



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
204 South 7th Street
July 16, 2019
TIME: 7:00 PM

1. Call to Order

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

2. Roll Call

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

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

3. Invocation

Pastor Tom Tippettt gave the invocation.

1. Pastor Tom Tippettt.

4. Pledge of Allegiance

Dylan and Riley lead the Pledge of Allegiance.

1. Boy Scout Troop 858, Dylan Clark and Riley Stadler.

5. Reading of Minutes

1. Minutes from the 7-2-19 city council meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller reminder everyone that the 14th annual Back to School sales tax holiday is this weekend starting on Friday and ending Sunday.

Mayor Fuller advised everyone that there will be a Forum to Stop Violence on July 27th from 10am till Noon at the Lee Co. Meeting Center.

1. City financial summary for June 2019.

Mayor Fuller passed out copies of the City's June 2019 financial summary report to the council members.

2. June 2019 Monthly Building Report

Mayor Fuller called on Joey Motley, City Administrator, to provide a summary of the June 2019 Building Permit report.

3. Proclamation presentation to Lt. Ben Blackburn with the OPD.

Mayor Fuller and Police Chief McEachern presented a proclamation to Lt. Ben Blackburn congratulating him on his recent graduation from the FBI Academy.

4. Recognize the 2019 National Quiz Bowl Champions.

Mayor Fuller presented a certificate of recognition to each member of the 2019 National Quiz Bowl Championship team.

8. Citizen Communications

(Limit comments to five minutes or less)

Patrick McMenamin provided a summary of his experience in Washington DC as an intern in Congressman Mike Roger's office. He thanked Mayor Fuller and the City Council for their assistance. He said it was a wonderful learning opportunity.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Public Hearing, Weed Abatement Assessment - 20 Jeter Ave.

Mr. Shuman presented a public hearing for a weed lien at 20 Jeter Avenue in the amount of \$203.47. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

2. Public Hearing, Weed Abatement Assessment - 311 S 3Rd St.

Mr. Shuman presented a public hearing for a weed lien at 311 S. 3rd Street in the amount of \$107.39. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

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

Mr. Shuman presented a public hearing for a weed lien at 514 Old Columbus Road in the amount of \$605.59. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

4. Public Hearing, Weed Abatement Assessment - 803 E Towne Lake Circle.

Mr. Shuman presented a public hearing for a weed lien at 803 Towne Lake Circle in the amount of \$367.67. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

5. Public Hearing, Weed Abatement Assessment - 810 Williamson Ave

Mr. Shuman presented a public hearing for a weed lien at 810 Williamson Avenue in the amount of \$163.34. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

6. Public Hearing, Vacate Right-Of-Way - SE Portion of Frederick Road & N. Frederick Ave.

Mr. Shuman presented a public hearing to vacate a portion of Right-of Way at S.E. Frederick Road and N. Frederick Avenue. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said vacating of property. No one came forward to speak. President Smith closed the public hearing.

7. Public Hearing, Amend Zoning Ord & Map: Rezone 47.3 Acres, 1300 Block Fox Run Parkway.

Mr. Shuman presented a public hearing to amend the Zoning Ordinance & Map for 47.3 acres at the 1300 Block of Fox Run Parkway. President Smith 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 189-19 Contract for custodial services - OPS.

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

2. Bids 190-19 Removal of Dead, Dying or Dangerous Trees, Stumps & Tree Pruning - ENG.

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

13. Resolutions

1. Resolution 191-19 Change Orders for new OPD & Municipal Court building.

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

2. Resolution 192-19 Purchase, washer and dryer for turnout gear - Sole Source - OFD.

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

3. Resolution 193-19 Purchase, furniture for new Municipal Court room - MC.

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 194-19 Weed Abatement Assessment - 20 Jeter Ave

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

5. Resolution 195-19 Weed Abatement Assessment - 311 S 3Rd St.

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

6. Resolution 196-19 Weed Abatement Assessment - 514 Old Columbus Rd.

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

7. Resolution 197-19 Weed Abatement Assessment - 803 E Towne Lake Circle

- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
8. Resolution 198-19 Weed Abatement Assessment - 810 Williamson Ave
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
9. Resolution 199-19 Vacate Right-Of-Way - Portion SE ROW Frederick Road & N. ROW Frederick Ave.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
10. Resolution 200-19 Request from ATT for a SUP for a cell tower at 2000 Steel St.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
11. Resolution 201-19 Request from ATT for a SUP for a cell tower at 2404 Frederick Rd.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
12. Resolution 202-19 Agreement for professional services, Game Day security - OPD.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
13. Resolution 203-19 Special appropriation to East Ala. Community Ballet.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
14. Resolution 204-19 Special appropriation to Dream Day Foundation to support 2nd Annual Black Male Summit.
- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
15. Resolution 205-19 Proposal from OSMOSE for Pole Attachment Count - OPS.

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

16. Resolution 206-19 Proposal & Agreement for Pavement Consulting Services - Eng.

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

17. Resolution 207-19 Special appropriation to The Rain Group for Love U Love U event.

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

14. Ordinances

1. Ordinance Amend Zoning Ord & Map: Rezone 47.3 Acres, 1300 Block Fox Run Parkway - 2nd Reading.

Mr. Smith T introduced this ordinance for a first reading.

RESULT: FIRST READING INTRODUCED

2. Ordinance 017-19-ORD Amend City Code of Ordinances, Section 5.5 307(b) - 1st Reading.

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

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

Nays None.

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

15. Appointments

16. Adjourn

Ms. Pitts said she was concerned about affordable housing in Opelika. She asked Mayor Fuller and the City Council to work on this.

The City Council meeting minutes of July 16, 2019 are hereby adopted and approved this the 6th day of August, 2019.

/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 city council meeting ended at 7:42 pm.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**CM MINUTES (ID # 3561)**

Meeting: 07/16/19 07:00 PM

Department: City Clerk

Category: CM Minutes

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 3561

Minutes from the 7-2-19 city council meeting.

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



VIA EMAIL
June 27, 2019

Eddie Smith
Patsy Jones
Tiffany Gibson-Pitts
Dozier Smith T
David Canon

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Re: Wireless Telecommunications Facilities Land Use and Siting Ordinance

All:

On July 2, 2019, the City Council will consider the adoption of the new wireless telecommunications facilities land use and siting ordinance. After conferring with Casey Lide and Matt Mosley, I am suggesting two amendments to the ordinance:

1. Amend the third line of Section 5.5- 315(d), by (i) inserting the word "or" between the words "neighborhood" and "within" and (ii) inserting the words "single family" between the words "a" and "residentially". Accordingly, the first four lines of subsection (d) will be amended to read as follows:

"(d) No Construction on Private Property in Residential District. No new tower may be built upon private property in a single family residentially zoned district or neighborhood, or within one-thousand feet (1,000') of the border of a single family residentially zoned district or neighborhood or within a historic district unless the applicant..."

A border of 1000 feet from all residential districts is too broad and would probably be unenforceable.

2. Delete subsection (b) of Section 5.5-316 which reads as follows:

"(b) An antenna may be mounted on the facade of a building at a minimum height of 50 feet in a residential zone; or 30 feet in any commercial or industrial zone."

In staff's opinion, a minimum mounting height for an attachment to a building is unnecessary and the remaining provisions of Section 5.5-316 adequately protect the public interest.



Attached is a final draft of the Ordinance. Also attached is a redline version of the Ordinance with suggested changes. If you have any questions, please don't hesitate to call me.

Yours very truly,



Guy F. Gunter, III

GFG,III:jjp

Cc: Gary Fuller
Barbara Arrington
Joel Motley
Matt Mosley
Lillie Finley
Bob Shuman
Casey Lide
Jim Baller

Attachment: CM 7-02-19, amend ord. Ch. 5.5 Article III wireless telecom, (3561 : Minutes from the 7-2-19 city council meeting.)



VIA EMAIL
June 27, 2019

Eddie Smith
Patsy Jones
Tiffany Gibson-Pitts
Dozier Smith T
David Canon
Gary Fuller
Joel Motley
Bob Shuman
Matt Mosley

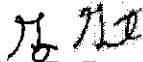
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Re: Wireless Telecommunications Facilities Land Use and Siting Ordinance

All:

Attached is a suggested protocol and procedure to adopt the Wireless Telecommunications Facilities Land Use and Siting Ordinance. If you have any questions, please don't hesitate to call me.

Yours very truly,


Guy F. Gunter, III

GFG,III:jpj

Cc: Barbara Arrington



**Protocol and Procedure to Adopt Wireless Telecommunications
Facilities Land Use and Siting Ordinance**

1. I, (Council Member), move to adopt the Ordinance on second reading.
2. Seconded by (Council Member).
3. I, (Council Member), move to amend the Ordinance (Wireless Telecommunications Facilities Land Use and Siting Ordinance) in the following respects:

- a. Amend subsection (d) of Section 5.5- 315 to read as follows:

“(d) No Construction on Private Property in Residential District. No new tower may be built upon private property in a single family residentially zoned district or neighborhood, or within one-thousand feet (1,000’) of the border of a single family residentially zoned district or neighborhood, or within a historic district, unless the applicant provides evidence to the satisfaction of the City demonstrating i) that a new tower as proposed is necessary because no reasonable alternative or combination of alternatives exists; ii) that the intended area cannot be served from outside of the district or sensitive area without a new tower; iii) that no existing or previously approved facility can reasonably be used for antenna placement; and iv) that not to permit a new tower or other support structure would effectively prohibit service. This subsection shall not prohibit the installation of wireless antennas and accessory equipment upon and within existing buildings, such as church steeples, provided such installation is concealed or camouflaged to the satisfaction of the Council. This subsection shall not prohibit placement of wireless facilities within the public rights-of-way in such areas, subject to the requirements of Article IV of this Chapter.”

- b. Delete subsection (b) of Section 5.5-316.

4. Seconded by (Council Member).
5. The question is put to the adoption of the motion and the roll is called by the Clerk.
6. The President declares the motion carried.
7. I, (Council Member), move to adopt the Ordinance as amended.
8. Seconded by (Council Member).
9. The question is put as to the final passage and adoption of the Ordinance as amended and the roll is called by the Clerk.
10. The President declares the motion carried and the ordinance adopted as amended.



OPELIKA CITY COUNCIL “REGULAR MEETING MINUTES “

204 South 7th Street

July 2, 2019

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 provide the invocation.

1. Pastor Henry Smith.

4. Pledge of Allegiance

The Scouts listed below plus Zane Lackey, Ben Bell, Kristian Howell and Oscar Beaver lead the Pledge of Allegiance.

1. Boy Scouts Atticus O'Banner, William Deshazo, Steven Watson, James Middleton, Cole Middleton and Jared McKay - Troop 858.

5. Reading of Minutes

1. Minutes from the 6-18-19 city council meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller reviewed the garbage schedule for the 4th of July week and reminder everyone about Opelika's Freedom Celebration on Wednesday July 3rd at the Opelika High School.

8. Citizen Communications

(Limit comments to five minutes or less)

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request by Main Street, temporary street closure on Sat. 9-07-19

RESULT: APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: David Canon, Council Member

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

2. Public Hearing - Weed Abatement Assessment - 105 Vaughan Ave

Mr. Shuman announced the public hearing for a weed abatement assessment at 105 Vaughan Avenue. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

3. Public Hearing - Weed Abatement Assessment - 108 Plum Ave

Mr. Shuman announced the public hearing for a weed abatement assessment at 108 Plum Avenue. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. Viris Pendleton stated she never got the letter from the City about being in violation. City Attorney, Guy Gunter, stated the law was met when the city mailed the notice and she would have 30 days to pay the assessment or it would be added to the property taxes. President Smith closed the public hearing.

4. Public Hearing - Weed Abatement Assessment - 207 Raintree St.

Mr. Shuman announced the public hearing for a weed abatement assessment at 207 Raintree Street. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

5. Public Hearing - Weed Abatement Assessment - 512 ML King Blvd

Mr. Shuman announced the public hearing for a weed abatement assessment at 512 Martin Luther King Blvd. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

6. Public Hearing - Weed Abatement Assessment - 610 ML King Blvd

Mr. Shuman announced the public hearing for a weed abatement assessment at 610 Martin Luther King Blvd. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

7. Public Hearing - Weed Abatement Assessment - 709 India Rd.

Mr. Shuman announced the public hearing for a weed abatement assessment at 709 India Road. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

8. Public Hearing - Weed Abatement Assessment - 1112 West St.

Mr. Shuman announced the public hearing for a weed abatement assessment at 1112 West Street. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

9. Public Hearing - Weed Abatement Assessment - 3307 Arnold Ave

Mr. Shuman announced the public hearing for a weed abatement assessment at 3307 Arnold Avenue. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

1. Bids 169-19 LED Streetlights - IT

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

13. Resolutions

1. Resolution 170-19 Expense reports from various departments.

- RESULT:** APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
2. Resolution 171-19 Designate City Personal Property Surplus and 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
3. Resolution 172-19 Purchase - (624) Toter 96 Gal EVR II Carts - Sourcewell Contr - OES
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
4. Resolution 173-19 Purchase - Mailing System - State Contract #T311 - VAR
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
5. Resolution 174-19 Purchase - Mosquito Control Insecticide - Sole Source - PW
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
6. Resolution 175-19 Change Order Request - Emergency Repair of Truck #764 - OPS
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
7. Resolution 176-19 Weed Abatement Assessment - 105 Vaughan Ave
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
8. Resolution 177-19 Weed Abatement Assessment - 108 Plum Ave
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
9. Resolution 178-19 Weed Abatement Assessment - 207 Raintree St.
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 179-19 Weed Abatement Assessment - 512 ML King Blvd

- RESULT:** APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
11. Resolution 180-19 Weed Abatement Assessment - 610 ML King Blvd
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
12. Resolution 181-19 Weed Abatement Aseessment - 709 India Rd.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
13. Resolution 182-19 Weed Abatement Assessment - 1112 West St.
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
14. Resolution 183-19 Weed Abatement Assessment - 3307 Arnold Ave.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
15. Resolution 184-19 Refund Request-River Bank & Trust, Occupational License Fees.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
16. Resolution 185-19 Request by T-Mobile for a SUP at 2605 Tower Street.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
17. Resolution 186-19 Agreement, professional services with City of Auburn - OFD.
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
18. Resolution 187-19 Special appropriation to P&R to support Dixie Boys Baseball Team.

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

19. Resolution 188-19 Send zoning request back to the Planning Commission, 32.45 acres Gateway Dr.

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 012-19-ORD Amend Zoning Ord & Map: Rezone 2 Acres, 2400 Block Dunlop Drive - 2nd Reading

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

2. Ordinance 013-19-ORD Conveyance of the West Side of Dunlop Drive to John a Stewart - 2nd Reading.

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

3. Ordinance 014-19-ORD Amend City Code, Chapter 5.5 Article III, wireless telecommunications - 2nd Reading.

Ms. Jones moved to adopt said Ordinance on second reading. Mr. Smith T seconded said motion. Ms. Jones then made the motion to amend said ordinance and read the entire two amendments. A copy of the two amendments in their entirety are attached to this ordinance and to these minutes. Mr. Smith T seconded the motion to amend. The following vote was recorded:

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

Nays None.

Then Ms. Jones made the motion to approve said ordinance as amended. Ms. Pitts seconded said motion.

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

4. Ordinance 015-19-ORD Lease agreement with Envision Opelika Foundation Inc. - 1st Reading.

Mr. Smith T introduced this ordinance for a first reading. Then Mr. Canon made the motion to suspend the rules and approve said ordinance. Mr. Smith T seconded said motion. The following vote was recorded:

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

Nays None.

Then Ms. Pitts made the motion to approve said ordinance. Mr. Smith T seconded said motion.

RESULT: FIRST READING AND APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: Dozier Smith T, Council Member

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

5. Ordinance 016-19-ORD Additional Approved Holiday July 5, 2019 - 1st Reading.
Ms. Jones introduced said ordinance for a first reading. Then Ms. Jones made the motion to suspend the rules and approve said ordinance. Mr. Canon seconded said motion. The following vote was recorded:

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

Nays None.

Then Ms. Jones made the motion to approve said ordinance. Mr. Canon seconded said motion.

RESULT: FIRST READING AND APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

15. Appointments

16. Adjourn

The City Council meeting minutes of July 2, 2019 are hereby adopted and approved this the _____ day of _____, 2019.

/s/

President of City Council

City of Opelika, Alabama

ATTEST:

/s/

R. G. "Bob" Shuman, CMC

City Clerk - Treasurer

1. Motion to adjourn.

President Smith adjourned this council meeting at 7:40pm.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

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

Attachment: CM 7-16-19, minutes from 7-2-19 CM (2) (3561 : Minutes from the 7-2-19 city council meeting.)



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 07/16/19 07:00 PM
Department: City Clerk
Category: Financial Statements
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

MAYOR'S REMARKS (ID # 3583)

DOC ID: 3583

City financial summary for June 2019.

COMMENTS - Current Meeting:

Mayor Fuller passed out copies of the City's June 2019 financial summary report to the council members.

City of Opelika
 Combined Balance Sheet - All Funds and Account Groups
 June 30, 2019
**Thousands of dollars*

	Governmental Funds					Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund					
ASSETS										
Cash	\$ 38,730	\$ 11,508	\$ 37	\$ 1,463	\$ -	\$ 3,275	\$ 34,691	\$ -	\$ -	\$ 89,704
Certificates of deposit	21,987	5,000	-	-	-	-	8,508	-	-	35,495
Receivables:										
Accounts and unbilled service	-	-	-	283	-	-	3,911	-	-	4,194
Taxes	6,817	7,322	-	-	-	-	-	-	-	14,139
Licenses and fees	2,824	-	-	-	-	-	-	-	-	2,824
Assessments	129	-	-	-	-	-	-	-	-	129
Interest	(79)	-	-	-	3	-	36	-	-	(40)
Other	66	1,030	-	-	-	9	-	-	-	1,105
Due from other funds	476	-	-	-	10	82	9,096	-	-	9,664
Due from other governments	12	549	-	139	-	-	992	-	-	1,692
Inventories of supplies, at cost	120	-	-	-	-	-	1,419	-	-	1,539
Prepaid expenses	295	-	-	-	-	-	-	-	-	295
Investments	-	16	-	-	1,165	-	-	-	-	1,181
Investments with fiscal agent	-	-	593	-	-	-	2,277	-	-	2,870
Capital assets:										
Land	-	-	-	-	-	-	2,462	10,303	-	12,765
Buildings	-	-	-	-	-	-	13,666	46,155	-	59,821
Equipment	-	-	-	-	-	-	11,101	21,214	-	32,315
Utility systems	-	-	-	-	-	-	114,892	-	-	114,892
Infrastructure	-	-	-	-	-	-	-	114,856	-	114,856
Construction in progress	-	-	-	-	-	-	138	12,909	-	13,047
Total capital assets	-	-	-	-	-	-	142,259	205,437	-	347,696
Less: accumulated depreciation	-	-	-	-	-	-	(68,218)	(61,169)	-	(129,387)
Capital assets, net	-	-	-	-	-	-	74,041	144,268	-	218,309
Deposits	-	69	-	-	-	19	2	-	-	90
Amount to be provided for general long term debt	-	-	-	-	-	-	-	-	86,034	86,034
Total assets	71,377	25,494	630	1,885	1,178	3,385	134,973	144,268	86,034	469,224
DEFERRED OUTFLOWS OF RESOURCES										
Employer retirement contributions	-	-	-	-	-	-	1,442	-	-	1,442
Difference on projected OPEB earnings	-	-	-	-	-	-	10	-	-	10
Bond refunding costs	-	-	-	-	-	-	2,594	-	-	2,594
Total deferred outflows of resources	-	-	-	-	-	-	4,046	-	-	4,046

Attachment: CM 7-16-19, June 2019 Financial Reports (3583 : City financial summary for June 2019.)

City of Opelika
 Combined Balance Sheet - All Funds and Account Groups
 June 30, 2019
**Thousands of dollars*

	Governmental Funds				Garden Hills Cemetery Permanent Fund	Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds						
LIABILITIES										
Accounts payable	1,453	-	-	-	-	8	7,877	-	-	9,338
Interest payable	-	-	-	-	-	-	481	-	-	481
Accrued payroll and benefits, due within one year	1,012	(8)	-	-	-	-	405	-	-	1,409
Due to other funds	57	164	-	392	1	-	9,049	-	-	9,663
Due to other governments	1	177	-	-	-	-	-	-	-	178
Claims and judgements, due within one year	-	-	-	-	-	332	-	-	-	332
Bonds payable due within one year	-	-	-	-	-	-	1,975	-	-	1,975
Claims and judgements, due in more than one year	-	-	-	-	-	117	-	-	-	117
Bonds payable, due in more than one year	-	-	-	-	-	-	31,884	-	86,034	117,918
Net pension liability	-	-	-	-	-	-	8,891	-	-	8,891
Accrued payroll and benefits, due in more than one year	-	-	-	-	-	-	1,039	-	-	1,039
Customer deposits held	-	-	-	-	-	-	3,168	-	-	3,168
Total liabilities	2,523	333	-	392	1	457	64,769	-	86,034	154,509
DEFERRED INFLOWS OF RESOURCES										
Net difference in earnings on retirement plan	-	-	-	-	-	-	295	-	-	295
Net change in OPEB assumptions	-	-	-	-	-	-	39	-	-	39
Unearned revenues	3,859	8,738	-	139	-	99	23	-	-	12,858
Total deferred inflows of resources	3,859	8,738	-	139	-	99	357	-	-	13,192
FUND BALANCES										
Nonspendable	415	69	-	-	978	-	-	-	-	1,462
Restricted	201	3,214	630	1,168	-	291	2,277	-	-	7,781
Committed	22	-	-	-	-	-	-	-	-	22
Assigned	16,529	8,566	-	-	-	-	-	-	-	25,095
Unassigned	33,788	4,708	-	1	199	-	-	-	-	38,696
Invested in capital assets, net of related debt	-	-	-	-	-	-	42,776	144,268	-	187,044
Unrestricted	-	-	-	-	-	2,527	28,403	-	-	30,930
Encumbrances	14,040	(134)	-	185	-	11	437	-	-	14,539
Total fund balances	\$ 64,995	\$ 16,423	\$ 630	\$ 1,354	\$ 1,177	\$ 2,829	\$ 73,893	\$ 144,268	\$ -	\$ 305,569

City of Opelika

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

FYTD June 30, 2019

*Thousands of dollars

	Governmental Funds					
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	Total
REVENUES:						
Taxes	\$ 29,709	\$ 7,672	\$ -	\$ -	\$ -	\$ 37,381
Special assessments	-	-	-	-	-	-
Licenses and permits	13,851	301	-	-	-	14,152
Intergovernmental	410	1,534	-	106	-	2,050
Charges for services	1,568	-	-	-	-	1,568
Fines and forfeits	326	-	-	-	-	326
Grants	24	-	-	-	-	24
Contributions	75	28	-	-	-	103
Investment income	464	199	1	14	27	705
Miscellaneous	272	-	-	-	-	272
Total revenues	46,699	9,734	1	120	27	56,581
EXPENDITURES:						
General government	5,307	179	-	-	5	5,491
Public safety	12,480	459	-	-	-	12,939
Public works	4,242	4	-	-	-	4,246
Health	280	-	-	-	-	280
Education	2,546	6,500	-	-	-	9,046
Welfare	99	-	-	-	-	99
Culture and recreation	4,609	-	-	-	-	4,609
Economic development	1,531	267	-	-	-	1,798
Capital outlay	11,729	21	-	(34)	-	11,716
Debt service:						
Principal retirement	542	-	3,030	-	-	3,572
Interest and fees	30	-	2,677	-	-	2,707
Total expenditures	43,395	7,430	5,707	(34)	5	56,503
Excess of revenues over/(under) expenditures	3,304	2,304	(5,706)	154	22	78
Other financing sources/(uses):						
Proceeds from debt issuance	-	-	-	-	-	-
Proceeds used to refund bonds	-	-	-	-	-	-
Sale of capital assets	29	-	-	-	-	29
Transfers from other funds	2,265	2,995	6,299	-	26	11,585
Transfers to other funds	(7,255)	(2,067)	-	-	(15)	(9,337)
Total other financing sources/(uses)	(4,961)	928	6,299	-	11	2,277
Net change in fund balances	(1,657)	3,232	593	154	33	2,355
Fund balances, beginning of the year	66,652	13,191	37	1,200	1,144	82,224
Fund balances, end of period	\$ 64,995	\$ 16,423	\$ 630	\$ 1,354	\$ 1,177	\$ 84,579

Attachment: CM 7-16-19, June 2019 Financial Reports (3583 : City financial summary for June 2019.)

City of Opelika
Combined Balance Sheet
Proprietary and Fiduciary Funds
June 30, 2019
**Thousands of dollars*

	Electric FYTD	Telecom FYTD	Sewer FYTD	Solid Waste FYTD	Workmen's Comp. FYTD	Health Insurance FYTD	Total
ASSETS							
Current assets:							
Cash	\$ 22,262	\$ 434	\$ 10,448	\$ 1,547	\$ 3,040	\$ 236	\$ 37,967
Certificates of deposit	8,508	-	-	-	-	-	8,508
Receivables and prepaid expenses	4,657	(1,312)	331	270	-	9	3,955
Due from other funds and governments	9,049	-	1,039	-	-	82	10,170
Inventory	1,419	-	-	-	-	-	1,419
Total current assets	45,895	(878)	11,818	1,817	3,040	327	62,019
Restricted assets:							
Cash and investments with fiscal agent	1,036	1,240	1	-	-	-	2,277
Total restricted assets	1,036	1,240	1	-	-	-	2,277
Net capital assets	42,687	-	29,091	2,263	-	-	74,041
Other assets:							
Deposits	-	-	2	-	19	-	21
Total other assets	-	-	2	-	19	-	21
Total assets	89,618	362	40,912	4,080	3,059	327	138,358
DEFERRED OUTFLOWS OF RESOURCES							
Retirement contributions	864	241	-	337	-	-	1,442
Difference on projected OPEB earnings	6	2	-	2	-	-	10
Bond refunding costs	2,499	-	95	-	-	-	2,594
Total deferred outflows of resources	3,369	243	95	339	-	-	4,046
Total assets and deferred outflows of resources	\$ 92,987	\$ 605	\$ 41,007	\$ 4,419	\$ 3,059	\$ 327	\$ 142,404
LIABILITIES							
Current liabilities:							
Accounts and other payables	\$ 8,400	\$ 64	\$ 222	\$ 77	\$ 52	\$ 288	\$ 9,103
Due to electric fund	-	9,049	-	-	-	-	9,049
Due to other funds	-	-	-	-	-	-	-
Bonds payable within one year	1,325	-	650	-	-	-	1,975
Unearned revenue	23	-	-	-	-	99	122
Total current liabilities	9,748	9,113	872	77	52	387	20,249
Noncurrent liabilities:							
Claims and employee benefits due in more than one year	632	164	-	242	117	-	1,155
Bonds payable, in more than one year, net	27,090	-	4,794	-	-	-	31,884
Net pension liability	5,529	1,460	-	1,902	-	-	8,891
Customer deposits held	3,002	1	-	165	-	-	3,168
Total noncurrent liabilities	36,253	1,625	4,794	2,309	117	-	45,098
Total liabilities	46,001	10,738	5,666	2,386	169	387	65,347
DEFERRED INFLOWS OF RESOURCES							
Difference on earnings on OPEB investments	23	8	-	9	-	-	40
Difference on earnings on plan investments	158	73	-	64	-	-	295
Total deferred inflows of resources	181	81	-	73	-	-	335
NET POSITION							
Invested in capital assets, net of related debt	16,771	-	23,742	2,263	-	-	42,776
Restricted	1,036	1,240	1	-	209	82	2,568
Unrestricted	27,697	(9,689)	10,656	(261)	2,681	(153)	30,931
Encumbrances	1,301	(1,765)	942	(42)	-	11	447
Total net position	46,805	(10,214)	35,341	1,960	2,890	(60)	76,722
Total liabilities, deferred inflows, and net position	\$ 92,987	\$ 605	\$ 41,007	\$ 4,419	\$ 3,059	\$ 327	\$ 142,404

Attachment: CM 7-16-19, June 2019 Financial Reports (3583 : City financial summary for June 2019.)

City of Opelika
Combined Summary Statement of Revenues, Expenses, and Changes in Net Position
Proprietary and Fiduciary Funds
FYTD June 30, 2019
**Thousands of dollars*

	Electric 2019 FYTD	Telecom 2019 FYTD	Sewer 2019 FYTD	Solid Waste 2019 FYTD	Workmen's Comp. 2019 FYTD	Health Insurance 2019 FYTD	Total
Operating Revenues							
Charges for services	\$ 29,715	\$ 603	\$ 3,565	\$ 2,530	\$ 326	\$ 3,041	\$ 39,780
Operating Expenses							
Purchases	19,033	246	-	309	-	-	19,588
Depreciation	2,158	137	795	244	-	-	3,334
Personnel services	2,510	146	2	1,043	-	-	3,701
Other	1,725	1,293	1,566	529	146	3,050	8,309
Total operating expenses	25,426	1,822	2,363	2,125	146	3,050	34,932
Operating income/(loss)	4,289	(1,219)	1,202	405	180	(9)	4,848
Nonoperating Revenues/(Expenses)							
Gain/(Loss) on sale of capital assets	28	5,449	-	(16)	-	-	5,461
Fiber optic line leases	25	-	-	-	-	-	25
Investment income	244	28	91	16	35	1	415
Grant income	-	-	37	-	-	-	37
Pole rental	222	-	-	-	-	-	222
Miscellaneous revenues	610	9	10	8	-	-	637
Interest expense and charges	(1,132)	(69)	(209)	-	-	-	(1,410)
Total nonoperating revenues/(expenses)	(3)	5,417	(71)	8	35	1	5,387
Other Revenues and Transfers In/(Out):							
Capital contributions	785	-	4,075	-	-	-	4,860
Transfers from other funds	-	-	-	166	-	-	166
Transfers to other funds	(2,250)	-	-	(166)	-	-	(2,416)
Total other revenues/(expenses)	(1,465)	-	4,075	-	-	-	2,610
Net Income/(loss)	2,821	4,198	5,206	413	215	(8)	12,845
Net position, beginning of year	43,984	(14,412)	30,135	1,547	2,675	(52)	63,877
Net position before encumbrances	46,805	(10,214)	35,341	1,960	2,890	(60)	76,722
Encumbrances	1,301	(1,765)	942	(42)	-	-	436
Net position, end of period	\$ 45,504	\$ (8,449)	\$ 34,399	\$ 2,002	\$ 2,890	\$ (60)	\$ 76,286
Additional Information:							
Cash position at June 30, 2019	\$ 22,262	\$ 434	\$ 10,448	\$ 1,547	\$ 3,040	\$ 236	\$ 37,967
Cash position at June 30, 2018	17,025	1,181	9,034	1,373	3,031	(1,305)	30,339
Change in cash	\$ 5,237	\$ (747)	\$ 1,414	\$ 174	\$ 9	\$ 1,541	\$ 7,628

Attachment: CM 7-16-19, June 2019 Financial Reports (3583 : City financial summary for June 2019.)

