. At said Public Hearing all who desire to be heard shall have the opportunity to speak for or in opposition to the adoption of the following ordinance:

ORDINANCE NO. _____

ORDINANCE TO AMEND THE DEVELOPMENT PLAN FOR TOWNE LAKE SUBDIVISION PUD

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

Section 1. FINDINGS. The City Council has determined and hereby finds and declares that the following facts are true and correct:

- (a) W.S. Newell & Sons heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “Towne Lake Subdivision PUD” consisting of approximately 170.658 acres.
- (b) Pursuant to Ordinance No. 100-00, the City Council approved said Development Plan for Towne Lake Subdivision PUD and amended the Official Zoning Map of the City to designate the zoning classification of Planned Unit Development (“PUD”) for approximately 170.658 acres located north of U.S. Highway No. 280 & 431 (Columbus Parkway), west of North Uniroyal Road and east of Interstate Highway No. 85.

(c) Broadview Properties has heretofore submitted to the City a proposed amended Development Plan for the approximately 19.1 undeveloped acres of Towne Lake Subdivision PUD.

(e) The proposed amended Development Plan provides for replacing the patio homes and apartments with 128 single-family homes and removing the walking/jogging trail as shown on the 2000 Master Plan. The proposed amendment from patio homes and apartments to single-family homes decreases the density from 5.86 dwelling units per acre to 2.38 dwelling units per acre.

(f) The Planning Commission of the City of Opelika heretofore conducted a public hearing on the proposed amended Development Plan.

(g) The Planning Commission recommended approval of the amended Development Plan for Towne Lake Subdivision PUD.

(h) It is advisable and in interest of the City and the public interest that the amended Development Plan be approved.

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

Section 3. Retention of Copies of the Amended Development Plan. Copies of the amended Development Plan shall be maintained in the office of the City Clerk, City Planner, City Engineer, and Building Official and shall be open for public inspection.

Section 4. Repealer. That any ordinance or part thereof in conflict with the provisions of this Ordinance be and the same are hereby repealed.

Section 5. Effective Date. This Ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 6. Publication. This Ordinance shall be published one (1) time in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

WITNESS my hand this the ____ day of _____, 2017.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

Opelika, Alabama 36801

Please publish the foregoing Notice one (1) time in the October ____, 2017 issue of your paper.

CITY CLERK



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

GENERAL BUSINESS (ID # 2590)

Meeting: 11/07/17 07:00 PM
Department: City Clerk
Category: Request / Temp Street Closure
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:
DOC ID: 2590

Request temporary street closure, 2017 Victorian Front Porch Tour.

Dear Bob,

As we discussed, attached you will find the **Barrier Locations for the 2017 Victorian Front Porch Tour.**

Please submit to the Opelika City Council for their approval for the closing of the streets for the 2017 Opelika Victorian Front Porch Tour. This will be our 24th year.

The 2016 tour will be December 6 through December 10, 2017

Driving Tour: December 6,7,8 and 10th - 2017 - 5:00 pm till 10:00 pm.

Walking Tour: December 9, 2017 - 6:00 till 9:00 PM

Thank you so much for all you do!!!

Best regards!

Roger Bell

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

Barrier Locations

Opelika Victorian Front Porch Tour-2017 Walking Tour - Saturday - December 9, 2017

2nd Avenue - North 8th Street & North 9th Street Close off Traffic during Walking Tour

3rd Avenue - North 7th Street & North 9th Street

4th Avenue – North 7th Street & North 10th Street

North 7th Street and end of Ingram Court

5th Avenue – North 7th & North 10th Street

6th Avenue – North 7th & North 10th Street

7th Avenue – North 9th Street

7th Avenue – North 8th Street and 7th Avenue



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 272-17

Meeting: 11/07/17 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 2571

Police Uniforms - PD

RESOLUTION NO. _____

WHEREAS, the Purchasing Department opened sealed bids for Police Uniforms for the Police Department; and

WHEREAS, Galls, LLC submitted the sole bid meeting specifications; and

WHEREAS, this is a budgeted purchase;

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

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

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:	Patricia Jones, President Pro-Tem
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith

FACT SHEET

SUBJECT: Sealed Bids – Bid #18001 – We are asking the council to approve a contract for Police Uniforms

FACTS:

- Bid opening date – 10/30/17
- User Department – Police
- The bid was mailed to 16 vendors
- 1 bid was received
- Budgeted purchase
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the contract be awarded to Galls, LLC on their sole bid meeting specifications on an as needed basis.**

1 BID RECEIVED

	ITEM 31: PARADE HAT, BAYLY, STYLE 09NM3A0, MIDNIGHT NAVY					
	ITEM 32: PARADE HAT, BAYLY, STYLE 09NM8B3, MIDNIGHT NAVY					
	ITEM 33: HAT STRAP, BAYLY, MODEL 7035, SILVER					
	ITEM 34: HAT STRAP, BAYLY, MODEL 8519, PERMAGOLD					
	ITEM 35: HAT RAIN COVER, CLEAR PLASTIC W/ VISOR, BAYLY, MODEL 9235					
	ITEM 36: CAP BUTTONS, BAYLY, STYLE "P", SILVER AND GOLD					
	ITEM 37: DRESS TIE, SAMUEL BROOM, STYLES 90010 & 90051, DARK NAVY					
	ITEM 38: REFLECTIVE SAFETY VEST, FLYING CROSS, STYLE 71500P, YELLOW					
	ITEM 39: GLOVES, FRISKMASTER, STYLE FM2000					
	ITEM 40: GLOVES, HATCH, STYLE #WG1000S, WHITE					

VENDOR	ITEM 31	ITEM 32	ITEM 33	ITEM 34	ITEM 35	ITEM 36	ITEM 37	ITEM 38	ITEM 39	ITEM 40	
ALL STAR GRAPHICS AND EMBROIDERY											
ARAMARK UNIFORM SERVICES											
ATHLETIC DEPARTMENT											
AZARS UNIFORMS INC											
BONNER'S UNIFORMS											
G & K SERVICES INC											
KROWN USA INC											
MIXEDWORLD.ME											
PLAY IT AGAIN SPORTS											
PSTC 911 CARES											
RIP IT SPORTS											
TIGER RAGS											
UNIFIRST CORP											
VICTORY DESIGNS											
Gall's LLC	\$ 40.00	\$ 95.00	\$ 7.00	\$ 7.00	\$ 3.50	\$ 1.25	\$ 4.00	\$ 43.00	\$ 45.00	\$ 5.25	



City Council

204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 273-17

Meeting: 11/07/17 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 2570

SUB 4 CIRCUIT #43 12KV UPGRADE - OPS

RESOLUTION NO. _____

WHEREAS, the Purchasing Department opened sealed bids for a contract for the Sub 4 Circuit #43 12kV Upgrade for Opelika Power Services; and

WHEREAS, Irby Construction Co. submitted the lowest bid meeting specifications; and

WHEREAS, this is a budgeted purchase;

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

1. That the contract be awarded to Irby Construction Co. on their low bid meeting specifications.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Irby Construction Co. in the amount of \$295,101.00.
3. That the Controller be authorized to adjust the budget as necessary for this contract.
4. That the Mayor is hereby authorized to execute 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:	David Canon, Council Member
SECONDER:	Dozier Smith T, Council Member
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith

FACT SHEET

SUBJECT: Sealed Bids – Bid #17040 – We are asking the council to approve a contract for the Sub 4 Circuit #43 12kV Upgrade

FACTS:

- Bid opening date – 10/17/17
- User Department – Power Services
- The bid was mailed to 30 vendors
- 2 bids were received
- Budgeted purchase
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the contract be awarded to Irby Construction Co. on their low bid meeting specifications in the amount of \$295,101.00.**

BID# 17040 DATE: 10/17/17 DEPT: POWER SERVICES			30 VENDORS INVITED	
DESCRIPTION: SUB 4 CIRCUIT #43 12kV UPGRADE			2 BIDS RECEIVED	
VENDOR	TOTAL PRICE	TERMS	DISC	
ALTEC INDUSTRIES INC				
AMERICAN MAINTENANCE & RENOVATION				
ATLANTIC ENGINEERING GROUP				
AUBURN AUTOMATION				
AUBURN ELECTRICAL CONSTRUCTION INC				
BATSON-COOK CO				
BBA ELECTRIC INC				
BEEHIVE CONSTRUCTION LLC				
CONSTANTINE ENGINEERING INC				
CORBITT POWER & LIGHT				
COUCH READY MIX USA				
EAST AL ELECTRIC INC				
FASTENAL CO				
FLOYD SERVICE CO INC				
H D SUPPLY POWER SOLUTIONS LTD				
INFRATECH CORP				
INLINE ELECTRIC SUPPLY				
INSTRUMENT TECHNICAL SERVICES				
IRBY CONSTRUCTION CO	\$ 295,101.00	--	--	
JLD ENTERPRISES LLC				
MARABLE-PIRKLE INC				
OLDCASTLE PRECAST INC				
PFM INC				
PIKE ENERGY SOLUTIONS				
RELIABLE EQUIPMENT & SERVICE				
SERVICE ELECTRIC CO	\$ 540,625.00	--	--	
SOUTHERN ELECTRIC CORP				
SUMTER UTILITIES INC				
TALLAPOOSA RIVER ELECTRIC COOP				
WHITE'S PAINTING & RESTORATION				

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 # 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. 274-17

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
-----	-----	-----
Robert Noles	IT	498.62
Tony Aycock	IT	498.62
Scott Parker	Eng.	270.70
Rachel Dennis	Planning	123.06
Dozier Smith T	City Council	268.90
David Canon	City Council	264.78

-) 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

Robert Noles

DEPARTMENT

IT

PERIOD ENDING

10/23/17-10/27/17

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAINMENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST Itemize Below	LUNCH Itemize Below	DINNER Itemize Below			
SUN												0.00
MON 10/23	Myrtle Beach, SC					249.31						249.31
TUE												0.00
WED												0.00
THU												0.00
FRI 10/27	Myrtle Beach, SC					249.31						249.31
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	498.62	0.00	0.00	0.00	0.00	0.00	498.62

WEEKLY TOTAL EXPENSES

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

NUMBER OF DAYS AWAY FROM HOME

5

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

Southern Software Conference

METHOD OF REIMBURSEMENT

DEDUCT FROM
MY ADVANCE

MAIL TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
10/23	466 Miles 53.5	249.31
10/27	466 Miles	249.31

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

Mileage

EXPENSE REPORT

NAME

DEPARTMENT

PERIOD ENDING

Tony Aycock

Information Technology

10/23/17 thru 10/27/17

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAINMENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUBLIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN												0.00
MON	Opelika, AL/Myrtl Beach, SC					249.31						249.31
TUE												0.00
WED												0.00
THU												0.00
FRI	Myrtl Beach, SC/Opelika AL					249.31						249.31
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	498.62	0.00	0.00	0.00	0.00	0.00	498.62

WEEKLY TOTAL EXPENSES

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

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
10/24	mileage (466 Miles)	249.31
10/28	mileage (466 Miles)	249.31

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

NUMBER OF DAYS AWAY FROM HOME

5

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

Southern Software Conference



Tony Aycock



Information Technology

SIGNATURE

APPROVED BY

EXPENSE REPORT

PERIOD ENDING

NAME

Scott Parker

DEPARTMENT

Engineering

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS Itemize Below			ENTERTAIN- MENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN												0.00
MON 10/2												0.00
TUE 10/3												0.00
WED 10/4						135.35						135.35
THU 10/5												0.00
FRI 10/6						135.35						135.35
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	270.70	0.00	0.00	0.00	0.00	0.00	270.70

WEEKLY TOTAL EXPENSES

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

NUMBER OF DAYS AWAY FROM HOME

3

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

To attend a conference on Urban Forestry

AUFH ANNUAL CONFERENCE

25518 PERDIDO BEACH
BLVD

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE☒ MAIL TO

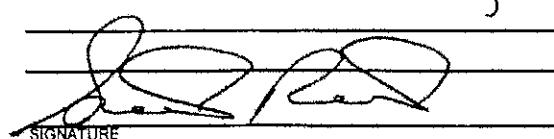
ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC	AMOUNT
10/4	253	135.35
10/6	253	135.35

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

Scott Parker - Engineering



SIGNATURE

APPROVED BY

EXPENSE REPORT

NAME

Name Rachel Dennis

DEPARTMENT

Department - Planning - Mileage for APA AL/MS Conference in B'ham

PERIOD ENDING

October 4-6, 2017

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAINMENT Itemize Below	MISC EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC.	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN												0.00
MON												0.00
TUE												0.00
WED 10/4	Mileage from Opelika to B'ham					61.53						61.53
THU												0.00
FRI 10/6	Mileage from Opelika to B'ham					61.53						61.53
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	123.06	0.00	0.00	0.00	0.00	0.00	123.06

WEEKLY TOTAL EXPENSES

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

NUMBER OF DAYS AWAY FROM HOME

3

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

APA AL/MS Conference - Con't Edu.

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE

☒ MAIL TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
10/4	Mileage-Opelika to B'ham 115 @ .535	61.53
10/6	Mileage-B'ham to Opelika 115 @ .535	61.53

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

Rachel Dennis

700 Fox Trail

Opelika, AL 36801

SIGNATURE

APPROVED BY

NAME
Name Dorice Smith TDEPARTMENT
Department City CouncilEXPENSE REPORT
PERIOD ENDING 10/19/17

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAINMENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC.	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN												
MON												
TUE 11/14	Charlotte		268.90									268.90
WED												
THU												
FRI												
SAT												
WEEKLY CATEGORY TOTALS \$			268.90									268.90

WEEKLY TOTAL EXPENSES

DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	% OR \$ ALLOCATED TO BUSINESS
			Agree To P.O.		
			Exts Verified		
			Footing Verified		
			Inv. Price Bio Price		
			Ok To Pay		
			A/C # Verified		

NUMBER OF DAYS AWAY FROM HOME

5

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

National League of Cities Conferen

NATURE OR PURPOSE OF TRAVEL

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE☒ MAIL TO

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

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

EXPENSE REPORT

David Canon

City Council

October 20, 2017

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

DATE	DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS Itemize Below			ENTERTAINMENT Itemize Below	MISC EXPENSES Itemize Below	DAILY TOTAL
				AIR, RAIL, ETC	RENTAL CAR, LIMO, ETC.	LOCAL TAXI, TOLLS, & PUBLIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
	SUN												\$ -
	MON												\$ -
	TUE												\$ -
	WED												\$ -
	THU												\$ -
10/20/17	FRI	Air Fare Atlanta/Charlotte		\$ 242.90									
		Travel Insurance										\$ 21.88	\$ 264.78
	SAT												\$ -
WEEKLY CATEGORY TOTALS \$			\$ -	\$ 242.90	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 21.88	\$ 264.78

WEEKLY TOTAL OF EXPENSES ↑

NUMBER OF DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

National League of Cities 11/14-11/18

Annual City Summit, Charlotte, NC

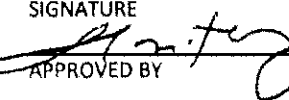
METHOD OF REIMBURSEMENT

MAIL TO:

REGIONS

SIGNATURE

APPROVED BY

ITEMIZED ENTERTAINMENT AND BUSINESS MEALS					
DATE	NAME OF PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE	NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	ALLOCATED TO BUSINESS

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

ITEMIZED MISCELLANEOUS EXPENSES		
DATE	ITEMS	AMOUNT
10/20/17	Travel Insurance	\$ 21.88
	Allianz Global Assist.	

RESOLUTION NO. 275-17

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

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

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

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

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

No.	Qty	Unit	Item Description	Fixed Asset #
1.	1	Ea.	1994 Oldsmobile Cutlass 1G3AG55M1R6433068	N/A
2.	1	Ea.	2004 Honda Accord 1HGCM56304A075492	N/A
3.	1	Ea.	2001 Chevrolet Tahoe 1GNEC13T91R127732	N/A

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

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

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 276-17

Emergency Repair - Truck #762 Engine Replacement - OPS**RESOLUTION NO. _____**

WHEREAS, the City of Opelika Power Services Truck #762 needs a new engine; and

WHEREAS, the new engine is deemed to be an emergency by the Purchasing-Revenue Manager; and

WHEREAS, the only two local vendors provided quotes Rush Mobile Services in the amount of \$23,136.75, and Southland International Trucks of Montgomery, Inc. in the amount of \$24,070.49. Rush Truck Center submitted the lowest quote; and

WHEREAS, the cost of the repair will come from OPS Capital Outlay;

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

1. That the City Council deem the actions of the Purchasing-Revenue Manager to be correct in awarding the emergency purchase order for an estimated amount of \$23,136.75.
2. That the purchase order is issued to Rush Truck Center in the amount of \$23,136.75.
3. That the Mayor be authorized to issue a change order for unforeseen repairs not to exceed 10% of the estimated costs.
4. That the Controller be authorized to adjust the budget as necessary for these repairs.

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



Purchasing Department

Telephone 334-705-5120
Fax 334-705-5128

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

October 30, 2017

RE: Emergency Repair

In route to Winter Park Florida, to assist with restoration efforts after Hurricane Irma, Truck #762 engine went out and is need of a new engine. Truck #762 is an emergency repair due to the following reasons:

- The current digger truck that is being used in its place cannot set concrete poles safely thereby endangering the safety and well-being of our employees and any citizen that may be in the surrounding area.
- This truck is needed back to meet deadlines to serve new customers, such as Car Tech, and line relocations for Alabama Department of Transportation, both which will require setting several concrete poles.

For the reasons listed above, I am declaring the engine replacement an emergency repair, so we can continue to meet deadlines that our customers want and safely handle our poles to protect not only our employees but the citizens of Opelika and their property.

Sincerely,

Lillie Finley
Purchasing-Revenue Manager
City of Opelika

Attachment: 11-7-17 - EMERGENCY ENGINE REPLACEMENT OPS - CNCL PKT (276-17 : Emergency Repair - Truck #762 Engine Replacement -

REPAIR ESTIMATE

REPAIR DESCRIPTION	LABOR	PARTS	OPTIONAL
RUNNING ENGINE MAXFORCE DT 486 HIGH HORSEPOWER		\$ 17,617.60	\$ 17,617.60
OPEN CRANKCASE KIT		\$ 539.15	\$ 539.15
OIL AND COOLANT		\$ 250.00	\$ 250.00
INSTALL RUNNING ENGINE	\$ 3,780.00		\$ 3,780.00
CLEAN CAC	\$ 350.00		\$ 350.00
NOTES	LABOR TOTAL		\$ 4,130.00
	PARTS TOTAL		\$ 18,406.75
	SUB TOTAL		\$ 22,536.75
	FREIGHT		\$ 250.00
	SHOP SUPPLIES		\$ 350.00
	EPA		
	TAX		
	TOTAL		\$ 23,136.75

Packet Pg. 118

Repair Management
 BY NAVISTAR

SOUTHLAND INTL TRUCKS

1563 MAXWELL BLVD. - MONTGOMERY, AL 36104

Phone: (1) 334-8324102 - Fax: (1) 334-8324941

Estimate Number: 1940391 - RO Number: N/A

Service Writer: Wesley Mathews - Date: 9/29/2017 11:56 AM (C)


**SOUTHLAND
INTERNATIONAL
TRUCKS, INC.**

Currency: USD

Unit No: 762
City Of Opelika

 VIN: 1HTWHAAT0DJ102399
 Model: 7400 SFA 6X4
 Engine: MAXXFORCE DT 300HP/2400 GOV
 Make: International
 Delivered: 6/12/2012
 In Service: 5 Years 3 Months
 Mileage: 14868 Eng Hrs: 0

Recall/AFC: No

 Contact Name: DONNA FLEMING
 Position: service-primary
 Phone: () -
 E-Mail: dfleming@opelika.net
 PO Number: NEED

Operation (Un-Sectioned)	Labor Cost	Parts Cost	Core Charge	Total Cost
Engine Assembly (COMPLETE), Remove & Reinstall (1) ENGINE, REMAN TRIMMED DT466HT 245HP OR ABOVE FRONT SUMP (1) MIS	\$3,348.00	\$18,367.60	\$0.00	\$21,715.60
Road test	\$135.00	\$0.00	\$0.00	\$135.00

Notes: [9/29/2017 11:56 AM] - Dealer: Replace engine per customer

Summary

Parts:	\$18,367.60
Core:	\$0.00
Labor:	\$3,483.00
Shop:	\$348.30
Tax:	\$1,871.50
TOTAL:	\$24,070.40

This estimate is subject to teardown and inspection and is valid for 30 days from date above. I, the undersigned, authorize you to perform the repairs and furnish the necessary materials. I understand any costs verbally quoted are an estimate only and not binding. Your employees may operate vehicle for inspecting, testing and delivery at my risk. You will not be responsible for loss or damage to vehicle or articles left in it. AUTHORIZED BY: _____
 DATE: ___/___/___

RESOLUTION NO. 277-17

Purchase - Two (2) 2018 Ford F150 Pickup Trucks - PD**RESOLUTION NO. _____**

WHEREAS, the Police Department desires to purchase two (2) 2018 Ford F150 Crew Cab 4X2 Pickups with certain options utilizing the State of Alabama Contract #T191A; and

WHEREAS, Stivers Ford Lincoln is the State Contract Vendor for the two (2) 2018 Ford F150 Crew Cab 4x2 Pickups; and

WHEREAS, this is a budgeted purchase;

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

1. That the purchase be awarded to Stivers Ford Lincoln utilizing the State of Alabama Contract.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Stivers Ford Lincoln in the total amount of \$57,724.00.
3. That the Controller be authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to execute all documents pertaining to this purchase.

