



OPELIKA CITY COUNCIL
“ REGULAR MEETING AGENDA “
204 South 7th Street
January 2, 2019
TIME: 7:00 PM

1. CALL TO ORDER
2. ROLL CALL
 1. Patricia Jones, Tiffany Gibson-Pitts, Dozier Smith T, David Canon, Eddie Smith
3. INVOCATION
 1. The Pastor Tom Tippet will provide the invocation.
4. PLEDGE OF ALLEGIANCE
 1. Elsie Beaver and Jordan Tyson from the West Forest Intermediate School.
5. READING OF MINUTES
 1. Minutes from the 12-18-18 city council meeting.
6. UNFINISHED BUSINESS
7. REMARKS BY THE MAYOR
 1. Reappoint Ira Silberman to the Opelika Planning Commission. New term ends 2-15-25.
 2. Proclamation to Chris Nunn with Project Uplife for National Mentoring Month.
8. CITIZEN COMMUNICATIONS (Limit comments to five minutes or less)
9. REPORT OF DISBURSEMENTS
10. COMMITTEE REPORTS
11. GENERAL BUSINESS
12. AWARDING OF BIDS
13. RESOLUTIONS
 1. Resolution for Demolition, 112 N. 18Th Place - TABLED
 2. Expense reports from various departments.
 3. Designate City Personal Property Surplus and Authorize Disposal
 4. Refund Request-John Emerald Distilling-REV
 5. Request from Verizon for a special use permit at 269 Lee Road 711.
 6. Tax abatement agreement, Jo-Ann Stores, Inc.
 7. Appropriation contract with Employers Child Care Alliance.
 8. Appoint Agent for Purchase of Excess Electric Energy - AMEA.

14. ORDINANCES

1. Amend City Code, Chapter 29 Transportation Network Company & Rider - 2nd Reading.

15. APPOINTMENTS

16. ADJOURN

"In compliance with the Americans with Disabilities Act, the City of Opelika will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the ADA Coordinator 72 hours prior to the meeting at (334)705-5130."



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

CM MINUTES (ID # 3242)

Meeting: 01/02/19 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 3242

Minutes from the 12-18-18 city council meeting.



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

December 18, 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 city council members were present.

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

3. Invocation

Minister JArthur Grubbs provided the invocation.

1. Minister JArthur Grubbs from the Greater Peace Baptist Church.

4. Pledge of Allegiance

Ashlan and Abby did a great job in leading the Pledge of Allegiance.

1. Ashlan Drake and Abby Parish from Jeter Primary School.

5. Reading of Minutes

1. Minutes from the December 4, 2018 city council meeting.

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 advised everyone present that Scott Bridge had volunteered to power clean the 2nd Avenue bridge. The cleaning process will start tomorrow so please take another route if possible.

1. November 2018 Building Inspections Monthly Report

Mayor Fuller called on Joey Motley, City Administrator, to present a summary of the monthly building permit report.

2. Recognize Jessica Mills and her family.

Mayor Fuller presented a proclamation to Jessica Mills recognizing the many accomplishments that she and her family have achieved, including the hiking of three different trails in the US covering about 8,000 miles.

3. Recognize Tricia Skelton as a 2018 Sanford Teacher Award recipient.

Mayor Fuller presented a proclamation to Tricia Skelton recognizing her selection as the 2018 Samford Teacher recipient for the State of Alabama.

4. Recognize the Honorable Judge H. Kenneth Wilkes.

Mayor Fuller presented a Certificate of Retirement to Judge Kenny Wilkes for his 30+ years of service as a Opelika Municipal Court Judge. Anita Comer, Municipal Court Clerk and Guy Gunter, City Attorney, assisted with the presentation.