City of Opelika
General Fund Revenue and Expenditure Summary
Comparison of Actual and Budget to Prior Year
FYTD June 2019
*Thousands of dollars

	YTD Actual			Budget to Actual		
	2018	2019	Variance	2019 Budget	2019 Actual	Variance
Revenues:						
Taxes	\$ 28,226	\$ 29,709	\$ 1,483	\$ 27,557	\$ 29,709	\$ 2,152
Licenses and permits	13,209	13,851	642	12,795	13,851	1,056
Intergovernmental	296	410	114	512	410	(102)
Charges for services	1,388	1,568	180	1,419	1,568	149
Fines and forfeits	543	326	(217)	300	326	26
Grants	13	24	11	-	24	24
Contributions	104	75	(29)	197	75	(122)
Investment income	355	464	109	338	464	126
Miscellaneous	372	273	(99)	377	273	(104)
Total revenues	44,506	46,700	2,194	43,495	46,700	3,205
Expenditures:						
General government	4,363	5,307	944	6,165	5,307	858
Public safety	10,801	12,480	1,679	13,577	12,480	1,097
Public works	3,081	4,242	1,161	4,510	4,242	268
Culture and recreation	4,405	4,609	204	5,417	4,609	808
Economic development	1,136	1,531	395	2,102	1,531	571
Health	239	280	41	308	280	28
Education	2,253	2,546	293	2,540	2,546	(6)
Welfare	94	99	5	101	99	2
Capital outlay	4,546	11,729	7,183	27,262	11,729	15,533
Debt service	569	572	3	537	572	(35)
Total expenditures	31,487	43,395	11,908	62,519	43,395	19,124
Other financing sources/(uses)						
Sale of capital assets	60	29	(31)	38	29	9
Transfers in	2,258	2,265	7	4,888	2,265	2,623
Transfer out	(6,747)	(7,255)	(508)	(8,439)	(7,255)	(1,184)
Total other financing sources/(uses)	(4,429)	(4,961)	(532)	(3,513)	(4,961)	1,448
Net change in fund balance	8,590	(1,656)	(10,246)	(22,537)	(1,656)	20,881
Fund balance, beginning of year	59,375	66,652	7,277	59,375	66,652	(7,277)
Fund balance, year to date	\$ 67,965	\$ 64,996	\$ (2,969)	\$ 36,838	\$ 64,996	\$ 28,158
Less:						
Nonspendable	98	120	22	-	42	(42)
Restricted	73	201	128	-	201	(201)
Committed	17	25	8	-	25	(25)
Assigned	27,458	16,529	(10,929)	-	16,529	(16,529)
Encumbrances	6,775	14,040	7,265	-	14,040	(14,040)
	34,421	30,915	(3,506)	-	30,837	(30,837)
Unassigned fund balance	33,544	34,081	537	36,838	34,159	58,995
20% budgeted revenues	8,699	8,699		8,699	8,699	
Available unassigned fund balance	\$ 24,845	\$ 25,382		\$ 28,139	\$ 25,460	

Attachment: CM 7-16-19, June 2019 Financial Reports (3583 : City financial summary for June 2019.)

City of Opelika
General Fund Revenues
Comparison of Actual and Budget to Prior Year
FYTD June 2019
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2018	2019	Variance	2019 Budget	2019 Actual	Variance
Taxes:						
Sales	\$ 23,716	\$ 24,519	\$ 803	\$ 23,775	\$ 24,519	\$ 744
Property:						
Property	3,454	3,963	509	2,678	3,963	1,285
Payments in lieu of taxes	6	6	-	4	6	2
Total property taxes	3,460	3,968	508	2,682	3,969	1,287
Other						
Gasoline	608	616	8	611	616	5
Cigarette	55	57	2	57	57	-
Wine and liquor	20	21	1	20	21	1
Rental	368	528	160	413	528	115
Total other taxes	1,051	1,222	171	1,101	1,222	121
Total taxes	28,227	29,709	1,482	27,558	29,709	2,151
Licenses and permits:						
Occupational license	8,383	9,090	707	8,700	9,090	390
Business:						
General	2,813	2,932	119	2,175	2,932	757
Lodging	689	693	4	563	693	130
Franchise fee	417	373	(44)	398	373	(25)
Miscellaneous	236	223	(13)	263	223	(40)
Total business	4,155	4,221	66	3,399	4,221	822
Telecommunications permits and fees	17	17	-	13	17	4
Permits and inspections	646	515	(131)	675	515	(160)
Other	8	8	-	9	8	(1)
Total licenses and permits	13,209	13,851	642	12,796	13,851	1,055
Intergovernmental:						
Shared county motor vehicle	107	104	(3)	90	104	14
Shared state:						
Bank excise tax	-	-	-	149	-	(149)
Business privilege tax	-	-	-	55	-	(55)
Liquor tax profits	118	107	(11)	118	107	(11)
State asset forfeiture	11	1	(10)	29	1	(28)
Total shared state	129	108	(21)	351	108	(243)
Shared federal asset forfeiture	-	136	136	18	136	118
Other	60	62	2	53	62	9
Total intergovernmental	296	410	112	512	410	(102)
Charges for services:						
General government - other	14	16	2	15	16	1
Public Safety:						
Fire training	5	3	(2)	6	3	(3)
City schools	12	150	138	9	150	141
Auburn University	27	2	(25)	-	2	2
EAMC	99	107	8	113	107	(6)
Other	6	7	1	10	7	(3)
Health - Graves and monuments	119	129	10	111	129	18
Public Works - Paving and plan review fees	69	52	(17)	81	52	(29)
Culture and Rec - Entry and concession fees	1,036	1,102	66	1,073	1,102	29
Total charges for services	1,387	1,568	181	1,418	1,568	150
Fines and forfeits:						
Municipal Court	290	289	(1)	268	289	21
Red light violations	217	-	(217)	-	-	-
Other	36	37	1	32	37	5
Total fines and forfeits	543	326	(217)	300	326	26
Grant income	13	24	11	-	24	24
Contributions: Mobile Clinic	62	26	(36)	88	26	(62)
Contributions: Other	42	49	7	197	49	(148)
Investment income	355	464	109	338	464	126
Miscellaneous	372	273	(99)	377	273	(104)
Total revenues	44,506	46,700	2,192	43,584	46,700	3,116
Other financing sources						
Proceeds of general obligation debt	-	-	-	-	-	-
Operating transfers from Electric fund	2,248	2,250	2	2,250	2,250	-
Other transfers	10	15	5	2,638	15	(2,623)
Sale of capital assets	60	29	(31)	38	29	(9)
Total other financing sources	2,318	2,294	(24)	4,926	2,294	(2,632)
Total revenue and other financing sources	\$ 46,824	\$ 48,994	\$ 2,170	\$ 48,510	\$ 48,994	\$ 484

Attachment: CM 7-16-19, June 2019 Financial Reports (3583 : City financial summary for June 2019.)

City of Opelika
General Fund Expenditures
Comparison of Actual and Budget to Prior Year
FYTD June 2019
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2018	2019	Variance	2019 Budget	2019 Actual	Variance
General government:						
Legislative	\$ 264	\$ 259	\$ (5)	\$ 334	\$ 259	\$ 75
Executive	191	183	(8)	453	183	270
Legal	243	375	132	331	375	(44)
Administration	490	343	(147)	574	343	231
Accounting	321	399	78	392	399	(7)
Human resources	308	252	(56)	304	252	52
Information technology	1,022	1,768	746	1,895	1,768	127
Revenue	270	312	42	315	312	3
Municipal court	322	279	(43)	286	279	7
Purchasing	155	202	47	202	202	-
Community development	95	134	39	198	134	64
Planning	246	318	72	368	318	50
Other - nondepartmental	437	483	46	514	483	31
Total general government	4,364	5,307	943	6,166	5,307	859
Public safety:						
Police	6,349	7,554	1,205	8,451	7,554	897
Probation	89	108	19	116	108	8
Fire	4,090	4,547	457	4,739	4,547	192
Other - nondepartmental	273	271	(2)	271	271	-
Total public safety	10,801	12,480	1,679	13,577	12,480	1,097
Public works:						
Streets	908	1,123	215	1,054	1,123	(69)
Engineering	359	483	124	576	483	93
Administration	338	407	69	400	407	(7)
Cemetery	152	183	31	165	183	(18)
Auto shop	274	435	161	497	435	62
Building maintenance	304	448	144	545	448	97
Inspection	315	381	66	515	381	134
Grounds maintenance	431	782	351	758	782	(24)
Total public works	3,081	4,242	1,161	4,510	4,242	268
Culture and recreation:						
Parks and recreation	3,701	3,814	113	4,484	3,814	670
Library	613	704	91	858	704	154
Other - nondepartmental	91	91	-	75	91	(16)
Total culture and recreation	4,405	4,609	204	5,417	4,609	808
Economic development:						
Development	212	274	62	422	274	148
Other - nondepartmental	924	1,257	333	1,680	1,257	423
Total economic development	1,136	1,531	395	2,102	1,531	571
Health:						
Animal control	48	57	9	60	57	3
Mobile Clinic	-	-	-	-	-	-
Other	190	223	33	247	223	24
Total health	238	280	42	307	280	27
Education	2,253	2,546	293	2,540	2,546	(6)
Welfare	94	99	5	101	99	2
Capital outlay	4,546	11,729	7,183	27,262	11,729	15,533
Debt service						
Principal retirement	515	542	27	510	542	(32)
Interest and charges	54	30	(24)	27	30	(3)
Total debt service	569	572	3	537	572	(35)
Total expenditures	31,487	43,395	11,908	62,519	43,395	19,124
Other financing uses						
Transfers out:						
Transfers to PR/Jail construction fund	2,121	2,498	377	2,250	2,498	(248)
Transfers to other funds	4,626	4,757	131	6,189	4,757	1,432
Total transfers out	6,747	7,255	508	8,439	7,255	1,184
Total expenditures and other financing uses	\$ 38,234	\$ 50,650	\$ 12,416	\$ 70,958	\$ 50,650	\$ 20,308

Attachment: CM 7-16-19, June 2019 Financial Reports (3583 : City financial summary for June 2019.)

City of Opelika
 Capital Outlay
 Comparison of Actual and Budget to Prior Year
 FYTD June 2019
 *Thousands of dollars

	FYTD Actual			Budget to Actual		
	2018	2019	Variance	Budget	Actual	Variance
GENERAL FUND						
General Government:						
Legislative	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Executive	54	-	(54)	-	-	-
Legal	-	-	-	-	-	-
Administration	-	-	-	-	-	-
Accounting	20	-	(20)	1,050	-	1,050
Human Resources	-	-	-	-	-	-
Information Technology	650	519	(131)	545	519	26
Revenue	-	-	-	-	-	-
Municipal Court	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Planning	-	-	-	-	-	-
Health	-	101	101	202	101	101
Other	50	-	(50)	-	-	-
Total general government	774	620	(205)	1,595	620	1,076
Public Safety:						
Police	816	8,988	8,172	12,477	8,988	3,489
Probation	-	-	-	-	-	-
Fire	1,254	17	(1,237)	239	17	222
Total public safety	2,070	9,005	6,935	12,716	9,005	3,711
Public Works:						
Streets	1,154	975	(179)	1,904	975	929
Engineering	216	378	162	1,000	378	622
Administration	229	174	(55)	277	174	103
Cemetery	-	-	-	-	-	-
Auto Shop	-	-	-	-	-	-
Building Maintenance	-	-	-	-	-	-
Inspection	-	-	-	-	-	-
Grounds Maintenance	-	-	-	-	-	-
Total public works	1,599	1,527	(72)	3,181	1,527	1,654
Culture and Recreation:						
Parks and Recreation	49	510	461	557	510	47
Library	54	14	(40)	11	14	(3)
Total culture and recreation	103	524	421	568	524	44
Total General Fund capital outlay expenditures	\$ 4,546	\$ 11,727	\$ 7,181	\$ 18,060	\$ 11,727	\$ 6,333
PROPRIETARY FUNDS						
Electric	1,336	1,782	446	5,866	1,782	4,084
Telecommunications	438	38	(400)	2,164	38	2,126
Sewer	19	4,175	4,156	1,310	4,175	(2,865)
Solid Waste	634	562	(72)	453	562	(109)
Total Proprietary funds	2,427	6,557	4,130	9,793	6,557	3,236
OTHER GOVERNMENTAL FUNDS						
Municipal Complexes fund - Municipal Court	-	-	-	62	-	62
4 & 5 Cent Gas Tax fund - Street Resurfacing	-	-	-	47	-	47
2011 Road Construction - Streets - Fred. Rd.	1,583	(112)	(1,695)	446	(112)	558
2011 Road Construction - Street paving	100	-	(100)	-	-	-
2011 Road Construction - Other	948	71	(877)	603	71	532
Capital Improvement funds - Other	77	9	(68)	80	9	71
Industrial Road Grant funds - Other	8	7	(1)	24	7	17
Industrial Road Grant funds - Engineering	416	-	(416)	19	-	19
Total Other Governmental funds	3,132	(25)	(3,157)	1,281	(25)	1,306
Total City of Opelika Capital Outlay	\$ 10,105	\$ 18,259	\$ 8,154	\$ 29,134	\$ 18,259	\$ 10,875



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 07/16/19 07:00 PM
Department: Building Inspection
Category: Building Permit Report.
Prepared By: BJ Lowery
Initiator: Jeff Kappelman
Sponsors:

MAYOR'S REMARKS (ID # 3566)

DOC ID: 3566

June 2019 Monthly Building Report

COMMENTS - Current Meeting:

Mayor Fuller called on Joey Motley, City Administrator, to provide a summary of the June 2019 Building Permit report.



BUILDING INSPECTIONS
 700 Fox Trail
 Opelika, AL 36801
 (p) 334-705-5420
 (f) 334-705-5159
 www.opelika-al.gov

Fiscal Year To Date Report - 2019

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	0
Building Repairs	7	22
Plumbing Upgrades	1	11
Electrical Upgrades	6	13
Mechanical Upgrades	6	13
Reroofs And Roof Repairs	0	7
Mobile Home Services	0	0
Building Additions/Accessory Structures	1	7

Yearly Totals For Oct. 1st - Sept. 30th	
2010	\$96,662,342.00
2011	\$45,352,237.00
2012	\$178,221,004.00
2013	\$61,881,917.00
2014	\$79,409,560.00
2015	\$192,080,600.00
2016	\$127,079,852.00
2017	\$166,673,506.00
2018	\$111,654,002.74

Total Permits Issued:

19	New Buildings: Commercial	\$6,959,349.60
40	Commercial Renovations And Repairs	\$9,357,265.33
29	Signs	\$738,248.25
194	New Single Family Homes	\$47,937,353.60
148	Residential Repairs And Renovations	\$3,423,901.30
0	New Apartment Units	\$0.00
15	New Duplex Residences	\$1,824,848.00
0	Total Building Permits Issued	\$0.00

248	Permit Total Issued for FY 2019	\$69,831,966.08
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JEFF KAPPELMAN
 Chief Building Inspector



City of Opelika Building Inspections Department
June 2019 Monthly Building Report

Issue Date	Main Address	Work Class	Company	Valuation
6/3/2019	2836 LAKEVIEW TER	New Single Family Detached	MATHEWS DEVELOPMENT CO LLC	\$ 250,698.00
6/4/2019	3203 WESTPOINT PKWY	Roofs	B&L ROOFING	\$ 6,200.00
6/5/2019	3386 EAGLE TRL	New Single Family Detached	CONNER BROTHERS CONSTRUCTION	\$ 198,177.00
6/5/2019	304 ETOWAH AVE	Decks	E&E PROPERTIES	\$ 2,000.00
6/6/2019	4082 BROADVIEW DR	New Single Family Detached	STONE MARTIN BUILDERS	\$ 186,648.40
6/6/2019	1304 SOUTH ST	Alteration	GOLD HILL CONSTRUCTION	\$ 3,025.00
6/7/2019	2100 CROSSING DR	Swimming Pool	BACKYARD EXPERIENCE, THE	\$ 50,000.00
6/7/2019	3417 LAKESHORE DR DR	New Single Family Detached	TOLAND CONSTRUCTION LLC	\$ 273,382.00
6/7/2019	3465 LAKESHORE DR DR	New Single Family Detached	TOLAND CONSTRUCTION LLC	\$ 263,728.00
6/7/2019	2701 OLD COLUMBUS RD	Swimming Pool	BACKYARD EXPERIENCE, THE	\$ 57,000.00
6/7/2019	1907 JOLLIT AVE	Alteration	Rex Stroud	\$ 4,000.00
6/11/2019	2209 DIANE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 268,274.00
6/11/2019	504 6TH AVE	Alteration	A&E HOLDINGS LLC	\$ 5,319.00
6/11/2019	3309 STONYBROOK LN	Alteration	A&E HOLDINGS LLC	\$ 8,428.00
6/11/2019	713 PLEASANT DR	Alteration	A&E HOLDINGS LLC	\$ 1,752.00
6/12/2019	3301 DOUBLE EAGLE LN	Addition	DAVID MYERS CONSTRUCTION INC	\$ 30,000.00
6/12/2019	409 MEGHAN CT	Accessory Buildings	Dalton Sconyers	\$ 3,000.00
6/14/2019	3704 QUAIL TRCE	New Single Family Detached	CONNER BROTHERS CONSTRUCTION	\$ 265,457.00
6/14/2019	2901 GRAND NATIONAL PKWY	Accessory Buildings	Donald Davis	\$ 7,000.00
6/14/2019	3708 QUAIL TRCE	New Single Family Detached	CONNER BROTHERS CONSTRUCTION	\$ 273,553.00
6/14/2019	300 S 7TH ST	Alteration	Mike Thrower	\$ 10,000.00
6/17/2019	1965 CALCUTTA CIR	New Single Family Detached	MOORES CONSTRUCTION	\$ 268,926.00
6/17/2019	1701 SPRUCE ST	Addition	Gregory Nelson	\$ 6,000.00
6/17/2019	2580 PEPPERELL PKWY	Alteration	MEADOWS CONTRACTING INC	\$ 250,000.00
6/17/2019	2120 DIANE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 280,087.00
6/17/2019	1961 CALCUTTA CIR	New Single Family Detached	MOORES CONSTRUCTION	\$ 269,381.00
6/17/2019	2206 DIANE CT	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 266,914.00
6/17/2019	2110 GREENE WAY	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 312,716.00
6/17/2019	2118 GREENE WAY	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 312,716.00

6/17/2019	4005 GRAND NATIONAL PKWY	Storm Shelter	Henry Gibson	\$ 6,400.00
6/18/2019	4901 PEBBLE SHORE DR	Swimming Pool	PRECISION POOLS	\$ 28,500.00
6/19/2019	1207 LIVE OAK CIR	Alteration	JENNINGS CONSTRUCTION CO INC	\$ 63,312.00
6/20/2019	2803 JACKSON ST	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 240,035.70
6/20/2019	2901 JACKSON ST	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 221,155.10
6/20/2019	804 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 176,386.00
6/20/2019	1104 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 221,155.10
6/20/2019	2700 JACKSON ST	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 322,509.30
6/20/2019	2710 HUNTER ALLY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 180,217.50
6/21/2019	1403 LIVE OAK CIR	Alteration	LETLOW CO LLC, THE (OCC TAX)	\$ 50,000.00
6/24/2019	2206 HERITAGE DR	Roofs	SUPERIOR ROOFING CO	\$ 15,440.00
6/25/2019	4046 BROADVIEW DR	New Single Family Detached	STONE MARTIN BUILDERS	\$ 257,179.50
6/25/2019	627 TOWNE LAKE PKWY	New Single Family Detached	STONE MARTIN BUILDERS	\$ 252,808.20
6/25/2019	600 CAR TECH DR MTR 3	Addition	MARSHALL DESIGN BUILD LLC	\$ 3,552,430.00
6/25/2019	995 ODEN CT	New Single Family Detached	STONE MARTIN BUILDERS	\$ 196,012.70
6/25/2019	2705 EASTPOINT DR	New Single Family Detached	RIVERCHASE HOME LLC	\$ 201,360.00
6/25/2019	2703 EASTPOINT DR	New Single Family Detached	RIVERCHASE HOME LLC	\$ 235,826.00
6/25/2019	2102 CROSSING DR	New Single Family Detached	RIVERCHASE HOME LLC	\$ 135,664.00
6/26/2019	2734 SPRING LAKES XING	New Single Family Detached	CLAYTON PROPERTIES GROUP INC	\$ 173,362.00
6/27/2019	1113 SAWYER DR	Accessory Buildings	Mark Sheppard	\$ 3,242.00
6/27/2019	206 STOWE AVE	New Single Family Detached	PEPPERELL DEVELOPMENT LLC	\$ 89,958.00
6/27/2019	2356 PEPPERELL PKWY	Alteration	ELECTRICAL ADDITIONS	\$ 11,000.00
6/28/2019	2204 GREENE WAY	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 263,197.00
6/28/2019	2114 GREENE WAY	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 269,009.00
6/28/2019	917 S RAILROAD AVE	Roofs	SOUTHERN ROOFING COMPANY	\$ 9,200.00
6/28/2019	2212 GREENE WAY	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 237,162.00
				\$ 11,546,902.50


 Jeff Kappelman/Chief Building Official



CITY OF
OPELIKA
alabama

BUILDING INSPECTIONS
700 Fox Trail
Opelika, AL 36801
(p) 334-705-5420
(f) 334-705-5159
www.opelika-al.gov

Monthly Permits For June, 2019

Work & Repair On Buildings:

Building Repairs	Commercial	Residential
Buildings Condemned	0	0
Buildings Demolished	0	0
Building Repairs	4	9
Plumbing Upgrades	2	4
Electrical Upgrades	8	16
Mechanical Upgrades	4	3
Reroofs And Roof Repairs	1	2
Mobile Home Services	0	1
Building Additions/Accessory Structures	4	10

Monthly Totals For June 2010-2019

2010	\$15,454,374.00
2011	\$2,746,405.00
2012	\$2,019,998.00
2013	\$9,059,891.00
2014	\$4,340,584.00
2015	\$12,019,990.00
2016	\$13,921,378.00
2017	\$10,392,836.00
2018	\$5,854,755.20
2019	\$11,546,902.50

Total Permits Issued:

0	New Buildings: Commercial	\$0.00
4	Commercial Renovations And Repairs	\$3,832,630.00
0	Signs	\$0.00
31	New Single Family Homes	\$7,363,654.50
19	Residential Repairs And Renovations	\$350,618.00
	New Apartment Units	
	New Duplex Residences	
	Total Building Permits Issued	

54

Total Permits Issued For June, 2019

\$11,546,902.50

TAKEN FROM THE RECORDS OF THE
BUILDING INSPECTOR

Jeff Kappelman
Jeff Kappelman
Chief Building Inspector



**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3553)**

Meeting: 07/16/19 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3553

Public Hearing, Weed Abatement Assessment - 20 Jeter Ave.

COMMENTS - Current Meeting:

Mr. Shuman presented a public hearing for a weed lien at 20 Jeter Avenue in the amount of \$203.47. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

WEED ABATEMENT INVOICE**Date: 07/08/2019****To: Lonzie & Henrietta Frazier
20 Jeter Ave
Opelika AL 36801****Property Address:
20 Jeter Ave
Opelika AL 36801
Parcel # 10-03-07-1-001-022.000**

On April 23, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>190.13</u>
Certified mail:	<u>13.34</u>
Misc.	<u> </u>
Total	<u>203.47</u>

To: **Lonzie & Henrietta Frazier**
20 Jeter Ave
Opelika Al. 36801

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 20 Jeter Ave, Parcel 43-10-03-07-1-001-022.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 20 Jeter Ave, Parcel No. 022.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$203.47.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 16th day of July, 2019.

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

Dated this the 8th day of July, 2019.

 Liz Wright
 Code Compliance Officer

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

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3559)**

Meeting: 07/16/19 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3559

Public Hearing, Weed Abatement Assessment - 311 S 3Rd St.

COMMENTS - Current Meeting:

Mr. Shuman presented a public hearing for a weed lien at 311 S. 3rd Street in the amount of \$107.39. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

WEED ABATEMENT INVOICE

Date: 07/08/2019

**To: Roderick & Michelle Hillion
PO Box 894
Smith Station, AL 36877**

**Property Address:
311 S 3rd St
Opelika AL 36801
Parcel # 10-03-08-3-000-021.000**

On May 30, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>94.05</u>
Certified mail:	<u>13.34</u>
Misc.	<u> </u>
Total	<u>107.39</u>

Attachment: WEED INVOICE 311 S 3rd St. (3559 : Public Hearing Weed Abatement Assessment - 311 S 3Rd St.)

To: **Roderick & Michelle Hillion**
PO Box 894
Smith Station, Al 36877

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 311 S 3rd St, Parcel 43-10-03-08-3-000-021.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 311 S 3rd St., Parcel No. 021.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$107.39.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 16th day of July, 2019.

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

Dated this the 8th day of July, 2019.

 Jerry Bush
 Code Compliance Officer

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

Attachment: Weeds, NPH-Resolution, cost to abate, 311 S 3rd St. (3559 : Public Hearing Weed Abatement Assessment - 311 S 3Rd St.)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3557)**

Meeting: 07/16/19 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3557

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

COMMENTS - Current Meeting:

Mr. Shuman presented a pubic hearing for a weed lien at 514 Old Columbus Road in the amount of \$605.59. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

WEED ABATEMENT INVOICE

Date: July 8, 2019

**To: Phillip Ray Allen
64 Lee Rd 2093
Valley Al. 36854**

**Property Address:
514 Old Columbus Rd.
Opelika Al. 36801
Parcel # 10-04-20-1-000-010.000**

On May 30, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement: 592.25

Certified mail: 13.34

Misc.

Total 605.59

Attachment: WEED INVOICE 514 Old Columbus Rd (3557 : Public Hearing Weed Abatement Assessment - 514 Old Columbus Rd.)

To: **Phillip Ray Allen**
64 Lee Rd 2093
Valley Al. 36854

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 514 Old Columbus Rd., Parcel # 10-04-20-1-000-010.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 514 Old Columbus Rd, Parcel No. 010.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$605.59.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 16th day of July, 2019.

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

Dated this the 8th day of July, 2019.

 Jerry Bush
 Code Compliance Officer

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

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3555)**

Meeting: 07/16/19 07:00 PM
Department: Purchasing and Revenue
Category: Public Hearing
Prepared By: Jerry Bush
Initiator: Lillie Finley
Sponsors:
DOC ID: 3555

Public Hearing, Weed Abatement Assessment - 803 E Towne Lake Circle.

COMMENTS - Current Meeting:

Mr. Shuman presented a pubic hearing for a weed lien at 803 Towne Lake Circle in the amount of \$367.67. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

WEED ABATEMENT INVOICE

Date: 07/08/2019

**To: Sirote & Permutt PC
2311 Highland Avenue
Birmingham Al. 35205-2973**

**Property Address:
803 E. Towne Lake Circle
Opelika Al. 36801**

Parcel # 10-02-09-1-000-017.000

On May 15, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement: 354.33

Certified mail: 13.34

Misc.

Total 367.67

To: **Sirote & Permutt PC**
2311 Highland Avenue
Birmingham AL 35205-2973

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 803 E Towne Lake Circle, Parcel 43-10-02-09-1-000-017.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 803 E Towne Lake Circle, Parcel No. 017.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$367.67.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 16th day of July, 2019.

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

Dated this the 8th day of July, 2019.

 Liz Wright
 Code Compliance Officer

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

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3551)**

Meeting: 07/16/19 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3551

Public Hearing, Weed Abatement Assessment - 810 Williamson Ave

COMMENTS - Current Meeting:

Mr. Shuman presented a public hearing for a weed lien at 810 Williamson Avenue in the amount of \$163.34. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

WEED ABATEMENT INVOICE**Date: 07/08/2019****To: Larry Wakefield
1954 Shades Crest Rd
Vestavia Hills, Al. 35216****Property Address:
810 Williamson Ave
Opelika Al. 36801
Parcel # 10-04-19-2-000-007.000**

On May 22, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>150.0</u>
Certified mail:	<u>13.34</u>
Misc.	<u></u>
Total	<u>163.34</u>

Attachment: WEED INVOICE 810 Williamson Ave (3551 : Public Hearing Weed Abatement Assessment - 810 Williamson Ave)

To: Larry Wakefield
 1954 Shades Crest Rd
 Vestavia Hills Rd. Al. 35216

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 810 Williamson Ave, Parcel 10-04-19-2-000-007.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 810 Williamson Ave., Parcel No. 007.000 in the City of Opelika has been abated by the removal of the noxious or dangerous weeds, and the Mayor has therefore submitted to the City Council an itemized report (attached) in writing showing the cost of removing said nuisance. The total cost of abating such nuisance in front of or upon the above described property is \$163.34.

Notice is also given that the City Council of the City of Opelika will meet to hear and to determine any objections or defenses that may be raised by any of the property owners liable to be assessed of the work of abating such nuisance at 7:00 p.m. in the Council Chambers of the Municipal Building, 204 South 7th Street, Opelika, Alabama, on the 16th day of July, 2019.

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

Dated this the 8th day of July, 2019.

