



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
204 South 7th Street
February 6, 2018
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

Mr. Shuman called the roll and all council members were present.

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

3. Invocation

Pastor Henry Smith provided the invocation.

4. Pledge of Allegiance

Ashton and Troy lead the Pledge of Allegiance.

1. Ashton Lester and Troy Tidwell from the Southview Primary School.

5. Reading of Minutes

1. Minutes from the 1-16-18 City Council Meeting.

President Smith asked if there was any additions or correction to these minutes. There were none and President Smith asked for approval of these minutes as prepared by voice vote of the entire city council.

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller recognized the elected positions that George Bandy held prior to his passing. Alabama Representative Bandy first served as an Opelika City Council member, then a Lee County Commissioner and finally the District 83 Alabama Representative.

1. Recognize the OCS Teachers of the Year.

Mayor Fuller recognized the Opelika City School Teachers of the Year for 2017 and presented each of them with a certificate and gift bag.

8. Citizen Communications

(Limit comments to five minutes or less)

Pam Powers-Smith, Opelika Chamber of Commerce President, provide some details for the Bike Race that is on the agenda tonight. Pam stated this bike race has been held a couple of times and is a SEC official event. They have plenty of volunteers and man the barricades at all times during this event. This event helps the downtown restaurants, shops and about half of the racers stay in Opelika's hotels. Joey Motley, City Administrator, stated that initially they had submitted an

incorrect route map. The police chief and I have met with the organizers and we now support this event.

Suzanne Montgomery thanked the Mayor, City Council and Matt Mosley, Planning Director, for their assistance in coming to a compromise over the setback lines on my property. President Smith thanked Mrs. Montgomery for bringing this matter to the City Council's attention so it could be reviewed and addressed as needed.

Jeanette Banks, 107-D Plum Avenue, stated there are people in her neighborhood beating on her windows, stealing her stuff and making threats. Her neighbor is smoking pot and it comes thru the wall into her apartment. I have asked the Opelika Housing Authority to find me a different apartment but, nothing has been done. Police Chief McEachern spoke to Ms. Bank after she finished speaking.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. MAQ Inc Db a Mr. Sunny's Food and Gas Package Store Requesting AB Lounge Retail Liquor Class 2 (Package Store) License

Mr. Smith T made the motion to DENY this request because the zoning for this property does not allow the alcohol license being requested. All Council members voted Aye to DENY said request for a Lounge Retail Liquor Class 2 license.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

2. PH, Amend Zoning Ord & Map: 1800 Block Century Blvd., C-2 to PUD

Mr. Shuman announced the public hearing calling on Matt Mosley, Planning Director, who provided a summary of the amendment to the zoning ordinance & map. President Smith then opened the public hearing asking if there was anyone present that would like to speak for or against said amendment. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

1. Bids 012-18 One (1) New 45' Digger Derrick with Freightliner Cab & Chassis and Options - OPS

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

2. Bids 013-18 One (1) New 55' Aerial Device with Freightliner Cab & Chassis and Options - OPS

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

3. Bids 014-18 Auburn St and ML King Blvd Resurfacing - ENG

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

13. Resolutions

1. Resolution Development Agreement, First South Farm Credit - Tabled.
Mr. Canon made the motion to remove this resolution from the Table and was seconded by Ms. Jones. The following vote was recorded:

Aye Jones, Pitts, Smith T, Canon, Smith

Nay None

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

2. Resolution 015-18 Expense Reports from Various Departments.

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

3. Resolution 016-18 Designate City Personal Property Surplus & Authorize Disposal

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

4. Resolution 017-18 Purchase-One (1) 2018 Ford F150 Super Cab-State Contract T191A - P&R

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

5. Resolution 018-18 Purchase-One (1) 6 Cu Yd Refuse Dumper - OES

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

6. Resolution 019-18 Request for Downtown Bike Race on 2-25-18,

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

7. Resolution 020-18 Resolution Honoring State Representative George Bandy, Sr.

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 001-18-ORD Amend Text Zoning Ordinance, Section 2.2, 7.3, 7.6, 8.16, and 8.17 - 2Nd Reading.

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

2. Ordinance Amend Zoning Ord & Map: 1800 Block Century Blvd., C-2 to PUD - 2Nd Reading

This ordinance was introduced by Mr. Smith T.

RESULT: **FIRST READING INTRODUCED**

3. Ordinance To Amend City Code of Ordinances, Article XII of Chapter 14 Business License - 2Nd Reading.

This ordinance was introduced by Mr. Canon.

RESULT: **FIRST READING INTRODUCED**

4. Ordinance Request Annexation, 12 Acres Hwy 51, Bowman Property - 2Nd Reading.
This ordinance was introduced by Mr. Canon.

RESULT: **FIRST READING INTRODUCED**

15. Appointments

1. Reappoint Wilbert Payne to BZA. New term ends 2-11-21.

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

2. Reappoint Angela George to BZA. New term ends 2-11-21.

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

3. Reappoint Chris Anthony to BZA. New term ends 2-11-21.

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

16. Adjourn

The City Council meeting minutes of February 6, 2018 are hereby adopted and approved this the 20th day of February, 2018.

/s/ Eddie Smith

President of City Council

City of Opelika, Alabama

ATTEST:

/s/ R. G. Shuman

R. G. "Bob" Shuman, CMC

City Clerk - Treasurer

1. Motion to adjourn.

The council meeting ended at 7:42 pm.

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

CM MINUTES (ID # 2675)

Meeting: 02/06/18 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 2675

Minutes from the 1-16-18 City Council Meeting.

COMMENTS - Current Meeting:

President Smith asked if there was any additions or correction to these minutes. There were none and President Smith asked for approval of these minutes as prepared by voice vote of the entire city council.

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



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

January 16, 2018

TIME: 7:00 PM

1. Call to Order

President Smith called the council meeting to order at 7:06 pm and asked Mr. Shuman to call the roll.

2. Roll Call

Mr. Shuman called the roll and all council members were present.

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

3. Invocation

The Reverend Daryl Cobb provided the invocation.

4. Pledge of Allegiance

Ashton and Troy could not attend the council meeting due to the weather. President Smith asked council member Tiffany Pitts to lead the Pledge of Allegiance.

1. Ashton Lester and Troy Tidwell from Southview Primary School.

5. Reading of Minutes

1. City Council Meeting Minutes from the 1-02-18 Council Meeting.

President Smith asked if there was any additions or corrections to said minutes. There were none and President Smith asked for approval of said minutes as prepared by voice vote of the entire council.

RESULT: APPROVED [UNANIMOUS]

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller gave his condolences to the family and friends of George Bandy, Sr. who passed early this morning. His funeral service will be Tuesday, January 23rd at Noon at Greater Peace Baptist Church.

Mayor Fuller said all City offices will be closed on Wednesday, 1/17 due to the emergency weather conditions. There will be no garbage pick up tomorrow. The announcement of City operations for Thursday will be made later and asked everyone to stay off the roads and be safe.

Mayor Fuller said if your power is off, the OPS command center will be working on it and there is no need to call me or the OPS office.

Mayor Fuller stated for the record that he has re-appointed Dale Vaughan to a full term on the Planning Commission.

1. December 2017 Building Report

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

8. Citizen Communications

(Limit comments to five minutes or less)

President Smith called on Mr. Shuman to announce Citizen Communications. Mr. Shuman reminded those present that if you are here for a Public Hearing, this is not the time to speak and to please limit your comments to five minutes or less.

Pam Powers-Smith, President of the Opelika Chamber, stated she was speaking on behalf of several Chamber members. She thanked Mayor Fuller and the City Council for being pro-business and for everything they have done in the past including the approval of the Entertainment District for downtown Opelika. The Chamber is in support of the Brunch Bill which will generate more business, sales tax and help the many small businesses that are Mom & Pop operations. Thank you for responding to the emails concerning this issue.

David Floyd, Pastor of a local Church, stated he is opposed to alcohol sales at any time. There are other considerations than just more sales dollars. I am opposed to the Brunch Bill. You should decide what is best for Opelika and not what other cities are doing. Additional alcohol sales will only bring more problems to the citizens of Opelika.

Robin Bridges, with the Auburn-Opelika Tourism Bureau, thanked Mayor Fuller and the City Council for considering the Brunch Bill. Our job is to bring visitors to the Auburn - Opelika area. We have heard from many of the local restaurants, hotels and golf courses and they support the Brunch Bill. We estimate the Brunch Bill would increase revenue \$25,000 per business per year. This would be for only restaurants, hotels and golf courses that have an on-premise alcohol license. The Brunch Bill would give the City Council the flexibility to change the time on Sunday or leave it at Noon. There are many other Alabama cities and counties that are taking this action.

Jerry Kelly, retired Director of Planning, stated in December he got a notice from the RSA saying the retired city employees would be getting a Christmas bonus and wanted to thank Mayor Fuller and the City Council on behalf of his four grandkids.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request for a Walk on Saturday, Feb. 17 Th.

RESULT: APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: David Canon, Council Member

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

2. Irish Bred Pub Request a Restaurant Retail Liquor & Beer On-Premise License.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

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

3. Premium Beverage Company Inc. AB Wholesale Beer License

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

4. Premium Beverage Company Inc. AB Wholesale Wine & Beer

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

5. Public Hearing, Amend Zoning Ordinance Section 2.2, 7.3, 7.6, 8.16, and 8.17

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

Suzanne Montgomery stated she has been attending city meetings since last year concerning these proposed changes that effects my property. The proposed changes will decrease the value of my property and tie my hands for future development. Where does the City get the moral authority to control my property? I am angry and bewildered at what the City is proposing.

Bill Montgomery stated I am married to someone who owns property in Opelika. The proposed ordinance is insulting and it doesn't matter whether it is two inches or forty feet, the City has no right to control my wife's property. The ordinance allows the City to do what they want. Would you want this done to you? Would you want these restrictions on your property? No one wants to live in a chaotic City. I recommend the City re-look at this ordinance and what is the intent?

Please consider the impact on all the citizens.

Johnny Kirkland stated this was his first city council meeting. I am encouraged by the prayer. I go to Church with the Montgomery's and I know what happens to people's property when they can't sell it or improve it. Please re-look at these proposed regulations or buy her property. Thank you for your consideration.

President Smith closed the public hearing.

6. Public Hearing, Development Agreement, First South Farm Credit.

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

Steve Ward said he represents Shelby Ward who owns the property being called Frances Street that is adjacent to the property purchased by First South Farm Credit. The plat of said property was never recorded back in the 1950's. The City does not own said property.

Scott Parker stated we had to go by the tax maps and just found out about this issue.

Mayor Fuller stated we want this new facility and wondered if there is enough room on the other side to have an entrance?

Guy Gunter asked who paved the road? Steve Ward said they gave permission to pave but, could not remember to who.

The representative from First South Farm Credit stated they just found out about this issue. We thought Frances Street was a public street. There is not enough property on the other side of the proposed building to have an entrance to the property.

President Smith suggested the resolution should be Tabled since the development agreement mentions Frances Street.

President Smith closed the public hearing.

12. Awarding of Bids

1. Bids 008-18 Police Equipment for Police Package Automobiles - PD

Attachment: CM 2-06-18, minutes from the 1-16-18 CM. (2675 : Minutes from the 1-16-18 City Council Meeting.)

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

13. Resolutions

1. Resolution Utility Easement Encroachment, Agreement with Joe E. Simpkins -
 TABLED.

Mr. Smith T made the motion to remove this resolution from the Table and was seconded by Ms. Pitts. The following vote was recorded:

Ayes Jones, Pitts, Smith T, Canon, Smith

Nays None.

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

2. Resolution Support State Legislation, Sunday Alcohol Sales - TABLED.

Mr. Canon made the motion to remove this resolution from the Table and was seconded by Mr. Smith T. The following vote was recorded:

Ayes Jones, Pitts, Smith T, Canon, Smith

Nays None.

Ms. Jones asked for the record to reflect that back in November 2002, the City Council approved a Resolution confirming the results of a special referendum for the citizens to vote to allow alcohol sales on Sunday after 12:00 Noon. The YES votes were 3,713 and the NO votes were 3,460 or a difference of 253 votes and a total votes of 7,173. If we feel the time for Sunday alcohol sales needs to be changed, we should hold another special referendum to allow the citizens of Opelika to vote. I feel voting for the proposed resolution would negate the vote of the people.

RESULT: FAILED [2 TO 3]
MOVER: David Canon, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: David Canon, Eddie Smith
NAYS: Patricia Jones, Tiffany Gibson-Pitts, Dozier Smith T

3. Resolution 009-18 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 Development Agreement, First South Farm Credit
 This resolution was introduced by Mr. Canon.

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

5. Resolution 010-18 Reappoint Judge & Assistant Prosecutor.

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

6. Resolution 011-18 Establishing Compensation of Assistant City Prosecutor.

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

14. Ordinances

1. Ordinance Amend Text Zoning Ordinance, Section 2.2, 7.3, 7.6, 8.16, and 8.17 - First Reading.

This ordinance was introduced by Mr. Smith T.

RESULT: FIRST READING INTRODUCED

15. Appointments

1. Appoint Tipi Miller to fill vacancy on Board of Education. Assumes term ending 4-01-2020.

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

16. Adjourn

The City Council meeting minutes of January 16, 2018 are hereby adopted and approved this the ____ day of _____, 2018.

/s/

 President of 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 8:04 pm.

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 02/06/18 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Lillie Finley

Sponsors:

GENERAL BUSINESS (ID # 2682)

DOC ID: 2682

MAQ Inc Db a Mr. Sunny's Food and Gas Package Store Requesting AB Lounge Retail Liquor Class 2 (Package Store) License

COMMENTS - Current Meeting:

Mr. Smith T made the motion to DENY this request because the zoning for this property does not allow the alcohol license being requested. All Council members voted Aye to DENY said request for a Lounge Retail Liquor Class 2 license.

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



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 2651)

Meeting: 02/06/18 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 2651

PH, Amend Zoning Ord & Map: 1800 Block Century Blvd., C-2 to PUD

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, February 6, 2018, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 S. 7th Street, Opelika, Lee County, Alabama.

PURPOSE

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

ORDINANCE NO. _____

ORDINANCE TO AMEND THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA (CENTURY PARK CONDOMINIUMS 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) Land & Timber, LLC heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “Century Park Condominiums PUD” consisting of approximately 5.25 acres.
- (b) The proposed development is located in a C-2 District (Office/Retail District) and is located on the north side of Century Boulevard and west of Thomason Drive.

(c) The property described in Section 3 below will be developed in one or two phases as eight (8) multi-family buildings consisting of a total of thirty-two (32) residential condominium units.

(d) The Planning Commission heretofore conducted a public hearing on the proposed development and referred to the Council its recommendation to approve the proposed development.

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

Section 2. APPROVAL OF DEVELOPMENT PLAN. The 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. DESIGNATION OF PLANNED UNIT DEVELOPMENT. The Official Zoning Map of the City is hereby amended and the zoning classification for the following parcel of land shall be changed from a C-2 District (Office/Retail District) to a Planned Unit Development ("PUD") on the Official Zoning Map:

All that certain tract or parcel of land lying in Section 13, Township 19 North, Range 26 East, Opelika, Lee County, Alabama, containing 5.25 acres and being more particularly described as follows:

Commencing at Southwest corner of Section 13, Township 19 North, Range 26 East, run North 21 degrees 27 minutes 11 seconds East 759.83 feet to a point on the North right-of-way of Century Boulevard, also being the POINT OF BEGINNING; thence North 00 degrees 04 minutes 51 seconds West 299.99 feet; thence North 44 degrees 33 minutes 51 seconds East 56.45 feet; thence North 00 degrees 42 minutes 44 seconds West 20.10 feet; thence North 89 degrees 52 minutes 02 seconds East 599.99 feet; thence 00 degrees 44 minutes 57 seconds East 360.22 feet to the North right-of-way of Century Boulevard; thence along the North right-of-way of Century Boulevard, South 89 degrees 52 minutes 02 seconds West 640.18 feet; to the POINT OF BEGINNING.

Section 4. RETENTION OF COPIES OF THE DEVELOPMENT PLAN. Copies of the Development Plan shall be maintained in the office of the City Clerk, City Planner, City Engineer, and Building Official and shall be open for public inspection.

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

Section 6. EFFECTIVE DATE. This Ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 7. PUBLICATION. This Ordinance shall be published one (1) time in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

WITNESS my hand this the ____ day of _____, 2018.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

Opelika, Alabama 36801

Please publish the foregoing Notice one (1) time in the January ____, 2018 issue of your paper.

CITY CLERK

The applicant is requesting rezoning 5.25 acres at the 1800 block of Century Boulevard from a C-2 (office-retail) zoning district to a PUD (Planned Unit Development) zoning district. The rezoning property is undeveloped. The surrounding adjacent properties are zoned C-2. The surrounding existing uses are residential and vacant property. The proposed use is 32 residential condominiums. The developer's narrative & site plan, and a Planning Commission report & map are attached. At the December 19th meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to CC to rezone the property. At the January 2nd CC WS, the City Council reviewed the rezoning request and approved advertising for a CC PH.

COMMENTS - Current Meeting:

Mr. Shuman announced the public hearing calling on Matt Mosley, Planning Director, who provided a summary of the amendment to the zoning ordinance & map. President Smith then opened the public hearing asking if there was anyone present that would like to speak for or against said amendment. No one came forward to speak. President Smith closed the public hearing.