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



2018 FORD F150 CREW CAB 4x2 PICKUP -- OPELIKA PD

CONTRACT NUMBER: MA999 16000000008

LINE NUMBER: 6 (T191A)

CONTRACT AMOUNT: \$21,851

MODEL SERIES

W1C

ORDER CODE

100A

INCLUDES: 3.3L V6 290 Horsepower FFV Engine, 6 Spd Auto, 4x2, 145" Wheelbase, 5.5' Box, Rear View Camera,
4 Wheel Disc Brakes w/ ABS, Tilt Wheel, Air Conditioning, Vinyl Flooring, 245/70R17 AS
AM/FM Radio, Cloth 40/20/40 Seat, Air Bags-Front & Safety Canopy Side Curtain Airbags
Auto Start Technology; **NOTE** -- 3.3L Engine n/a with 157" wheelbase

SELECTED OPTIONS

STATE CONTRACT PRICE (T191A)

100A Standard Equipment
53A Trailer Tow Package
85A Power Windows, Mirrors, Door Locks & Tail Gate Lock
SM4 All Weather Rubber Mats-Heavy Duty

\$ 21,851	X
incl	X
\$ 595	X
\$ 1,170	X
\$ 149	X

DRIVE TRAIN:

995 5.0L V8 -- 385 horsepower - w/ 10 speed Automatic
XL3 - 3.31 Electronic-Locking Axle

\$ 1,995	X
\$ 420	X

OTHER OPTIONS:

50S Cruise Control
86A Appearance Package - 17" Silver Painted Aluminum Wheels; Chrome Front & Rear Bumpers; Fog Lamps
CAM Camper Shell

\$ 225	X
\$ 775	X
\$ 1,682	X

EXTERIOR COLOR:

G1 Shadow Black

NC	X
----	---

INTERIOR OPTION:

CG Cloth 40/ 20 /40 Front & Rear Seat - Medium Earth Gray

Std	X
-----	---

TOTAL VEHICLE (Required)

\$ 28,862

STATE CONTRACT TERMS:

PAYMENT DUE AT TIME OF DELIVERY

X2
\$57,724.00

SIGNATURE: (Required)

DATE (Required):

PURCHASE ORDER NUMBER: (Required)

Quantity:



**State of Alabama
Department of Finance
Division of Purchasing
Master Agreement
Modification**

CONTRACT INFORMATION**MASTER AGREEMENT NUMBER:** MA 999 160000000008**NOT TO EXCEED AMOUNT:**

Begin Date: 11/17/2015

Procurement Folder: 4404

Expiration Date: 11/15/2017

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 09/27/16

Version Number: 6

CONTACT INFORMATION**REQUESTOR:**

Crist Watts

334-242-4291

crist.watts@purchasing.alabama.gov

ISSUER:

Crist Watts

334-242-4291

crist.watts@purchasing.alabama.gov

BUYER:**CONTRACT DESCRIPTION**

T191A - VEHICLES, ALTERNATIVE FUEL-E85

Ship To:**Bill To:****REASON FOR MODIFICATION****VENDOR INFORMATION****Name /Address:**

VC000042177: Stivers Ford Lincoln

4000 Eastern Boulevard

Montgomery AL 36116

Contact:

Billy Bruce

3346135000 EXT: 5056

Bbruce@Stiversonline.Com

COMMODITY / SERVICE INFORMATION

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
1	0	EA	\$20,244.000000	\$0.00			\$0.00	\$0.00
07006530000 - AUTOMOBILES, FULL SIZE, 4 DOOR SEDAN, ALTERNATIVE FUELED OEM AUTOMOBILES, AF, FULL SIZE, 4 DOOR SEDAN, FORD TAURUS VEHICLE, FULL-SIZE SEDAN, FRONT-WHEELDRIVE, ALTERNATIVE FUELWHEELBASE: 110" MINIMUMENGINE: V6 ONLY4 WHEEL ABSA/C AND HEATAM/FM RADIOAUTOMATIC TRANSMISSIONCRUISE CONTROLPOWER WINDOWS, LOCKS, AND MIRRORSTILT STEERINGMAKE: <u>FORD</u> MODEL: <u>TAURUS</u>								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
2	0	EA	\$23,989.000000	\$0.00			\$0.00	\$0.00
07042780000 - UTILITY VEHICLE, PASSENGER, 2 WHEEL DRIVE, GAS/ETHANOL (FLEX UTILITY VEHICLE, PASSENGER, 2 WHEEL DRIVE, FORD EXPLORER VEHICLE, MID-SIZE SUV, ALTERNATIVE FUEL,2-WHEEL DRIVE, 7 PASSENGER MINIMUMWHEELBASE: 105" - 115.9"ENGINE: V64 WHEEL ABSA/C AND HEAT - FRONT AND REARAM/FM RADIOAUTOMATIC TRANSMISSIONCRUISE CONTROLPOWER WINDOWS, LOCKS, AND MIRRORSTILT STEERINGMAKE: <u>Ford</u> MODEL: <u>Explorer</u>								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
3	0	EA	\$25,787.000000	\$0.00			\$0.00	\$0.00
07042780000 - UTILITY VEHICLE, PASSENGER, 2 WHEEL DRIVE, GAS/ETHANOL (FLEX UTILITY VEHICLE, PASSENGER, 4 WHEEL DRIVE, FORD EXPLORER VEHICLE, MID-SIZE SUV, ALTERNATIVE FUEL,4-WHEEL DRIVE, 7 PASSENGER MINIMUMWHEELBASE: 105" - 115.9"ENGINE: V64 WHEEL ABSA/C AND HEAT - FRONT AND REARAM/FM RADIOAUTOMATIC TRANSMISSIONCRUISE CONTROLPOWER WINDOWS, LOCKS, AND MIRRORSTILT STEERINGMAKE: <u>Ford</u> MODEL: <u>Explorer</u>								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
4	0	EA	\$17,709.000000	\$0.00			\$0.00	\$0.00
07048740000 - TRUCKS, PICKUP, ALTERNATIVE FUELED OEM VEHICLE, LPG/GASOLINE TRUCKS, PICKUP, GVRW 4900, REG. CAB 4X2 FORD F-150 VEHICLE, MID-SIZE TRUCK, ALTERNATIVEFUEL, REGULAR CAB, 4 X 2GVWR: 4,900 MINIMUMENGINE: 4-CYLINDER4 WHEEL ABSA/C AND HEATAM/FM RADIOAUTOMATIC TRANSMISSIONTILT STEERINGMAKE: <u>Ford</u> MODEL: <u>F-150</u>								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
5	0	EA	\$20,599.000000	\$0.00			\$0.00	\$0.00
07048740000 - TRUCKS, PICKUP, ALTERNATIVE FUELED OEM VEHICLE, LPG/GASOLINE TRUCKS, PICKUP, GVRW 4900, REG. CAB 4X4 FORD F-150 VEHICLE, MID-SIZE TRUCK, ALTERNATIVEFUEL, REGULAR CAB, 4 X 4GVWR: 4,900 MINIMUMENGINE: 4-CYLINDER4 WHEEL ABSA/C AND HEATAM/FM RADIOAUTOMATIC TRANSMISSIONTILT STEERINGMAKE: <u>FORD</u> MODEL: <u>F-150</u>								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
6	0	EA	\$21,851.000000	\$0.00			\$0.00	\$0.00
07048740000 - TRUCKS, PICKUP, ALTERNATIVE FUELED OEM VEHICLE, LPG/GASOLINE TRUCKS, PICKUP, GVRW 4900, CREW CAB 4X2 FORD F-150 VEHICLE, MID-SIZE TRUCK, ALTERNATIVEFUEL, CREW CAB, 4 X 2GVWR: 4,900 MINIMUMENGINE: 4-CYLINDER4 WHEEL ABSA/C AND HEATAM/FM RADIOAUTOMATIC TRANSMISSIONTILT STEERINGMAKE: <u>Ford</u> MODEL: <u>F-150</u>								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
7	0	EA	\$24,936.000000	\$0.00			\$0.00	\$0.00
07048740000 - TRUCKS, PICKUP, ALTERNATIVE FUELED OEM VEHICLE, LPG/GASOLINE TRUCKS, PICKUP, GVRW 4900, CREW CAB 4X4 FORD F-150 VEHICLE, MID-SIZE TRUCK, ALTERNATIVEFUEL, CREW CAB, 4 X 4GVWR: 4,900 MINIMUMENGINE: 4-CYLINDER4 WHEEL ABSA/C AND HEATAM/FM RADIOAUTOMATIC TRANSMISSIONTILT STEERINGMAKE: <u>FORD</u> MODEL: <u>F-150</u>								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
8	0	EA	\$19,682.000000	\$0.00			\$0.00	\$0.00
07048740000 - TRUCKS, PICKUP, ALTERNATIVE FUELED OEM VEHICLE, LPG/GASOLINE TRUCKS, PICKUP, GVRW 4900, EXTENDED CAB 4X2 FORD F-150								

RESOLUTION NO. 278-17

Purchase - Three (3) Zero Turn Mowers - PW/ESG**RESOLUTION NO. _____**

WHEREAS, the Public Works/ESG Department desires to purchase three (3) Zero Turn Mowers utilizing the State of Alabama Contract #T225; and

WHEREAS, Capital Tractor, Inc. is the State Contract Vendor for the Zero Turn Mowers; and

WHEREAS, this is a budgeted purchase;

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

1. That the purchase be awarded to Capital Tractor, Inc. utilizing the State of Alabama Contract.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Capital Tractor, Inc. in the total amount of \$22,531.86.
3. That the Controller be authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to execute all documents pertaining to this purchase.

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

QUOTATION OR SALES AGREEMENT

SOLICITATION:

FROM: CAPITAL TRACTOR, INC. 1498 FURNACE STREET MONTGOMERY, AL 36104 PHONE 334-264-0086/1-800-239-3112	TO: City of Opelika Attn: Bruce Boyd
---	---

DATE: 10/5/17	DELIVERY: 30 Days
TERMS: Net	PRICES QUOTED ARE F.O.B.:

WE ARE PLEASED TO QUOTE YOU ON YOUR ORDER AS FOLLOWS:

QUANTITY	DESCRIPTION	PRICE	NET
T225	State Contract # 4013275		
Line 39	ZD326-H-72 Zero Turn Mower	\$15,878.00	\$12,384.83
Line 40	Options Less 21%		
	Delete "D3", Add "7"	(\$5,065)	(\$3,950.38)
	Delete "H-72" Add "60"	-\$1,184.39	-\$923.83
	Sub Total	\$9,628.61	\$7,510.62
	x3 Units		\$22,531.86
	Upgrade to Z726X-60 Zero Turn Mower		
Quoted By:	Will Sellers	SUBTOTAL:	\$22,531.86
	Office: (334) 264-0086	TAX	\$0.00
		TOTAL W/TAX:	\$22,531.86

Comments:	2 Keys, Manuals. 1/4 Tank, Delivered	FX801V Kawasaki Engine
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State of Alabama
Department of Finance
Division of Purchasing
Master Agreement
Modification

13.7.a

CONTRACT INFORMATION

MASTER AGREEMENT NUMBER: MA 012 T2254013275

NOT TO EXCEED AMOUNT:

Begin Date: 05/27/2015

Procurement Folder: 11064

Expiration Date: 05/26/2018

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 05/26/17

Version Number: 5

CONTACT INFORMATION

REQUESTOR:

Staars Conversion
5555555555

ISSUER:

Staars Conversion
5555555555

BUYER:

CONTRACT DESCRIPTION

Converted ATC from SNAP. Original Contract Date 2015/06/02

Open the attached pdf to view complete contract details. Buyer Information Buyer ID: crist.watts Buyer Name: Crist Watts Buyer Phone Number: 867-555-5309B

EmailId: crist.watts@purchasing.alabama.gov

Ship To:

ALA DEPT OF TRANSPORTATION PROCUREMENT OFFICE
1409 COLISEUM BLVD.
ROOM B-101
MONTGOMERY AL 36110

Bill To:

Shipping Instructions: 45 DAYS ARO

REASON FOR MODIFICATION

VENDOR INFORMATION

Name /Address:

VC000055391: Capital Tractor Inc.

1498 Furnace St

Montgomery AL 36104

Contact:

Ben Greer
334-264-0086
bgreer@capitaltractor.com

Attachment: 11-7-17 - THREE (3) ZERO TURN MOWERS - STATE CONTRACT T225 - CNCL PKT (278-17 : Purchase - Three (3) Zero Turn Mowers

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
39	0	EA	\$12,384.830000	\$0.00			\$0.00	\$0.00

51545083580CNV - DO NOT USE: To be inactivated.
 MOWER, COMMERCIAL, ZERO TURN RADIUS;
 MOWER, COMMERCIAL, ZERO TURN RADIUS;
 MID-MOUNT MOWER DECK; 72" CUTTING WIDTH;
 TRUE ZERO TURN RADIUS; DIESEL ENGINE,
 3-CYLINDER, MINIMUM 25 HP, MAXIMUM 35
 HP; AUTOMATIC OR HYDROSTATIC DRIVE;
 MINIMUM 12.0 GALLON FUEL TANK; MOWER
 DECK MINIMUM 7-GAUGE REINFORCED STEEL
 WITH MINIMUM 7-GA. SKIRTS; CUTTER DECK
 TO BE DRIVEN BY PTO SHAFT; CUTTING
 HEIGHT ADJUSTMENT TO BE HAND- OR FOOT-
 OPERATED, OR HYDRAULIC ASSIST; MINIMUM
 BLADE TIP SPEED 16,000FPM; HIGH BACK
 ADJUSTABLE SEAT WITH ARMRESTS;

\$ _____ - _____ = \$ _____
 MSRP DISCOUNT BID PRICE

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
40	0		\$0.000000	\$0.00			\$0.00	\$0.00

51545083581CNV - DO NOT USE: To be inactivated.
 OPTIONAL EQUIPMENT NOT OTHERWISE LISTED
 OPTIONAL EQUIPMENT NOT OTHERWISE LISTED
 UNDER SPECIFICATION TEXT:

MANDATORY OPTIONS OFFERED SHALL INCLUDE
 BUT NOT BE LIMITED TO:

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
49	0	EA	\$13,137.600000	\$0.00			\$0.00	\$0.00

51545092693CNV - DO NOT USE: To be inactivated.
 MOWER, COMMERCIAL, ZERO TURN RADIUS;
 MOWER, COMMERCIAL, ZERO TURN RADIUS;
 MID-MOUNT MOWER DECK; 72" CUTTING WIDTH;
 TRUE ZERO TURN RADIUS; LPG ENGINE,
 3-CYLINDER, MINIMUM 26 HP, MAXIMUM 31
 HP; AUTOMATIC OR HYDROSTATIC DRIVE;
 MINIMUM 33.5# FUEL TANK; MOWER DECK
 MINIMUM 7-GAUGE REINFORCED STEEL;
 CUTTER DECK TO BE DRIVEN BY PTO SHAFT;
 CUTTING HEIGHT ADJUSTMENT TO BE
 HYDRAULIC OPERATED; MINIMUM BLADE TIP
 SPEED 16,000FPM; HIGH BACK ADJUSTABLE
 SEAT WITH ARMRESTS;

\$ _____ - _____ = \$ _____
 MSRP DISCOUNT BID PRICE

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
50	0		\$0.000000	\$0.00			\$0.00	\$0.00

51545092694CNV - DO NOT USE: To be inactivated.
 OPTIONAL EQUIPMENT NOT OTHERWISE LISTED
 OPTIONAL EQUIPMENT NOT OTHERWISE LISTED
 UNDER SPECIFICATION TEXT:

MANDATORY OPTIONS OFFERED SHALL INCLUDE
 BUT NOT BE LIMITED TO: 70" - 74" SIDE-
 DISCHARGE DECK; GRASS COLLECTION SYSTEM;

RESOLUTION NO. 279-17

Weed Abatement Assessment - 407 Hunter Street

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
407 Hunter St., Parcel No. 037.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 407 Hunter St, parcel no. 037.000 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 407 Hunter St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 7th day of November, 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 \$246.98 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 407 Hunter St, Parcel no. 037.000 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 43-09-01-12-4-001-037.000 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.

President of the City Council
City of Opelika, Alabama

Attest:

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

WEED ABATEMENT INVOICE

Date: 10/30/2017

**To: Alan Keith Lafoy
407 Hunter St.
Opelika Al. 36801**

**Property Address:
407 Hunter St.
Opelika Al. 36801
Parcel # 09-01-12-4-001-037.000**

On August 17, 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>234.00</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>246.98</u>

Attachment: 407 Hunter Weed Invoice (279-17 : Weed Abatement Assessment - 407 Hunter Street)

RESOLUTION NO. 280-17

Weed Abatement Assessment - 411 S 4Th St.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
411 S 4th St., Parcel No. 028.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 411 S 4th St., parcel no. 028.000 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 411 S 4th St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 7th day of November, 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 \$143.53 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 411 S 4th St., Parcel no. 028.000 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 43-10-03-08-3-000-028.000 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: 10/27/2017****To: State of Alabama
PO Box 327210
Montgomery Al. 36132****Property Address:
411 S 4th St
Opelika Al. 36801
Parcel # 10-03-08-3-000-028.000**

On September 15, 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>130.55</u>
Certified mail:	<u>12.98</u>
Misc.	<u> </u>
Total	<u>143.53</u>

Attachment: WEED INVOICE 411 S 4th St. (280-17 : Weed Abatement Assessment - 411 S 4Th St.)

RESOLUTION NO. 281-17

Order Demolition - 415 C. Fair Street.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 415 C FAIR STREET, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-2-001-089.000 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 415 C Fair Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-001-089.000, (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, Jeffrey Simon 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, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Jeffrey Simon at 1312 Gwen Mill Drive, 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, November 7, 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 415 C Fair 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, November 7, 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 415 C Fair 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 415 C Fair Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-001-089.000, 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 10, Block No. 8, as shown by plat of survey of “Subdivision of Palmer Property” made by T.B. Chambers, Surveyor, said plat being recorded at Page 11 of Plat Book 2 in the Office of the Judge of Probate of Lee County, Alabama. According to and as shown by map or plat of survey made by James L. McCrory, Surveyor, Registration Number 12493, dated July 6, 1979, known as Fair Street Subdivision, approved by the Opelika Planning Commission, City of Opelika, Lee County, Alabama, and recorded in Subdivision Records in said Probate Office, Lee County, Alabama in Plat Book 10, at Page 150.