 Liz Wright
 Code Compliance Officer

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



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 3545)

Meeting: 07/16/19 07:00 PM

Department: Planning

Category: Vacate Property

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 3545

Public Hearing, Vacate Right-Of-Way - SE Portion of Frederick Road & N. Frederick Ave.

The Petitioners (East Alabama Power Sports, LLC/adjacent property owner) are requesting the vacation of a portion of right of way at the intersection of Frederick Road and Frederick Avenue. Many years ago, Frederick Road continued along Frederick Avenue to Long Street. More recently, Frederick Road was realigned to its current location. The old Frederick Road right-of-way was renamed Frederick Avenue, and at one point, the right-of-way was for Bulloch Street. The right of way that occurred at the intersection was a larger right-of-way area. The area to be vacated is approximately 7,658 square feet. At the May 28th meeting, the Planning Commission (PC) voted 6 to 0 (one abstain) to send a positive recommendation to City Council to vacate a SE portion of Frederick Road right-of-way; a PC report and map are attached. At the June 4th CC WS meeting, the CC approved a public hearing for the vacation request.

COMMENTS - Current Meeting:

Mr. Shuman presented a public hearing to vacate a portion of Right-of Way at S.E. Frederick Road and N. Frederick Avenue. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said vacating of property. No one came forward to speak. President Smith closed the public hearing.

City of Opelika Planning Commission Report

Action Requested: Vacate the southeasterly right-of-way of Frederick Road and a portion of the northerly right-of-way of Frederick Avenue

Adjacent East Alabama Power Sports, LLC.

Location of Property: 1116 Frederick Avenue

Adjacent Land Use: Automotive sales

Current Zoning: C2, GC-P

**Surrounding Zoning Districts
And Land Uses:**

North	C2, GC-P	vacant
South	C3, GC-P	Church
East	C2, GC-P	Automotive Sales
West	C2, GC-P	vacant

Proposal:

The adjacent property owner at the intersection of Frederick Road and Frederick Avenue has requested the right-of-way on the northern side of the intersection be vacated. At one point in time, Frederick Road continued along Frederick Avenue to Long Street. Later, Frederick Road was realigned to its current location. The old Frederick Road right-of-way was renamed as Frederick Avenue. A portion of this area was at one point also the right-of-way for Bulloch Street. This area was left as larger right-of-way.

This portion of the right-of-way is not necessary for the road maintenance. There are various utilities located in this area that will need to be placed in easements if the right-of-way is vacated. This would prevent the area from being used for a building but could potentially be used for signage or display areas. The area to be vacated is approximately 7,658 square feet. The vacation of this right-of-way requires approval of the City Council after recommendation by the Planning Commission to finalize this transfer

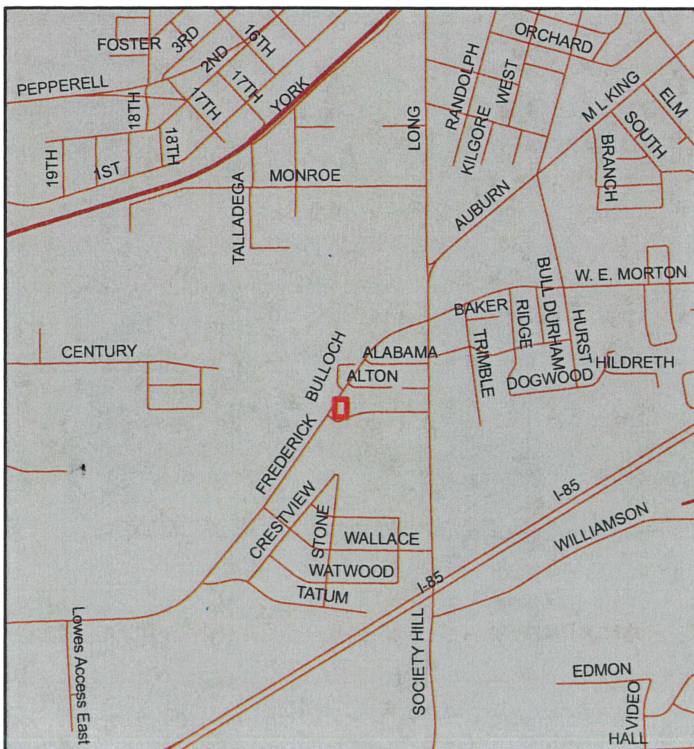
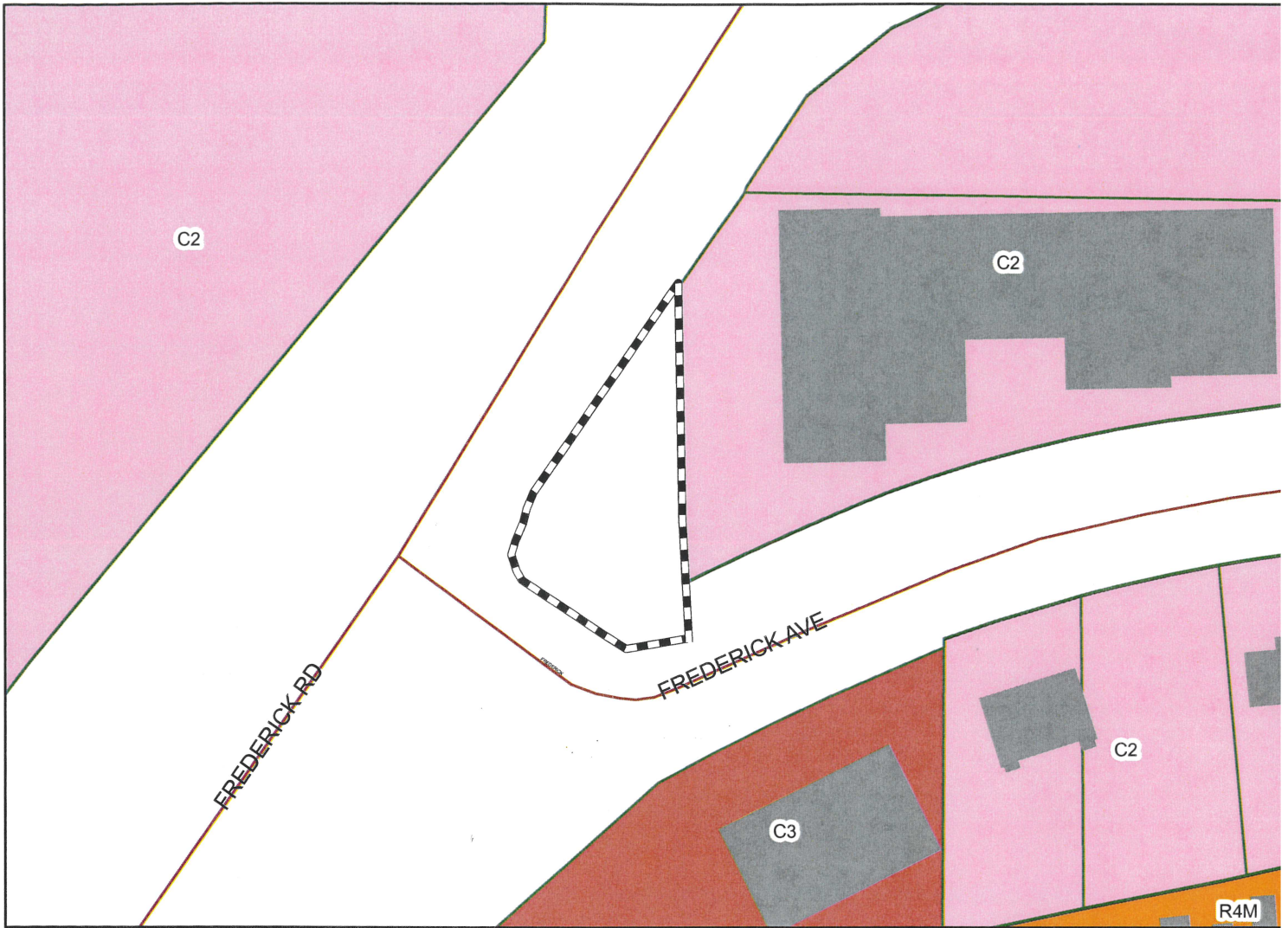
Staff recommends approval to vacate the R.O.W.

Planning staff and Engineering Department recommend the Planning Commission send a positive recommendation to City Council to approve the vacation of the southeasterly right-of-way of Frederick Road and a portion of the northerly right-of-way of Frederick Avenue.

At the May 28th meeting, the Planning Commission voted 7 to 0 (one abstain) to send a positive recommendation to City Council to vacate a portion of right of way at the intersection of Frederick Road and Frederick Avenue.

PETITION TO VACATE RIGHT-OF-WAY SOUTHEAST CORNER OF FREDERICK ROAD VACATION OF ROW

11.6.a



The petitioner, East Alabama Power Sports, LLC, requesting to vacate a 7,658 square foot portion right-of-way. The ROW is at the corner of Frederick Avenue and Frederick Road.



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

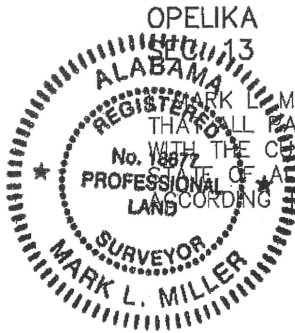
Packet Pg. 50

Attachment: Vacation of ROW, SE Portion of Frederick Road, East Alabama Power Sports (3545 : Public Hearing, Vacate Right-Of-Way - SE

BOUNDARY SURVEY FOR THE CITY OF OPELIKA

LEE COUNTY
T-19-N

ALABAMA
R-26-E



MARK L. MILLER, A REGISTERED SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY
THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE
WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE
STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.
ACCORDING TO MY SURVEY OF APRIL 9, 2019.

Cert. No. 18677

NOTES:

Basis of Bearings is Grid North, NAD 83, Alabama East Zone,
as determined from GPS observations.

The Primary Source of Information for this survey was:
Plat of A Resubdivision of Lots 12-A, 17 & 18, Block C,
Johnston Subdivision as recorded in Plat Book 36, Page 138,
in the office of the Judge of Probate of Lee County, Alabama.

No easements were provided to the Surveyor.
The Surveyor is not liable for undisclosed
easements or those not readily visible.

No buildings or structures were located or shown
except where there was the possibility of an
encroachment onto property lines.

Via Locate Request #190811132, responders to Alabama
1-Call service report no underground utilities
in this area except as shown.

- = Found Iron Pin
- = Set 1/2" Rebar
(Capped: 18677)
- = Found Conc. Monument
- △ = Calculated Point
- ⊙ = Government Corner
- R/W = Right-of-Way
- ⊕ = Sanitary Manhole
- ⊞ = Grate Inlet
- ⊙ = Power Pole
- ⊙ = Fire Hydrant
- ⊙ = Water Valve
- ⊙ = Water Meter

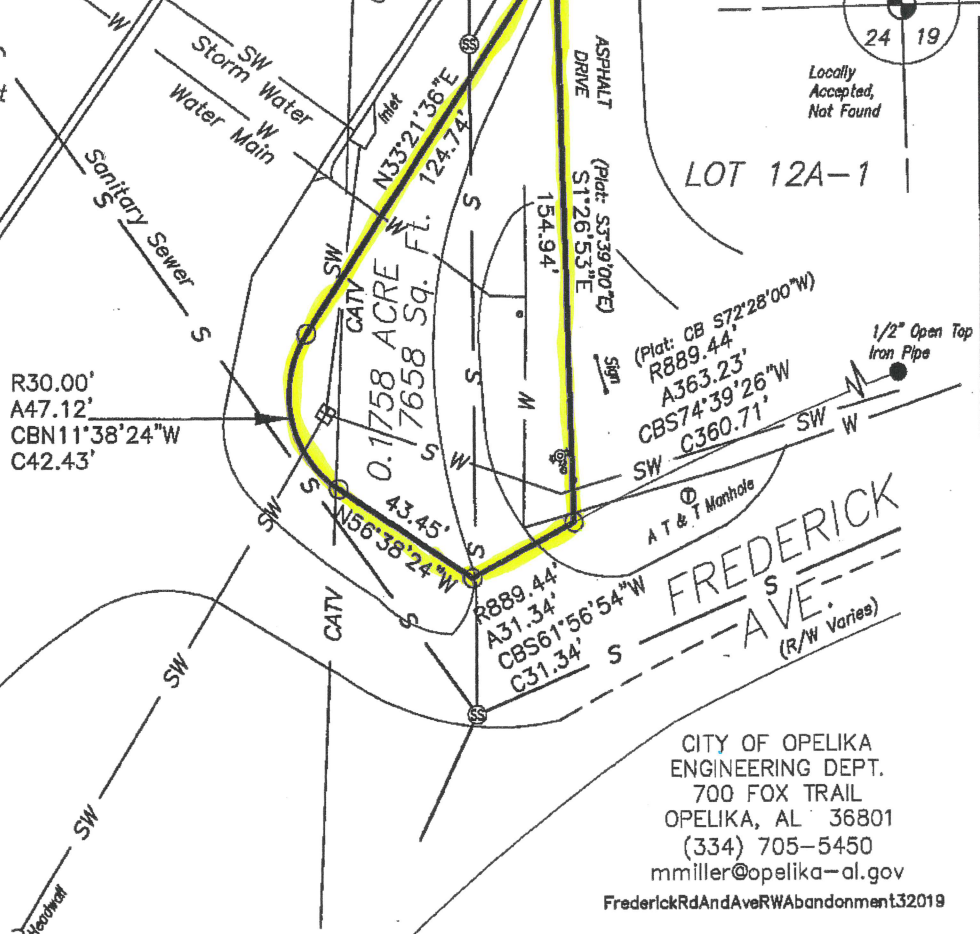
SCALE 1" = 50 FEET

FREDERICK ROAD
(R/W Varies)

R30.00'
A47.12'
CBN11°38'24"W
C42.43'

FREDERICK AVE.
(R/W Varies)

Headshot



CITY OF OPELIKA
ENGINEERING DEPT.
700 FOX TRAIL
OPELIKA, AL 36801
(334) 705-5450
mmiller@opelika-al.gov
FrederickRdAndAveRWAbandonment32019

NOTICE OF PUBLIC HEARING
OPELIKA CITY COUNCIL
July 16, 2019 7:00 P.M.

NOTICE IS HEREBY GIVEN in accordance with §23-4-2, *Code of Alabama*, 1975, that the City Council of the City of Opelika will conduct a Public Hearing during the regularly scheduled City Council meeting on Tuesday, July 16, 2019, beginning at 7:00 p.m. in the Opelika City Council Chambers of the Municipal Building, 204 S. 7th Street, Opelika, Lee County, Alabama, to receive the benefit of public input concerning a proposal to vacate a portion of the southeasterly right-of-way of Frederick Road and a portion of the northerly right-of-way of Frederick Avenue. All persons interested in the proposed vacation are invited to appear at the public hearing and express their views. Written statements or objections may be submitted to the City Clerk prior to the time of the hearing.

The portions of the rights-of-way of Frederick Road and Frederick Avenue proposed to be vacated are more particularly described as follows:

Commencing at the southeast corner of Section 13, T-19-N, R-26-E, in Opelika, Lee County, Alabama; thence N1°26'53"W, 262.00 feet; thence N89°41'53"W, 947.70 feet to a 1/2" rebar at the northwest corner of Lot 12-A1 of a Resubdivision of Lots 12-A, 17 & 18, Block C, Johnston Subdivision, as recorded in Plat Book 36, Page 138, in the office of the Judge of Probate of Lee County, Alabama; said corner being on the southeasterly R/W line of Frederick Road; thence, along said R/W Line, S33°23'00"W, 54.11 feet to a 6" concrete R/W monument and the True Point of Beginning of the Parcel of Land herein described; thence, along said R/W line, S1°26'53"E, 154.94 feet to a Magnail set in a rock on the northerly R/W line of Frederick Avenue; thence southwesterly along a curve concave southeasterly and having a chord bearing and distance of S61°56'54"W, 31.34 feet, a radius of 889.44 feet, and an arc length of 31.34 feet to a spindle set; thence N56°38'24"W, 43.45 feet to a 1/2" rebar and cap (LS18677) set; thence northerly along a curve concave easterly and having a chord bearing and distance of N11°38'24"W, 42.43 feet, a radius of 30.00 feet, and an arc length of 47.12 feet to a 1/2" rebar and cap (LS18677) set; thence N33°21'36"E, 124.74 feet to the True Point of Beginning.

Said Parcel containing 7658 Square Feet or 0.1758 Acre

Being further described according to and as shown by that certain survey or drawing prepared by Mark L. Miller, Registered Surveyor, attached hereto and marked Exhibit "A".

A copy of the Petition to Vacate and the proposed resolution approving the vacation will be available upon request at the office of the City Clerk, 2nd Floor of City Hall, 204 South 7th Street, Opelika, Alabama.

Please contact Kevin Rice, the City's ADA Coordinator, at 334-705-2083 at least two (2) working days prior to the meeting if you require special accommodations due to a disability.

DATED this the ____ day of _____, 2019.

ROBERT G. SHUMAN, CITY CLERK

TO: PUBLISHER
{Name of Newspaper}
{Address}
Opelika, Alabama 36801

Please publish the foregoing Notice once a week for four (4) consecutive weeks in the [Name of Newspaper].

ROBERT G. SHUMAN, CITY CLERK



City Council

204 South 7Th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 3495)

Meeting: 07/16/19 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 3495

Public Hearing, Amend Zoning Ord & Map: Rezone 47.3 Acres, 1300 Block Fox Run Parkway.

CITY OF OPELIKA NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, July 16, 2019, 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 and the Zoning Map. 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. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA (FOX RUN DEVELOPMENT PUD)

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

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

(a) Koul Properties, Inc., an Alabama corporation, (the “Company”) is the owner of record of that certain real property consisting of approximately 47.3 acres located on the east side of Fox Run Parkway near Betts Crossing Shopping Center.

(b) The Company heretofore submitted to the City a development plan for a planned unit development (“PUD”) entitled “Fox Run Development PUD” consisting of approximately 47.3 acres.

(c) The proposed development is a mixed use development divided primarily into four (4) sections. A future commercial section is located along Fox Run Parkway and is comprised of 1.46 acres. The westernmost residential section is a townhome area and is approximately 2.42 acres located near Fox Run Parkway and south of the existing Pinehurst Villas Apartments. The middle residential section is a twin home area of approximately 19.79 acres that includes 3.55 acres of open space. The easternmost residential section is a single-family detached house area that is approximately 23.61 acres that includes 7.07 acres of open space.

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

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

Section 2. APPROVAL OF THE DEVELOPMENT PLAN. The Development Plan as submitted for review is hereby approved and affirmed as required by Section 8.18N of the Zoning Ordinance of the City.

Section 3. DESIGNATION OF A PLANNED UNIT DEVELOPMENT. The official Zoning Map 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 of the City.

Commencing at the southeast corner of Section 5, T-19-N, R-27-E, in Opelika, Lee County, Alabama; thence North 2° 30’ 38” West, 1,251.1 feet to the TRUE POINT OF BEGINNING of the parcel of land herein described; thence South 86° 45’ 22” West 2,175.84 feet to the northeasterly right-of-way line of Fox Run Parkway (U.S. Highway 431); thence northwesterly along said right-of-way line, being a curve concave southwesterly, and having a radius of 5,809.58 feet, for 17.20 feet; thence North 29° 51’ 21” West 103.47 feet; thence North 41° 43’ 51” West 102.44 feet; thence North 54° 00’ 02” West 103.52 feet; thence Northwesterly along a curve concave southwesterly and having a radius of 5,809.58 feet, for 367.63 feet; thence leaving said right-of-way line North 1° 54’ 18” West 245.30 feet; thence South 65° 11’ 27” East, 22.35 feet; thence North 1° 56’ 29” West 79.05 feet; thence North 87° 01’ 52” East 1,129.62 feet; thence

North 87° 06'49" East, 1,486.88 feet; thence South 1° 44' 40" East 824.69 feet to the TRUE POINT OF BEGINNING.

The above-described property is located on the east side of Fox Run Parkway near Betts Shopping Center.

Section 4. RETENTION OF COPIES OF 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. Any ordinance or part thereof in conflict with 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.

All interested persons are invited to attend the public hearing and be heard. Written comments concerning the above matter may be mailed to the City Clerk at P.O. Box 390, Opelika, AL 36803 at any time prior to the public hearing and may be further submitted to the City Council at the meeting and the public hearing.

Please contact Kevin Rice, the City's ADA Coordinator, at 334-705-2083 at least two (2) working days prior to the meeting if you require special accommodations due to any disability.

WITNESS my hand this the ____ day of _____, 2019.

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

Opelika, Alabama 36801

Please publish the foregoing Notice one (1) time in the June __, 2019 issue of your paper.

CITY CLERK

The applicant is requesting rezoning 47.3 acres from a C-2, GC-P (light commercial, gateway commercial-primary) zoning district to a planned unit development (PUD) zoning district. The overall development is 272 residential units that includes 112 single family homes, 142 twin homes/duplexes, 18 townhomes, and 1.46 acres of commercial space. The development's amenity space is a large pool & pavilion and an open space/dog walk area about 9.75 acres. Sidewalks are provided on at least one side of all streets. Staff recommended and the Planning Commission agreed that the commercial area be limited to those uses allowed in the GC-P/C-2 zoning district. The Planning Commission report and maps are attached. At the May 28th meeting, the Planning Commission voted 7 to 0 (and one abstain) to send a positive recommendation to CC to rezone the property. At the June 4th CC WS, the City Council reviewed the rezoning request and approved advertising for a CC PH.

COMMENTS - Current Meeting:

Mr. Shuman presented a public hearing to amend the Zoning Ordinance & Map for 47.3 acres at the 1300 Block of Fox Run Parkway. President Smith 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 - from C-2, GC-P to PUD
Location of Property:	1300 block Fox Run Parkway
Property Owner:	Koul Properties, Inc. Daniel Holland, Holland Homes, LLC.
Current Zoning:	C-2
Proposed Zoning:	PUD (Planned Unit Development)
Existing Land Use:	Undeveloped

**Surrounding Zoning Districts
And Land Uses:**

North	R-4 Residential (Single-family and multi-family)
South	PUD Vacant
East	R-3 Residential (Chimneys Subdivision)
West	C-2/C-3 GC-P Vacant

Rezoning:

The applicant is requesting rezoning 47.3 acres from a C-2 (light commercial) zoning district to a planned unit development (PUD) zoning district. The overall development is proposing 272 residential units. This includes 112 single family homes, 142 twin homes/duplexes, 18 townhomes, and 1.46 acres of commercial space. Overall, the development will have a density of 5.75 units per acre.

The development has an amenity space located between the twin home and single-family section. This area contains a large pool and pavilion. The development also shows to small open space/dog walk area. Overall, there is 9.75 acres of open space or approximately 21 percent of the overall development. Sidewalks are provided on at least one side of all streets. The development has access from Fox Run Parkway and contains a connection to the property to the west (The Chimneys).

The PUD does not list any particular uses that would be allowed in the commercial area. Staff recommends that the uses for this commercial area be limited to those allowed in the GC-P/C-2 zoning district.

The residential areas have requested some standards to allow smaller lots than otherwise allowed by the zoning ordinance. The twin home section is 19.79 acres and has 142 units. Each lot is proposed to be a minimum of 3,000 square feet with a minimum of 25 feet width. The front setback is proposed as 10 feet with a rear yard of 20 feet and a side yard of 5 feet. This would be roughly equivalent to a large townhouse lot in two-unit groups.

The single-family section is 23.61 acres and includes 112 homes. This is a density of 4.7 units per acre. The applicant is proposing a minimum lot size of 4,200 square feet and 40-foot width. These units would have 20-foot front and rear setbacks with 5-foot side setbacks. This would be similar to a garden home or smaller single-family home.

Staff Recommendation:

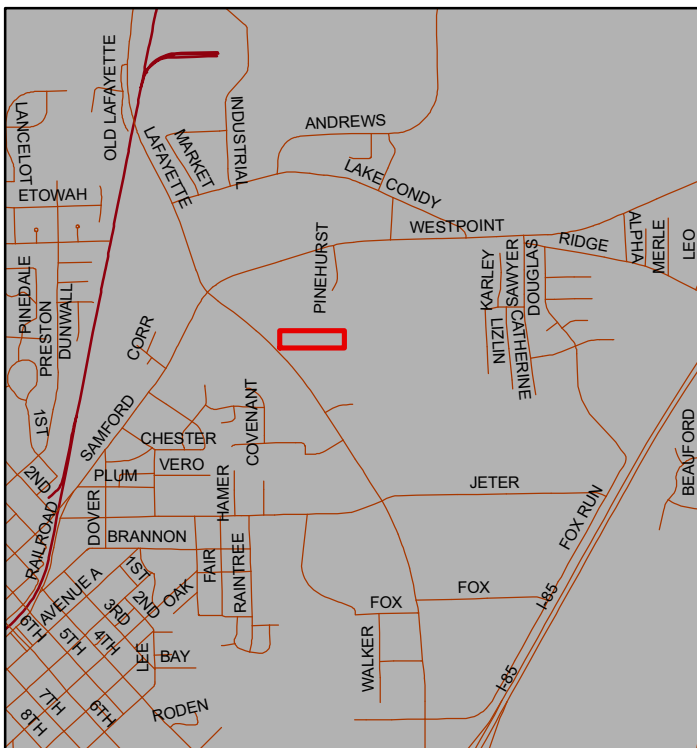
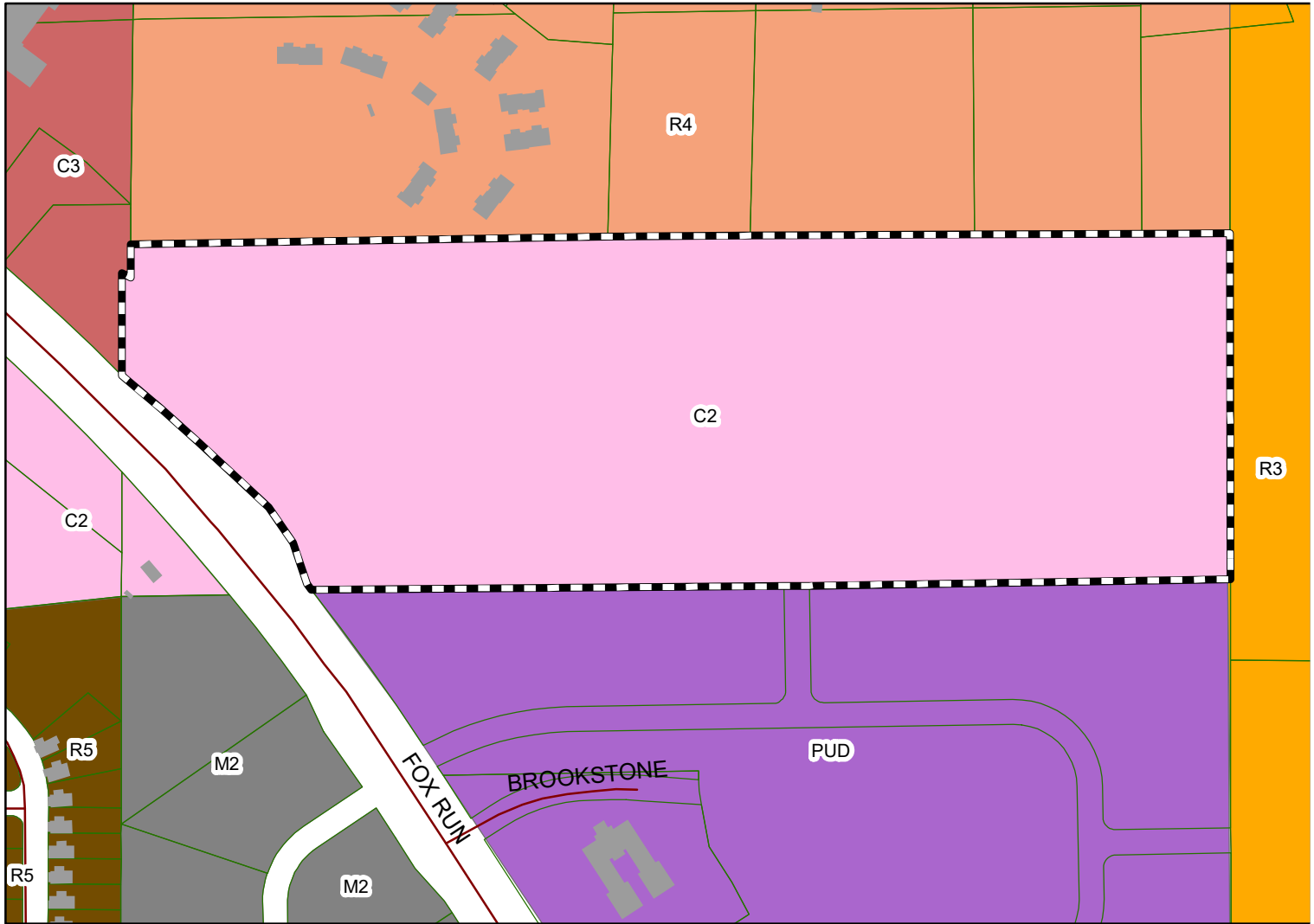
Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from C-2 to PUD subject to the following:

- 1. Note potential uses or types of uses for the commercial areas or limit them to the C-2/GC-P zoning district.**
- 2. Note the buffer type along the single-family residential areas**

At the May 28th meeting, the Planning Commission voted 7 to 0 (and one abstain) to send a positive recommendation to the City Council to rezone 47.3 acres from C-2, GC-P to a PUD (Planned Unit Development) zoning district. This recommendation includes the Commissioner's approval of two Staff Recommendations provided in the report.

HOLLAND REZONING 1300 BLOCK FOX RUN PARKWAY C-2, GC-P TO PUD, D-14a,14b

11.7.b



The applicant is requesting rezoning of 47.3 acre for twin homes, single family homes, and commercial uses. The subject property is located near Bett's Crossing shopping center, Opelika High School, and Southern Union College.