8. Citizen Communications

(Limit comments to five minutes or less)

President Smith called on Mr. Shuman to open Citizen Communications. Mr. Shuman stated to those present, if you wish to address Mayor Fuller or the City Council, come to the microphone to my right, give your name and address and limit your comments to five minutes or less. If you speak, please sign the register at the entrance to the council chambers in case we need to follow up with you. Mr. Shuman also stated there are some public hearings on the agenda tonight, so if you are here for one of them, that would be the time to speak. No one came forward to speak.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Chickchickporkpork Grill Request Restaurant Retail Liquor and Beer On-Premise License.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

2. Public Hearing-Weed Abatement Assessment-407 Hunter Street

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

3. Public Hearing for Demolition - 513 Ermine Street

RESULT: **REMOVED FROM AGENDA [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

12. Awarding of Bids

13. Resolutions

1. Resolution Resolution for Demolition, 112 N. 18Th Place - TABLED
This resolution remained TABLED.

2. Resolution 332-18 Expense reports from various departments.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

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

3. Resolution 333-18 Designate City Personal Property Surplus and Authorize Disposal

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

4. Resolution 334-18 Purchase-Police Package Automobiles-State Contract-PD

- RESULT:** APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
5. Resolution 335-18 Weed Abatement Assessment-407 Hunter Street
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
6. Resolution Resolution for Demolition - 513 Ermine Street
RESULT: REMOVED FROM AGENDA [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
7. Resolution 336-18 Verizon request a Special Use Permit at 1015 West Point Parkway.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
8. Resolution 337-18 Accept infrastructure, Northbrook SD phase V.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
9. Resolution 338-18 Contract for Services with Mobile Studio
Ms. Pitts asked if this group would be more consistent this year and work with the current programs. Joey Motley stated the Casey group works with this organization and will reimburse the City. Mr. Motley said he would make sure the council gets a copy of their progress reports.
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
10. Resolution 339-18 Appropriation contract with the Boys & Girls Clubs.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
11. Resolution 340-18 Special appropriation to the Opelika City Schools - band trip.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
12. Resolution 341-18 Final Change Order 5Th Ave/N 4Th Street Drainage Project

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

14. Ordinances

1. Ordinance Amend City Code, Chapter 29 Transportation Network Company & Rider - 1st Reading.

This ordinance was introduced by Mr. Smith T.

RESULT: FIRST READING INTRODUCED

15. Appointments

1. Reappoint Joanne Camp, Municipal Court Public Defender. New term ends 1-02-21.

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

2. Reappoint Todd Rauch, LRCOG - MPO Citizen Advisory Committee. New term ends 1-01-21.

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 Ken Ridley, LRCOG - MPO Citizen Advisory Committee, New term ends 1-01-21.

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

16. Adjourn

The City Council meeting minutes of December 18, 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.
 This city council meeting ended at 7:34pm.

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

RESOLUTION NO. (ID # 3102)

Resolution for Demolition, 112 N. 18Th Place - TABLED

RESOLUTION NO. _____

**RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR
STRUCTURE LOCATED AT 112 N. 18TH PLACE, OPELIKA, ALABAMA 36801,
PARCEL ID NO.: 43-09-06-13-2-000-093.000 IN COMPLIANCE WITH SECTIONS
11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16,
INCLUSIVE, OF THE *CODE OF ALABAMA*, AND IN COMPLIANCE WITH
ORDINANCE NO. 116-15.
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the Building Official of the City of Opelika, Alabama, determined that the condition of the building or structure located at 112 N. 18th Place, Opelika, Alabama, 36801, Parcel I.D. Number: 43-09-06-13-2-000-093.000, (hereinafter the Subject Property”) is in such condition as to make it dangerous to the life, health, property, morals, safety or general welfare of the public or the occupants; and

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

WHEREAS, Ingrid Elizabeth Gomez Gramajo is the person last assessing the subject property for state taxes; and

WHEREAS, a “Notice of Dangerous Building, Finding of Public Nuisance and Order to Remedy” was sent via certified mail, properly addressed, and postage prepaid to Ingrid Elizabeth Gomez Gramajo, 1815 1st Avenue, Opelika, AL 36801; and

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

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

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

WHEREAS, Tuesday, November 20, 2018, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Lee County, Alabama, was fixed as the time and place when and where the City Council will meet to determine whether or not the building located at 112 N. 18th Place is unsafe to the extent that it creates a public nuisance; and

WHEREAS, the City Council of the City of Opelika met on Tuesday, November 20, 2018, at the aforesaid time and place for the purpose of conducting said public hearing; and

WHEREAS, the President of the City Council of the City of Opelika presided over said public hearing and opened the floor for comments from the public and any persons interested in the real property located at 112 N. 18th Place, Opelika, Alabama; and