City of Opelika Planning Commission Report

Action Requested: Rezoning - 5.25 acres at the 1800 block of Century Boulevard
Rezoning - from C-2 to PUD

Rezoning

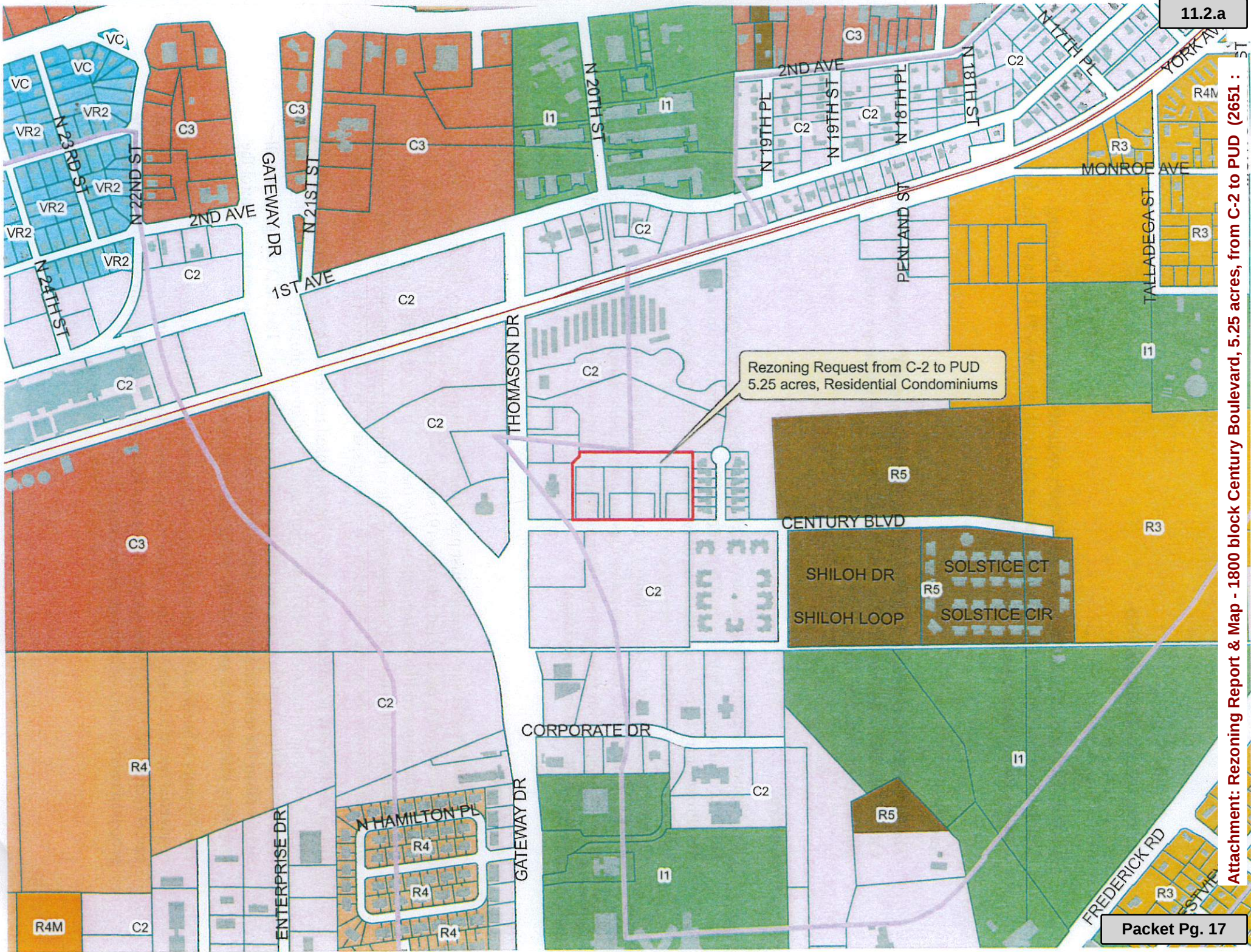
The applicant is requesting rezoning 5.25 acres from C-2 (office/retail) zoning district to a planned unit development (PUD) zoning district. The adjacent properties are largely residential or vacant, but all have a light commercial designation. The applicant is proposing a 32 unit townhome style development on 5.25 acres. The density for the development is approximately six units per acre well below the 16 units per acre allowed in the C-2 zone. The development is proposing 30 foot front setbacks, 10 foot side setbacks between individual building and lots lines and 30 foot rear setbacks. The applicant is planning to subdivide the lots based off of the private streets. The common space and infrastructure will be private and maintained by the home owners association. *(A narrative prepared by the developer and a site plan is attached.)*

Staff Recommendation

Planning Staff believes that the rezoning request for the 5.25 acres from C-2 to PUD is appropriate.

Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from C-2 to PUD.

At the December 19th meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to the City Council to rezone 5.25 acres from a C-2 to a PUD zoning district.



Attachment: Rezoning Report & Map - 1800 block Century Boulevard, 5.25 acres, from C-2 to PUD (2651 :

Century Park--Proposed PUD

Land & Timber, LLC, the Applicant, respectfully requests that the Opelika Planning Commission and Opelika City Council approve and establish a new PUD master plan for Century Park Condominiums, within the City of Opelika.

Location

The Proposed Development is located on Century Boulevard, off Thomason Drive, within the City of Opelika. The Property fronts on an existing City of Opelika-owned and maintained, public street, served by City of Opelika utilities.

Concept

The Applicant is proposing to construct eight (8) multi-family buildings, with four (4) units per building, for a total of thirty-two (32) residential condominium units on approximately 5.25 acres. The Project may be constructed in one or two phases. The lots proposed are to be developed for one or two-story, individually deeded condominiums. All infrastructure will meet City of Opelika standards and at completion of construction, all public infrastructure and public utilities will be turned over to the proper authorities for continued maintenance, following acceptance and conclusion of warranty periods. Private infrastructure/utilities will be maintained by a newly created Home Owners Association.

Site Details

The proposed Project site is located just past Trustmark Bank, on Century Boulevard. The Property is currently subdivided into nine (9) separate parcels totaling roughly 5.25 acres. As a result of the proposed PUD being approved by the City of Opelika, the Property will be re-subdivided into thirty-two (32) residential condominium lots with common area lots for parking and other common use areas. A total of 96 parking spaces are planned for the development.

Given the Property is currently zoned C-2, the proposed residential condominium use is a like-kind conditional use as compared to its neighboring contiguous property. As such, there are no apparent conflicts with the proposed single-family residential use. The PUD designation will simply allow the applicant to better define the parameters of the development and control the long-term attractiveness and viability of the resulting community.

The Property is bordered by a commercial lending institution to the west, a similar multi-family residential use to the east, a vacant parcel that is largely floodplain land to the north and a vacant parcel (across the street) to the south. There can be no adverse impacts alleged to result from the proposed residential condominium development.

Setbacks

Setbacks for buildings constructed on lots in the subject development are proposed to be a minimum of 10' between buildings, 30' from the front property line and 30' from the rear property line.

Utilities

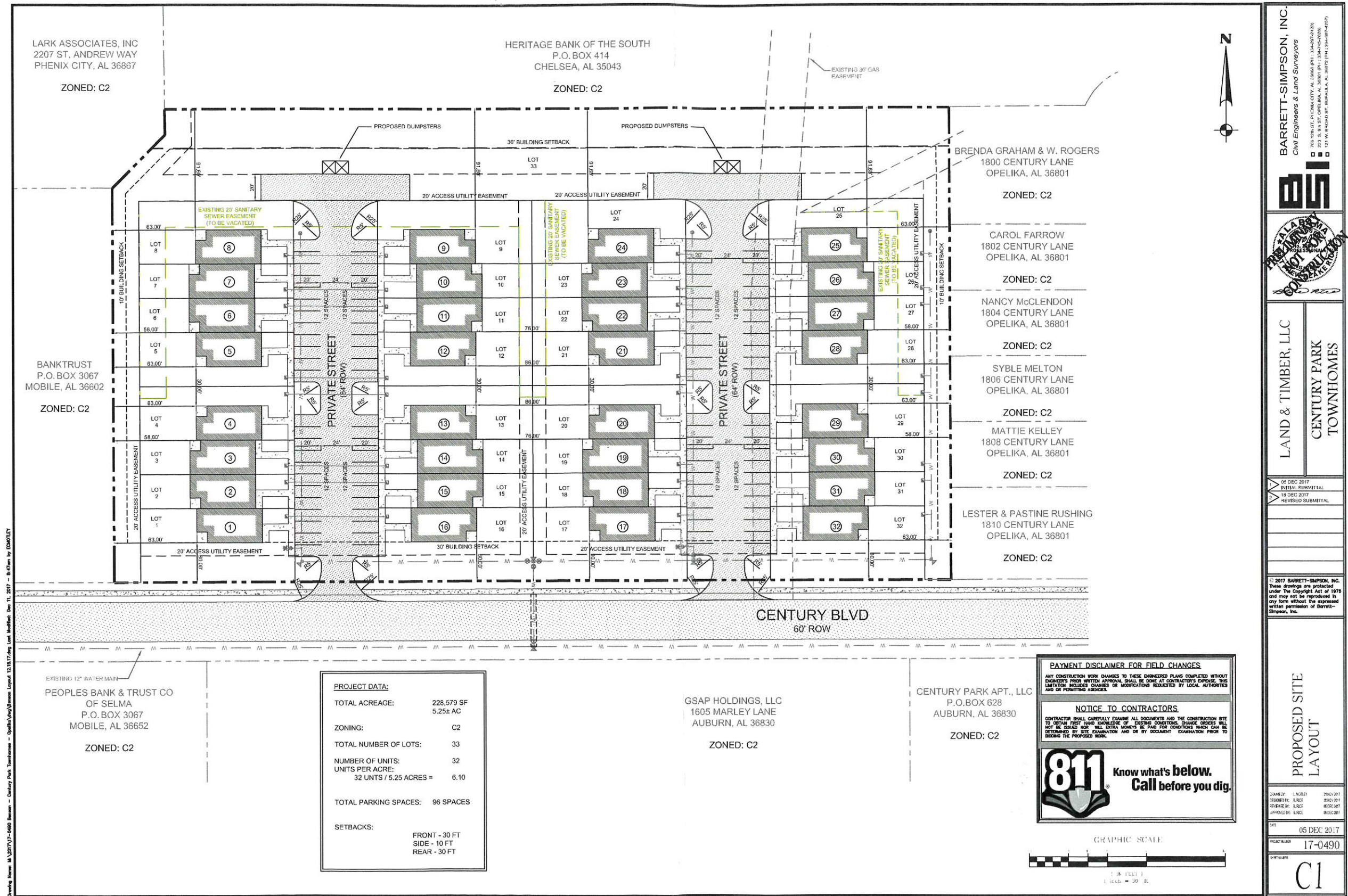
The Proposed Development will be served by City of Opelika sewer and water services. Power and communications will be provided by Opelika Power Services. Natural gas, if used, will be provided by Spire (Alagasco). Garbage service be provided privately with dumpsters located within the project. If individual service is not provided, the Developer will provide dumpster service with a properly screened pad at the rear of the property.

Impact of Proposal to Establish PUD

Current zoning (C-2) governing the proposed Property allows up to 16 units per acre for maximum density. At 5.25 acres for the Development, current zoning would allow up to 84 units to be constructed. The Applicant is proposing herein to construct 32 units, or less than half the maximum density allowable within the C-2 district.

The contiguous land uses are either similar to the proposed use or commercial in nature. As such, no adverse impact to adjoining or neighboring properties can be contemplated by the proposed use or by the establishment of the proposed PUD zoning.

The Development will be served by a single Home Owners Association, which will be established prior to sales of individual units. The HOA will maintain all common areas and enforce Covenants to protect the Development.





City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 012-18

Meeting: 02/06/18 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 2676

One (1) New 45' Digger Derrick with Freightliner Cab & Chassis and Options - OPS

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited bids for a purchase for One (1) New 45' Digger Derrick with New Freightliner Cab and Chassis with options for Opelika Power Services; and

WHEREAS, Altec Industries, Inc. was the sole bidder meeting specifications; and

WHEREAS, In the event of only one bid, Alabama State Law allows for a lower price to be negotiated; 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 Altec Industries, Inc. on their sole bid meeting specifications.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Altec Industries, Inc. in the amount of \$259,118.00.
3. That the Controller is authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.

APPROVED AND ADOPTED this the _____ day of _____, 2018.

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:	Tiffany Gibson-Pitts, Council Member
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith

FACT SHEET

SUBJECT: Sealed Bids – Bid #18014 – We are asking the council to approve a purchase for One (1) New 45' Digger Derrick with New Freightliner Cab and Chassis with options

FACTS:

- Bid opening date – 1/8/18
- User Department – Power Services
- The bid was mailed to 16 vendors
- 1 bid was received
- Budgeted purchase
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the purchase be awarded to Altec Industries, Inc. on their sole negotiated bid meeting specifications in the amount of \$259,118.00.**

[illegible]

Attachment: 2-6-18 - ONE (1) NEW 45' DIGGER DERRICK WITH NEW FREIGHTLINER CAB & CHASSIS



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 013-18

Meeting: 02/06/18 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 2677

One (1) New 55' Aerial Device with Freightliner Cab & Chassis and Options - OPS

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited bids for a purchase for One (1) New 55' Aerial Device with New Freightliner Cab and Chassis with options for Opelika Power Services; and

WHEREAS, Altec Industries, Inc. was the sole bidder meeting specifications; and

WHEREAS, In the event of only one bid, Alabama State Law allows for a lower price to be negotiated; 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 Altec Industries, Inc. on their sole bid meeting specifications.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Altec Industries, Inc. in the amount of \$219,535.00.
3. That the Controller is authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.

APPROVED AND ADOPTED this the _____ day of _____, 2018.

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:	Patricia Jones, President Pro-Tem
SECONDER:	David Canon, Council Member
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith

FACT SHEET

SUBJECT: Sealed Bids – Bid #18015 – We are asking the council to approve a purchase for One (1) New 55' Aerial Device with New Freightliner Cab and Chassis with options

FACTS:

- Bid opening date – 1/8/18
- User Department – Power Services
- The bid was mailed to 16 vendors
- 1 bid was received
- Budgeted purchase
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the purchase be awarded to Altec Industries, Inc. on their sole negotiated bid meeting specifications in the amount of \$219,535.00.**

[illegible]



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 014-18

Meeting: 02/06/18 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 2683

Auburn St and ML King Blvd Resurfacing - ENG

RESOLUTION NO. _____

WHEREAS, the Purchasing Department opened sealed bids for Auburn Street and ML King Boulevard Resurfacing for the Engineering Department; and

WHEREAS, Robinson Paving Co. submitted the lowest bid meeting specifications; and

WHEREAS, this is a budgeted contract;

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

1. That the contract be awarded to Robinson Paving Co. on their low bid meeting specifications.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Robinson Paving Co. in the amount of \$306,480.00.
3. That the Controller be authorized to adjust the budget as necessary for this contract.
4. That the Mayor is hereby authorized to sign all documents pertaining to this contract.

APPROVED AND ADOPTED this the _____ day of _____, 2018.