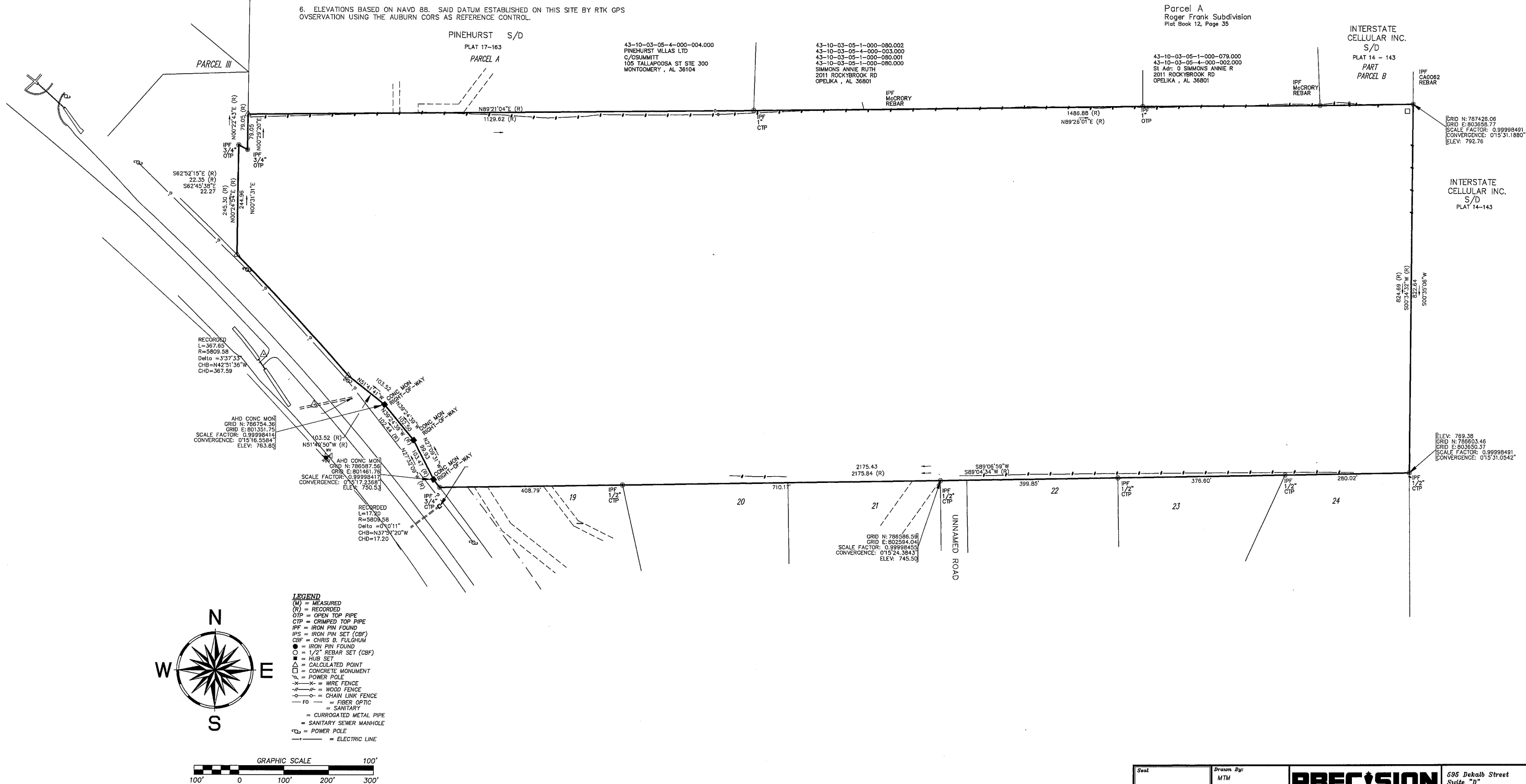


Subject Property

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

BOUNDARY SURVEY
~OF~
FOX RUN PROPERTY
SECTION 5 T 19 N R 27 E
OPELIKA LEE COUNTY ALABAMA

- NOTES:
- SOURCES OF INFORMATION:
 - DEED BOOK 1097, PAGE 285
 - DEED BOOK 1953 PAGE 218
 - DEED BOOK 2294, PAGE 894
 - PLAT BOOK 17, PAGE 163
 - PLAT BOOK 13, PAGE 48
 - PLAT BOOK 21, PAGE 103
 - BEARING BASE: COMPUTED FROM GRID NORTH, NAD 83, ALABAMA EAST, USING GPS EQUIPMENT USING THE AUBURN CORS STATION AS THE CONTROL MONUMENT. PROPERTY PINS WERE LOCATED, BUT NO BOUNDARY SURVEY WAS PERFORMED.
 - FIELD WORK COMPLETED APRIL 23, 2007.
 - OFFICE WORK COMPLETED APRIL 23, 2007.
 - THIS PARCEL LIES IN FLOOD ZONE "C" ACCORDING TO FEMA F.I.R.M. COMMUNITY PANEL NUMBER 010145 0050 B DATED SEPTEMBER 16, 1981. BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
 - ELEVATIONS BASED ON NAVD 88. SAID DATUM ESTABLISHED ON THIS SITE BY RTK GPS OBSERVATION USING THE AUBURN CORS AS REFERENCE CONTROL.

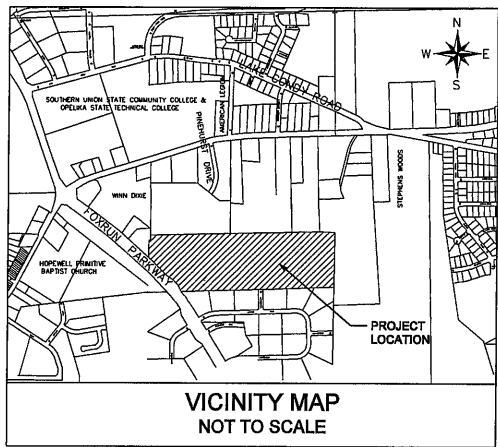
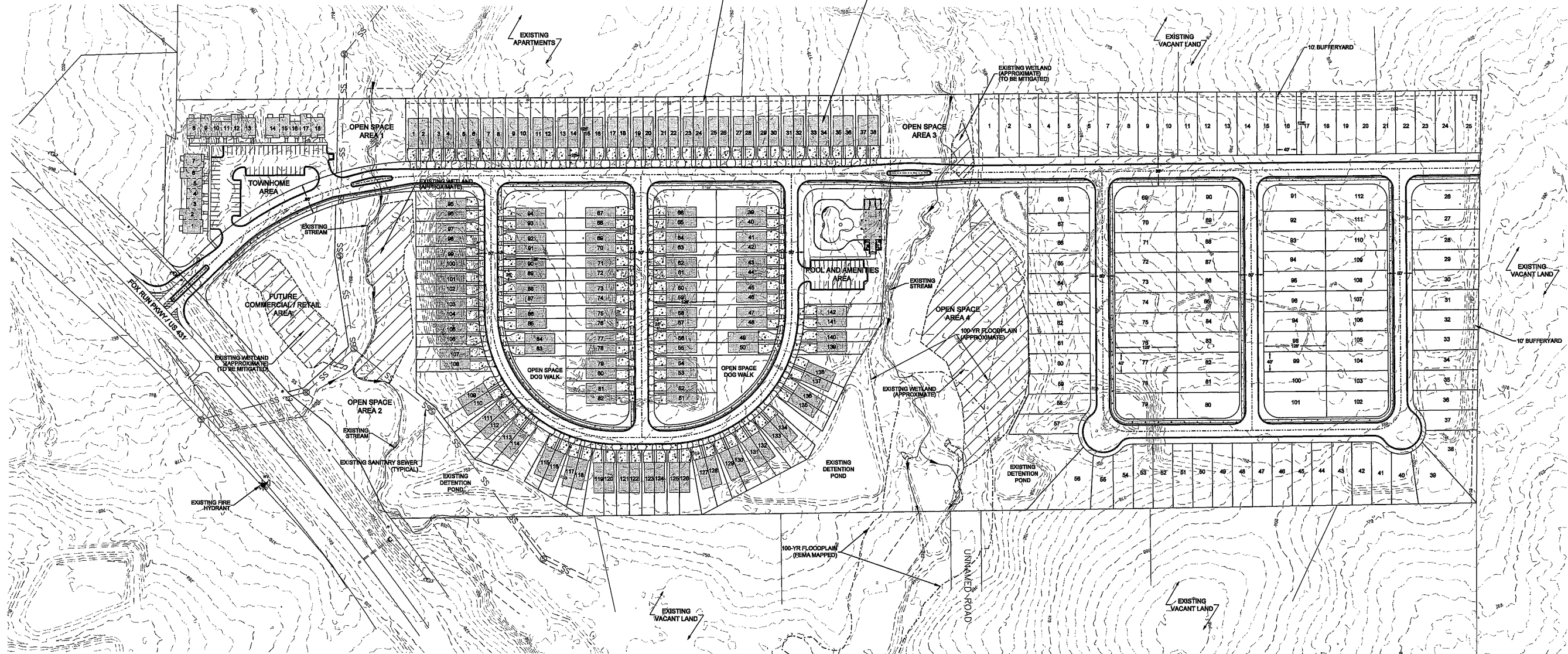


Seal	Drawn By: MTM	PRECISION SURVEYING	595 Dekalb Street Suite "D" Auburn, Alabama 36830 Phone (334) 821-0105
	Scale: 1"=100'		
	File Name: 07-117-TP1		
	Date: APRIL 25, 2007		
		Sheet Title: TOPOGRAPHIC SURVEY ~OF~ FOX RUN PROPERTY	

Attachment: rezoning exhibits (3495 : PH, Amend Zoning Ord & Map: Rezone 47.3 Acres, 1300 Block Fox Run Parkway)

1. PROPERTY BOUNDARY AND UTILITIES BASED ON SURVEY PREVIOUSLY DONE BY PRECISION SURVEYING, LLC. SURVEY SHALL BE UPDATED AS PART OF THE DESIGN PHASE OF THIS PROJECT.
2. EASEMENTS SHOWN ARE APPROXIMATE AND MAY NOT BE ALL INCLUSIVE.
3. CURRENT ZONE IS OFFICE/RETAIL DISTRICT (C-2) AND PROPERTY TO BE REZONED TO A PLANNED UNIT DEVELOPMENT (PUD).

DESCRIPTION	SIZE (AC)	# OF LOTS
RIGHT-OF-WAY	8.44	-
TOWNHOME AREA	1.81	18
FUTURE COMMERCIAL / RETAIL AREA	1.46	-
OPEN SPACE AREA 1	0.42	-
OPEN SPACE AREA 2	3.13	-
OPEN SPACE AREA 3	0.57	-
OPEN SPACE AREA 4	5.63	-
AMENITIES AREA	0.87	-
TWIN HOMES LOTS (25X125' TYPICAL)	11.54	142
FAMILY RESIDENTIAL LOTS (40X125' TYPICAL)	13.41	112
	47.28	272



1. STREAM AND WETLANDS SHOWN ARE APPROXIMATE AND SHALL BE FORMALLY DELINEATED AS PART OF THE DESIGN PHASE OF THIS PROJECT.
2. A CORP OF ENGINEER PERMIT SHALL BE OBTAINED FOR THE STREAM AND WETLAND IMPACTS ASSOCIATED WITH THIS PROJECT.
3. THERE IS A 100-YR FLOODPLAIN LOCATED ON THE STREAM THAT RUNS THROUGH THE CENTER PORTION OF THE PROPERTY.

[illegible]

**NOT PRELIMINARY
FOR CONSTRUCTION**

FOX RUN DEVELOPMENT

CONCEPTUAL MASTER PLAN

HOLLAND HOMES, LLC

MAY 7, 2019

SCALE

1^o = 100

SHEET 1

Holland Homes, LLC

P.O. Box 1467
Auburn, AL 36831

MEMO TO: City of Opelika
Planning Commission
Attention: Mr. Matt Mosley, AICP

FROM: Daniel Holland (Holland Homes, LLC)

RE: PUD Request for Fox Run Development – Opelika, Alabama

DATE: May 7, 2019

As described in the City of Opelika Zoning Ordinance, Section 8.18 Planned Unit Development Regulations we are submitting for your review and request approval for a Planned Unit Development currently identified as Fox Run Development

Overall Development Scheme

1. Location and intensity of proposed uses and activities

The property is approximately 47.3 acres located on the east side of Fox Run Parkway (U.S. Highway 431). A new City of Opelika street will be extended from Fox Run Parkway to the east and through the development to connect to the future phases of The Chimneys Subdivision. The proposed use of the property is a mixed-use development consisting of some commercial frontage along Fox Run Parkway and three types of single-family residential products. The single-family residential products will consist of single-family detached houses, twin homes, and townhomes.

The property is divided primarily into four sections. A future commercial section is located along Fox Run Pkwy and is comprised of 1.46 acres. The westernmost residential section is a townhome area and is approximately 2.42 acres located near Fox Run Pkwy and south of the existing Pinehurst Villas Apartments. The middle residential section is a twin home area of approximately 19.79 acres that includes 3.55 acres of open space. The easternmost residential section is a single-family detached house area that is approximately 23.61 acres that includes 7.07 acres of open space.

The total number of units is 272 with a total development density of 5.75 units per acre. The individual development densities for the residential areas are as follows:

- Single-family Detached Houses Area 4.7 units per acre
- Twin Homes Area 7.2 units per acre
- Town Homes Area 7.4 units per acre

2. Physical Description of proposed facilities

The buildings in each section shall compliment each other in appearance and the four sections shall come together to make the overall aesthetics blend into a common theme or architectural style.

The requested development standards are as follows for Twin Home and Single-Family Detached areas:

- Twin Home Area Standards
 - Minimum Lot Size = 3,000 SF
 - Minimum Lot Width = 25 Feet
 - 10' front yard setback
 - 20' rear yard setback
 - 5' side yard setback
 - Floor Area Ratio (FAR) maximum of 0.65
- Single-Family Detached Home Area Standards
 - Minimum Lot Size = 4,200 SF
 - Minimum Lot Width = 40 Feet
 - 20' front yard setback
 - 20' rear yard setback
 - 5' side yard setback
 - Floor Area Ratio (FAR) maximum of 0.60

3. Statement of location and general configuration of lands to be dedicated for public open space and other public uses

The development will include four platted open space areas totaling approximately ten (10) acres that will remain mostly undisturbed vegetation and provide large buffers between the different types of residential and commercial development areas. There will be sidewalks along the rights-of-way throughout the development and at least one large pool and amenities area for the residents.

4. General designation of utilities

Sewer and water for the site will tie into existing nearby City of Opelika utilities. Storm water will be addressed with detention as required. Utilities such as power, gas, phone, and cable will be brought to the site by their associated companies.

5. General statement of form of site management proposed for common open spaces and facilities

The Developer will be responsible for the overall management and maintenance of the planned open spaces until a homeowner's association can be established to take over these common areas.



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 189-19

Meeting: 07/16/19 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 3571

Contract for custodial services - OPS.

RESOLUTION NO. _____

WHEREAS, the Purchasing Department opened sealed bids for a contract for Custodial Services for the Opelika Power Services department; and

WHEREAS, Top Notch Cleaning, Inc. submitted the lowest bid meeting specifications; and

WHEREAS, funds are coming from the Cleaning Services account;

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

1. That the contract be awarded to Top Notch Cleaning, Inc. on their low bid meeting specifications.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Top Notch Cleaning, Inc. The bid for the first, second and third year is \$2,540.00 per month. The amount charged for additional services not included in the bid is \$19.00 per hour.
3. That the Controller is authorized to adjust the budget as necessary for this contract.
4. That the Mayor be authorized to execute all documents pertaining to this contract.

APPROVED AND ADOPTED 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 - Treasurer

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

FACT SHEET

SUBJECT: Sealed Bid #19022 – We are asking the Council to approve a contract for Custodial Services

FACTS:

- Bid opening date – 5/20/19
- User department(s) – Opelika Power Services
- The bid was mailed to 23 vendors
- 3 bids were received
- Budgeted contract
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend that the contract be awarded to Top Notch Cleaning, Inc. on their low bid meeting specifications. The bid for the first, second, and third year is \$2,540.00 per month. The amount charged for additional services not included in the bid is \$19.00 per hour.**

BID# 19022 DATE: 5/20/19 DEPT: POWER SERVICES						23 VENDORS INVITED		
DESCRIPTION: CUSTODIAL SERVICES						3 BIDS RECEIVED		
		ITEM 1: FIRST YEAR - PER MONTH						
		ITEM 2: SECOND YEAR - PER MONTH						
		ITEM 3: THIRD YEAR - PER MONTH						
		ITEM 4: ADDITIONAL PRICE PER HOUR						
	PRE-BID	ITEM #1	ITEM #2	ITEM #3	ITEM #4	TERMS	DISC	
	CONF							
BROWN, HARVEY	√							
CENTAUR BLDG SVCS INC								
CLEANING SERVICES INC								
DAKOTA MANAGEMENT								
DECISIVE CLEANING SERVICE								
ENMON ENTERPRISES LLC/JANI-KING	√	\$ 3,794.00	\$ 3,794.00	\$ 3,794.00	\$ 16.83	--	--	
GLOBAL GOVT EDUCATION								
H & S COMMERCIAL SERVICES LLC	√	\$ 4,712.85	\$ 4,712.85	\$ 4,712.85	\$ 16.25	--	--	
INTRICATE CLEANING SOLUTIONS								
LRL VENTURES & MANAGEMENT								
MAKE IT HAPPEN								
MILFORD, JR, ARTHUR								
NATIONAL BUILDING SERVICE INC								
P & J								
PARAGON INDUSTRIAL								
PERFORMANCE PROPERTY SVCG								
PROFESSIONAL FACILITIES MGMT								
PROSYSTEMS ELITE								
RITE WAY								
SOUTHEASTERN CLEANING								
SPIFFY CLEANING								
TOP NOTCH CLEANING INC	√	\$ 2,540.00	\$ 2,540.00	\$ 2,540.00	\$ 19.00	--	--	
WRIGHT'S CLEANING SVCS								



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 190-19

Meeting: 07/16/19 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 3569

Removal of Dead, Dying or Dangerous Trees, Stumps & Tree Pruning - ENG.

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID AND AUTHORIZING AWARD OF CONTRACT TO AAA GENERAL CONTRACTORS, INC., FOR REMOVAL OF DEAD, DYING OR DANGEROUS TREES AND STUMPS WITH TREE PRUNING (BID NO. 19023)

WHEREAS, the City of Opelika, Alabama (the “City”) has heretofore advertised bids for the removal of dead, dying or dangerous trees and stumps with tree pruning (Bid No. 19023) in accordance with the specifications on file in the office of the Purchasing-Revenue Manager; and

WHEREAS, on July 9, 2019 bids were duly opened and read aloud; and

WHEREAS, bids were received from the following contractors: AAA General Contractors, Inc. and D & J Enterprises, Inc.; and

WHEREAS, the bid from AAA General Contractors, Inc., is the lowest and best bid; and

WHEREAS, the City Engineer reviewed the bids as well as the qualifications and past experiences of each of the contractors and recommended that the City award the contract to AAA General Contractors, Inc., as the lowest and best bid meeting specifications.

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

1. That the bid (No 19023) be awarded to AAA General Contractors, Inc., on its quotation of \$83,000 for the removal of specified trees within certain public rights-of-way and also on its unit price quotes for miscellaneous tree services.
2. That the Mayor is hereby authorized and directed to execute and deliver a contract

by and between the City and AAA General Contractors, Inc., for tree removal, stump grinding and pruning services as described in the specifications and such ancillary documents as may be necessary or appropriate in order to carry into effect the purpose and intent of this Resolution and to carry out fully the transactions contemplated therein on behalf of the City.

3. That a budget in the amount of \$150,000 is established for tree removal, stump grinding and pruning services for the fiscal year ending September 30, 2019. (This amount includes \$83,000 for specified trees and approximately \$67,000 for other miscellaneous trees within the City based on unit prices).

4. All compensation to be paid to AAA General Contractors, Inc., shall come from the Unassigned Fund Balance, and the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments and accounting entries to implement the provisions of this Resolution.

5. That the Purchasing-Revenue Manager is hereby authorized and directed to issue all necessary and appropriate purchase orders to implement this Resolution.

6. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other 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. That the provisions of this Resolution shall take effect immediately upon its 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

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

FACT SHEET

SUBJECT: Sealed Bid #19023 – We are asking the Council to approve a contract for the Removal of Dead, Dying, or Dangerous Trees and Stumps with Tree Pruning

FACTS:

- Bid opening date – 7/9/19
- User department(s) – Engineering
- The bid was mailed to 18 vendors
- 2 bids were received
- Budgeted contract
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend that the contract be awarded to AAA General Contractors, Inc. on their low bid meeting specifications not to exceed \$150,000.00.**

BID# 19023	DATE: 7/9/19	DEPT: ENGINEERING			18 VENDORS INVITED
DESCRIPTION: REMOVAL OF DEAD, DYING, OR DANGEROUS TREES AND STUMPS WITH TREE PRUNING					2 BIDS RECEIVED
	ITEM 1: TREE AND STUMP REMOVAL				
	ITEM 2: LARGE TREE PRUNING				
	ITEM 3: SMALL TREE PRUNING				
VENDOR	ITEM 1 TOTAL	ITEM 2 TOTAL	ITEM 3 TOTAL	TOTAL	
A+ LANDSCAPING & IRRIGATION					
A & O TREE SERVICE					
A CUT ABOVE					
AAA GENERAL CONTRACTORS INC	\$ 57,500.00	\$ 8,500.00	\$ 17,000.00	\$ 83,000.00	
AKA TREE REMOVAL					
ASPLUNDH TREE EXPERT CO					
BURFORD'S TREE INC					
ENVIROGRIND LLC					
EVER GREEN OUTDOOR					
GOLDENVIRONMENT					
NEW URBAN FORESTRY					
OPELIKA LAWN					
REED TREE CUTTING & LAWN					
TIGER TREE EXPERTS INC/HALL'S					
TIM'S TREE SERVICE					
TIMBERLAND & MINERALS LLC					
TREES UNLIMITED					
W A KENDALL AND CO LLC					
D & J Enterprises, Inc.	\$ 69,675.00	\$ 6,500.00	\$ 15,280.00	\$ 91,455.00	

BID# 19023			DATE: 7/9/19		DEPT: ENGINEERING		18 VENDORS INVITED			
DESCRIPTION: REMOVAL OF DEAD, DYING, OR DANGEROUS TREES AND STUMPS WITH TREE PRUNING							2 BIDS RECEIVED			
		MISCELLANEOUS TREE SERVICES:								
		ITEM 1: 0-10"								
		ITEM 2: 10-20"								
		ITEM 3: 20-30"								
			ITEM 1		ITEM 2		ITEM 3			
		TREE	STUMP	LG TREE	TREE	STUMP	LG TREE	TREE	STUMP	LG TREE
VENDOR		REMOVAL	REMOVAL	PRUNING	REMOVAL	REMOVAL	PRUNING	REMOVAL	REMOVAL	PRUNING
A+ LANDSCAPING & IRRIGATION										
A & O TREE SERVICE										
A CUT ABOVE										
AAA GENERAL CONTRACTORS INC		\$ 1,200.00	\$ 250.00	\$ 400.00	\$ 2,600.00	\$ 350.00	\$ 600.00	\$ 4,000.00	\$ 450.00	\$ 700.00
AKA TREE REMOVAL										
ASPLUNDH TREE EXPERT CO										
BURFORD'S TREE INC										
ENVIROGRIND LLC										
EVER GREEN OUTDOOR										
GOLDENVIRONMENT										
NEW URBAN FORESTRY										
OPELIKA LAWN										
REED TREE CUTTING & LAWN										
TIGER TREE EXPERTS INC/HALL'S										
TIM'S TREE SERVICE										
TIMBERLAND & MINERALS LLC										
TREES UNLIMITED										
W A KENDALL AND CO LLC										
D & J Enterprises, Inc.		\$ 400.00	\$ 100.00	\$ 200.00	\$ 600.00	\$ 150.00	\$ 300.00	\$ 1,200.00	\$ 275.00	\$ 375.00

Attachment: 7-16-19 - REMOVAL OF DEAD, DYING, OR DANGEROUS TREES AND STUMPS WITH TREE

BID# 19023 DATE: 7/9/19 DEPT: ENGINEERING							18 VENDORS INVITED	
DESCRIPTION: REMOVAL OF DEAD, DYING, OR DANGEROUS TREES AND STUMPS WITH TREE PRUNING							2 BIDS RECEIVED	
	MISCELLANEOUS TREE SERVICES:							
	ITEM 4: 30-40"							
	ITEM 5: > 50"							
		ITEM 4			ITEM 5			
	TREE	STUMP	LG TREE	TREE	STUMP	LG TREE		
VENDOR	REMOVAL	REMOVAL	PRUNING	REMOVAL	REMOVAL	PRUNING		
A+ LANDSCAPING & IRRIGATION								
A & O TREE SERVICE								
A CUT ABOVE								
AAA GENERAL CONTRACTORS INC	\$ 6,000.00	\$ 600.00	\$ 900.00	\$ 8,000.00	\$ 700.00	\$ 1,100.00		
AKA TREE REMOVAL								
ASPLUNDH TREE EXPERT CO								
BURFORD'S TREE INC								
ENVIROGRIND LLC								
EVER GREEN OUTDOOR								
GOLDENVIRONMENT								
NEW URBAN FORESTRY								
OPELIKA LAWN								
REED TREE CUTTING & LAWN								
TIGER TREE EXPERTS INC/HALL'S								
TIM'S TREE SERVICE								
TIMBERLAND & MINERALS LLC								
TREES UNLIMITED								
W A KENDALL AND CO LLC								
D & J Enterprises, Inc.	\$ 1,750.00	\$ 475.00	\$ 475.00	\$ 2,800.00	\$ 700.00	\$ 550.00		

Attachment: 7-16-19 - REMOVAL OF DEAD, DYING, OR DANGEROUS TREES AND STUMPS WITH TREE

UNIT PRICE for Miscellaneous Tree Services				
AAA General Contractors				
DESCRIPTION OF WORK	DBH (INCHES)	UNIT PRICE FOR TREE REMOVAL (EACH)	UNIT PRICE STUMP REMOVAL (EACH)	UNIT PRICE FOR LARGE TREE PRUNING (> 8 INCHES) (EACH)
VARIOUS SPECIES	0-10	\$ 1,200.00	\$ 250.00	\$ 400.00
	10-20	\$ 2,600.00	\$ 350.00	\$ 600.00
	20-30	\$ 4,000.00	\$ 450.00	\$ 700.00
	30-40	\$ 6,000.00	\$ 600.00	\$ 900.00
	> 50	\$ 8,000.00	\$ 700.00	\$ 1,100.00

D & J Enterprises				
DESCRIPTION OF WORK	DBH (INCHES)	UNIT PRICE FOR TREE REMOVAL (EACH)	UNIT PRICE STUMP REMOVAL (EACH)	UNIT PRICE FOR LARGE TREE PRUNING (> 8 INCHES) (EACH)
VARIOUS SPECIES	0-10	\$ 400.00	\$ 100.00	\$ 200.00
	10-20	\$ 600.00	\$ 150.00	\$ 300.00
	20-30	\$ 1,200.00	\$ 275.00	\$ 375.00
	30-40	\$ 1,750.00	\$ 475.00	\$ 475.00
	> 50	\$ 2,800.00	\$ 700.00	\$ 550.00

FACT SHEET

SUBJECT: Sealed Bid #19023 – We are asking the Council to approve a contract for the Removal of Dead, Dying, or Dangerous Trees and Stumps with Tree Pruning

FACTS:

- Bid opening date – 7/9/19
- User department(s) – Engineering
- The bid was mailed to 18 vendors
- 2 bids were received
- Budgeted contract
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend that the contract be awarded to AAA General Contractors, Inc. on their low bid meeting specifications not to exceed \$150,000.00.**

Lump Sum Schedule of Values for Large (> 8 inches) Tree Pruning

Tree Location Address	Species	DBH (inches)	AAA General Contractor	D and J Enterprises
708 Ingram Ct	Oak Water	38		
313 N 10th St	Oak Sawtooth	31		
315 N 10th St	Pecan	24		
1000 3rd Ave	Pecan	27		
1000 3rd Ave	Pecan	33		
1000 3rd Ave	Pecan	33		
1000 3rd Ave	Pecan	32		
700 3rd Ave	Pecan	38		
516 3rd Ave	Pecan	27		
615 3rd Ave	Pecan	23		
400 3rd Ave	Elm Winged	26		
710 4th Ave	Pecan	24		
615 4th Ave	Oak Water	38		
615 4th Ave	Oak Water	36		
315 N 4th St	Oak Water	32		
315 N 4th St	Oak Water	38		
314 N 4th St	Oak Water	12		
315 N 4th St	Pecan	38		
816 5th Ave	Oak Water	40		
900 5th Ave	Pecan	30		
507 5th Ave	Oak Water	26		
313 N 5th St	Oak Water	36		
401 N 6th St	Pecan	20		
410 N 6th St	Pecan	26		
304 N 6th St	Oak Water	38		
307 N 8th St	Oak Cherrybark	27		
611 N 8th St	Pecan	22		
611 N 8th St	Pecan	20		
611 N 8th St	Pecan	20		
301 N 9th St	Oak Red	28		
Large Tree Pruning--Lump Sum Subtotal			\$ 57,500.00	\$ 69,675.00

Lump Sum Schedule of Values for Removal of Dead, Dying and Dangerous Trees and Stumps

Tree Location	Species	DBH (inches)
708 Ingram Ct	Oak Water	20
313 N 10th St	Pecan	32
313 N 10th St	Sweetgum	19
207 N 10th St	Elm Winged	26
215 N 10th St	Pecan	26
414 N 10th St	Oak Water	37
701 N 10th St	Pecan	23
609 N 10th St	Oak Water	31
609 N 10th St	Oak Water	28
515 N 10th St	Oak Red	44
515 N 10th St	Oak Water	44
505 N 10th St	Oak Laurel	43
414 2nd Ave	Elm Winged	31
814 2nd Ave	Ginko	13
814 2nd Ave	Ginko	11
814 2nd Ave	Ginko	12
814 2nd Ave	Ginko	11
814 2nd Ave	Ginko	11
516 3rd Ave	Cherry Carolina L	12
414 3rd Ave	Pecan	21
400 3rd Ave	Elm Winged	26
302 3rd Ave	Oak Water	38
302 3rd Ave	Oak Water	30
314 3rd Ave	Oak Water	44
314 3rd Ave	Oak Water	44
913 3rd Ave	Pecan	24
615 3rd Ave	Pecan	20
701 3rd Ave	Pecan	29
401 3rd Ave	Oak Water	39
710 4th Ave	Oak Water	36
615 4th Ave	Oak Willow	45
615 4th Ave	Oak Water	30
311 N 4th St	Oak Water	35
307 5th Ave	Pecan	18
314 N 5th St	Oak Water	39
302 N 5th St	Oak Willow	37
602 N 5th St	Oak Water	20
215 N 6th St	Oak Water	39
405 N 8th St	Elm American	20
400 N 8th St	Oak Willow	20
300 N 8th St	Oak Water	46
611 N 8th St	Pecan	16
611 N 8th St	Pecan	19
611 N 8th St	Pecan	24
301 N 9th St	Oak Cherrybark	13

Tree and Stump Removal--Lump Sum Subtotal	\$ 8,500.00	\$ 6,500.00
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Lump Sum Schedule of Values for Small Tree Pruning

Street Location	Approximate number of Trees		
3rd Ave	90		
4th Ave	46		
5th Ave	30		
6th Ave	6		
7th Ave	12		
N 4th St	16		
N 5th St	45		
N 6th St	13		
N 7th St	6		
N 8th St	57		
N 9th St	16		
N 10th St	55		
N 11th St	14		
N 12th St	2		
Total	408		
Small Tree Pruning--Lump Sum Subtotal		\$ 17,000.00	\$ 15,280.00

	AAA General Contractor	D & J Enterprises
Tree and Stump Removal--Lump Sum Subtotal	\$ 57,500.00	\$ 69,675.00
Large Tree Pruning--Lump Sum Subtotal	\$ 8,500.00	\$ 6,500.00
Small Tree Pruning--Lump Sum Subtotal	\$ 17,000.00	\$ 15,280.00
Lump sum TOTALS	\$ 83,000.00	\$ 91,455.00

RESOLUTION NO. 191-19

Change Orders for new OPD & Municipal Court building.