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

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

1. The City Council hereby finds and determines that the building or structure located at 112 N. 18th Place, Opelika, Alabama, Parcel I.D. Number: 43-09-06-13-2-000-093.000, is unsafe to the extent that it creates a public nuisance to the citizens of Opelika, Alabama, and is due to be condemned and demolished in compliance with §§11-40-30 through 11-40-36 and §§11-53B-1 through 11-53B-16, inclusive of the *Code of Alabama*, and Ordinance No. 116-15 of the City of Opelika, Alabama, which Ordinance is codified at Sections 5-221 through 5-238, inclusive of the *Code of Ordinances* of the City of Opelika, Alabama. The property referred to above is more particularly described as follows:

Lots 69 and 70 in Five Points Subdivision, as shown by a map or plat of said Subdivision, recorded in the Office of the Judge of Probate of Lee County, Alabama, in Town Plat Book 3, Page 67; together with all improvements thereon and appurtenances thereunto appertaining; subject, however, to the existing right-of-way easements granted to Alabama Power Company for electric power lines, poles, appliances, which extends across the above-described property.

Also being further described as Parcel Number 43-09-06-13-2-000-093.000, according to records maintained in the Lee County Revenue Commissioner's Office.

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____ 2018.

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

ATTEST:

CITY CLERK

Cc: Ingrid Elizabeth Gomez Gramajo
1815 1st Avenue
Opelika, AL 36801

RESOLUTION NO. 001-19

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 employee(s) were required by the City of Opelika to travel on City business and/or attend a training session, meeting or conference.

Employee	Department	\$ Amount
-----	-----	-----
Bret Rayburn	OPS	1,115.75
Gary Fuller	Mayor	2,059.22

-) 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(s) can be prepared covering the attached expense report(s).
- 5) That the City Treasurer is authorized to sign said check(s) so it can be delivered to the appropriate City employee or official.

ADOPTED and APPROVED this the ____ day of _____, 2019.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

NAME

Bret Rayburn

DEPARTMENT

OPS

PERIOD ENDING

12.14.2018

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAIN- MENT Itemize Below	MISC. EXPENSES Itemize Below	DAILY TOT
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
SUN	Chelsea AL							6.97				6
MON	Franklin TN / Brentwood TN					56.63		17.15	14.34			88
TUE	Nashville TN							16.17				16
WED	Brentwood TN								13.75			13
THU												0
FRI	Franklin TN / Huntsville AL /Brentwood TN	928.78 928.75				51.89		10.10				990
SAT												0
WEEKLY CATEGORY TOTALS \$		928.78 928.75	0.00	0.00	0.00	108.52	0.00	50.39	28.09	0.00	0.00	1,115

WEEKLY TOTAL EXPENSES

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

NUMBER OF DAYS AWAY FROM HOME

4 Days

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

Power System Equipment Course With TVPPA

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE☒ MAIL TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

NAME

Name Gary Fuller

DEPARTMENT

Department Mayor's Office 11050

PERIOD ENDING

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAIN- MENT	MISC. EXPENSES	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	Itemize Below					
							BREAKFAST	LUNCH	DINNER			
Wed 6/12/19	Sydney, Australia		2,059.22									2,059.22
												0.00
												0.00
												0.00
												0.00
												0.00
												0.00
WEEKLY CATEGORY TOTALS \$		0.00	2,059.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,059.22

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

11

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

0

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

0%

NATURE OR PURPOSE OF TRAVEL

Economic Develomen/IPA - World Forum 2019

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE☒ MAIL: TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

Agree To P.O.

Exts Verified

Footing Verified

Inv. Price Bto Price

Ok To Pay

A/C # Verified

Gary Fuller

Mayor's office

SIGNATURE

APPROVED BY

RESOLUTION NO. 002-19

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

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

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

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

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

No.	Qty.	Unit	Item Description	Fixed Asset #
1.	1	EA	2011 Ford Crown Victoria #2FABP7BV2BX122391	87002731
2.	1	EA	2011 Ford Crown Victoria #2FABP7BVXBX122395	87002729
3.	1	EA	2007 Dodge Durango #1D8HB38P97F537328	87002473
4.	1	EA	2010 Ford Ranger Ext Cab #1FTKR1ED7APA34123	87002656

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

ADOPTED AND APPROVED this the _____ day of _____, 2019.