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:	Patricia Jones, President Pro-Tem
SECONDER:	Dozier Smith T, Council Member
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith

FACT SHEET

SUBJECT: Sealed Bids – Bid #18017 – We are asking the council to approve a contract for Auburn Street and ML King Boulevard Resurfacing

FACTS:

- Bid opening date – 1/29/18
- User Department – Engineering
- The bid was mailed to 11 vendors
- 2 bids were received
- Budgeted purchase
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the contract be awarded to Robinson Paving Co. on their low bid meeting specifications in the amount of \$306,480.00.**

PAY ITEM	DESCRIPTION	UNIT	Quantity	Bid Tab for Robinson Paving		Bid Tab for East Alabama Paving	
				Bid Cost	Extension	Bid Cost	Extension
206D-002	REMOVING CURB	LIN FT	7200	\$ 6.50	\$ 46,800.00	\$ 7.00	\$ 50,400.00
305B-000	CRUSHED AGGREGATE BASE COURSE, SECTION 825, for Miscellaneous Use	TON	1000	\$ 29.20	\$ 29,200.00	\$ 28.00	\$ 28,000.00
405A-000	TACK COAT	GAL	250	\$ 2.50	\$ 625.00	\$ 5.00	\$ 1,250.00
408A-051	PLANING EXISTING PAVEMENT (APPROXIMATELY 0.00" THRU 1.0" THICK)	SQ YD	150	\$ 30.00	\$ 4,500.00	\$ 24.00	\$ 3,600.00
424A-360	SUPERPAVE BITUMINOUS CONCRETE WEARING LAYER, 1/2" MAX. AGGREGATE SIZE MIX, ESAL RANGE C/D	TON	900	\$ 68.65	\$ 61,785.00	\$ 66.49	\$ 59,841.00
424B-651	SUPERPAVE BITUMINOUS CONCRETE UPPER BINDER LAYER, 1" MAX. AGGREGATE SIZE MIX, ESAL RANGE C/D	TON	50	\$ 141.00	\$ 7,050.00	\$ 80.00	\$ 4,000.00
	SAW CUTTING EXISTING ASPHALT PAVEMENT	LIN FT	7200	\$ 1.85	\$ 13,320.00	\$ 7.00	\$ 50,400.00
614A-000	SLOPE PAVING	CU YD	5	\$ 365.00	\$ 1,825.00	\$ 400.00	\$ 2,000.00
621C-031	CONVERT EXISTING INSETS TO, TYPE S3 (1 WING)	EACH	4	\$ 3,100.00	\$ 12,400.00	\$ 2,000.00	\$ 8,000.00
623A-000	CONCRETE GUTTER	LIN FT	75	\$ 16.00	\$ 1,200.00	\$ 20.00	\$ 1,500.00
623C-000	COMBINATION CURB & GUTTER, 24 INCH, TYPE C	LIN FT	7200	\$ 12.00	\$ 86,400.00	\$ 15.00	\$ 108,000.00
654A-001	SOLID SODDING (BERMUDA)	SQ YD	1600	\$ 5.25	\$ 8,400.00	\$ 5.00	\$ 8,000.00
680A-000	ENGINEERING CONTROLS	LUMP SUM	1	\$ 12,280.00	\$ 12,280.00	\$ 16,525.00	\$ 16,525.00
701A-227	SOLID WHITE, CLASS 2, TYPE A TRAFFIC STRIPE (5" WIDE)	MILE	1	\$ 3,045.00	\$ 3,045.00	\$ 2,900.00	\$ 2,900.00
701A-230	SOLID YELLOW, CLASS 2, TYPE A TRAFFIC STRIPE (5" WIDE)	MILE	4	\$ 3,045.00	\$ 12,180.00	\$ 2,900.00	\$ 11,600.00
701C-003	SOLID TEMPORARY STRIPE (PAINT)	MILE	4	\$ 840.00	\$ 3,360.00	\$ 800.00	\$ 3,200.00
703A-002	TRAFFIC CONTROL MARKINGS, CLASS 2, TYPE A	SQ FT	250	\$ 5.50	\$ 1,375.00	\$ 5.00	\$ 1,250.00
705A-011	PAVEMENT MARKERS, CLASS, C, TYPE 1-A	EACH	140	\$ 5.25	\$ 735.00	\$ 5.00	\$ 700.00
				\$ 306,480.00		\$ 361,166.00	

RESOLUTION NO. (ID # 2657)

Development Agreement, First South Farm Credit - Tabled.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING A PROJECT DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF OPELIKA, ALABAMA,
AND FIRST SOUTH FARM CREDIT, ACA**

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

Section 1. FINDINGS. The Council, upon evidence duly presented to it and considered by it, has found and determined and does hereby find, determine and declare that the following facts are true and correct:

(a) Pursuant to the applicable laws of the State of Alabama, the City and First South Farm Credit, ACA, an institution of the Farm Credit System (the “Association”) have prepared that certain Project Development Agreement to be dated as of the date of delivery (the “Project Development Agreement”), a copy of which Agreement is attached hereto as Exhibit “A”, for the purposes referenced therein.

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

(c) The Project, as defined in the Project Development Agreement, is an economic development within the City, consisting of the local branch office building of the Association within the meaning of Amendment 642.

(d) Pursuant to, and for the purposes of Amendment 642, it is necessary, desirable and in the public interest for the City to provide financial incentives to the Association.

(e) The expenditure of public funds for the purposes specified in the Project Development Agreement and in Section 1(c) will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(f) The Project, as defined herein when completed, will consist of an approximately 6,600-square foot office building located at 1613 Frederick Road in the corporate limits.

(g) The Project, as defined in the Project Development Agreement when completed, will result in the creation of approximately fourteen (14) new jobs and will increase employment in the City and increase the tax and revenue base of the City. The operation of the Project will create new business and revenues for the agribusinesses in Opelika and Lee County and other persons engaged in businesses and occupations within the City.

(h) On January 9, 2018, the City caused to be published in the Opelika-Auburn News, which newspaper has the largest circulation in the City, the Notice required by Amendment 642, a true and correct copy of which Notice is attached hereto as Exhibit "B". The Council certifies:

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

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

(i) On January 16, 2018, the Council conducted a public hearing during the meeting referenced in said Notice with respect to the matters therein contained.

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

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

(b) The terms and provisions of the Project Development Agreement, in substantially the form set forth therein, with such changes thereto (by addition or deletion), as the Mayor shall approve, which approval shall be conclusively referenced by execution and delivery of the Project Development Agreement.

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

Section 4. AUTHORIZED ACTS. The Mayor and officers of the City are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices, petitions, and proceedings, with respect to the

Project Development Agreement, as the Mayor and such officers shall determine to be necessary or desirable to carry out the provisions of this Resolution and the Project Development Agreement or duly and punctually observed and perform all agreements and obligations of the City under the Project Development Agreement.

Section 5. CONFIRMATION OF PRIOR ACTIONS. All prior actions taken and agreements, documents, notices executed and delivered, by the Mayor or any officer or member of the City Council or other representatives of the City in connection with the agreements, covenants and undertakings of the City are hereby approved, or in connection with the preparation of the Project Development Agreement and the terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 6. AUTHORIZATION OF CITY CONTRIBUTION. The City contribution in an amount not to exceed \$44,000.00 shall be paid to the Association in accordance with the provisions of the Project Development Agreement from the Unassigned Fund Balance of the General Fund. The Mayor and the Controller are hereby authorized and directed to make all appropriate budget changes and accounting entries as they determine to be necessary to carry out the provisions of the Resolution and the Project Development Agreement.

Section 7. EFFECTIVE DATE. This Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED by the City Council of the City of Opelika, Alabama, on this the ____ day of _____, 2018.

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

ATTEST:

CITY CLERK

CITY CLERK'S CERTIFICATE

I, the undersigned qualified and acting City Clerk of the City of Opelika, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a resolution lawfully passed and adopted by the City Council of the City of Opelika at a regular meeting held on the 16th day of January, 2018 and that such resolution is on file in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Opelika on this the ____ day of January, 2018.

CITY CLERK

CITY OF OPELIKA, ALABAMA

PROJECT DEVELOPMENT AGREEMENT
BY AND BETWEEN
FIRST SOUTH FARM CREDIT, ACA
AND
THE CITY OF OPELIKA, ALABAMA

PROJECT DEVELOPMENT AGREEMENT

THIS PROJECT DEVELOPMENT AGREEMENT is made and entered as of January 3, 2018 by and between the **CITY OF OPELIKA, ALABAMA**, an Alabama municipal corporation (the "City") and **FIRST SOUTH FARM CREDIT, ACA**, an institution of the Farm Credit System (the "Association").

RECITALS

The parties hereto make the following recitals of facts as the basis of the undertakings herein made.

1. The Association is part of the National Farm Credit System.
2. The Association is the leading provider of financial services and financing for agribusiness in Alabama, Louisiana and Mississippi.
3. The Association is acquiring real estate and constructing a 6,600 square foot building located at 1613 Frederick Road in Opelika, Lee County, Alabama, substantially in accordance with plans submitted to the City (the "Project").
4. The Association estimates that it will make a capital investment in the Project in excess of \$1,000,000.
5. The Project is expected to create, when fully placed in service, approximately 14 new employees with an annual payroll of approximately \$1,000,000.
6. The Project will have a significant impact on the tax base, tax revenues, job opportunities and future growth in and around the City.
7. The proposed Project meets the economic and land use goals of the City.
8. Amendment Number 642 of the Constitution of Alabama (1901) authorizes the City to lend its credit or to grant public funds and things of value in aid of or to any corporation or other business entity for the purpose of promoting the economic development of the City.
9. The City has agreed to assist the Association as provided herein.

Pursuant to the applicable laws of the State of Alabama referenced herein and for the purposes referenced herein, the City and the Association have delivered this Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the premises, and the mutual covenants and agreements herein contained, the City and the Association hereby covenant and

agree as follows:

ARTICLE I

DEFINITIONS

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

"Association" shall mean FIRST SOUTH FARM CREDIT, ACA., and the successors and assigns thereof.

"City" shall mean the City of Opelika, Alabama.

"City Contribution" shall mean an amount equal to the lesser of (i) the actual cost of repairing, rehabilitating and improving Frances Street as provided herein, or (ii) \$44,000.

"Enabling Law" shall mean Amendment 642 of the Constitution of Alabama of 1901, as amended.

"Frances Street" shall mean the paved two-lane public road according to and as shown on the layout plan prepared by Bolt Engineering, Inc., a copy of which is attached hereto as Exhibit "A".

"Project" shall mean the acquisition and construction of the 6,600 square foot First South Farm Credit building and paved parking lot located at 1613 Frederick Road.

ARTICLE 2

REPRESENTATIONS AND WARRANTIES

(a) The City hereby represents and warrants (i) that it has all necessary power under the Enabling Law to carry out the provisions of this Agreement and (ii) that the execution of this Agreement on its behalf has been duly authorized by a resolution adopted by the governing body of the City.

(b) The Association hereby represents and warrants (i) that it has all necessary power under the Constitution and laws of the State of Alabama to carry out the provisions of this Agreement and (ii) that the execution of this Agreement on its behalf has been duly authorized by the governing body of the Association.

ARTICLE 3

AGREEMENTS AND OBLIGATIONS OF THE ASSOCIATION

The agreements and obligations of the City under Article 4 of this Agreement are contingent upon satisfaction by the Association of the following conditions precedent:

(1) On or before December 31, 2018, the Association will have constructed or caused to be constructed the First South Farm Credit building and parking lots in accordance with plans and drawings submitted to the Opelika Planning Commission.

(2) The Association and/or its contractor shall purchase a building permit and commence construction of the Project on or before July 1, 2018 and diligently pursue the same through completion.

(3) On or before December 31, 2018, the Association and/or its contractor shall repair, rehabilitate and improve Frances Street in accordance with plans and specifications submitted to the City Engineering Department. Improvements to Frances Street shall include removal of distressed areas of pavement, resurfacing with new layer of asphalt, installation of curb and gutter, sodding of right-of-way, installation of stop sign and painting and striping. The Association shall cause said improvements to be constructed at its expense and in accordance with the City's design standards and specifications.

(4) Upon substantial completion of the repairs and improvements to Frances Street, the Association shall provide to the City proof of all expenditures incurred with respect to the rehabilitation and improvement of said street.

ARTICLE 4

AGREEMENTS AND OBLIGATIONS OF THE CITY

Upon completion of all repairs and improvements to Frances Street, the City agrees to pay to the Association an amount equal to the lesser of (i) the actual cost of said repairs and improvements or (ii) \$44,000. The parties have agreed that, under no circumstances, will the City be obligated to contribute to, finance or otherwise fund any sum in excess of the City contribution. The Association will absorb all costs and fees for the Project and improvements to Frances Street not covered by the City contribution.

ARTICLE 5

EVENTS OF DEFAULT AND REMEDIES

(a) Events of Default

Any one or more of the following shall constitute an event of default by the City or the Association hereunder (an "Event of Default") under this Agreement (whatever the reason for such event and whether it shall be voluntary or involuntary or be effected by operation of law or pursuant to any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):

(1) default in the performance, or breach, of any covenant or warranty of the City in this Agreement, and the continuance of such default or breach for a period of 30 days after there has been given, by registered or certified mail, to the City by the Association a written notice specifying such default or breach and requiring it to be remedied and stating that such notice is a "notice of default" hereunder, provided that if such default is of a kind which cannot reasonably be cured within such thirty-day period, the City shall have a reasonable period of time within which to cure such default, provided that it begins to cure the default promptly after its receipt of such written notice and proceeds in good faith, and with due diligence, to cure such default; or

(2) default in the performance, or breach, of any covenant or warranty of the Association in this Agreement, and the continuance of such default or breach for a period of 30 days after there has been given, by registered or certified mail, to the Association by the City a written notice specifying such default or breach and requiring it to be remedied and stating that such notice is a "notice of default" hereunder, provided that if such default is of a kind which cannot reasonably be cured within such thirty-day period, the Association shall have a reasonable period of time within which to cure such default, provided that it begins to cure the default promptly after its receipt of such written notice and proceeds in good faith, and with due diligence, to cure such default.

(b) Remedies

Each party hereto may proceed to protect its rights and interests by suit in equity, action at law or other appropriate proceedings, whether for the specific performance of any covenant or agreement of any other party herein contained or in aid of the exercise of any power or remedy available at law or in equity.

Notwithstanding the foregoing, the City's sole remedy if the Association shall fail to commence and complete construction of the Project as provided in this Agreement shall be to terminate this Agreement and withhold payment of the City Contribution.

(c) Remedies Subject to Applicable Law

All rights, remedies and powers provided by this Agreement may be exercised only to the extent the exercise thereof does not violate any applicable provision of law in the premises, and all the provisions of this Article are intended to be subject to all applicable mandatory provisions of law which may be controlling in the premises and to be limited to the extent necessary so that the same will not render this Agreement invalid or unenforceable.

ARTICLE 6

NOTICES

(a) All notices, demands, consents, certificates or other communications hereunder shall be in writing, shall be sufficiently given and shall be deemed given when delivered personally to the party or to an officer of the party to whom the same is directed, or mailed by registered or

certified mail, postage prepaid, or sent by overnight courier, addressed as follows:

- | | |
|---|---|
| <p>(1) if the to the City:</p> <p>City of Opelika
204 South 7th Street
Opelika, Alabama 36801
Attn: Mayor</p> | <p>(2) if to the Association:</p> <p>FIRST SOUTH FARM CREDIT, ACA
1715 West 2nd Street
P. O. Box 6209
Montgomery, AL 36106
Attn: Mike Pigg</p> |
|---|---|

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

ARTICLE 7

PROVISIONS OF GENERAL APPLICATION

(a) **Enforceability.** The provisions of this Agreement shall be severable. In the event any provision hereof shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any of the remaining provisions hereof.

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

(c) **Time of Essence for All Dates and Deadlines.** Time is of the essence for all dates and deadlines in this Agreement.

(d) **Forum and Choice of Law.** This Agreement shall be deemed made in Opelika, Lee County, Alabama. This Agreement shall be governed by and construed in accordance with the laws of Alabama. The exclusive forum and venue for all actions arising out of this Agreement shall be the Circuit Court of Lee County, Alabama. Such actions shall neither be commenced in nor removed to federal court. This section shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this section.

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

(f) **Binding Effect, Governing Law.** This Agreement shall inure to the benefit of, and shall be binding upon, the parties hereto and their respective successors and assigns except as otherwise provided herein. This Agreement shall be governed exclusively by the laws of the State of Alabama.

(g) **Delegation and Assignment of this Agreement.** The City shall have no authority or power to, and shall not, delegate to any person the duty or obligation to observe or perform any agreement or obligation of the City hereunder. Nothing in this section, however, shall prevent the City from engaging appropriate consultants, experts, agents or outside representatives to perform the City's obligations under this Project Development Agreement on behalf of the City.

(1) The City shall not have any authority or power to, and shall not, assign to any person any right of the City hereunder or any interest of the City herein.

(2) The Association may not transfer or assign to any Person or Persons any or all of its rights, title and interest in this Agreement or the payments to be made by the City hereunder without the prior written consent of the City, which consent shall not be unreasonably withheld.

(h) **Amendments.** This Agreement may be amended or supplemented only by an instrument in writing duly authorized, executed and delivered by each party hereto.

(i) **Estoppel Certificates.** From time to time, upon request by any party, the party asked shall provide to the party making the request, an acknowledgment or certificate with respect to such matters concerning this Agreement or the status of performance hereunder, as may be reasonably requested.

(j) **Delegation and Assignment of this Agreement.**

(1) The City shall have no authority or power to, and shall not, delegate to any person the duty or obligation to observe or perform any agreement or obligation of the City hereunder. Nothing in this section, however, shall prevent the City from engaging appropriate consultants, experts, agents or outside representatives to perform the City's obligations under this Project Development Agreement on behalf of the City.

(2) The City shall not have any authority or power to, and shall not, assign to any person any right of the City hereunder or any interest of the City herein.

(a) The Association may not transfer or assign to any Person or Persons any or all of its rights, title and interest in this Agreement or the payments to be made by the City hereunder without the prior written consent of the City, which consent shall not be unreasonably withheld.

(k) **Amendments.** This Agreement may be amended or supplemented only by an instrument in writing duly authorized, executed and delivered by each party hereto.

(l) **Estoppel Certificates.** From time to time, upon request by any party, the party asked shall provide to the party making the request, an acknowledgment or certificate with respect to such matters concerning this Agreement or the status of performance hereunder, as may be reasonably requested.

IN WITNESS WHEREOF, the City has caused this Agreement to be executed in its name, under seal, and the same attested, all by officers thereof duly authorized thereunto, and the Association has executed this Agreement under seal, and the parties have caused this Agreement to be dated the date and year first above written.