RESOLUTION NO. _____

**RESOLUTION APPROVING CHANGE ORDERS ON CONTRACTS RELATED
TO NEW POLICE DEPARTMENT AND MUNICIPAL COURT BUILDING**

WHEREAS, the City Council (“Council”) of the City of Opelika, Alabama (the “City”) heretofore approved the development and construction of a new Police Department and Municipal Court building to be located at 501 South 10th Street, Opelika, Alabama, (the “Project”); and

WHEREAS, on October 17, 2017 pursuant to Resolution No. 270-17, the City Council approved a contract between the City of Opelika and Seay, Seay and Litchfield, P.C., for architectural services related to the Project; and

WHEREAS, on August 15, 2017, pursuant to Resolution No. 176-17, the City Council approved an agreement between the City and Robins & Morton Group as construction manager for the Project; and

WHEREAS, on July 3, 2018, pursuant to Resolution No. 144-18, the City Council approved a total project development budget for the Project in an amount not to exceed \$18,533,407; and

WHEREAS, on July 3, 2018, pursuant to Resolution No. 145-18, the City Council approved a resolution awarding bids for the construction of the Project; and

WHEREAS, pursuant to Resolution No. 145-18, the City Council awarded four (4)

prime contracts as follows:

- (a) Bid Package 1A, General Works, was awarded to Freeman & Associates on its low bid of \$8,550,000
- (b) Bid Package 5A, Structural Steel, was awarded to Contractor Steel Supply Company, Inc., on its low bid of \$985,206
- (c) Bid Package 15A, Mechanical, was awarded to Bradley Plumbing & Heating, Inc., on its low bid of \$1,787,500
- (d) Bid Package 16A, Electrical, was awarded to Auburn Electric Company, Inc., on its low bid of \$2,444,000; and

WHEREAS, during the construction of the Project, it became apparent that certain changes to the design of the Project were necessary to modify the courtroom for use as a meeting place for the City Council and Planning Commission; and

WHEREAS, the proposed design changes will increase the Project scope; and

WHEREAS, Seay, Seay & Litchfield, Robins & Morton, Freeman & Associates, Contractor Steel Supply, Inc., Bradley Plumbing & Heating, Inc, and Auburn Electric Company, Inc., have submitted change orders to the City Council for additional work related to the redesign of the courtroom, copies of said change orders being on file in the office of the Purchasing-Revenue Manager; and

WHEREAS, sufficient funds are available in the project development budget to cover the additional costs of the change orders; and

WHEREAS, said change orders are necessitated by unforeseen circumstances arising

during the course of work for items not contemplated when the plans and specifications were prepared and bid and the amount of the change orders do not exceed ten percent of the contract prices; and

WHEREAS, Robins & Morton has reviewed all prices and found them to be reasonable, fair and equitable and recommends approval of said change orders; and

WHEREAS, the City Council endorses the statements, findings and recommendations of Robins & Morton and hereby finds and determines that it is in the public interest to approve the change orders.

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

1. That a change order in the amount of \$21,500.44 to the contract of Seay, Seay & Litchfield is hereby approved.
2. That a change order in the amount of \$28,531.74 to the contract of Robins & Morton is hereby approved.
3. That a change order in the amount of \$107,904.00 to the contract of Freeman & Associates is hereby approved.
4. That a change order in the amount of \$8,274.00 to the contract of Contractor Steel Supply Company, Inc., is hereby approved.
5. That a change order in the amount of \$7,448.03 to the contract of Bradley Plumbing & Heating, Inc., is hereby approved.
6. That a change order in the amount of \$225,043.00 to the contract of Auburn

Electric Company, Inc., is hereby approved.

7. That the Mayor is hereby authorized and directed to execute the above-referenced change orders in the name of and on behalf of the City.

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

9. The City Council does hereby delegate to the Mayor the authority to approve and execute, on the recommendations of the construction manager and the architect, all change orders related to the prime contracts necessary for the successful delivery of the Project, provided the aggregate amount of said prime contracts and all changes orders does not exceed the total project development budget. Notwithstanding the foregoing, the Mayor shall approve and process all change orders in compliance with all provisions of Title 39 of the *Code of Alabama* and all other laws governing public contracts.

10. That the Purchasing-Revenue Manager is hereby authorized and directed to issue appropriate purchase orders for each of the above-referenced change orders.

11. That the compensation to be paid to Seay, Seay & Litchfield, Robins & Morton, and the four prime contractors under and pursuant to the above-referenced change orders shall

come from the project development budget, and the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments to implement this Resolution.

12. That this Resolution shall take effect upon its 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. 192-19

Purchase, washer and dryer for turnout gear - Sole Source - OFD.**RESOLUTION NO.** _____**WHEREAS**, the Fire Department desires to purchase a Washer and Dryer for turnout gear; and**WHEREAS**, this is a sole source purchase; and**WHEREAS**, Wholesale Commercial Laundry Equipment S.E., LLC is the sole source vendor for the Washer and Dryer; and**WHEREAS**, funds for this purchase are coming from Capital Outlay;**NOW, THEREFORE, BE IT RESOLVED** by the City of Opelika, Alabama, as follows:

1. That the purchase be awarded to Wholesale Commercial Laundry Equipment S.E., LLC.
2. That the Purchasing-Revenue Manager be authorized to issue a purchase order to Wholesale Commercial Laundry Equipment S.E., LLC not to exceed \$17,540.05 as a sole source purchase.
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 _____, 2019.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer



Serving Self-Service & On-Premise Laundries
throughout the South since 1980

Wholesale Commercial Laundry Equipment S.E., LLC

If it's laundry equipment, we've got it.

2950 Highway 77, Southside, AL 35907
t. 256-413-7623 f. 256-413-0955

QUOTE

Number AAAQ2981

Date Jan 30, 2019

Sold To

CITY OF OPELIKA
JON KENNEDY
OPELIKA, AL 36801

Ship To

CITY OF OPELIKA
JON KENNEDY
OPELIKA, AL 36801

Your Sales Rep

Racheal

256-413-3309 ext 101

opsmanager@alaundry
man.com

Phone 3347055339
Fax

Phone 3347055339
Fax

Here is the quote you requested.

Terms		P.O. Number	Ship Via		
Line	Qty	Description		Unit Price	Ext. Price
1	1	EH040L110211100	CONTINENTAL E SERIES 40LB CAPACITY HIGH SPEED SOFT MOUNT 354 G EXTRACT WASHER EXTRACTOR WITH PRO LOGIC CONTROL (LOGI) CONTROL, TOP DISPENSER, GRAVITY DRAIN EXTERNAL DOSING WITH 4 CHEMICAL SIGNALS, 208-240/60/1	\$8,456.00	\$8,456.00
					
2	1	SBEHL040-4	ELEVATION LEG KIT 4" FOR EH040	\$157.00	\$157.00
3	1	C4-MU	EXPRESS DRY GEAR DRYER - 4-PLACE UNIT, NO HEAT, REMOVABLE BLOWER, MANUAL TIMER, 120/60/1PH	\$7,624.00	\$7,624.00
					
4	1	INSTALLATION	INSTALLATION, RIG EQUIPMENT INTO FACILITY, UNCRATE, SET, LEVEL AND CONNECT TO OWNER PROVIDED UTILITY CONNECTIONS, ALL UTILITY CONNECTIONS MUST BE WITHIN 2' OF THE REAR CENTER OF THE FINAL LOCATION OF	\$720.00	\$720.00

ORDERS REQUIRE A 20% NON-REFUNDABLE DEPOSIT. ORDER CANCELLATION IS SUBJECT TO A 25% RESTOCKING FEE. ORDER IS SECURED WITH UCC-1 FILING. PRICES ARE VALID FOR 90 DAYS, PRICES ARE BASED UPON TOTAL PURCHASE PAYABLE BY CASH OR CHECK CREDIT CARD PAYMENTS WILL INCUR AN ADDITIONAL 4%.

Line	Qty	Description	Unit Price	Ext. Price
		THE EQUIPMENT AND BE OF THE PROPER SIZE AND TYPE TO MEET MANUFACTURER'S SPECIFICATIONS REGARDING UTILITY CONNECTIONS PROGRAMMING AND OPERATIONAL TRAINING FOR ALL RELEVANT PERSONNEL		

WE SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, DAMAGES RELATED TO THIS AGREEMENT. CUSTOMER UNDERSTANDS AND AGREES THERE ARE NO RETURNS ON ELECTRICAL, ELECTRONIC, OR SPECIAL ORDER PARTS/EQUIPMENT. CUSTOMER UNDERSTANDS AND AGREES THAT PARTS OR EQUIPMENT THAT IS DROP SHIPPED TO THE CUSTOMER IS FOB. CUSTOMER CANNOT REFUSE SHIPMENT, AND IS RESPONSIBLE FOR FILING FREIGHT DAMAGE CLAIMS (IF ANY) WITH THE CARRIER. WARRANTIES ARE AS PROVIDED BY THE MANUFACTURER, PLEASE SEE SPECIFIC WARRANTY BOND FOR DETAILS. WARRANTY REPLACEMENT PARTS MUST BE PURCHASED, ONCE THE DEFECTIVE PART IS RETURNED TO THE MANUFACTURER AND CREDIT IS ISSUED BY THE MANUFACTURER, CREDIT WILL BE ISSUED TO THE CUSTOMER, ALL RELATED SHIPPING CHARGES FOR THE INCOMING REPLACEMENT PART AND THE RETURN OF THE DEFECTIVE PART TO THE MANUFACTURER IS THE SOLE RESPONSIBILITY OF THE PURCHASER. ALL WARRANTY INFORMATION MUST BE PROVIDED AT THE TIME OF THE PURCHASE OF THE REPLACEMENT PART INCLUDING MACHINE MODEL #, MACHINE SERIAL #, INSTALLATION DATE, AND SPECIFIC CONDITION OF FAILURE OF THE DEFECTIVE PART. ABUSE VANDALISM, IMPROPER OPERATION OR OTHER CONDITIONS NOT SPECIFICALLY TIED TO A DEFECT IN MATERIALS OR WORKMANSHIP IS NOT COVERED. LABOR IS NOT COVERED UNLESS SPECIFICALLY NOTED ON THE INVOICE. CUSTOMER UNDERSTANDS AND AGREES TO PAY 1.5% INTEREST PER MONTH ON PAST DUE BALANCES. CUSTOMER UNDERSTANDS AND AGREES THAT SHOULD PAST DUE BALANCES EXCEED 15 DAYS PAST THE DUE DATE, WHOLESALE COMMERCIAL LAUNDRY EQUIPMENT SE LLC MAY TAKE LEGAL ACTION TO COLLECT PAST DUE BALANCES.

SubTotal	\$16,957.00
Tax	\$0.00
Shipping	\$583.05
Total	\$17,540.05

Please contact me if I can be of further assistance.

ORDERS REQUIRE A 20% NON-REFUNDABLE DEPOSIT. ORDER CANCELLATION IS SUBJECT TO A 25% RESTOCKING FEE. ORDER IS SECURED WITH UCC-1 FILING. PRICES ARE VALID FOR 90 DAYS, PRICES ARE BASED UPON TOTAL PURCHASE PAYABLE BY CASH OR CHECK CREDIT CARD PAYMENTS WILL INCUR AN ADDITIONAL 4%.

CITY OF OPELIKA
Sole Source Justification

DEPARTMENT Fire Department

REQUISITION NUMBER _____

NAME OF REQUESTING EMPLOYEE Byron Prather

VENDOR Wholesale Commercial Laundry Equipment, SE LLC

PRODUCT/SERVICE Washer and dryer for turnout gear

Estimated annual expenditure for the commodity or service \$ 17,540.05

Initial all entries below that apply to the proposed purchase: Attach a detailed explanation containing complete justification and support documents. (More than one entry will apply to most sole source products/services requested).

1. Sole Source Request is for the original manufacturer or provider of item(s) or services, and there are no regional distributors. (Attach the manufacturer's witness certification that no regional distributors exist. Item no.4 also must be completed). BP
2. Sole Source Request is for the only the vendor who supplies this product/services within the State of Alabama (Franchised Protected Area). _____
3. The Parts/Equipment are not interchangeable with similar parts of another manufacturer. (Explain in separate memorandum) _____
4. This is the only known item or service that will meet the specialized needs of the _____ Department or perform the intended function. (Attach memorandum with details of specialized function(s) or application.) _____
5. The Parts/Equipment are required from this sole source to permit standardization. (Attach memorandum describing basis for standardizing request.) _____
6. None of the above apply. A detailed explanation and justification for this sole source request is contained in the attached memorandum. _____

The undersigned requests that the State of Alabama Bid Law Title 41 Article 3 Competitive Bidding Requirements be waived and that the vendor identified as the supplier of the service or material described in this sole source justification be authorized as a sole source for the service or material. I further certify that the item(s) requested is of an indispensable nature, all other viable alternatives have been explored and it has been determined that only this product or service will fulfill the function for which the product is needed.

DEPARTMENT HEAD SIGNATURE Byron Prather (928)
 DEPARTMENT/DIVISION/DATE 7/3/19

PURCHASING DEPARTMENT USE ONLY

PURCHASING AGENT APPROVAL
 (SIGNATURE/DATE) AGM - 7/10/19.

DISAPPROVAL/DATE _____

COMMENTS _____

COUNCIL ACTION/DATE _____

Wholesale Commercial Laundry Equipment SE, LLC

**2950 Highway 77
 Southside, Alabama 35907
 Phone: (256)413-7623
 Fax: (256) 413-0955**



Serving Self-Service & On-Premise Laundries
 throughout the South since 1980

**Wholesale Commercial
 Laundry Equipment S.E., LLC**

If it's laundry equipment, we've got it.

Jon Kennedy
 City of Opelika

June 20, 2019

Mr. Kennedy,

We, at Wholesale Commercial Laundry Equipment are the sole Continental Girbau authorized equipment distributor and repair service for your area. We perform certified by the Manufacturer warranty work on all Continental Machines. Keep in mind, any service provider who is not factory authorized could void the machines warranties.

We carry a vast array of stock parts (in our parts room) for both the washers, dryers, and our chemical system so that we can insure that repair services are performed more expeditiously than any contractor who is not factory authorized.

If you have any questions please do not hesitate to contact us. Again, thank you for your inquiry- we look forward to working with you.

Sincerely,

Racheal Reynolds

Operations Manager
 Wholesale Commercial Laundry Equipment S.E., LLC
 2950 Highway 77
 Southside, AL 35907
 (866) 544-7228 (256)413-3309

RESOLUTION NO. 193-19

Purchase, furniture for new Municipal Court room - MC.**RESOLUTION NO. _____**

WHEREAS, Municipal Court desires to purchase furniture for the new Municipal Court Room utilizing the State of Alabama Contract #T390; and

WHEREAS, OFS Brands Holdings, Inc. is the State vendor with Alabama Office Supply being the assisted dealer; and

WHEREAS, funds for this purchase are budgeted;

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

1. That purchase be awarded to OFS Brands Holdings, Inc.; Alabama Office Supply as the assisted dealer.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to OFS Brands Holdings, Inc.; Alabama Office Supply as the assisted dealer in the total amount of \$48,667.56.
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 _____, 2019.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer



PROPOSAL

Alabama Office Supply

201 S 8th Street • P.O. Box 467
Opelika, AL 36803-0467
Phone (334) 749-3456 • Fax (334) 749-5583
wakea@alaooffice.com • www.alaooffice.com

TO City of Opelika Police Department
Municipal Court Room

PROPOSAL NO.
DATE July 11, 2019

CUSTOMER ID
EXPIRATION DATE

DESCRIPTION	QUANTITY	UNIT PRICE	LINE TOTAL
9 to 5 1250-GT-A18B Bariatric Chair	12	\$517.10	\$6,205.20
9 to 5 1210-GT-A00 Armless Chair	124	\$233.60	\$28,966.40
RFM 1525-25A Task Chair w/ adj arms	4	\$530.75	\$2,123.00
9 to 5 1210-GT-A00 Armless Chair (for officers)	6	\$233.60	\$1,401.60
SPECIAL T ELLA 30x72 w/ GC w/ 72" modesty	2	\$798.00	\$1,596.00
9 to 5 GC1/GC2 Ganging clips	108	\$17.42	\$1,881.36
EGAN TLLS/AC Tec Tern Lecturn ADA Lecturn Podium	1	\$6,494.00	\$6,494.00
Pricing Per. State of Alabama T390		SUBTOTAL	\$48,667.56
9 to 5 @ 46% off list		SALES TAX	
RFM @ 45% off list		TOTAL	\$48,667.56
Special T @ 45% off list			

TERMS

F.O.B.
Pre-paid

EST. SHIP DATE

TAX INCLUDED

INSTALLED

No

Yes

BY:

Managing Partner, Wake Asbury

THANK YOU FOR YOUR BUSINESS!

Total Seats 124
+ 24 (2 seats per Bariatric Chair)
148 seats (includes 2 chairs for Front Tables)

Attachment: 7-16-19 - PURCHASE - FURNITURE FOR NEW MUNICIPAL COURT ROOM - STATE CONTRACT #T390 - CNCL PKT (193-19 :

State of Alabama



#T390
Assisting Dealers

Opelika

Alabama Office Supply

201 S 8th Street

Opelika, AL 36801

Wake Asbury

wakea@aaoffice.com

334-749-3456

RESOLUTION NO. 194-19

Weed Abatement Assessment - 20 Jeter Ave

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
20 Jeter Ave, Parcel No. 022.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 20 Jeter Ave, parcel no. 022.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 20 Jeter Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 16th day of July, 2019 at 7:00 p.m. in the City Council Chambers in the Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

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

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

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

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

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

WHEREAS, the President of the City Council presided over said public hearing and opened the floor for comments from the public and any persons interested in said assessment or the amount thereof; and

WHEREAS, the City Council has considered all evidence and other matters in relation to the proposed assessment and the members of the Council are of the opinion that the amount to be assessed against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$203.47 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 20 Jeter Ave, Parcel no. 022.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-07-1-001-022.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and

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

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

ADOPTED AND APPROVED this the 16th day of July, 2019.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 07/08/2019****To: Lonzie & Henrietta Frazier
20 Jeter Ave
Opelika AL 36801****Property Address:
20 Jeter Ave
Opelika AL 36801
Parcel # 10-03-07-1-001-022.000**

On April 23, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>190.13</u>
Certified mail:	<u>13.34</u>
Misc.	<u> </u>
Total	<u>203.47</u>

Attachment: WEED INVOICE 20 Jeter Ave (194-19 : Weed Abatement Assessment - 20 Jeter Ave)

RESOLUTION NO. 195-19

Weed Abatement Assessment - 311 S 3Rd St.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
311 S 3rd St., Parcel No. 021.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 311 S 3rd St., parcel no. 021.000 has been removed as provided for and required by law; and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 311 S 3rd St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 16th day of July, 2019 at 7:00 p.m. in the City Council Chambers in the Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

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

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

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

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

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

WHEREAS, the President of the City Council presided over said public hearing and opened the floor for comments from the public and any persons interested in said assessment or the amount thereof; and

WHEREAS, the City Council has considered all evidence and other matters in relation to the proposed assessment and the members of the Council are of the opinion that the amount to be assessed against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$107.39 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 311 S 3rd St, Parcel no. 021.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-03-08-3-000-021.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and

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

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

ADOPTED AND APPROVED this the 16th day of July, 2019.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 07/08/2019****To: Roderick & Michelle Hillion
PO Box 894
Smith Station, AL 36877****Property Address:
311 S 3rd St
Opelika AL 36801
Parcel # 10-03-08-3-000-021.000**

On May 30, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>94.05</u>
Certified mail:	<u>13.34</u>
Misc.	<u> </u>
Total	<u>107.39</u>

Attachment: WEED INVOICE 311 S 3rd St. (195-19 : Weed Abatement Assessment - 311 S 3Rd St.)

RESOLUTION NO. 196-19

Weed Abatement Assessment - 514 Old Columbus Rd.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
514 Old Columbus Rd., Parcel No. 010.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 514 Old Columbus Rd., parcel no. 010.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 514 Old Columbus Rd., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 16th day of July, 2019 at 7:00 p.m. in the City Council Chambers in the Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

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

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

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

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

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

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

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

and

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

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

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

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

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$605.59 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 514 Old Columbus Rd., Parcel no. 010.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-04-20-1-000-010.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner

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

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

ADOPTED AND APPROVED this the 16th day of July, 2019.

C. E. "Eddie" Smith, Jr.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: July 8, 2019

**To: Phillip Ray Allen
64 Lee Rd 2093
Valley Al. 36854**

**Property Address:
514 Old Columbus Rd.
Opelika Al. 36801
Parcel # 10-04-20-1-000-010.000**

On May 30, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement: 592.25

Certified mail: 13.34

Misc.

Total 605.59

Attachment: WEED INVOICE 514 Old Columbus Rd (196-19 : Weed Abatement Assessment - 514 Old Columbus Rd.)

RESOLUTION NO. 197-19

Weed Abatement Assessment - 803 E Towne Lake Circle

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
803 E Towne Lake Circle, Parcel No. 017.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 803 E Towne Lake Circle, parcel no. 017.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 803 E Towne Lake Circle, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 16th day of July, 2019 at 7:00 p.m. in the City Council Chambers in the Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

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

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

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

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

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

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

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

and

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

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

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

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

follows:

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$367.67 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 803 E Towne Lake Circle, Parcel no. 017.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-02-09-1-000-017.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner

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

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

ADOPTED AND APPROVED this the 16th day of July, 2019.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 07/08/2019

**To: Sirote & Permutt PC
2311 Highland Avenue
Birmingham Al. 35205-2973**

**Property Address:
803 E. Towne Lake Circle
Opelika Al. 36801**

Parcel # 10-02-09-1-000-017.000

On May 15, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement: 354.33

Certified mail: 13.34

Misc.

Total 367.67

Attachment: WEED INVOICE 803 E Towne Lake Circle (197-19 : Weed Abatement Assessment - 803 E Towne Lake Circle)

RESOLUTION NO. 198-19

Weed Abatement Assessment - 810 Williamson Ave

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
810 Williamson Ave, Parcel No. 007.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 810 Williamson Ave, parcel no. 007.000 has been removed as provided for and required by law: and

WHEREAS, the enforcing official has prepared and submitted to the City Council an itemized statement of the actual expenses incurred by the City for the abatement of the weed nuisance located at 810 Williamson Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 16th day of July, 2019 at 7:00 p.m. in the City Council Chambers in the Municipal Building of Opelika, Alabama was the date, time and place heretofore established by the City

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

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

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

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

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

WHEREAS, the President of the City Council presided over said public hearing and opened the floor for comments from the public and any persons interested in said assessment or the amount thereof; and

WHEREAS, the City Council has considered all evidence and other matters in relation to the proposed assessment and the members of the Council are of the opinion that the amount to be assessed against the property shall be in accordance with the amount shown on the statement of expenses heretofore delivered by the enforcing official to the City Council.

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

1. The itemized statement of expenses submitted by the enforcing official to the City Council is hereby affirmed.
2. The cost for abating such weed nuisance, in the amount of \$163.34 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 810 Williamson Ave, Parcel no. 007.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-04-19-2-000-007.000 according to the records of the Revenue Commissioner of Lee County Alabama.
4. The Purchasing-Revenue Manager shall cause a certified copy of this Resolution assessing the cost of abatement to be filed for recording in the Office of the Judge of Probate of Lee County, Alabama, and shall forward a copy to the Lee County Revenue Commissioner. Upon filing, the Lee County Revenue Commissioner shall add the amount of the lien to the ad valorem tax bill on the property and

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

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

ADOPTED AND APPROVED this the 16th day of July, 2019.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE**Date: 07/08/2019****To: Larry Wakefield
1954 Shades Crest Rd
Vestavia Hills, Al. 35216****Property Address:
810 Williamson Ave
Opelika Al. 36801
Parcel # 10-04-19-2-000-007.000**

On May 22, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>150.0</u>
Certified mail:	<u>13.34</u>
Misc.	<u> </u>
Total	<u>163.34</u>

Attachment: WEED INVOICE 810 Williamson Ave (198-19 : Weed Abatement Assessment - 810 Williamson Ave)

RESOLUTION NO. 199-19

Vacate Right-Of-Way - Portion SE ROW Frederick Road & N. ROW Frederick Ave.

RESOLUTION NO. _____

**RESOLUTION APPROVING THE VACATION OF A PORTION OF THE
SOUTHEASTERLY RIGHT-OF-WAY OF FREDERICK ROAD AND A PORTION OF
THE NORTHERLY RIGHT-OF-WAY OF FREDERICK AVENUE**

WHEREAS, East Alabama Power Sports, LLC, an Alabama limited liability company, is the owner of all of the property abutting along a portion of the southeasterly right-of-way of Frederick Road and a portion of the northerly right-of-way of Frederick Avenue; and

WHEREAS, a Petition to vacate a portion of the southeasterly right-of-way of Frederick Road and a portion of the northerly right-of-way of Frederick Avenue, duly executed by East Alabama Power Sports, LLC, as the abutting property owner, has been presented to the City Council (the "City Council") of the City of Opelika, Alabama (the "City"), a municipal corporation, for the assent and approval of the governing body, said Petition with map attached being hereto affixed, marked Exhibit "A" and made a part hereof; and

WHEREAS, the Petition is filed in accordance with the provisions of §23-4-20, *Code of Alabama*, 1975, which provides that any street or alley may be vacated, in whole or in part, by the owner or owners of the land abutting the street or alley or abutting that portion of the street or alley desired to be vacated; and

WHEREAS, the portions of the rights-of-way of Frederick Road and Frederick Avenue to be vacated are more particularly described as follows:

Commencing at the southeast corner of Section 13, T-19-N, R-26-E, in Opelika, Lee County, Alabama; thence N1°26'53"W, 262.00 feet; thence N89°41'53"W,

947.70 feet to a 1/2" rebar at the northwest corner of Lot 12-A1 of a Resubdivision of Lots 12-A, 17 & 18, Block C, Johnston Subdivision, as recorded in Plat Book 36, Page 138, in the office of the Judge of Probate of Lee County, Alabama; said corner being on the southeasterly R/W line of Frederick Road; thence, along said R/W Line, S33°23'00"W, 54.11 feet to a 6" concrete R/W monument and the True Point of Beginning of the Parcel of Land herein described; thence, along said R/W line, S1°26'53"E, 154.94 feet to a Magnail set in a rock on the northerly R/W line of Frederick Avenue; thence southwesterly along a curve concave southeasterly and having a chord bearing and distance of S61°56'54"W, 31.34 feet, a radius of 889.44 feet, and an arc length of 31.34 feet to a spindle set; thence N56°38'24"W, 43.45 feet to a 1/2" rebar and cap (LS18677) set; thence northerly along a curve concave easterly and having a chord bearing and distance of N11°38'24"W, 42.43 feet, a radius of 30.00 feet, and an arc length of 47.12 feet to a 1/2" rebar and cap (LS18677) set; thence N33°21'36"E, 124.74 feet to the True Point of Beginning.

Said Parcel containing 7658 Square Feet or 0.1758 Acre

Being further described according to and as shown by that certain survey or drawing prepared by Mark L. Miller, Registered Surveyor, attached hereto and marked Exhibit "B".

WHEREAS, the Petition states that no property owners will be deprived of any right they may have to convenient and reasonable means of ingress and egress to and from their property as a result of the requested vacation; and

WHEREAS, the remaining portions of the rights-of-way of Frederick Road and Frederick Avenue will remain public rights-of-way; and

WHEREAS, the City desires to reserve to The Utilities Board of the City of Opelika and the City of Opelika, utility easements for existing water mains, storm water drainage facilities,

sanitary sewer lines and cable television and telecommunications fiber conduit as depicted on the attached survey; and

WHEREAS, a public hearing was conducted by the City Council on the 16th day of July, 2019, at which all persons were given the opportunity to be heard in favor of or in opposition to the proposed right-of-way vacation; and

WHEREAS, public notice of the public hearing was provided in accordance with §23-4-2, *Code of Alabama*, 1975; and

WHEREAS, the City Council has determined that it is in the best interest of the City to vacate the portions of the rights-of-way of Frederick Road and Frederick Avenue as described in the attached Petition and the rights-of-way of said streets should be conveyed to East Alabama Power Sports, LLC as requested by the Petitioner, subject to existing easements for water mains, storm water drainage facilities, sanitary sewer lines and cable television and telecommunications fiber conduit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika that the vacation of the above-described portions of the rights-of-way of Frederick Road and Frederick Avenue is assented to and approved and the same is hereby vacated pursuant to the provisions of Section 23-4-20, et.seq. of the *Code of Alabama*, and also pursuant to said *Code* in §35-2-54.