Also being further described as Parcel Number 43-10-03-08-2-001-089.000, 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 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: Jeffrey Simon
1312 Gwen Mill Drive
Opelika, AL 36801

RESOLUTION NO. 282-17

Order Demolition - 419 A Fair Street

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 419 A FAIR STREET, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-2-001-086.000 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 419 A Fair Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-001-086.000, (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, Jeffrey Simon 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, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Jeffrey Simon at 1312 Gwen Mill Drive, 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, November 7, 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 419 A Fair 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, November 7, 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 419 A Fair 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 419 A Fair Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-001-086.000, 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 9, Block No. 8, as shown by plat of survey of “Subdivision of Palmer Property” made by T.B. Chambers, Surveyor, said plat being recorded at Page 11 of Plat Book 2 in the Office of the Judge of Probate of Lee County, Alabama. According to and as shown by map or plat of survey made by James L. McCrory, Surveyor, Registration Number 12493, dated July 6, 1979, known as Fair Street Subdivision, approved by the Opelika Planning Commission, City of Opelika, Lee County, Alabama, and recorded in Subdivision Records in said Probate Office, Lee County, Alabama in Plat Book 10, at Page 150.

Also being further described as Parcel Number 43-10-03-08-2-001-086.000, 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 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: Jeffrey Simon
1312 Gwen Mill Drive
Opelika, AL 36801

RESOLUTION NO. 283-17

Order Demolition - 419 B. Fair Street

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 419 B FAIR STREET, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-10-03-08-2-001-086.000 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 419 B Fair Street, Opelika, Alabama, 36801, Parcel I.D. Number: 43-10-03-08-2-001-086.000, (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, Jeffrey Simon 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, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Jeffrey Simon at 1312 Gwen Mill Drive, 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, November 7, 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 419 B Fair 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, November 7, 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 419 B Fair 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 419 B Fair Street, Opelika, Alabama, Parcel I.D. Number: 43-10-03-08-2-001-086.000, 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 9, Block No. 8, as shown by plat of survey of “Subdivision of Palmer Property” made by T.B. Chambers, Surveyor, said plat being recorded at Page 11 of Plat Book 2 in the Office of the Judge of Probate of Lee County, Alabama. According to and as shown by map or plat of survey made by James L. McCrory, Surveyor, Registration Number 12493, dated July 6, 1979, known as Fair Street Subdivision, approved by the Opelika Planning Commission, City of Opelika, Lee County, Alabama, and recorded in Subdivision Records in said Probate Office, Lee County, Alabama in Plat Book 10, at Page 150.

Also being further described as Parcel Number 43-10-03-08-2-001-086.000, 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 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: Jeffrey Simon
1312 Gwen Mill Drive
Opelika, AL 36801

RESOLUTION NO. 284-17

Order Demolition - 1408 Monroe Avenue.

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 1408 MONROE AVENUE, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-09-06-13-1-002-113.000 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 1408 Monroe Avenue, Opelika, Alabama, 36801, Parcel I.D. Number: 43-09-06-13-1-002-113.000, (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, Gwenda Fay (Dorsey) Ingram and Vivian Ann Stephens 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, Gwenda Fay (Dorsey) Ingram and Vivian Ann Stephens are the persons last assessing the subject property for state taxes; and

WHEREAS, Wells Fargo Bank, N.A. is the lienholder of record of the above-described 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 Gwenda Fay (Dorsey) Ingram at 6927 34th Avenue East, Palmetto, FL 34221 and 905 Beauford Drive, Opelika, AL 36804; Vivian Ann Stephens at 6927 34th Avenue East, Palmetto, FL 34221 and Wells Fargo Bank, N.A. at P.O. Box 2394, Mobile, AL 36652; 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, November 7, 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 1401 Geneva 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, November 7, 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 1408 Monroe 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 1408 Monroe Avenue, Opelika, Alabama, Parcel I.D. Number: 43-09-06-13-1-002-113.000, 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:

From the intersection of the West margin of Talladega Street with the North margin of Monroe Street, as the same appears on Totten's Official Real Estate Map of Opelika, Alabama, of record in the Probate office of Lee County, Alabama, Town Plat Book 2, Page 9, proceed West along the North margin of Monroe Street 150.5 feet; thence North 12 degrees 11 minutes West, to the Southeasterly margin of the right-of-way of the western of Alabama Railway, and the point of beginning of the lot here described and conveyed: From said point of beginning proceed South 12 degrees 11 minutes East to the north margin of Monroe Street; thence West along the North margin of Monroe Street, 60 feet; thence North 12 degrees 11 minutes West 248 feet, to the Southeasterly margin of the right-of-way of the Western of Alabama Railway; thence in a Northeasterly direction, along the Southeasterly margin of the right-of-way of the Western of Alabama Railway to the point of beginning, being a part of Block I of the Smith T

Survey as the same is shown on the above-described Totten's Map of the City of Opelika, Alabama.

Also being further described as Parcel Number 43-09-13-1-002-113.000, 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: Gwenda Fay (Dorsey) Ingram
6927 34th Avenue East
Palmetto, FL 34221

Gwenda Fay (Dorsey) Ingram
905 Beauford Drive
Opelika, AL 36804

Vivian Ann Stephens
6927 34th Avenue East
Palmetto, FL 34221

Wells Fargo Bank, N.A.
P.O. Box 2394
Mobile, AL 36652

RESOLUTION NO. 285-17

Contract with Mobile Studios, Carver-Jeter Project, Management Services

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CONTRACT FOR SERVICES
WITH JOCELYN ZANZOT AND DANIEL NEIL, D/B/A MOBILE STUDIO

WHEREAS, Jocelyn Zanzot and Daniel Neil are in the business of providing project management services for neighborhood transformation projects; and

WHEREAS, the City of Opelika, Alabama, a municipal corporation, (the “City”) desires to contract with Jocelyn Zanzot and Daniel Neil, d/b/a Mobile Studio, to serve as the Casey Foundation Community of Hope Project Manager for the Carver-Jeter Neighborhood Project; and

WHEREAS, a proposed Contract for Services 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 Contract.

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

1. That the attached Contract for Services to be entered into between the City and Jocelyn Zanzot and Daniel Neil is hereby approved, authorized, ratified and confirmed.
2. That the Mayor is hereby authorized and directed to execute and deliver said Contract in the name and on behalf of the City of Opelika and the City Clerk is hereby authorized to attest the same.
3. 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

CONTRACT FOR SERVICES

STATE OF ALABAMA
COUNTY OF LEE

THIS CONTRACT FOR SERVICES (the “Contract”) is made and entered into this the ____ day of _____, 2017 by and between Jocelyn Zanzot and Daniel Neil, d/b/a Mobile Studio (hereinafter called the “Contractor”) located at 554 Berkeley Avenue, Auburn, AL 36830 and **THE CITY OF OPELIKA, ALABAMA**, a municipal corporation (hereinafter called the “City”).

In consideration of the mutual covenants contained herein and other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. SCOPE OF SERVICES

The Contractor agrees to serve as the Casey Foundation Community of Hope Project Manager for the Carver-Jeter neighborhood project in Opelika, Alabama.

2. COMPENSATION.

As compensation for services rendered hereunder, the City shall pay to the Contractor the sum of \$20,000, payable in four (4) quarterly installments of \$5,000 each. All invoices for services shall be submitted on a quarterly basis to the City. The City will process and pay said invoices within fifteen (15) days from receipt.

3. COMPLIANCE WITH LAWS.

The Contractor shall adhere to all applicable federal, state and local laws, which may apply to Contractor’s services, including but not limited to, obtaining all business licenses required by state or local law for the conduct of the business and filing all federal, state and local income tax returns.

4. TERM OF CONTRACT.

This Contract is for a term of one (1) year beginning January 1, 2018 and ending December 31, 2018. The services to be provided by the Contractor shall be performed in phases as described in Attachment “A”. At the end of this Contract, the parties may mutually agree to renew and extend this Contract for an additional period of one (1) year.

5. INDEPENDENT CONTRACTOR.

Contractor is an independent contractor. Nothing in this Contract is intended, or should be construed, to create a partnership, agency, joint venture or employment relationship. The Contractor is not authorized to make any representation, contract or commitment on behalf of the City unless specifically requested or authorized in writing to do so by the City. All parties acknowledge that the Contractor is not an employee of the City for state or federal tax purposes, for state unemployment insurance, worker’s compensation or other labor law purposes or for any other purpose. The Contractor shall be responsible for providing its own general liability and worker’s compensation insurance, if required by law.

6. INDEMNIFICATION.

To the fullest extent provided by law, the Contractor shall defend, hold harmless and indemnify the City and its officers, officials and employees from and against all liabilities regardless of nature or type arising out of or resulting from the Contractor’s performance of services under this Contract or any negligent or wrongful act or omission of the Contractor or its employees, agents or subcontractors. Liabilities, subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, fines and judgments, associated investigation and administrative expenses, defense costs, including but not limited to reasonable

attorneys' fees, court costs and costs of alternative dispute resolution. This provision shall survive the termination of the Contract.

7. NON-EXCLUSIVITY.

The City acknowledges that the Contractor may perform services for other clients, persons or companies during the term of this Contract as Contractor sees fit, subject to the terms of this Contract.

8. SEVERABILITY.

If any provision of this Contract is held to be invalid or illegal, such invalidity or illegality does not invalidate the remainder of the Contract. Instead, this Contract is construed as if it did not contain the illegal or invalid part, and the rights and obligations of the parties are construed and enforced accordingly.

8. MODIFICATION OR AMENDMENT.

No amendment, change or modification of this Contract is valid unless in writing and signed by both parties.

9. ENTIRE CONTRACT.

This Contract (consisting of pages 1-4, inclusive) constitutes the entire agreement of the parties and supersedes any and all prior written or oral understandings. By signing below, the parties represent that neither is relying on any promise, guarantee or other statement not contained in this Contract.

IN WITNESS WHEREOF, the parties hereto have executed this Contract in duplicate originals this the ____ day of _____, 2017.

THE CITY OF OPELIKA, ALABAMA

By: _____
GARY FULLER, ITS MAYOR

ATTEST:

ROBERT G. SHUMAN, CITY CLERK

JOCELYN ZANZOT-CONTRACTOR

DANIEL NEIL--CONTRACTOR

RESOLUTION NO. 286-17

Appropriation contract FY2018, Keep Opelika Beautiful.**RESOLUTION NO.** _____**BE IT RESOLVED** by the City Council of the City of Opelika as follows:

) That the proposed CONTRACT FOR SERVICES to be entered into between the City

of Opelika and the Keep Opelika Beautiful, Inc., a copy of which is hereto attached as

Exhibit "A", be and the same is hereby approved, adopted, authorized, ratified and confirmed,

) That Gary Fuller, Mayor of the City of Opelika is hereby authorized and

empowered to execute the foregoing agreement in the name and on behalf of the City of Opelika

and the City Clerk is hereby authorized to affix the corporate seal of the City of Opelika thereto

and to attest the same, and the Mayor shall deliver one copy to the Keep Opelika Beautiful,

Inc., and retain one copy.

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

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

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer

STATE OF ALABAMA
COUNTY OF LEE

CONTRACT FOR SERVICES BETWEEN THE CITY OF OPELIKA

AND

KEEP OPELIKA BEAUTIFUL, INC.

THIS CONTRACT made and entered into by and between the City of Opelika, Alabama, a municipal corporation, (hereinafter referred to as City), and Keep Opelika Beautiful, Inc., a non-profit, benevolent, corporation incorporated the eighth day of January, 1997, (hereinafter referred to as Keep Opelika Beautiful), as of this first day of October, 2017:

In consideration of the agreements herein contained, it is understood between the parties that the City will furnish funding and Keep Opelika Beautiful will provide the following services on behalf of the City:

1. The term of this agreement shall be for a period of one (1) year commencing October 1, 2017, and ending September 30, 2018; provided, however, that this agreement may be renewed hereafter by the mutual agreements of the parties for one year at a time.

2. Keep Opelika Beautiful agrees that it will provide the City the following services as to its part of the overall agreement between the City of Opelika:

- (a) Assist the Mayor, City Administrator, Members of the City Council and various city department heads in developing programs which stimulate all segments of the community to help improve Opelika's physical appearance.
- (b) Through its Beautification Committee recognize and award business and industry in the City of Opelika with Clean Business Awards. Continue to expand the number of sponsors in the Adopt-A-Program.

The program is currently being used in streets and main thoroughfares throughout the City. There are areas in the City that have been currently adopted by eighteen different businesses, civic clubs and neighborhood associations. The goal for 2017-2018 is to add three more organizations to the program. Because of the focus on litter, KOB has requested all Adopt-A-Mile groups to clean their areas 6 times per year.

- (c) Through its Beautification Committee it will create a spirit of community and pride by awarding and recognizing outstanding efforts in individual and neighborhood beautification and improvement to the nature surroundings in the City. Yard of the Year Awards will be presented at City Council meetings. Keep Opelika Beautiful will continue to enhance the City's Azalea and Dogwood Trail.
- (d) Keep Opelika Beautiful will coordinate all meetings and activities of the Opelika Tree Commission. Keep Opelika Beautiful will assist the city in maintaining Tree City status by coordinating Arbor Day, Earth Day and attending Alabama Urban Forestry Association annual conference.
- (e) Keep Opelika Beautiful will continue to coordinate the Opelika Recycle & Shred Day for all residents and businesses in Opelika.
- (f) Continue education and maintaining a litter prevention program utilizing the Keep America Beautiful System, a behavioral approach to changing attitudes and habits about proper solid waste handling. Keep Opelika Beautiful will continue to host the Litter Task Force, a group that analyzes the effects of litter and ways to prevent litter. Keep Opelika Beautiful will continue to offer the annual Citywide Cleanup. In 2017, Keep Opelika Beautiful introduced the "Love Where You Live" campaign to promote litter prevention, beautification and recycling.

- (h) Through its Education Committee Keep Opelika Beautiful will continue to expand its Clean Campus program, with involvement of all City schools during the 2017-2018 school year. Keep Opelika Beautiful will continue to closely with Opelika Environmental Services to provide recycling for all Opelika City Schools. Keep Opelika Beautiful also participates in school sponsored events such as America Recycled Day, Arbor Day and Earth Day.
 - (i) Through its Executive Director assist the Mayor and City Council in public relations effort for the City insofar as it relates to environmental questions and Citizen concerns in the City. The Executive Director will continue to speak to various businesses and civic organizations. Keep Opelika Beautiful will continue to assist the City Engineer and other staff with ADEM reports, including Storm Water Management.
 - (j) Keep Opelika Beautiful continues to assist City of Opelika Environmental Services Department in administering the 2017 ADEM Grant given to the East Alabama Recycling Partnership.
 - (k) Keep Opelika Beautiful will continue to partner with Opelika City School, Auburn University and Food Bank of East Alabama in growing school gardens and donating produce to the Community Market. In 2015-2016, students were employed to assist with the gardens.
3. As compensation for the services to be rendered by Keep Opelika Beautiful, the City of Opelika agrees to pay or provide funds with which to pay Keep Opelika Beautiful during the fiscal year commencing October 1, 2017 and ending September 30, 2018, the sum of thirty-eight thousand (\$38,000) dollars.

4. Notwithstanding any of the provisions of this agreement, it is understood and agreed that the City has no financial responsibility in the business or the affairs of Keep Opelika Beautiful, and the City shall not be liable for any debts or obligations incurred by Keep Opelika Beautiful, nor shall it deemed or construed to be a partner, joint venturer, or participate in or with any of the indebtedness incurred by Keep Opelika Beautiful.

5. Keep Opelika Beautiful shall comply strictly with the laws of the State of Alabama in performing its duties hereunder and in carrying out its activities.

6. Keep Opelika Beautiful agrees that it shall not use any funds received from the City for political activity nor shall it endorse or promote the campaign of any person for political office. Prohibited political activities shall include, but not be limited to, the following:

- (a) Use of its influence for the purpose of interfering with or affecting the results of elections or the nominations of persons for office.
- (b) Use of influence for the purpose of interfering with or affecting the results of partisan referendums.
- (c) Lobbying in support of, or otherwise promoting partisan legislation, except that nothing herein shall prohibit Keep Opelika Beautiful from attempting to secure legislation to advance environmental education in the City of Opelika and the State of Alabama.

7. Subject to the provisions regarding assignment, this agreement shall be binding upon the parties and their respective successors and assigns.

8. This agreement shall be governed by the laws of the State of Alabama.

WITNESS OUR HANDS AND SEALS THIS _____ day of _____, 2017.

By _____

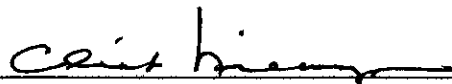
MAYOR OF THE CITY OF OPELIKA

SEAL

ATTEST:

By _____

CLERK OF THE CITY OF OPELIKA

By 

PRESIDENT, KEEP OPELIKA BEAUTIFUL, INC.

SEAL

ATTEST:

By 

TREASURER, KEEP OPELIKA BEAUTIFUL, INC.

RESOLUTION NO. 287-17

Appropriation contract FY2018, Museum of East Ala.**RESOLUTION NO.** _____**BE IT RESOLVED** by the City Council of the City of Opelika as follows:

) That the proposed CONTRACT FOR SERVICES to be entered into between the City

of Opelika and the Museum of East Alabama, a copy of which is hereto attached as

Exhibit "A", be and the same is hereby approved, adopted, authorized, ratified and confirmed,

) That Gary Fuller, Mayor of the City of Opelika is hereby authorized and

empowered to execute the foregoing agreement in the name and on behalf of the City of Opelika

and the City Clerk is hereby authorized to affix the corporate seal of the City of Opelika thereto

and to attest the same, and the Mayor shall deliver one copy to the Museum of East Alabama, and

retain one copy.

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

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

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer

CONTRACT FOR SERVICES

CITY OF OPELIKA State of Alabama Lee County, Alabama	)))	THE MUSEUM OF EAST ALABAMA Post Office Box 3085 Opelika, Alabama 36803-3085
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This contract is made and entered into between the City of Opelika, Alabama, a municipal corporation, Hereinafter referred to as "City", a part of the first part, and The Museum of East Alabama, a non-profit corporation, hereinafter referred to as "Museum" as part of the second part.

In consideration of the agreement herein contained, the parties agree as follows:

- 1) The term of the agreement shall be for a period of one year commencing on: October 1, 2017 and ending September 30, 2018.

At the end of each year this contract may be renewed by mutual agreement between the parties.

- 2) Museum agrees to provide the city with the following services:
 - (a) To collect any material, equipment or personal property, which will help illustrate the history of East Alabama, including but not limited to its exploration, settlement, and development.
 - (b) Preserve the historical records of significant events, which have occurred in the East Alabama area.
 - (c) Operate and maintain public facilities in both downtown Opelika and other areas which have been deeded to the Museum of East Alabama for exhibition of historical artifacts of the City and East Alabama.
- 3) The facilities of the museum shall be open and available to the public during established business hours

Contract for Services between The City of Opelika, Alabama and
 The Museum of East Alabama RE: Fiscal year 10/01/2017-9/30/2018

Page 2

- 4) As compensation for the services rendered herein, the City agrees to pay to the Museum the sum of:

Twenty Nine Thousand Six Hundred dollars (\$29,600), payable in quarterly installments of:

Seven thousand four hundred dollars (\$7,400) each.