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

ATTEST:

Robert G. Shuman
City Clerk - Treasurer

RESOLUTION NO. 003-19

Refund Request-John Emerald Distilling-REV

Resolution No. _____

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

- 1) That Lillie Finley, Purchasing-Revenue Manager, has investigated and confirmed that said refund request is valid and recommends approval.
- 2) That the Purchasing-Revenue Manager is hereby authorized to prepare and process the appropriate documents so a refund check in the amount of \$21,476.31 can be printed payable to John Emerald Distilling Company LLC, 706 N. Railroad Avenue, Opelika, AL 36801, for liquor taxes paid in error from 2015-2018.
- 3) That the City Clerk is hereby authorized to sign, and mail said check to the address as detailed in number 2 above.
- 4) That a copy of the Purchasing-Revenue Manager's recommendation is hereto attached as Exhibit "A".

APPROVED and ADOPTED this the _____ day of January, 2019.

C.E. "EDDIE" SMITH, JR.

PRESIDENT OF THE CITY COUNCIL OF THE

CITY OF OPELIKA, ALABAMA

ATTEST:

ROBERT G. SHUMAN
CITY CLERK/TREASURER



REVENUE

204 South 7th Street • P.O. Box 390
 Opelika, AL 36803-0390
 (p) 334-705-5160 (f) 334-705-5163
 revenue@opelika-al.gov

REFUND REQUEST

ACCOUNT # 0001-0000-343-007

DATE OF REQUEST: 12/20/2018

PETITIONER'S NAME: John Emerald Distilling, LLC

ADDRESS: 706 N. Railroad Avenue

CITY, STATE ZIP CODE: Opelika, AL 36801

AMOUNT OF REFUND REQUESTED: \$21,476.31

DESCRIPTION OF REQUEST AND REASON FOR REFUND:

John Emerald Distilling has requested a refund in the amount of \$21,476.31 for liquor taxes paid in error from 2015-2018.

LILLIE FINLEY
 PURCHASING-REVENUE MANAGER

Attachment: 1-2-19 - Refund Request- John Emerald Distilling Company LLC (003-19 : Refund Request-John Emerald Distilling-REV)



RESOLUTION NO. 004-19

Request from Verizon for a special use permit at 269 Lee Road 711.

RESOLUTION NO. _____

WHEREAS, Verizon has requested to modify their equipment at an existing wireless telecommunication facility located at 269 Lee Road 711, Opelika, AL to provide improved wireless services essentially within the corporate limits and police jurisdiction of the City of Opelika, and;

WHEREAS, Verizon has complied with City's Ordinance No. 102-00 and has demonstrated the need for additional modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and Verizon's customers in Opelika will benefit from improved service, and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for the modification of Verizon's equipment at this facility located at 269 Lee Road 711, which consist of a 193.5' monopole tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama that Verizon is hereby granted a Special Use Permit to modify their equipment at the wireless telecommunications facility located at 269 Lee Road 711. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service no later than one hundred eighty (180) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City. Verizon may petition the City of an extension of this for good cause shown, but the decision weather not to grant the extension shall exclusively be the prerogative of the City.

2. Verizon must provide contractor information to CMS and to the City prior to request for issuance of the Building Permit.
3. Once, Verizon has met all the conditions of the permit and any other requirements of the City and a building permit is issued, Verizon must notify the City's consultant for all inspections.
4. At the completion of construction, Verizon must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
5. Verizon shall not be permitted to provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this _____ day of _____, 2019.

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

ATTEST:

 R. G. Shuman, CMC
 City Clerk-Treasurer

RESOLUTION NO. 005-19

Tax abatement agreement, Jo-Ann Stores, Inc.

RESOLUTION NO. _____

RESOLUTION APPROVING CERTAIN TAX ABATEMENTS AND
EXEMPTIONS FOR JO-ANN STORES, INC.

WHEREAS, Jo-Ann Stores, Inc. (the “Company”) operates an industrial facility (“the Facility”) located at 3101 Anderson Road within the corporate limits of the City of Opelika (the “City”); and

WHEREAS, the Company has announced a major addition to its existing Facility; and

WHEREAS, the Company has announced plans to purchase, acquire, and install approximately \$2,875,000.00 worth of new manufacturing machinery, equipment and other new personal property (the “Project”) in its existing Facility located within the corporate limits of the City of Opelika; and

WHEREAS, the Project (the purchase, acquisition and installation of new manufacturing machinery, equipment, and other new personal property) is estimated to be placed in service by January 31, 2021; and

WHEREAS, the Project will be operated by the Company as an “industrial or research enterprise” as defined under Alabama Code §40-9B-3(a)(10); and

WHEREAS, the Company's NAICS Code 493110 meets the qualifications of an industrial or research enterprise in accordance with §40-9B-3(6), *Code of Alabama*, as amended; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1, et seq, *Code of Alabama*, 1975) (the "Act"), the Company has requested from the City the abatement of (a) all state and local non-education ad valorem taxes (property taxes); and (b) all construction related transaction taxes (sales and use taxes), except those construction related transaction taxes levied for educational purposes or for capital improvements for education; and

WHEREAS, pursuant to Article IV of Chapter 51 of Title 11, *Code of Alabama*, the Company has requested from the City a complete exemption of non-educational City ad valorem taxes for the project for a period of fifteen (15) years; and

WHEREAS, the City has considered the request of the Company and the completed application filed by the Company in connection with its request; and

WHEREAS, the City has found the information contained in the Company's application to be sufficient to permit the City to make a reasonable cost/benefit analysis of the proposed Project and to determine the economic benefits to the community; and

WHEREAS, the Project will involve a capital investment of approximately two million eight hundred and seventy-five thousand dollars (\$2,875,000.00); and

WHEREAS, the City Council has been furnished a copy of a Tax Abatement Agreement between the City and the Company and the City Council has determined that the general terms of such Agreement are acceptable to the City in principle; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama and has power to enter into and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the City represents and warrants to the Company that it has the power under the Constitution and the laws of the State of Alabama (including particularly the provisions of the Act) to carry out the provisions of the Tax Abatement Agreement; and

WHEREAS, the City wishes to secure the numerous and significant benefits to the City, its business community and residents that will likely result from the expanded use of the Facility due to the installation of said new machinery, equipment and other new personal property.

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

1. Approval is hereby given to application of the Company and abatement is hereby authorized of (1) all state and local non-educational property taxes for a period of ten (10) years; and (2) all construction related transactions (sales and use) taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education.
2. In addition, pursuant to Title 11, Article 4 of Chapter 51, *Code of Alabama*, the City agrees to grant to the Company a complete exemption for non-educational City ad valorem taxes for a period of fifteen (15) years.
3. The abatements and exemptions granted herein do not include any ad valorem

taxes earmarked for city and county schools and school district purposes. The tax abatements and exemptions for ad valorem taxes under paragraphs 1 and 2 shall not exceed the maximum abatement allowed by state law.

4. The Mayor and the City Clerk are hereby authorized and directed to execute the Tax Abatement Agreement with the Company and such other ancillary documents and agreements as may be necessary to provide the abatements and exemptions granted in paragraphs 1 and 2 above.

5. A certified copy of this resolution, with Application and Abatement Agreement, shall be forwarded to the Company to deliver to the appropriate taxing authorities and to the Alabama Department of Revenue in accordance with the Act.

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

7. This resolution shall take effect upon passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2019.

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

ATTEST:

CITY CLERK

RESOLUTION NO. 006-19

Appropriation contract with Employers Child Care Alliance.**RESOLUTION NO. _____**

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

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

of Opelika and the Employer's Child Care Alliance, a copy of which is hereto attached as

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

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

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

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

and to attest the same, and the Mayor shall deliver one copy to the Employer's Child Care

Alliance, and retain one copy.

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

President City Council
City of Opelika, Alabama

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer



Employers' Child Care Alliance City of Opelika Contract

As a partner of the Employers' Child Care Alliance, the City of Opelika will invest \$6,000 in the Alliance to support the implementation of the projects for the 2018-2019 fiscal year. (October 1, 2018-September 30, 2019)

The description of specific projects and services supported by this contribution follows:

- 1) Child Care Resource and Referral services for employees of City of Opelika (including employee families moving to the top of waiting list at participating child care centers), and data base search of child care for the Opelika Police department.
- 2) Quality Enhancement Partnership-City of Opelika helps sponsor a child care program where city employee families' children are enrolled, providing free training scholarships for teachers and the program's participation in the STEPS to Accreditation program.
- 3) Non-Standard Child Care- continuation of recruitment program of child care providers for types of care outside the typical 7:00 -5:00 care; development of child care referral listing for evening, back-up and mildly ill care.
- 4) ECCA Management-overall management services for all project development, implementation and expansion.
- 5) FAMILY RESOURCE CENTER-Child Care Resource Center Inc (CCRC) in partnership with Employers' Child Care Alliance, has recently opened a Family Resource Center located in Opelika. The Family Resource Center will serve to reconnect families with their community through seamless services, education and awareness.