BE IT FURTHER RESOLVED that the City of Opelika, Alabama, a municipal corporation, remise, release and quitclaim unto East Alabama Power Sports, LLC, whatever right, title and interest the said City of Opelika, Alabama, may have acquired in and to the above described portions of the rights-of-way of Frederick Road and Frederick Avenue by virtue of the

dedication or vacation of said roadways or otherwise, subject to the reservation of the above-described utility easements.

BE IT FURTHER RESOLVED that Gary Fuller, the Mayor of the City of Opelika, Alabama, a municipal corporation, be and he is hereby authorized and directed on behalf of the City of Opelika, Alabama, to execute a quitclaim deed to East Alabama Power Sports, LLC, subject to the reservation of the above-described utility easements, for the purpose of carrying out the intent and intention of this Resolution and that Robert G. Shuman, City Clerk, be and he is hereby authorized and directed on behalf of the City of Opelika, Alabama, to attest the same.

BE IT FURTHER RESOLVED that the City Clerk will cause a copy of this Resolution to be filed in the Probate Office of Lee County, Alabama, and shall further cause a copy of this Resolution to be published once in a newspaper of general circulation in Lee County, Alabama, no less than fourteen (14) days after its adoption.

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

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

ATTEST:

CITY CLERK

**PETITION TO VACATE A PORTION OF THE SOUTHEASTERLY
RIGHT-OF-WAY OF FREDERICK ROAD AND THE
NORTHERLY RIGHT-OF-WAY OF FREDERICK AVENUE**

STATE OF ALABAMA
COUNTY OF LEE

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF THE CITY OF OPELIKA

COMES NOW EAST ALABAMA POWER SPORTS, LLC, an Alabama limited liability company (hereinafter referred to as the "Petitioner") and represents as follows:

1. The Petitioner is the owner of all of the property abutting upon a portion of the southeasterly right-of-way of Frederick Road and a portion of the northerly right-of-way of Frederick Avenue, and it does, by this written instrument, hereby vacate said portion of the southeasterly right-of-way of Frederick Road and the northerly right-of-way of Frederick Avenue, being more particularly described as follows, to wit:

Commencing at the southeast corner of Section 13, T-19-N, R-26-E, in Opelika, Lee County, Alabama; thence N1°26'53"W, 262.00 feet; thence N89°41'53"W, 947.70 feet to a 1/2" rebar at the northwest corner of Lot 12-A1 of a Resubdivision of Lots 12-A, 17 & 18, Block C, Johnston Subdivision, as recorded in Plat Book 36, Page 138, in the office of the Judge of Probate of Lee County, Alabama; said corner being on the southeasterly R/W line of Frederick Road; thence, along said R/W Line, S33°23'00"W, 54.11 feet to a 6" concrete R/W monument and the True Point of Beginning of the Parcel of Land herein described; thence, along said R/W line, S1°26'53"E, 154.94 feet to a Magnail set in a rock on the northerly R/W line of Frederick Avenue; thence southwesterly along a curve concave southeasterly and having a chord bearing and distance of S61°56'54"W, 31.34 feet, a radius of 889.44 feet, and an arc length of 31.34 feet to a spindle set; thence N56°38'24"W, 43.45 feet to a 1/2" rebar and cap (LS18677) set; thence northerly along a curve concave easterly and having a chord bearing and distance of N11°38'24"W, 42.43 feet, a radius of 30.00 feet, and an arc length of 47.12 feet to a 1/2" rebar and cap (LS18677) set; thence N33°21'36"E, 124.74 feet to the True Point of Beginning.

Said Parcel containing 7658 Square Feet or 0.1758 Acre

Being further described according to and as shown by that certain survey or drawing prepared by Mark L. Miller, Registered Surveyor, attached hereto and marked Exhibit "A".

Attachment: petition frederick road (199-19 : Vacate Right-Of-Way - SE Portion of Frederick Road)

2. The Petitioner hereby represents and declares that it is the sole owner of the property abutting upon the portions of the rights-of-way of Frederick Road and Frederick Avenue to be vacated. It is not the intention of the Petitioner to vacate any other portions of Frederick Road and Frederick Avenue, except as described in Section 1 above.

3. The Petitioner hereby certifies that convenient and reasonable means of ingress and egress is afforded to all other property owners owning property in the area.

4. The Petitioner certifies that Frederick Road and Frederick Avenue will remain public rights-of-way.

5. The Petitioner desires to vacate the above-described portions of Frederick Road and Frederick Avenue so as to destroy the force and effect of any dedication of the same and have divested therefrom all public rights therein.

6. The Petitioner agrees that the property within the vacated rights-of-way, as described in Section 1 above, shall constitute the property of the Petitioner, subject to the following existing utility easements, as depicted on the attached survey:

- (a) Water main easement to The Utilities Board of the City of Opelika.
- (b) Storm water drainage easement to the City of Opelika.
- (c) Sanitary sewer easement to the City of Opelika.
- (d) Cable television and telecommunications easement to the City of Opelika.

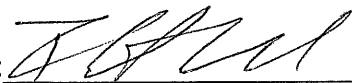
It is understood and agreed by the Petitioner that the City of Opelika reserves the right, in conjunction with other utility companies, to use all or part of the property described in Section 1 above, for the operation, maintenance, replacement and repair of utility mains, lines and facilities (including, without limitation, water, wastewater, stormwater and drainage and cable television and telecommunications systems in, over, under and across said property).

7. This declaration of vacation is executed by the Petitioner in accordance with the provisions of §35-2-54, *Code of Alabama*, 1975, and also pursuant to said Code in §23-4-20.

NOW, THEREFORE, in consideration of the premises, the Petitioner hereby requests that Your Honors assent to, approve, ratify and confirm, the vacation of the above-described portions of the rights-of-way of Frederick Road and Frederick Avenue, the annulment of any dedication thereof, and the divestment of all public rights therein except existing easements for water mains, storm water drainage facilities, sanitary sewer lines and cable television and telecommunications fiber conduit, and that the City of Opelika, through its duly elected officials, adopt such appropriate Resolution and authorize the execution of such appropriate instruments as may be meet and proper to effect the vacation of said portions of the rights-of-way Frederick Road and Frederick Avenue in order to divest the public of all rights to use the same and convey to the Petitioner whatever right, title and interest which the City has or may have in and to the above described portions of said rights-of-way, subject to all existing easements for public utilities.

IN WITNESS WHEREOF, the Petitioner has hereunto set its hand and seal on this the 10th day of MAY, 2019.

EAST ALABAMA POWER SPORTS, LLC
An Alabama Limited Liability Company

By: 

Title: ITS MANAGING MEMBER
PHILIP M. SACK

Attachment: petition frederick road (199-19 : Vacate Right-Of-Way - SE Portion of Frederick Road)

STATE OF ALABAMA
COUNTY OF LEE

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that PHILIP M. SACK, whose name is signed to the foregoing instrument as Managing Member of EAST ALABAMA POWER SPORTS, LLC, who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she, in such capacity and as Managing Member of East Alabama Power Sports, LLC, and with full authority, executed the same voluntarily as said Managing Member of East Alabama Power Sports, LLC, on the day the same bears date on behalf of said company.

GIVEN under my hand and official seal of office this the 10th day of MAY, 2019.

Jane M. Rothfuss
NOTARY PUBLIC
MY COMMISSION EXPIRES: 9/10/22

STATE OF ALABAMA
COUNTY OF LEE

Attachment: petition fredrick road (199-19 : Vacate Right-Of-Way - SE Portion of Frederick Road)

PROPERTY DESCRIPTION FOR CONVEYANCE AND ALSO BLANKET EASEMENT

THE CITY OF OPELIKA

TO EAST ALABAMA POWER SPORTS LLC

Commencing at the southeast corner of Section 13, T-19-N, R-26-E, in Opelika, Lee County, Alabama; thence N1°26'53"W, 262.00 feet; thence N89°41'53"W, 947.70 feet to a 1/2" rebar at the northwest corner of Lot 12-A1 of a Resubdivision of Lots 12-A, 17 & 18, Block C, Johnston Subdivision, as recorded in Plat Book 36, Page 138, in the office of the Judge of Probate of Lee County, Alabama; said corner being on the southeasterly R/W line of Frederick Road; thence, along said R/W Line, S33°23'00"W, 54.11 feet to a 6" concrete R/W monument and the True Point of Beginning of the Parcel of Land herein described; thence, along said R/W line, S1°26'53"E, 154.94 feet to a Magnail set in a rock on the northerly R/W line of Frederick Avenue; thence southwesterly along a curve concave southeasterly and having a chord bearing and distance of S61°56'54"W, 31.34 feet, a radius of 889.44 feet, and an arc length of 31.34 feet to a spindle set; thence N56°38'24"W, 43.45 feet to a 1/2" rebar and cap (LS18677) set; thence northerly along a curve concave easterly and having a chord bearing and distance of N11°38'24"W, 42.43 feet, a radius of 30.00 feet, and an arc length of 47.12 feet to a 1/2" rebar and cap (LS18677) set; thence N33°21'36"E, 124.74 feet to the True Point of Beginning.

Said Parcel containing 7658 Square Feet or 0.1758 Acre

Attachment: petition frederick road (199-19 : Vacate Right-Of-Way - SE Portion of Frederick Road)

GRANTEE'S ADDRESS:
East Alabama Power Sports, LLC

NO TITLE OPINION RENDERED

STATE OF ALABAMA	)	
	:	QUITCLAIM DEED WITH RESERVATION
COUNTY OF LEE	)	OF UTILITY EASEMENTS

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to the undersigned Grantor, City of Opelika, Alabama, in hand paid by East Alabama Power Sports, LLC, (the "Grantee"), the receipt whereof is hereby acknowledged, the undersigned City of Opelika, Alabama, a municipal corporation (hereinafter called "Grantor"), does hereby remise, release, quitclaim, and convey unto East Alabama Power Sports, LLC, an Alabama limited liability company, subject to the permanent utility easements as more particularly described below, all of its right, title, claim and interest in and to the following described real property situated in Opelika, Lee County, Alabama, to-wit:

Commencing at the southeast corner of Section 13, T-19-N, R-26-E, in Opelika, Lee County, Alabama; thence N1°26'53"W, 262.00 feet; thence N89°41'53"W, 947.70 feet to a 1/2" rebar at the northwest corner of Lot 12-A1 of a Resubdivision of Lots 12-A, 17 & 18, Block C, Johnston Subdivision, as recorded in Plat Book 36, Page 138, in the office of the Judge of Probate of Lee County, Alabama; said corner being on the southeasterly R/W line of Frederick Road; thence, along said R/W Line, S33°23'00"W, 54.11 feet to a 6" concrete R/W monument and the True Point of Beginning of the Parcel of Land herein described; thence, along said R/W line, S1°26'53"E, 154.94 feet to a Magnail set in a rock on the northerly R/W line of Frederick Avenue; thence southwesterly along a curve concave southeasterly and having a chord bearing and distance of S61°56'54"W, 31.34 feet, a radius of 889.44 feet, and an arc length of 31.34 feet to a spindle set; thence N56°38'24"W, 43.45 feet to a 1/2" rebar and cap (LS18677) set; thence northerly along a curve concave easterly and having a chord bearing and distance of N11°38'24"W, 42.43 feet, a radius of 30.00 feet,

Attachment: QUIT CLAIM DEED - SE Portion of Frederick Road (199-19 : Vacate Right-Of-Way - SE Portion of Frederick Road)

and an arc length of 47.12 feet to a 1/2" rebar and cap (LS18677) set; thence N33°21'36"E, 124.74 feet to the True Point of Beginning.

Said Parcel containing 7658 Square Feet or 0.1758 Acre

Being further described according to and as shown by that certain survey or drawing prepared by Mark L. Miller, Registered Surveyor, attached hereto and marked Exhibit "A".

The Grantor hereby reserves to The Utilities Board of the City of Opelika and the City of Opelika., perpetual utility easements for existing water mains, storm water drainage facilities, sanitary sewer lines and cable television and telecommunications fiber conduit as depicted on the survey prepared by Mark L. Miller, Registered Surveyor, attached hereto and marked Exhibit "A" and further described as follows:

- (1) a water main easement to The Utilities Board of the City of Opelika.
- (2) a storm water drainage easement to the City of Opelika
- (3) a sanitary sewer easement to the City of Opelika
- (4) cable television and telecommunications easement to the City of Opelika.

The permanent, non-exclusive utility easement reserved to the City of Opelika and the Utilities Board of the City of Opelika is defined as a blanket easement containing 0.1758 acres as depicted on the survey attached hereto and marked Exhibit "A" and is the identical property conveyed by Grantor to Grantee herein. The purpose of the easement is for erecting, constructing, installing, replacing, repairing, operating, using, inspecting, reconstructing, modifying, removing and maintaining any and all public utilities (including water, stormwater drainage, gas, electric, telephone, cable television and electronic data transmission services), together with all lines, pipes, conduits and other equipment, improvements and appurtenances

used in the supply and provision of public utilities. This conveyance is made by Grantor and accepted by Grantee subject to all existing utility easements.

IN WITNESS WHEREOF, the City of Opelika, Alabama, a municipal corporation, has caused this instrument to be executed by Gary Fuller, its Mayor, and its seal to be affixed by Robert G. Shuman, its City Clerk, both of whom are hereunto authorized pursuant to Resolution No. ____-19 of the City Council of the City of Opelika, Alabama, a copy of which is attached hereto, marked Exhibit "B" on this the ____ day of _____, 2019.

CITY OF OPELIKA, ALABAMA

BY: _____
GARY FULLER, MAYOR

ATTEST:

ROBERT G. SHUMAN
CITY CLERK

STATE OF ALABAMA
COUNTY OF LEE

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that Gary Fuller and Robert G. Shuman, whose names as Mayor and City Clerk, respectively of the City of Opelika, Alabama, are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day, that, being informed of the contents of said conveyance they, as such officers and with full authority, executed the same voluntarily as the act of said municipal corporation on the day the same bears date.

GIVEN under my hand and official seal of office this the ____ day of _____, 2019.

(SEAL)

NOTARY PUBLIC
MY COMMISSION EXPIRES:

Attachment: QUIT CLAIM DEED - SE Portion of Frederick Road (199-19 : Vacate Right-Of-Way - SE Portion of Frederick Road)

**THIS INSTRUMENT WAS PREPARED BY:
GUY F. GUNTER, III
CITY ATTORNEY
CITY OF OPELIKA
608 Avenue A
P.O. BOX 390
OPELIKA, AL 36801
334-705-2074
334-705-5515 - FAX**

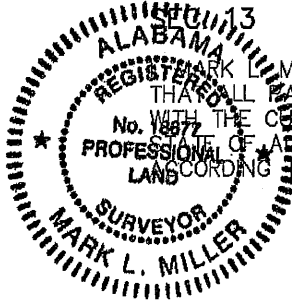
Attachment: QUIT CLAIM DEED - SE Portion of Frederick Road (199-19 : Vacate Right-Of-Way - SE Portion of Frederick Road)

BOUNDARY SURVEY FOR
THE CITY OF OPELIKA

OPELIKA

LEE COUNTY
T-19-N

ALABAMA
R-26-E



I, **MARK L. MILLER**, A REGISTERED SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY
 THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE
 WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE
 STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.
 ACCORDING TO MY SURVEY OF APRIL 9, 2019.

Cert. No. 18677

NOTES:

Basis of Bearings is Grid North, NAD 83, Alabama East Zone, as determined from GPS observations.

*The Primary Source of Information for this survey was:
Plat of A Resubdivision of Lots 12-A, 17 & 18, Block C,
Johnston Subdivision as recorded in Plat Book 36, Page 138,
In the office of the Judge of Probate of Lee County, Alabama.*

*No easements were provided to the Surveyor.
The Surveyor is not liable for undisclosed
easements or those not readily visible.*

No buildings or structures were located or shown except where there was the possibility of an encroachment onto property lines.

Via Locate Request #190811132, responders to Alabama
1-Call service report no underground utilities
in this area except as shown.

- = Found Iron Pin
- = Set 1/2" Rebar
(Capped: 18677)
- = Found Conc. Monument
- △ = Calculated Point
- ⊕ = Government Corner
- R/W = Right-of-Way
- ⊗ = Sanitary Manhole
- 田 = Grate Inlet
- ⊙ = Power Pole
- ⚙ = Fire Hydrant
- = Water Valve
- = Water Meter

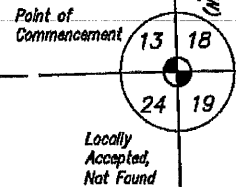
SCALE 1" = 50 FEET

R30.00'
A47.12'
CBN11°38'24"W
C42.43'

$$\begin{array}{r} 2.1758 \\ \times 7658 \\ \hline \end{array}$$

(Plat: CB S72°28'00"W)
R889.44'
A363.23'
S74°39'26"W
271'

LOT 12A-1



FREDERICK
S
AVE.
(R/W Varies)

CITY OF OPELIKA
ENGINEERING DEPT.
700 FOX TRAIL
OPELIKA, AL 36801
(334) 705-5450
mmiller@opelika-al.gov
Frederick Rd And Ave R W Abandonment 32019

RESOLUTION NO. 200-19

Request from ATT for a SUP for a cell tower at 2000 Steel St.

RESOLUTION NO. _____

WHEREAS, AT&T has requested to modify their equipment at an existing wireless telecommunication facility located at 2000 Steel Street, Opelika, AL to provide improved wireless services essentially within the corporate limits and police jurisdiction of the City of Opelika, and;

WHEREAS, AT&T 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 AT&T'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 AT&T's equipment at this facility located at 2000 Steel Street, which consist of a 248' self-support tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama that AT&T is hereby granted a Special Use Permit to modify their equipment at the wireless telecommunications facility located at 2000 Steel Street. 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. Prior to the issuance of the Building Permit, AT&T or the tower owner must submit to the City for review and approval, a ANSI/TIA-222-G Annex J: Conditions and Maintenance Assessment for the self-support tower. Assessment shall include a remediation report for all safety items noted as deficient on the report. Assessment shall include a twist and plumb report for the self-support tower. Twist and plumb report shall include all calculations, allowable tolerances and methodology used to determine the results of the report.

2. 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. AT&T may petition the City of an extension of this for good cause shown, but the decision whether not to grant the extension shall exclusively be the prerogative of the City.
3. AT&T must provide contractor information to CMS and to the City prior to request for issuance of the Building Permit.
4. Once, AT&T has met all the conditions of the permit and any other requirements of the City and a building permit is issued, AT&T must notify the City's consultant for all inspections.
5. At the completion of construction, AT&T 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.
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. 201-19

Request from ATT for a SUP for a cell tower at 2404 Frederick Rd.

RESOLUTION NO. _____

WHEREAS, AT&T has requested to modify their equipment at an existing wireless telecommunication facility located at 2404 Frederick Road, Opelika, AL to provide improved wireless services essentially within the corporate limits and police jurisdiction of the City of Opelika, and;

WHEREAS, AT&T 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 AT&T'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 AT&T's equipment at this facility located at 2404 Frederick Road, which consist of a 107' monopole tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Opelika, Alabama that AT&T is hereby granted a Special Use Permit to modify their equipment at the wireless telecommunications facility located at 2404 Frederick Road. 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. Prior to the issuance of the Building Permit, AT&T or the tower owner must submit to the City for review and approval, a rigorous structural analysis in compliance with ANSI/TIA-222-G for the monopole tower. Analysis shall have an overall tower rating of 100.0% or less. Analysis shall include all calculations used to determine the results of the report. If tower modifications are required to lower the overall rating of the tower, certified construction drawings for the required tower modifications should be included in the structural analysis.
2. Prior to the issuance of the Building Permit, AT&T or the tower owner must submit to the City for review and approval, a ANSI/TIA-222-G Annex J: Conditions and Maintenance Assessment for the monopole tower. Assessment shall include a remediation report for all safety items noted as deficient on the report. Assessment shall include a plumb report for the monopole tower. Plumb report shall include all calculations, allowable tolerances and methodology used to determine the results of the report.

3. Prior to the issuance of the Building Permit, AT&T or the tower owner must submit to the City for review and approval, bands for frequencies being used at this facility.
4. Prior to the issuance of the Building Permit, AT&T or the tower owner must submit to the City for review and approval, FCC License for frequency bands being used at this facility.
5. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service no later than one hundred eighty (180) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City. AT&T may petition the City of an extension of this for good cause shown, but the decision whether not to grant the extension shall exclusively be the prerogative of the City.
6. AT&T must provide contractor information to CMS and to the City prior to request for issuance of the Building Permit.
7. Prior to the issuance of the Certificate of Completion, AT&T or the tower owner shall remediate the following safety issues that were noted at the pre-application site visit:
 - a. Replace or repair one missing ground on the towers base.
 - b. Install locking devices on foundation nuts or mark foundation nuts with torque lines.
8. Once, AT&T has met all the conditions of the permit and any other requirements of the City and a building permit is issued, AT&T must notify the City's consultant for all inspections.
9. At the completion of construction, AT&T must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
10. 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. 202-19

Agreement for professional services, Game Day security - OPD.

RESOLUTION NO. _____

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BY AND
AMONG THE CITY OF OPELIKA, ALABAMA, THE CITY OF AUBURN, ALABAMA
AND THE AUBURN GAME DAY LAW ENFORCEMENT CORPORATION
FOR GAME DAY SECURITY AND CROWD CONTROL SERVICES**

WHEREAS, the City of Opelika (the “City”) maintains and staffs the Opelika Police Department for the purpose of providing traffic and law enforcement services; and

WHEREAS, The Auburn Game Day Law Enforcement Corporation (the “Corporation”) desires the assistance of the Opelika Police Department to provide security and crowd control services during major sporting events and/or special events; and

WHEREAS, the City shall render the above services under the direction and supervision of the City of Auburn Police Chief and/or his/her designee; and

WHEREAS, a proposed Professional Services Contract (the “Contract”) to be entered into by and among the City, the City of Auburn and the Corporation has been prepared and submitted to the City Council for approval, and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Contract.

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

1. That the proposed inter-governmental Professional Services Contract to be entered into by and among the City of Opelika, the City of Auburn, and The Auburn Game Day

Law Enforcement Corporation, a copy of which is attached hereto and marked Exhibit “A”, be and the same is hereby approved, authorized, ratified and confirmed in the form substantially submitted to the City Council with such changes thereto (by addition, deletion or substitution) as the Mayor shall approve which approval shall be conclusively evidenced by execution and delivery of said Contract.

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

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

4. That this Resolution shall take effect upon its 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

ATTEST:

CITY CLERK

**Auburn Game Day Law Enforcement Corporation
Professional Services Contract**

This Professional Services Contract (the "Agreement") made and entered into on this the ____ day of _____, 2019, by and between The Auburn Game Day Law Enforcement Corporation, an Alabama corporation (the "Company"), the City of Auburn, Alabama, a municipal corporation (the "City") and _____ (Assisting Agency).

The parties hereby state and agree as follows:

1. The City has entered into a Professional Services Contract with Auburn University (the "University") whereby the City agrees to provide Law Enforcement Officers; Fire; Communications and Judicial personnel with the City as well as assisting agencies to provide security and traffic direction for University athletic and other special events.
2. _____ (Assisting Agency), acting in support of City of Auburn (Auburn) Public Safety/Police Division shall provide law enforcement services.
4. The Assisting Agency, acting in support of the City's Public Safety Department/Police Division, shall provide support services to include, but not limited to crowd control, traffic direction, and security at Auburn University campus locations during major sporting events and/or special events.
5. The Assisting Agency shall render the above services under the direction and supervision of the City of Auburn Police Chief or his/her designee.
6. The Assisting Agency shall provide the above services during the time period from August 1, 2019 to July 31, 2020.
7. The Assisting Agency will be compensated by the City on behalf of the Company for the above services at the following rates: Assignment: Stadium- ; Traffic- ; Supervisor- . The Assisting Agency's liability for services provided under this Agreement shall be limited to the intentional and/or negligent acts or omissions of its employees.
8. The Assisting Agency will receive compensation for services provided within ten working days of the receipt of an approved invoice.
9. The Assisting Agency **will not** be compensated for travel expenses.
10. The Company shall secure and provide to Assisting Agency's employees Workers Compensation Insurance.
11. The Assisting Agency agrees to comply with all applicable Federal and State laws and regulations in the performance of this Contract. Assisting Agency represents that it is an Equal Opportunity Employer and does not discriminate on the grounds of disability, age, race, color, religion, sex, national origin, veteran status, genetic information or any other classification protected by Federal and/or Alabama state constitutional and/or statutory law.

This contract has been reviewed and accepted by the undersigned on this the ____ day of _____, 2019.

ASSISTING AGENCY

Signature

Name

Agency Name

Address

Tax I.D. Number

City, State, Zip Code

AUBURN GAME DAY LAW ENFORCEMENT CORPORATION

President

ADOPTED AND APPROVED by the City Council of the City of Auburn, Alabama, this ____ day of _____, 2019.

ATTEST:

Mayor

City Manager

RESOLUTION NO. 203-19

Special appropriation to East Ala. Community Ballet.**RESOLUTION NO. _____**

WHEREAS, the Mayor of Opelika and the City Council fully supports the various programs provided by the East Alabama Community Ballet (EACB), and

WHEREAS, EACB will be producing their 2019 performance of the Nutcracker and will provide a free field trip to Opelika Third graders for their own Nutcracker experience, and

WHEREAS, City Council President Eddie Smith Ward 4, President Pro-tem Patricia Jones Ward 1, Councilwoman Tiffany Pitts Ward 2, Councilman Dozier Smith T Ward 3 and Councilman David Canon Ward 5 each wishes to appropriate \$200.00 each from their respective discretionary funds, to assist with funding the 2019 Nutcracker performance.

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

1. The City Council approves a total special appropriation of \$1,000.00 to the East Alabama Community Ballet to assist in funding the 2019 Nutcracker performance.
2. The Opelika City Council hereby declares and determines that said expenditure of these public funds serve a public purpose for the City of Opelika and approves the attached Funding Agreement.
3. The Mayor and the Controller is hereby authorized and directed to move the discretionary funds as detailed below to the appropriate account(s):

Patricia Jones	Ward 1	Reserve fund	\$ 200.00
Tiffany Pitts	Ward 2	Current year	\$ 200.00
Dozier Smith T	Ward 3	Reserve fund	\$ 200.00
Eddie Smith	Ward 4	Reserve fund	\$ 200.00
David Canon	Ward 5	Reserve fund	\$ 200.00

4. The City Clerk-Treasurer is hereby authorized and directed to prepare the appropriate documents so that a check for \$1,000.00 payable to the East Alabama Community Ballet can be prepared and delivered with said funds being earmarked and designated for the 2019 performance of the Nutcracker.

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

C. E. "Eddie" Smith, Jr.

President City Council

City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk - Treasurer

RESOLUTION NO. 204-19

Special appropriation to Dream Day Foundation to support 2nd Annual Black Male Summit.

RESOLUTION NO. _____

WHEREAS, the Dream Day Foundation is sponsoring the 2nd Annual Black Male Summit on Saturday July 27, 2019 at Auburn High School with an estimated 75% of the participants being from Opelika, and

WHEREAS, the Black Male Summit is designed to create a platform for the middle and high School African-American males to discuss critical issues that young men face such as ethics, decision-making, wellness, employment & careers, cooperation & conflict, relationships and self-esteem, and

WHEREAS, the Dream Day Foundation, in partnership with the 100 Black Men of Lee County and the Boys & Girls Clubs of Greater Lee County, are ready to address these questions, and most importantly, provide the information, support and guidance that our young men deserve, and

WHEREAS, President Pro-tem Patricia Jones Ward 1, Councilwoman Tiffany Pitts Ward 2, Councilman Dozier Smith T Ward 3, President Eddie Smith Ward 4 and Councilman David Canon Ward 5 would like to contribute a portion of their discretionary funds to the Dream Day Foundation to help sponsor the 2019 Black Male Summit.

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

1. The City Council approves a special appropriation of \$2,500.00 from the City Council discretionary funds as detailed below:

Patricia Jones	Ward 1 Reserve Fund	\$500.00
Tiffany Pitts	Ward 2 Current Year.	\$500.00
Dozie Smith T	Ward 3 Reserve Fund	\$500.00
Eddie Smith	Ward 4 Reserve Fund	\$500.00
David Canon	Ward 5 Reserve Fund	\$500.00

2. That the City Council hereby declares and determines that the expenditures of said public funds will serve a public purpose for the City of Opelika.
3. That Mayor Fuller and the Controller are hereby authorized and directed to transfer said funds as designated above to the appropriate account(s).

4. That the City Clerk-Treasurer is hereby authorized to prepare and process the appropriate document(s) so that a check can be prepared for \$2,500.00 payable to the Dream Day Foundation.

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

President of the City Council
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 205-19

Proposal from OSMOSE for Pole Attachment Count - OPS.

RESOLUTION NO. _____

RESOLUTION APPROVING PROPOSAL FOR PROFESSIONAL SERVICES
FROM OSMOSE UTILITIES SERVICES, INC.