- 5) In the event the museum should dissolve, liquidate or discontinue its operations, the city will accept all properties and exhibits of the Museum and preserve such properties as historical artifacts of the city, and the property of the Museum shall revert back to the City.
- 6) Notwithstanding any of the provisions of this agreement, it is agreed that the city has no financial interest in the business of the Museum and shall not be liable for any debts or obligations incurred by Museum, nor shall the City be deemed to be partner, joint venture, or other wise interested in the assets of the Museum, nor shall Museum at any time or times use the name or credit of the City in purchasing or attempting to purchase any equipment, supplies or other things whatsoever.
- 7) Museum in performance of its operations and obligations hereunder shall not be deemed to be an agent of the City, but shall be deemed an independent contractor in every respect and shall take all steps at its own expense. The City does not and will not assume any responsibility for the means by which or the manner in which the services by Museum, provided for herein, are performed, but on the contrary, Museum shall be wholly responsible therefore.
- 8) Museum shall not transfer or assign this agreement or license or any or the rights or privileges granted herein without prior written consent of the City.
- 9) Museum agrees to comply with all local, state and federal laws while performed under this agreement.
- 10) Museum agrees that it shall not use any of its own funds for political activity nor shall it endorse or promote the campaign of any person for political office in the City of Opelika.
- 11) Contract for Services between The City of Opelika, Alabama and
The Museum of East Alabama RE: Fiscal year 10/01/2017-9/30/2018

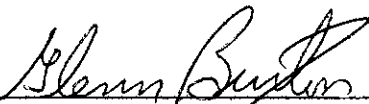
Page 3

- 12) This agreement supersedes any and all agreements, either oral or in writing between the parties hereto with respect to the subject matter hereof, and no other agreement, statement, or promise relating to the subject matter of this agreement which is not contained herein shall be valid or binding unless signed in writing by both Parties.
- 13) Subject to the provision regarding assignment, this Agreement shall be binding on the Successors and assigns of the respective parties.

WITNESS our hands and seals this ____ of _____ 2017

BY: its Mayor, The City of Opelika

ATTEST: City Clerk, The City of Opelika



Glenn Buxton
Executive Director, Museum of East Alabama

RESOLUTION NO. 288-17

Appropriation contract FY2018, ODRA.**RESOLUTION NO. _____****BE IT RESOLVED** by the City Council of the City of Opelika as follows:

) That the proposed CONTRACT FOR SERVICES to be entered into between the City of Opelika and the Opelika Downtown Redevelopment Authority, a copy of which is hereto

attached as Exhibit "A", be and the same is hereby approved, adopted, authorized, ratified and

confirmed,

) That Gary Fuller, Mayor of the City of Opelika is hereby authorized and empowered to execute the foregoing agreement in the name and on behalf of the City of Opelika and the City Clerk is hereby authorized to affix the corporate seal of the City of Opelika thereto and to attest the same, and the Mayor shall deliver one copy to the Downtown Redevelopment Authority, and retain one copy.

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

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

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer

STATE OF ALABAMA)

: CONTRACT FOR SERVICES

COUNTY OF LEE)

THIS AGREEMENT is made and entered into between the City of Opelika, Alabama a municipal corporation, hereinafter referred to as the "CITY", and the Opelika Downtown Redevelopment Authority, a 501(c)(3) corporation, hereinafter referred to as "ODRA", on this the 20th day of Oct., 2017.

In consideration of the agreements herein contained, the parties agree as follows:

1. The term of this agreement shall be for a period of twelve (12) months commencing on the 1st day of October, 2017 and ending the 30th day of September, 2018.
2. During the term of this contract, ODRA agrees to provide the following services:
 - a. The aesthetic improvement of various downtown areas.
 - b. The equipping of these areas.
 - c. Providing educational materials for parking & business development in downtown.
 - d. Other services that be lawfully provided.
3. As compensation for the services rendered hereunder, the City agrees to pay to ODRA, for the term of this agreement the sum of \$10,000.00 payable in lump sum upon approval and execution of this contract.
4. In the performance of its obligation hereunder, ODRA shall not promote the beliefs of any religious sect or denomination or engage in impermissible religious activities under the First Amendment of the United States Constitution. All programs shall be open to qualifying participants regardless of race, national origin, gender or religious affiliation.
5. ODRA agrees to comply with all local, state and federal laws while performing under the terms of this Contract.
6. ODRA agrees that it will not use any funds received from the City for political activities nor shall it endorse or promote the campaign of any person for political office.
7. ODRA in the performance of its operations and obligations hereunder shall not be deemed to be an agent of the City, but shall be deemed to be an independent contractor in every respect. The City does not and will not assume any responsibility for the means by which or manner in which the services by ODRA are performed, but on the contrary, ODRA shall be wholly responsible for the payment of its operating expenses, which

Attachment: CM 11-07-17, appropriation contract, ODRA (288-17 : Appropriation contract FY2018, ODRA.)

includes, but not limited to, payroll expenses, taxes, maintenance expenses, supplies, utility charges, insurance premiums and governmental license fees.

8. ODRA agrees that upon the violation of any of the covenants and agreements herein contained, the City may, at its option, terminate and cancel this agreement.
9. ODRA shall not transfer or assign this contract or license any of the rights or privileges granted herein without the prior written consent of the City.
10. This contract supersedes any and all other agreements, either oral or written, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement or promise relating to the subject matter of this contract which is not contained herein shall be valid or binding unless in writing signed by the parties.
11. Subject to the provisions regarding assignment, this contract shall be binding on the successors and assigns of the respective parties.
12. The validity of this contract and of any of its items, provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of Alabama.

IN WITNESS WHEREOF, the parties have hereunto signed their names and affixed

their seals, this the _____ day of _____, 2017.

CITY OF OPELIKA, ALABAMA
A municipal corporation

BY: _____

Gary Fuller

Mayor

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer
Opelika Downtown Redevelopment
Authority (ODRA)

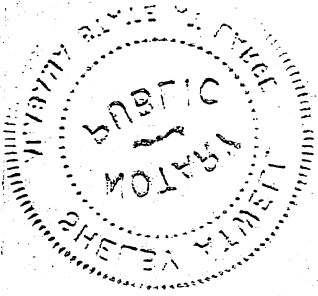
BY: 

John Marsh

Chairman

ATTEST:





[Handwritten signature]

RESOLUTION NO. 289-17

Appropriation contract FY2018, Lee Co. Rabies Officer.**RESOLUTION NO.** _____**BE IT RESOLVED** by the City Council of the City of Opelika as follows:

) That the proposed CONTRACT FOR SERVICES to be entered into between the City

of Opelika and the Lee County Rabies Officer a copy of which is hereto attached as

Exhibit "A", be and the same is hereby approved, adopted, authorized, ratified and confirmed,

) That Gary Fuller, Mayor of the City of Opelika is hereby authorized and

empowered to execute the foregoing agreement in the name and on behalf of the City of Opelika

and the City Clerk is hereby authorized to affix the corporate seal of the City of Opelika thereto

and to attest the same, and the Mayor shall deliver one copy to the Lee County Rabies Officer,

and retain one copy.

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 - Treasurer

STATE OF ALABAMA)
 :
 COUNTY OF LEE)

CONTRACT FOR SERVICES

THIS CONTRACT is made and entered into between the City of Opelika, Alabama a municipal corporation, hereinafter referred to as the "CITY", and the Lee County Rabies Officer, hereinafter referred to as the "RABIES OFFICER", on this the _____ day of _____, 2017.

In consideration of the agreements herein contained, the parties agree as follows:

1. The term of this agreement shall be for a period of twelve (12) months commencing on the 1st day of October, 2017 and ending the 30th day of September, 2018.
2. The Rabies Officer agrees to provide the City with the following services:
 - (a) To handle all cases involving animals biting or scratching humans.
 - (b) To ensure that any animal that bites or scratches a person is quarantined by a veterinarian or is tested for rabies according to Alabama law.
 - (c) To work with the City's animal control division in an advisory capacity.
 - (d) To provide emergency care for animals picked up by animal control until the owners are contacted.
 - (e) To offer opinions on disposition of animals that are injured or deemed suffering and their owners are unidentified.
 - (f) Strive to make sure that all pets are vaccinated yearly for rabies.
 - (g) To work with animal control concerning problems with wild animals as it pertains to rabies.
 - (h) To provide a quarterly and year-to-date bite report to the Opelika City Clerk. This report shall provide the following for each rabies incident: bite date, report date, owners name, victims name and animal type. This information shall be detailed for Opelika and for the County and Auburn (as available). This report is due in the City Clerk's office by the 15th of the month following the end of the quarter.
3. As compensation for services rendered hereunder, the City agrees to pay to the Rabies Officer for a term of twelve (12) months commencing October 1st, 2017, the sum of \$6,000.00, payable in equal monthly installments of \$500.00 on the 15th day of each month during the term of this Agreement.
4. Notwithstanding any of the provisions of this Agreement, it is agreed that the City has no financial interest in the business of the Rabies Officer and shall not be liable for any debts or obligations incurred by the Rabies Officer nor shall the City be deemed or construed to be a partner, joint venturer, or otherwise interested in the assets of Rabies Officer, nor shall Rabies Officer at any time or times use the name or credit of said City in purchasing or attempting to purchase equipment, supplies or any other thing whatsoever.

5. Rabies Officer in performance of his obligations hereunder shall not be deemed to be the agent of the City but shall be deemed to be an independent contractor in every respect and shall take all steps at his own expense. The City does not and will not assume any responsibility for the means by which or manner in which services by Rabies Officer, provided herein, or performed, but on the contrary, Rabies Officer shall be wholly responsible therefore.
6. Rabies Officer shall not transfer or assign this Agreement without the prior written consent of the City.
7. Rabies Officer agrees to comply with all local, state and federal laws while performing under the terms of this Agreement.
8. This Agreement may be terminated by either party, without cause, upon thirty (30) days prior written notice to the other.
9. For the purpose of this Agreement, Rabies Officer means the duly licensed veterinarian appointed by the County Board of Health to enforce the rabies laws of the State of Alabama.
10. Subject to the provisions regarding assignment, this Agreement shall be binding on the successors and assigns of the respective parties.
11. The validity of this Agreement and any of its terms, provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of Alabama.

IN WITNESS WHEREOF, the parties have hereunto signed their names and affixed their seals, this the _____ day of _____, 2017.

CITY OF OPELIKA, ALABAMA

BY: _____
Gary Fuller
Mayor

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

BY: _____
Dr. Buddy Bruce, D.V.M.
Lee County Rabies Officer

RESOLUTION NO. 290-17

Appropriation contract FY2018, Ala. Cooperative Extension.**RESOLUTION NO.** _____**BE IT RESOLVED** by the City Council of the City of Opelika as follows:

) That the proposed CONTRACT FOR SERVICES to be entered into between the City

of Opelika and the Alabama Cooperative Extension System, a copy of which is hereto attached

as Exhibit "A", be and the same is hereby approved, adopted, authorized, ratified and confirmed,

) That Gary Fuller, Mayor of the City of Opelika is hereby authorized and

empowered to execute the foregoing agreement in the name and on behalf of the City of Opelika

and the City Clerk is hereby authorized to affix the corporate seal of the City of Opelika thereto

and to attest the same, and the Mayor shall deliver one copy to the Alabama Cooperative

Extension System, and retain one copy.

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 - Treasurer

STATE OF ALABAMA

AGREEMENT

LEE COUNTY

THIS AGREEMENT made and entered into this 1st day of October, 2017 by and between the City of Opelika, a Municipal Corporation, hereinafter called "CITY", as party of the first part, and Auburn University, by and through The Alabama Cooperative Extension System, hereinafter called "EXTENSION SYSTEM", as party of the second part.

In consideration of the agreements herein contained, the parties agree as follows:

1. The terms of this Agreement shall be for a period of One (1) year commencing on October 1, 2017 and ending September 30, 2018. At the end of each year, this Contract may be renewed by mutual agreement between the parties.
2. EXTENSION SYSTEM agrees to provide the CITY with the following services:
 - (a) Provide educational and technical assistance in areas of landscaping and sold management to all departments and agencies of the CITY, including, but not limited to the Downtown Redevelopment Authority, Opelika Tree Commission, Opelika Chamber of Commerce, Lee County Leadership, the County Convention and Visitor's Bureau, and the Industrial Development Board of the City of Opelika.
 - (b) Implement and promote wildflower program.
 - (c) Assist with the Farmers Market Program in downtown Opelika.
 - (d) Administer youth projects program for public housing residents.
 - (e) Administer home care companion program for elderly citizens.
 - (f) Administer 4-H youth program for Opelika City Schools.
 - (g) Design any landscaping plans needed for Opelika City projects.
3. As compensation for the services rendered hereunder, the City agrees to pay to EXTENSION SYSTEM for term of lone (1) year the sum of \$10,000.00, payable in equal monthly installments of \$833.33 commencing on October 15, 2017 and continuing on the 15th day of each month thereafter.
4. Notwithstanding any of the provisions of this Agreement, it is agreed that the CITY has no financial interest in the business of EXTENSION SYSTEM, and shall not be liable for any debts or obligations by EXTENSION SYSTEM, nor shall the CITY be deemed or construed to be a partner joint venture, or otherwise interested in the assets of EXTENSION SYSTEM, nor shall EXTENSION SYSTEM at any time or times use the name or credit of the CITY in purchasing or attempting to purchase any equipment, supplies or other thing or things whatsoever.

5. EXTENSION SYSTEM in the performance of its operations and obligations hereunder shall not be deemed to be an agent of the CITY but shall be deemed an independent contractor in every respect and shall take all steps at its own expense. The CITY does and will not assume any responsibility for the means by which or the manner in which services by EXTENSION SYSTEM, provided for herein, are performed; but on the contrary, EXTENSION SYSTEM shall be wholly responsible therefore.
6. EXTENSION SYSTEM shall not transfer or assign this Agreement or license any rights or privileges granted herein without the prior written consent of the CITY.
7. EXTENSION SYSTEM agrees to comply with all local, state and federal laws while performing under the terms of this Agreement.
8. EXTENSION SYSTEM agrees that upon violation of any of the covenants and agreements herein contained, on account of any act of omission or commission of EXTENSION SYSTEM, the CITY may, at its option, terminate and cancel this agreement.
9. EXTENSION SYSTEM agrees that it shall not use any funds received from the CITY for political activity nor shall it endorse or promote the campaign of any person for political office in the City of Opelika.
10. This agreement supersedes any and all other Agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other Agreement, statement or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding unless in writing signed by both parties.
11. Signed to the provisions regarding assignment, this Agreement shall be binding on the successors and assigns of the respective parties.
12. The validity of this Agreement and its terms, provisions, as well as the rights and duties of the parties hereunder shall be governed by the laws of the State of Alabama.

WITNESS OUR HAND AND SEALS THIS THE ____ day of _____, 2017.

BY: _____
ITS MAYOR

ATTEST:

CITY CLERK

AUBURN UNIVERSITY, BY AND THROUGH
THE ALABAMA COOPERATIVE EXTENSION SYSTEM



BY: COUNTY AGENT-COORDINATOR

ATTEST:



ADMINISTRATIVE ASSOCIATE

RESOLUTION NO. 291-17

Appropriation contract FY2018, Lee Co. Humane Society.**RESOLUTION NO. _____****RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL SHELTER SERVICES
WITH THE LEE COUNTY HUMANE SOCIETY, INC.**

WHEREAS, State law requires the City of Opelika, Alabama (the “City”) to provide a suitable shelter for the impoundment of all animals found running at large; and

WHEREAS, for many years The Lee County Humane Society, Inc., (the “Society”) has assisted the City with its animal control program by housing, tending, administering and disposing of stray and unwanted animals originating within the City ; and

WHEREAS, the City desires to contract with the Society for animal shelter services; and

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

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

1. That the proposed CONTRACT between the City and the Society, a copy of which is attached hereto and marked as Exhibit “A”, is hereby approved, authorized, ratified and confirmed in the form substantially submitted to the City Council with such changes thereto (by addition, deletion or substitution) as the Mayor shall approve, which approval shall be conclusively evidenced by the execution and delivery of said Contract.
2. That the Mayor and the City Clerk are hereby authorized and directed to execute and deliver said Contract in the name and on behalf of the City and such other ancillary documents and certificates as may be necessary to effect the purpose and intent of said Contract and to carry out fully the actions contemplated therein on behalf of the City.
3. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they, or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution and the attached Contract.

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

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

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

ATTEST:

CITY CLERK

City of Opelika
Contract Title: Animal Shelter Services

THIS CONTRACT made and entered into by and between **THE CITY OF OPELIKA, ALABAMA**, a municipal corporation, hereinafter referred to as “CITY,” and **THE LEE COUNTY HUMANE SOCIETY, INC.**, an Alabama non-profit Corporation, hereinafter referred to as “LCHS.”

Business: Lee County Humane Society, Inc.
 Address: 1140 Ware Dr, Auburn, AL 36832
 Phone: 334.821.3222
 Fax: 334.821.6374
 Contact: Elizabeth Mueller, President
 Email: lchspres@leecountyhumane.org

STATEMENT OF BACKGROUND INFORMATION

LCHS has for several years assisted the CITY with its animal control program by housing, tending, administering, and disposing of stray and unwanted animals originating within the City.

The CITY has determined it is in the public interest to enter into this Contract with LCHS for such assistance and activities.

PURPOSE OF CONTRACT

WHEREAS, the purpose of this contract is to describe the rights and responsibilities of LCHS and the CITY in respect to the provision of animal shelter services to the CITY, which has no animal shelter services of its own; and

WHEREAS, funds for this purpose are authorized through the annual CITY budget and the Opelika City Council authorized this contract on _____, 2017.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance of the scope of work contained herein, as attached and made part hereof, the CITY and LCHS mutually agree as follows:

1. Scope of Work

LCHS shall independently provide the following Services to the CITY:

- a. LCHS shall furnish animal shelter services to the CITY, in a quality equal to those services traditionally provided to the CITY by LCHS. Animal shelter services shall include sheltering and holding of canines and felines at facilities operated by LCHS, releasing animals to owners, and disposing of animals that are: sick, injured, not deemed adoptable, or for which there is no holding capacity; and not claimed by owners after the period prescribed by the City ordinance, in a responsible and lawful manner (including adoption or destruction). LCHS reserves the right to refuse acceptance of all species of animals other than cats and dogs.

- b. LCHS reserves the right to refuse acceptance of any additional animals from any source once the shelter is deemed by the Shelter Manager or his/her designee as having reached its capacity to provide humane care. The Shelter Manager shall give prompt notice to the City that the shelter has reached capacity and shall redirect any Opelika animals to the City's secondary animal shelters (i.e. Bruce Enterprises and Opelika Animal Hospital).
- c. LCHS reserves the right to refuse acceptance of animals from animal control agents after 3:00 p.m. CITY has right to drop off animals in back kennels at any time after 3:00 p.m. and shall be provided code to combination lock. CITY personnel will check in with staff prior to drop off if staff are present.
- d. LCHS does not accept wildlife.
- e. LCHS shall provide veterinary care at the discretion of the shelter director, or his/her designee. Consistent with the *Code of Alabama* any agent of LCHS may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for which may appear in the judgment of two reputable citizens, called by him to view the same in his presence, to be infirm, injured, or diseased past any useful recovery for any useful purpose. LCHS shall have a policy and procedure to follow in documenting to euthanize and a procedure to follow in attempting to reach the owner. LCHS may recover the costs from the owner of the animal, if identified, for such veterinary treatment.
- f. All animals seized for abuse, cruelty, or neglect must be evaluated by a licensed veterinarian prior to being received by LCHS. Case animals held longer than the seven day hold period will incur a \$15.00 per night boarding fee that will be invoiced to the CITY and paid promptly by the CITY to LCHS.
- g. Impounded dogs not redeemed by the owner within seven (7) days after impoundment may be processed for adoption or disposed of by LCHS.
- h. Any feral cats will be brought to LCHS in a squeeze cage. The cat will be left in the squeeze cage until disposed of at which time the squeeze cage will be made available for pickup by the CITY.
- i. LCHS further reserves the right to refuse owner surrender if the animal shelter is at maximum capacity. The shelter manager, or his/her designee, shall have the authority to make such determination. The Shelter Manager shall give prompt notice to the City that the shelter has reached capacity and shall redirect any Opelika animals to the City's secondary animal shelters (i.e. Bruce Enterprises and Opelika Animal Hospital).
- j. LCHS shall secure, at its own expense, all personnel necessary to carry out its obligations under the Contract. Such personnel shall not be deemed to be employees of the City.

2. **Compensation**

- a. In consideration of LCHS performing the Services, the CITY agrees to pay to LCHS the Contract sum of \$114,236 to perform the duties and obligations set forth herein during budget year October 1, 2017 through September 30, 2018, with said annual Contract sum to be paid as follows: Equal monthly payments of \$9,519.66 made on or before the 15th day of each month, with the first installment due on October 15, 2017.
- b. LCHS shall utilize said sums only to provide animal sheltering services hereunder.
- c. LCHS shall keep and maintain books and records of the funds spent under the terms of this contract and said books and records shall be made available for inspection by the CITY at all reasonable times and places.
 1. LCHS shall have an annual audit conducted by an independent public accounting firm qualified to perform audits of non-profit organizations. The audit shall be conducted in accordance with generally accepted auditing standards.
 2. A copy of LCHS' audited annual financial statements shall be submitted to the City as provided in section a. above.
- d. As to those animals that have been refused acceptance by LCHS because the shelter has reached capacity or because LCHS has determined that there is a need to have the animal examined by a licensed veterinarian, LCHS shall pay to the City the sum of \$85.00 for each animal rejected or refused admission by LCHS. The City shall invoice LCHS monthly for fees related to rejected animals (\$85.00 per animal). LCHS shall pay said invoices within thirty (30) days of receipt of the same.

3. **Reports.**

LCHS shall submit to the City on or before the 15th day of each month the following monthly reports for the preceding month:

- a. Activity Report (including record owner, address, phone number or person turning in stray)
- b. Intakes by Type Report (stray, returns, etc.)
- c. Intakes by Jurisdiction Report (Auburn, Opelika, Lee County, etc.)
- d. Outcomes by Type Report (i.e. adoption, euthanasia, etc.)

4. **Quarterly Meetings.**

The parties mutually agree that the President of LCHS or his/her designee and the Director of the Solid Waste Division of the City of Opelika or his/her designee shall meet quarterly to:

- a. review monthly reports
- b. discuss any issues
- c. review number of adoptions and euthanizations
- d. review the length of stay for each adopted or euthanized animal

5. **Conditions of Contract**

- a. LCHS shall not have the right, authority or power to sell or assign this contract or the powers granted to it or any interests therein, to any other person or party without the consent of the CITY.
- b. LCHS shall be solely responsible for the security and health of the animals released to it by the CITY and shall be solely responsible for any escaped animals or any illness of or injury to said animals while they are in the custody of LCHS.
- c. LCHS agrees to provide Worker's Compensation, Property Damage and Public Liability insurance in terms and amount satisfactory to the CITY. LCHS shall provide the CITY with a certificate of insurance showing it carries the insurance coverage as detailed in Exhibit A. CITY will be named as additional insured.
- d. The City and LCHS will provide assistance to each other whenever possible.
- e. This contract shall become effective on October 1, 2017 and shall be in effect for one year until September 30, 2018.
- f. This contract may be terminated without cause by either party upon forty-five (45) days advance notice in writing to the other party.
- g. This contract may be terminated if any party fails to cure any breach of its obligations hereunder within thirty (30) days of receiving written notice to do so. Written notice of breach should be provided promptly allowing opportunity to cure before issuing thirty (30) days written notice.
- h. In the event of fire, wind, water damage, or any other damage to the facilities to LCHS, reasonably beyond the control of LCHS, which render LCHS unable to perform its duties hereunder ("force majeure event"), LCHS shall not be legally obligated to perform services under this contract, provided it promptly (in any

event, within not less than fifteen days) provides notice to the CITY of the occurrence of such force majeure event. LCHS shall seek diligently and in good faith to overcome or remove such uncontrollable circumstance. The City shall be excused from making any monthly payment required under Section 2 for any period of time that LCHS is unable to perform its obligations hereunder as the result of an uncontrollable circumstance. If such period of nonperformance is less than one month, the monthly payment shall be prorated for the duration of the uncontrollable circumstance.

- i. LCHS shall defend, indemnify and hold the City and its officers, officials and employees from any and all claims, injuries, damages, losses, causes of action, or suits, including attorney's fees, arising out of or in connection with the performance of this Contract, except for injuries and damages caused by the negligence of the City.
- j. Other than as set forth in this Contract, this Contract shall not confer any rights or remedies upon any person other than the Parties and their respective successors or permitted assigns.
- k. The Parties agree that this is not a joint venture or partnership and that neither party shall have the authority to bind or incur liability for the other. In connection with performing services under this Contract, LCHS shall be an independent contractor for the City and neither LCHS nor its employees shall under any circumstances be considered employees, servants or agents of the City. The City shall not be responsible for any negligence, misconduct or wrongdoing by LCHS or its employees, servants or agents while performing under this Contract.
- l. The governing law of this Contract shall be the law of the State of Alabama.
- m. In case one or more of the provisions contained herein shall be invalid, illegal or unenforceable in any respect and for any reason whatsoever, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and in the event any such provision is held to be invalid, illegal or unenforceable, the Parties shall make their best efforts to agree on a provision in substitution for such invalid, illegal or unenforceable provision that is as near an economic benefit as possible to the provision found to be invalid, illegal or unenforceable.
- n. This Contract may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and it shall not be necessary in making proof of this Contract to produce or account for more than one such counterpart.
- o. This Contract constitutes the entire agreement between the Parties hereto and supersedes any prior understandings, agreements or representations by or between the Parties hereto whether written or oral, to the extent that they relate to the subject matter.

- p. It is the intention of the Parties that the commitments and obligations set forth herein shall be binding upon the Parties hereto and their respective successors or permitted assigns.

IN WITNESS WHEREOF, the parties have caused this contract to be executed by those individuals duly authorized on this the _____ day of _____ 2017.

ATTEST:

THE CITY OF OPELIKA, ALABAMA

Its City Clerk

Its Mayor

ATTEST:

THE LEE COUNTY HUMANE SOCIETY

Its Secretary

Its President

Exhibit A

Liability Insurance.

LCHS shall provide and maintain during the life of the contract, General Liability Insurance, Automobile Liability Insurance, Umbrella Liability Insurance and Workers' Compensation Insurance in the following amounts:

1. General Liability Insurance - \$1,000,000 per occurrence or claim, \$1,000,000.00 personal and advertising injury, \$2,000,000.00 general aggregate and \$2,000,000.00 products/completed operations aggregate. If coverage is written on a claims-made basis, it will be kept in effect for a period of two (2) years following the expiration of this agreement.
2. Automotive Liability Insurance - \$1,000,000 combined single limit.
3. Workmen's Compensation Insurance that provides statutory workers' compensation benefits for all its employees and Employers' Liability Coverage with limits of, at a minimum, \$1,000,000.00 each accident, \$1,000,000.00 disease – each employee and \$1,000,000.00 accident, \$1,000,000.00 disease – policy limit.
4. Umbrella Liability (over all of the above, plus Workers Compensation) - \$2,000,000 per occurrence or claim and \$2,000,000 aggregate.
5. The General Liability Insurance, Automobile Liability Insurance, and Umbrella Liability insurance policies shall name CITY as additional insured and the insurer will not cancel or decrease the insurance coverage without first giving the CITY thirty (30) days written notice. CITY reserves the right to modify required coverages in the future if conditions warrant, including higher liability limits and/or broader coverage. In the event CITY exercises this right, LCHS may seek a price increase in accordance with the terms of this agreement. LCHS's insurance is primary.
6. LCHS will be responsible for the payment of any deductibles or self-insured retentions required in the insurance policies listed in this Exhibit.

RESOLUTION NO. 292-17

Special appropriation, Main Street 2017 Christmas in a Railroad Town.**RESOLUTION NO. _____**

WHEREAS, Opelika City Council and Mayor, Gary Fuller appreciates and fully supports

the Opelika Main Street with an annual appropriation; and

WHEREAS, Opelika Mainstreet has the need for additional funds to assist in covering expenses for the 2017 Christmas in a Railroad Town event, and

WHEREAS, Ward 1 President Pro-tem Patricia Jones, Ward 2 Councilwoman Tiffany Pitts, Ward 3 Councilman Dozier Smith T, Ward 4 Council President Eddie Smith and Ward 5 Councilman David Canon would like to use their discretionary funds to assist in covering the expenses associated with Opelika's Christmas in a Railroad Town.

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

1. The City Council approves a special appropriation of \$1,250.00 to Opelika Main Street with said funds designated to assist in covering the expenses involved with the 2017 Christmas in a Railroad Town event.
2. The Mayor and the Controller is hereby authorized and directed to move the funds as detailed below to the appropriate account:

Ward 1	Reserve discretionary fund	\$250.00
Ward 2	Reserve discretionary fund	\$250.00
Ward 3	Reserve discretionary fund	\$250.00
Ward 4	Reserve discretionary fund	\$250.00
Ward 5	Reserve discretionary fund	\$250.00

3. That the City Council hereby declares and determines that said expenditure of these public funds will serve a public purpose for the City of Opelika.

4. The City Clerk-Treasurer is hereby authorized and directed to process the appropriate documents so a check for \$1250.00 can be prepared and delivered payable to the Opelika Main Street and earmarked for Christmas in a Railroad Town.

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

C. E. "Eddie" Smith, Jr.

President City Council

City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk - Treasurer

RESOLUTION NO. 293-17

Approving Change Order #3 for Frederick Road Project

RESOLUTION NO. _____

**RESOLUTION APPROVING CHANGE ORDER NUMBER 3 TO THE CONTRACT
BETWEEN THE CITY OF OPELIKA AND ROBINSON PAVING COMPANY FOR
THE EXTENSION OF FREDERICK ROAD**

WHEREAS, the City Council of the City of Opelika, Alabama previously approved a Contract dated as of June 13, 2017, by and between the City of Opelika, Alabama (the “City”) and Robinson Paving Company for the extension of Frederick Road between South Long Street and the intersection of Auburn Street and Martin Luther King Boulevard; and

WHEREAS, the City Engineer has advised that a system of water lines was discovered within the roadway at the intersection of Martin Luther King Boulevard and Auburn Street; and

WHEREAS, said water lines do not meet the current standards and will need to be upgraded and replaced prior to the construction of the intersection. The City Engineer has recommended that the water lines be replaced; and

WHEREAS, the status and location of said water lines were not detected during the design of the Project and the replacement of said water lines are not in the contract to be performed by the contractor; and

WHEREAS, Change Order Number 3 to the Contract between the City and Robinson Paving Company have been submitted to the City Council for approval; and

WHEREAS, Change Order Number 3 will increase the total contract amount by an additional \$151,262.75, resulting in a new contract amount of \$2,829,517.69; and

WHEREAS, said Change Order is necessitated by unforeseen circumstances arising during the course of work for items not contemplated when the plans and specifications were prepared and bid, and the amount of the Change Order Number 3 does not exceed 10 percent of the contract price; and

WHEREAS, the City Engineer has reviewed all prices and found them to be reasonable, fair and equitable and recommends approval of Change Order Number 3; and

WHEREAS, the City Council endorses the statements, findings and recommendations of the City Engineer and hereby finds and determines that it is in the public interest to approve Change Order Number 3.

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

1. That Change Order Number 3 to the Contract dated June 13, 2017, between the City and Robinson Paving Company, a copy of which Change Order is attached hereto and incorporated herein by reference as Exhibit "A", is hereby approved.
2. That the Mayor is hereby authorized and directed to execute Change Order Number 3 in the name and on behalf of the City.
3. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they, or any of them deem necessary

or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution and the attached Change Order Number 3.

4. That the amount of the Change Order shall be paid from the Unassigned Fund Balance.

5. That the Mayor and Controller are hereby authorized to make such budget adjustments and accounting entries as necessary to carry into effect the provisions of this Resolution and Change Order.

6. 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

CITY OF OPELIKA

CHANGE ORDER

PURCHASE ORDER NUMBER 1705192 **CHANGE ORDER NUMBER** 3

DATE PO ISSUED 6/22/2017 **EFFECTIVE DATE OF CHANGE** 10/23/2017

BID NUMBER 17025 **ACCOUNT NUMBER** 0059-09-9333-430-099021

DEPARTMENT Engineering

Robinson Paving Company

NAME OF VENDOR

5425 Shatulga Road

ADDRESS

Columbus GA 31907
CITY STATE ZIP

DESCRIPTION OF PROJECT AND REASON FOR CHANGE:

The current water line in the proposed intersection is deficient and does not meet the specifications of the current construction standards. This water line will need to be replaced prior to the continuation of any road work in this area. Since the road is currently closed to through traffic it is important that this work proceed immediately. This line was not detected during the design and bid procedure. This work is in line with the typical scope of work for this type of project and the cost is considered fair and reasonable.1

Schedule of values of the engineers estimate and the contractor's proposal is attached:

ORIGINAL CONTRACT AMOUNT: \$2,608,293.34

CONTRACT AMOUNT PRIOR CHANGE: \$2,678,254.94

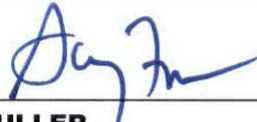
THIS INCREASE: \$151,262.75

THIS DECREASE: \$0

NEW CONTRACT AMOUNT: \$2,829,517.69

NEW DATE OF COMPLETION: _____

CHANGE APPROVED AND ADOPTED THIS _____ **DAY OF** _____, 2017



GARY FULLER
MAYOR

Attachment: Exhibit "A"-Change Order #3 - Mayor Approval (293-17 : Approving Change Order #3 for Frederick Road Project)

Quote for Fredrick Road Change Orders

10/19/2017 3:51PM Page 1

Robinson Paving Company

Bond: Included
Sales Tax: Included
Bid Date:

Quote To:
City of Opelika

Phone:
Fax:
Email:

Item	Description	Quantity	Unit	Unit Price	Extension
13000	8" D.I. Pipe, CI. 350, P-O Joint w/Restraining Gas	1,200.000	LF	49.350	59,220.00
13001	6" D.I. Pipe, CI. 350, P-O Joint w/Restraining Gas	150.000	LF	43.050	6,457.50
13002	2" HDPE Pipe, DR 11, Furnished and Installed, Per	250.000	LF	14.700	3,675.00
13003	8" Retainer Glands, Furnished and Installed, Per	50.000	EACH	84.000	4,200.00
13004	6" Retainer Glands, Furnished and Installed, Per	8.000	EACH	63.000	504.00
13005	Ductile Iron Fittings, Furnished and Installed, Pe	1,500.000	LBS	7.350	11,025.00
13006	8" Gate Valves, Furnished and Installed, Per Each	12.000	EACH	1,039.500	12,474.00
13007	8" Foster Adapter, Furnished and Installed, Per Ea	11.000	EACH	267.750	2,945.25
13008	8" Sleeve/Coupling, Furnished and Installed,	1.000	EACH	950.250	950.25
13009	6" Sleeve/Coupling, Furnished and Installed,	1.000	EACH	897.750	897.75
13010	8" Restraint Harness, Furnished and Installed,	18.000	EACH	189.000	3,402.00
13011	6" Restraint Harness, Furnished and Installed,	2.000	EACH	168.000	336.00
13012	Fire Hydrant Assembly, Furnished and Installed,	2.000	EACH	4,656.750	9,313.50
13013	Fire Hydrant Removal in Accordance with these	1.000	EACH	787.500	787.50
13014	Cast Iron Valve Boxes, Furnished and Installed, Pe	12.000	EACH	168.000	2,016.00
13015	Concrete Valve Markers, Furnished and Installed,	10.000	EACH	42.000	420.00
13016	8" Connection to Existing System in Accordance wit	1.000	LS	2,100.000	2,100.00
13017	6" Connection to Existing System in Accordance wit	1.000	LS	1,575.000	1,575.00
13018	1" Copper Pipe, Type K Soft, Furnished and Install	300.000	LF	15.750	4,725.00
13019	1" Service Transfer, Per Each Completed Service	12.000	EACH	1,134.000	13,608.00
13020	1" Service Installation, Per Each Completed	2.000	EACH	1,795.500	3,591.00
13021	2" Service Installation, Per Each Completed	1.000	EACH	2,100.000	2,100.00
13022	Cut and Cap of Ex. 8" Main, Per Each Completed	3.000	EACH	735.000	2,205.00
13023	Cut and Cap of Ex. 6" Main, Per Each Completed	1.000	EACH	735.000	735.00
13025	Construction Layout	1.000	LS	2,000.000	2,000.00
Total Quote: \$					151,262.75

Attachment: Exhibit "A"-Change Order #3 - Mayor Approval (293-17 : Approving Change Order #3 for Frederick Road Project)

RESOLUTION NO. 294-17

Wetland and Stream Mitigation for Cunningham Drive Bridge

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE
STREAM AND WETLAND MITIGATION CREDITS FOR
CONSTRUCTION OF CUNNINGHAM DRIVE BRIDGE**

WHEREAS, the City of Opelika, Alabama (the “City”) proposes to construct a new bridge to replace the existing bridge over Pepperell Creek on Cunningham Drive (hereinafter referred to as the “Project”); and

WHEREAS, work on the Project requires the City to mitigate for stream and wetland impacts; and

WHEREAS, as a result of the Project the City is required to purchase 397 stream credits and 0.16 wetland credits; and

WHEREAS, Broadview Mitigation Bank, has submitted to the City a proposal (the “Stream Proposal”) to sell to the City 397 stream credits for \$37,715 and McLemore Mitigation Bank has submitted to the City a proposal (the “Wetland Proposal”) to sell the City 0.02 wetland credits for \$6,400; and

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

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

1. That the above recitals are true and correct..
2. That the Wetland Proposal dated October 3, 2017 submitted by McLemore Mitigation Bank, a copy of which is attached hereto and marked as Exhibit “A”, and the Stream Proposal dated October 17, 2017 submitted by Broadview Mitigation Bank, a copy of which is attached hereto and marked as Exhibit “B”, be and the same are hereby approved and accepted by the City.
3. That the Mayor is hereby authorized to purchase from Broadview Mitigation Bank 397 stream credits for the total amount of \$37,715, and purchase from McLemore Mitigation Bank .16 wetland credits for the total amount of \$6,400.
4. That the purchase price for said mitigation credits shall be paid from the 2011 Road Construction Fund and the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments to implement this Resolution.
5. That the Purchasing-Revenue Manager is hereby authorized and directed to issue a purchase order to Broadview Mitigation Bank for the purchase of said stream and McLemore Mitigation Bank wetland mitigation credits as outlined in the attached Stream Proposal and Wetland Proposal.
6. 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 agreements, contracts, notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they or any

of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution and the attached Proposal.

7. That this Resolution shall take effect immediately 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

McLemore Mitigation Bank

October 3, 2017

Steven Dudley

Submitted via e-mail: sdudley@specenviro.onmicrosoft.com

Spectrum Environmental

Natural Resource Biologist

Qualified Credentialed Inspector

**RE: Wetland Mitigation Credit Quote
Cunningham Drive Project
Opelika, AL
McLemore Mitigation Bank**

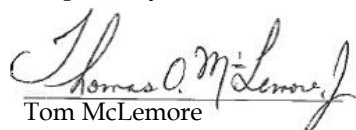
Dear Mr. Dudley:

The McLemore Mitigation Bank (MMB) in Montgomery, Alabama agrees to sell **0.16 wetland credits at a cost of \$6,400** to satisfy the mitigation for the above-referenced project. There is no out-of-watershed penalty applied to the original credit total. This quote is valid for 90 days. These credits must be purchased prior to project impacts. Upon receipt of payment, we will forward you a certificate of sale. We also will send verification of the transaction to the U.S. Army Corps of Engineers, specifying the number of credits purchased. If you are interested in proceeding with mitigation through the MMB, please forward a check made payable to "McLemore Mitigation Bank" to the address below.

Rob Carlton, Biologist, PWS
2660 EastChase Lane, Suite 200
Montgomery, AL 36117

If you have any questions or need more information, please do not hesitate to contact me.

Respectfully,


Tom McLemore

Attachment: Exhibit A--McLemore Mitigation proposal (294-17 : Wetland and Stream Mitigation for Cunningham Drive Bridge)


Goodwyn Mills Cawood

PO Box 242128
Montgomery, AL 36124

T (334) 271-3200
F (334) 272-1566

www.gmcnetwork.com

October 17, 2017

sent via e-mail: sdudley@spectrumenviro.com

Steven Dudley
Spectrum Environmental
Natural Resource Biologist
Qualified Credentialed Inspector

**RE: Broadview Mitigation Bank
Cunningham Drive
Stream Mitigation Credits
Lower Tallapoosa HUC, Alabama**

To whom it may concern:

The Broadview Mitigation Bank (BMB) agrees to sell **397** stream credits at a cost of **\$37,715** to offset the proposed impacts to the above mentioned project. There is no out-of-watershed penalty to Broadview Mitigation Bank. This quote is valid for 60 days. These credits must be purchased prior to project impacts. Upon receipt of payment, we will forward you a certificate of sale. We also will send verification of the transaction to the U.S. Army Corps of Engineers, specifying the number of credits purchased. If you are interested in proceeding with mitigation through the BMB, please forward a check made payable to "Broadview Mitigation Bank" to the following address:

Goodwyn, Mills & Cawood, Inc.
Attn: Rob Carlton
2660 EastChase Lane, Suite 200
Montgomery, AL 36117

If you have any questions or need more information, please do not hesitate to contact me.

Respectfully,

Rob Carlton, PWS

Attachment: Exhibit B--Broadview Mitigation proposal (294-17 : Wetland and Stream Mitigation for Cunningham Drive Bridge)

ORDINANCE NO. 127-17-ORD

Amend Academy Estates PUD Master Plan, Academy Drive - 2nd Reading

ORDINANCE NO. _____

ORDINANCE TO AMEND THE DEVELOPMENT PLAN FOR ACADEMY ESTATES PUD

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

Section 1. FINDINGS. The City Council has determined and hereby finds and declares that the following facts are true and correct:

(a) Preston Holdings, LLC heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “Academy Estates PUD” consisting of approximately 99 acres.

(b) Pursuant to Ordinance No. 116-05, the City Council approved said Development Plan for Academy Estates PUD and amended the Official Zoning Map of the City to designate the zoning classification of Planned Unit Development (“PUD”) for approximately 99 acres located west of Veterans Parkway, east of Lee Scott Academy and north of Pepperell Parkway.

(c) In November 2014, the City Council approved an amendment to move property types into different locations.

(d) All of the property within Academy Estates PUD has been developed except for approximately 18.59 acres located north of the single-family development on Hampstead Lane.

(e) Kenneth Hood has heretofore submitted to the City a proposed amended Development Plan for the remaining undeveloped 18.59 acres of Academy Estates PUD.

(f) The proposed amended Development Plan provides for fifty-two (52) single-family lots. The current Development Plan as approved by the City Council provides for the construction of seventy-four (74) condominium units which are replaced in the amended Development Plan with single-family units. The proposed density of the undeveloped area in the amended Development Plan is 2.8 housing units per acre. The original Development Plan proposed 4.0 housing units per acre to be developed as condominiums.

(g) The Planning Commission of the City of Opelika heretofore conducted a public hearing on the proposed amended Development Plan.

(h) The Planning Commission recommended approval of the amended Development Plan for Academy Estates PUD.

(i) It is advisable and in interest of the City and the public interest that the amended Development Plan be approved.

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

Section 3. Retention of Copies of the Amended Development Plan. Copies of the amended Development Plan shall be maintained in the office of the City Clerk, City Planner, City Engineer, and Building Official and shall be open for public inspection.

Section 4. Repealer. That any ordinance or part thereof in conflict with the provisions of this Ordinance be and the same are hereby repealed.

Section 5. Effective Date. This Ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 6. Publication. This Ordinance shall be published one (1) time in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

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

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

ATTEST:

CITY CLERK

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

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 2505)

Amend Towne Lake PUD Master Plan, Towne Lake Parkway - 2nd Reading

ORDINANCE NO. _____

ORDINANCE TO AMEND THE DEVELOPMENT PLAN
FOR TOWNE LAKE SUBDIVISION PUD

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

Section 1. FINDINGS. The City Council has determined and hereby finds and declares that the following facts are true and correct:

(a) W.S. Newell & Sons heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “Towne Lake Subdivision PUD” consisting of approximately 170.658 acres.

(b) Pursuant to Ordinance No. 100-00, the City Council approved said Development Plan for Towne Lake Subdivision PUD and amended the Official Zoning Map of the City to designate the zoning classification of Planned Unit Development (“PUD”) for approximately 170.658 acres located north of U.S. Highway No. 280 & 431 (Columbus Parkway), west of North Uniroyal Road and east of Interstate Highway No. 85.

(c) Broadview Properties has heretofore submitted to the City a proposed amended Development Plan for the approximately 19.1 undeveloped acres of Towne Lake Subdivision PUD.

(e) The proposed amended Development Plan provides for replacing the patio homes and apartments with 128 single-family homes and removing the walking/jogging trail as shown on the 2000 Master Plan. The proposed amendment from patio homes and apartments to single-family homes decreases the density from 5.86 dwelling units per acre to 2.38 dwelling units per acre.

(f) The Planning Commission of the City of Opelika heretofore conducted a public hearing on the proposed amended Development Plan.

(g) The Planning Commission recommended approval of the amended Development Plan for Towne Lake Subdivision PUD.

(h) It is advisable and in interest of the City and the public interest that the amended Development Plan be approved.

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

Section 3. Retention of Copies of the Amended Development Plan. Copies of the amended Development Plan shall be maintained in the office of the City Clerk, City Planner, City Engineer, and Building Official and shall be open for public inspection.

Section 4. Repealer. That any ordinance or part thereof in conflict with the provisions of this Ordinance be and the same are hereby repealed.

Section 5. Effective Date. This Ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 6. Publication. This Ordinance shall be published one (1) time in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 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. 128-17-ORD

Call for a special city election on February 13, 2018 - 1st Reading.

ORDINANCE NO. _____

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

Section 1. **Findings of Fact.** The Council, upon evidence duly submitted to and considered by it, does hereby find and declare that the following facts are true and correct:

(a) A special election was duly called in the City on June 22, 1965, pursuant to Amendment CXLVII (hereinafter referred to as “Amendment 147”) to the Constitution of Alabama, at which election a majority of the qualified electors of the City voting thereat did vote in favor of the levy and collection of a special annual property tax (the “Amendment 147 School Tax”) for the years 1964-65 until and including 1993-94, inclusive, at the rate of not exceeding one-half percent (1/2%) in any one year of the value of the property in the City, for the purpose of providing additional funds for use exclusively for the support and furtherance of education in the City of Opelika.

(b) A special election was duly called in the City on May 9, 1989, pursuant to Amendment 147 to the Constitution of Alabama, at which election a majority of the qualified electors of the City voting thereat did vote in favor of the levy and collection of a special annual property tax (the “Amendment 147 School Tax”) for the years October 1, 1995, and continuing until and including October 1, 2018, inclusive, at the rate of not exceeding one-half percent (1/2%) in any one year of the value of the property in the City, for the purpose of providing additional funds for use exclusively for the support and furtherance of education in the City of Opelika.

(c) It is necessary and desirable and in the public interest that the period of time during which the Amendment 147 School Tax of one-half of one percent (1/2%) per annum is to be levied and collected, be extended as herein proposed.

(d) Amendment 147 to the Constitution requires as a condition precedent to such tax extensions that the maximum rate and the purpose and purposes thereof and the time such tax is

proposed to be continued shall first have been submitted to the qualified electors of the City and voted for by a majority of such electors voting at such election.

(e) The levy of the Amendment 147 School Tax at the rate of 5 mills on each dollar of assessed value of taxable property shall be in continuation of the levy of the Amendment 147 School Tax, most recently voted on May 9, 1989.

Section 2. **Call of Election.** Pursuant to the aforesaid Amendment 147, a special municipal election is hereby called and ordered to be held in the City of Opelika on Tuesday, February 13, 2018, for the purpose of submitting to the qualified electors of the City for their determination by ballot, the proposition set forth in the Notice of Election and ballots hereinafter provided for.

Section 3. **Notice of Election.** Notice of said election shall be given by publication in The Opelika-Auburn News, a newspaper published and of general circulation in the City, once a week for three successive weeks, the first publication to be not later than the 3rd day of December, 2017. The Notice shall be signed by the Mayor, and shall conform to the election laws of Alabama and shall be substantially as follows:

**NOTICE OF SPECIAL MUNICIPAL EDUCATIONAL TAX ELECTION
(AMENDMENT 147)**

NOTICE IS HEREBY GIVEN that a special municipal election will be held in the City of Opelika, Alabama, at the legally established and designated voting places therein, on Tuesday, February 13, 2018, between the hours of 7:00 a.m. and 7:00 p.m. (Central Time) at which time there will be submitted to the qualified electors of said City for their determination by ballot the following proposition:

PROPOSITION

Shall the City of Opelika levy and collect in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, a special annual property tax, pursuant to Amendment 147 to the Constitution of Alabama, at a rate not exceeding one-half of one percent

(1/2%) in any one year on the value of the property in the City of Opelika, as assessed for municipal taxation, the proceeds of which tax shall be used exclusively for educational purposes in the City but may be pledged to the payment of the principal and interest on bonds, warrants or other evidences of indebtedness issued for public school purposes, said tax to be levied and collected annually for the period beginning with the first levy on the basis of the assessment for municipal taxation for which taxes become due and payable on October 1, 2019, and continuing each year thereafter until and including the last levy for which taxes will become due and payable on October 1, 2048, being a continuation for an additional 30 years of the like tax approved by the qualified electors of the City of Opelika at an election held on May 9, 1989.

The said election shall be at the following regularly established voting places in the City at which shall be cast the ballots and the electors customarily voting at said respective places:

Ward Number	Location of Polling Place
Ward 1	Covington Community Center 213 Carver Avenue
Ward 2	Opelika Learning Center (Old Jeter Primary School) 214 Jeter Street
Ward 3	Opelika Community Center 1102 Denson Drive
Ward 4	EAMC Education Center 2027 Pepperell Parkway
Ward 5	Opelika Sportsplex and Aquatics Center 1001 Andrews Road
Absentee Ballot Box	City Clerk's Office Municipal Building,

204 South 7th Street

By order of the City Council

GARY FULLER

MAYOR OF THE CITY OF OPELIKA

(End of Notice)

Section 4. **Form of Ballot.** The following is hereby adopted as the form of the official ballot to be used at said election on the proposition referred to in the notice of election set out in Section 3 of this ordinance, which ballot shall be prepared under the direction of the City Clerk for use in the voting machines at the respective voting places:

OFFICIAL BALLOT

SPECIAL MUNICIPAL EDUCATION TAX

CONTINUATION AND RENEWAL ELECTION

PURSUANT TO AMENDMENT 147 TO THE CONSTITUTION OF ALABAMA

CITY OF OPELIKA

FEBRUARY 13, 2018

INSTRUCTIONS TO VOTERS [The appropriate instructions to voters shall be provided here.]

PROPOSITION

Shall the City of Opelika levy and collect in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, a special annual property tax, pursuant to Amendment 147 to the Constitution of Alabama, at a rate not exceeding one-half of one percent (1/2%) in any one year on the value of the property in the City of Opelika, as assessed for municipal taxation, the proceeds of which tax shall be used exclusively for educational purposes in the City but may be pledged to the payment of the principal and interest on bonds, warrants or other evidences of indebtedness issued for public school purposes, said tax to be levied and collected annually for the period beginning with the first levy on the basis of the assessment for municipal taxation for which taxes become due and payable on October 1, 2019, and continuing each year thereafter until and including the last levy for which taxes will become due and payable on October 1, 2048, being a continuation for an additional 30 years of the like tax approved by the qualified electors of the City of Opelika at an election held on May 9, 1989.

FOR continuation and renewal of rate of taxation of one-half percent (1/2%) for educational purposes pursuant to Amendment 147 for the tax years 2019-2048.

AGAINST continuation and renewal of rate of taxation of one-half percent (1/2%) for educational purposes pursuant to Amendment 147 for the tax years 2019-2048.

Section 5. **Hours of Election and Polling Places.** The polls will be opened on the day of said election from 7:00 a.m. until 7:00 p.m. at the legally established and designated voting places in the City of Opelika, Alabama, as follows, to-wit:

Ward 1 - Covington Community Center, 213 Carver Avenue

Ward 2 - Opelika Learning Center (Old Jeter Primary School), 214 Jeter Street

Ward 3 - Opelika Community Center, 1102 Denson Drive

Ward 4 - EAMC Education Center, 2027 Pepperell Parkway

Ward 5 - Opelika Sportsplex and Aquatics Center, 1001 Andrews Road

Absentee Ballot Box - City Clerk's office, Municipal Building, 204 S. 7th Street

All registered and qualified electors of the state, who reside within the corporate limits of the City of Opelika, and have resided therein for thirty (30) days or more immediately preceding the date of the election, and who are qualified to vote in the county precinct which embraces and covers that part of the corporate limits of the City in which the elector resides, will be authorized to participate in the election.

Section 6. **Absentee Ballots.** The City Clerk shall cause to be printed absentee ballots for use by absentee voters at said election, which shall be in the same form as the initial ballot set out in Section 4 of this Ordinance with the following exceptions:

(a) In lieu of the term "Official Ballot" at the head of said absentee ballot, there shall be inserted the term "Absentee Official Ballot".

(b) Preceding the proposition and immediately preceding the two paragraphs within the choice of the voters shall be expressed:

"Blacken the oval completely before the words expressing your choice. Do not make an X or √. If you soil your ballot, do not erase but ask for a new ballot."

FOR continuation and renewal of rate of taxation of one-half percent (1/2%) for educational purposes pursuant to Amendment 147 for the tax years 2019-2048.

AGAINST continuation and renewal of rate of taxation of one-half percent (1/2%) for educational purposes pursuant to Amendment 147 for the tax years 2019-2048.

Section 7. **Handling of Absentee Ballots.** The City Clerk shall handle all ballots for absentee voters and shall perform all the duties in connection therewith prescribed by statute, and shall have all the powers and duties incident to the performance of such duty. The City Clerk shall accept applications by qualified electors for absentee ballots from Monday, December 11,

2017, at 8:00 a.m. until Thursday, February 8, 2018, at 5:00 p.m.

Section 8. **Appointment of Election Officials.** The Council will by resolution hereafter to be adopted by it appoint and designate the officials who will conduct said special election at said voting places.

Section 9. **Election Supplies.** The Mayor is authorized and directed to cause to be prepared all necessary election supplies for use at said election, and to cause them to be distributed to the various voting places in the manner and within the time provided by law.

Section 10. **Canvas of Return and Declaration of Results.** The Council shall meet in the municipal building at 12:00 noon, on the 20th day of February, 2018, seven (7) days after the date of the holding of the election, for the purpose of canvassing the returns and declaring the results of said election. A record of the results of the election shall be recorded in the minutes of the proceedings of the Council, and when so recorded said record shall be conclusive evidence of the matters therein stated and of the validity of the election, unless contested as required by law.

Section 11. **Conduct of Election.** Except as otherwise specifically provided herein, said special municipal referendum election shall be conducted, the vote canvassed, and the results declared in the same manner as provided by Chapter 46, Title 11, *Code of Alabama*, 1975, as amended.

Section 12. **Repeal of Conflicting Provisions.** All ordinances, resolutions, motions and orders or parts thereof in conflict with this Ordinance are hereby repealed.

Section 13. **Effective Date.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

Section 14. **Publication of Ordinance.** The City Clerk of the City of Opelika, Alabama is hereby authorized, directed and empowered to cause this Ordinance to be published in and of general circulation published within 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. _____

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

Section 1. **Findings of Fact.** The Council, upon evidence duly submitted to and considered by it, does hereby find and declare that the following facts are true and correct:

(a) A special election was duly called in the City on June 22, 1965, pursuant to Amendment CXLVII (hereinafter referred to as "Amendment 147") to the Constitution of Alabama, at which election a majority of the qualified electors of the City voting thereat did vote in favor of the levy and collection of a special annual property tax (the "Amendment 147 School Tax") for the years 1964-65 until and including 1993-94, inclusive, at the rate of not exceeding one-half percent (1/2%) in any one year of the value of the property in the City, for the purpose of providing additional funds for use exclusively for the support and furtherance of education in the City of Opelika.

(b) A special election was duly called in the City on May 9, 1989, pursuant to Amendment 147 to the Constitution of Alabama, at which election a majority of the qualified electors of the City voting thereat did vote in favor of the levy and collection of a special annual property tax (the "Amendment 147 School Tax") for the years October 1, 1995, and continuing until and including October 1, 2018, inclusive, at the rate of not exceeding one-half percent (1/2%) in any one year of the value of the property in the City, for the purpose of providing additional funds for use exclusively for the support and furtherance of education in the City of Opelika.

(c) It is necessary and desirable and in the public interest that the period of time during which the Amendment 147 School Tax of one-half of one percent (1/2%) per annum is to be levied and collected, be extended as herein proposed.

(d) Amendment 147 to the Constitution requires as a condition precedent to such tax extensions that the maximum rate and the purpose and purposes thereof and the time such tax is proposed to be continued shall first have been submitted to the qualified electors of the City and voted for by a majority of such electors voting at such election.

(e) The levy of the Amendment 147 School Tax at the rate of 5 mills on each dollar of assessed value of taxable property shall be in continuation of the levy of the Amendment 147 School Tax, most recently voted on May 9, 1989.

Section 2. **Call of Election.** Pursuant to the aforesaid Amendment 147, a special municipal election is hereby called and ordered to be held in the City of Opelika on Tuesday, February 13, 2018, for the purpose of submitting to the qualified electors of the City for their determination by ballot, the proposition set forth in the Notice of Election and ballots hereinafter provided for.

Section 3. **Notice of Election.** Notice of said election shall be given by publication in The Opelika-Auburn News, a newspaper published and of general circulation in the City, once a week for three successive weeks, the first publication to be not later than the 3rd day of December, 2017. The Notice shall be signed by the Mayor, and shall conform to the election laws of Alabama and shall be substantially as follows:

**NOTICE OF SPECIAL MUNICIPAL EDUCATIONAL TAX ELECTION
(AMENDMENT 147)**

NOTICE IS HEREBY GIVEN that a special municipal election will be held in the City of Opelika, Alabama, at the legally established and designated voting places therein, on Tuesday, February 13, 2018, between the hours of 7:00 a.m. and 7:00 p.m. (Central Time) at which time there will be submitted to the qualified electors of said City for their determination by ballot the following proposition:

PROPOSITION

Shall the City of Opelika levy and collect in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, a special annual property tax, pursuant to Amendment 147 to the Constitution of Alabama, at a rate not exceeding one-half of one percent (1/2%) in any one year on the value of the property in the City of Opelika, as assessed for municipal taxation, the proceeds of which tax shall be used exclusively for educational purposes in the City but may be pledged to the payment of the principal and interest on bonds, warrants or other evidences of indebtedness issued for public school purposes, said tax to be levied and collected annually for the period beginning with the first levy on the basis of the assessment for municipal taxation for which taxes become due and payable on October 1, 2019, and continuing each year thereafter until and including the last levy for which taxes will become due and payable on October 1, 2048, being a continuation for an additional 30 years of the like tax approved by the qualified electors of the City of Opelika at an election held on May 9, 1989.

The said election shall be at the following regularly established voting places in the City at which shall be cast the ballots and the electors customarily voting at said respective places:

Ward Number	Location of Polling Place
Ward 1	Covington Community Center 213 Carver Avenue
Ward 2	Opelika Learning Center (Old Jeter Primary School) 214 Jeter Street
Ward 3	Opelika Community Center 1102 Denson Drive
Ward 4	EAMC Education Center 2027 Pepperell Parkway
Ward 5	Opelika Sportsplex and Aquatics Center 1001 Andrews Road
Absentee Ballot Box	City Clerk’s Office Municipal Building, 204 South 7 th Street

By order of the City Council

GARY FULLER
MAYOR OF THE CITY OF OPELIKA

(End of Notice)

Section 4. **Form of Ballot.** The following is hereby adopted as the form of the official ballot to be used at said election on the proposition referred to in the notice of election set out in Section 3 of this ordinance, which ballot shall be prepared under the direction of the City Clerk for use in the voting machines at the respective voting places:

OFFICIAL BALLOT

SPECIAL MUNICIPAL EDUCATION TAX

CONTINUATION AND RENEWAL ELECTION

PURSUANT TO AMENDMENT 147 TO THE CONSTITUTION OF ALABAMA

CITY OF OPELIKA

FEBRUARY 13, 2018

INSTRUCTIONS TO VOTERS [The appropriate instructions to voters shall be provided here.]

PROPOSITION

Shall the City of Opelika levy and collect in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, a special annual property tax, pursuant to Amendment 147 to the Constitution of Alabama, at a rate not exceeding one-half of one percent (1/2%) in any one year on the value of the property in the City of Opelika, as assessed for municipal taxation, the proceeds of which tax shall be used exclusively for educational purposes in the City but may be pledged to the payment of the principal and interest on bonds, warrants or other evidences of indebtedness issued for public school purposes, said tax to be levied and collected annually for the period beginning with the first levy on the basis of the assessment for municipal taxation for which taxes become due and payable on October 1, 2019, and continuing each year thereafter until and including the last levy for which taxes will become due and payable on October 1, 2048, being a continuation for an additional 30 years of the like tax approved by the qualified electors of the City of Opelika at an election held on May 9, 1989.

-
- ☐ **FOR** continuation and renewal of rate of taxation of one-half percent (1/2%) for educational purposes pursuant to Amendment 147 for the tax years 2019-2048.
- ☐ **AGAINST** continuation and renewal of rate of taxation of one-half percent (1/2%) for educational purposes pursuant to Amendment 147 for the tax years 2019-2048.

Section 5. Hours of Election and Polling Places. The polls will be opened on the day of said election from 7:00 a.m. until 7:00 p.m. at the legally established and designated voting places in the City of Opelika, Alabama, as follows, to-wit:

Ward 1 – Covington Community Center, 213 Carver Avenue
 Ward 2 – Opelika Learning Center (Old Jeter Primary School), 214 Jeter Street
 Ward 3 – Opelika Community Center, 1102 Denson Drive
 Ward 4 – EAMC Education Center, 2027 Pepperell Parkway
 Ward 5 – Opelika Sportsplex and Aquatics Center, 1001 Andrews Road
 Absentee Ballot Box – City Clerk’s office, Municipal Building, 204 S. 7th Street

All registered and qualified electors of the state, who reside within the corporate limits of the City of Opelika, and have resided therein for thirty (30) days or more immediately preceding the date of the election, and who are qualified to vote in the county precinct which embraces and covers that part of the corporate limits of the City in which the elector resides, will be authorized to participate in the election.

Section 6. Absentee Ballots. The City Clerk shall cause to be printed absentee ballots for use by absentee voters at said election, which shall be in the same form as the initial ballot set out in Section 4 of this Ordinance with the following exceptions:

(a) In lieu of the term “Official Ballot” at the head of said absentee ballot, there shall be inserted the term “Absentee Official Ballot”.

(b) Preceding the proposition and immediately preceding the two paragraphs within the choice of the voters shall be expressed:

“Blacken the oval completely before the words expressing your choice. Do not make an X or √. If you soil your ballot, do not erase but ask for a new ballot.”

- ☐ FOR continuation and renewal of rate of taxation of one-half percent (1/2%) for educational purposes pursuant to Amendment 147 for the tax years 2019-2048.
- ☐ AGAINST continuation and renewal of rate of taxation of one-half percent (1/2%) for educational purposes pursuant to Amendment 147 for the tax years 2019-2048.

Section 7. **Handling of Absentee Ballots.** The City Clerk shall handle all ballots for absentee voters and shall perform all the duties in connection therewith prescribed by statute, and shall have all the powers and duties incident to the performance of such duty. The City Clerk shall accept applications by qualified electors for absentee ballots from Monday, December 11, 2017, at 8:00 a.m. until Thursday, February 8, 2018, at 5:00 p.m.

Section 8. **Appointment of Election Officials.** The Council will by resolution hereafter to be adopted by it appoint and designate the officials who will conduct said special election at said voting places.

Section 9. **Election Supplies.** The Mayor is authorized and directed to cause to be prepared all necessary election supplies for use at said election, and to cause them to be distributed to the various voting places in the manner and within the time provided by law.

Section 10. **Canvas of Return and Declaration of Results.** The Council shall meet in the municipal building at 12:00 noon, on the 20th day of February, 2018, seven (7) days after the date of the holding of the election, for the purpose of canvassing the returns and declaring the results of said election. A record of the results of the election shall be recorded in the minutes of the proceedings of the Council, and when so recorded said record shall be conclusive evidence of the matters therein stated and of the validity of the election, unless contested as required by law.

Section 11. **Conduct of Election.** Except as otherwise specifically provided herein, said special municipal referendum election shall be conducted, the vote canvassed, and the results declared in the same manner as provided by Chapter 46, Title 11, *Code of Alabama*, 1975, as amended.

Section 12. **Repeal of Conflicting Provisions.** All ordinances, resolutions, motions and orders or parts thereof in conflict with this Ordinance are hereby repealed.

Section 13. **Effective Date.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

Section 14. **Publication of Ordinance.** The City Clerk of the City of Opelika, Alabama is hereby authorized, directed and empowered to cause this Ordinance to be published in and of general circulation published within 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.

Attachment: CM 11-07-17, Election, Ordinance, special election renew 5 mill property tax, 9-25-17 (128-17-ORD : Call for a special city election on February 13, 2018 - 1st Reading.)

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 2583)

Amend City Code, City Clerk-Treasurer - 2nd Reading.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING DIVISION 6 OF ARTICLE II OF CHAPTER 2
OF THE *CODE OF ORDINANCES* OF THE CITY OF OPELIKA, ALABAMA
TO ESTABLISH THE OFFICE OF CITY CLERK/TREASURER AND DEFINE THE
POWERS, DUTIES AND FUNCTIONS OF THE CITY CLERK/TREASURER**

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

Section 1. **Amendment of Division 6 of Article II of Chapter 2 of the *Code of Ordinances*.** That Division 6 of Article II of Chapter 2 the *Code of Ordinances* of the City of Opelika, Alabama, entitled “City Clerk/Treasurer” is hereby amended to read as follows:

Division 6. City clerk/treasurer.

Section 2-125.6 Establish.

The nonclassified position of city clerk/treasurer is hereby established, and said offices of clerk and treasurer shall be consolidated in accordance with the provisions of §11-43-3, *Code of Alabama* (1975). The office of city clerk/treasurer shall be filled by the city council at its first regular meeting or as soon thereafter as shall be practicable and such appointee shall hold office until the next general election, and until his successor is elected and qualified. It is the intent of the council that said appointment shall be filled at the complete discretion of the council without posting, notice or compliance with any other selection procedures of the city.

Section 2-125.7 Compensation.

The salary, compensation and emoluments of the city clerk/treasurer shall be fixed by

resolution of the city council and shall not be diminished during the term of office for which he shall have been selected or appointed. The city clerk/treasurer shall not receive for his own use any other fees or other compensation for his services as such officer.

Section 2-125.8 Removal.

Any person appointed to the office of city clerk/treasurer may be removed after a hearing, by a two-thirds vote of all of those elected to the council for incompetency, malfeasance, misfeasance or nonfeasance of office and for conduct detrimental to the good order or discipline of the city, including habitual neglect of duty.

Section 2-125.9 Separation of offices.

The offices of city clerk and treasurer shall remain consolidated until they are separated by vote of a successor council. The council, with the consent of the mayor and a two-thirds vote of the majority, may divide the offices of clerk and treasurer as provided in §11-43-3, *Code of Alabama* (1975). Any such action shall be done at the beginning of a new council to assure that the term of the officeholder is not diminished.

Section 2-125.10 Official custodian of records.

(a) As the lawfully designated custodian of certain city documents and records, the city clerk's office shall maintain a permanent filing system of (1) each resolution and ordinance adopted by the city council; (2) certain contracts, agreements and franchises entered into by the city; (3) deeds to all property acquired or sold by the city; (4) appointment files and expiration notices for city boards and agencies; and (5) reports, plans or studies adopted by the city council.

(b) The city clerk's office shall prepare official minutes of all meetings of the city council as required by law; provide the public with access to all public records in his possession; and assist individuals and groups seeking information about the city and its departments.

Section 2-125.11 Powers and duties of city clerk/treasurer

The city clerk/treasurer shall have the following power and duties:

- (1) Attend all regular and special meetings of the city council and attend certain meetings of all committees, boards and commissions of the city to the extent required by law or the council.
- (2) Prepare and maintain the minutes of all meetings of the city council.
- (3) Maintain custody of the seal of the city and impress the seal upon all papers and documents where the seal of the city must appear.
- (4) Attest the execution of city documents.
- (5) Publish notice of public hearings, special meetings of the city council, elections and other official actions as required by state law and city ordinance.
- (6) Maintain copies of all city ordinances and resolutions for public use.
- (7) Receive and file all communications and petitions directed to the city council or to the city generally and indicate thereon the action of the city council taken upon matters in such communications and petitions.
- (8) Inform persons appointed by the mayor or city council to offices in municipal government of their position and the time at which they assume the duties of their office as required by the Mayor or the Council.
- (9) Submit claims, requisitions and demands against the city to the city council at its next regular meeting for approval, unless already provided for by ordinance or resolution.
- (10) Provide information or assistance to the public on request by answering questions, researching records and directing them to appropriate persons and transmitting messages

to city staff or officials.

(11) Prepare certain resolutions, contracts, agreements and notices at the direction of the city council.

(12) Publish certain legal notices and advertisements as required by law.

(13) Mail notices to property owners of public improvements made by the city council.

(14) Ensure city ordinances, resolutions and minutes of the city council are signed and recorded, if necessary.

(15) Monitor the execution of city agreements, contracts and other legal documents.

(16) Coordinate, manage and supervise the conduct of municipal elections; receive and file election statements as required by law; direct and supervise election personnel and ensure compliance with federal, state and local laws and regulations.

(17) Serve as absentee ballot manager in the conduct of all municipal elections.

(18) Under the supervision of the president of the city council, prepare agendas of all city council meetings and work session meetings.

(19) Deposit the public funds of the city in such depositories as authorized by the city council.

(20) Manage the investment of city funds in accordance with state laws and city policies and provide current status, activity and performance reports to the council and mayor as requested.

(21) Maintain a record of pledged collateral by official depositories to comply with

state law.

(22) Coordinate the information flow between the city council, the mayor and city staff.

(23) Compose correspondence, reports, memos, letters, notices, resolutions and ordinances on behalf of the city council.

(24) Conduct necessary research and provide support materials to aid the city council and mayor in making informed decisions.

(25) Carry out assignments and directives of the city council.

(26) Act as liaison between the city council and city staff.

(27) Co-sign city checks and drafts as required by the city council and mayor.

(28) Collaborate with mayor, city council and city staff to formulate long range plans and goals of the city.

(29) Perform such other duties as may be required of city clerks and city treasurers by law.

(30) Perform such other duties as may be required by the city council and mayor.

Section 2-125.12 Supervision.

The city clerk/treasurer shall report directly to and work under the general supervision of the mayor. The mayor shall evaluate, at least annually, the performance of the city clerk/treasurer. Said evaluation and review shall be conducted in accordance with the established rules and regulations of the Personnel Policies and Procedures Manual. The

mayor shall provide the city clerk/treasurer with an adequate opportunity to discuss his evaluation with the mayor. The mayor shall provide copies of the annual evaluation to the city council.

Section 2. **Severability Clause.** If any section, subsection, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of valid jurisdiction, said holding shall not affect the remaining portion of this Ordinance.

Section 3. **Repealer Clause.** All former ordinances or parts thereof conflicting with this Ordinance or the sections hereby adopted are repealed to the extent they are in conflict. All remaining portions of said Ordinance shall remain in full force and effect.

Section 4. **Effective Date.** This Ordinance shall become effective and enforced immediately upon its passage and publication as required by law.

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

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

ORDINANCE NO. 129-17-ORD

Amending Rates and Charges for Residential and Business Fiber Optic Services OPS) - 1st Reading.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 28-502 OF THE CODE OF ORDINANCES OF THE CITY OF OPELIKA PERTAINING TO RATES AND CHARGES FOR RESIDENTIAL FIBER OPTIC SERVICES; AMENDING ARTICLE XI OF CHAPTER 28 OF THE CITY OF OPELIKA CODE PERTAINING TO BUSINESS SERVICES BY AMENDING SECTION 28-526 ENTITLED “APPLICATION OF RATE SCHEDULES”, SECTION 28-527 ENTITLED “SCHEDULE OF RATES AND CHARGES” AND SECTION 28-530 ENTITLED “CUSTOM FEATURES AND PRODUCTS”; PROVIDING THAT THE CHANGES TO RATE SCHEDULES MADE HEREIN SHALL BE APPLIED TO MONTHLY CUSTOMER BILLS BEGINNING WITH THE DECEMBER 1, 2017 BILLING CYCLES; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Section 1. **Amendment to Section 28-502.** That Section 28-502 of the *Code of Ordinances* of the City of Opelika, Alabama, entitled “Schedule of Rates and Charges”, is hereby amended to read as follows:

Sec. 28-502. - Schedule of rates and charges.

There is hereby adopted by the city the following schedule of rates and charges for residential video (television), data (Internet) and voice (telephone) services for OPS ONE:

(A) Video Services

Video Services	Features and/or Description	Monthly Price
Life ONE Video ¹	Channels 2-13 only, No STB needed, only available in bundle or combined with other service	\$ 29.99

Essential ONE Video ¹	No STB needed	\$ 64.99
OPS Essential Video ^{1, 2}	No STB needed	\$ 64.99
Choice ONE Video ^{1, 3}	Applications Dashboard and Guide/1 HD STB included	\$ 76.99
OPS Choice Video ^{1, 2, 3}	Applications Dashboard and Guide/1 HD STB included	\$ 76.99
Ultra ONE Video ^{1, 3}	Applications Dashboard and Guide/1 HD STB and EPIX included	\$ 88.99
OPS Ultra Video ^{1, 2, 3}	Applications Dashboard and Guide/1 HD STB included	\$ 88.99
Sports Tier	Additional sports channels not available in video packages	\$ 6.00
Latino Tier	Additional Latino channels not available in video packages	\$ 6.00
HBO	Premium Video Service, Includes HD and SD channels	\$ 19.50
Showtime/TMC	Premium Video Service, Includes HD and SD channels	\$ 16.00
Cinemax	Premium Video Service, Includes HD and SD channels	\$ 16.00
Starz/Encore	Premium Video Service, Includes HD and SD channels	\$ 13.00
EPIX	Premium Video Service, Includes HD and SD channels	\$ 9.00
Video Equipment		
HD STB ⁴	Monthly charge unless included in service or bundle	\$ 6.00
HD/DVR STB ⁴	Monthly charge unless included in service or bundle	\$ 6.00
DVR Service	Monthly charge unless included in service or bundle	\$ 10.00
RF Remote	Monthly charge and available on request	\$ 1.00

¹ Video service is subject to a retransmission fee that is calculated each year by totaling the fee charged by each local channel to broadcast their network.

² Service or package is no longer available for new subscribers as of February 8, 2017. New rates for existing services are effective April 1, 2017.

³ Includes music channels and access to Watch TV Everywhere (WTVE)

⁴ HD STB and HD/DVR STB may be interchanged with any bundle

(B) Data Services

Data Services	Description	Monthly Price
ONE Ten ²	Up to 10/10 Mbs	\$ 34.99
ONE Hundred ²	Up to 100/100 Mbs	\$ 59.99
ONE Gig ²	Up to 1000/1000 Mbs	\$ 89.99
OPS Lite Essential ^{1, 2}	Up to 10/5 Mbs	\$ 34.99
OPS Lite Choice ^{1, 2}	Up to 30/15 Mbs	\$ 44.99
OPS Lite Ultra ^{1, 2}	UP to 50/25 Mbs	\$ 64.99
OPS Lite Speed ^{1, 2}	Up to 100/50 Mbs	\$ 99.99
Upgrade to Internet Symmetrical Speed ¹	Only available to current customers with this service	\$ 15.00

¹ Service or package is no longer available for new subscribers as of February 8, 2017. New rates for existing services are effective April 1, 2017.

² All Internet packages include 5 email accounts and 1 GB storage space per email address. Static IP addresses are not offered on residential tiers.

(C) Voice Services

Voice Services	Features/Description	Monthly Price
Life One Voice	Includes Caller ID, Long Distance is \$0.06 per minute, only available in bundle or combined with other service	\$ 14.99
Essential ONE Voice	Includes Caller ID with Call waiting, 3-way calling, Call Return, Call Forwarding, Long Distance is \$0.06 per minute	\$ 19.99
OPS Voice Essential ¹	Includes Caller ID with Call waiting, 3-way calling, Call Return, Call Forwarding, Long Distance is \$0.06 per minute	\$ 19.99
Choice ONE Voice	Includes Caller ID with Call waiting, 3-way calling, Call Return, Call Forwarding, Voice Mail with notification, Long Distance - 120 minutes free ² then \$0.06 per minute	\$ 29.99
OPS Voice Choice ¹	Includes Caller ID with Call waiting, 3-way calling, Call Return, Call Forwarding, Voice Mail with notification, Long Distance - 120 minutes free ² then \$0.06 per minute	\$ 29.99

Ultra ONE Voice	Includes Caller ID with Call waiting, 3-way calling, Call Return, Call Forwarding, Voice Mail with notification, Unlimited Long Distance (up to 5000 minutes) ²	\$ 39.99
OPS Voice Ultra ¹	Includes Caller ID with Call waiting, 3-way calling, Call Return, Call Forwarding, Voice Mail with notification, Unlimited Long Distance (up to 5000 minutes) ²	\$ 39.99

¹ Service or package is no longer available for new subscribers as of February 8, 2017. New rates for existing services are effective April 1, 2017.

² Applies to long distance anywhere in the continental United States. May not be used for data, modem, or businesses (including home businesses).

(D) Additional Voice Services and Fees

Additional Voice Services or Fees		
Subscriber Line Charge per line, (Applies to ALL Lines)		\$ 6.45
Non-Published Listing (not published in directory or available from Directory Assistance)		\$ 5.50
Non-Listed Listing (not published in directory)		\$ 5.50
Additional Listing		\$ 5.50
Directory Assistance		
Local and National, per call ¹		\$ 1.00
Live Operator Assisted, per call ¹		\$ 2.50
Operator Assisted Service Surcharge, per call ¹		\$ 1.00
International Directory Assistance, per call ¹		\$ 5.00
Operator Services		
Automated Operator Assisted Service Surcharge per call ¹		\$ 1.25
Live Operator Assistance Service per call ¹		\$ 2.50
Person to Person Operator Assisted per call ¹		\$ 5.00
Home Phone Calling Feature Add-Ons		
Privacy Defender (Available for all ONE Voice levels)		\$ 5.00
Selective Call Rejection (Available with Choice ONE Voice or Ultra ONE Voice)		\$ 2.00
Simultaneous Ring Personal (Available with Choice ONE Voice or Ultra ONE Voice)		\$ 2.00

Anonymous Call Rejection (Available with Choice ONE Voice or Ultra ONE Voice)	\$ 2.00
Distinctive Ring -up to 3 (Available with Choice ONE Voice or Ultra ONE Voice)	\$2.00 each

¹ Feature should be billed via credit card with the new agreement with National Directory Assistance

(E) Bundles

Bundles	Services Included	Monthly Price
Life ONE Triple	Life ONE Video, ONE Ten, Life ONE Voice	\$ 74.97
Essential ONE Triple	Essential ONE Video, ONE Ten, Essential ONE Voice	\$ 114.97
OPS Essential Bundle ¹	Essential ONE Video, OPS Lite Essential, Essential ONE Voice	\$ 114.99
Choice ONE Triple	Choice ONE Video, OPS Hundred, Ultra ONE Voice, 1 HD Box	\$ 149.97
OPS Choice Bundle ¹	Choice ONE Video, OPS Lite Choice (30/30 Mbs), Ultra ONE Voice, Symmetrical Upgrade, 1 HD Box	\$ 149.99
Ultra ONE Triple	Ultra ONE Video, ONE Hundred, Ultra ONE Voice, 1 HD Box, EPIX	\$ 159.97
OPS Ultra Bundle ¹	Ultra ONE Video, OPS Lite Choice (60/60 Mbs), Ultra ONE Voice, Symmetrical Upgrade, 1 HD Box	\$ 164.99
The ONE Triple ²	Ultra ONE Video, ONE Gig, Ultra ONE Voice, 1 HD/DVR Box, DVR service, EPIX	\$ 179.97
Life ONE Double	Life ONE Video, ONE Ten	\$ 59.98
Life ONE V Double	Life ONE Video, Life ONE Voice	\$ 44.98
Com ONE Double	ONE Hundred, Essential ONE Voice	\$ 69.98
Com2 ONE Double	ONE Gig, Ultra ONE Voice	\$ 104.98
Essential ONE Double	Essential ONE Video, ONE Ten	\$ 99.98

Choice ONE Double	Choice ONE Video, ONE Hundred, 1 HD Box	\$ 129.98
Ultra ONE Double	Ultra ONE Video, ONE Hundred, 1 HD Box, EPIX	\$ 139.98
The ONE Double ²	Ultra ONE Video, ONE Gig, 1 HD/DVR Box, DVR Service, EPIX	\$ 159.98

¹ Service or package is no longer available for new subscribers as of February 8, 2017. New rates for existing services are effective April 1, 2017.

² HD/DVR box is substituted for HD box in the ONE Triple and Double bundles. Also, includes DVR Service.

(F) Installation Services

Installation Services			
Services During Initial Installation		Services During an Extra Trip	
New Customer Standard Installation ¹	FREE	Installation of New Outlets	\$ 75.00
Installation of New Outlets	\$ 60.00	Activation of Existing Outlets	\$ 55.00
Activation of Existing Outlets	\$ 45.00	Set Top Box Installation (waived if upgrading to digital service)	\$ 65.00
Miscellaneous Service Request (Hourly)	\$ 75.00	Wall Fish	\$110.00
Miscellaneous Service Request (Hourly - Night)	\$ 86.00	Miscellaneous Service Request (Hourly - Weekend/Holiday)	\$120.00

¹ See installation definitions for details.

(G) Miscellaneous Services

Miscellaneous Services	
OPS Smart Home ¹	\$ 10.00
Inside Wire Maintenance (All Services)	\$ 5.00
Late Fee (Whichever is Greater)	5% or \$5 min.

Reactivation Fee	\$ 30.00
Underground Fiber service drops beyond 200' from ROW additional charges may apply	\$0.75 per foot
Aerial Fiber service drops beyond 500' from ROW additional charges may apply	\$0.40 per foot
Single Service Fee (Applies to subscribers that subscribe to either video (TV) or voice (phone) service only not data service) ²	\$ 10.00
Vacation Rate - Rate charged if you would like to suspend services and keep all equipment in your home. (All taxes and fees apply)	25% of monthly bill

¹ OPS will provide a router only through OPS Smart Home.

² Single Service fee will be applied to all accounts effective April 1, 2017.

(H) Additional Fees

Additional Fees	
Unreturned HD Box	\$ 200.00
Unreturned DVR	\$ 250.00
Unreturned Router - Netgear N300-WNR2000 or equivalent	\$ 65.00
Unreturned Router - Netgear R6300-100NAS or equivalent	\$ 225.00
Replacement of damaged, lost or unreturned remote control (IR)	\$ 10.00
Replacement of damaged, lost or unreturned remote control (RF)	\$ 20.00
Unreturned Video Access Point (VAP)	\$ 100.00

(I) Notes for rates and charges

1. The above rates apply to services provided at a residence (per zoning maps) and used in a residential manner.
2. All rates are subject to change.
3. Applicable fees and taxes apply and are additional to these rates.
4. *Based upon credit rating, deposits may be required.
5. Any changes to current service will require switching to new services

Section 2. **Amendment to Section 28-526.** That Section 28-526 of the *Code of Ordinances* of the City of Opelika entitled “Application of Rate Schedules” is hereby amended to read as follows:

Sec. 28-526. - Application of rate schedules.

The rate schedules provided below are applicable for video (television), data (Internet) and voice (telephone) telecommunication services during a period of one (1) month, such month to be either a calendar month or the equivalent between consecutive monthly billings. The rates and charges in this article apply only to business customers. All rates are subject to change. All prices exclude applicable taxes, fees and one (1) time charges. Applicable taxes and fees will be added to the customer's monthly bill.

Section 3. **Amendment to Section 28-527.** That Section 28-527 of the *Code of Ordinances* of the City of Opelika entitled “Schedules of Rates and Charges” is hereby amended to read as follows:

Sec. 28-527. - Schedule of rates and charges.

There is hereby adopted by the city the following schedule of rates and charges for business video (television), data (Internet) and voice (telephone) telecommunication services:

(A) Business Bundles

OPS ONE Business Bundles^{1, 2}			
Bundle Name	Data	Voice	2 Year Contract Price⁵
Business ONE 100	Up to 100/100 Mbps	1 - OPS ONE B Ultra Phone	\$ 99.99
Business ONE 500	Up to 500/500 Mbps	1 - OPS ONE B Ultra Phone	\$ 179.99
Business ONE Gig	Up to 1000/1000 Mbps	1 - OPS ONE B Ultra Phone	\$ 249.99
B Premiere 60/10 Mbps ⁶	Up to 60/10 Mbps	Phone LD @ .05 cents per minute ³	\$ 124.95
B Optimum 60/10 Mbps ⁶	Up to 60/10 Mbps	Phone Unlimited LD ⁴	\$ 144.95

B Primary 10/5 Mbps ⁶	Up to 10/5 Mbps	Phone LD @ .05 cents per minute ³	\$ 97.95
B Professional 10/5 Mbps ⁶	Up to 10/5 Mbps	Phone Unlimited LD ⁴	\$ 117.95

Bundle Notes:

- Bundles only available with 2-year contract
- Additional voice (phone) lines are available

¹ Commercial installation charges are based on cost or contract terms. With no contract, install is minimum of \$300.00 depending on construction, equipment needed and other miscellaneous items. Installation charges may be waived for multi-year contract.

² All Internet packages include up to 5 email accts with 1 Gb storage per email account/address

³ Per minute long distance usage rate also applies at \$0.05 per minute inside the continental United States

⁴ Up to 5000 long distance minutes to the continental United States. Unlimited LD cannot be used for dial-up modems, telemarketing or similar applications.

⁵ Early termination fees for contracts - Customer to be billed the difference for all months of service at the individual monthly rate for all individual services plus a \$300 installation fee

⁶ Bundle or service is no longer available for new customers as of November 30, 2017

(B) Business Data

OPS ONE Business Data(Internet) Speeds^{1, 2}				
Name	Description	Monthly Price	Two-Year Monthly Price³	Three-Year Monthly Price³

OPS ONE B Hundred	Up to 100/100 Mbps	\$ 99.99	\$ 79.99	N/A
OPS ONE B Five Hundred	Up to 500/500 Mbps	\$ 179.99	\$ 149.99	N/A
OPS ONE B Gig	Up to 1000/1000 Mbps	\$ 249.99	\$ 209.99	N/A
OPS ONE D Hundred ⁴	100/100 Mbps	\$ 399.99	\$ 349.99	\$ 329.99
OPS ONE D Three Hundred ⁴	300/300 Mbps	\$ 1199.99	\$ 1099.99	\$ 999.99
OPS ONE D Five Hundred ⁴	500/500 Mbps	\$ 2199.99	\$ 2049.99	\$ 1899.99
OPS ONE D Gig ⁴	1000/1000 Mbps	\$ 2699.99	\$ 2499.99	\$ 2299.99
OPS ONE D Ten Gig ⁴	10000/10000Mbps	\$ 12999.99	\$ 11499.99	\$ 9999.99
OPS B 30/15 Mbps ^{5, 6}	30/15 Mbps	\$ 199.95	\$ 159.95	N/A
OPS B 50/25 Mbps ^{5, 6}	50/25 Mbps	\$ 259.95	\$ 209.95	N/A
OPS B 100/50 Mbps ^{5, 6}	100/50 Mbps	\$ 349.95	\$ 299.95	N/A
OPS B 300/300 Mbps ⁶	300/300 Mbps	\$ 1500.00	\$ 1200.00	N/A
OPS B Gig ⁶	1000/1000 Mbps	\$ 3000.00	\$ 2700.00	N/A

Block of 5 E-mail accounts	\$ 20.00
First Static IP Address	\$ 15.00
Block of 5 Static IP Addresses	\$ 25.00

Point to Point Data Services:

- Pricing will be determined by bandwidth required, equipment needed, construction cost and contract length.
 - o Multi-year contract is required.
- The Director of OPS, with the approval of the Mayor, shall determine the pricing for the point to point data service.
- Pricing guides will be kept at OPS for these types of services.

Data Notes:

- Custom Design/Build to meet customer needs (some construction cost may apply)

- Businesses have unique needs and requirements of service and not all fall within the categories listed above.
 - o The Director of OPS, with the approval of the Mayor, shall determine the pricing for any specific requirements to meet those needs.
 - o A multi-year contract will be required.

¹ Commercial installation charges are based on cost or contract terms. With no contract, install is minimum of \$300.00 depending on construction, equipment needed and other miscellaneous items. Installation charges may be waived for multi-year contract.

² All Internet packages include up to 5 email accts with 1 Gb storage per email account/address

³ Early termination fees for contracts - Customer to be billed the difference for all months of service at the individual monthly rate for all individual services plus a \$300 installation fee

⁴ Dedicated Internet Access

⁵ Symmetrical and/or higher bandwidth Internet access services are available to commercial accounts on a customized basis. Symmetrical service available for an additional \$50.00. Consult an OPS representative for additional information.

⁶ Bundle or service is no longer available for new customers as of November 30, 2017

(C) Business Video

OPS ONE Business Video(TV) Services		
Name	Description	Monthly Price
OPS ONE Business Choice Video	1 st B HD or B HD/DVR STB and IR remote included	\$ 76.99
OPS ONE Business Ultra Video	1 st B HD or B HD/DVR STB IR remote included	\$ 88.99
OPS B Video Essential ^{1, 2}	No Set top box	\$ 76.99
OPS B Video Choice ²	1 st B HD STB and IR remote included	\$ 84.95
OPS B Video Ultra ²	1 st B HD STB IR remote included	\$ 99.95
B HD STB	Monthly charge unless included in service or bundle	\$ 8.50

	Unreturned B HD STB (per box)	\$ 200.00
B HD/DVR STB	Monthly charge unless included in service or bundle	\$ 8.50
	Unreturned B HD/DVR STB (per box)	\$ 250.00
DVR Service	Monthly charge unless included in service or bundle	\$ 10.00
RF Remote Control	Monthly charge and available on request	\$ 1.00
	Replacement of damaged, lost or unreturned IR remote control	\$ 10.00
	Replacement of damaged, lost or unreturned RF remote control	\$ 20.00
Tiers¹		
	Sports Tier	\$ 6.95
	Latino Tier	\$ 6.95
Premium Services¹		
	HBO	\$ 19.50
	Showtime	\$ 16.00
	Cinemax	\$ 16.00
	Starz!	\$ 13.00
	EPIX	\$ 9.00

Video Notes:

- Additional fees may apply to video service based on the type of business due to network contracts
 - o The OPS Director, with the approval of the Mayor, shall determine the cost of the fees to be applied to the bill for the specific business.
 - o The business will be notified in writing of changes to these fees at least 30 days prior to any change in pricing
 - o Examples include but not limited to:

§ Public lobby/waiting area

§ Restaurant

§ Night clubs

- o Pricing for lodging facilities (i.e. hotel, motel, etc.) based on channel lineup shall be determined by the Director of OPS, with the approval of the Mayor

§ Will require a multi-year contract

- Video service is subject to a retransmission fee that is calculated each year by totaling the fee charged by each local channel to broadcast their network.
- Video services, except for multi-year contracts, are not available as a single service for commercial accounts
 - o Multi-year contracts are priced by the Director of OPS, with the approval of the Mayor
 - o Early termination fees will be established in the contract

¹ Price effective January 1, 2018

² No longer available to new subscribers as of November 30, 2017. Customer must choose new service offering by March 16, 2018 for April 1, 2018 service date.

(D) Business Voice

OPS ONE Business Voice(Phone)¹			
Name	Description	Monthly Price	Additional Line
OPS ONE B Ultra Voice ³	Includes Caller ID with Call Waiting, 3-way calling, Call Return, Call Forwarding, Voice Mail with feature pack, Unlimited Long Distance (up to 5000 minutes) ²	\$ 49.99	\$ 44.99
OPS ONE B Essential Voice	Includes Caller ID with Call Waiting, \$0.05 per minute Long Distance ²	\$ 29.99	\$ 27.99
	When paired with OPS ONE B Ultra Phone, same calling		\$ 29.99

	features and shares long distance		
OPS B Voice Ultra ^{3, 4}	Caller ID (Name & Number), Call Waiting w/Caller Id (Name & Number), Call Trace/Call Return, 3 Way Calling, Voice Mail w/feature pack, Unlimited Long Distance (up to 5000 minutes) ²	\$ 49.95	\$ 47.95
OPS B Voice Essential ⁴	Caller ID (Name & Number) and Call Waiting w/Caller Id (Name & Number) and \$0.05 pm LD	\$ 29.95	\$ 27.95
Voice Mail with feature Pack	Call Forwarding Don't Answer, Call Forwarding Busy Line, Star 98 Access, Message Waiting Indicator	\$ 6.00	\$ 6.00

Services	
Block of 20 DID's	\$ 15.00
Long Distance (per minute) in Continental United States	\$ 0.05
800 Service (monthly per number) ²	\$ 5.50
Remote Call Forwarding Line (monthly) per line, LD charges apply if forwarded to LD #	\$ 16.00
Remote Call Forward Line (per minute) in Continental US	\$ 0.05
Toll Free Vanity Search per search	\$ 5.00
Acct. Codes Verified per account	\$ 5.00
Acct. Codes - Non-Verified per account	\$ 4.00
Acct. Codes - changes, per change order	\$ 5.00
Subscriber Line Fee	\$ 6.45

Directory Listing	
Non-Published Listing-Not published in directory or available from directory	\$ 5.50

assistance	
Non-Listed Listing - Not published in directory	\$ 5.50
Additional Listing/Alternate Listing	\$ 5.50

Directory Assistance	
Directory Assistance (local & national) per call	\$ 1.00
Directory Assistance - Live Operator Assisted (Local and National) per call	\$ 2.50
International Directory Assistance, per call	\$ 5.00

Operator Services	
Automated Operator Assisted Service Surcharge per call	\$ 1.25
Live Operator Assistance Service per call	\$ 2.50
Person to Person Operator Assisted per call	\$ 5.00

Business Phone Plus Calling Features - EACH additional feature \$3.00 each	
Hunting	
Automatic Call Back	
Anonymous Call Rejection	
Call Waiting with Caller ID	
Call Transfer	
Caller ID	
Call Forwarding Not Reachable	
Repeat Dial Speed Call 8	
Last Number Redial	
Call Forwarding Always	
Three Way Calling	
Call Forwarding Remote Access	
Call Forwarding Busy	

Call Forwarding No Answer
Call Return
Do Not Disturb

Additional Voice Services

- OPS ONE offers many different custom calling features and services, like hosted PBX, for businesses. Prices may vary based on the features, services and the equipment required to provide the features and services specified by the customer. The Director of OPS, with the approval of the Mayor, shall determine the cost of custom products and specialized equipment when such products and equipment must be purchased by OPS outside the scope of the services and products identified in this article. Pricing guides will be kept at OPS for these types of services.
 - o These services will require a multi-year contract

Voice Notes:

- All long-distance rates above apply to the Continental United States only. For international calling please Sec. 28-529.

¹ Commercial installation charges are based on cost or contract terms. With no contract, install is minimum of \$300.00 depending on construction, equipment needed and other miscellaneous items. Installation charges may be waived for multi-year contract.

² Per minute long distance usage rate also applies at \$0.05 per minute inside the continental United States

³ Up to 5000 long distance minutes to the continental United States. Unlimited LD cannot be used for dial-up modems, telemarketing or similar applications.

⁴ No longer available to new subscribers as of November 30, 2017. Customer must choose new service offering by March 16, 2018 for April 1, 2018 service date.

(E) Additional Business Services

OPS ONE Additional Business Services		
Standard Install - based on site evaluation and customer requirements		Cost Varies based on various factors
Custom Install Hourly Rate/Bus Assistance		\$86.00
Change of Service - Tech		\$86.00

Required		
Change of Service - Tech Not Required		\$10.00
Installation of New Outlet at Initial Install		\$100.00
Installation of New Outlet Separate Trip		\$160.00
Activation of Existing Outlet at Initial Install		\$65.00
Activation of Existing Outlet Separate Trip		\$100.00
Add new STB - Separate trip <i>(waived if upgrading to digital service)</i>		\$50.00
Service Call - Customer side of Demarc per customer request - hourly rate	Monday - Friday	\$86.00
	Weekend and Holiday	\$120.00
Troubleshooting Issue on customer side of Demarc/Issue on OPS side of Demarc no charge/ hourly rate	Monday - Friday	\$86.00
	Weekend and Holiday	\$120.00
Trip Charge/On site customer education after initial installation of services hourly rate	Monday - Friday	\$86.00
	Weekend and Holiday	\$120.00
Wall Fish/Initial Install		\$100.00
Wall Fish/Separate Trip		\$160.00
NSF Check Fee		\$30.00
Late Fee	5% or \$5.00, whichever is higher	5% or \$5.00

Reactivation Fee		\$25.00
Underground Fiber service drops beyond 200' from ROW additional charges may apply		\$0.75 foot
Aerial Fiber service drops beyond 500' from ROW additional charges may apply		\$0.40 foot

(F) Additional Information

All rates are subject to change. Applicable fees and taxes apply and are additional costs to the account. Based upon credit rating, additional deposits may be required.

Section 4. **Amendment to Section 28-530.** That Section 28-530 of the *Code of Ordinances* of the City of Opelika entitled “Custom Features and Products” is hereby amended to read as follows:

Sec. 28-530. - Custom features and products.

The city offers many different custom features and products for businesses. Prices may vary based on the features, services and the equipment required to provide the features and services specified by the customer. The director of the city power services, with the approval of the mayor, shall determine the cost of custom products and specialized equipment when such products and equipment have to be purchased by the city power services outside the scope of the services and products identified in this article.

Section 5. **Effective data of adjusted rates and charges.** The adjusted rates and charges established in Section 28-502 and Section 28-527 hereby adopted shall become effective for all monthly customer bills rendered after December 1, 2017 beginning with the December 2017 billing cycles.

Section 6. **Repealer Clause.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the sections hereby adopted are repealed.

Section 7. **Severability.** If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of any competent jurisdiction, said holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in or of itself invalid or unconstitutional.

Section 8. **Construction.** If any section, paragraph, sentence or word of this Ordinance or the sections hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other provisions of this Ordinance and the sections hereby adopted independent of such portion that may be declared invalid.

Section 9. **Effective Date.** This Ordinance and the sections hereby adopted shall take effect and be enforced immediately upon the adoption and publication as required by law with new rates and charges to be applied to monthly customer bills rendered after December 1, 2017.

Section 10. **Publication.** The City Clerk of the City of Opelika is hereby authorized and directed to cause a copy of this Ordinance to be published one (1) time in a newspaper 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