CITY OF OPELIKA, ALABAMA

SEAL

By: _____
Gary Fuller
Its Mayor

ATTEST:

Robert G. Shuman
City Clerk

FIRST SOUTH FARM CREDIT, ACA

By: Mike Pigg
Mike Pigg
Its President, Alabama Division

ATTEST:

Harold Kilpatrick
Harold Kilpatrick
Chief Lending Officer
Alabama Division, First South Farm Credit

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

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Opelika, Alabama, (the "City") will meet in public session at 7:00 p.m. on Tuesday, January 16, 2018, in the City Council Chambers of the Municipal Building, 204 S. 7th Street, Opelika, Lee County, Alabama, for the purpose of considering the transaction of business that may properly come before the City Council, such business to include, but not limited to, the following:

1. The authorization by the Council, pursuant to Amendment 642 of the Constitution of Alabama of 1901, of a resolution (the "Resolution") approving the execution and delivery of a Project Development Agreement (the "Agreement") between the City and First South Farm Credit, ACA., an institution of the Farm Credit System (the "Association").

2. Pursuant to the Agreement, the Association will agree to acquire and construct an approximately 6,600-square foot office building (the "Project") which will be located at 1613 Frederick Road in the City of Opelika, Alabama. The Association estimates that it will make a capital investment in the Project of approximately \$1,000,000 and that the Project will create, when placed in service, approximately fourteen (14) new employees. The Association will further agree to repair, rehabilitate and improve Frances Street in accordance with plans and specifications submitted to the City. Improvements to Frances Street shall include removal of distressed areas of pavement, resurfacing with a new layer of asphalt, installation of curb and gutter, sodding of right-of-way, installation of stop sign and painting and striping. In consideration for the obligations of the Association under the Agreement, the City will agree to pay to the Association an amount equal to the lesser of (i) the actual cost of the repairs and improvements to Frances Street, or (ii) \$44,000.00 (the "City contribution"). The total maximum City commitment shall be limited to an amount not to exceed \$44,000. The City will not be obligated to contribute to, finance or otherwise fund any amount in excess of the maximum City commitment, or to perform the City's obligations under the Agreement if the Association fails to complete the construction of the Project.

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

4. The business entity to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value is the Association.

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

6. During the public meeting referenced above, the Council will conduct a public hearing with respect to the Agreement and the matters therein contained. Interested persons will be

given reasonable opportunity to express their opinions, arguments and their views, either orally or in writing, or both, at the meeting. Persons unable to attend the meeting may submit their opinions, arguments and their views to the office of the City Clerk, 204 S. 7th Street, Opelika, Alabama 36801.

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

Please contact Lisa McLeod, the City's ADA Coordinator, at 334-705-5132 at least two (2) working days prior to the meeting if you require special accommodations due to a disability.

DATED this the 9th day of JAN, 2018.



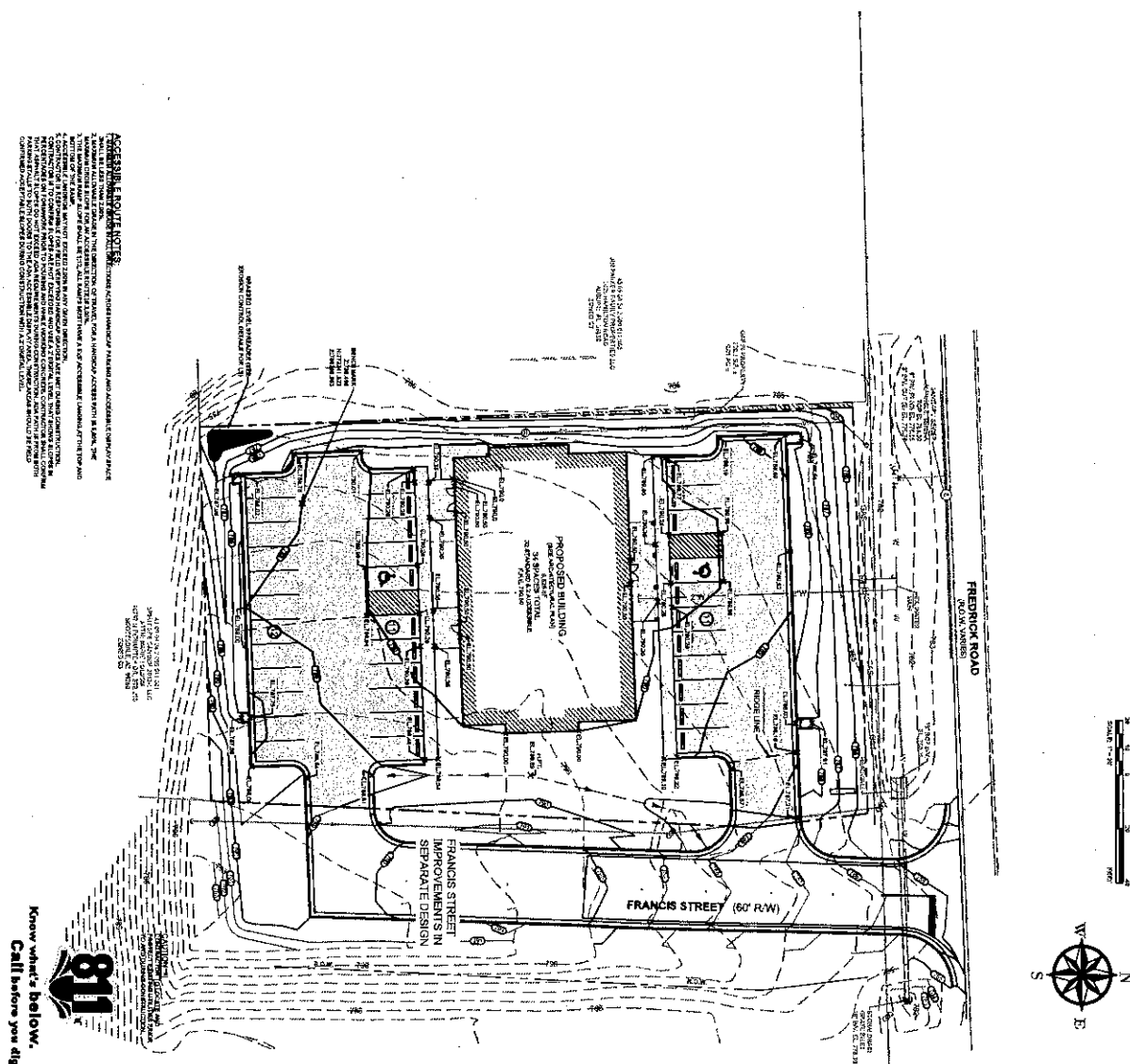
CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

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

Please publish the foregoing Notice one (1) time in the January 9, 2018, issue of your paper.



CITY CLERK

[illegible]

**Know what's below.
Call before you dig.**

[illegible]

RESOLUTION NO. 015-18

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

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

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

	Employee	Department	\$ Amount
	-----	-----	
	Gary Fuller	Mayor	8,802.31
70.85	Leigh Krehling	Community Relations	
	Tony Aycock	IT	67.58
	Lori Huguley	ED	8,948.71
	Lori Huguley	ED	498.60

-) 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 _____, 2018.

President of the City Council

City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk - City Treasurer

NAME

Gary Fuller'

DEPARTMENT

Administration

PERIOD ENDING

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												0.0
MON												0.0
TUE												0.0
WED												0.0
THU												0.0
FRI 3/16/18	Dusseldorf, Germany		8,802.31									8,802.3
SAT 3/24/18												0.0
WEEKLY CATEGORY TOTALS \$			0.00	8,802.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,802.3

WEEKLY TOTAL EXPENSES

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

NUMBER OF DAYS AWAY FROM HOME

0

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

Economic Development

METHOD OF REIMBURSEMENT


DEDUCT FROM
MY ADVANCE


MAIL TO

Gary Fuller

Mayor's office

SIGNATURE

APPROVED BY

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

NAME
DEPARTMENT

Name Leigh Krehling
Department Community Relations

PERIOD ENDING

1/23/2018

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAIN- MENT	MISC. EXPENSES	DAILY TOT.
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER	Itemize Below	Itemize Below	
SUN												0
MON												0
1/23 TUE	Opelika -Montgomery-Opelika										70.85	70
WED												0
THU												0
FRI												0
SAT												0
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	70.85	70

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

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
1/23	Opelika-Montgomery-Opelika (130)	70.85

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

WEEKLY TOTAL EXPENSES

NUMBER OF DAYS AWAY FROM HOME

1

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

Alabama Leagueof Municipalities Conference

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM MY ADVANCE
☒ MAIL: TO

Leigh Krehling

1804 Oak Bowery Road

Opelika AL 36801

SIGNATURE

APPROVED BY

NAME

Tony Aycock

DEPARTMENT

Information Technology

PERIOD ENDING

1/10/2018 thru 1/10/2018

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/Montgomery, AL					67.58						67.58
TUE												0.00
WED												0.00
THU												0.00
FRI												
SAT												0.00
WEEKLY CATEGORY TOTALS \$		0.00	0.00	0.00	0.00	67.58	0.00	0.00	0.00	0.00	0.00	67.58

WEEKLY TOTAL EXPENSES

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

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT
1/10	mileage (124 Miles)	67.58

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

NUMBER OF DAYS AWAY FROM HOME

1

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

☐

Department

Expense Report

13.2.a

Lori Huguley

Economic Development

Period Ending

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

[illegible]

WEEKLY CATEGORY TOTALS\$

WEEKLY TOTAL OF EXPENSES

ITEMIZED ENTERTAINMENT AND BUSINESS MEAL								NUMBER OF DAYS AWAY FROM HOME	
DATE	NAME AND PERSON(S) ENTERTAINED; COMPANY, TITLE	TIME & PLACE		NATURE & PURPOSE OF ENTERTAINMENT	AMOUNT	%OR \$ ALLOCATED TO BUSINESS		NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS	
						100%		0	
						100%		% OF TOTAL DAYS AWAY FRO PERSONAL AFFAIRS	
						100%		0	
						100%		NATURE OR PURPOSE OF TRAVEL	
						100%		Economic Development Trip Germany	
								METHOD OF REIMBURSEMENT	
								☐	
								DEDUCT FROM M/Y OR	

[illegible]

SIGNATURE

APPROVED BY

Packet Pg. 54

Attachment: CM 2-06-18, Expense Reports - 5 (015-18 : Expense Reports from Various Departments.)

1/31/2018

WEEKLY TOTAL EXPENSES☒ MAIL: TOPacket Pg. 55

RESOLUTION NO. 016-18

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.	2008 Grasshopper 61" Zero Turn Mower	87002529
2.	1	Ea.	2009 Grasshopper 52" Zero Turn Mower	87002576
3.	1	Ea.	2010 John Deere 54" 500X Mower	NA

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.

APPROVED AND ADOPTED this the _____ day of _____, 2018.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 017-18

Purchase-One (1) 2018 Ford F150 Super Cab-State Contract T191A - P&R**RESOLUTION NO. _____**

WHEREAS, the Opelika Parks and Recreation Department desires to purchase one (1) 2018 Ford F150 Super Cab 4X2 Pickup with certain options utilizing the State of Alabama Contract #T191A; and

WHEREAS, Stivers Ford Lincoln is the State Contract Vendor for the 2018 Ford F150 Super Cab 4X2 Pickup; 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 \$23,707.00.
3. That the Controller be authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.

APPROVED AND ADOPTED this the _____ day of _____, 2018.

C.E. "Eddie" Smith, Jr.

President of the City Council
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

STIVERS FORD LINCOLN
4000 EASTERN BLVD
MONTGOMERY, AL 36116

VIN: 1FTEX1CB7JFB33048

STOCK C-1749

2018 FORD F150 SUPER CAB 4x2 PICKUP -- STATE CONTRACT T191A

CONTRACT NUMBER:

LINE NUMBER:

8

CONTRACT AMOUNT: \$19,682

MA999 16000000008

MODEL SERIES X1C

ORDER CODE

100a

INCLUDES: 3.3L V6 282 Horsepower FFV, 6 Spd Auto, 4x2, 145" Wheelbase, 6.5' Box,
4 Wheel Disc Brakes w/ ABS, Tilt Wheel, Air Conditioning, Vinyl Flooring, 265/70R17 AS
AM/FM Radio, Cloth 40/20/40 Seat, Air Bags-Front & Safety Canopy Side Curtain Airbags

EQUIPMENT PACKAGES

53A Trailer Tow W/ Pro-Trailer Back Up Assist	\$ 995	☒
101a (101a)-AM/FM w/ Single CD, SYNC- Bluetooth connectivity, 911 Assist, Applink, Smart Charging USB, Power Windows, Locks & Mirrors; Cruise Control 4.2 LCD Driver Centric Information Display, Perimeter Alarm	\$ 2,255	☒
86A XL Appearance Package: 17" Silver Painted Aluminum Alloy Wheels, Body Color Front Fascia, Chrome Front & Rear Bumpers, Fog Lamps, Class IV Trailer Hitch-(53B included)	\$ 775	☒

Exterior Paint

YZ Oxford White

☒

Interior Trim

AG Vinyl 40/20/40 Seating- Medium Earth Gray

N/C

☒

DELIVERY: State Contract for \$1.50 / mile one-way

MILES

\$ -

Bill To:

Cost Per Unit

\$ 23,707

Attn: Tommie Agee

Phone:

STATE CONTRACT TERMS:

PAYMENT DUE AT TIME OF DELIVERY

SIGNATURE:

DATE:

PURCHASE ORDER NUMBER:

Quantity



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

13.4.a

CONTRACT INFORMATION

MASTER AGREEMENT NUMBER: MA 999 16000000008

NOT TO EXCEED AMOUNT:

Begin Date: 11/17/2015

Procurement Folder: 4404

Expiration Date: 11/15/2018

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 10/30/17

Version Number: 8

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:

Patrick Hemme

334-242-7173

Pat.Hemme@purchasing.alabama.gov

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

Attachment: 2-6-18 - ONE (1) 2018 FORD F150 SUPER CAB - STATE CONTRACT T191A - CNCL PKT (017-18 : Purchase-One (1) 2018 Ford F150

COMMODITY / SERVICE INFORMATION

13.4.a

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 - DO NOT USE: To be deactivated. Use Classes 071, 072, 073.

AUTOMOBILES, AF, FULL SIZE, 4 DOOR SEDAN, FORD TAURUS

VEHICLE, FULL-SIZE SEDAN, FRONT-WHEELDRIVE, ALTERNATIVE FUELWHEELBASE: 110" MINIMUMENGINE: V6 ONLY4 WHEEL ABSA AND HEATAM/FM RADIOAUTOMATIC TRANSMISSIONCRUISE CONTROLPOWER WINDOWS, LOCKS, AND MIRRORSTILT STEERINGMAKE: __FORD__MODEL: __TAURUS__

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 - DO NOT USE: To be deactivated. Use Classes 071, 072, 073.

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: __Ford__MODEL: __Explorer__

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 - DO NOT USE: To be deactivated. Use Classes 071, 072, 073.

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: __Ford__MODEL: __Explorer__

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 - DO NOT USE: To be deactivated. Use Classes 071, 072, 073.

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 AI HEATAM/FM RADIOAUTOMATIC TRANSMISSIONTILT STEERINGMAKE: __Ford__MODEL: __F-150__

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 - DO NOT USE: To be deactivated. Use Classes 071, 072, 073.

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 AI HEATAM/FM RADIOAUTOMATIC TRANSMISSIONTILT STEERINGMAKE: __FORD__MODEL: __F-150__

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 - DO NOT USE: To be deactivated. Use Classes 071, 072, 073.

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: __Ford__MODEL: __F-150__

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 - DO NOT USE: To be deactivated. Use Classes 071, 072, 073.

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: __FORD__MODEL: __F-150__

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 - DO NOT USE: To be deactivated. Use Classes 071, 072, 073.

TRUCKS, PICKUP, GVRW 4900, EXTENDED CAB 4X2 FORD F-150

RESOLUTION NO. 018-18

Purchase-One (1) 6 Cu Yd Refuse Dumper - OES**RESOLUTION NO. _____**

WHEREAS, the Opelika Environmental Services Department desires to purchase one (1) 6 Cu. Yd. Refuse Dumper utilizing the NJPA Coop Contract; and

WHEREAS, Ingram Equipment is the contract vendor for the one (1) 6 Cu. Yd. Refuse Dumper; 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 Ingram Equipment utilizing the NJPA Coop Contract.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Ingram Equipment in the amount of \$15,882.38.
3. That the Controller be authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.

APPROVED AND ADOPTED this the _____ day of _____, 2018.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

[illegible]

RESOLUTION NO. 019-18

Request for Downtown Bike Race on 2-25-18.

RESOLUTION NO. _____

**RESOLUTION APPROVING REQUEST TO HOLD ROAD
BICYCLE RACE IN DOWNTOWN OPELIKA ON February 25, 2018**

WHEREAS, bicycling activities and attractions have great potential to have a positive impact on the City of Opelika's economy and tourism by making the City attractive to businesses and citizens who enjoy the outdoors and healthy lifestyles; and

WHEREAS, Elizabeth Keefer of the Auburn University Cycling Club in cooperation with Topview Sports has requested permission to organize a road bicycle race in downtown Opelika on February 25, 2018; and

WHEREAS, the organizer/sponsor of said road bicycle race has requested permission to temporarily close certain City streets in downtown Opelika to conduct said event; and

WHEREAS, the City Council finds and determines that it is in the best interest of the City and its citizens to approve said request of the Auburn University Cycling Team.

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

1. That the request submitted by Elizabeth Keefer of the Auburn University Cycling Club, to organize and hold a road bicycle race in downtown Opelika on Sunday, February 25, 2018 is hereby approved subject to the following conditions: (a) that the organizer/sponsor of said event shall execute and deliver to the City an Indemnification Agreement satisfactory to the City Attorney, (b) the organizer/sponsor shall purchase and maintain during the event commercial general liability insurance with limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate with the City named as an additional insured and shall provide the City certificates of insurance demonstrating that the above insurance requirements have been met.
2. That the Mayor, City Engineer and Director of Public Works and their designees are hereby authorized and directed to temporarily close portions of certain City streets

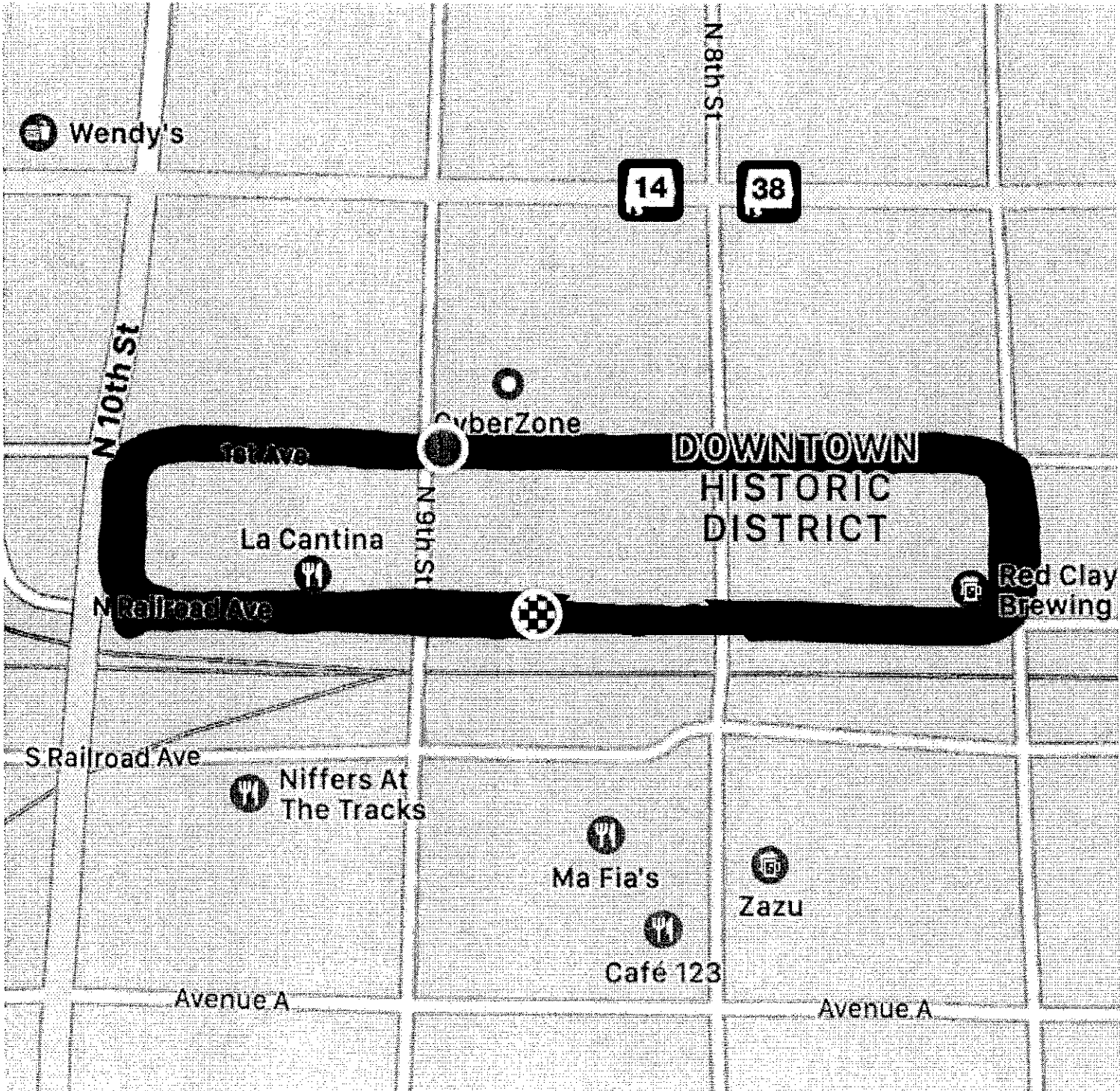
designated per the attached route map on February 25, 2018 from 6:00 a.m. until 4:00 p.m.

ADOPTED AND APPROVED this the _____ day of _____, 2018.

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

ATTEST:

CITY CLERK



Attachment: CM 2-06-18, map of bike race (019-18 : Request for Downtown Bike Race on 2-25-18,)

STATE OF ALABAMA
COUNTY OF LEE

INDEMNITY AGREEMENT
FOR SPECIAL EVENT

This Indemnity Agreement is made this the ____ day of _____, 2018, by and between the City of Opelika, Alabama (“City”) and Auburn University Cycling Club in cooperation with Topview Sports (hereinafter referred to as “Indemnitor”).

WHEREAS, the Indemnitor has applied to the City for permission to hold a road bicycle race in downtown Opelika on February 25, 2018 subject to the condition that the Indemnitor shall indemnify and hold the City harmless from any claims, loss and damages arising out of said event; and

WHEREAS, as a condition of approval, the Indemnitor has agreed to provide this Indemnification and Hold Harmless Agreement, including the insurance provisions.

WITNESSETH:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Indemnitor agrees as follows:

1. Indemnification Clause. Indemnitor agrees that he will indemnify, hold and save the City of Opelika, Alabama, its officers, agents, and employees (collectively also referred herein as the “City”) harmless and at the City’s option, defend the same from and against all claims, demands, actions, damages, loss, costs, liabilities, expenses and judgments of any nature recovered from or asserted against the City on account of injury or damage to person or property to the extent that any such damage or injury may be incident to, arise out of or be caused either proximately or remotely, wholly or in part, by any act, omission, negligence or misconduct on the part of Indemnitor, or his agents, servants, employees, patrons, invitees and participants or when any such injury or damage may in any way arise from or out of Indemnitor’s activities

upon the City streets during said road bicycle race. Indemnitor covenants and agrees that in case the City should be made party to any litigation against Indemnitor, or in any litigation commenced by any party against any party other than Indemnitor relating to this Agreement or to the road bicycle race referred to above then Indemnitor shall and will pay all costs and expenses, including reasonable attorney's fees and Court costs incurred by or imposed upon the City by virtue of any such litigation. These terms of indemnification shall be effective unless such damage or injury may result from the sole negligence, gross negligence or misconduct of the City. This indemnification shall survive termination or expiration of this Agreement.

2. Ordinances and Laws. Indemnitor shall comply with all applicable laws, statutes, ordinances and all rules and requirements of the City, State of Alabama and United States Government as applicable.

3. Insurance. Indemnitor shall, as a condition precedent to being allowed to conduct the special event hereunder, deliver to the City of Opelika, office of City Clerk, certificates of insurance providing for comprehensive general liability insurance with a minimum coverage of one million (\$1,000,000) dollars per occurrence for bodily injury, death, property damage and personal injury and two million (\$2,000,000) dollars aggregate with the City named as an additional insured. The above liability insurance shall be issued by an insurance company duly authorized to do business in the State of Alabama. Indemnitor warrants and represents that he has notified his insurance agent of the contents of this Agreement and has supplied the agent with a copy.

IN WITNESS WHEREOF, the Indemnitor has executed this Agreement this the _____ day of _____, 2018.

Zach Lee, INDEMNITOR

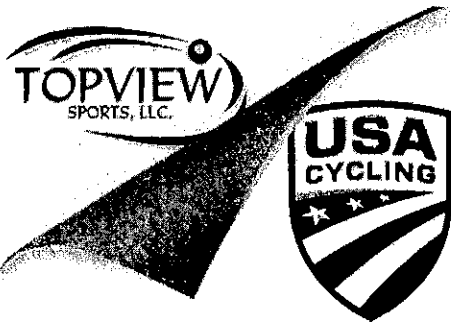
State of Alabama
County of Lee

I, _____, a Notary Public, in and for the County or state, hereby certify that Zach Lee, as Indemnitor, whose name is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, he/she executed the same, in his/her capacity as Indemnitor voluntarily on the day the same bears date.

Given under my hand this the _____ day of _____, 2018.

(SEAL)

NOTARY PUBLIC
My commission expires:



EVENT NOTES

- ◆ Register on USACycling.org or mail your entry (USAC Release Form with Payment)
Topview Sports,
1475 Bob Patton Rd.
Clarksville, GA 30523
- ◆ Online Registration closes at NOON on Thursday, Feb 22nd
- ◆ No Refunds.
- ◆ Compete in a second category on the same day for an additional \$20
- ◆ The Race Result Chip system will be used. You may rent a Chip for \$10.
- ◆ USAC Permit Pending
- ◆ All USAC rules apply.
- ◆ USAC one day licenses for eligible categories for \$10/day.
- ◆ Promoter reserves the right to combine or cancel races if minimum fields are not met. Prizes for fields not meeting mins will be cut by percentage of field not met.

Entry Fees are \$16 for all Collegiate
Entry Fees for USAC Prices are...
\$30 before Feb. 11th
\$35 before Feb. 22nd
\$40 Race Day Registration
For additional information please
contact tjm@topviewsports.com
407-256-7971.

Parking address for Saturday:

2039 Auburn Lakes Road
Auburn, AL

Parking address for Sunday:

712 North Railroad
Opelika, AL 36801

SECCC

Southeastern Collegiate Cycling Conference



13.6.c

1-30-18

Sat Feb 24, 2018 Auburn University Road Race

Time	Category	Distance	Prizes	Min Field
8:00 AM	Collegiate B	40 MLs	Points	10
8:04 AM	Collegiate Wom A	32 MLs	Points	N/A
8:05 AM	Collegiate C/D	32 MLs	Points	15
10:00 AM	Collegiate A	56 MLs	Points	N/A
10:05 AM	Mas 35+, 45+	40 MLs	\$100/4	20
10:10 AM	Collegiate Wom B	24 MLs	Points	15
11:30 AM	Pro 1-2, Cat 3	56 MLs	\$500/8	30
12:15 PM	Cat 4-5	40 MLs	\$100/4	20
12:20 PM	Women 1-2, 3, 4	32 Mls	\$100/4	20

Sat Feb 24 Auburn University Time Trial (Road Race Course)

Time	Category	Distance	Fee
3:00 PM	ITT	8 miles	\$16
4:30 PM	TTT Collegiate ONLY	14 Miles	\$28



Sun Feb 25, 2018 Opelika Criterium

Time	Category	Distance	Prizes	Min Field
8:00 AM	Collegiate C/D	30 Mins	Points	N/A
8:35 AM	Collegiate Wom B	30 Mins	Points	N/A
9:10 AM	Collegiate Wom A	45 Mins	Points	N/A
10:00 AM	Collegiate B	45 Mins	Points	N/A
10:50 AM	Collegiate A	60 Mins	Points	N/A
11:55 AM	Mas 35+, 45+	45 Mins	\$100/4	20
12:45 PM	Women 1-2, 3-4	35 Mins	\$100/4	20
1:25 PM	Cat 4-5	45 Mins	\$100/4	20
2:15 PM	Pro 1-2, Cat 3	60 Mins	\$500/8	30

RESOLUTION NO. 020-18

Resolution Honoring State Representative George Bandy, Sr.



From the Governing Body of
Opelika, Alabama



Resolution



WHEREAS, The Honorable George Bandy, Sr. was born in Opelika, Alabama on February 7, 1945. He graduated from J.W. Darden High School and then earned his B.A. degree from Morehouse College in Atlanta. He has two children, George Bandy, Jr. and Jennifer Mitchell; and,

WHEREAS, George Bandy, Sr. became the Pastor of the Saint James Missionary Baptist Church; and,

WHEREAS, Reverend Bandy had over 31 years of public service starting in 1986 when he became one of the first African Americans elected to the Opelika City Council representing Ward 2 and later served as President Pro-tem of the Opelika City Council; Jeter Park was renamed in his honor; and,

WHEREAS, Councilman Bandy in 1990 ran for the Lee County Commission and won, becoming the District 5 Lee County Commissioner. He served in that capacity until 1994; and,

WHEREAS, Commissioner Bandy in 1994 ran for the Alabama Legislature and won, becoming the first African American State Representative for House District 83 and served in that capacity for almost a quarter of a century.

WHEREAS, State Representative Bandy was the former Chairman of the Alabama Democratic Conference, former President of the Lee County Alliance and a member of the Lee County Voters League and the NAACP. He also served as President of the Lee County Concerned Citizens and served on the State Government and Transportation Utilities and Infrastructure Committee.

NOW, THEREFORE, BE IT RESOLVED, that Mayor Gary Fuller, and the entire Opelika City Council, do hereby express our sincere appreciation, respect, honor and gratitude to The Honorable George Bandy, Sr. for his many years of public service and many accomplishments.

ADOPTED and APPROVED this the 6th day of February, 2018.

(To be introduced at the February 6, 2018 regular meeting of the City Council of the City of Opelika)

Gary Fuller
Mayor, City of Opelika

C. E. "Eddie" Smith, Jr., President
City Council - Ward 4

Patricia A. Jones, President Pro-Tem
City Council - Ward 1

Tiffany Gibson-Pitts
City Council - Ward 2

Dozier Smith T
City Council - Ward 3

David Canon
City Council - Ward 5

Attest:

R. G. Shuman, CMC
City Clerk - Treasurer

ORDINANCE NO. 001-18-ORD

Amend Text Zoning Ordinance, Section 2.2, 7.3, 7.6, 8.16, and 8.17 - 2Nd Reading.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE
OF THE CITY OF OPELIKA AND SPECIFICALLY TO AMEND
SECTIONS 2.2, 7.3, 7.6, 8.16 AND 8.17 THEREOF

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

Section 1. Amendments. That Ordinance 124-91 entitled “Zoning Ordinance of the City of Opelika, Alabama”, adopted on September 17, 1991, as amended, is further amended in the following respects:

- (a) That Section 2.2 DEFINITIONS” is further amended to add the following definitions of “Farm and Craft Market”, “Commercial Greenhouse”, “Horticulture Sales”, “Produce Market”, “Open-Air Market” and “Yard, Side Street”:

Farm and Craft Market: an open or enclosed market area where more than one farmer or grower gathers to sell agricultural products they have grown, raised, or produced. Such items would typically include dried flowers, handcrafted products and artwork that are made in the home or on the farm. Other retail products may be sold at the market, but should be a minor or accessory to the farm produced products. Any prepared foods must meet the guidelines of the Alabama Cottage Food Law.

Commercial Greenhouse - a facility used for the propagation of agricultural or ornamental plants and related products. Retail sales of products to the general public should be secondary or accessory to the propagation and wholesale component.

Horticulture Sales - The retail sale of plants, garden supplies and associated products as a primary use. Any cultivation or growing of plants should be secondary or accessory to the retail component.

Produce Market: An outdoor market for the sale of fresh produce and fruit that may or may not be sold by the farmer or grower directly.

Open-air market: An outdoor market for the retail sale of new or used merchandise, produce or other farm products, whether operated by a single vendor or composed of stalls, stands or spaces rented or otherwise provided to vendors. The term does not include the outside display of merchandise as an incidental part of retail activities regularly conducted from a permanent building on sidewalks or other areas immediately adjacent to, and upon the same lot as, such building. The term also does not include merchandise sold at festivals or other special events, temporary in duration, at which the display and sale of merchandise is incidental to the primary cultural, informational or recreational activities of such festival or special event.

Yard, Side Street: The yard extending along a side street on corner lots, from the front yard to the rear yard, between the nearest side of the building and the side street.

- (b) That the definitions of “Yard, Front” and “Yard, Side” in Section 2.2 are hereby amended to read as follows:

Yard, Front: A yard extending the full length and width of the front of a lot between the front right-of-way (street) and the front of the building.

Yard, Side: The yard extending along a side lot line, from the front yard to the rear yard, between the nearest side of a building and a side lot line.