WHEREAS, Osmose Utilities Services, Inc. (“Osmose”) is a leading provider of critical inspection, maintenance and structural services for utility and telecom infrastructure in the United States; and

WHEREAS, the City of Opelika, Alabama (the “City”) desires to engage Osmose to perform a comprehensive review, survey and analysis of joint pole use, pole loading and cost recovery for Opelika Power Services (“OPS”); and

WHEREAS, the City desires to engage Osmose to conduct a turnkey program to identify, update, manage and reduce double-wood pole conditions that exist in the field; and

WHEREAS, the City will require the services of a professional consulting engineering firm to provide said services; and

WHEREAS, OPS staff recommends Osmose to perform said services; and

WHEREAS, a Proposal for Professional Services (“Proposal”), a copy of which is attached hereto as Exhibit “A”, has been prepared by Osmose and submitted to the City Council for approval, and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Proposal; and

WHEREAS, the budget for this project is approximately \$305,000, of which amount

approximately \$200,000 will be billed to other entities; and

WHEREAS, the Director of OPS has certified that sufficient funds are available in the budget to cover all costs associated with the Proposal.

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

1. That the Proposal submitted by Osmose, a copy of which is attached hereto as Exhibit “A”, is hereby approved and accepted in substantially the form submitted to the City Council.
2. That the Mayor is hereby authorized and directed to execute and deliver said Proposal in the name and on behalf of the City.
3. That Osmose will perform the work under the Proposal in accordance with the terms and conditions of the Professional Services Agreement between the City and Osmose dated November 16, 2010 and amended March 31, 2011.
4. That the Mayor is hereby authorized and directed to execute and deliver such other ancillary and related documents that may be necessary or appropriate in order to carry into effect the intent of this Resolution and to carry out fully the transactions contemplated therein on behalf of the City.
5. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name

and on behalf of the City such other notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they, or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution and the attached Proposal.

6. That the Purchasing-Revenue Manager is authorized and directed to issue all necessary and appropriate purchase orders to implement this Resolution.

7. That this Resolution shall take effect upon its 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

ATTEST:

CITY CLERK



May 13, 2019

Mr. Derek S. Lee
 Director
 OPELIKA POWER SERVICES (OPS)
 600 Fox Run Parkway
 Opelika, AL 36801

RE: JOINT USE INVENTORY PRICING PROPOSAL – 2019

Dear Mr. Lee:

At the request of our Senior Director-Business Development, Mr. Glen Andrew, we are submitting the attached unit prices (Schedule 1) for your approval and acceptance. This proposal pertains to the 3rd party attachment and double wood audits to be performed in 2019.

The following prices are for 2019. For 2020, we propose using the Consumer Price Index (CPI) for price rate adjustments with a minimum increase of 2% and a maximum increase of 4% annually. The annual increases will be based on the most current "Table 3. Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, special aggregate indexes (Services)." A current copy of this table is attached for your reference.

If the attached pricing is acceptable, Osmose will perform the work in accordance with the terms and conditions under our Professional Services Agreement dated November 16, 2010 and amended March 31, 2011.

As discussed in our meeting that took place July 25, 2018 at our Atlanta, GA office, this entails the first steps to a comprehensive double wood program for OPS. In this proposal you will find the following:

- Outline of work performed with pricing and estimated scheduling
- Project Budget and Spend Forecast

An insurance certificate covering Osmose for this work is attached for your convenience.

If you need further assistance or have any questions concerning this proposal, please do not hesitate to contact Glen at 205-613-7269.

We look forward to working with you on this important project. If these prices are acceptable, please issue a Change Order to the Agreement so we can schedule crews to begin this project.

Sincerely,

Jose Villalba
 Vice President-Contracts

Attachment

JV/cd
 C: File

Proposal to Perform Joint Use Survey

Prepared for



By Osmose Utilities Services, Inc.

May 13, 2019

Osmose®

Osmose Utilities Services, Inc.

635 Highway 74 S
Peachtree City, GA 30269
(770) 632-6700
www.OsmoseUtilities.com



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Project Overview

Opelika Power Services (“Customer”) is looking to engage in a 3rd party attachment process review which will consist of:

- Review their current attachment agreements and an understanding of each stakeholder’s responsibilities and timelines
- A Joint Use Inventory of their plant while sharing the cost with attachers
- Collect attachment type, owner, quantity
- Pole Tagging (Primary Structures Only)
- Pole Brand Information, GPS
- Double Wood
- Transfer pending classification: bare, simple, complex
- Major Clearance Violations, guying violations or unauthorized attachment method violations

The result of the attachment survey will be used to execute a Turn Key Double Wood Program.

Project Metrics

- Opelika Power Services (OPS) is a public power utility located in Opelika, AL serving over 13,000 customers. OPS recently sold the municipally owned fiber optic system.

Project Approach

Based on our experience with large and complex utility projects, Osmose believes the most important step in the project lifecycle is the Project Kick-Off phase. Prior to field collection, Osmose will work with OPS to review pole contracts, develop a final Scope of Work (SOW) document that describes all of the field collection rules and guidelines, and completely document the work-flow and technical details of managing the data deliveries to OPS. This phase will consist of several meetings with key personnel from both Osmose and OPS. At the appropriate time, key personnel from the attaching companies may also be involved to ensure all parties to the audit are sufficiently aware and engaged with the audit process. The primary goal of this phase is to identify and mitigate risk that is inherent to a project of this size with numerous stakeholders. Main topics of discussion at these Project Kick-Off Meetings will include, but not be limited to:

- GIS Data Management: A discussion regarding how data will be exchanged throughout the project will be conducted with the appropriate technical staff from OPS and Osmose.
- Field Collection and Field Safety Practices: A plan for handling field-related questions, customer inquiries, trouble call scenarios (i.e. down wires), etc. will be developed between the appropriate staff.
- Review of Pole Contracts: Osmose and OPS will review the pole contracts between OPS and their 3rd Party Attachers and will develop methods for mitigating the risk of rejection of audit results by the 3rd Party Attachers.



Scope of Work

1. Workshop Kick-off & Setup:

- a. Creation of ICD (mapping of source data → field model → deliverable format). This is a sample only.

Pole (Structure)	New Pole	In field and not in GIS
	Not In Field	In GIS and not in field
	Ownership	For new poles Osmose will validate ownership before adding new pole
	Tag ID	Osmose “build & installed” Tag ID (OPS-B-XXXXX)
Attachment	Type	Through Bolt J-Hook
	Ownership	AT&T, WOW, Charter, Point Broad Band (PON) & OPS Fiber Ring
	Quantity	Numeric Number
	Attachment Position	Position 1 is at the top of the pole, if on arm a lettering convention will be followed, i.e. 1A, 1B
	Violations	See violations section
Double Wood	Photos	
	Transfer	What needs to be transferred including equipment and construction type
	Attachments position on Double Wood	Top down 1-N, if on arm denote with a letter, i.e. 1A and 1B
	Accessibility	Backyard, Locked Gate, No Truck Access
	Condition	Significant Rot, Leaning
	Type	Simple - A bare pole or a pole transfer that can be performed in a minimal amount of time with basic line crew and truck such as a bare pull or swap of through bolts Complex - A transfer that requires any additional work above and beyond the definition of a simple transfer above including but not limited to guying changes, splicing or re-splicing, replacement of a pole-mounted terminal (PMT) with a Strand-Mounted or Span-Mounted Terminal (SMT), relocation of riser cables, etc.



- b. NJUNS Process
 - c. Double Wood notification
 - d. Close out all legacy tickets
 - e. Violations tickets
 - f. Prepare for Double Wood Management
 - g. Status meetings
 - h. PAR tracking
 - i. Reports
 - j. Invoicing
 - k. Project schedule

- 2. Intake:
 - a. OPS will provide GIS data for use in the survey to Osmose
 - o Intake will include substation location, circuit path, all poles, and OH equipment
 - o Exiting 3rd party agreements

- 3. Pre-Field Processing:
 - a. Osmose Delivery group processes source data for Osmose's handheld tablet, DCT
 - b. Pre-populate model with source data provided and pole locations
 - c. Model will have ability to add poles and take photos

- 4. Field Verification:
 - a. Crews visit all poles
 - b. Pole Data collection based on model configuration requirements identified in workshop
 - c. Pole tags installed on all primary run poles

- 5. Post-Processing & Deliverables:
 - a. Create shapefile or PGDB deliverable containing all updates captured in the field + associated images
 - b. Create Spreadsheet depicting:
 - i. Double Wood locations
 - ii. Poles where ownership changed
 - iii. Violations to be fed into NJUNS
 - c. Work with OPS to load data into Work Management System
 - d. NJUNS Tickets and Management
 - i. Delete and remove legacy tickets
 - ii. Create new tickets for each double wood locations pending transfer
 - iii. Manage tickets to closure



Violations

1. Violations will be collected on OPS owned poles only.
2. Streetlight and Traffic Signal; electric circuitry is to be excluded from the estimated violation spacing rules on <40" and <30" violations.
3. Any questionable violations will be measured using a measuring stick for accuracy.
**Standard indemnity and warranty language does not apply to Clearance Violations where no physical measurements are taken.*
4. Spacing measurements are all VERTICAL.
5. Violations to be identified:
 - a. At pole power to communications less than 40 inches (Exception OPS Ring Fiber is installed in the Power Zone)
 - b. At midspan power to communication less than 30 inches
6. Ground Clear less than 15.5 feet (main line power or communications only – excluded service wires) over travel route. This is a road, driveway, alley, parking lot or area a full-size truck/tractor has been driving or can be excepted to be using as a travel route.
7. Easement less than 9.5 feet (main line power or communication only – exclude service wires) anywhere other than a main line is less than 9.5 feet from the soil surface.
8. Unconventional attachment (rope, j-hook, wire tie for mainline, etc.).
9. Any major safety issue identified will be called into OPS for immediate resolution.
10. Improper/Missing Guy wire, limited to tangent and dead-end poles.
 - a. Guy required but not present
 - b. Damaged
 - c. Improperly sharing anchor

Attachment Identification

Osmose will use two primary methods for determining attachment ownership. Before field collection begins, service territory maps will be requested and reviewed. This information will then be organized and used by the field team as a preliminary reference before auditing each work area. Although service territory maps will provide a valuable reference for many situations, the primary method for determining attachment ownership is field observation. The typical indicators of attachment ownership that are recognizable in the field include:

- Company tag on the attachment at the pole
- Company name on the service drop entrance
- Company name on risers, pedestals, or other equipment (i.e. power supply)
- Tracing of connectivity/continuity of known attachments to their extents

Osmose crews are trained and experienced in using these indicators to identify attachment ownership. In problematic areas where a large section of plant cannot be identified, full-time support staff and supervision will be notified to assist both in the field, and by using other data or contacts available. This methodology has proved successful for Osmose on similar projects.



Pole Tagging

Osmose will assemble and install pole tags provided by OPS on all primary run poles. Pole tags will be in a seven-digit format with the following rules:

- Hung vertically approximately 5 ft. off the ground facing the road
- First tag will be OPS
- The next tag will be a letter if a switch is present, or a blank tag if no switch is present
- The remaining numbers will correspond to the tag ID already present on the pole
- If no tag is present, Osmose will tag the structure with a number higher than the highest pole number in OPS's data

Field Software Solution (DCT)

To collect data during the field survey, Osmose Field Technicians/Engineers will be equipped with tablet devices which will be integrated with our DCT Mobile data collection software ("DCT").

DCT provides an efficient means of collecting and updating network data and reduces the time and expense of performing data collection and data maintenance tasks. In addition, DCT is configurable for any type of project or data model. All types of GIS information can be viewed or captured in DCT, including pole information, joint use information, GPS locations, digital photos, etc. Source data from GIS, CIS, or any other information system can be incorporated into a project using DCT. Data collected in DCT is mapped into the customer's personal Geodatabase, shapefiles, or other database, preserving the original data model and formatting.

Rather than placing individual components and managing those components and their relationships as CAD and GIS systems do, DCT uses the Point of Network Interest ("PONI") system to store and manage network data. This approach allows the field technician to collect or verify large volumes of network data quickly and accurately, and eliminates the laborious tasks of managing layers and selecting individual objects that are required in a CAD or GIS. A PONI, in the simplest sense, is an object that is used to organize information about a particular point in the network. A typical PONI may include information about a pole at a specific site, including the pole's GPS position together with information about the pole's attachments, associated devices, and so forth.

In addition to simplifying the display of network information on a handheld device, use of the PONI system streamlines data capture by automating many processes that would otherwise be manual. Objects associated with the PONI, such as poles, foreign attachments, and other network features, can be easily added and deleted. Values for these objects are logged in an organized interface that is easy to learn and use.

Project Follow-on

Conduct a Turnkey double wood remediation program after the completion of the JU project

- Estimated at 1,000 poles
- Results from JU audit
- Scope
 - Pull bare poles
 - Complete simple transfers, pull double wood poles
 - Complete complex transfers, pull double wood poles
 - Notification system management
 - Delivery and integration with asset management system(s)



Additional Options for Survey/Post Survey include

1. NJUNS:
 - a. This assembly unit will consist of all systems and data entry work required to create, maintain and manage NJUNS tickets resulting from the joint use audit. Osmose will develop and maintain a database of all NJUNS tickets and manage them to closure or final stage which may include pole removal and transfer of foreign facilities. Osmose will track each pole through the notification life cycle and adhere to the governing joint use agreement between OPS and attacher.
 - b. This unit is intended for use on double wood / transfer facilities pending poles and not intended for clearance violations.
 - c. This unit will be a flat fee per pole.
 - d. Only to be used when requested and approved by OPS management in writing.
 - e. This unit will be split into two billables due to its level of effort. One when the ticket is opened, and one when the ticket gets closed.
2. Distribution Engineering #1:
 - a. This hourly rate will consist of all labor, tools and equipment required to support distribution engineering work for OPS. This work may include: permit sketches and supporting calculations, engineering and design of aerial or underground facilities including pole/anchor/transfer activities, ROW, clearing and grading and street use permits.
 - b. Distribution engineering 1 is defined as an associate with 0-2 years of distribution engineering experience. All distribution engineering 1 work will be reviewed by a distribution engineer 2 prior to delivery to OPS.
 - c. Only to be used when requested and approved by OPS management in writing.
3. Distribution Engineering #2:
 - a. This hourly rate will consist of all labor, tools and equipment required to support distribution engineering work for OPS. This work may include: permit sketches and supporting calculations, engineering and design of aerial or underground facilities including pole/anchor/transfer activities, ROW, clearing and grading and street use permits.
 - b. Distribution engineering 2 is defined as an associate with 2 or more years of distribution engineering experience.
 - c. Only to be used when requested and approved by OPS management in writing.
4. Post Construction Inspection:
 - a. Supplier will deploy field technicians to verify rearrangement and position of new attachment adheres to the make ready prescription provided to the applicant. The technician will ensure no new clearance violations exist. If violations exist due to incorrect rearrangement or improper placement of proposed facilities, a remedy to solve clearance issues will be documented and provided to responsible parties.
5. Digital Image:
 - a. A digital photo may be provided of the pole when requested. General guidelines to follow for this include:
 - i. The whole pole is in the picture
 - ii. The camera is rotated 90 degrees for a portrait view
 - iii. All attachments are visible and identifiable
 - iv. Relative heights are in perspective
 - v. Pole location and surroundings are visible
 - vi. Photo is clear and in focus



Notes:

- ✓ Osmose has already provided services for OPS in a past ANI VDC survey.
- ✓ Joint use audit notification letters sent to all attachers (AT&T, WOW, Charter, Point Broad Band). This is the required notification in advance of the audit per the joint use agreement terms.
- ✓ OPS will provide Osmose the pole tagging material needed to be installed on each primary run pole.
- ✓ Standard indemnity and warranty language does not apply to Clearance Violations where no physical measurements are taken.
- ✓ Clearance violations will be assessed with a visual inspection. Questionable clearances will be verified with a hot stick. Standard indemnity and warranty language does not apply to clearance violations where no physical measurements are taken.
- ✓ Violation assessment is a spot-in-time assessment. Conditions at the pole may change after the assessments were completed. Osmose inspectors will make a reasonable effort to highlight and identify all open and obvious violations and hazards while at the structure.
- ✓ If an immediate safety hazard is discovered during this inspection, an Osmose field crew will call an OPS representative and wait at the structure until dispatched by an emergency response crew. Hourly rates will be utilized by Osmose for this wait time.

Osmose®

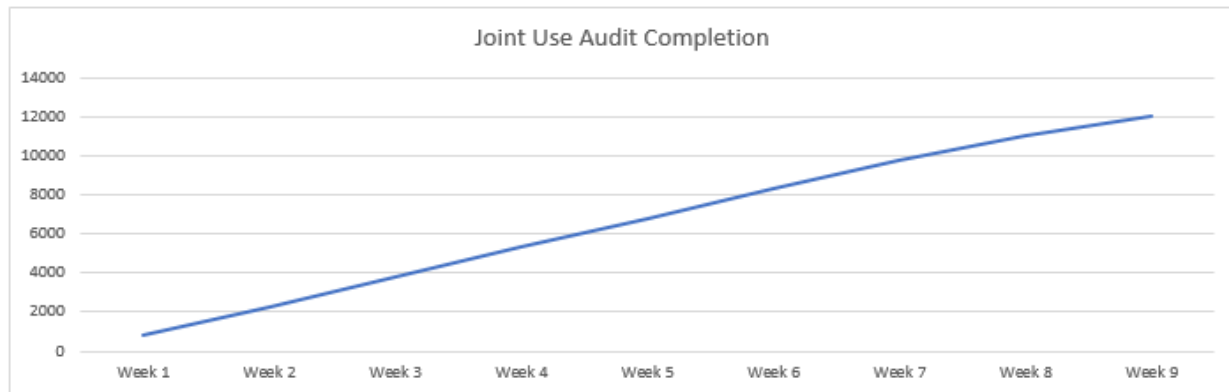
Schedule



Proposed Joint Use Audit Field Operations Schedule For Opelika Power Services
Revision Date: 4/01/2019

Osmose®

	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9
Poles Completed Per Week	800	1500	1500	1500	1500	1500	1500	1200	500
Cummulative	800	2300	3800	5300	6800	8300	9800	11000	11500



Pricing Schedule

Description	Pricing Option 1
JU Pole Visit	\$7.38
Field Standby Rate (Per Hour/Per Crew)	\$115.00
Build & Install Pole Stencil	\$5.25
NJUNS Open Ticket – Per Pole	\$20.52
NJUNS Closed Ticket – Per Pole	\$20.52
Distribution ENG I (Back Office) - Per Hour	\$79.00
Distribution ENG II (Back Office) - Per Hour	\$98.00
Post Construction Inspection - Per Pole	\$33.00
Digital Image (As Required)	\$6.55
GPS (As Required)	\$1.90
Stick Measurement (As Required)	\$13.35

*The following prices are for 2019. For 2020, we propose using the Consumer Price Index (CPI) for price rate adjustments with a minimum increase of 2% and a maximum increase of 4% annually



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
07/11/2018

13.15.a

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh USA Inc. 1560 Sawgrass Corporate Pkwy, Suite 300 Sunrise, FL 33323	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: FAX (A/C, No):
CN101742660--GAWU-18-19	INSURER(S) AFFORDING COVERAGE INSURER A: Zurich American Insurance Company INSURER B: National Fire & Marine Insurance Co INSURER C: Navigators Insurance Company INSURER D: Everest National Insurance Co INSURER E: INSURER F:
INSURED Osmose Utilities Services, Inc. 635 Highway 74 South Peachtree City, GA 30269	NAIC # 16535 20079 42307 10120

COVERAGES**CERTIFICATE NUMBER:**

ATL-004394421-06

REVISION NUMBER: 0

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☐ ☐ GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC C ☐ OTHER:			GLO0381439-03 Buffer limit is Per Occ/Aggr/Prod Comp Ops NY18 EXC903879 IV	07/01/2018	07/01/2019	EACH OCCURRENCE \$ 1,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000 MED EXP (Any one person) \$ 10 PERSONAL & ADV INJURY \$ 1,000 GENERAL AGGREGATE \$ 2,000 PRODUCTS - COMP/OP AGG \$ 2,000 Buffer: \$ 1,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY B ☐			BAP 0381440-03 42-XSF-302666-03	07/01/2018	07/01/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Excess Automobile Limit: \$ 1,000
D	☒ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$			XC5EX00501-181	07/01/2018	07/01/2019	EACH OCCURRENCE \$ 10,000 AGGREGATE \$ 10,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N ☒ N N / A			WC 0381438-03	07/01/2018	07/01/2019	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000 E.L. DISEASE - POLICY LIMIT \$ 1,000
C	Excess			NY18FXS939504IV (Excess)	07/01/2018	07/01/2019	Limit: \$ 15,000 Policy is XS of \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is an additional insured as required by written contract regarding work performed by the insured for the certificate holder.

CERTIFICATE HOLDERCity of Opelika
204 S. 7th Street
Opelika, AL 36801**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.

Sandi Lee

Sandra Lee

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RESOLUTION NO. 206-19

Proposal & Agreement for Pavement Consulting Services - Eng.

RESOLUTION NO. _____

**RESOLUTION ACCEPTING PROPOSAL FOR PAVEMENT CONSULTING
SERVICES SUBMITTED BY TTL, INC.**

WHEREAS, the City of Opelika, Alabama, (the “City”) intends to restore, rehabilitate and resurface Northpark Drive from Joanne Drive to Andrews Road and Industrial Boulevard from Lake Condry Road to Sharp Street (the “Project”); and

WHEREAS, in planning for both the design and construction of the Project, the City needs to investigate existing site conditions and geotechnical constraints, including subsurface conditions along the road segments; and

WHEREAS, professional geotechnical engineering and pavement specialized services are needed to complete the exploration, laboratory testing of the subsurface materials, and provide an engineering analysis and report of pavement rehabilitation recommendations of the Project for the City; and

WHEREAS, TTL, Inc. (“TTL”) is a professional engineering firm that possesses the requisite knowledge, skill and resources to explore, test, analyze the Project and to prepare the necessary reports and other documents; and

WHEREAS, a Proposal for pavement engineering services (the “Proposal”) has been prepared by TTL and submitted to the City Council for approval and the City Council has determined that it is now in the best interest of the City and its citizens to approve said Proposal for engineering services.

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

1. That the Proposal submitted by TTL, a copy of which is attached hereto and marked Exhibit "A", be and the same is hereby approved and accepted in the form substantially submitted to the City Council.

2. That the Mayor is further authorized and directed to execute and deliver the Proposal in the name and on behalf of the City and to execute and deliver or cause to be executed or delivered in the name and on behalf of the City such other agreements, contracts, change orders, notices, certificates, assurances or other instruments or other communications as he deems necessary or appropriate in order to carry into effect the intent of the provisions of this Resolution.

3. That the compensation to be paid to TTL shall come from the Unassigned Fund Balance and the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments to implement this Resolution.

4. That the Purchasing-Revenue Manager is hereby authorized and directed to issue a purchase order to TTL for the provision for engineering services as outlined in the Proposal attached hereto at a total cost not to exceed \$ 24,343.50.

5. That this Resolution shall take effect upon its 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



3516 Greensboro Avenue
Tuscaloosa, AL 35401
205-345-0816
www.TTLUSA.com

July 1, 2019

City of Opelika, Engineering Department
Attn: Mr. Scott Parker, P.E.
P.O. Box 390
Opelika, AL, 36803-0390

T: 334-705-5450

E: sparker@opelika-al.gov

RE: Proposal for Pavement Consulting Services
Northpark Drive and Industrial Boulevard
Opelika, Lee County, Alabama
TTL Proposal No. P00190101753.00

Dear Mr. Parker:

TTL, Inc. (TTL), is pleased to submit this proposal to provide pavement consulting services for Industrial Boulevard and Northpark Drive in Opelika, Alabama. This proposal contains our understanding of the project, our proposed scope of services along with our fee estimate and schedule for the proposed work.

PROJECT INFORMATION

Mr. Rex Bush and Mr. Frank Upchurch of TTL visited the sites to observe the general condition of the pavement at both locations and to discuss the history of both pavements with Mr. Parker and Mr. McInnis.

Northpark Drive

Northpark Drive was constructed in the early 2000's and because of the roadways was experiencing distress, roadway improvements were designed by Goodwin Mills and Cawood (GMC) in 2012. The improvements to Northpark Drive were completed in early 2014 and shortly thereafter, pavement distress began to be observed near the entrance to the Walmart Distribution Center. Pavement evaluations to determine the cause of the distress were performed by GMC and AMS later in 2014. We have been provided copies the following documents by GMC and AMS for this project.

- Geotechnical Report from AMS 9/26/2014
- GMC Response to AMS report
- GMC Recommendations report 04/03/2015
- Traffic Count for Northpark Drive
- Improvement plan for Northpark Drive by GMC

Additionally, we understand that ALDOT evaluated the distressed roadway and provided some estimates on potential repair options. We have received copies of a letter prepared by ALDOT on repair options and some data obtained by ALDOT in preparation of the recommendations.

The section of Northpark Drive to be evaluated extends from Joe Ann Drive to Andrews Road, a distance of approximately 4000 feet. The roadway from the Wal-mart entrance to Andrews Drive (the northernmost 1600 feet) is currently exhibiting fatigue cracking and some rutting. Also water has been reported to seep from cracks in the roadway near the Wal-mart entrance. This water is suspected of contributing to the problem.

The reports prepared by others indicates there is some lack of agreement on the design parameters and the needed pavement structure to support the current traffic and additional differences of opinion on the cause of the distress.

Industrial Boulevard

Industrial Boulevard begins at Lake Condry Road and extends approximately 4200 feet to the north terminating just south of the railroad. The businesses along Industrial Drive have generally been in place for over 20 years. The West Fraser lumber mill facility added a radial log stacker and a new structure in 2018. The roadway is presently showing signs of distress and the pavement is needing repair. The most distress is occurring between Lake Condry Road and the West Fraser facility but the remainder of the roadway is nearing its' expected service life and may need to be upgraded.

SCOPE OF SERVICES

The purposes of the field work for this project will be to obtain information on the in-place pavement structure and subsurface data from the site, to document the type and extent of the distress being exhibited by the pavement and develop recommendations for rehabilitation of the roadways based on the expected traffic. The assessment of environmental conditions is beyond the scope of the geotechnical exploration.

Field Exploration

For each of the roadways to be evaluated, we will obtain information on the existing pavement structures by performing the following tasks:

- Perform a visual inspection of the in-place roadway and document the type and extent of the observed distress;
- Select locations for coring the in-place pavement and performing shallow borings and document their location using a hand-held Global Positioning System (GPS) unit. The purpose of the testing will be to measure the in-place pavement layers and to classify the subgrade materials and document their consistency. Locations will be selected to obtain information

on the areas judged to be performing adequately and on areas which are exhibiting distress;

- We will install shallow piezometers in areas suspected of having elevated groundwater which may be contributing to the pavement failure.

Prior to the start of drilling, TTL will submit a ticket for the proposed exploration area with the Alabama 811 One Call service.

The proposed scope of drilling and sampling is summarized in the table below.

Location	Number of Borings	Expected Boring Depths
Industrial Boulevard – Lake Condry Road to the West Frasier facility	5	6 feet
Industrial Boulevard - West Frasier Facility to the northern terminus	4	6 feet
Northpark Drive -Jo Ann Drive to the Wal-Mart Entrance	6	6 feet
Northpark Drive – Walmart Entrance to Andrews Drive	6	11 feet
TOTAL	20	

Our field exploration, testing, and sampling program will include:

- core the asphalt pavement to determine the thickness of the pavement layers
- soil test borings advanced by hollow-stem auger drilling;
- Standard Penetration Testing (SPT) and split-spoon sampling of soil in general accordance with ASTM D1586, with four samples in the upper 6 feet. (If soft soil, fill, or organic material is encountered at the planned termination depth, the borings will be extended);
- collecting Shelby tubes in select borings for Resilient Modulus (Mr) testing;
- checking borings for the presence of groundwater upon completion of hollow-stem auger drilling and approximately one hour after drilling is completed;
- based on our conversation with Mr. Parker, we have assumed that the City of Opelika will assist in providing the required traffic control necessary to safely perform the field testing in this proposal

If we encounter conditions that are unusual or possibly problematic for the project, we will contact you to discuss modifications to the scope. At that time, we can adjust the exploration program to address any specific needs dictated by the conditions encountered.

Access, Utility Clearance, Site Restoration

Our budget and schedule are based on the following.

- Field services can be performed during normal working hours (Monday through Friday, 7 am to 5 pm), although we may want to work other times at our discretion, if possible.

- We will contact the Alabama 811 one call service to have participating utility companies notified of the pending subsurface penetrations.
- We are not responsible for utilities that are not marked or are incorrectly marked or that cannot be located based on the above listed methods.
- We will backfill boreholes with soil cuttings and patch the pavement using asphalt cold patch.
- Piezometers will be left in-place to allow for continued monitoring of the water table if desired.

Laboratory Testing

After returning soil samples to the laboratory, we will:

- visually classify soil samples using the Unified Soil Classification System (ASTM D2487 and D2488) as a guide;
- test selected soil samples for moisture contents (ASTM D2216);
- test selected soil samples for Atterberg Limits (ASTM D4318);
- test selected soil samples for gradation and percent fines (ASTM D6913), if needed to assist with classification;
- test selected soil Shelby tube samples for laboratory Resilient Modulus testing;

Engineering Analyses and Report

We will perform engineering analyses necessary to provide pavement rehabilitation recommendations for each of the roadways. The report will include:

- type, severity, and approximate quantity of distress exhibited in each roadway section; thickness and type of in-place roadway materials; general description and consistency of subgrade materials; location of observed or suspected groundwater;
- results of laboratory tests performed;
- recommendations for pavement rehabilitation using bituminous concrete and rigid Portland concrete (if practical).

TTL intends to submit the pavement evaluation report first as a draft for review by City of Opelika personnel and then as a final version after we receive comments from the City. It is TTL's understanding that the purpose of the review is to enable mutual agreement on recommendations and on the extent of the report coverage. The draft report will be submitted as a PDF file by email. Once comments from the draft report have been addressed, the final report will be submitted to the Owner as a PDF file by email.

SCHEDULE

We will begin the exploration a minimum of one week after receipt of signed authorization to allow time for the Alabama 811 ticket to be activated.

We expect the following schedule:

- Mobilize equipment to the site to begin the field exploration services within two weeks after authorization.
- Complete pavement distress survey in two working days (1 day per site).
- Complete drilling and sampling in two working days (1 day per site).
- Review field data as it is generated and provide preliminary verbal/email results within a week after completion of drilling.
- Submit a draft version of the report for review within three weeks of completion of the field work.
- Submit the final report within about five weeks of the completion of field work (allowing for review of the draft report).