Tammy L. Morgan, ECCA Manager
Child Care Resource Center

Mayor Gary Fuller
City of Opelika

RESOLUTION NO. 007-19

Appoint Agent for Purchase of Excess Electric Energy - AMEA.**RESOLUTION NO. _____**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OPELIKA (the “Council”) as follows:

1. A copy of the Small Renewable Behind-the Meter Generation Rider SRG-2011 Effective December 1, 2011 (the “SRG-2011 Rider”), and the AGREEMENT APPOINTING AGENT FOR PURCHASE OF EXCESS ELECTRIC ENERGY PRODUCED BY CUSTOMER-OWNED SMALL RENEWABLE GENERATION (the “Agent Agreement”) between the Council and Alabama Municipal Electric Authority (the “Authority”) considered by the members of the Council is hereby ordered inserted in the minutes of the meeting at which the Agent Agreement was considered and this Resolution is adopted at the end thereof.

2. The Council does hereby find and determine that it is in the best interest of the Council to provide notice to the Authority to participate in the SRG-2011 Rider and enter into the Agent Agreement with the Authority.

3. The Council does hereby adopt and approve participation in the SRG-2011 Rider and the Agent Agreement.

4. The Mayor is hereby authorized and directed to provide notice to the Authority of intention to participate in the SRG-2011 Rider and to sign the Agent Amendment in the name and on behalf of the City, and the City Clerk is hereby authorized and directed to affix thereto the official seal of the City and to attest the same. The City Clerk is hereby authorized and directed to acknowledge execution of the said notice and of the Agent Agreement in the form prescribed therein and to deliver the same to the Authority.

5. The Mayor and officers of the City are hereby authorized and directed to take all action necessary or desirable to carry out the provisions of this Resolution and of the Agent Agreement.

6. The provisions of this Resolution shall take effect immediately upon its

adoption.

ADOPTED AND APPROVED this the _____ day of _____, 2019.

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

ATTEST:

CITY CLERK

CERTIFICATE

I, the undersigned City Clerk of the City of Opelika (the "City"), do hereby certify that the attached Resolution, inclusive, constitute a true, correct and complete copy of a Resolution adopted at a regular meeting of the Council held on _____, 2019, as the same appears in the official records of the Council maintained by the undersigned.

I further certify that attached hereto is a true and correct copy of the Small Renewable Behind-the Meter Generation Rider SRG-2011 Effective December 1, 2011 and AGREEMENT APPOINTING AGENT FOR PURCHASE OF EXCESS ELECTRIC ENERGY PRODUCED BY CUSTOMER-OWNED SMALL RENEWABLE GENERATION referred to in said minutes and ordered inserted in the minutes of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City, this _____, 2019.

City Clerk

[SEAL]

January _____, 2019

Mr. Fred Clark
President and CEO
Alabama Municipal Electric Authority
80 TechnaCenter Drive, Suite 200
Montgomery, AL 36117

RE: City of Opelika Notice to Participate in the SRG-2001 Rider

Dear Mr. Clark,

On behalf of the City of Opelika (the "City"), I am providing the required notice that the City is requesting to participate in the Small Renewable Behind-the-Meter Generation Rider SRG-2011 program. The City will implement the complete program to our customers beginning _____, ____ 20____. In addition, the City will execute the necessary documents and forward them to AMEA for execution.

Please let me know if you have any questions about this request.

Sincerely,

Honorable Gary Fuller
Mayor, City of Opelika

ORDINANCE NO. 001-19-ORD

Amend City Code, Chapter 29 Transportation Network Company & Rider - 2nd Reading.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF OPELIKA, ALABAMA, TO AMEND SECTION 29-1 “DEFINITIONS” TO REVISE THE DEFINITIONS OF “TRANSPORTATION NETWORK COMPANY” OR “TNC”, “TRANSPORTATION NETWORK COMPANY DRIVER” OR “TNC DRIVER” AND TO ADD THE DEFINITION OF “TRANSPORTATION NETWORK COMPANY RIDER” OR “TNC RIDER”; REPEALING IN ITS ENTIRETY DIVISION 4 ENTITLED “TRANSPORTATION NETWORK COMPANIES” AND SUBSTITUTE A NEW DIVISION 4 ENTITLED “TRANSPORTATION NETWORK COMPANIES AND DRIVERS”; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND PROVIDING AN EFFECTIVE DATE

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

Section 1. **Definitions.** That Section 29-1 of the *Code of Ordinances* of the City of Opelika, Alabama, is hereby amended to revise the definitions of “Transportation Network Company” or “TNC”, “Transportation Network Driver” or “TNC Driver” and to add a definition of “Transportation Network Rider” or “TNC Rider” to read as follows:

Transportation Network Company or “TNC” means a transportation network company that is a corporation, partnership, sole proprietorship or other entity licensed and operating in this state that uses a digital network to connect a TNC rider to a TNC driver who provides a prearranged ride. A TNC may not control, direct or manage the personal vehicle of the TNC driver who connects to its digital network, except where agreed to by written contract.

Transportation Network Company Driver or “TNC Driver” means an individual who meets both of the following criteria:

(a) Receives connections to potential riders and related services for a TNC in exchange for payment of a fee to the TNC.

(b) Uses a personal vehicle to offer or provide a prearranged ride to a TNC rider upon connection through a digital network controlled by a TNC and in exchange for compensation or payment of a fee.

Transportation Network Company Rider or “*TNC Rider*” means an individual who uses the digital network of a TNC to connect with a TNC driver who provides a prearranged ride to the TNC rider in the personal vehicle of the TNC driver between the points chosen by the TNC rider.

Section 2. **Replacement of Division 4 of Article I of Chapter 29.** That current Division 4 of Article I of Chapter 29 of the *Code of Ordinances* of the City of Opelika, Alabama entitled “Transportation Network Companies” is hereby repealed in its entirety and replaced with new Division 4 entitled “Transportation Network Companies and Drivers”, which division shall read as follows:

Division 4. Transportation Network Companies and Drivers.

Sec. 29-90. Authorization.

Transportation Network Companies are authorized to use the City’s rights-of-way in a manner which shall comply with all statutorily required or Public Service Commission required rules, procedures and policies.

Sec. 29-91. Permit Required.

No person shall operate a TNC in the City without first having obtained a permit from the Alabama Public Service Commission. Any person who operates a TNC without having obtained a permit in accordance with §32-7C-22, *Code of Alabama*, shall be guilty of a Class C misdemeanor, and punished as provided in Section 1-8 of this Code.

Sec. 29-92. No Local Prearranged License or Business Tax Permitted.

Pursuant to §32-7C-36, *Code of Alabama*, the City shall not do any of the following:

- (a) Impose a tax on, or require a license for, a TNC or a TNC driver or TNC vehicle if the tax or license relates to providing prearranged rides.
- (b) Require a TNC or a TNC driver to obtain a business license or any other type of similar authorization to operate within the City.
- (c) Subject a TNC, a TNC driver or a TNC vehicle to a rate, entry, operation or other requirement of the municipality if the rate, entry, operation or other requirement relates to providing prearranged rides or transportation network services.

This section shall not be construed to prohibit any law enforcement officer from enforcing applicable criminal or traffic laws, or, in connection with the enforcement of applicable criminal and traffic laws, from requesting to review a TNC driver's electronic waybill within the TNC's digital network.

Sec. 29-93. Scope.

This division shall govern persons subject to Chapter 7C of Title 32, *Code of Alabama*. The provisions of this division shall not apply to taxicabs, executive sedans, limousines, specialty limousines and other vehicles for hire.

Section 3. **Repealer Clause.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. **Severability Clause.** If any section, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,

said holding shall not affect any other section, clause, provision or portion of this ordinance which is not in or of itself invalid or unconstitutional.

Section 5. **Effective Date.** This ordinance and the division hereby adopted shall become effective and enforced immediately upon its passage and publication as required by law and shall be codified in the *Code of Ordinances* of the City of Opelika, Alabama.

Section 6. **Publication.** The City Clerk of the City of Opelika, Alabama is hereby authorized and directed to cause this Ordinance to be published one (1) time in a newspaper of general circulation published in the City of Opelika, Lee County, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 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

ORDINANCE NO. _____

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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