- (c) That Section 7.3A, “AREA REQUIREMENTS”, is hereby amended to read as follows:

Sec. 7.3A AREA REQUIREMENTS

AREA REQUIREMENTS	R-1	R-1A	R-2	R-3	R-4/M	R-5/M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Minimum Lot Size (vs.) 10,000	43,560	30,000	15,000	10,000	7,500	7,500							20,000	15,000
Dwelling Units Per Acre ^{2,3}	1	1.25	2.5	3.5	9	16	16 ⁴	16	16					
Minimum Lot Width (ft.)	100	90	80	70	60	60	60	60	60	60	60	60	100	100
Front Yard Setback (ft.)	50	40	35	30	25	25	None	30	30	40	40	20	40 ⁶	25 ⁶
Rear Yard Setback (ft.)	50	35	30	25	20	20	None	30	20	30	30	30	20 ⁶	20 ⁶
Side Yard Setback (ft.)	25	20	15	10	10	10	None	10	10	30	30	30	20 ⁶	10 ⁶
Side Yard on Street Setback (ft.)	35	30	25	20	20	20	None	25	25	30	30	20	30	20
Maximum Building Area (%)	25	25	25	40	40	60	100	40	50	50	50	50		
Max. Impervious Surface Area (%)													70	80
Max. Building Height (ft.)	35	35	35	35	45	45	75	75	75	75	75	75	75	75
Maximum Height of Signs	30	30	30	30	30	30	30	30	30	30	30	30	30	30
Minimum Livable Floor Area Single Family	800	800	800	800	800	800		800	800	800	800	800	800	800

NOTES:

1. Area requirements will be applied for each conditional use for uses such as townhouses, patio homes, garden homes, or any other use requiring conditional approval by the Planning Commission.
2. The placement of a single family residence should be in context with the scale and character of the existing neighborhood.
3. Maximum dwelling units allowed is to be determined as a factor of lot sizes, fractional number of units allowed per acre, lot coverage allowed, and building height limitations.
4. Densities may be increased by the Planning Commission through conditional use review by a maximum of 25%.
5. For residential development in commercial districts area requirements of R-5 shall apply. However, the Planning Commission may require greater conditions where deemed necessary in its review.
6. GC Overlay District, Setbacks. The setback requirements may be varied by the Planning Commission as part of development plan approval (see Section 7.6); if an alternative access, roadway/driveway is provided/available so that access is not taken directly from the designated corridor. It is recommended that access be provided via a perpendicular access road in order to protect the integrity of the subject corridor.

(d) That Section 7.3B, “USES ALLOWED”, is hereby amended to read as follows:

Sec. 7.3B USES ALLOWED

Uses allowed in each zoning district are determined from the following matrix. Categories for each use are:

1. Allowed - Allowed by right. Applicant need only submit the necessary plans for review to the zoning administrator.

2. Conditional Use - Further review required by the Planning Commission as directed by Section 8.17 of this ordinance.

3. Not allowed - Use not allowed in this zone.

Allowed - A

Conditional - C

Not Allowed - N

See matrix of USE CATEGORIES as provided and set forth in EXHIBIT “A” attached hereto, which said EXHIBIT “A” is incorporated herein by reference as if set forth verbatim herein.

(e) That Section 7.6, “GATEWAY CORRIDOR DISTRICT”, is hereby amended to read as follows:

Sec. 7.6 GATEWAY CORRIDOR DISTRICT

This section authorizes the establishment of Gateway Corridor Overlay Districts. The intent of this section is to specify those areas that serve as a primary means of entry into Opelika and name those areas the Gateway Corridor Overlay District. The district is designated to be an overlay appended to residential, commercial, industrial or any other districts. The Gateway Overlay District is similar to airport hazard areas (Section 7.4) and the Flood Plain Overlay District (see Section 7.5) in that additional regulation will apply and supersede the underlying district regulations. In other words, a Gateway Overlay District can be placed on top of any of the City’s existing zoning districts creating an overlap in the zoning along a specified length of roadway desired to be regulated. Any proposed development, then, would have to meet the zoning requirements of both the existing zone and the Gateway Overlay district. The Gateway Corridor Overlay District shall include roadway corridors and their adjacent development located in several use districts. Uses typically include retail, wholesale, motel, recreation, office, fast-food establishments, and similar uses. This district is characterized by special design controls enforced to prevent incompatible uses and to maintain an attractive “gateway” or entrance into Opelika. The design of these corridors and their major elements shall reflect the identity and image of the entire City of Opelika.

The Gateway Corridors are divided into two subdivisions based on the development pattern that the streets were originally constructed under.

Gateway Corridor - Primary Overlay District

Those corridors which were developed under more modern and suburban development patterns and to specifically accommodate automobiles are designated Gateway Corridor - Primary (GC-P). These corridors typically have larger lots with ample parking and buildings setback further from the public right-of-way.

Gateway Corridor - Secondary Overlay District

The corridors found in older sections of the City of Opelika and retro-fitted to accommodate automobiles area designated Gateway Corridor-Secondary (GC-S). These corridors feature smaller, more standardized lots. The structures on these lots are often smaller and located at varying positions on the lot based on the timeframe in which they were built. Newer buildings are often setback further while, older buildings are usually closer to the right-of-way.

The Gateway Corridor districts are designated as shown on the official City of Opelika Zoning Map

The GC-P shall extend 150 feet from the outside edge of both sides of the right-of-way from the following street segments:

1. Lafayette Parkway (Highway 431)
2. Lake Condry Road (from Lafayette Parkway to Andrews Road)
3. Andrews Road
4. West Point Parkway
5. Columbus Parkway (from 6th Street to Fox Run Parkway)
6. Fox Run Parkway and South Fox Run Parkway
7. North Uniroyal Road (from I-85 to Ridge Road)
8. Society Hill Road (from Gateway Drive to south limits of City of Opelika)
9. Pepperell Parkway (from East Thomason Street to the Auburn City Limits)

10. Fredrick Road (from Auburn City Limits to Martin Luther King Boulevard)
11. Veterans Parkway (from Pepperell Parkway to Waverly Parkway)
12. Marvyn Parkway

The GC-P shall extend 300 feet from the outside edge of both sides of the right-of-way from the following street segments:

1. Interstate 85
2. Birmingham Highway
3. Gateway Drive (from Pepperell Parkway to Society Hill Road)
4. Columbus Parkway (from Fox Run Parkway to eastern limits of City of Opelika)

The Gateway Corridor - Secondary Overlay District is designated as shown on the official City of Opelika Zoning Map. The GC-S shall extend 150 feet from the outside edge of both sides of the right-of-way from the following street segments:

1. Geneva Street (from Martin Luther King to Marvyn Parkway)
2. Martin Luther King Boulevard
3. East Avenue
4. Samford Avenue
5. 2nd Avenue (except those properties directly adjacent to the gateway corridor whose eave line is lower in height than a bridge crossing a railroad)
6. South 6th Street
7. South 10th Street
8. McCoy Street
9. Pepperell Parkway (from East Thomason Street to 2nd Avenue)
10. Columbus Parkway (from Martin Luther King Boulevard to S 6th Street)

The Gateway Corridors are subject to the “GC” district regulations in the matrix table in Section 7.3A. The Gateway Corridor Overlay District is supplemental to the

underlying zoning district classifications. The Gateway Corridor Overlay District shall be imposed in addition to said underlying zoning regulations. In any case where the standards and requirements of the Gateway Corridor Overlay District conflict with those of the underlying zoning district, the standards and requirements of the Gateway Corridor Overlay District shall govern, unless specifically noted otherwise by the Zoning Ordinance.

The Gateway Corridor Overlay District regulations shall not apply to platted subdivision lots for new single family detached dwellings and existing single family detached dwellings.

The Board of Zoning Adjustment may grant exceptions from the requirements of the regulations when due to the location, size and shape of the property, development of the parcel under its current zoning and in conformity with the requirements of the Gateway Corridor Overlay District would present a substantial and unique hardship.

References in the Zoning Ordinance to Gateway Corridor 1 District (GC-1) and Gateway Corridor 2 District (GC-2) are deleted, repealed and eliminated and replaced by the Gateway Corridor Overlay District (GC), designated Gateway Corridor - Primary (GC-P) or Gateway Corridor - Secondary (GC-S). Whenever in the Zoning Ordinance reference is made to Gateway Corridor 1 District (GC-1) and/or Gateway Corridor 2 District (GC-2), or any like form, the same shall be construed to refer to the Gateway Corridor District (GC).

A. General Provisions.

1. Establishing the Gateway Corridor Overlay Districts.

Based on the definition and intent of these districts, Gateway Corridor Overlay Districts shall be recommended by the Planning Commission and designated by the City Council. Once designated, these areas shall be identified on the Zoning Map of Opelika.

2. Applicability.

All rules, regulations, conditions, and requirements set forth in this Section are applicable as follows:

- a. Except as provided herein, the Gateway Corridor Overlay District regulations shall apply to any land parcel, lot, or commercial group development within the corporate limits of the municipality when any portion of said parcel, lot, or commercial group development falls within required distance from a designated corridor as stated in Section 7.6.
- b. Any new subdivision, development, or construction in a GC-P and GC-S Overlay zoning district consisting of non-residential development or the development or more than two (2) residential dwelling units.
- c. An alteration to an existing non-residential or multi-family building(s), development(s), or construction which increases or decreases the amount of gross floor area of a structure or building on a lot by more than fifty (50%) percent.
- d. In cases where the GC-P or GC-S overlay property in the C-1 zoning district, the C-1 zoning regulations shall apply.
- e. In cases where the GC-P or GC-s overlay property in a designated historic district the design guidelines of the historic district shall apply.
- f. See Section 7.7(a) and Section 7.8 for application of the GC-P or GC-S standards regarding the Village Commercial and Village Residential zoning districts.
- g. Where specific PUD, PRD, or R/E zoning and master development plans have been approved, any explicit standards designated through the master plan shall take precedence over Gateway Corridor standards. In absence of alternative standards approved by the master plan, GC-P or GC-S standards shall apply to those properties with any Gateway Corridor designation.

B. Administration.

1. Preparation conference.

Prior to subdividing, developing or constructing in the GC-P or GC-S the owner or his representative shall meet with the Planning Department to review the feasibility of the proposed project in terms of its consistency with the Comprehensive Plan, surrounding uses and zoning, and the adequacy of existing or public planned facilities. The owner shall provide the following information for consideration at this conference:

- a. A sketch plan showing the location and acreage of the project and the proposed layout of the streets and uses in relation to existing natural and man-made conditions. This plan may be a free-hand sketch made on a copy of a topographic map.
- b. Proposed uses.
- c. Identification of proposed method of water supply and sewage disposal.
- d. Following the preapplication conference, and after the Planning Department has determined that the proposed use would be considered a conditional use, the owner may file a conditional use application (see Section 8.17 Conditional Uses) and submit supporting materials as outlined in subsection 2 below.

2. Development plan and written report.

A development plan and written report of the project will need to be submitted to the Planning Staff and will only be accepted after a preapplication conference. This plan and report will be reviewed by the Planning Staff, other relevant City Staff (i.e. City Engineer, Public Works Director, Building Inspector, etc.)

The following documents will be required for approval:

a. A conditional use application and submission if use approval is required for the proposed development or use meeting the requirements of Section 8.17

b. A site plan shall be of a standard size and drawn by an architect, landscape architect, engineer or licensed surveyor meeting the requirements of Section 8.16.

c. A written report describing the intent and general character of the proposed development may be required when deemed applicable and may include:

1. A general description of the project;
2. Any proposed standards for development, including restrictions on use, density, yard requirements and protective covenants;
3. Any plans for the protective of abutting properties;
4. Identification of any proposed dedication of land for public use;
5. Expression of intent with regards to the provisions of open space, courts, walks, and other common areas and their maintenance
6. Tables showing the acreage in the overall project and in each use, as well as density calculations for residential areas;
7. A project completion schedule by phase;
8. Any exceptions, variations or waivers from the requirements of the Zoning Ordinance that are being requested (i.e., the minimum lot area, width, frontage and yard requirements and maximum height requirements otherwise applying may be requested to be waived or modified for the purpose of promoting a more unified, reasonable, or appropriate site plan);
9. Any other data requested by the Planning Department considered necessary to an understanding and evaluation of the project.
10. This information may be included on the site plan, landscape plan, utility or engineering plans when deemed appropriate with the reviewing department.

3. Reserved

4. Reserved

5. Noncompliance.

The violation of any provision of the approved development plan shall constitute a violation of the Ordinance.

6. General Development Standards

a. Lighting Requirements

Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or for the external illumination of buildings or grounds shall be directed or located in a manner such that direct or indirect illumination from the source of light shall not exceed one foot-candle measured from any property line adjoining a residential zoning district. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that acting together the light beam is controlled and not directed across an adjacent property. It is the intent of this provision to prevent light from spilling over to adjacent properties in amount that can create negative impacts. The zoning ordinance requires that appropriate lighting in accordance with the latest recommendations of the Illuminating Engineering Society (IES) guidelines be followed. It is recommended that for lighting parking areas, the developer use a vertical burn, super metal halide, forward projection fixture using cut-off type housing, i.e. shoe box type housing. In addition, it is recommended that the poles be made of metal and of a platinum color to lessen their visibility during the day and that, the heights of the poles not exceed 25 feet.

b. Materials and Cladding Requirements

1. New construction in the GC Overlay District:

a. Primary building facades within the corridor overlay facing any public right-of-way shall be finished with 100% of one or more of the following materials:

1. Brick and brick veneer;
2. Stone, stone veneer, and cultured stone;
3. Glass
4. Precast or field-poured tilt concrete panels with texture and architectural detailing;
5. Stucco with architectural detailing;
6. Cementous siding;
7. Wood and wood materials designed and intended for use as exterior finish material;
8. Tilt wall panels;
9. Decorative or architectural split-faced Concrete Masonry Units (CMU);
10. Other primary materials approved by the Planning Commission consistent with the purpose of these standards, including architectural metal panels.
11. Architectural features and attachments may be approved by the Planning Department.

b. Approved building materials shall extend from the front façade around side of the building 20 feet or 20 percent of the wall length whichever is greater. Allowances may be provided for contributing structures in a designated historic district.

c. Fencing and Screening

1. No wire mesh, chain link, barb wire, or razor wire shall be used forward of the front plane of the building without approval of the Planning Commission.

2. No fencing over 4 feet in height shall be used forward of the front plane of the building without approval of the Planning Commission.
3. Dumpster enclosure must be located behind the front plane of the building and be screened by approved corridor materials.

c. Landscaping Requirements: In addition to requirements set forth in Section X, Landscape Regulations of the Opelika Zoning Ordinance, the following buffer and landscape requirements apply.

1. Street Frontage Landscape Buffer:
 - a. Off street parking lots, fronting on the public right-of-way of a designated gateway corridor shall provide a 15 foot wide planting area between the property line and edge of parking lot. The planting area shall consist of plants as listed in Section 10.6, D.2.b of the Landscape Regulations.
 - b. Off street parking lots, fronting on the designated public right-of-way of other streets shall provide a 10 foot wide planting area between the property line and edge of parking lot. The planting area shall consist of plants as listed in Section 10.6, D.2.b of the Landscape Regulations.
2. A 6 foot parking lot buffer shall be planted between the non-street property lines and edge of parking lot (asphalt) consisting of medium and understory trees, and shrubbery as listed in Section 10.6 D.2.b of the Landscape Regulations.
3. Interior Parking Lot Landscaping: Off street parking lots with 25 parking spaces or more shall designate parking lot islands and/or peninsulas as planting areas.
 - a. The planting areas shall be located to divide and break up expanses of parking stalls, and the size of each planting area shall be sufficient to accommodate growth of trees and shrubs.

b. Each planting area shall consist of at least 1 canopy tree or 1 medium tree with each consecutive planting area alternating these types of trees. The remaining planted area shall be planted to capacity with shrubs or other approved plantings. Landscape plans shall be approved by Planning Department.

c. If these Gateway Corridor requirements and Landscape coincide or overlap, the most restrictive regulation shall take precedence.

d. Alternative landscape plans not meeting the requirements above may be approved by the Planning Commission.

d. Equipment and Mechanical Screening:

1. All utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way.

2. All rooftop mechanical units shall be screened from the designated gateway corridor by a parapet wall or other means.

3. Plans must be approved by relevant utility company for safety

7. Special Development Standards

a. Auto Repair

1. New or expanded automobile repair-facilities in this overlay must meet the following standards.

2. Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.

3. Unlicensed, untitled vehicles shall not be permitted on the site at any time.

4. No body or chassis shall be stored on the site at any time. All parts, including body parts, shall be stored within a completely enclosed structure.

5. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.

6. There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
7. There shall be no selling of vehicles at a shop for auto repair. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
8. No repair, service or paint bay shall be oriented so that its interior is visible from the corridor street.

b. Truck stop

1. The total development site of all truck stops shall, in their entirety, be located within one thousand five hundred (1,500) feet of the Interstate 85 right-of-way.
2. No truck stop shall be located greater than quarter mile from the intersection of an Interstate exit ramp and the cross street.
3. All parking areas shall be an all-weather hard surface.
4. Light shall be shielded and oriented in a manner to prevent spillage onto adjoining properties or interfere with traffic. Where possible lighting shall be recessed in canopies.
5. Public address system shall not be audible at any property line.
6. No repair or service bay shall be oriented so that its interior is visible from the corridor street.
7. There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
8. Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
9. No outside display of goods for sale is allowed.

c. Fast food restaurant

1. Access points and driveways shall be planned and shared between properties to the greatest extent possible.

2. Drive-in displays, ordering areas, and parking canopies are permitted but shall not serve as the singularly dominant feature on the site or as a sign or attention getting device. Order box and pick-up window shall not be oriented towards the designated corridor.
3. The order box must be at least 100-feet away from any residence.

(f) That Section 8.16, "SITE PLAN REVIEW", is hereby amended to read as follows:

Sec. 8.16 SITE PLAN REVIEW

The following information is required for site plan review. A site plan must accurately show all relevant information about a proposed development to permit it to be reviewed against the requirements of this Ordinance, and to provide a permanent record as to the type and characteristics of development approved on the site. Site plans shall be drawn, on an overall sheet size not to exceed 24 by 36 inches, to a standard scale. When more than one (1) sheet is needed, a series of drawings showing different elements of the site design, such as landscaping, utilities, or topography may be submitted. Where such a series is submitted, the top sheet shall include an index of all other sheets in the series. These shall be bound in a single package, with each sheet labeled as to what it shows and its number in the series (e.g., Landscaping Plan, Sheet 2 of 3) The following information is required for site plan approval. If a standard is not applicable to the proposed use the Planning Director may waive the requirement.

A. General Information:

1. Project name;
2. Project owner;
3. Name, address and contact of project representative
4. Date and version of site plan
5. Standard scale (not smaller than one hundred (100) feet to the inch), dimensions and north arrow;

6. Vicinity map showing the site in relation to adjoining properties, streets and other landmarks such that its location within the City can easily be determined.;
7. Owner and use of adjacent property;
8. Total size of the development area in both acreage (to nearest tenth) and square footage;
9. Zoning of subject property and adjacent properties
10. Proposed use;

B. Graphic Information:

1. Boundaries of the site noting bearings and distances from a certified document
2. Size, arrangement and orientation of all buildings, existing and proposed to include:
 - a. their proposed uses;
 - b. dimensions
3. All other proposed uses not contained in a building, their location, and acreage in each, including, but not limited to:
 - a. Outdoor sales or seating areas,
 - b. Outdoor service areas,
 - c. Storage areas and yards
4. Location, width and names of existing or previously platted streets, railroads;
5. Location, width of all existing and proposed utility easements
6. Location, size and dimensions of all previous or proposed vehicular drives, entrances, exits, traffic-circulation patterns, and acceleration and deceleration lanes;

7. Location, size, arrangement, and capacity of all areas to be used for off-street parking and off-street loading, specifying dimensions of parking spaces and delineating loading spaces and designated handicapped parking spaces;
8. Location, size, height, composition material, illumination, and orientation of all signs;
9. Location of dumpsters/roll-carts and any proposed enclosure
10. Location, height, configuration, and material of all walls, fences, or other structures proposed;
11. Location of all other impervious surface areas
12. All flood-prone areas as delineated by the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA), including a notation of the 100-year flood elevation.
13. All known wetlands and watercourses, including lakes, streams, etc.
14. Phase lines, if the development is to be constructed in phases.
15. Location of existing and proposed sidewalks, greenways or bicycle paths

C. Notational Information: (information to be provided on site/development plan as required)

1. Number of units (residential only)
2. Density of site (residential only)
3. Floor area in square feet, floor area ratio, maximum and proposed
4. Impervious surface area in square feet, impervious surface ratio (ISR), maximum and proposed
5. Parking chart including required parking and proposed parking
6. Building height and number of stories
7. Note that the site will meet all requirements of the City of Opelika Lighting Requirements
8. Any exceptions, variations or waivers from the requirements of the Zoning Ordinance that are being requested (i.e., the minimum lot area, width, frontage and yard requirements and maximum height requirements)

otherwise applying may be requested to be waived or modified for the purpose of promoting a more unified, reasonable, or appropriate site plan);

D. Additional Documents

1. Landscape plan (see Section X) including designated open space, and all proposed buffers and/or screening, both peripheral and internal;
2. Any applicable covenants or restrictions.
3. Any additional information identified and necessary to review the specific site or use.

E. Technical Information

1. Location, grades, and sizes of utilities (water, manholes, sanitary sewer, storm drainage, and power), and the dimension and location of easements;
2. Location of proposed major surface water drainage improvements including required retention or detention;
3. Topography at five foot (5') contour intervals or less, including floodplain boundary;
4. Identification of the proposed method of water supply, sewage disposal, solid waste disposal and calculation of demand for such services;
5. Identification of intended method of surface water drainage;
6. Calculation of average daily traffic and peak hour(s) vehicle trip ends to be generated by the project with estimate of preferred route split;
7. Expression of intent with regards to the provisions of open space, courts, walks, and other common areas and their maintenance;
8. Lighting plan identifying all lighting fixtures to be incorporated on-site and including a certified computer analysis by an approved lighting manufacturer indicating that direct or indirect illumination from the source of light shall not exceed one foot-candle measured at any lot line. All lighting shall be in accordance with Illuminating Engineering Society (IES) guidelines.

- (g) That Section 8.17, “CONDITIONAL USE”, is hereby amended to read as follows:

Sec. 8.17 CONDITIONAL USE

A. Purpose.

Conditional uses are those uses that may have some special impact when proposed for location in particular zoning district or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location. At that time, a review of the location, design, configuration, and impact is conducted to determine whether the proposed use should be permitted by weighing public need or benefit against the local impact. The review considers the proposal in terms of existing zoning and land use in the vicinity of the use; planned and proposed public and private developments that may be adversely affected by which it is suggested is necessary or desirable to provide a development that is in the interest of the public convenience or that will contribute to the general welfare of the area or the City of Opelika; and whether and to what extent all steps possible have been taken by the developer to minimize any adverse effect of the proposed use on the immediate vicinity and on the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

B. Applicability.

Any use that is permitted as a conditional use by this ordinance shall comply with this Section. Any permitted use proposed for development at a land use intensity that exceeds the maximum permitted by the district, provided it does not exceed the maximum allowed by this ordinance, shall comply with this Section. Any renovations reuse, or preservation proposal that includes a change of use that is not allowed by the zoning district in which the structure is located, shall comply with this Section. Any use that involves filling of a floodplain shall comply with this Section.

C. Procedure.

1. Applications for a conditional use permit shall be submitted simultaneously with an application for a building permit unless prior approval has been obtained. Applications must be submitted (21) twenty-one days prior to the Planning Commission meeting at which they are to be heard. Applications for conditional uses in all districts must contain the following information:

a. Applications involving new construction, additions, or site reconfiguration must comply with the applicable requirements of Section 8.16 except for subsection E. Technical Information which is only required at the conditional use approval stage if requested by the City Staff or the Opelika Planning Commission. This does not obviate any need for these items during a later site plan or technical review.

b. Applications for conditional uses that do not require external modification or improvements, such as those in an existing building in a downtown environment or suite in an existing and multi-tenant building, may with approval of the Planning Director submit a reduced conditional use application limited to the internal space or other relevant information.

2. The application shall be denied if the Planning Commission finds either that the application and records fail to establish compliance with the standards made applicable to the proposed location, will be inconsistent with the standards applicable to it pursuant to the provisions of this ordinance. Further, the application shall be denied if the adverse impacts of the development, after taking into consideration any proposals of the applicant and any conditions that might be imposed by the Planning Commission pursuant to the provisions of this ordinance to ameliorate them, outweigh any public or private benefits of the proposal and require denial of the conditional use approval in the interest of the overall public health, safety, and welfare.

3. In order to prevent or minimize adverse affects from the proposed use and development. On other properties in the neighborhood and on the general health, safety, and welfare of the City of Opelika, the Planning Commission may, in approving the application for any conditional use permit, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such

approval as it determines are required by the general purposes, goals and objectives of the Comprehensive Plan and this ordinance. All conditions imposed upon any conditional use permit approval, with the exception of conditions made applicable to such approval by the express terms of this ordinance, shall be expressly set forth in the resolution granting such conditional use permits.

4. Within thirty (30) days of the public hearing on the application, unless an extension of this time is agreed to by the applicant, the Planning Commission shall either grant the application for a conditional use permit, grant it subject to conditions, or deny it. The failure of the Planning Commission to act within this time period shall constitute a decision by it that the application be approved.

5. In the event a permit for conditional use is approved or approved subject to conditions, the applicant shall in writing within fifteen (15) days following such decision, acknowledge such approval and unconditionally accept and agree to any conditions imposed on the approval. The City Planner shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. In the event such permit is not approved or is approved subject to conditions that are not acceptable to the applicant, the applicant may, within the aforesaid time period, either appeal such decision to Circuit Court or abandon the application at the expiration of this fifteen (15) day period.

6. A conditional use shall expire one (1) year from the date of approval if a valid, current building permit has not been obtained. If the building permit expires or if no building permit is obtained within a year of being granted approval, then the petitioner shall need to resubmit a conditional use application and comply with the zoning ordinance in effect at the time of the resubmitted before proceeding with the conditional use.

D. Conditions on Conditional Use Approvals.

Every conditional use permit shall be contingent that the proposed developments fully comply with all requirements of this ordinance and, where applicable, with

the Opelika Subdivision Regulations. The violation of any condition contained in a conditional use permit shall be a violation of this ordinance.

E. General Use Standards.

1. No application for a conditional use permit shall be approved unless the Planning Commission shall specifically find the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria.
2. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
3. There shall be a community need for the proposed use and a need to provide or maintain a proper mix of uses both within Opelika and also within the immediate area of the proposed use: (a) the proposed use shall not result in either a detrimental concentration of a particular use within the City or within the immediate area; and (b) the area for which the use is proposed is not better suited for or likely to be needed for the uses that are permitted as a matter of right within that district, in light of policies or programs of the City of Opelika.
4. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, either as they not exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
5. The proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements,

facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this ordinance, the other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the conditional use permit shall be conditional upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

F. Amendments to Permits for Conditional Uses.

Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by the Article for its original approval.

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

Section 3. Effective Date. This Ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 4. Publication. The City Clerk is directed to publish a synopsis of this Ordinance in a newspaper of general circulation in the City of Opelika, Lee County, Alabama pursuant to Section 11-45-8(b)(2), Code of Alabama, (1975) as amended.

ADOPTED AND APPROVED this the ____ day of _____, 2018.

PRESIDENT OF THE CITY COUNCIL OF THE

CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2018.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 2652)

Amend Zoning Ord & Map: 1800 Block Century Blvd., C-2 to PUD - 2Nd Reading

ORDINANCE NO. _____

ORDINANCE TO AMEND THE ZONING ORDINANCE AND
ZONING MAP OF THE CITY OF OPELIKA
(CENTURY PARK CONDOMINIUMS 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) Land & Timber, LLC heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “Century Park Condominiums PUD” consisting of approximately 5.25 acres.
- (b) The proposed development is located in a C-2 District (Office/Retail District) and is located on the north side of Century Boulevard and west of Thomason Drive.
- (c) The property described in Section 3 below will be developed in one or two phases as eight (8) multi-family buildings consisting of a total of thirty-two (32) residential condominium units.
- (d) The Planning Commission heretofore conducted a public hearing on the proposed development and referred to the Council its recommendation to approve the proposed development.

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

Section 2. APPROVAL OF DEVELOPMENT PLAN. The 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. DESIGNATION OF PLANNED UNIT DEVELOPMENT. The Official Zoning Map of the City is hereby amended and the zoning classification for the following parcel of land shall be changed from a C-2 District (Office/Retail District) to a Planned Unit Development ("PUD") on the Official Zoning Map:

All that certain tract or parcel of land lying in Section 13, Township 19 North, Range 26 East, Opelika, Lee County, Alabama, containing 5.25 acres and being more particularly described as follows:

Commencing at Southwest corner of Section 13, Township 19 North, Range 26 East, run North 21 degrees 27 minutes 11 seconds East 759.83 feet to a point on the North right-of-way of Century Boulevard, also being the POINT OF BEGINNING; thence North 00 degrees 04 minutes 51 seconds West 299.99 feet; thence North 44 degrees 33 minutes 51 seconds East 56.45 feet; thence North 00 degrees 42 minutes 44 seconds West 20.10 feet; thence North 89 degrees 52 minutes 02 seconds East 599.99 feet; thence 00 degrees 44 minutes 57 seconds East 360.22 feet to the North right-of-way of Century Boulevard; thence along the North right-of-way of Century Boulevard, South 89 degrees 52 minutes 02 seconds West 640.18 feet; to the POINT OF BEGINNING.

Section 4. RETENTION OF COPIES OF THE DEVELOPMENT PLAN. Copies of the Development Plan shall be maintained in the office of the City Clerk, City Planner, City Engineer, and Building Official and shall be open for public inspection.

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

Section 6. EFFECTIVE DATE. This Ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 7. PUBLICATION. This Ordinance shall be published one (1) time in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2018.

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

ATTEST:

 CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2018.

 CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 2686)

To Amend City Code of Ordinances, Article XII of Chapter 14 Business License - 2Nd Reading.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND ARTICLE XII OF CHAPTER 14
OF THE *CODE OF ORDINANCES* OF THE CITY OF OPELIKA;
BUSINESS LICENSE CODE AND SCHEDULE OF LICENSES**

BE IT ORDAINED by the City Council (the “Council”) of the City of Opelika, Alabama (the “City”), that Article XII of Chapter 14 of the *Code of Ordinances* (the “Code”) of the City of Opelika, Alabama, is hereby amended as follows:

Section 1. **Amendments to Section 14-301.** That Section 14-301 of the *Code*, “Definitions” is further amended to add the following definition of “Special Events”

Special events. Events licensed or sanctioned by the City unless the permittee is an authorized participant in such events.

Section 2. **Amendments to Section 14-320.** That Section 14-320 of the *Code* is hereby amended by deletion of the entire language of said section and substitution of the following, so that hereafter said Section 14-320 shall read, in its entirety, as follows:

Sec. 14-320. Delivery license.

(a) In lieu of any other type of license, a taxpayer may, at its option, purchase for \$100.00 plus the issuance fee, a delivery license for the privilege of delivering its merchandise in the City of the taxpayer meets all of the following criteria:

(1) Other than deliveries, the taxpayer has no other physical presence within the City or its police jurisdiction if the business license tax is levied in the police jurisdiction.

(2) The taxpayer conducts no other business in the City other than delivering merchandise and performing the requisite set-up and installation of said merchandise.

(3) Such delivery and set-up and installation is performed by the taxpayer's employees or agents, concerns the taxpayer's own merchandise in the City and is done by means of delivery vehicles owned, leased or contracted by the taxpayer.

(4) The gross receipts derived from the sale and any requisite set-up or installation of all merchandise so delivered shall not exceed \$75,000.00 during the license year.

(5) Any set-up or installation shall relate only to that required by the contract between the taxpayer and the customer or as may be required by the state or local law, and the merchandise so delivered.

(6) If at any time during the current license year the taxpayer fails to meet any of the over stated criteria, then within forty-five (45) days after any of said criteria have been violated or exceeded, the taxpayer shall purchase a business delivery license or other appropriate license from the municipality and will be subjected to a penalty of \$10.00.

(b) Mere delivery of the taxpayer's merchandise by common carrier shall not allow the City to assess a business license tax against the taxpayer, but the gross receipts derived from any sale and delivery accomplished by means of common carrier shall be counted against the \$75,000.00 limitation described in subsection (a) of this section if the taxpayer also, during the same license year, sells and delivers into the City using a delivery vehicle other than a common carrier.

(c) A common carrier, contract carrier, or similar delivery service making deliveries on behalf of others shall not be entitled to purchase a delivery license.

(d) The delivery license shall be calculated in arrears, based on the related gross receipts during the preceding license year.

(e) The purchase of a delivery license or the exemption from the purchase of a delivery license pursuant to subsection (f) shall not, in and of itself, establish nexus between the taxpayer and the City for the purposes of the taxes levied by or under the authority of *Code of Alabama* 1975, Title 40 or other provisions of law, nor does the purchase of a delivery license conclusively determine that nexus does not exist between the taxpayer and the City.

(f) A taxpayer that otherwise meets the criteria for the purchase of a delivery license is not required to purchase a delivery license or a regular business license if (i) the taxpayer's gross receipts that are derived from within the municipality do not exceed \$10,000.00; and (ii) the taxpayer has no other physical presence within the municipality during the year.

Section 3. **Amendments to Section 14-326.** That Section 14-326 of the *Code*, as amended, is further amended by adding the following business classifications:

NAICS	License Descriptions	Schedule
238210	Specialty Trade-Alarm System Installation (Fire/Alarm)	CT
238220	Specialty Trade-Fire Sprinkler Installation	CT
561621	Alarm System Monitoring/Maintenance	GS
561622	Locksmiths	GS
561730	Landscaping Services	GS
454390	Transient City Special Events-Before a license can be issued, applicant must meet all regulations and prerequisites of all City of Opelika ordinances pertaining thereunto. (Mobile Food Vendors must comply with all regulations and prerequisites under Chapter 9.5 of the <i>Code</i> .	TR

Section 4. **Amendments to Section 14-327.** That Schedule TR of Section 14-327 of the *Code* is hereby amended so that hereafter said Schedule TR shall read as follows:

Schedule TR.

License category: Transient Dealer.

All Transient Dealer licenses are \$500.00 unless the event is a City-sanctioned event, then the business license is \$25.00 and are subject to all City ordinances pertaining thereunto. Transient Dealers that participate in City-sanctioned events must provide insurance, release, indemnity and hold harmless documents, certificates and/or assurances to meet requirements. Special Event Vendors that participate in City events must comply with all relevant federal, state and City laws, rules and regulations.

NAICS # 454

1. Direct selling of merchandise (door-to-door)
2. Temporary sales
3. Temporary sales from other private property
4. City special events.

Note: All Transient Dealer sales are subject to the City of Opelika Ordinance #109-02, and Off-site sales of automobile/truck dealers are subject to further regulations enacted by the State of Alabama.

Section 5. **Full force and effect.** With the exception of the amendments made herein, all other portions of Article XII of Chapter 14 of the *Code* shall remain in full force and effect.

Section 6. **Severability.** If any section, clause, sentence or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then such holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 7. **Construction.** If any section, paragraph, sentence or word of this Ordinance shall 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 independent of such portion that may be declared invalid.

Section 8. **Effective Date.** This Ordinance shall take effect immediately upon its adoption and publication as required by law.

Section 9. **Publication.** The City Clerk of the City of Opelika, Alabama is hereby authorized and directed to cause a copy of this Ordinance to be published one (1) time in a newspaper of general circulation published in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 2018.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2018.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 2671)

Request Annexation, 12 Acres Hwy 51, Bowman Property - 2Nd Reading.

Diann L. Bowman is requesting the annexation of 12 acres into the Opelika City limits. The property is located on the corner of Highway 51 (Marvyn Parkway) and Emerald Lane; the Foxchase at Emerald Lake residential subdivision primary access is from Emerald Lane. The 12-acre property is undeveloped. At the January 23rd meeting, the Planning Commission voted to send a positive recommendation to City Council to annex the 12 acres and zone the property R-1. A Planning Commission report and Map are attached. This is a request to place the annexation ordinance on the agenda for 1st reading.

ORDINANCE NO. _____

ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OPELIKA(DIANN L. BOWMAN PROPERTY)

WHEREAS, on the 6th day of December, 2017, Diann L. Bowman (hereinafter referred to as “Bowman” or “Petitioner”) being the owner of the property hereinafter described, did file a Petition for Annexation (the “Petition”) with the City of Opelika, Alabama, a municipal corporation, a copy of which is attached hereto as Exhibit “A”, requesting the annexation of certain real property owned by Bowman as more particularly described below; and

WHEREAS, said Petition did contain the signatures of all owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Opelika; and

WHEREAS, the territory to be annexed is contiguous to the existing corporate limits of the City of Opelika and does not embrace any territory within the corporate limits of another municipality, and when annexed into the City of Opelika will form a homogenous part of the City; and

WHEREAS, the City Council of the City of Opelika did determine that it is in the public interest that said property be annexed into the City of Opelika and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, *Code of Alabama* (1975).

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

Section 1. The City Council of the City of Opelika, finds and declares as the legislative body of the City of Opelika that it is in the best interest of the citizens of the City of Opelika, and the citizens of the affected area, to bring the territory described in Section 2 of this Ordinance into the City of Opelika.

Section 2. The boundary lines of the City of Opelika, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Opelika, Alabama, and in addition thereto the following described territory, to-wit:

Lot 3 of Elizabeth Lee Subdivision, Second Addition, according to and as shown by map or plat of said subdivision of record in Town Plat Book 14 at Page 149 in the Office of the Judge of Probate of Lee County, Alabama.

Being the identical property conveyed by warranty deed dated January 22, 1992 from Elizabeth L. Lee to Diann L. Bowman, a copy of which is recorded in Deed Book 1631, at Page 117 in the Office of the Judge of Probate of Lee County, Alabama.

Section 3. A map or plat of a survey describing the territory annexed and showing its relation to the corporate limits of the City of Opelika shall be attached to this ordinance, marked Exhibit "B" and made a part hereof.

Section 4. The Clerk of the City of Opelika is hereby authorized and directed to file with the Probate Judge of Lee County, Alabama, a certified copy of this ordinance, together with a certified copy of the petition of the property owner and the Clerk is further directed to take all necessary and proper steps to perfect the annexation of said territory herein described.

Section 5. This ordinance shall be published as provided by law in a newspaper of general circulation in the City of Opelika, Alabama.

Section 6. The territory described in this ordinance shall become a part of the corporate limits of the City of Opelika upon publication of this ordinance as set forth in Section 5 above.

ADOPTED AND APPROVED this the ____ day of _____, 2018.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2018.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK



**PETITION FOR
ANNEXATION
PLANNING DEPARTMENT**

700 FOX TRAIL
OPELIKA, AL 36801

P: (334) 705-5156 F: (334) 705-5159

PC DEADLINE: JAN 20 PC MEETING: JAN 23RD

PROPERTY OWNER/ AUTHORIZED APPLICANT: Diann L. Bowman
MAILING ADDRESS: 455 Lee Rd 417 Opelika, AL 36804
PHONE NUMBER: 334-750-2467 FAX NUMBER: NA
EMAIL ADDRESS: laurab2001@yahoo.com

PARCEL INFORMATION

Annexed Property Address: 4923 AL Hwy 51 Opelika AL 36804
Current Land Use: Farming Proposed Zoning: Residential (R-1)
Description of proposed use: Farming - Future Residential
Adjacent Zoning Districts (if applicable): North: _____ South: X East: _____ West: _____
Tax Parcel Number: 7155
Ownership Configuration: ☒ single parcel/single ownership ☐ multiple parcels/single ownership
☐ single parcel/multiple ownership ☐ multiple parcels/multiple ownership

1. Is this property(s) contiguous with Opelika City limits? Yes
2. What is the population of proposed annexed area? 0
3. What is the population by race? _____ White, _____ Black, _____ Hispanic, _____ Asian, _____ Other
4. How many registered voters reside in proposed annexed area? None
5. Are there any businesses in proposed annexed area? NO
List type of business and location: _____

Proposed Zoning: \$250.00

Fee: \$250.00 per dwelling or
\$250.00 per business

TOTAL = 0

PAID 0

OWNERS SIGNATURE: <u>Diann Bowman</u>	DATE: <u>12-6-2017</u>
(PRINT NAME) <u>Diann Bowman</u>	

REQUIREMENTS

1. Copy of deed of property
2. Copy of legal description of property
3. Following annexation, the property owner is responsible to change the physical address of the property annexed (not just the mailing address). Complete a change of address form provided by the Post Office. Then notify the telephone company about the address change.
4. Fee for Loss of Revenues to Volunteer Fire Department \$250.00

NOTE: Pursuant to Section 8, Act No. 89-390 of the State of Alabama, the County Fire Tax Fee remains in effect for five years after a property is annexed into the Opelika City limits. This State requirement concerns properties with dwellings or commercial improvements not vacant land. After five years, a Fire Tax Fee will not be collected. The Fire Tax Fee is \$50 per year for properties with dwellings (5 yrs. = \$250) or \$50 for properties with commercial improvements, (building) (5 yrs. = \$250). For each annexed property with a structure, a check in the amount of \$250, payable to the City of Opelika, is due when the annexation application, deed, and legal description are submitted. Fee is refundable if annexation is denied.

I hereby request the Opelika Planning Commission to review my annexation application for property located at the (address/general location) 4923 Alamy St Opelika as described in the legal description submitted. I understand the requirements above that I may be required to provide additional information with my application. The City may require information or waive certain requirements at any time during the annexation process.

Diana Bowman

Signature (owner)

12-6-2017

Date

NOTARY SIGNATURES

Before me, Melanie W. Knause
 a Notary Public in and for said County and State, hereby
 certify that Diann Bowman
 whose name is signed to the foregoing petition as
owner [President, Chairman, etc.]
 of 4923 AL HWY 51 Opelika AL
 [Corporation, City], and who is known to me, acknowledged
 before me on this date that be executed the same voluntarily
 for and as the act of said corporation, being duly authorized
 to do so, all on the day they say bears date. Given under
 my hand and official seal of office this the

6th
 day of December, 2017

Melanie W. Knause Notary Public

Melanie W. Knause
 (print name)

17 Freeman Avenue
 (address)

Opelika AL 36801
 (city, state, zip)

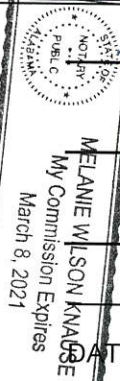
BY: Melanie W. Knause
 (signature)

ITS: Notary Public
 (title)

DATE: 12/6/2017

I, the undersigned authority, a Notary Public in and for
 said County and State, hereby certify that
Diann Bowman
 whose name is signed to the foregoing petition, and
 who is known to me, acknowledged before me on this
 day, that being informed of the contents of said petition,
 he/she executed the same voluntarily on this date.
 Given under my hand and official seal of office this
6th day of December, 2017

Melanie W. Knause Notary Public



Melanie W. Knause
 (Signature)

Melanie W. Knause
 (print name)

17 Freeman Avenue

Opelika AL 36801
 (mailing address)

DATE: 12/6/2017

I, the undersigned authority, a Notary Public in and for
 said County and State, hereby certify that

 whose name is signed to the foregoing petition, and
 who is known to me, acknowledged before me on this
 day, that being informed of the contents of said petition,
 he/she executed the same voluntarily on this date.
 Given under my hand and official seal of office this

_____ day of _____,

 Notary Public

 (Signature)

 (print name)

 (mailing address)

DATE: _____

I, the undersigned authority, a Notary Public in and for
 said County and State, hereby certify that

 whose name is signed to the foregoing petition, and
 who is known to me, acknowledged before me on this
 day, that being informed of the contents of said petition,
 he/she executed the same voluntarily on this date.
 Given under my hand and official seal of office this

_____ day of _____,

 Notary Public

 (Signature)

 (print name)

 (mailing address)

DATE: _____

PETITION FOR ANNEXATION INTO CITY LIMITS OF THE CITY OF OPELIKA PURSUANT TO
THE PROVISIONS OF SECTION 11-42-20, ET SEQ OF THE CODES OF ALABAMA, 1975

STATE OF ALABAMA

LEE COUNTY

TO: THE CITY COUNCIL OF THE CITY OF OPELIKA, ALABAMA

Come now the undersigned (hereinafter referred to as the "Petitioners"), being all the property owners of all the land described below, and represent and show unto your Honors as follows:

1. The Petitioners are the owners of the property hereinafter described, which is located and contained within an area contiguous to the corporate limits of the City of Opelika, an incorporated Municipality, situated in Lee County, Alabama, with a population of more than two thousand (2,000) according to the most recent Federal Census, which said property, is more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE (legal description)

2. There is attached hereto as Exhibit "B" and made a part of this Petition, a MAP of the above-described territory showing its relationship to the corporate limits of said Municipality of which it is proposed to be annexed.
3. The Petitioners certify that they are the owners of all the land within the above-described property.
4. The Petitioners certify that the territory to be annexed is contiguous to the existing corporate limits of the City of Opelika will form a homogenous part of the City.
5. The Petitioners represent and show it will be to the best interest of the City of Opelika and that the public good requires that the above-described territory be annexed into the City of Opelika, Alabama, a Municipal corporation.
6. The Petitioners understand that the city has not committed to provide sanitary sewer service to their property immediately, but will work to provide the service as soon as economically feasible.

WHEREFORE, your Petitioners respectfully pray that the City Council of the City of Opelika adopt an appropriate annexation ordinance assenting to the annexation of the above-described property into said Municipality, and that the corporate limits of the City be extended and rearranged by said ordinances so as to embrace and to include the above-described property as part of the corporate area of said City. The Petitioners further show that such other acts is taken as are necessary or appropriate in order to accomplish the annexation of the above-described territory.

RESPECTFULLY SUBMITTED this the 6th day of December, 2017.

WARRANTY DEED

The State of Alabama, Lee County

Know all men by these presents, that for and in consideration of the sum of
Ten Dollars and other good and valuable consideration----- Dollars,
to the undersigned grantor Elizabeth L. Lee
-----, in hand paid by
Diann L. Bowman
I
the receipt whereof is hereby acknowledged, -----, the said
Elizabeth L. Lee, a widow
do hereby grant, bargain, sell and convey unto the said
Diann L. Bowman
the following described real estate, to wit:

Lot 3 of Elizabeth Lee Subdivision, Second Addition,
according to and as shown by map or plat of said sub-
division of record in Town Plat Book 14, at Page 149,
in the Office of the Judge of Probate of Lee County,
Alabama.

Subject to any easements, set-back lines or restrictive
covenants of record.

TO HAVE AND TO HOLD unto the said Diann L. Bowman, her
----- heirs and assigns in fee simple, forever.
And I do, for myself, my ----- heirs, executors and administrators, covenant
with the said Diann L. Bowman, her -----
heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are
free from all encumbrances; that I have a good right to sell and convey the same
as aforesaid; and that I will, and my ----- heirs, executors, and administrators shall,
warrant and defend the same unto the said Diann L. Bowman, her -----
----- heirs and assigns,
forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
on this ----- day of January, 1992.

Witness:

----- Elizabeth L. Lee (L. S.)
----- ELIZABETH L. LEE (L. S.)
----- (L. S.)
----- (L. S.)
----- (L. S.)

The State of Alabama

LEE COUNTY

I, the undersigned authority, a Notary Public
in and for said State, at Large, hereby certify that Elizabeth L. Lee, a widow,

whose name is signed to the foregoing conveyance, who is known to me, acknowledged before me on this day, that being informed of the contents of this conveyance she executed the same voluntarily on the day the same bears date.

In Witness Whereof I have hereunto set my hand and seal of office this 22 day of January, 19 92.

Blanche L. Seaton
NOTARY PUBLIC

My Commission Expires May 31, 1993

GRANTEE'S ADDRESS:

455 Lee Rd. 417

Opelika, Al. 36801

00836

BOOK 1631 PAGE 117
FILED IN PROBATE OFFICE
LEE COUNTY, ALA.

92 JAN 24 PM 12:06

HALL SMITH, JUDGE

MORTGAGE TAX

DEED TAX 12.00

Rec 10:20
1/18/92
22.00

Elizabeth L. Lee

TO

Diann L. Bowman

Warranty Deed

The State of Alabama,

Lee County

I,

Judge of Probate, hereby certify that this
instrument was filed in my office for rec-

ord on day of

19 at o'clock and was duly re-

corded on the day of

19 in Record Page

and I hereby further certify that the fol-
lowing privilege tax has been paid on the
within instrument as required by law:

\$ CL

Judge of Probate.

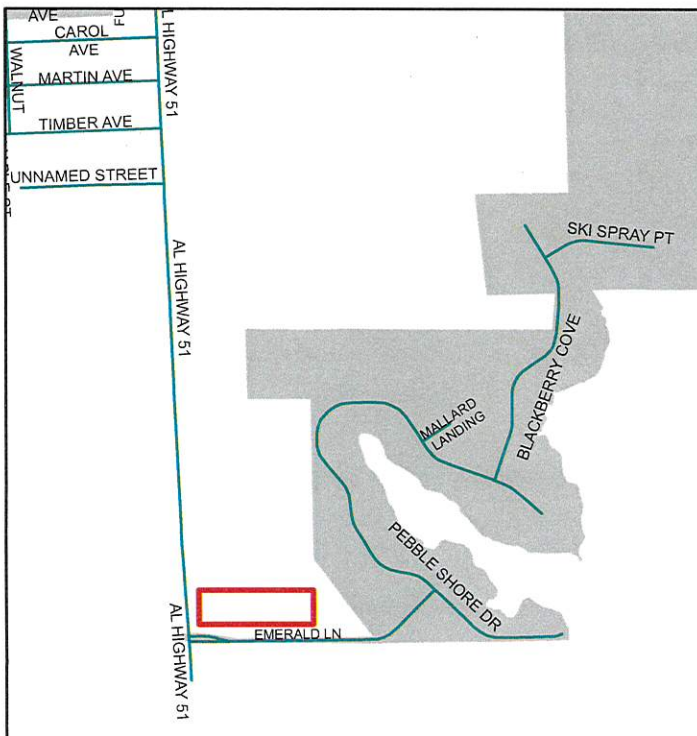
THIS INSTRUMENT PREPARED BY

H. KENNETH WILKES

ATTORNEY AT LAW, 907 AVE. B

BOOK 1631 PAGE 118

DIANN L. BOWMAN
4932 HIGHWAY 51 (MARVYN PARKWAY)
ANNEXATION and ZONING REQUEST, D-7



The applicant is requesting the annexation of 12 acres as a R-1 zoning district. The subject property is adjacent to Foxchase residential subdivision.



Subject Property

The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not to be used without

CITY OF OPELIKA

Planning Commission Report

Action Requested: Annexation and Zoning

Location of Property: 4923 Highway 51 (Marvyn Parkway)

Property Owner: Diann L. Bowman

Current Zoning: PJ (Planning Jurisdiction)

Proposed Zoning: R-1

Existing Land Use: Vacant/Agriculture

Adjacent Zoning/Land Use: North: Planning Jurisdiction (PJ)
 South: Planning Jurisdiction (PJ)
 East: R-2 (Foxchase at Emerald Lake)
 West: Planning Jurisdiction (PJ)

PLANNING STAFF DISCUSSION: Ms. Bowman has requested the annexation of approximately 12 acres into the City of Opelika. The subject property currently only has a small 200 square foot shed/barn. The property is located along the north side of Emerald Lane leading into Foxchase Subdivision.

This property is contiguous to the City of Opelika through the Foxchase Subdivision and will help ensure a consistent application of regulations on the property between the subdivision and Marvyn Parkway. The applicant has stated that they intend to sell the property.

Section 5.3 of the City of Opelika Zoning Ordinance states that all properties annexed into the City will receive an R-1 zoning designation. The applicant has not requested any other zoning designation and would need to request a rezoning should this be desired at a later time.

RECOMMENDATION: A positive recommendation to City Council for annexation.

At the January 23rd meeting, the Planning Commission voted to send a positive recommendation to City Council to annex the 12-acre property; the zoning district requested by Petitioner and recommended by Planning Commission is R-1.

This is a request to forward information to the City Attorney to prepare an ordinance to annex the 12 acres and zone the property R-1.