This schedule generally reflects submittal of our final geotechnical report within about 7 weeks after receiving authorization.

COMPENSATION

We propose to perform the scope as outlined in this proposal on a time and materials compensation basis as presented in the attached fee schedule. Our estimated fee for the proposed work is as follows:

Industrial Drive	-	\$10,623.50
Northpark Drive	-	\$13,720.00
Total Cost	-	\$24,343.50

If additional services are requested or are deemed necessary based on changes to the project description or conditions encountered in our exploration, we will seek authorization for the additional services and fees before proceeding, and the fees reflected in this proposal will be used for additional services.

AUTHORIZATION

If the proposed scope, fees, and schedule are acceptable, please signify your acceptance by having an authorized representative sign the attached Client Project Services Agreement (CPSA) and returning it with a copy of the entire proposal to formally authorize our services on this project. The terms and conditions that accompany the CPSA are an integral part of our agreement and will govern our services on this project.

All information (written or electronic) from TTL concerning TTL's work is for the sole use and reliance of TTL's Client. TTL intends no third-party beneficiaries (expressed or implied) and copies of such information received by any other third parties are NOT for reliance unless TTL receives a signed Secondary Client Agreement from the third party.

CLOSING

We appreciate this opportunity to be of service. Please contact us at your convenience if you have questions or require additional information.

Respectfully submitted,

TTL, Inc.



Harvey F. Upchurch, Jr.
Sr Project Manager



Kevin Blake, P.E.
Principal Engineer

Attachments:

CPSA

Cost Estimates

CLIENT PROJECT SERVICES AGREEMENT

Northpark Drive and Industrial Boulevard
TTL Proposal Number P00190101753.00
Page 1 of 2

This AGREEMENT is between ("Client") and TTL, Inc. ("Consultant") for Services to be provided by Consultant for Client on the project ("Project"), as described in the Project Information section of Consultant's Proposal dated July 1, 2019 ("Proposal") unless the Project is otherwise described in Exhibit A to this Agreement (which section or exhibit is incorporated into this Agreement).

1. Scope of Services. The scope of Consultant's services is described in the Scope of Services section of the Proposal ("Services"), unless Services are otherwise described in Exhibit B to this Agreement (which section or exhibit is incorporated into this Agreement). Portions of the Services may be subcontracted. Consultant's Services do not include the investigation or detection of, nor do recommendations in Consultant's reports address the presence or prevention of biological pollutants (e.g., mold, fungi, bacteria, viruses, or their byproducts) or occupant safety issues, such as vulnerability to natural disasters, terrorism, or violence, unless specifically addressed in Consultant's proposal or Exhibit B. Consultant's findings, opinions, and recommendations are based solely upon data and information obtained by and furnished to Consultant at the time of the Services.

2. Acceptance/Termination. Client agrees that execution of this Agreement is a material element of the consideration Consultant requires to execute the Services, and if Services are initiated by Consultant prior to execution of this Agreement as an accommodation for Client at Client's request, both parties shall consider that commencement of Services constitutes formal acceptance of all terms and conditions of this Agreement. Additional terms and conditions may be added or changed only by written amendment to this Agreement signed by both parties. In the event Client uses a purchase order or other form to administer this Agreement, the use of such form shall be for convenience purposes only and any additional or conflicting terms it contains are stricken. This Agreement shall not be assigned by either party without prior written consent of the other party. Either party may terminate this Agreement or the Services upon written notice to the other. In such case, Consultant shall be paid costs incurred and fees earned to the date of termination plus reasonable costs of closing the project.

3. Change Orders. Client may request changes to the Scope of Services by altering or adding to the Services to be performed. If Client so requests, Consultant will return to Client a statement (or supplemental proposal) of the change setting forth an adjustment to the Services and fees for the requested changes. Following Client's review, Client shall provide written acceptance. If Client does not follow these procedures, but instead directs, authorizes, or permits Consultant to perform changed or additional work, the Services are changed accordingly and Consultant will be paid for this work according to the fees stated or its current fee schedule. If project conditions change materially from those observed at the site or described to Consultant at the time of proposal, Consultant is entitled to a change order equitably adjusting its Services and fee.

4. Compensation and Terms of Payment. Client shall pay compensation for the Services performed at the fees stated in the Compensation section of the Proposal unless fees are otherwise stated in Exhibit C to this Agreement (which section or exhibit is incorporated into this Agreement). If not stated in either, fees will be according to Consultant's current fee schedule. Fee schedules are valid for the calendar year in which they are issued. Consultant may invoice Client at least monthly and payment is due upon receipt of invoice. Client shall notify Consultant in writing, at the address on Page 2, within 15 days of the date of the invoice if Client objects to any portion of the charges on the invoice, and shall promptly pay the undisputed portion. Client shall pay a finance fee of 1.5% per month, but not exceeding the maximum rate allowed by law, for all unpaid amounts 30 days or older. Client agrees to pay all collection-related costs that Consultant incurs, including attorney's fees. Consultant may suspend or terminate Services for lack of timely payment without liability to Client in connection with such suspension or termination.

5. Third Party Reliance. This Agreement and the Services provided are for Consultant and Client's sole benefit and exclusive use with no third party beneficiaries made or intended. Reliance upon the Services and any work product is limited to Client, and is not permitted as to third parties. For a limited time period, not to exceed three months from the date of the report, Consultant will issue additional reports to others agreed upon with Client, however Client understands that such reports will be strictly for informational purposes only and not for reliance and that reliance by any third party will not be granted until those third parties sign and return Consultant's reliance agreement and Consultant receives the agreed-upon reliance fee. Client also acknowledges that such third party disclosures for reliance could create an issue of conflict of interest for Consultant and Client hereby waives any and all claims of conflict of interest as Consultant, Consultant's employees or sub-consultants or subcontractors as to any disclosure to a third party for informational or reliance purposes.

6. LIMITATION OF LIABILITY. CLIENT AND CONSULTANT HAVE EVALUATED THE RISKS AND REWARDS ASSOCIATED WITH THIS PROJECT, INCLUDING CONSULTANT'S FEE RELATIVE TO THE RISKS ASSUMED, AND AGREE TO ALLOCATE CERTAIN OF THE ASSOCIATED RISKS, TO THE FULLEST EXTENT PERMITTED BY LAW, THE TOTAL MAXIMUM AGGREGATE LIABILITY OF CONSULTANT (AND ITS RELATED CORPORATIONS AND CONSULTANT'S SUBCONSULTANTS AND SUBCONTRACTORS AND THE OFFICERS, DIRECTORS, MANAGERS, MEMBERS, SHAREHOLDERS, AGENTS, REPRESENTATIVES AND EMPLOYEES OF ALL OF THE FOREGOING) TO CLIENT AND THIRD PARTIES GRANTED RELIANCE IS LIMITED TO THE GREATER OF \$50,000 OR CONSULTANT'S FEE, FOR ANY AND ALL INJURIES, DAMAGES, CLAIMS, LOSSES, OR EXPENSES (INCLUDING ATTORNEY AND EXPERT FEES) ARISING OUT OF CONSULTANT'S SERVICES OR THIS AGREEMENT. UPON WRITTEN REQUEST FROM CLIENT, CONSULTANT MAY NEGOTIATE A HIGHER LIMITATION FOR ADDITIONAL CONSIDERATION. THIS LIMITATION SHALL APPLY REGARDLESS OF AVAILABLE INSURANCE COVERAGE, CAUSE(S) OR THE THEORY OF LIABILITY, INCLUDING NEGLIGENCE, INDEMNITY, STATUTORY, CONTRACTUAL OR EQUITABLE CONTRIBUTION OR INDEMNITY OBLIGATION OR ANY OTHER THEORY OF RECOVERY. THIS LIMITATION SHALL NOT APPLY TO THE EXTENT THE DAMAGE IS PAID UNDER CONSULTANT'S COMMERCIAL GENERAL LIABILITY POLICY.

7. Indemnity/Statute of Limitations. Consultant and Client shall indemnify and hold harmless the other and their respective employees from and against legal liability for claims, losses, damages, and expenses to the extent such claims, losses, damages, or expenses are legally determined to be caused by their negligent acts, errors, or omissions. In the event such claims, losses, damages, or expenses are legally determined to be caused by the joint or concurrent negligence of Consultant and Client, they shall be borne by each party in proportion to its own negligence under comparative fault principles. Neither party shall have a duty to defend the other party, and **no duty to defend is hereby created by this indemnity provision** and such duty is **explicitly waived** under this Agreement. Causes of action arising out of Consultant's services or this Agreement regardless of cause(s) or the theory of liability, including negligence, indemnity or other recovery shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of Consultant's substantial completion of services on the project.

8. Warranty. Consultant will perform the Services in a manner consistent with that level of care and skill ordinarily exercised by members of the Consultant's profession currently practicing under similar conditions in the same locale. **CONSULTANT MAKES NO WARRANTIES OR GUARANTEES, EXPRESS OR IMPLIED, RELATING TO CONSULTANT'S SERVICES AND CONSULTANT EXPRESSLY AND FULLY DISCLAIMS ANY AND ALL IMPLIED WARRANTIES OR WARRANTIES IMPOSED BY LAW, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**

9. Insurance. Consultant represents that it now carries, and will continue to carry: (i) workers' compensation insurance in accordance with the laws of the states having jurisdiction over Consultant's employees who are engaged in the Services, and employer's liability insurance (\$1,000,000); (ii) commercial general liability insurance (\$1,000,000 occurrence / \$2,000,000 aggregate); (iii) automobile liability insurance (\$1,000,000 Bodily Injury and Property Damage combined single limit); and (iv) professional liability insurance (\$1,000,000 claim / aggregate). Certificates of insurance will be provided upon request. Client and Consultant shall waive subrogation against the other party on all general liability and property coverage.

10. CONSEQUENTIAL DAMAGES. NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR LOSS OF PROFITS OR REVENUE; LOSS OF USE OR OPPORTUNITY; LOSS OF GOOD WILL; COST OF SUBSTITUTE FACILITIES, GOODS, OR SERVICES; COST OF CAPITAL; OR FOR ANY SPECIAL, CONSEQUENTIAL, INDIRECT, PUNITIVE, OR EXEMPLARY DAMAGES.

11. Dispute Resolution. Client shall not be entitled to assert a Claim against Consultant based on any theory of professional negligence unless and until Client has obtained the written opinion of a registered, independent, and reputable engineer, or geologist licensed in the jurisdiction in which the work in question was performed that Consultant has violated the standard of care applicable to Consultant's performance of the Services. Client shall provide this opinion to Consultant and the parties shall endeavor to resolve the dispute within 30 days, after which Client may pursue its remedies at law. This Agreement shall be governed by and construed according to Alabama law.

CLIENT PROJECT SERVICES AGREEMENT

Northpark Drive and Industrial Boulevard
 TTL Proposal Number P00190101753.00
 Page 2 of 2

12. Subsurface Explorations. Subsurface conditions throughout the site may vary from those depicted on logs of discrete borings, test pits, or other exploratory services. Client understands Consultant's layout of boring and test locations is approximate and that Consultant may deviate a reasonable distance from those locations. Consultant will take reasonable precautions to reduce damage to the site when performing Services; however, Client accepts that invasive services such as drilling or sampling may damage or alter the site. Site restoration is not provided unless specifically included in the Services and Client assumes responsibility for site restoration.

13. Testing and Observations. Client understands that testing and observation are discrete sampling procedures, and that such procedures indicate conditions only at the depths, locations, and times the procedures were performed. Consultant will provide test results and opinions based on tests and field observations only for the work tested. Client understands that testing and observation are not continuous or exhaustive, and are conducted to reduce - not eliminate - project risk. Client agrees to the level or amount of testing performed and the associated risk. Client is responsible (even if delegated to contractor) for requesting services, and notifying and scheduling Consultant so Consultant can perform these Services. Consultant is not responsible for damages caused by services not performed due to a failure to request or schedule Consultant's services. Consultant shall not be responsible for the quality and completeness of Client's contractor's work or Client's contractor's adherence to the project documents, and Consultant's performance of testing and observation services shall not relieve Client's contractor in any way from Client's contractor's responsibility for defects discovered in Client's contractor's work, or create a warranty or guarantee from Consultant of any nature. Consultant will not supervise or direct the work performed by Client's contractor or Client's contractor's subcontractors at any tier and is not responsible for their means and methods.

14. Sample Disposition, Affected Materials, and Indemnity. Samples are consumed in testing or disposed of upon completion of tests (unless stated otherwise in the Services). Client shall furnish or cause to be furnished to Consultant all documents and information known or available to Client that relate to the identity, location, quantity, nature, or characteristic of any hazardous waste, biohazard, toxic, radioactive, or contaminated materials ("Affected Materials") at or near the site, and shall immediately transmit new, updated, or revised information as it becomes available. Client agrees that Consultant is not responsible for the disposition of Affected Material unless specifically provided in the Scope of Services submitted by Consultant, and that Client is responsible for directing such disposition. In the event that test samples obtained during the performance of Services (i) contain substances hazardous to health, safety, or the environment, or (ii) equipment used during the Services cannot reasonably be decontaminated, Client shall sign documentation (if necessary) required to ensure the equipment and/or samples are transported and disposed of properly, and agrees to pay Consultant the fair market value of this equipment and all reasonable disposal costs. In no event shall Consultant be required to sign a hazardous waste manifest or take title to any Affected Materials. Client shall have the obligation to make all spill or release notifications to appropriate governmental agencies. The Client agrees that Consultant neither created nor contributed to the creation or existence of any Affected Materials conditions at the site. Accordingly, Client waives any claim against Consultant and agrees to indemnify and save Consultant, Consultant's related companies, Consultant's subconsultants or subcontractors, and the agents, representatives, officers, directors, members, managers and shareholders of all of the foregoing harmless from any claim, liability or defense cost, including attorney and expert fees, for injury or loss sustained by any person or entity from such exposures allegedly arising out of Consultant's non-negligent performance of services hereunder, or for any claims against Consultant as a generator, disposer, or arranger of Affected Materials under federal, state, or local law or ordinance.

15. Documents. Work product, such as reports, logs, data, notes, photographs, or calculations, prepared by Consultant shall remain Consultant's property. Proprietary concepts, systems, and ideas developed during performance of the Services shall remain the sole property of Consultant. Files shall be maintained in general accordance with Consultant's document retention policies and practices. Upon Client's request, Consultant's work product may be provided via electronic media. By such request, Client agrees that the written copy retained by Consultant in its files shall be the official base document. Consultant makes no warranty or representation to Client that the magnetic copy is accurate or complete, but will correct in good faith any omissions or errors brought to Consultant's attention by Client. Any modifications of such electronic copy by Client or others shall be at Client's risk and without liability to Consultant. Such magnetic copy is subject to all other conditions of this Agreement. Documents, reports, tests, information and communications from Consultant to Client or Client's designees are to be used only relating to the specific project/site to which they relate and may not be re-used for other projects or sites without express written consent from Consultant; any unauthorized re-use is at Client's or the recipient's sole and exclusive risk and is without liability as to Consultant, its related companies, its subconsultants or subcontractors, or the officers, directors, employees, agents, representatives, members, managers or shareholders of all of the foregoing. Consultant may rely upon information provided to Consultant by or on behalf of Client or third parties without any duty to independently verify the accuracy or completeness or currency of same, and Consultant shall have no liability to Client arising from any deficiency of such information.

16. Utilities. Client shall provide the location and/or arrange for the marking of private utilities and subterranean structures. Consultant shall take reasonable precautions to avoid damage or injury to subterranean structures or utilities. Consultant shall not be responsible for damage to (or claims arising out of damage to) subterranean structures or utilities that are not called to Consultant's attention or are not correctly marked, including being marked by a utility location service, or are incorrectly shown on the plans furnished to Consultant.

17. Site Access and Safety. Client shall secure all necessary site related approvals, permits, licenses, and consents necessary to commence and complete the Services and will execute any necessary site access agreement. Consultant will be responsible for supervision and site safety measures for its own employees, but shall not be responsible for the supervision or health and safety precautions for any other parties, including Client, Client's contractors and subcontractors, or other parties present at the site.

18. Unforeseen Circumstances. It is possible that unforeseen conditions or occurrences may be encountered at the site which could substantially alter the necessary services or the risks involved in completing Consultant's services. If this occurs, Consultant will promptly notify and consult with Client, but will act based on Consultant's sole judgment where risk to Consultant's personnel, the public or where professional duties to disclose hazards or conditions are involved. Possible actions could include: (A.) Complete the original Scope of Services in accordance with the procedures originally intended in Consultant's Proposal, if practicable in Consultant's judgment; (B.) Agree with Client to modify the Scope of Services and the estimate of charges to include assessment of the unforeseen conditions or occurrences, with such revision agreed to in writing; (C.) Terminate the services effective on the date specified by Consultant in writing; (D.) Disclose information to regulators or government authorities when required by statute or professional canons of ethics.

19. Survival. All provisions of this Agreement for indemnity or allocation of responsibility or liability between Client and Consultant shall survive the completion of the services and the termination of this Agreement.

20. Severability. In the event that any provision of this Agreement is found to be unenforceable under law, the remaining provisions shall continue in full force and effect.

CLIENT

Form name: _____
 Authorized by: _____ Date: _____
 Print name: _____ Title: _____
 Address: P.O. Box 390 Telephone no.: _____
 City and state: Opelika, AL Zip: 36803 Fax no.: _____
 E-mail address: _____ Cell no.: _____

CONSULTANT

Form name: TTL, Inc.
 Firm address for notifications: P.O. Drawer 1128 Tuscaloosa, AL 35403
 TTL approval by: _____ Date: _____
 Print name: _____ Title: _____



**Cost Estimate
Pavement Evaluation
Industrial Boulevard
Opelika, Lee County, Alabama**

Task	Item	Unit	Rate	Quantity	Item Cost	Task Subtotal
Pavement Distress Survey						
	Staff Professional 1	hour	\$ 88.00	0	\$ -	
	Staff Professional 2	hour	\$ 99.00	8	\$ 792.00	
	Staff Professional 3	hour	\$ 120.00	0	\$ -	
	Staff Professional 4	hour	\$ 144.00		\$ -	
	Staff Professional 5	hour	\$ 175.00	0	\$ -	
	Staff Professional 6	hour	\$ 193.00	5	\$ 965.00	
	Milage	mile	\$ 0.580	100	\$ 58.00	
					\$	1,815.00
Drilling						
	Mobilization/Demobilization	mile	\$ 5.00	0	\$ 300.00	
	Soil Borings AASHTO T206 w/SPT at 5 Foot Intervals	feet	\$ 14.25	50	\$ 712.50	
	Split Spoon Sample (SPT) in Addition to One Every 5 Feet	foot	\$ 10.50	16	\$ 168.00	
	Asphalt Coring (6" Dia./Inch Depth)	each	\$ 10.00	16	\$ 160.00	
	Installation of 2" Diam. PVC Piezometer (In Pre-Drilled Hole)	foot	\$ 13.00	0	\$ -	
	Thin-Walled Tube Sampling	each	\$ 61.50	4	\$ 246.00	
	Bag Sample	each	\$ 19.00	4	\$ 76.00	
	Staff Professional 2	hour	\$ 99.00	8	\$ 792.00	
	Staff Professional 6	hour	\$ 193.00	2	\$ 386.00	
					\$	2,840.50
Laboratory Testing						
	Atterberg Limits	each	\$ 85.00	5	\$ 425.00	
	Sieve Analysis	each	\$ 70.00	5	\$ 350.00	
	Soil Classification w/ Hydrometer	each	\$ 250.00	0	\$ -	
	Moisture Content	each	\$ 10.00	32	\$ 320.00	
	pH (Soil and Water)	each	\$ 14.50	0	\$ -	
	Sulfate	each	\$ 45.00	0	\$ -	
	Chlorides	each	\$ 45.00	0	\$ -	
	Standard Proctor	each	\$ 120.00	3	\$ 360.00	
	Laboratory Resilient Modulus	each	\$ 475.00	3	\$ 1,425.00	
	Staff Professional 1	hour	\$ 88.00	0	\$ -	
					\$	2,880.00
Pavement Recommendation Report						
	Staff Professional 1	hour	\$ 88.00	0	\$ -	
	Staff Professional 2	hour	\$ 99.00	0	\$ -	
	Staff Professional 3	hour	\$ 120.00	10	\$ 1,200.00	
	Staff Professional 6	hour	\$ 193.00	6	\$ 1,158.00	
	Administrative Assistant	hour	\$ 57.00	5	\$ 285.00	
	Draftsman - CADD	hour	\$ 89.00	5	\$ 445.00	
					\$	3,088.00
					Cost Estimate	\$ 10,623.50

Attachment: Exhibit "A" Agreement with TTL (206-19 : Pavement Consulting Services Agreement)



Cost Estimate
Pavement Evaluation
Northpark Drive
Opelika, Lee County, Alabama

Task	Item	Unit	Rate	Quantity	Item Cost	Task Subtotal
Pavement Distress Survey						
	Staff Professional 1	hour	\$ 88.00	0	\$ -	
	Staff Professional 2	hour	\$ 99.00	10	\$ 990.00	
	Staff Professional 3	hour	\$ 120.00	0	\$ -	
	Staff Professional 4	hour	\$ 144.00		\$ -	
	Staff Professional 5	hour	\$ 175.00	0	\$ -	
	Staff Professional 6	hour	\$ 193.00	6	\$ 1,158.00	
	Milage	mile	\$ 0.580	100	\$ 58.00	
						\$ 2,206.00
Drilling						
	Mobilization/Demobilization	mile	\$ 5.00	0	\$ 300.00	
	Soil Borings AASHTO T206 w/SPT at 5 Foot Intervals	feet	\$ 14.25	72	\$ 1,026.00	
	Split Spoon Sample (SPT) in Addition to One Every 5 Feet	foot	\$ 10.50	24	\$ 252.00	
	Asphalt Coring (6" Dia./Inch Depth)	each	\$ 10.00	20	\$ 200.00	
	Installation of 2" Diam. PVC Piezometer (In Pre-Drilled Hole)	foot	\$ 13.00	25	\$ 325.00	
	Piezometer Completion	each	\$ 150.00	4	\$ 600.00	
	Thin-Walled Tube Sampling	each	\$ 61.50	6	\$ 369.00	
	Bag Sample	each	\$ 19.00	4	\$ 76.00	
	Staff Professional 2	hour	\$ 99.00	8	\$ 792.00	
	Staff Professional 6	hour	\$ 193.00	2	\$ 386.00	
						\$ 4,326.00
Laboratory Testing						
	Atterberg Limits	each	\$ 85.00	8	\$ 680.00	
	Sieve Analysis	each	\$ 70.00	8	\$ 560.00	
	Soil Classification w/ Hydrometer	each	\$ 250.00	0	\$ -	
	Moisture Content	each	\$ 10.00	48	\$ 480.00	
	pH (Soil and Water)	each	\$ 14.50	0	\$ -	
	Sulfate	each	\$ 45.00	0	\$ -	
	Chlorides	each	\$ 45.00	0	\$ -	
	Standard Proctor	each	\$ 120.00	4	\$ 480.00	
	Laboratory Resilient Modulus	each	\$ 475.00	4	\$ 1,900.00	
	Staff Professional 1	hour	\$ 88.00	0	\$ -	
						\$ 4,100.00
Pavement Recommendation Report						
	Staff Professional 1	hour	\$ 88.00	0	\$ -	
	Staff Professional 2	hour	\$ 99.00	0	\$ -	
	Staff Professional 3	hour	\$ 120.00	10	\$ 1,200.00	
	Staff Professional 6	hour	\$ 193.00	6	\$ 1,158.00	
	Administrative Assistant	hour	\$ 57.00	5	\$ 285.00	
	Draftsman - CADD	hour	\$ 89.00	5	\$ 445.00	
						\$ 3,088.00
						Cost Estimate \$ 13,720.00

Attachment: Exhibit "A" Agreement with TTL (206-19 : Pavement Consulting Services Agreement)

RESOLUTION NO. 207-19

Special appropriation to The Rain Group for Love U Love U event.**RESOLUTION NO. _____**

WHEREAS, the City of Opelika and the Opelika City Council appreciates and fully supports the 2019 Love U Love U (LULU) event being provided by The Rain Group, Inc. in Opelika on Saturday, July 27th, and

WHEREAS, the Rain Group is in need of additional funding to assist in covering the expenses involved in the LULU event which will focus on celebrating love, unity and service in the Opelika community, and

WHEREAS, the City Council wishes to appropriate the total of \$1,000.00 from their discretionary funds to assist in covering the expenses involved with the 2019 LULU event.

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

1. The City Council hereby approves a special appropriation of \$1,000.00 with each City Council member contributing as detailed below, to assist in covering the expenses involved with the 2019 LULU event:

Patricia Jones	Ward 1	Reserve fund	\$200.00
Tiffany Pitts	Ward 2	Current year	\$200.00
Dozier Smith T \$200.00	Ward 3	Reserve fund	
Eddie Smith	Ward 4	Reserve fund	\$200.00
David Canon	Ward 5	Reserve fund	\$200.00

2. The Opelika City Council hereby declares and determines that said expenditure of these public funds serve a public purpose for the City of Opelika.
3. The Mayor and the Controller is hereby authorized and directed to move \$1,000.00 as detailed in number 1. above to the appropriate account.

4. The City Clerk-Treasurer is hereby authorized and directed to prepare the appropriate documents so that a check for \$1,000.00 payable to the Rain Group and earmarked for the 2019 LULU event may be prepared and mailed.

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

President of the City Council
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

ORDINANCE NO. (ID # 3496)

Amend Zoning Ord & Map: Rezone 47.3 Acres, 1300 Block Fox Run Parkway - 2nd Reading.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING
ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA
(FOX RUN DEVELOPMENT PUD)

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

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

(a) Koul Properties, Inc., an Alabama corporation, (the “Company”) is the owner of record of that certain real property consisting of approximately 47.3 acres located on the east side of Fox Run Parkway.

(b) The Company heretofore submitted to the City a development plan for a planned unit development (“PUD”) entitled “Fox Run Development PUD” consisting of approximately 47.3 acres.

(c) The proposed development is a mixed use development divided primarily into four (4) sections. A future commercial section is located along Fox Run Parkway and is comprised of approximately 4.7 acres. The westernmost residential section is a townhome and is approximately 2.2 acres located inside the existing Pinehurst Apartments. The middle section is that includes 3.55 acres of open space. The easternmost residential section is a single-family detached house area that is approximately 23.61 acres that includes 7.2 acres of open space.

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

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

Section 2. APPROVAL OF THE DEVELOPMENT PLAN. The Development Plan as submitted for review is hereby approved and affirmed as required by Section 8.18N of the Zoning Ordinance of the City.

Section 3. DESIGNATION OF A PLANNED UNIT DEVELOPMENT. The official Zoning Map is hereby amended and the zoning classification for the following parcel of land shall be changed from a C-2 District (Office District) to a Planned Unit Development (PUD) on the official zoning map of the City.

Commencing at the southeast corner of Section 5, T-19-N, R-27-E, in Opelika, Lee County, Alabama; thence North 2° 30' 38" West, 1,251.1 feet to the TRUE POINT OF BEGINNING of the parcel of land herein described; thence South 86° 45' 22" West 2,175.84 feet to the northeasterly right-of-way line of Fox Run Parkway (U.S. Highway 431); thence northwesterly along said right-of-way line, being a curve concave southwesterly, and having a radius of 5,809.58 feet, for 17.20 feet; thence North 29° 51' 21" West 103.47 feet; thence North 41° 43' 51" West 102.44 feet; thence North 54° 00' 02" West 103.52 feet; thence Northwesterly along a curve concave southwesterly and having a radius of 5,809.58 feet, for 367.63 feet; thence leaving said right-of-way line North 1° 54' 18" West 245.30 feet; thence South 65° 11' 27" East, 22.35 feet; thence North 1° 56' 29" West 79.05 feet; thence North 87° 01' 52" East 1,129.62 feet; thence North 87° 06' 49" East, 1,486.88 feet; thence South 1° 44' 40" East 824.69 feet to the TRUE POINT OF BEGINNING.

The above-described property is located on the east side of Fox Run Parkway near Betts Shopping Center.

Section 4. RETENTION OF COPIES OF 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. Any ordinance or part thereof in conflict with 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.

All interested persons are invited to attend the public hearing and be heard. Written comments concerning the above matter may be mailed to the City Clerk at P.O. Box 390, Opelika, AL 36803 at any time prior to the public hearing and may be further submitted to the City Council at the meeting and the public hearing.

Please contact Kevin Rice, the City's ADA Coordinator, at 334-705-2083 at least two (2) working days prior to the meeting if you require special accommodations due to any disability.

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

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____,
2019.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 017-19-ORD

Amend City Code of Ordinances, Section 5.5 307(b) - 1st Reading.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 5.5-307(b) OF THE
CODE OF ORDINANCES OF THE CITY OF OPELIKA, ALABAMA;
CORRECTING TYPOGRAPHICAL ERROR

WHEREAS, a typographical error was discovered in Ordinance No. 014-19 that was adopted on July 2, 2019; and

WHEREAS, in subsection (b) of Section 5.5-307 (Application Fee) the text does not match the numerical amount included in the parenthesis; and

WHEREAS, the text specifies an application fee of two thousand dollars while the amount in parenthesis is \$2,500; and

WHEREAS, the City Council intended to specify an application fee of \$2,500.

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

Section 1. That subsection (b) of Section 5.5-307 of the *Code of Ordinances* of the City of Opelika, Alabama is hereby amended to read as follows:

- (b) An application for special use permit for collocation on an existing tower or support structure, where no increase in height of the tower or structure, nor substantial modification, is proposed, shall be accompanied by payment of a nonrefundable application fee of two thousand five hundred dollars (\$2,500.00).

Section 2. That Chapter 5.5 of the *Code of Ordinances*, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

Section 3. That this Ordinance shall take effect and be enforced immediately upon its adoption and publication as required by law.

Section 4. That the City Clerk of the City of Opelika is hereby authorized and directed to cause a copy of this Ordinance to be published one (1) time in a newspaper of general circulation in the City of Opelika, Alabama.

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

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR this the ____ day of _____, 2019.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK