



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
204 South 7th Street
September 17, 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 city council members were present.

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

3. Invocation

Minister Larry Presley provided the invocation.

1. Minister Larry Presley with the Trinity United Methodist Church.

4. Pledge of Allegiance

Jaxon and Caleb lead the Pledge of Allegiance.

1. Jaxon Kellard and Caleb Schrimsher from Southview Primary School.

5. Reading of Minutes

1. Minutes from the 9-03-19 city council meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller thanked the City Council for recognizing Raymond Newman at the last council meeting for his 100th birthday. He passed one week later.

1. City financial report - August 2019

Mayor Fuller passed out hard copies of the City's August 2019 financial summary.

2. August 2019 Monthly Building Report

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

3. Reappoint Dr. Bill Whatley to the Opelika Housing Authority. New term ends 10-18-24. Mayor Fuller advised the City Council that he had reappointed Dr. Bill Whatley to another term on the Opelika Housing Authority.

4. Recognize Police Officer Jonathan Fordham as the Officer of the Quarter. Mayor Fuller and Chief McEachern recognized Jonathan Fordham as the Police Officer of the Quarter.

5. CCOPS - recognition of police officers.

Mayor Fuller, Jack Galassini and Mary Hoerlein with the CCOPS program recognized four police officers for their outstanding service. There was one officer recognized from the Opelika Police Department, Auburn Police Department, Lee Co. Sheriffs office and the Alabama State Troopers.

8. Citizen Communications

(Limit comments to five minutes or less)

Billy Allen thanked the Mayor and City Council for their assistance with cleaning up the property on Grove Avenue. I accept the responsibility for taking care of my property and will help privately owned land be safe and clean for the public good. Thank you.

Victor Harris stated plans have been submitted to the Planning department for renovating the Curtis Home. We are a non-profit and ask the City to waive the various permit fees. President Smith asked Mr. Motley to get with Mr. Harris before he leaves to get any information needed to assist Mr. Harris.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request by Main Street for street closure, Christmas in a RR Town, December 13th.

RESULT: APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: Dozier Smith T, Council Member

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

2. Request by Taste of Asia Inc. (KTV) - Beer & Wine on Premise License.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

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

3. Request by Taste of Asia Inc. - Restaurant Retail Liquor & Beer on Premise License.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

4. Public Hearing - Weed Abatement Assessment - 308 Brannon Ave

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$234.85 to said property. President Smith opened the public hearing and asked 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 - 509 1St Ave

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$263.60 to said property. President Smith opened the public hearing and asked 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 - 1109 Magnolia St.

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$217.04 to said property. President Smith opened the public hearing and asked 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 - 1301 Fitzpatrick Ave

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$197.84 to said property. President Smith opened the public hearing and asked 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 - 1917 Pepperell Pkwy

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$90.34 to said property. President Smith opened the public hearing and asked 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 - 2300 Dorsey St.

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$1,159.61 to said property. President Smith opened the public hearing and asked 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.

10. Public Hearing, amend zoning Ord. & Map: R-3 to I-1 - 1600 Toomer Street.

Mr. Shuman presented this public hearing to amend the zoning ordinance and map for said property from R-3 to I-1. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against said rezoning. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

1. Bids 261-19 Single-Phase Pole Mounted Transformers - OPS

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

2. Bids 262-19 Single-Phase Pad Mounted Transformers - OPS

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

3. Bids 263-19 15KV Primary Underground Distribution Cable - OPS

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: Tiffany Gibson-Pitts, Council Member

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

13. Resolutions

1. Resolution 264-19 Expense reports from various departments.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

2. Resolution 265-19 Designate City Personal Property as Surplus & Authorize Disposal

RESULT: APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: Dozier Smith T, Council Member

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

3. Resolution 266-19 Change Order Request - Emergency Lighting by Haynes - PD

- RESULT:** **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
4. Resolution 267-19 Purchase - Furniture - State Contract - HR
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 268-19 Purchase - Gasoline and Diesel Fuel - State Contract - PW/AS
RESULT: **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
6. Resolution 269-19 Emergency Repair - Truck #834 - OES
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
7. Resolution 270-19 Weed Abatement Assessment - 308 Brannon Ave.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
8. Resolution 271-19 Weed Abatement Assessment - 509 1St Ave.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
9. Resolution 272-19 Weed Abatement Assessment - 1109 Magnolia St.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
10. Resolution 273-19 Weed Abatement Assessment - 1301 Fitzpatrick Ave.
RESULT: **APPROVED [UNANIMOUS]**
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
11. Resolution 274-19 Weed Abatement Assessment - 1917 Pepperell Pkwy.
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 275-19 Weed Abatement Assessment - 2300 Dorsey St.

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

13. Resolution 276-19 IHeart Media Radio Advertising (OPS)

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

14. Resolution 277-19 Tax abatement - Kwangsung America Corp.

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

15. Resolution 278-19 Annual contract, Lee Co. Rabies Officer.

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

16. Resolution 279-19 Annual Appropriation Contract - Lee County Humane Society.

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

17. Resolution 280-19 Reserve current year city council discretionary balances.

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

18. Resolution 281-19 Deny rezoning application, 32.45 acres on Gateway Drive, Capps property.

Mr. Gunter reviewed the resolution explaining the various reasons supporting the denial of this application for a rezoning.

Mr. Canon stated the city council rarely turns down a zoning application but, this property needs a good land use. Current sign regulations require measuring height from ground while applicant requested measuring the sign height from street level.

Ms. Pitts asked why the Planning Commission sent this application to the City Council when it did not meet the current sign regulations? Matt Mosley, Planning Director, stated there is some latitude in the sign regulations that allows alternative actions with city council approval.

Mr. Gunter stated the signage requested exceeds the Planning Commission recommendation.

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

19. Resolution 282-19 Intergovernmental Project Funding Agreement with Lee Co.

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

14. Ordinances

1. Ordinance 019-19-ORD Lease agreement with East Central Alabama Highway Safety Office - 2nd Reading.

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

2. Ordinance 020-19-ORD Amendments to the Personnel Policies and Procedures Manual - 2nd Reading.

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

3. Ordinance 021-19-ORD Refunding trust agreement / Series 2010-B Warrants 1st Reading.

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

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

Nays None.

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

4. Ordinance Amend Zoning Ord & Map: 1600 Toomer Street R3 to I1 - 2nd Reading.
This ordinance was introduced by Ms. Jones.

RESULT: FIRST READING INTRODUCED

15. Appointments

1. Mayor Fuller reappointed Dr. Bill Whatley to the Housing Authority. New term ends 10-18-24.

16. Adjourn

The City Council meeting minutes of September 17, 2019 are hereby adopted and approved this the 1st day of October, 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. Character Trait of the month - Dedication, a state of being totally committed to something.
2. Motion to adjourn.

The council meeting was ended at 7:57 pm.

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

CM MINUTES (ID # 3713)

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

DOC ID: 3713

Minutes from the 9-03-19 city council meeting.

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



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

September 3, 2019

TIME: 7:00 PM

1. Call to Order

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

2. Roll Call

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

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

3. Invocation

Minister John Rector gave the invocation.

1. Minister John Dale Rector from Lakeview Baptist Church.

4. Pledge of Allegiance

Charleigh Lowery lead the Pledge of Allegiance. Simone Samuel did not make it.

1. Charleigh Lowery and Simone Samuel from Southview Primary School.

5. Reading of Minutes

1. Minutes from the 8-20-19 city council meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

2. Minutes from the 8-28-19 called city council meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: David Canon, Council Member

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

6. Unfinished Business

7. Remarks By the Mayor

1. Proclamation to Raymond Newman for his 100th birthday.

Mayor Fuller presented and read a proclamation to Mr. Newman celebrating his 100 birthday.

2. Proclamation for Airbag Recall Repair Month.

Mayor Fuller read the proclamation.

8. Citizen Communications

(Limit comments to five minutes or less)

Mack Arrington stated he has been in the fuel distribution business for 25 years and said the proposed truck stop at Capps Landing and Gateway Drive will cause major traffic issues. More truck traffic in that area will be bad for that area. The biggest problem with truck stops is

prostitution, drugs and gun sales. I am not saying all truck drivers are bad but based on statistics about 5% are open to such solicitation. I ask that you vote no on this proposal.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Request from EAMC for two street closures on Nov. 22 and Dec. 6.

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

2. Request by Dreamz Lounge for alcohol license.

Ms. Pitts asked about the alcohol license application process. Lillie Finley, Purchasing-Revenue Manager, stated the application first goes to the ABC Board and then comes to the City to complete the application process. Guy Gunter, City Attorney, stated the ABC Board can approve beer and wine applications without city council approval but, will not approve liquor applications without city council approval. Miss Pitts said she knows the applicants and believe in second chances. Ms. Jones said we always look at what is in the application and decide based on what is legal. Ms. Jones asked Mr. Gunter to explain the legal factors to consider. Mr. Gunter explained the various factors that the city council can take into consideration in approving or denying said application. President Smith asked Mario Mitchell if he wished to make any comments. Mr. Mitchell said the names on the application were based on what he was told by the ABC Board. Mr. Gunter asked Mr. Mitchell if he is withdrawing the alcohol application and Mr. Mitchell said yes. Then Mr. Gunter advised the city council that there was no need for the council to vote on the alcohol license since it has been withdrawn.

RESULT: REMOVED FROM AGENDA [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

3. Public Hearing - Weed Abatement Assessment - 1St Avenue 071.000

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$196.84. President Smith opened the public hearing and asked 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 - 1St Avenue 136.000

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$62.50. President Smith opened the public hearing and asked 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 - 1St Avenue 137.000

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$447.50. President Smith opened the public hearing and asked 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 - 1St Ave & N 28Th St 136.000

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$1,427.50. President Smith opened the public hearing and asked 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 - 2Nd Avenue 136.001

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$581.10. President Smith opened the public hearing and asked 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 - 1531 1St Ave

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$118.34. President Smith opened the public hearing and asked 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 - 1534 1St Avenue

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$145.00. President Smith opened the public hearing and asked 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.

10. Public Hearing - Weed Abatement Assessment - 1699 N 16Th Pl.

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$720.75. President Smith opened the public hearing and asked 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.

11. Public Hearing - Weed Abatement Assessment - 2401 2Nd Avenue

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$451.50. President Smith opened the public hearing and asked 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. Public Hearing - Weed Abatement Assessment - 2500 1St Avenue

Mr. Shuman introduced this public hearing for a weed assessment against said property in the amount of \$1600.00. President Smith opened the public hearing and asked 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.

13. Public Hearing for Demolition - 207 Avenue a - Ward Funeral Home

Mr. Shuman introduced this public hearing for a demolition at said property. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against this demolition. No one came forward to speak. President Smith closed the public hearing.

14. Public Hearing for Demolition - 3307 Arnold Avenue

Mr. Shuman introduced this public hearing for a demolition at said property. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against this demolition. No one came forward to speak. President Smith closed the public hearing.

15. Public Hearing, project agreement with 280 Land Co. - Hidden Lakes.

Mr. Shuman introduced this public hearing for said project development agreement. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against this project agreement. No one came forward to speak. President Smith closed the public hearing.

16. Public Hearing, project agreement with Interstate Properties, LLC - USA Town Center.

Mr. Shuman introduced this public hearing for said project development agreement. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against this project agreement. No one came forward to speak. President Smith closed the public hearing.

12. Awarding of Bids

13. Resolutions

1. Resolution 235-19 Expense reports from various departments.

- RESULT:** APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
2. Resolution 236-19 Designate City Personal Property as Surplus & Authorize Disposal
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
3. Resolution 237-19 Refund Request-Grier, Occupational License Fees.
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
4. Resolution 238-19 Extending Contract with Waste Management - OES
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
5. Resolution 239-19 Weed Abatement Assessment - 1St Avenue 071.000
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
6. Resolution 240-19 Weed Abatement Assessment - 1St Avenue 136.000
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
7. Resolution 241-19 Weed Abatement Assessment - 1St Avenue 137.000
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
8. Resolution 242-19 Weed Abatement Assessment - 1St Ave & N 28Th St 136.000
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
9. Resolution 243-19 Weed Abatement Assessment - 2Nd Avenue 136.001
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
10. Resolution 244-19 Weed Abatement Assessment - 1531 1St Avenue

- RESULT:** APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
11. Resolution 245-19 Weed Abatement Assessment - 1534 1St Avenue
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
12. Resolution 246-19 Weed Abatement Assessment - 1699 N 16Th Pl.
RESULT: APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
13. Resolution 247-19 Weed Abatement Assessment - 2401 2Nd Avenue
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
14. Resolution 248-19 Weed Abatement Assessment - 2500 1St Avenue
RESULT: APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
15. Resolution 249-19 Authorize Demolition - 207 Avenue a - Ward Funeral Home.
RESULT: APPROVED [UNANIMOUS]
MOVER: Tiffany Gibson-Pitts, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
16. Resolution 250-19 Authorize Demolition - 3307 Arnold Avenue.
RESULT: APPROVED [4 TO 0]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Patricia Jones, Tiffany Gibson-Pitts, Dozier Smith T, David Canon
ABSTAIN: Eddie Smith
17. Resolution 251-19 Lease Agreement with Heritage Baptist Church
RESULT: APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
18. Resolution 252-19 Approving Proposal with Piedmont Paving, Inc. - ENG

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

19. Resolution 253-19 Annual Renewal General Liability Insurance - H/R.

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

20. Resolution 254-19 Annual Renewal of the Excess Loss Insurance Contract - H/R.

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

21. Resolution 255-19 Employment Contract for Terry White

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

22. Resolution 256-19 Project Agreement Hidden Lakes

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

23. Resolution 257-19 Project Agreement USA Town Center

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

24. Resolution 258-19 Approval of City budget for FY2020.

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

25. Resolution 259-19 Agreement with SUSCC, Use of Sportsplex

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

26. Resolution 260-19 Infrastructure Funding Agreement with Opelika Utilities

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

14. Ordinances

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

Mr. Canon introduced this ordinance for a first reading.

RESULT: FIRST READING INTRODUCED

2. Ordinance Amendments to the Personnel Policies and Procedures Manual - 1st Reading.

Ms. Jones introduced this ordinance for a first reading.

RESULT: FIRST READING INTRODUCED

15. Appointments

16. Adjourn

The City Council meeting minutes of September 3, 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. Character Trait of the month - Dedication, a state of being totally committed to something.
2. Motion to adjourn.

The city council meeting ended at 8:06 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

SCHEDULED

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

MAYOR'S REMARKS (ID # 3709)

DOC ID: 3709

City financial report - August 2019

COMMENTS - Current Meeting:

Mayor Fuller passed out hard copies of the City's August 2019 financial summary.

City of Opelika
 Combined Balance Sheet - All Funds and Account Groups
 August 31, 2019
 *Thousands of dollars

Governmental Funds										
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	Internal Service Funds	Enterprise Funds	General Capital Assets	General Long Term Debt	Total
ASSETS										
Cash	\$ 39,476	\$ 12,390	\$ 37	\$ 1,325	\$ -	\$ 3,454	\$ 34,986	\$ -	\$ -	\$ 91,668
Certificates of deposit	21,987	5,000	-	-	-	-	8,508	-	-	35,495
Receivables:										
Accounts and unbilled service	-	-	-	283	-	-	3,879	-	-	4,162
Taxes	6,817	7,322	-	-	-	-	-	-	-	14,139
Licenses and fees	2,822	-	-	-	-	-	-	-	-	2,822
Assessments	136	-	-	-	-	-	-	-	-	136
Interest	(91)	-	-	-	3	-	-	-	-	(88)
Other	104	1,030	-	-	-	4	-	-	-	1,138
Due from other funds	479	-	-	-	3	82	9,321	-	-	9,885
Due from other governments	22	426	-	139	-	-	990	-	-	1,577
Inventories of supplies, at cost	72	-	-	-	-	-	1,517	-	-	1,589
Prepaid expenses	388	-	-	-	-	-	-	-	-	388
Investments	-	16	-	-	1,175	-	-	-	-	1,191
Investments with fiscal agent	-	-	1	-	-	-	2,642	-	-	2,643
Capital assets:										
Land	-	-	-	-	-	-	-	10,303	-	12,765
Buildings	-	-	-	-	-	-	2,462	46,155	-	59,821
Equipment	-	-	-	-	-	-	11,929	21,415	-	33,344
Utility systems	-	-	-	-	-	-	115,276	-	-	115,276
Infrastructure	-	-	-	-	-	-	-	115,288	-	115,288
Construction in progress	-	-	-	-	-	-	138	15,391	-	15,529
Total capital assets	-	-	-	-	-	-	143,471	208,552	-	352,023
Less: accumulated depreciation	-	-	-	-	-	-	(68,956)	(62,101)	-	(131,057)
Capital assets, net	-	-	-	-	-	-	74,515	146,451	-	220,966
Deposits	-	69	-	-	-	19	2	-	-	90
Amount to be provided for general long term debt	-	-	-	-	-	-	-	-	85,911	85,911
Total assets	72,212	26,253	38	1,747	1,181	3,559	136,360	146,451	85,911	473,712
DEFERRED OUTFLOWS OF RESOURCES										
Employer retirement contributions	-	-	-	-	-	-	1,442	-	-	1,442
Difference on projected OPEB earnings	-	-	-	-	-	-	10	-	-	10
Bond refunding costs	-	-	-	-	-	-	2,565	-	-	2,565
Total deferred outflows of resources	-	-	-	-	-	-	4,017	-	-	4,017

City of Opelika
 Combined Balance Sheet - All Funds and Account Groups
 August 31, 2019
 *Thousands of dollars

	Governmental Funds								Total	
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	Internal Service Funds	Enterprise Funds	General Capital Assets		General Long Term Debt
LIABILITIES										
Accounts payable	899	-	-	-	-	59	7,950	-	-	8,908
Interest payable	-	-	-	-	-	-	566	-	-	566
Accrued payroll and benefits, due within one year	830	(8)	-	-	-	-	405	-	-	1,227
Due to other funds	50	167	-	392	1	-	9,274	-	-	9,884
Due to other governments	1	57	-	-	-	-	-	-	-	58
Claims and judgements, due within one year	-	-	-	-	-	332	-	-	-	332
Bonds payable due within one year	-	-	-	-	-	-	1,980	-	-	1,980
Claims and judgements, due in more than one year	-	-	-	-	-	117	-	-	-	117
Bonds payable, due in more than one year	-	-	-	-	-	-	31,807	-	85,911	117,718
Net pension liability	-	-	-	-	-	-	8,891	-	-	8,891
Accrued payroll & benefits, due in more than one year	-	-	-	-	-	-	1,039	-	-	1,039
Customer deposits held	-	-	-	-	-	-	3,175	-	-	3,175
Total liabilities	1,780	216	-	392	1	508	65,087	-	85,911	153,895
DEFERRED INFLOWS OF RESOURCES										
Net difference in earnings on retirement plan	-	-	-	-	-	-	295	-	-	295
Net change in OPEB assumptions	-	-	-	-	-	-	39	-	-	39
Unearned revenues	3,861	8,744	-	139	-	99	503	-	-	13,346
Total deferred inflows of resources	3,861	8,744	-	139	-	99	837	-	-	13,680
FUND BALANCES										
Nonspendable	460	69	-	-	978	-	-	-	-	1,507
Restricted	200	3,214	38	1,132	-	291	2,642	-	-	7,517
Committed	15	-	-	-	-	-	-	-	-	15
Assigned	17,859	8,566	-	-	-	-	-	-	-	26,425
Unassigned	36,749	5,738	-	1	202	-	-	-	-	42,690
Invested in capital assets, net of related debt	-	-	-	-	-	-	43,293	146,451	-	189,744
Unrestricted	-	-	-	-	-	2,644	28,934	-	-	31,578
Encumbrances	11,288	(294)	-	83	-	17	(416)	-	-	10,678
Total fund balances	\$ 66,571	\$ 17,293	\$ 38	\$ 1,216	\$ 1,180	\$ 2,952	\$ 74,453	\$ 146,451	\$ -	\$ 310,154

PRELIMINARY

City of Opelika

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

FYTD August 31, 2019

*Thousands of dollars

	Governmental Funds					Total
	General Fund	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Garden Hills Cemetery Permanent Fund	
REVENUES:						
Taxes	\$ 35,612	\$ 7,792	\$ -	\$ -	\$ -	\$ 43,404
Special assessments	-	-	-	-	-	-
Licenses and permits	17,528	383	-	-	-	17,911
Intergovernmental	892	1,635	-	124	-	2,651
Charges for services	1,964	-	-	-	-	1,964
Fines and forfeits	388	-	-	-	-	388
Grants	31	-	-	-	-	31
Contributions	97	38	-	-	-	135
Investment income	674	229	1	17	33	954
Miscellaneous	510	-	-	-	-	510
Total revenues	57,696	10,077	1	141	33	67,948
EXPENDITURES:						
General government	6,415	243	-	-	6	6,664
Public safety	15,258	495	-	-	-	15,753
Public works	4,817	12	-	-	-	4,829
Health	326	-	-	-	-	326
Education	3,110	6,500	-	-	-	9,610
Welfare	109	-	-	-	-	109
Culture and recreation	5,675	-	-	-	-	5,675
Economic development	1,767	292	-	-	-	2,059
Capital outlay	14,721	53	-	(32)	-	14,742
Debt service:						
Principal retirement	665	-	3,030	-	-	3,695
Interest and fees	34	-	3,159	-	-	3,193
Total expenditures	52,897	7,595	6,189	(32)	6	66,655
Excess of revenues over/(under) expenditures	4,799	2,482	(6,188)	173	27	1,293
Other financing sources/(uses):						
Proceeds from debt issuance	-	-	-	-	-	-
Proceeds used to refund bonds	-	-	-	-	-	-
Sale of capital assets	34	-	-	-	-	34
Transfers from other funds	2,770	3,734	6,189	274	29	12,996
Transfers to other funds	(7,684)	(2,114)	-	(431)	(20)	(10,249)
Total other financing sources/(uses)	(4,880)	1,620	6,189	(157)	9	2,781
Net change in fund balances	(81)	4,102	1	16	36	4,074
Fund balances, beginning of the year	66,652	13,191	37	1,200	1,144	82,224
Fund balances, end of period	\$ 66,571	\$ 17,293	\$ 38	\$ 1,216	\$ 1,180	\$ 86,298

Attachment: CM 9-17-19, City financial report - August 2019 (3709 : City financial report - August 2019)

PRELIMINARY

City of Opelika
 Combined Balance Sheet
 Proprietary and Fiduciary Funds
 August 31, 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	\$ 22,567	\$ 50	\$ 10,494	\$ 1,875	\$ 3,095	\$ 360	\$ 38,441
Certificates of deposit	8,508	-	-	-	-	-	8,508
Receivables and prepaid expenses	4,601	(1,312)	321	269	-	4	3,883
Due from other funds and governments	9,274	-	1,037	-	-	82	10,393
Inventory	1,517	-	-	-	-	-	1,517
Total current assets	46,467	(1,262)	11,852	2,144	3,095	446	62,742
Restricted assets:							
Cash and investments with fiscal agent	1,449	1,192	1	-	-	-	2,642
Total restricted assets	1,449	1,192	1	-	-	-	2,642
Net capital assets	43,010	-	29,298	2,206	-	-	74,514
Other assets:							
Deposits	-	-	2	-	19	-	21
Total other assets	-	-	2	-	19	-	21
Total assets	90,926	(70)	41,153	4,350	3,114	446	139,919
DEFERRED OUTFLOWS OF RESOURCES							
Retirement contributions	864	241	-	337	-	-	1,442
Difference on projected OPEB earnings	6	2	-	2	-	-	10
Bond refunding costs	2,474	-	91	-	-	-	2,565
Total deferred outflows of resources	3,344	243	91	339	-	-	4,017
Total assets and deferred outflows of resources	\$ 94,270	\$ 173	\$ 41,244	\$ 4,689	\$ 3,114	\$ 446	\$ 143,936
LIABILITIES							
Current liabilities:							
Accounts and other payables	\$ 8,729	\$ 64	\$ 50	\$ 77	\$ 55	\$ 336	\$ 9,311
Due to electric fund	-	9,274	-	-	-	-	9,274
Due to other funds	-	-	-	-	-	-	-
Bonds payable within one year	1,325	-	655	-	-	-	1,980
Unearned revenue	503	-	-	-	-	99	602
Total current liabilities	10,557	9,338	705	77	55	435	21,167
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	-	4,717	-	-	-	31,807
Net pension liability	5,529	1,460	-	1,902	-	-	8,891
Customer deposits held	3,010	1	-	165	-	-	3,176
Total noncurrent liabilities	36,261	1,625	4,717	2,309	117	-	45,029
Total liabilities	46,818	10,963	5,422	2,386	172	435	66,196
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	17,069	-	24,017	2,206	-	-	43,292
Restricted	1,449	1,192	1	-	209	82	2,933
Unrestricted	27,817	(10,263)	11,307	72	2,733	(88)	31,578
Encumbrances	936	(1,800)	497	(48)	-	17	(398)
Total net position	47,271	(10,871)	35,822	2,230	2,942	11	77,405
Total liabilities, deferred inflows, and net position	\$ 94,270	\$ 173	\$ 41,244	\$ 4,689	\$ 3,114	\$ 446	\$ 143,936

PRELIMINARY

City of Opelika
 Combined Summary Statement of Revenues, Expenses, and Changes in Net Position
 Proprietary and Fiduciary Funds
 FYTD August 31, 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	\$ 38,174	\$ 603	\$ 4,410	\$ 3,104	\$ 382	\$ 3,730	\$ 50,403
Operating Expenses							
Purchases	25,388	246	-	391	-	-	26,025
Depreciation	2,657	137	977	300	-	-	4,071
Personnel services	3,007	146	2	1,253	-	-	4,408
Other	2,179	1,293	1,786	645	157	3,668	9,728
Total operating expenses	33,231	1,822	2,765	2,589	157	3,668	44,232
Operating income/(loss)	4,943	(1,219)	1,645	515	225	62	6,171
Nonoperating Revenues/(Expenses)							
Gain/(Loss) on sale of capital assets	28	4,969	-	(16)	-	-	4,981
Fiber optic line leases	31	-	-	-	-	-	31
Investment income	644	35	112	21	42	1	855
Grant income	-	-	74	137	-	-	211
Pole rental	222	-	-	-	-	-	222
Miscellaneous revenues	704	19	10	27	-	-	760
Interest expense and charges	(1,315)	(263)	(229)	-	-	-	(1,807)
Total nonoperating revenues/(expenses)	314	4,760	(33)	169	42	1	5,253
Other Revenues and Transfers In/(Out):							
Capital contributions	780	-	4,075	-	-	-	4,855
Transfers from other funds	-	-	-	166	-	-	166
Transfers to other funds	(2,750)	-	-	(167)	-	-	(2,917)
Total other revenues/(expenses)	(1,970)	-	4,075	(1)	-	-	2,104
Net income/(loss)	3,287	3,541	5,687	683	267	63	13,528
Net position, beginning of year	43,984	(14,412)	30,135	1,547	2,675	(52)	63,877
Net position before encumbrances	47,271	(10,871)	35,822	2,230	2,942	11	77,405
Encumbrances	936	(1,800)	497	(48)	-	-	(415)
Net position, end of period	\$ 46,335	\$ (9,071)	\$ 35,325	\$ 2,278	\$ 2,942	\$ 11	\$ 77,820
Additional Information:							
Cash position at August 31, 2019	\$ 22,567	\$ 50	\$ 10,494	\$ 1,875	\$ 3,095	\$ 360	\$ 38,441
Cash position at August 31, 2018	17,774	1,691	9,396	1,500	2,864	298	33,523
Change in cash	\$ 4,793	\$ (1,641)	\$ 1,098	\$ 375	\$ 231	\$ 62	\$ 4,918

Attachment: CM 9-17-19, City financial report - August 2019 (3709 : City financial report - August 2019)

PRELIMINARY

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

	YTD Actual			Budget to Actual		
	2018	2019	Variance	2019 Budget	2019 Actual	Variance
Revenues:						
Taxes	\$ 33,888	\$ 35,612	\$ 1,724	\$ 33,803	\$ 35,612	\$ 1,809
Licenses and permits	16,537	17,528	991	15,695	17,528	1,833
Intergovernmental	617	892	275	629	892	263
Charges for services	1,684	1,964	280	1,741	1,964	223
Fines and forfeits	642	388	(254)	368	388	20
Grants	28	31	3	-	31	31
Contributions	171	97	(74)	255	97	(158)
Investment income	508	674	166	414	674	260
Miscellaneous	539	510	(29)	467	510	43
Total revenues	54,614	57,696	3,082	53,372	57,696	4,324
Expenditures:						
General government	5,758	6,415	657	7,602	6,415	1,187
Public safety	13,088	15,258	2,170	16,673	15,258	1,415
Public works	3,781	4,817	1,036	5,662	4,817	845
Culture and recreation	5,470	5,675	205	6,659	5,675	984
Economic development	1,715	1,767	52	2,578	1,767	811
Health	300	326	26	377	326	51
Education	2,756	3,110	354	3,121	3,110	11
Welfare	100	109	9	127	109	18
Capital outlay	4,608	14,721	10,113	28,043	14,721	13,322
Debt service	697	699	2	659	699	(40)
Total expenditures	38,273	52,897	14,624	71,501	52,897	18,604
Other financing sources/(uses)						
Sale of capital assets	186	34	(152)	46	34	12
Transfers in	2,763	2,770	7	5,996	2,770	3,226
Transfer out	(7,406)	(7,684)	(278)	(10,357)	(7,684)	(2,673)
Total other financing sources/(uses)	(4,457)	(4,880)	(423)	(4,315)	(4,880)	565
Net change in fund balance	11,884	(81)	(11,965)	(22,444)	(81)	22,363
Fund balance, beginning of year	59,375	66,652	7,277	59,375	66,652	(7,277)
Fund balance, year to date	<u>\$ 71,259</u>	<u>\$ 66,571</u>	<u>\$ (4,688)</u>	<u>\$ 36,931</u>	<u>\$ 66,571</u>	<u>\$ 29,640</u>
Less:						
Nonspendable	98	72	(26)	-	42	(42)
Restricted	71	205	134	-	205	(205)
Committed	16	17	1	-	17	(17)
Assigned	10,182	17,859	7,677	-	17,859	(17,859)
Encumbrances	6,450	11,288	4,838	-	11,288	(11,288)
	<u>16,817</u>	<u>29,441</u>	<u>12,624</u>	<u>-</u>	<u>29,411</u>	<u>(29,411)</u>
Unassigned fund balance	54,442	37,130	(17,312)	36,931	37,160	59,051
20% budgeted revenues	<u>10,674</u>	<u>10,674</u>		<u>10,674</u>	<u>10,674</u>	
Available unassigned fund balance	<u>\$ 43,768</u>	<u>\$ 26,456</u>		<u>\$ 26,257</u>	<u>\$ 26,486</u>	

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

	YTD Actual			Budget to Actual		
	2018	2019	Variance	2019 Budget	2019 Actual	Variance
Taxes:						
Sales	\$ 28,987	\$ 30,089	\$ 1,102	\$ 29,164	\$ 30,089	\$ 925
Property:						
Property	3,529	4,038	509	3,284	4,038	754
Payments in lieu of taxes	6	6	-	5	6	1
Total property taxes	3,535	4,044	509	3,289	4,044	755
Other						
Gasoline	751	757	6	750	757	7
Cigarette	72	55	(17)	70	55	(15)
Wine and liquor	24	25	1	24	25	1
Rental	520	642	122	506	642	136
Total other taxes	1,367	1,479	112	1,350	1,479	129
Total taxes	33,889	35,612	1,723	33,803	35,612	1,809
Licenses and permits:						
Occupational license	11,308	12,160	852	10,672	12,160	1,488
Business:						
General	2,849	2,954	105	2,668	2,954	286
Lodging	783	877	94	690	877	187
Franchise fee	540	486	(54)	489	486	(3)
Miscellaneous	273	309	36	322	309	(13)
Total business	4,445	4,626	181	4,169	4,626	457
Telecommunications permits and fees	20	19	(1)	16	19	3
Permits and inspections	754	713	(41)	828	713	(115)
Other	10	10	-	11	10	(1)
Total licenses and permits	16,537	17,528	991	15,696	17,528	1,832
Intergovernmental:						
Shared county motor vehicle	131	121	(10)	110	121	11
Shared state:						
Bank excise tax	171	342	171	183	342	159
Business privilege tax	74	75	1	68	75	7
Liquor tax profits	145	131	(14)	145	131	(14)
State asset forfeiture	11	1	(10)	35	1	(34)
Total shared state	401	549	148	431	549	118
Shared federal asset forfeiture	-	136	136	23	136	113
Other	85	86	1	65	86	21
Total intergovernmental	617	892	274	629	892	263
Charges for services:						
General government - other	20	21	1	18	21	3
Public Safety:						
Fire training	5	3	(2)	8	3	(5)
City schools	12	150	138	11	150	139
Auburn University	27	2	(25)	-	2	2
EAMC	119	149	30	139	149	10
Other	8	9	1	13	9	(4)
Health - Graves and monuments	138	152	14	136	152	16
Public Works - Paving and plan review fees	73	115	42	99	115	16
Culture and Rec - Entry and concession fees	1,282	1,363	81	1,317	1,363	46
Total charges for services	1,684	1,964	280	1,741	1,964	223
Fines and forfeits:						
Municipal Court	362	342	(20)	329	342	13
Red light violations	236	-	(236)	-	-	-
Other	44	46	2	39	46	7
Total fines and forfeits	642	388	(254)	368	388	20
Grant income	28	31	3	-	31	31
Contributions: Mobile Clinic	-	28	28	88	28	(60)
Contributions: Other	109	69	(40)	255	69	(186)
Investment income	508	674	166	414	674	260
Miscellaneous	539	510	(29)	467	510	43
Total revenues	54,553	57,696	3,142	53,461	57,696	4,235
Other financing sources						
Proceeds of general obligation debt	-	-	-	-	-	-
Operating transfers from Electric fund	2,748	2,750	2	2,760	2,750	(10)
Other transfers	16	20	4	3,236	20	(3,216)
Sale of capital assets	186	34	(152)	46	34	(12)
Total other financing sources	2,950	2,804	(146)	6,042	2,804	(3,238)
Total revenue and other financing sources	\$ 57,503	\$ 60,500	\$ 2,997	\$ 59,503	\$ 60,500	\$ 997

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

	YTD Actual			Budget to Actual		
	2018	2019	Variance	2019 Budget	2019 Actual	Variance
General government:						
Legislative	\$ 313	\$ 316	\$ 3	\$ 407	\$ 316	\$ 91
Executive	235	218	(17)	546	218	328
Legal	318	422	104	430	422	8
Administration	568	409	(159)	704	409	295
Accounting	382	476	94	481	476	5
Human resources	365	334	(31)	373	334	39
Information technology	1,775	2,156	381	2,350	2,156	194
Revenue	325	371	46	386	371	15
Municipal court	373	344	(29)	354	344	10
Purchasing	193	243	50	247	243	4
Community development	137	195	58	243	195	48
Planning	306	395	89	452	395	57
Other - nondepartmental	469	536	67	630	536	94
Total general government	5,759	6,415	656	7,603	6,415	1,188
Public safety:						
Police	7,766	9,374	1,608	10,384	9,374	1,010
Probation	109	126	17	142	126	16
Fire	4,940	5,487	547	5,813	5,487	326
Other - nondepartmental	273	271	(2)	333	271	62
Total public safety	13,088	15,258	2,170	16,672	15,258	1,414
Public works:						
Streets	1,108	1,236	128	1,293	1,236	57
Engineering	439	565	126	836	565	271
Administration	408	456	48	491	456	35
Cemetery	186	202	16	202	202	-
Auto shop	344	501	157	609	501	108
Building maintenance	370	496	126	669	496	173
Inspection	395	469	74	632	469	163
Grounds maintenance	531	892	361	930	892	38
Total public works	3,781	4,817	1,036	5,662	4,817	845
Culture and recreation:						
Parks and recreation	4,633	4,744	111	5,514	4,744	770
Library	746	839	93	1,053	839	214
Other - nondepartmental	91	92	1	93	92	1
Total culture and recreation	5,470	5,675	205	6,660	5,675	985
Economic development:						
Development	259	336	77	518	336	182
Other - nondepartmental	1,456	1,431	(25)	2,060	1,431	629
Total economic development	1,715	1,767	52	2,578	1,767	811
Health:						
Animal control	58	70	12	74	70	4
Mobile Clinic	-	-	-	-	-	-
Other	242	256	14	303	256	47
Total health	300	326	26	377	326	51
Education	2,756	3,110	354	3,121	3,110	11
Welfare	100	109	9	127	109	18
Capital outlay	4,608	14,721	10,113	28,043	14,721	13,322
Debt service						
Principal retirement	632	665	33	626	665	(39)
Interest and charges	64	34	(30)	33	34	(1)
Total debt service	696	699	3	659	699	(40)
Total expenditures	38,273	52,897	14,624	71,502	52,897	18,605
Other financing uses						
Transfers out:						
Transfers to PR/Jail construction fund	2,928	3,067	139	2,760	3,067	(307)
Transfers to other funds	4,478	4,617	139	7,597	4,617	2,980
Total transfers out	7,406	7,684	278	10,357	7,684	2,673
Total expenditures and other financing uses	\$ 45,679	\$ 60,581	\$ 14,902	\$ 81,859	\$ 60,581	\$ 21,278

PRELIMINARY

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

	FYTD Actual			Budget to Actual		
	2018	2019	Variance	Budget	Actual	Variance
GENERAL FUND						
General Government:						
Legislative	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Executive	34	-	(54)	-	-	-
Legal	-	-	-	-	-	-
Administration	-	-	-	-	-	-
Accounting	-	-	-	1,304	-	1,304
Human Resources	-	-	-	-	-	-
Information Technology	302	602	300	841	602	239
Revenue	-	-	-	-	-	-
Municipal Court	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Planning	-	-	-	-	-	-
Health	-	101	101	202	101	101
Other	50	-	(50)	-	-	-
Total general government	406	703	246	2,145	703	1,543
Public Safety:						
Police	1,173	11,604	10,431	17,028	11,604	5,424
Probation	-	-	-	-	-	-
Fire	1,342	33	(1,309)	319	33	286
Total public safety	2,515	11,637	9,122	17,347	11,637	5,710
Public Works:						
Streets	1,154	1,033	(121)	2,539	1,033	1,506
Engineering	209	558	349	4,587	558	4,029
Administration	229	164	(65)	324	164	160
Cemetery	-	-	-	-	-	-
Auto Shop	-	-	-	-	-	-
Building Maintenance	-	-	-	-	-	-
Inspection	-	-	-	-	-	-
Grounds Maintenance	-	-	-	-	-	-
Total public works	1,592	1,755	163	7,450	1,755	5,695
Culture and Recreation:						
Parks and Recreation	42	560	518	745	560	185
Library	54	14	(40)	15	14	1
Total culture and recreation	96	574	478	760	574	186
Economic development	-	-	-	-	-	-
Health, Education and Welfare	-	51	51	-	51	(51)
Total General Fund capital outlay expenditures	\$ 4,609	\$ 14,720	\$ 10,111	\$ 27,702	\$ 14,720	\$ 12,982
PROPRIETARY FUNDS						
Electric	1,526	2,604	1,078	7,821	2,604	5,217
Telecommunications	500	38	(462)	2,886	38	2,848
Sewer	19	4,565	4,546	2,137	4,565	(2,428)
Solid Waste	654	562	(92)	604	562	42
Total Proprietary funds	2,699	7,769	5,070	13,448	7,769	5,679
OTHER GOVERNMENTAL FUNDS						
Municipal Complexes fund - Municipal Court	-	-	-	83	-	83
4 & 5 Cent Gas Tax fund - Street Resurfacing	-	-	-	63	-	63
2011 Road Construction - Streets - Fred. Rd.	1,729	(112)	(1,841)	594	(112)	706
2011 Road Construction - Street paving	-	-	-	-	-	-
2011 Road Construction - Other	1,012	71	(941)	804	71	733
Capital Improvement funds - Other	239	53	(186)	113	20	93
Industrial Road Grant funds - Other	33	7	(26)	32	7	25
Industrial Road Grant funds - Engineering	496	2	(494)	40	2	38
Total Other Governmental funds	3,509	21	(3,488)	1,729	(12)	1,741
Total City of Opelika Capital Outlay	\$ 10,817	\$ 22,510	\$ 11,693	\$ 42,879	\$ 22,477	\$ 20,402

Attachment: CM 9-17-19, City financial report - August 2019 (3709 : City financial report - August 2019)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED

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

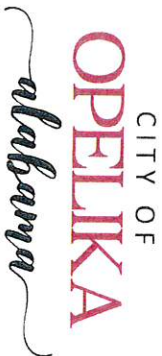
MAYOR'S REMARKS (ID # 3700)

DOC ID: 3700

August 2019 Monthly Building Report

COMMENTS - Current Meeting:

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



BUILDING INSPECTIONS

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

Monthly Permits For August, 2019

Work & Repair On Buildings:

Building Repairs	Commercial	Residential
Buildings Condemned		
Buildings Demolished		
Building Repairs	6	4
Plumbing Upgrades	4	9
Electrical Upgrades	2	8
Mechanical Upgrades	5	4
Reroofs And Roof Repairs	1	4
Mobile Home Services	0	5
Building Additions/Accessory Structures	0	6

Monthly Totals For August 2010-2019

2010	\$15,454,374.00
2011	\$2,746,405.00
2012	\$5,898,884.00
2013	\$3,404,341.00
2014	\$3,221,957.00
2015	\$11,528,904.00
2016	\$7,067,486.00
2017	\$11,413,886.00
2018	\$25,478,441.90
2019	\$7,264,487.59

Total Permits Issued:

0	New Buildings: Commercial	\$0.00
11	Commercial Renovations And Repairs	\$850,534.00
3	Signs	\$24,655.00
28	New Single Family Homes	\$6,206,684.80
16	Residential Repairs And Renovations	\$182,613.79
	New Apartment Units	
	New Duplex Residences	
	Total Building Permits Issued	

58

Total Permits Issued For August 2019

\$7,264,487.59TAKEN FROM THE RECORDS OF THE
BUILDING INSPECTOR

Jeff Kappelman
Jeff Kappelman
Chief Building Inspector





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	1	4
Buildings Demolished	0	1
Building Repairs	74	144
Plumbing Upgrades	26	107
Electrical Upgrades	55	176
Mechanical Upgrades	43	115
Reroofs And Roof Repairs	19	55
Mobile Home Services	0	39
Building Additions/Accessory Structures	7	69

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:

20	New Buildings: Commercial	\$17,994,688.60
66	Commercial Renovations And Repairs	\$16,392,354.33
40	Signs	\$902,836.44
258	New Single Family Homes	\$63,460,035.80
173	Residential Repairs And Renovations	\$3,820,214.09
0	New Apartment Units	\$0.00
15	New Duplex Residences	\$1,824,848.00

514

Permit Total Issued for FY 2019

\$103,985,977.26

Jeff Kappelman
JEFF KAPPELMAN
Chief Building Inspector



City of Opelika Building Inspections Department

August 2019 Monthly Building Report

Issue Date	Main Address	Work Class	Company	Valuation
8/1/2019	800 2ND AVE	Alteration	DAVID MYERS CONSTRUCTION INC	\$ 40,000.00
8/1/2019	2307 HERITAGE DR	Roofs	SUPERIOR ROOFING CO	\$ 10,425.00
8/1/2019	1801 MARKET ST 1	Alteration	Beverlye Brady	\$ 79,800.00
8/2/2019	1968 CALCUTTA CIR	New Single Family Detached	MOORES CONSTRUCTION	\$ 269,010.00
8/2/2019	2955 WAVERLY PKWY	Accessory Buildings	John Mcfadden	\$ 2,718.00
8/5/2019	2776 ENTERPRISE DR	Alteration	MARSHALL & ASSOCIATES LLC	\$ 297,800.00
8/5/2019	1995 CALCUTTA DR	Accessory Buildings	Larry O'hara	\$ 3,300.00
8/6/2019	1804 S UNIROYAL RD	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 280,087.00
8/6/2019	2605 TOWER ST TOWER	Communication Towers	ERICSSON INC	\$ 15,000.00
8/6/2019	1903 INDIA RD	Accessory Buildings	Jake Carlisle	\$ 25,000.00
8/7/2019	929 SKI SPRAY PT	New Single Family Detached	MICHAEL ALLEN HOMES INC	\$ 387,176.00
8/8/2019	304 ETOWAH AVE	Roofs	AJ'S ROOFING	\$ 5,500.00
8/8/2019	3041 MILL LAKES RDG	New Single Family Detached	MATHEWS DEVELOPMENT CO LLC	\$ 363,769.00
8/8/2019	908 GENEVA ST A	Accessory Buildings	Doug Horn	\$ 6,000.00
8/12/2019	2770 ENTERPRISE DR	Fire Alarm	COPELAND SECURITY GROUP INC	\$ 5,000.00
8/12/2019	3700 ROBERT TRENT JONES TRL	Signs	SIGN SOURCE	\$ 18,490.00
8/13/2019	3612 EAGLE TRL	New Single Family Detached	CONNER BROTHERS CONSTRUCTION	\$ 180,143.00
8/13/2019	3205 VERNON AVE	Alteration	PLAINS HOME SERVICES LLC	\$ 30,000.00
8/13/2019	211 DOVER ST	New Single Family Detached	Chattahoochee Fuller Center	\$ -
8/13/2019	205 DOVER ST	New Single Family Detached	Chattahoochee Fuller Center	\$ -
8/13/2019	2004 YARBROUGH DR	Signs	MITCHELL SIGNS INC	\$ 4,500.00
8/13/2019	209 DOVER ST	New Single Family Detached	Chattahoochee Fuller Center	\$ -
8/14/2019	3905 OAK BOWERY RD	New Single Family Detached	ALABAMA BETTER BUILT HOMES INC	\$ 147,560.00
8/15/2019	800 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 178,002.20
8/15/2019	1014 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 221,381.70
8/15/2019	2711 HUNTER ALLY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 248,172.90

8/15/2019	1100 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 322,509.30
8/15/2019	1102 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 180,217.50
8/15/2019	1973 CALCUTTA CIR	New Single Family Detached	MOORES CONSTRUCTION	\$ 271,176.00
8/15/2019	902 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 227,680.10
8/15/2019	1105 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 176,386.00
8/15/2019	1969 CALCUTTA CIR	New Single Family Detached	MOORES CONSTRUCTION	\$ 265,922.00
8/15/2019	1103 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 237,431.00
8/15/2019	1015 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 243,998.70
8/15/2019	1101 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 253,256.50
8/15/2019	908 GWYNNE'S WAY	New Single Family Detached	BUILDERS PROFESSIONAL GRP LLC	\$ 240,054.50
8/19/2019	2701 FREDERICK RD 310	Tenant Build Out	Nancy Fort	\$ 15,684.00
8/19/2019	2928 STILLWOOD WAY	Accessory Buildings	Thomas Keown	\$ 20,000.00
8/19/2019	3013 SOCIETY HILL RD	Detached Garage	Cathleen Bownes	\$ 17,600.00
8/19/2019	95 LANCELOT LN	New Single Family Detached	LOWDER NEW HOMES INC	\$ 346,742.00
8/19/2019	900 TOWNE LAKE PKWY	Decks	David Langston	\$ 3,000.00
8/20/2019	2101 GREENE WAY	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 312,716.00
8/20/2019	4163 BROADVIEW DR	New Single Family Detached	STONE MARTIN BUILDERS	\$ 135,853.30
8/20/2019	4175 BROADVIEW DR	New Single Family Detached	STONE MARTIN BUILDERS	\$ 163,171.10
8/20/2019	2105 GREENE WAY	New Single Family Detached	EDGAR HUGHSTON BUILDER INC	\$ 264,269.00
8/21/2019	807 TOWNE LAKE PKWY	Alteration	COLUMBUS FOUR SEASONS SUNROOMS	\$ 24,000.00
8/21/2019	616 M L KING BLVD	Roofs	Tahira Sohail	\$ 4,000.00
8/23/2019	2443 ENTERPRISE DR	Signs	EFFECTIVE SIGNS LLC	\$ 1,665.00
8/23/2019	2008 OAK BOWERY RD	Roofs	CALDWELL CONTRACTING LLC	\$ 16,880.00
8/26/2019	2035 INTERSTATE DR	Tenant Build Out	Takoyaki	\$ 40,000.00
8/27/2019	503 M L KING BLVD A	Alteration	Mustefa Babul	\$ 30,000.00
8/27/2019	1011 AVENUE C	Alteration	J MARSH ENTERPRISES INC	\$ 24,250.00
8/28/2019	101 MORRIS AVE	Addition	Doloricd Kidd	\$ 3,295.00
8/28/2019	1221 BROOKWOOD CIR	Accessory Buildings	Gene Harbin	\$ 2,310.79
8/29/2019	609 RUSTIC ST	Alteration	A&E HOLDINGS LLC	\$ 5,141.00
8/29/2019	209 MORRIS AVE	Alteration	A&E HOLDINGS LLC	\$ 3,444.00
8/29/2019	227 S 8TH ST	Alteration	MANN LLC	\$ 100,000.00
8/30/2019	2090 ANDREWS RD	New Single Family Detached	Taylor and Alison Brooks	\$ 290,000.00

8/30/2019	2000 STEEL ST	Communication Towers	ANSCO & ASSOCIATES LLC	\$ 25,000.00
8/30/2019	1500 PINEHURST DR A	Roofs	MYMYKE DIVERSIFIED SS INC	\$ 178,000.00
				\$ 7,264,487.59



Jeff Kappelman/Chief Building Official

**City Council**

204 South 7Th Street
Opelika, AL

ADOPTED**GENERAL BUSINESS (ID # 3690)**

Meeting: 09/17/19 07:00 PM

Department: City Clerk

Category: Request / Temp Street Closure

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 3690

Request by Main Street for street closure, Christmas in a RR Town, December 13th.

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



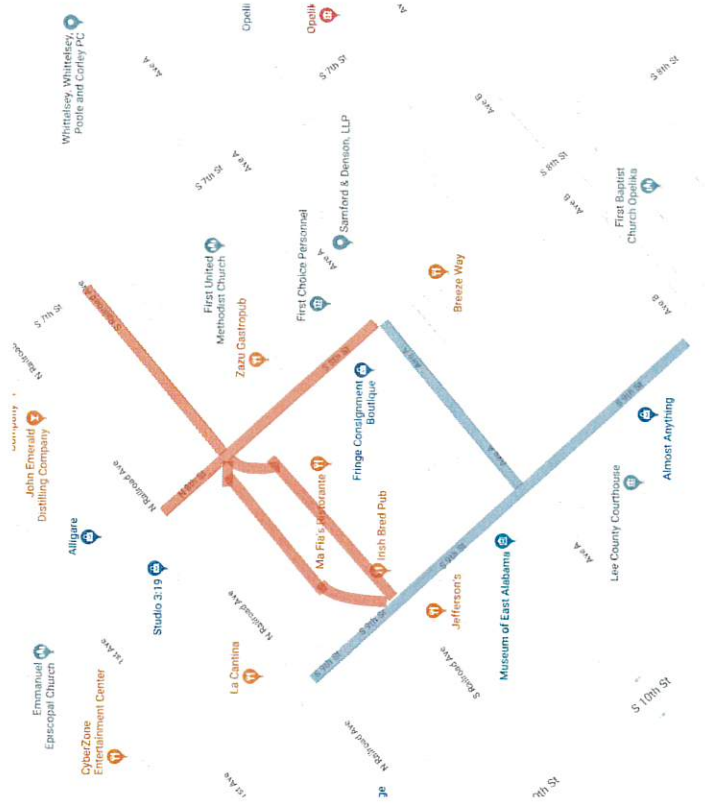
September 3, 2019

TO: Opelika City Council
FROM: Opelika Main Street, Ken Ward
RE: Street Closure Request

Please find below our street closure request for the 2019 Christmas In A Railroad Town event.

Christmas In A Railroad Town: This event is Friday, December 13, 2019 - 6-9pm. The request is to block South Railroad Avenue between 9th Street and 7th Street. This area will need to be closed from 2:00 PM to 9:00 PM. We would also like to request closure of 8th Street from N Railroad Avenue to Avenue A, 9th Street from N. Railroad to Avenue B from 5:00 pm until 9:00 pm and Avenue A from 8th Street to 9th Street from 5:00 pm to 9:00 pm. At this annual holiday event Main Street will have a train, bands, petting zoo, children's activities and vendors in the closed areas.

Please feel free to reach out with any questions/concerns by emailing director@opelikamainstreet.org or by calling 334-391-8146.





City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 09/17/19 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Lillie Finley
Sponsors:

GENERAL BUSINESS (ID # 3703)

DOC ID: 3703

Request by Taste of Asia Inc. (KTV) - Beer & Wine on Premise License.

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

Meeting: 09/17/19 07:00 PM
Department: Purchasing and Revenue
Category: Business & Alcohol License
Prepared By: Martha Wright

Initiator: Lillie Finley
Sponsors:

GENERAL BUSINESS (ID # 3704)

DOC ID: 3704

Request by Taste of Asia Inc. - Restaurant Retail Liquor & Beer on Premise License.

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

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3676)**

Meeting: 09/17/19 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3676

Public Hearing - Weed Abatement Assessment - 308 Brannon Ave

COMMENTS - Current Meeting:

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$234.85 to said property. President Smith opened the public hearing and asked 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: 8/29/2019

**To: State of Alabama
C/O Department of Revenue
PO BOX 327210
Montgomery, AL 36132-7210**

Property Address:
308 Brannon Ave
Opelika, AL 36801

Parcel # 43-10-03-08-2-001-072.000

On July 17, 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: \$ 221.25

Certified mail: \$ 13.60

Misc. _____

Total	\$ 234.85
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Attachment: 308 Brannon Weed Invoice (3676 : Public Hearing - Weed Abatement Assessment - 308 Brannon Ave)

To: State of Alabama
 c/o Department of Revenue
 PO Box 327210
 Montgomery, AL 36132-7210

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 308 Brannon Ave., 43-10-03-08-2-001-072.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 308 Brannon Ave., Parcel No. 072.000 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 \$234.85.

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 17th day of September, 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 29th day August, 2019.

 Liz Wright,
 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 # 3674)**

Meeting: 09/17/19 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3674

Public Hearing - Weed Abatement Assessment - 509 1St Ave**COMMENTS - Current Meeting:**

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$263.60 to said property. President Smith opened the public hearing and asked 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: 8/29/2019

To: Loretta Wanat
11090 Woodruff Road
Fairburn, GA 30213

Property Address:
509 1st Avenue
Opelika, AL 36801

Parcel # 43-10-03-07-01-002-128.000

On July 24, 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: \$ 250.00

Certified mail: \$ 13.60

Misc. _____

Total	\$ 263.60
-------	-----------

Attachment: 509 1st Avenue Weed Invoice (3674 : Public Hearing - Weed Abatement Assessment - 509 1st Ave)

To: Loretta Wanat
 11090 Woodruff Rd.
 Fairburn, GA 30213

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 509 1st Avenue 43-10-03-07-1-002-128.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 509 1st Avenue, Parcel No. 128.000 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 \$263.60

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 17th day of September, 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 29th day of August, 2019.

 Liz Wright,
 Code Compliance Officer

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

Attachment: 509 1st Ave, NPH-Resolution, cost to abate (3674 : Public Hearing - Weed Abatement Assessment - 509 1st Ave)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3657)**

Meeting: 09/17/19 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3657

Public Hearing - Weed Abatement Assessment - 1109 Magnolia St.

COMMENTS - Current Meeting:

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$217.04 to said property. President Smith opened the public hearing and asked 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: 8/23/2019

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

Property Address:
1109 Magnolia St
Opelika Al. 36801
Parcel # 10-04-18-2-001-022.000

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

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

Cost of Abatement: 203.70

Certified mail: 13.34

Misc. _____

Total	<u>217.04</u>
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Attachment: WEED INVOICE 1109 Magnolia St (3657 : Public Hearing - Weed Abatement Assessment - 1109 Magnolia St.)

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

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 1109 Magnolia St. Parcel 10-04-18-2-001-022.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 1109 Magnolia St, 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 \$217.04.

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 17th of day September, 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 23rd day of August, 2019.

 Jerry Bush
 Code Compliance Officer

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

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3672)**

Meeting: 09/17/19 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3672

Public Hearing - Weed Abatement Assessment - 1301 Fitzpatrick Ave

COMMENTS - Current Meeting:

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$197.84 to said property. President Smith opened the public hearing and asked 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: 08/29/2019

**To: Sweet Onion LLC
PO Box 710
Opelika Al. 36801**

**Property Address:
1301 Fitzpatrick Ave
Opelika Al. 36801
Parcel # 09-01-12-4-002-017.000**

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

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

Cost of Abatement: 184.50

Certified mail: 13.34

Misc.

Total 197.84

Attachment: Weed Invoice 1301 Fitzpatrick Ave (3672 : Public Hearing - Weed Abatement Assessment - 1301 Fitzpatrick Ave)

To: Sweet Onion LLC
PO Box 710
Opelika Al. 36801

**NOTICE OF PUBLIC HEARING ON COST OF
ABATEMENT OF WEED NUISANCE LOCATED AT
1301 Fitzpatrick Ave Tax parcel 43-09-01-12-4-002-017.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 1301 Fitzpatrick Ave 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 \$197.84.

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 17th day of September, 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 29th day of August, 2019.

Jerry Bush
Code Compliance

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

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3688)**

Meeting: 09/17/19 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3688

Public Hearing - Weed Abatement Assessment - 1917 Pepperell Pkwy

COMMENTS - Current Meeting:

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$90.34 to said property. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

WEED ABATEMENT INVOICE**Date: 09/06/2019****To: Christine Stillwell
9380 US Hwy 280E
Salem Al. 36874****Property Address:
1917 Pepperell Pkwy
Opelika Al. 36801
Parcel # 43-09-06-13-2-000-053.000**

On August 14, 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: 77.00

Certified mail: 13.34

Misc.

Total 90.34

Attachment: WEED INVOICE 1917 Pepperell Pkwy (3688 : Public Hearing - Weed Abatement Assessment - 1917 Pepperell Pkwy)

To: **Christine Stillwell**
9380 US Hwy 280E
Salem AL 36874

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 1917 Pepperell Pkwy, Parcel 43-09-06-13-0-000-053-000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 1917 Pepperell Pkwy, Parcel No. 053.000 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 \$90.34.

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 17th day of September, 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 6th day of September, 2019.

 Jerry Bush
 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 # 3686)

Meeting: 09/17/19 07:00 PM
Department: Purchasing and Revenue
Category: Public Hearing
Prepared By: Jerry Bush
Initiator: Lillie Finley
Sponsors:

DOC ID: 3686

Public Hearing - Weed Abatement Assessment - 2300 Dorsey St.

COMMENTS - Current Meeting:

Mr. Shuman presented this public hearing for a weed assessment in the amount of \$1,159.61 to said property. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed the public hearing.

WEED ABATEMENT INVOICE

Date: 09/06/2019

To: Quicken Loans
1050 Woodward Ave
Detroit Michigan 48226

Property Address:
2300 Dorsey St.
Opelika Al. 36801
Parcel # 43-09-05-22-0-000-023.000

On August 12, 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: 1146.27

Certified mail: 13.34

Misc. _____

Total	<u>1159.61</u>
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Attachment: WEED INVOICE 2300 Dorsey St. (3686 : Public Hearing - Weed Abatement Assessment - 2300 Dorsey St.)

To: **Quicken Loans**
1050 Woodward Ave
Detroit Michigan 48226

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 2300 Dorsey St., Parcel 43-09-05-22-2-000-023.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 2300 Dorsey St., Parcel No. 023.000 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 \$1159.61.

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 17th day of September, 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 6th day of September, 2019.

 Jerry Bush
 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 # 3590)

Meeting: 09/17/19 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 3590

Public Hearing, amend zoning Ord. & Map: R-3 to I-1 - 1600 Toomer Street.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, September 17, 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. 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

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

Section 1. That Ordinance 124-91 entitled “Zoning Ordinance City of Opelika, Alabama”, adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided for and referred to therein, as previously amended and/or modified, be and the same is hereby amended by rezoning or redistricting the parcel of land hereinafter in this section described, so as to change such parcel from one class of district to another class of district as follows, to-wit:

From a R-3 District (Low Density Residential District) to an I-1 District (Institutional District), the parcel of land hereinafter described:

From the Northwest Corner of Section 18, Township 19 North, Range 27 East; run thence South 2, 704.27 feet to a point; run thence East 2,762.26 feet to a point located at the intersection of the Southeast margin of a 30 foot wide drainage easement and the Southerly margin of Carver Avenue, which point of Intersection is the POINT OF BEGINNING of the parcel of land herein described and conveyed: FROM SAID POINT OF BEGINNING run thence South 60° 54' 0" East along the South margin of the right-of-way of Carver Avenue for 69.80 feet to the point of intersection of the South margin of Carver Avenue and the West margin of the right-of-way of Toomer Street; run thence in a Southerly direction along the West margin of the right-of-way of Toomer Street along a curve bearing a radius of 321.90 feet for a distance of 114.41 feet; continue thence South 06° 01' 32" East along the West margin of the right-of-way of Toomer Street for 72.30 feet; thence run North 82° 01' 00" West for 206.60 feet; thence run North 00° 46' 34" East for 41.86 feet to a point on the Southeast margin of a 30 foot wide drainage easement; run thence. North 44° 0' 57" East. along the Southeast margin of said drainage easement for 206.91 feet to the point of beginning containing 0.668 acres

The above-described property is located at 1600 Toomer Street, Opelika, Alabama.

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

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, Alabama.

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

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

Opelika, Alabama 36801

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

CITY CLERK

The applicant is requesting rezoning a 29,098 lot (0.668 acres) from an R-3 (residential) zoning district to a I-1 (institutional) zoning district. About 20 years ago, an 8,000-sf child daycare building was constructed on the rezoning property as an accessory use for the Southside Church of Christ. The church desires to sell the daycare property. The daycare property is adjacent to an I-1 zoning district: The Opelika Housing Authority office and Carver Primary School are in a I-1 zone. The rezoning property developed more as a commercial use or a use related to an institutional use than a residential use. It's doubtful that a renovation would take place to covert the daycare building to a residential use. The Planning Commission report and maps are attached. At the July 23rd meeting, the Planning Commission voted 8 to 0 (one abstain) to send a positive recommendation to CC to rezone the property. At the August 6th CC WS, the City Council reviewed the rezoning request and approved advertising for a CC PH.

COMMENTS - Current Meeting:

Mr. Shuman presented this public hearing to amend the zoning ordinance and map for said property from R-3 to I-1. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against said rezoning. No one came forward to speak. President Smith closed the public hearing.

City of Opelika

Planning Commission Report

Action Requested: Rezoning - from R-3 to I-1 (Institutional), 29,098 square foot lot (0.668 Acres)
1600 Toomer Street

Rezoning

Southside Church of Christ, the applicant, is requesting rezoning a 29,098 square foot lot (0.668 Acres) from an R-3 (residential) zoning district to a I-1 (institutional) zoning district. About 20 years ago, an 8,000-sf child daycare building was constructed on the rezoning property. The church constructed the daycare center as an accessory use of the church. The church desires to sell the daycare property; the daycare property is on a separate lot adjacent to the church property. The church property consists of a sanctuary, meeting rooms, and parking lot. For the past 20 years, the off-street parking requirements for the daycare was met by using the church parking lot. A statement by Tony Hoyett, an elder of the Southside Church of Christ, was presented to Planning staff. The statement provided that the tenants of the daycare can use 20 or more parking spaces located on church property.

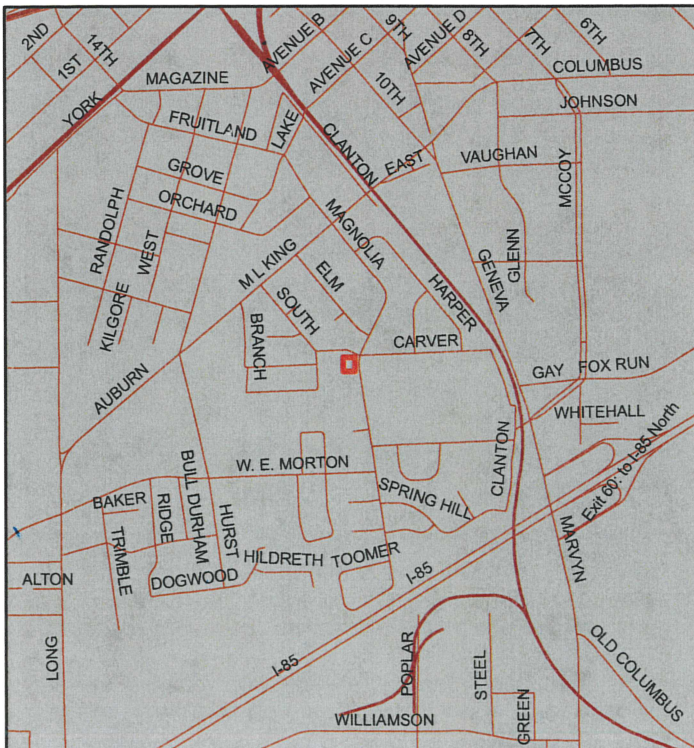
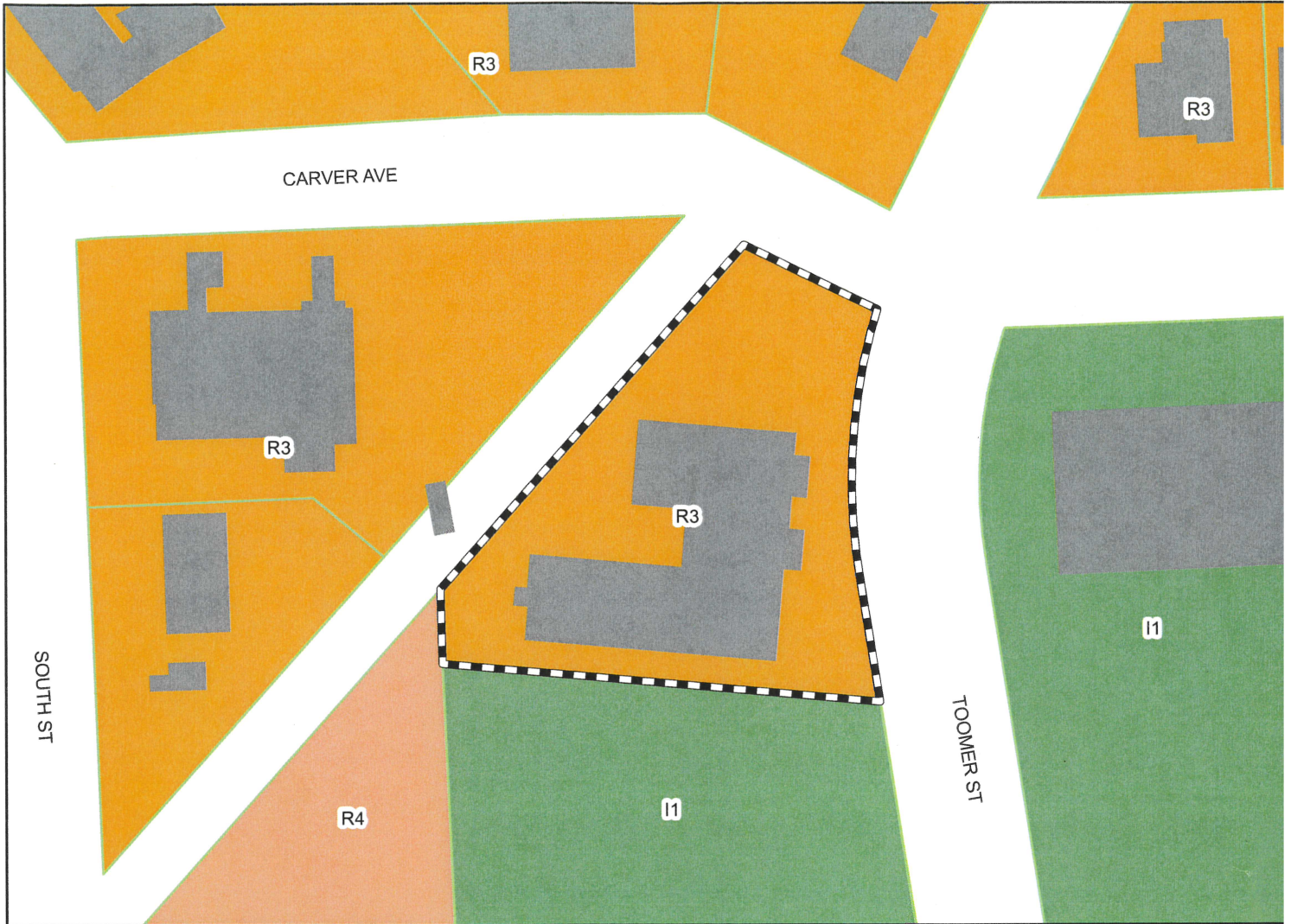
The daycare property is adjacent to an I-1 zoning district. The Opelika Housing Authority office on the south side of the daycare property and Carver Primary School on the east side across Toomer Street are in a I-1 zone. Single family homes are located north of the daycare property across Carver Avenue in the R-3 zoning district.

Staff Recommendation

The I-1 zoning district allows daycares; the R-3 zone prohibits daycares. A daycare has existed on the property for about 20 years. The floor plan, style, and design of the 8,000 square foot building is for a daycare facility. It's doubtful that a renovation would take place to covert the daycare building to a residential use. The property developed more as a commercial use or a use related to an institutional use than a residential use. The I-1 zone is intended for major institutions as EAMC or a government building, but related commercial uses such as offices or daycares are also allowed in a I-1 zone. **Staff recommends a positive recommendation be sent to City Council to rezone the property from R-3 to I-1.**

At the July 23rd meeting, the Planning Commission voted 8 to 0 (and one abstain) to send a positive recommendation to the City Council to rezone one lot, 0.668 Acres (29,098 sf), from R-3 to a I-1 zoning district.

SOUTHSIDE CHURCH OF CHRIST REZONING 1600 TOOMER STREET R-3 to I-1



The applicant is requesting approval to rezone or lot (29,098 sf). The subject property is owned by the Southside Church of Christ and used as a child daycare center for about 20 years.



Subject Property

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



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 261-19

Meeting: 09/17/19 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 3696

Single-Phase Pole Mounted Transformers - OPS

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited bids for a contract for Single-Phase Pole Mounted Transformers for Opelika Power Services; and

WHEREAS, Howard Industries, Inc. is the low bidder meeting specifications; and

WHEREAS, funds are budgeted from System Expansion and Upgrades;

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

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

APPROVED AND ADOPTED this the _____ day of _____, 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:	Patricia Jones, President Pro-Tem
SECONDER:	David Canon, Council Member
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith

FACT SHEET

SUBJECT: Sealed Bid #19034 – We are asking the Council to approve a contract for Single-Phase Pole Mounted Transformers

FACTS:

- Bid opening date – 9/4/19
- User departments – Opelika Power Services
- The bid was mailed to 7 vendors
- 3 bids were received
- Budgeted contract
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the contract be awarded to Howard Industries, Inc. on their low bid meeting specifications on an as needed basis.**

Packet Pg. 63

Packet Pg. 64

Packet Pg. 65



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 262-19

Meeting: 09/17/19 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 3695

Single-Phase Pad Mounted Transformers - OPS

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited bids for a contract for Single-Phase Pad Mounted Transformers for Opelika Power Services; and

WHEREAS, Howard Industries, Inc. is the low bidder meeting specifications; and

WHEREAS, funds are budgeted from System Expansion and Upgrades;

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

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

APPROVED AND ADOPTED this the _____ day of _____, 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:	Dozier Smith T, Council Member
SECONDER:	David Canon, Council Member
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith

FACT SHEET

SUBJECT: Sealed Bid #19033 – We are asking the Council to approve a contract for Single-Phase Pad Mounted Transformers

FACTS:

- Bid opening date – 9/4/19
- User departments – Opelika Power Services
- The bid was mailed to 7 vendors
- 3 bids were received
- Budgeted contract
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the contract be awarded to Howard Industries, Inc. on their low bid meeting specifications on an as needed basis.**

Packet Pg. 69



City Council
204 South 7Th Street
Opelika, AL

ADOPTED

BIDS 263-19

Meeting: 09/17/19 07:00 PM
Department: Purchasing and Revenue
Category: Bid
Prepared By: Angela Norrell
Initiator: Lillie Finley
Sponsors:
DOC ID: 3694

15KV Primary Underground Distribution Cable - OPS

RESOLUTION NO. _____

WHEREAS, the Purchasing Department solicited bids for a contract for 15KV Primary Underground Distribution Cable for Opelika Power Services; and

WHEREAS, T & C Specialty Distributors, Inc. is the sole bidder meeting specifications; and

WHEREAS, funds are budgeted from System Expansion and Upgrades;

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

1. That the contract be awarded to T & C Specialty Distributors, Inc. on their sole bid meeting specifications.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to T & C Specialty Distributors, Inc. on an as needed basis.
3. That the Controller is authorized to adjust the budget as necessary for this contract.
4. That the Mayor is hereby authorized to sign all documents pertaining to this contract.

APPROVED AND ADOPTED this the _____ day of _____, 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:	Dozier Smith T, Council Member
SECONDER:	Tiffany Gibson-Pitts, Council Member
AYES:	Jones, Gibson-Pitts, Smith T, Canon, Smith

FACT SHEET

SUBJECT: Sealed Bid #19032 – We are asking the Council to approve a contract for 15KV Primary Underground Distribution Cable

FACTS:

- Bid opening date – 9/4/19
- User departments – Opelika Power Services
- The bid was mailed to 6 vendors
- 1 bid was received
- Budgeted contract
- Bid tabulation sheet attached

RECOMMENDATION:

- **Recommend the contract be awarded to T & C Specialty Distributors, Inc. on their sole bid meeting specifications on an as needed basis.**

[illegible]

RESOLUTION NO. 264-19

Expense reports from various departments.**RESOLUTION NO. _____**

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

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

	Employee -----	Department -----	\$ Amount -----
567.24	Leigh Krehling	Community Relations	
	Bret Rayburn	OPS	187.53
	John McEachern	Police	325.20

-) That attached is an expense report(s) prepared, dated and signed by the City employee or official covering the various expenses incurred on said trip and reviewed/approved by the City's accounting department and City official.
- 3) That the Opelika City Council hereby approves the attached expense reports for reimbursement to said City employee or official.
- 4) That the Mayor and/or appropriate City official is hereby directed and authorized to take the necessary steps so a check(s) can be prepared covering the attached expense report(s).
- 5) That the City Treasurer is authorized to sign said check(s) so it can be delivered to the appropriate City employee or official.

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

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

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

Packet Pg. 76

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

Packet Pg. 77

EXPENSE REPORT

NAME

Chief John McEachern

DEPARTMENT

Department Police Department

PERIOD ENDING

7/29/2019

DAY	CITY AND STATE	LODGING	TRANSPORTATION				BUSINESS MEALS			ENTERTAINMENT Itemize Below	MSC. EXPENSES Itemize Below	DAILY TOTAL
			AIR RAIL, ETC	RENTAL CAR LIMO ETC.	LOCAL TAXI, TOLLS & PUB- LIC TRANSIT	AUTO EXPENSES Itemize Below	BREAKFAST	LUNCH	DINNER			
Monday 7/29	Gulf Shores, AL	325.20										325.20
												0.00
												0.00
												0.00
												0.00
												0.00
												0.00
WEEKLY CATEGORY TOTALS \$		325.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	325.20

WEEKLY TOTAL EXPENSES

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

NUMBER OF DAYS AWAY FROM HOME

NUMBER OF DAYS AWAY ON PERSONAL AFFAIRS

% OF TOTAL DAYS AWAY FOR PERSONAL AFFAIRS

NATURE OR PURPOSE OF TRAVEL

LECC Conference in Gulf Shores, AL

METHOD OF REIMBURSEMENT

☐ DEDUCT FROM
MY ADVANCE☒ MAIL TO

ITEMIZED AUTOMOBILE EXPENSES

DATE	MILEAGE, GAS, PARKING REPAIRS, ETC.	AMOUNT

ITEMIZED MISCELLANEOUS EXPENSES

DATE	ITEMS	AMOUNT

SIGNATURE

APPROVED BY

Chief McEachern
Police Dept.

RESOLUTION NO. 265-19

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

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

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

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

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

No.	Qty.	Unit	Item Description	Fixed Asset
1.	1	Ea.	Repeater	99002365
2.	1	Ea.	Canon ES55 Camcorder	87002040
3.	1	Ea.	Repeater	87000428
4.	1	Ea.	Video Cassette Recorder	87000617
5.	1	Ea.	Audio Intelligence Device	87000418
6.	1	Ea.	Sony Video Camera Recorder	87000413
7.	1	Ea.	Night Scope	87000396
8.	1	Ea.	Unitel Intelligence System	87001974
9.	1	Ea.	Sony Walkman	87000936

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

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

C.E. "Eddie" Smith, Jr.

President of the City Council
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk - Treasurer

RESOLUTION NO. 266-19

Change Order Request - Emergency Lighting by Haynes - PD**RESOLUTION NO.** _____

WHEREAS, the City Council approved Resolution #334-18 on December 18, 2018 for the purchase of Police Equipment for Police Package Automobiles utilizing the State of Alabama Contract #MA999 18000000347; and

WHEREAS, a Change Order is being requested because of the new graphics that are needed that exceed the original estimate purchase order amount of \$57,690.00; and

WHEREAS, Emergency Lighting by Haynes is the vendor performing the work; and

WHEREAS, the Change Order Request is \$3,550.00 to purchase order #1901426;

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

1. That the Change Order request be approved for the additional work.
2. That the Purchasing-Revenue Manager be authorized to increase PO #1901426 in the amount of \$3,550.00.

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

Sales Order



P O BOX 1515
WETUMPKA, AL 36092
(334) 241-5200
Robertsdale: (251) 225-4135

Order Number: 18-1649
Order Date: 2/4/2019

Salesperson: Scott Haynes
SCOTTIE@ELBHAYNES.COM

Customer Number: 01-0015000

Sold To:
CITY OF OPELIKA
P.O. BOX 390
ACCOUNTING DEPARTMENT
OPELIKA, AL 36803
Confirm To:

Ship To:
OPELIKA PD
CAPT. KILGORE 334-705-5231
OPELIKA, AL 36803

Customer P.O.	Ship VIA	F.O.B.	Terms			
19001548			Net 30			
Item Code	Unit	Ordered	Shipped	Back Order	Price	Amount
ISFW45X	EACH	5.000	0.000	0.000	850.000	4,250.00
INNER EDGE FST WC 12-LT TAHOE			Whse: 001			
BLUE & WHITE						
/I	EACH	5.000	0.000	0.000	750.000	3,750.00
WHELEN RPWS45						
WECAN REAR PILLAR MOUNT OUTER EDGE BLUE						
IONBKT1	EACH	5.000	0.000	0.000	18.000	90.00
ION TAG BRACKET			Whse: 001			
TLI2EX	EACH	10.000	0.000	0.000	90.000	900.00
ION T-SERIES LINEAR DUO BW SMK			Whse: 001			
FRONT PUSH BUMPER						
I3JC	EACH	10.000	0.000	0.000	120.000	1,200.00
TRIO ION R/B W/ WHT OVERRIDE			Whse: 001			
TAG						
M4DWB	EACH	10.000	0.000	0.000	140.000	1,400.00
M4 DRIVING/WARNING LT BLUE			Whse: 001			
M4CT15B	EACH	5.000	0.000	0.000	40.000	200.00
M4 FOG LT MT 2015 TAHOE BLK-PA			Whse: 001			
SSFOSI6	EACH	5.000	0.000	0.000	60.000	300.00
SOLID STATE HEADLIGHT FLASHER			Whse: 001			
TCRHD5	EACH	10.000	0.000	0.000	585.000	5,850.00
TRACER DUO 5-LAMP HOUSING			Whse: 001			
LINSV2BX	EACH	10.000	0.000	0.000	140.000	1,400.00
SURFACE MT LINZ-V BLUE/SMOKE			Whse: 001			
LSVBKT45	EACH	5.000	0.000	0.000	14.000	70.00
LINSV MIRROR MT KIT TAHOE			Whse: 001			
CCSRN5	EACH	5.000	0.000	0.000	825.000	4,125.00
CARBIDE SIREN SYS W/ CANPORT			Whse: 001			
CC5K2 CANPORT CABLE AND CANCTL6 CONTROL HEAD						

Continue

Attachment: 9-17-19 - CHANGE ORDER REQUEST - EMERGENCY LIGHTING BY HAYNES - CNCL PKT (266-19 : Change Order Request -

Sales Order



P O BOX 1515
WETUMPKA, AL 36092
(334) 241-5200
Robertsdale: (251) 225-4135

Order Number: 18-1649
Order Date: 2/4/2019

Salesperson: Scott Haynes
SCOTTIE@ELBHAYNES.COM

Customer Number: 01-0015000

Sold To:
CITY OF OPELIKA
P.O. BOX 390
ACCOUNTING DEPARTMENT
OPELIKA, AL 36803
Confirm To:

Ship To:
OPELIKA PD
CAPT. KILGORE 334-705-5231
OPELIKA, AL 36803

Customer P.O.	Ship VIA	F.O.B.	Terms			
19001548			Net 30			
Item Code	Unit	Ordered	Shipped	Back Order	Price	Amount
SA315P	EACH	5.000	0.000	0.000	125.000	625.00
SA315P SPEAKER, BLACK PLASTIC			Whse: 001			
SAK9	EACH	5.000	0.000	0.000	15.000	75.00
New Univ /Swivel Bail Mnt Brkt			Whse: 001			
/I	EACH	5.000	0.000	0.000	565.000	2,825.00
RANCHHAND LEGEND GRILLE GUARD						
C-VS-1300-TAH-2	EACH	5.000	0.000	0.000	400.000	2,000.00
C-VS-1300-TAH-2-PM 2015-2018			Whse: 001			
C-ARM-102	EACH	5.000	0.000	0.000	55.000	275.00
Console, Side mount Arm rest,			Whse: 001			
C-CUP2-E-C	EACH	5.000	0.000	0.000	30.000	150.00
Dual External Cup Holder			Whse: 001			
C-HDM-204	EACH	5.000	0.000	0.000	140.000	700.00
8.5" Heavy Duty Telescoping Po			Whse: 001			
C-MD-112	EACH	5.000	0.000	0.000	240.000	1,200.00
11" HAVIS SLIDE OUT LOCKING SW			Whse: 001			
/I	EACH	5.000	0.000	0.000	595.000	2,975.00
PRO-GARD PRPSP5702T15A						
S5705T15OSB	EACH	5.000	0.000	0.000	1,165.000	5,825.00
PRO-GARD STD TRAN SEAT W/7G ST			Whse: 001			
GVPM5715D-H	EACH	5.000	0.000	0.000	385.000	1,925.00
PRO-GARD TRI LOCK GUN RACK			Whse: 001			
/GRAPHICS						5,250.00
GRAPHICS PACKAGE						
OPELIKA PD GRAPHICS						
/LABOR	EACH	1.000	0.000	0.000	350.000	350.00
LABOR						
GRAPHIC DESIGN FEE						

Continuer

Attachment: 9-17-19 - CHANGE ORDER REQUEST - EMERGENCY LIGHTING BY HAYNES - CNCL PKT (266-19 : Change Order Request -

Sales Order



P O BOX 1515
WETUMPKA, AL 36092
(334) 241-5200
Robertsdale: (251) 225-4135

Order Number: 18-1649

Order Date: 2/4/2019

Salesperson: Scott Haynes
SCOTTIE@ELBHAYNES.COM

Customer Number: 01-0015000

Sold To:

CITY OF OPELIKA
P.O. BOX 390
ACCOUNTING DEPARTMENT
OPELIKA, AL 36803

Confirm To:**Ship To:**

OPELIKA PD
CAPT. KILGORE 334-705-5231
OPELIKA, AL 36803

Customer P.O.	Ship VIA	F.O.B.	Terms			
19001548			Net 30			
Item Code	Unit	Ordered	Shipped	Back Order	Price	Amount
/INSTALL KIT	EACH	5.000	0.000	0.000	65.000	325.00
WIRE, TERMINAL & SUPPLIES						
PDP-13	EACH	5.000	0.000	0.000	125.000	625.00
FUSE BLOCK/13 CIRCUIT POWER DI			Whse: 001			
WITH (3) 30 AMP TIMED CIRCUITS						
/LABOR	EACH	125.000	0.000	0.000	65.000	8,125.00
LABOR						
P46FLC	EACH	5.000	0.000	0.000	115.000	575.00
PAR 46 REPLACEMENT			Whse: 001			
C-MCB	EACH	10.000	0.000	0.000	12.000	120.00
M.C. BRACKET			Whse: 001			
MMSU-1	EACH	10.000	0.000	0.000	31.000	310.00
MAGNETIC MIC SINGLE UNIT			Whse: 001			
/I	EACH	5.000	0.000	0.000	125.000	625.00
WHELEN CANEM16						
CANPORT EXPANSION M ODULE						
C-EB25-MXP-1P	EACH	5.000	0.000	0.000	0.000	0.00
1-p Equ Mounting Bk, 2.5" mou			Whse: 001			
C-EB25-MMT-1P	EACH	5.000	0.000	0.000	0.000	0.00
1-p Equ Mounting Bk, 2.5" mou			Whse: 001			
/I	EACH	5.000	0.000	0.000	565.000	2,825.00
WHELEN OEWS45						
SOLO WECAN OUTER EDGE ALL BLUE						

All quotes are based on Manufacturer's pricing on the date of the quote. All quotes are subject to changes in manufacturer's pricing, after the "QUOTE EXPIRES" date that appears above. All quotes are subject to availability. Many items require 3 to 12 weeks lead time, therefore, orders should be booked as early as possible. Most items will incur freight charges. SPECIAL ORDERS are NON-CANCELABLE and NON-RETURNABLE.

Net Order: 61,240.00
Less Discount: 0.00
Freight: 0.00
Sales Tax: 0.00
Order Total: 61,240.00

Attachment: 9-17-19 - CHANGE ORDER REQUEST - EMERGENCY LIGHTING BY HAYNES - CNCL PKT (266-19 : Change Order Request -

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CITY OF OPELIKA
ACCOUNTS PAYABLE
P.O. BOX 390
OPELIKA, ALABAMA 36803-0390

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EMERGENCY LIGHTING BY HAYNES
PO BOX 1515
WETUMPKA, AL 36092
Fax: 3342659277

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OPELIKA POLICE DEPARTMENT
CITY OF OPELIKA
501 SOUTH 10TH STREET
OPELIKA, AL 36801

Purchase Order

13.3.a

Fiscal Year 2019

Page: 1 of 1

THIS NUMBER MUST APPEAR ON ALL
INVOICES, PACKAGES AND SHIPPING PAPER

Purchase Order # **1901426-00**

Municipality exempt from sales & excise tax
Sec 40-23-4(11) code of Alabama L975

Requisition Number		Requisition Date		Requisition By		Account No.		Buyer			
19001548		01/02/2019		JHussey		63-1272773		Jones, Lanorris			
Vendor Number		Date Ordered		Delivered By		Terms		Department/Location		Contract No.	
2073		01/02/2019		01/18/2019				Police Staff Services			
Item#	Description/PartNo							QTY	UOM	Unit Price	Extended Pri
	AUTOMOTIVE ACCESSORIES FOR AUTOMOBILES, BUSES, TRA										
	The Above Purchase Order Number Must Appear On All Correspondence - Packing Sheets And Bills Of Lading										
1	Inner Edge FST WC 12-LT Tahoe - ISFW45X							5.0	EACH	\$850.00	\$4,250.
2	Whelen RPWS45 - Blue & White							5.0	EACH	\$750.00	\$3,750.
3	Wecan Rear Pillar Mount Outer Edge Blue - IONBKT1 - Ion Tag Bracket							5.0	EACH	\$18.00	\$90.
4	ION T-Series Linear DUO BW SMK - TL12EX							10.0	EACH	\$90.00	\$900.
5	Front Push Bumper - I3JC - Trio ION R/B W/ WHT Override							10.0	EACH	\$120.00	\$1,200.
6	Tag - M4DWB - M4 Driving/Warning LT Blue							10.0	EACH	\$140.00	\$1,400.
7	M4 Fog LT MT 2015 Tahoe BLK-PA - M4CT15B							5.0	EACH	\$40.00	\$200.
8	Solid State Headlight Flasher - SSFPOS16							5.0	EACH	\$60.00	\$300.
9	Tracer DUO 5-Lamp Housing - TCRHD5							10.0	EACH	\$585.00	\$5,850.
10	Surface MT Linz-V Blue/Smoke - LINSV2BX							10.0	EACH	\$140.00	\$1,400.
11	LINSV Mirror MT KIT Tahoe - LSVBKT45							5.0	EACH	\$14.00	\$70.
12	Carbide Siren SYS W/Canport - CCSRN5 - CC5K2 Canport Cable and CANCTL7 Control Head							5.0	EACH	\$825.00	\$4,125.
13	SA315P Speaker Black Plastic - SA315P							5.0	EACH	\$125.00	\$625.

By

Purchasing Agent

VENDOR COPY

CONTINUED ON
NEXT PAGE

Packet Pg. 86

Attachment: 9-17-19 - CHANGE ORDER REQUEST - EMERGENCY LIGHTING BY HAYNES - CNCL PKT (266-19 : Change Order Request -



Purchase Order

13.3.a

Fiscal Year 2019

Page: 2 c

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CITY OF OPELIKA
ACCOUNTS PAYABLE
P.O. BOX 390
OPELIKA, ALABAMA 36803-0390

THIS NUMBER MUST APPEAR ON ALL
INVOICES, PACKAGES AND SHIPPING PAPER

Purchase Order # **190142600**

Municipality exempt from sales & excise tax
Sec 40-23-4(11) code of Alabama L975

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EMERGENCY LIGHTING BY HAYNES
PO BOX 1515
WETUMPKA, AL 36092
Fax: 3342659277

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OPELIKA POLICE DEPARTMENT
CITY OF OPELIKA
501 SOUTH 10TH STREET
OPELIKA, AL 36801

Requisition Number		Requisition Date	Requisition By	Account No.	Buyer		
19001548		01/02/2019	JHussey	63-1272773	Jones, Lanorris		
Vendor Number	Date Ordered	Delivered By	Terms	Department/Location		Contract No.	
2073	01/02/2019	01/18/2019		Police Staff Services			
Item#	Description/PartNo			QTY	UOM	Unit Price	Extended Pri
14	New Univ/Swivel Bail Mnt Brkt - SAK9			5.0	EACH	\$15.00	\$75.
15	RanchHand Legend Grille Guard			5.0	EACH	\$565.00	\$2,825.
16	C-VS-1300 TAH-2 - C-VS-1300-TAH-2-PM 2015-2018			5.0	EACH	\$400.00	\$2,000.
17	Console, Side mount Arm rest. - C-ARM-102			5.0	EACH	\$55.00	\$275.
18	Dual External Cup Holder - C-CUP2-E-C			5.0	EACH	\$30.00	\$150.
19	8.5" Heavy Duty Telescoping Po - C-HDM-204			5.0	EACH	\$140.00	\$700.
20	11" HAVIS Slide Out Locking SW - C-MD-112			5.0	EACH	\$240.00	\$1,200.
21	Pro-Gard PRPSP5702T15A			5.0	EACH	\$595.00	\$2,975.
22	Pro-Gard S5705T15OSB			5.0	EACH	\$1,165.00	\$5,825.
23	Pro-Gard TRI Lock Gun Rack - GVPM515D-H			5.0	EACH	\$385.00	\$1,925.
24	Graphics Package			1.0	EACH	\$2,050.00	\$2,050.
25	Wire, Terminal & Supplies - Install Kit			5.0	EACH	\$65.00	\$325.
26	Fuse Block/13 Circuit Power DI - PDP-13			5.0	EACH	\$125.00	\$625.
27	Labor			125.0	EACH	\$65.00	\$8,125.
28	PAR 46 Replacement - P46FLC			5.0	EACH	\$115.00	\$575.
29	M.C. Bracket - C-MCB			10.0	EACH	\$12.00	\$120.
30	Magnetic MIC Single Unit - MMSU-1			10.0	EACH	\$31.00	\$310.

By

Purchasing Agent

VENDOR COPY

**CONTINUED ON
NEXT PAGE**

Packet Pg. 87

Attachment: 9-17-19 - CHANGE ORDER REQUEST - EMERGENCY LIGHTING BY HAYNES - CNCL PKT (266-19 : Change Order Request -



Purchase Order

13.3.a

Fiscal Year 2019

Page: 3 c

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CITY OF OPELIKA
ACCOUNTS PAYABLE
P.O. BOX 390
OPELIKA, ALABAMA 36803-0390

THIS NUMBER MUST APPEAR ON ALL
INVOICES, PACKAGES AND SHIPPING PAPER

Purchase
Order # 190142600

Municipality exempt from sales & excise tax
Sec 40-23-4(11) code of Alabama L97

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EMERGENCY LIGHTING BY HAYNES
PO BOX 1515
WETUMPKA, AL 36092
Fax: 3342659277

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OPELIKA POLICE DEPARTMENT
CITY OF OPELIKA
501 SOUTH 10TH STREET
OPELIKA, AL 36801

Requisition Number		Requisition Date	Requisition By		Account No.		Buyer	
19001548		01/02/2019	JHussey		63-1272773		Jones, Lanorris	
Vendor Number	Date Ordered	Delivered By	Terms		Department/Location		Contract No.	
2073	01/02/2019	01/18/2019			Police Staff Services			
Item#	Description/PartNo				QTY	UOM	Unit Price	Extended Price
31	Whelen CANEM16				5.0	EACH	\$125.00	\$625.00
32	1-p Equ Mounting BK, 2.5" mou - C-EB25-MXP-1P				5.0	EACH	\$0.00	\$0.00
33	1-p Equ Mounting BK, 2.5" mou - C-EB25-MXP-1P				5.0	EACH	\$0.00	\$0.00
34	ION Outer Edge LC Solo Tahoe Rear Outer Edge Blue - OELS45				5.0	EACH	\$565.00	\$2,825.00
	Please send purchase order to vendor. State Contract Resolution #334-18 Approved 12/18/18 Quote is attached							

By

Lillie Fowl
Purchasing Agent

VENDOR COPY

Total Ext. Price
PO Total

Packet Pg. 88

Attachment: 9-17-19 - CHANGE ORDER REQUEST - EMERGENCY LIGHTING BY HAYNES - CNCL PKT (266-19 : Change Order Request -

RESOLUTION NO. 267-19

Purchase - Furniture - State Contract - HR**RESOLUTION NO. _____**

WHEREAS, Human Resources desires to purchase furniture utilizing the State of Alabama Contract #T390; and

WHEREAS, Indiana Furniture, Reimers Furniture Mfg. Inc., and Fairfield Chair Co. are the State vendors with Alabama Office Supply being the assisted dealer; and

WHEREAS, funds for this purchase are coming from Office Supplies and Equipment;

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

1. That purchase be awarded to Indiana Furniture, Reimers Furniture Mfg. Inc., and Fairfield Chair Co.; Alabama Office Supply as the assisted dealer.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to Indiana Furniture, Reimers Furniture Mfg. Inc., and Fairfield Chair Co.; Alabama Office Supply as the assisted dealer in the total amount of \$19,207.86.
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



An Easy Place To Do Business

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@alaoffice.com • www.alaoffice.com

TO CITY OF OPELIKA
HUMAN RESOURCES

PROPOSAL NO.

DATE August 28, 2019

CUSTOMER ID

EXPIRATION DATE

DESCRIPTION	QUANTITY	UNIT PRICE	LINE TOTAL
OFFICE 1 & OFFICE 2			
INDIANA 29-3672RP 36x72 Desk	2	\$1,351.83	\$2,703.66
INDIANA 29-2072LL Lateral Credenza	2	\$1,235.77	\$2,471.54
INDIANA 529-2450TP Top Only	2	\$399.84	\$799.68
ALE HT2SSB Sit to Stand Base	2	\$548.88	\$1,097.76
INDIANA 29-1572HU 72" Overhead Storage	2	\$1,584.46	\$3,168.92
SYM UTL-42 Task Light	2	\$108.00	\$216.00
INDIANA TB-2972H 72" Tack Board	2	\$192.89	\$385.78
FAIRFIELD 1082-01 Guest Chair	4	\$496.08	\$1,984.32
RFM 1538-25A-D Desk Chair	2	\$453.75	\$907.50
OFFICE 3			
INDIANA 29-3672RP 36x72 Desk	1	\$1,351.83	\$1,351.83
INDIANA 29-2445LF 24x45 Return	1	\$740.30	\$740.30
INDIANA 29-2060DL Double Lateral	1	\$1,672.43	\$1,672.43
INDIANA 29-2848TU Top Unit Bookcase	2	\$529.92	\$1,059.84
RFM 1538-25A-D	1	\$453.75	\$453.75

Attachment: 9-17-19 - PURCHASE - FURNITURE FOR HUMAN RESOURCES - STATE CONTRACT #T390 - CNCL PKT (267-19 : Purchase -

Desk chair

MISC

ALE MAT4660FLCR

3

\$64.85

\$194.55

46x60 Chair mat

Pricing Per: State of AL T390 Contract

Indiana @ 48.8% off list

RFM @ 45% off list

Fairfield @ 47% off list

SUBTOTAL \$19,207.86

SALES TAX

TOTAL **\$19,207.86**

TERMS	F.O.B.	EST. SHIP DATE	TAX INCLUDED	INSTALLED
	Pre-paid		No	Yes

BY:


 Managing Partner, Wake Asbury

THANK YOU FOR YOUR BUSINESS!



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

13.4.a

CONTRACT INFORMATION

MASTER AGREEMENT NUMBER: MA 999 17000000068

NOT TO EXCEED AMOUNT:

Begin Date: 03/01/2017

Procurement Folder: 213906

Expiration Date: 02/28/2022

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 06/07/19

Version Number: 3

CONTACT INFORMATION

REQUESTOR:

Kerri Butler

334-353-0303

Kerri.Butler@purchasing.alabama.gov

ISSUER:

Kerri Butler

334-353-0303

Kerri.Butler@purchasing.alabama.gov

BUYER:

Kerri Butler

334-353-0303

Kerri.Butler@purchasing.alabama.gov

CONTRACT DESCRIPTION

MA T390 Furniture

Ship To:

Bill To:

REASON FOR MODIFICATION

Update buyer

VENDOR INFORMATION

Name /Address:

VC000046370: Indiana Furniture

PO Box 270

Jasper IN 47547-0270

Contact:

Angie Kleiser

800-422-5727 EXT: 143

angie.kleiser@indianafurniture.com

Attachment: 9-17-19 - PURCHASE - FURNITURE FOR HUMAN RESOURCES - STATE CONTRACT #T390 - CNCL PKT (267-19 : Purchase -

COMMODITY / SERVICE INFORMATION

13.4.a

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
1	0	EA	\$0.000000	\$0.00			\$0.00	\$0.00

42500 - FURNITURE: OFFICE

FURNITURE: OFFICE, TABLES, EDUCATIONAL

Furniture, at a percentage off Manufacturer's list price

Seating

Dock Delivery 51.8%

Inside Delivery 49.8%

Installation 48.8%

Desks

Dock Delivery 51.8%

Inside Delivery 49.8%

Installation 48.8%

Tables

Dock Delivery 51.8%

Inside Delivery 49.8%

Installation 48.8%

Bookcases/Storage

Dock Delivery 51.8%

Inside Delivery 49.8%

Installation 48.8%

Educational

Dock Delivery 51.8%

Inside Delivery 49.8%

Installation 48.8%

Final

All terms, conditions, and any amendments to solicitation are part of this contract as if fully reproduced herein .

Approved:



Purchasing Director

APPROVALS			
Date	Status Before	Status After	Approver

Attachment: 9-17-19 - PURCHASE - FURNITURE FOR HUMAN RESOURCES - STATE CONTRACT #T390 - CNCL PKT (267-19 : Purchase -



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

13.4.a

CONTRACT INFORMATION

MASTER AGREEMENT NUMBER: MA 999 17000000033

NOT TO EXCEED AMOUNT:

Begin Date: 03/01/2017

Procurement Folder: 213906

Expiration Date: 02/28/2022

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 05/29/19

Version Number: 3

CONTACT INFORMATION

REQUESTOR:

Kerri Butler

334-353-0303

Kerri.Butler@purchasing.alabama.gov

ISSUER:

Kerri Butler

334-353-0303

Kerri.Butler@purchasing.alabama.gov

BUYER:

Kerri Butler

334-353-0303

Kerri.Butler@purchasing.alabama.gov

CONTRACT DESCRIPTION

MA T390 Furniture

Ship To:

Bill To:

REASON FOR MODIFICATION

Update Buyer

VENDOR INFORMATION

Name /Address:

VC000004999: REIMERS FURNITURE MFG INC

619 SW Wood St

Hillsboro OR 97123

Contact:

Marlene Reischman

800-447-5542

marlene@rfmseating.com

COMMODITY / SERVICE INFORMATION

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
1	0	EA	\$0.000000	\$0.00			\$0.00	\$0.00

42500 - FURNITURE: OFFICE

FURNITURE: OFFICE, TABLES, EDUCATIONAL

Furniture, at a percentage off Manufacturer's list price

Seating

Dock Delivery 52%

Inside Delivery 46%

Installation 45%

Attachment: 9-17-19 - PURCHASE - FURNITURE FOR HUMAN RESOURCES - STATE CONTRACT #T390 - CNCL PKT (267-19 : Purchase -

Approved:



Purchasing Director

APPROVALS			
Date	Status Before	Status After	Approver

Final

Attachment: 9-17-19 - PURCHASE - FURNITURE FOR HUMAN RESOURCES - STATE CONTRACT #T390 - CNCL PKT (267-19 : Purchase -



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

13.4.a

CONTRACT INFORMATION

MASTER AGREEMENT NUMBER: MA 999 17000000093

NOT TO EXCEED AMOUNT:

Begin Date: 03/01/2017

Procurement Folder: 213906

Expiration Date: 02/28/2022

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 06/07/19

Version Number: 3

CONTACT INFORMATION

REQUESTOR:

Kerri Butler

334-353-0303

Kerri.Butler@purchasing.alabama.gov

ISSUER:

Kerri Butler

334-353-0303

Kerri.Butler@purchasing.alabama.gov

BUYER:

Kerri Butler

334-353-0303

Kerri.Butler@purchasing.alabama.gov

CONTRACT DESCRIPTION

MA T390 Furniture

Ship To:

Bill To:

REASON FOR MODIFICATION

Update buyer

VENDOR INFORMATION

Name /Address:

VC000050728: Fairfield Chair Company

1331 Harper Avenue Sw

Lenoir NC 28645

Contact:

Kevin Walters

6623240070

Sale2FISH@Yahoo.Com

COMMODITY / SERVICE INFORMATION

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
1	0	EA	\$0.000000	\$0.00			\$0.00	\$0.00

42500 - FURNITURE: OFFICE

FURNITURE: OFFICE, TABLES, EDUCATIONAL

Furniture, at a percentage off Manufacturer's list price

SEATING

Installation 47%

TABLES

Installation 47%

Approved:



Purchasing Director

APPROVALS			
Date	Status Before	Status After	Approver

Final

Attachment: 9-17-19 - PURCHASE - FURNITURE FOR HUMAN RESOURCES - STATE CONTRACT #T390 - CNCL PKT (267-19 : Purchase -

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. 268-19

Purchase - Gasoline and Diesel Fuel - State Contract - PW/AS**RESOLUTION NO.** _____

WHEREAS, the Public Works/Automotive Shop desires to purchase Gasoline & Ultra Low Sulfur #2 Diesel Fuel utilizing the State of Alabama Contract #T104; and

WHEREAS, The McPherson Companies, Inc. is the State Contract Vendor for Gasoline & Ultra Low Sulfur #2 Diesel; and

WHEREAS, this is a budgeted purchase;

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

1. That the purchase be awarded to The McPherson Companies, Inc. utilizing the State of Alabama Contract.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to The McPherson Companies, Inc. on an as needed basis.
3. That the Controller be authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to 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



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

13.5.a

CONTRACT INFORMATION

MASTER AGREEMENT NUMBER: MA 999 180000000004

NOT TO EXCEED AMOUNT:

Begin Date: 10/01/2017

Procurement Folder: 368619

Expiration Date: 09/30/2019

Procurement Type: Master Agreement

Solicitation Number:

Replaces Award Document:

Award Date:

Replaced by Award Document:

Modification Date: 08/23/18

Version Number: 3

CONTACT INFORMATION

REQUESTOR:

Patrick Hemme

334-242-7173

Pat.Hemme@purchasing.alabama.gov

ISSUER:

Patrick Hemme

334-242-7173

Pat.Hemme@purchasing.alabama.gov

BUYER:

Patrick Hemme

334-242-7173

Pat.Hemme@purchasing.alabama.gov

CONTRACT DESCRIPTION

GASOLINE & DIESEL FUEL

Ship To:

Bill To:

REASON FOR MODIFICATION

VENDOR INFORMATION

Name /Address:

VC000053353: The McPherson Companies Inc

5051 Cardinal St

Trussville AL 35173

Contact:

Ryan Harrison

2056614527

rharrison@McPhersonoil.Com

COMMODITY / SERVICE INFORMATION

13.5.a

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
1	0	GAL	\$0.180000	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive

CALHOUN, GASOLINE, 1,000 - 8,199 GALLONS

CALHOUN, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
2	0	GAL	\$0.180000	\$0.00			\$0.00	\$0.00

4050935 - DIESEL FUEL, MOTOR FUEL)

CALHOUN, DIESEL, 1,000 - 7,499 GALLONS

CALHOUN, DIESEL FUEL CLEAR OR DYED:
1,000 - 7,499 GALLONS

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
3	0	GAL	\$0.500000	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive

CLARKE, < 1,000 GALLONS, DELIVERY

CLARKE, < 1,000 GALLONS DELIVERY

GASOLINE AND OR DIESEL FUEL

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
4	0	GAL	\$0.500000	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive

CLAY, < 1,000 GALLONS, DELIVERY

CLAY, < 1,000 GALLONS DELIVERY

GASOLINE AND OR DIESEL FUEL

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
5	0	GAL	\$0.186000	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive

CLAY, GASOLINE, 1,000 - 8,199 GALLONS

CLAY, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
6	0	GAL	\$0.186000	\$0.00			\$0.00	\$0.00

4050935 - DIESEL FUEL, MOTOR FUEL)

CLAY, DIESEL, 1,000 - 7,499 GALLONS

CLAY, DIESEL FUEL CLEAR OR DYED:

1,000 - 7,499 GALLONS

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
7	0	GAL	\$0.500000	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive

CLEBURNE, < 1,000 GALLONS, DELIVERY

CLEBURNE, < 1,000 GALLONS DELIVERY

GASOLINE AND OR DIESEL FUEL

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
8	0	GAL	\$0.125000	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive

COLBERT, GASOLINE, 1,000 - 8,199 GALLONS

COLBERT, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
9	0	GAL	\$0.125000	\$0.00			\$0.00	\$0.00

COMMODITY / SERVICE INFORMATION

13.5.a

4050935 - DIESEL FUEL, MOTOR FUEL)
COLBERT, DIESEL, 1,000 - 7,499 GALLONS
COLBERT, DIESEL FUEL CLEAR OR DYED:
1,000 - 7,499 GALLONS

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
10	0	GAL	\$0.140000	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive
FAYETTE, GASOLINE, 1,000 - 8,199 GALLONS
FAYETTE, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
11	0	GAL	\$0.140000	\$0.00			\$0.00	\$0.00

4050935 - DIESEL FUEL, MOTOR FUEL)
FAYETTE, DIESEL, 1,000 - 7,499 GALLONS
FAYETTE, DIESEL FUEL CLEAR OR DYED:
1,000 - 7,499 GALLONS

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
12	0	GAL	\$0.055000	\$0.00			\$0.00	\$0.00

4050935 - DIESEL FUEL, MOTOR FUEL)
LAWRENCE, DIESEL, 1,000 - 7,499 GALLONS
LAWRENCE, DIESEL FUEL CLEAR OR DYED:
1,000 - 7,499 GALLONS

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
13	0	GAL	\$0.140000	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive
LEE, GASOLINE, 1,000 - 8,199 GALLONS
LEE, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
14	0	GAL	\$0.140000	\$0.00			\$0.00	\$0.00

4050935 - DIESEL FUEL, MOTOR FUEL)
LEE, DIESEL, 1,000 - 7,499 GALLONS
LEE, DIESEL FUEL CLEAR OR DYED:
1,000 - 7,499 GALLONS

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
15	0	GAL	\$0.091000	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive
LIMESTONE, GASOLINE, 1,000 - 8,199 GALLONS
LIMESTONE, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
16	0	GAL	\$0.091000	\$0.00			\$0.00	\$0.00

4050935 - DIESEL FUEL, MOTOR FUEL)
LIMESTONE, DIESEL, 1,000 - 7,499 GALLONS
LIMESTONE, DIESEL FUEL CLEAR OR DYED:
1,000 - 7,499 GALLONS

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
17	0	GAL	\$0.096400	\$0.00			\$0.00	\$0.00

40515 - Gasoline, Automotive
MADISON, GASOLINE, 1,000 - 8,199 GALLONS
MADISON, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199

COMMODITY / SERVICE INFORMATION

13.5.a

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
18	0	GAL	\$0.096400	\$0.00			\$0.00	\$0.00
4050935 - DIESEL FUEL, MOTOR FUEL) MADISON, DIESEL, 1,000 - 7,499 GALLONS MADISON, DIESEL FUEL CLEAR OR DYED: 1,000 - 7,499 GALLONS								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
19	0	GAL	\$0.075000	\$0.00			\$0.00	\$0.00
40515 - Gasoline, Automotive MOBILE, GASOLINE, 1,000 - 8,199 GALLONS MOBILE, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
20	0	GAL	\$0.025000	\$0.00			\$0.00	\$0.00
40515 - Gasoline, Automotive MOBILE, GASOLINE, 8,200 > GALLONS MOBILE, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 8,200 > GALLONS								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
21	0	GAL	\$0.075000	\$0.00			\$0.00	\$0.00
4050935 - DIESEL FUEL, MOTOR FUEL) MOBILE, DIESEL, 1,000 - 7,499 GALLONS MOBILE, DIESEL FUEL CLEAR OR DYED: 1,000 - 7,499 GALLONS								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
22	0	GAL	\$0.089000	\$0.00			\$0.00	\$0.00
40515 - Gasoline, Automotive MORGAN, GASOLINE, 1,000 - 8,199 GALLONS MORGAN, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
23	0	GAL	\$0.089000	\$0.00			\$0.00	\$0.00
4050935 - DIESEL FUEL, MOTOR FUEL) MORGAN, DIESEL, 1,000 - 7,499 GALLONS MORGAN, DIESEL FUEL CLEAR OR DYED: 1,000 - 7,499 GALLONS								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
24	0	GAL	\$0.090000	\$0.00			\$0.00	\$0.00
40515 - Gasoline, Automotive SHELBY, GASOLINE, 1,000 - 8,199 GALLONS SHELBY, GASOLINE (REGULAR, MID-RANGE OR PREMIUM UNLEADED) 1,000 - 8,199								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
25	0	GAL	\$0.090000	\$0.00			\$0.00	\$0.00
4050935 - DIESEL FUEL, MOTOR FUEL) SHELBY, DIESEL, 1,000 - 7,499 GALLONS SHELBY, DIESEL FUEL CLEAR OR DYED: 1,000 - 7,499 GALLONS								
Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
26	0		\$0.000000	\$0.00			\$0.00	\$0.00

40500 - FUEL, OIL, GREASE AND LUBRICANTS
FUEL, PRICING, GASOLINE & DIESEL FUEL
FUEL, PRICING, GASOLINE & DIESEL FUEL

Line	Quantity	UOM	Unit Price	Service Amount	Service From	Service To	Line Sub Total	Line Total
27	0		\$0.000000	\$0.00			\$0.00	\$0.00

40500 - FUEL, OIL, GREASE AND LUBRICANTS
TAXES & FEES /FEDERAL /STATE /LOCAL
TAXES & FEES /FEDERAL /STATE /LOCAL

All terms, conditions, and any amendments to solicitation are part of this contract as if fully reproduced herein .

Approved:



Purchasing Director

APPROVALS			
Date	Status Before	Status After	Approver

Final

Attachment: 9-17-19 - FUEL AND DIESEL - STATE CONTRACT - CNCL PKT (268-19 : Purchase - Gasoline and Diesel Fuel - State Contract -

RESOLUTION NO. 269-19

Emergency Repair - Truck #834 - OES

RESOLUTION NO. _____

WHEREAS, the Opelika Environmental Services Truck #834 needs emergency repairs; and

WHEREAS, Truck #834 is a frontline truck used to service residential environmental services customers; and

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

WHEREAS, the service and repairs parts can be obtained from McNeilus Branch Georgia located in Villa Rica, GA; and

WHEREAS, the cost of repairs is estimated to be \$18,175.34; and

WHEREAS, the cost of repairs is to come from the Opelika Environmental Equipment Repairs account;

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

1. That the City Council deem the actions of the Purchasing-Revenue Manager to be correct in awarding the emergency purchase order to McNeilus Branch Georgia an estimated amount of \$18,175.34.
2. That the Mayor be authorized to issue a change order for unforeseen repairs not to exceed 10% of the estimated costs.
3. That the Controller be authorized to adjust the budget as necessary for 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

MCNEILUS BRANCH GEORGIA
1 MCNEILUS CT
VILLA RICA, GA 30180
PHONE: 888-686-7278
FAX: 507-374-8500



McNeilus

Service Order Quote

SOLD TO:
CITY OF OPELIKA
PO BOX 390
OPELIKA AL 36803-0390

SHIP TO:
CITY OF OPELIKA
700 FOX TRAIL
ATTN AUTOMOTIVE SHOP
OPELIKA AL 36801

PAGE: 1 OF 1
DATE: 09/05/19
CUSTOMER: 146008
CUST PO #:
ORDER #: 2467504
VIN #: 3BPZLJ0X7GF107124
UNIT IN SERVICE: 03/17/16
SALESPERSON: NALLEY, LARRY C
ASSET #:

THIS IS NOT AN INVOICE, QUOTE ONLY - DO NOT PAY. TAXES SUBJECT TO CHANGE.
THIS QUOTE IS GOOD FOR 30 DAYS FROM THE QUOTE DATE.

QTY	DESCRIPTION	PART #	CATALOG #	UNIT PRICE	EXT. PRICE
1.00	LABOR			3000.00	3,000.00
1.00	TRAVEL			1875.00	1,875.00
1	SHOP SUPPLY & ENVIRO FEE	SHOPSUPENV		350.00	
1	ARM, FIXED FRM MT, 300 GAL, W/CYL	1457702		13,300.34	13,300.34
1	CORE CHARGE, GRABBER ARM, AR	1103766		4,000.00	4,000.00
1-	CORE CHARGE, GRABBER ARM, AR	1103766		4,000.00	4,000.00
	TOTAL PARTS				13,300.34
	TOTAL SURCHARGE				
	TOTAL LABOR				4,875.00
	MISCELLANEOUS				
	TOTAL QUOTE W/O TAX				18,175.34
	CURRENT TAX AMOUNT				
	TOTAL QUOTE				18,175.34
Purchase of new stationary arm assembly - Techs to travel to site and replace arm assembly. Check arm functions and travel back to McNeilus site.					
AUTHORIZED SIGNATURE:		DATE:		QUOTE TOTAL:	18,175.34

THIS ESTIMATE IS BASED UPON THE CONDITION OF ITEMS AS THEY WERE INSPECTED. REMOVAL OF ITEMS MAY REVEAL WEAR AND/OR DAMAGE BEYOND THE SCOPE OF THIS QUOTE INCREASING THE COSTS OF REPAIR. THE CUSTOMER WILL BE NOTIFIED AND PROPER AUTHORIZATION REQUESTED FOR ANY ACTIVITIES REQUIRED. APPLICABLE SHOP SUPPLIES, MILEAGE AND ENVIRONMENTAL FEES MAY BE ADDED. THIS QUOTE IS VALID FOR 30 DAYS UNLESS OTHERWISE AGREED UPON BY BOTH PARTIES.

US Dollars

RESOLUTION NO. 270-19

Weed Abatement Assessment - 308 Brannon Ave.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
308 Brannon Ave., Parcel No. 072.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 308 Brannon Avenue, parcel no. 072.000 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 308 Brannon Avenue, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of September, 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 \$ 234.85 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 308 Brannon Avenue, Parcel no. 072.000 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 43-10-03-08-2-001-072.000 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 17th day of September, 2019.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 8/29/2019

**To: State of Alabama
C/O Department of Revenue
PO BOX 327210
Montgomery, AL 36132-7210**

Property Address:
308 Brannon
Opelika, AL 36801

Parcel # 43-10-03-08-2-001-072.000

On July 17, 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: \$ 221.25

Certified mail: \$ 13.60

Misc. _____

Total	\$ 234.85
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Attachment: 308 Brannon Weed Invoice (270-19 : Weed Abatement Assessment - 308 Brannon Ave)

RESOLUTION NO. 271-19

Weed Abatement Assessment - 509 1St Ave.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
509 1st Avenue, Parcel No. 128.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 509 1st Avenue, parcel no. 128.000 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 509 1st Avenue, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of September, 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 \$263.60 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 509 1st Avenue, Parcel no. 128.000 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 43-10-03-07-01-002-128.000 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 17th day of September, 2019.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 8/29/2019

**To: Loretta Wanat
11090 Woodruff Road
Fairburn, GA 30213**

**Property Address:
509 1st Avenue
Opelika, AL 36801**

Parcel # 43-10-03-07-01-002-128.000

On July 24, 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: \$ 250.00

Certified mail: \$ 13.60

Misc.

Total \$ 263.60

Attachment: 509 1st Avenue Weed Invoice (271-19 : Weed Abatement Assessment - 509 1St Ave)

RESOLUTION NO. 272-19

Weed Abatement Assessment - 1109 Magnolia St.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
1109 Magnolia St, Parcel No. 022.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 1109 Magnolia St, 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 1109 Magnolia St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of September, 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 \$217.04 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 1109 Magnolia St, 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 43-10-04-18-2-001-022.000 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 17th day of September, 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: 8/23/2019

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

Property Address:
1109 Magnolia St
Opelika Al. 36801
Parcel # 10-04-18-2-001-022.000

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

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

Cost of Abatement: 203.70

Certified mail: 13.34

Misc. _____

Total	<u>217.04</u>
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Attachment: WEED INVOICE 1109 Magnolia St (272-19 : Weed Abatement Assessment - 1109 Magnolia St.)

RESOLUTION NO. 273-19

Weed Abatement Assessment - 1301 Fitzpatrick Ave.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
1301 Fitzpatrick Ave Parcel No. 017.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 1301 Fitzpatrick Ave, 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 1301 Fitzpatrick Ave, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of September, 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 \$197.84 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 1301 Fitzpatrick Ave 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 43-09-01-12-4-002-017.000 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 17th day of September, 2019.

C. E. “Eddie” Smith

President of the City Council

City of Opelika, Alabama

Attest:

R. G. “Bob” Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 08/29/2019

**To: Sweet Onion LLC
PO Box 710
Opelika Al. 36801**

**Property Address:
1301 Fitzpatrick Ave
Opelika Al. 36801
Parcel # 09-01-12-4-002-017.000**

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

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

Cost of Abatement:	<u>184.50</u>
Certified mail:	<u>13.34</u>
Misc.	<u> </u>
Total	<u>197.84</u>

Attachment: Weed Invoice 1301 Fitzpatrick Ave (273-19 : Weed Abatement Assessment - 1301 Fitzpatrick Ave)

RESOLUTION NO. 274-19

Weed Abatement Assessment - 1917 Pepperell Pkwy.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
1917 Pepperell Pkwy, Parcel No. 053.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 1917 Pepperell Pkwy, parcel no. 053.000 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 1917 Pepperell Pkwy, a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of September, 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 \$90.34 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 1917 Pepperell Pkwy, Parcel no. 053.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-09-06-13-2-000-053.000 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 17th day of September, 2019.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 09/06/2019

To: Christine Stillwell
9380 US Hwy 280E
Salem Al. 36874

Property Address:
1917 Pepperell Pkwy
Opelika Al. 36801
Parcel # 43-09-06-13-2-000-053.000

On August 14, 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: 77.00

Certified mail: 13.34

Misc.

Total 90.34

Attachment: WEED INVOICE 1917 Pepperell Pkwy (274-19 : Weed Abatement Assessment - 1917 Pepperell Pkwy)

RESOLUTION NO. 275-19

Weed Abatement Assessment - 2300 Dorsey St.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
2300 Dorsey St, Parcel No. 023.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 2300 Dorsey St., parcel no. 023.000 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 2300 Dorsey St., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 17th day of September, 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 \$1159.61 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 2300 Dorsey St., Parcel no. 023.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-09-05-22-2-000-023.000 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 17th day of September, 2019.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 09/06/2019

**To: Quicken Loans
1050 Woodward Ave
Detroit Michigan 48226**

**Property Address:
2300 Dorsey St.
Opelika Al. 36801
Parcel # 43-09-05-22-0-000-023.000**

On August 12, 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: 1146.27

Certified mail: 13.34

Misc.

Total 1159.61

Attachment: WEED INVOICE 2300 Dorsey St. (275-19 : Weed Abatement Assessment - 2300 Dorsey St.)

RESOLUTION NO. 276-19

IHeart Media Radio Advertising (OPS)

RESOLUTION NO. _____

**RESOLUTION APPROVING PROPOSAL OF iHEARTMEDIA +
ENTERTAINMENT, INC. FOR RADIO ADVERTISING SERVICES**

WHEREAS, iHeartMedia + Entertainment, Inc., formerly known as Qantum of Auburn, LLC (hereinafter called “IHeart”) owns and operates four (4) radio stations in the Auburn/Opelika radio market; and

WHEREAS, a Proposal was received from iHeart for radio advertising for the period from October 1, 2019 through September 30, 2020; and

WHEREAS, the Proposal has been reviewed by City staff; and

WHEREAS, City staff is recommending that the Proposal of iHeart in the total amount of \$16,830.00 be accepted.

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

1. That the City Council does find and declare that the proposal for radio advertising, a copy of which is attached hereto as Exhibit “A”, is reasonable and responsive and the same is hereby accepted.

2. That the Mayor is hereby authorized and directed to execute and accept in the name of the City said Proposal for advertising with iHeart in an amount not to exceed \$16,830.00.

3. That the compensation be paid to iHeartMedia for its services hereunder shall be paid from the OPS Electric Fund. The Mayor and the Controller are hereby authorized and directed to make all necessary and appropriate budgetary adjustments to implement this Resolution.

4. 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.

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



THE NEW EXPERIENCE



Experience the **ONLY FOX Sports Station(s)** in this area!! Introducing the NEW and only Fox Sports channel in the Lee Co/Chambers Co/Macon Co/Russell Co, with your favorite **LOCAL-LIVE Sports** show, **“ON The MARK” Hosted by D. Mark Mitchell & Jeff Sasser (6a-9a central/7a-10a eastern)**

***** **35** COMMERCIALS airing weekly on FOX SPORTS 910AM & 1310AM The Game:

Special Introductory Price: \$600 Monthly for 6-12 months
“OPELIKA POWER SERVICES”



Schedule would run as follows:



	Monday	Tuesday	Wednesday	Thursday/Friday
6am-9am	2 Commercials	2 Commercials	2 Commercials	2 Commercials each day
9am-11am	1 Commercial	1 Commercial	1 Commercial	1 Commercial each day
11am-2pm	1 Commercial	1 Commercial	1 Commercial	1 Commercial each day
2pm-6pm	1 Commercial	1 Commercial	1 Commercial	1 Commercial each day
6pm-10pm	1 Commercial	1 Commercial	1 Commercial	1 Commercial each day
5a-11pm	1 Commercial	1 Commercial	1 Commercial	1 Commercial each day

Accepted for Client

Date

Accepted for Station

Date

This agreement is non-cancelable



915 Veterans Parkway • Opelika, AL 36801 • (334) 745-4656

City of Opelika and Opelika Power Services “October 2019-September 2020”



Attention: Director of OPS, Derek S. Lee

Mayor Gary Fuller

From: IHeartRadio D.Mark Mitchell

“FOX SPORTS The GAME 910-1310” -See attachment;

□ \$600 per month = **\$7,200.00**

Hallelujah WTLM 1520 –60 (:30) commercials to be aired M-S / “6 am-7 pm”

60 (:30) commercials to be aired M-S / “6am-10pm”

□ 100 plus spots = **\$650**

WMXA (Mix 96.7) and WKKR (Kicker 97.7) – 70 (:30) commercials per month

□ Minimum 35 per month split between WKKR and WMXA (Monday-Sunday)

@ \$540 per month = **\$6,480**

OHS Football (4 commercials per game):

\$1000 per month X 2 months = **\$2000 Total**

Opelika Power Services Power Drive during OHS Football:

• LIVE Read each time OHS scores = **\$500**

Total Investment: \$16,830.00

Attachment: OPELIKA POWER SERVICE 12 months 2019-2020 (276-19 : IHeart Media Advertising)

Divided over 12 months @ \$1402.50 Per Month

Approved by the City of Opelika and Opelika Power Services:

I agree to the terms above: _____

Date: _____

Agreed by stations: _____

Date: _____



915 Veterans Parkway • Opelika, AL 36801 • (334) 745-4656



RESOLUTION NO. 277-19

Tax abatement - Kwangsung America Corp.

RESOLUTION NO. _____

RESOLUTION APPROVING CERTAIN TAX ABATEMENTS AND
EXEMPTIONS FOR KWANGSUNG AMERICA CORPORATION

WHEREAS, KwangSung America Corporation (the “Company”) operates an industrial facility (“the Facility”) located at 510 Walker Street within the corporate limits of the City of Opelika (the “City”); and

WHEREAS, the Company has announced plans for a major addition (the “Project”) to its existing Facility located at 510 Walker Street, Opelika, Alabama; and

WHEREAS, the Project, involving a building expansion, the purchase and acquisition of new manufacturing machinery and equipment and the acquisition of other personal property, will involve a capital investment of approximately five million dollars (\$5,000,000.00); and

WHEREAS, the Project is estimated to be placed in service by August 30, 2020; and

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

WHEREAS, the Project is expected to result in the creation of approximately sixty (60) new jobs; and

WHEREAS, the Company's NAICS Code 336399 meets the qualifications of an industrial or research enterprise in accordance with §40-9B-3(6), *Code of Alabama*, as amended; and

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

WHEREAS, pursuant to Article IV of Chapter 51 of Title 11, *Code of Alabama*, the Company has requested from the City a complete exemption of non-educational City ad valorem taxes for the new machinery, equipment and other new personal property to be acquired and installed in the Facility (the "Project"); and

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

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

WHEREAS, the Project will involve a capital investment of approximately five million dollars (\$5,000,000.00); and

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

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

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

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

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

1. Approval is hereby given to application of the Company and abatement is hereby granted of (1) all state and local noneducational property taxes for a period of ten (10) years; and (2) all construction related transactions (sales and use) taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education as the same may apply to the fullest extent permitted by the Act. The period of abatement for noneducational property taxes shall extend for a period of ten years measured as provided in Section 40-9B-3(a)(12) of the Act.

2. In addition, pursuant to Title 11, Article 4 of Chapter 51, *Code of Alabama*, the City agrees to grant to the Company a complete exemption for noneducational City ad valorem taxes for a period of fifteen (15) years.

3. The abatements and exemptions granted herein do not include any ad valorem

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

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

5. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities and to the Alabama Department of Revenue in accordance with the Act.

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

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

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

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

ATTEST:

CITY CLERK

CERTIFICATE OF CITY CLERK

The undersigned duly elected, qualified and acting City Clerk of the City of Opelika hereby certifies that the foregoing resolution is a complete, verbatim and compared copy of such resolution as introduced and adopted by the City Council at the regular meeting of the City Council on September 17, 2019 and said resolution is in full force and effect and has not been repealed, amended or changed.

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

ROBERT G. SHUMAN,
CITY CLERK

CITY SEAL

RESOLUTION NO. 278-19

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

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

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

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

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

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

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

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

and retain one copy.

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

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

Attest:

Robert G. Shuman, CMC
City Clerk - Treasurer

STATE OF ALABAMA)
 :
 COUNTY OF LEE)

CONTRACT FOR SERVICES

THIS CONTRACT is made and entered into between the City of Opelika, Alabama a municipal corporation, hereinafter referred to as the "CITY", and the Lee County Rabies Officer, hereinafter referred to as the "RABIES OFFICER", on this the _____ day of _____, 2019.

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

1. The term of this agreement shall be for a period of twelve (12) months commencing on the 1st day of October, 2019 and ending the 30th day of September, 2020.
2. The Rabies Officer agrees to provide the City with the following services:
 - (a) To handle all cases involving animals biting or scratching humans.
 - (b) To ensure that any animal that bites or scratches a person is quarantined by a veterinarian or is tested for rabies according to Alabama law.
 - (c) To work with the City's animal control division in an advisory capacity.
 - (d) To provide emergency care for animals picked up by animal control until the owners are contacted.
 - (e) To offer opinions on disposition of animals that are injured or deemed suffering and their owners are unidentified.
 - (f) Strive to make sure that all pets are vaccinated yearly for rabies.
 - (g) To work with animal control concerning problems with wild animals as it pertains to rabies.
 - (h) To provide a quarterly and year-to-date bite report to the Opelika City Clerk. This report shall provide the following for each rabies incident: bite date, report date, owners name, victims name and animal type. This information shall be detailed for Opelika and for the County and Auburn (as available). This report is due in the City Clerk's office by the 15th of the month following the end of the quarter.
3. As compensation for services rendered hereunder, the City agrees to pay to the Rabies Officer for a term of twelve (12) months commencing October 1st, 2019, the sum of \$6,000.00, payable in equal monthly installments of \$500.00 on the 15th day of each month during the term of this Agreement.
4. Notwithstanding any of the provisions of this Agreement, it is agreed that the City has no financial interest in the business of the Rabies Officer and shall not be liable for any debts or obligations incurred by the Rabies Officer nor shall the City be deemed or construed to be a partner, joint venturer, or otherwise interested in the assets of Rabies Officer, nor shall Rabies Officer at any time or times use the name or credit of said City in purchasing or attempting to purchase equipment, supplies or any other thing whatsoever.

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

IN WITNESS WHEREOF, the parties have hereunto signed their names and affixed their seals, this the _____ day of _____, 2019.

CITY OF OPELIKA, ALABAMA

BY: _____
Gary Fuller
Mayor

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer

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

RESOLUTION NO. 279-19

Annual Appropriation Contract - Lee County Humane Society.**RESOLUTION NO. _____****RESOLUTION AUTHORIZING CONTRACT FOR ANIMAL SHELTER SERVICES
WITH THE LEE COUNTY HUMANE SOCIETY, INC.**

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

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

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

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

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

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

2. That the Mayor and the City Clerk are hereby authorized and directed to execute and deliver said Contract in the name and on behalf of the City and such other ancillary documents and certificates as may be necessary to effect the purpose and intent of said Contract and to carry out fully the actions contemplated therein on behalf of the City.

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

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

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

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

ATTEST:

CITY CLERK

City of Opelika
Contract Title: Animal Shelter Services

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

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

STATEMENT OF BACKGROUND INFORMATION

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

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

PURPOSE OF CONTRACT

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

WHEREAS, funds for this purpose are authorized through the annual CITY budget and the Opelika City Council authorized this contract on _____, 2019.

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

1. Scope of Work

LCHS shall independently provide the following Services to the CITY:

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

- b. LCHS reserves the right to refuse acceptance of any additional animals from any source once the shelter is deemed by the Shelter Manager or his/her designee as having reached its capacity to provide humane care. The Shelter Manager shall give prompt notice to the City that the shelter has reached capacity and shall redirect any Opelika animals to the City's secondary animal shelters (i.e. Bruce Enterprises and Opelika Animal Hospital).
- c. LCHS reserves the right to refuse acceptance of animals from animal control agents after 3:00 p.m. CITY has right to drop off animals in back kennels at any time after 3:00 p.m. and shall be provided code to combination lock. CITY personnel will check in with staff prior to drop off if staff are present.
- d. LCHS does not accept wildlife.
- e. LCHS shall provide veterinary care at the discretion of the shelter director, or his/her designee. Consistent with the *Code of Alabama* any agent of LCHS may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for which may appear in the judgment of two reputable citizens, called by him to view the same in his presence, to be infirm, injured, or diseased past any useful recovery for any useful purpose. LCHS shall have a policy and procedure to follow in documenting to euthanize and a procedure to follow in attempting to reach the owner. LCHS may recover the costs from the owner of the animal, if identified, for such veterinary treatment.
- f. All animals seized for abuse, cruelty, or neglect must be evaluated by a licensed veterinarian prior to being received by LCHS. Case animals held longer than the seven day hold period will incur a \$12.00 per night boarding fee that will be invoiced to the CITY and paid promptly by the CITY to LCHS.
- g. Impounded dogs not redeemed by the owner within seven (7) days after impoundment may be processed for adoption or disposed of by LCHS.
- h. Any feral cats will be brought to LCHS in a squeeze cage. The cat will be left in the squeeze cage until disposed of at which time the squeeze cage will be made available for pickup by the CITY.
- i. LCHS further reserves the right to refuse owner surrender if the animal shelter is at maximum capacity. The shelter manager, or his/her designee, shall have the authority to make such determination. The Shelter Manager shall give prompt notice to the City that the shelter has reached capacity and shall redirect any Opelika animals to the City's secondary animal shelters (i.e. Bruce Enterprises and Opelika Animal Hospital).
- j. LCHS shall secure, at its own expense, all personnel necessary to carry out its obligations under the Contract. Such personnel shall not be deemed to be employees of the City.

2. **Compensation**

- a. In consideration of LCHS performing the Services, the CITY agrees to pay to LCHS the Contract sum of \$165,456 to perform the duties and obligations set forth herein during budget year October 1, 2019 through September 30, 2020, with said annual Contract sum to be paid as follows: Equal monthly payments of \$13,788.00 made on or before the 15th day of each month, with the first installment due on October 15, 2019.
- b. LCHS shall utilize said sums only to provide animal sheltering services hereunder.
- c. LCHS shall keep and maintain books and records of the funds spent under the terms of this contract and said books and records shall be made available for inspection by the CITY at all reasonable times and places.
 1. LCHS shall have an annual audit conducted by an independent public accounting firm qualified to perform audits of non-profit organizations. The audit shall be conducted in accordance with generally accepted auditing standards.
 2. A copy of LCHS' audited annual financial statements shall be submitted to the City as provided in section a. above.
- d. As to those animals that have been refused acceptance by LCHS because the shelter has reached capacity or because LCHS has determined that there is a need to have the animal examined by a licensed veterinarian, LCHS shall pay to the City the sum of \$85.00 for each animal rejected or refused admission by LCHS. The City shall invoice LCHS monthly for fees related to rejected animals (\$85.00 per animal). LCHS shall pay said invoices within thirty (30) days of receipt of the same.

3. **Reports.**

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

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

4. **Quarterly Meetings.**

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

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

5. **Conditions of Contract**

- a. LCHS shall not have the right, authority or power to sell or assign this contract or the powers granted to it or any interests therein, to any other person or party without the consent of the CITY.
- b. LCHS shall be solely responsible for the security and health of the animals released to it by the CITY and shall be solely responsible for any escaped animals or any illness of or injury to said animals while they are in the custody of LCHS.
- c. LCHS agrees to provide Worker's Compensation, Property Damage and Public Liability insurance in terms and amount satisfactory to the CITY. LCHS shall provide the CITY with a certificate of insurance showing it carries the insurance coverage as detailed in Exhibit A. CITY will be named as additional insured.
- d. The City and LCHS will provide assistance to each other whenever possible.
- e. This contract shall become effective on October 1, 2019 and shall be in effect for one year until September 30, 2020.
- f. This contract may be terminated without cause by either party upon forty-five (45) days advance notice in writing to the other party.
- g. This contract may be terminated if any party fails to cure any breach of its obligations hereunder within thirty (30) days of receiving written notice to do so. Written notice of breach should be provided promptly allowing opportunity to cure before issuing thirty (30) days written notice.
- h. In the event of fire, wind, water damage, or any other damage to the facilities to LCHS, reasonably beyond the control of LCHS, which render LCHS unable to perform its duties hereunder ("force majeure event"), LCHS shall not be legally

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

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

the Parties hereto whether written or oral, to the extent that they relate to the subject matter.

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

IN WITNESS WHEREOF, the parties have caused this contract to be executed by those individuals duly authorized on this the _____ day of _____ 2019.

ATTEST:

THE CITY OF OPELIKA, ALABAMA

Its City Clerk

Its Mayor

ATTEST:

THE LEE COUNTY HUMANE SOCIETY

Its Secretary

Its President

Exhibit A

Liability Insurance.

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

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

RESOLUTION NO. 280-19

Reserve current year city council discretionary balances.

RESOLUTION NO. _____

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

1) That the Mayor and the Controller is hereby authorized and directed to make the necessary budget adjustment(s) so the remaining current year balance of each City Council discretionary account, for fiscal year 2018-2019, as detailed below, is moved to the appropriate reserve account for each Ward:

Ward I	-	\$ 9,000.00	Misc. Projects, current year balance.
Ward II	-	\$ 4,500.00	Misc. Projects, current year balance.
Ward III	-	\$ 10,000.00	Misc. Projects, current year balance.
Ward IV	-	\$ 10,000.00	Misc. Projects, current year balance.
Ward V	-	\$ 10,000.00	Misc. Projects, current year balance.

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

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

Attest:

R. G. Shuman, CMC
City Clerk - Treasurer

RESOLUTION NO. 281-19

Deny rezoning application, 32.45 acres on Gateway Drive, Capps property.

RESOLUTION NO. _____

**RESOLUTION DENYING APPLICATION TO REZONE 32.45 ACRES LOCATED
AT 2899 GATEWAY DRIVE TO A PLANNED UNIT DEVELOPMENT**

WHEREAS, at its regular meeting on August 27, 2019, the Opelika Planning Commission considered an application (the “zoning application”) for a planned unit development entitled “CAPPS LANDING ENTERTAINMENT DISTRICT PUD” (the “Development”); and

WHEREAS, the proposed Development is contiguous to both Gateway Drive and I-85;
and

WHEREAS, after holding a public hearing, the Planning Commission sent a report to the City Council recommending approval of the zoning application, subject to certain requirements, conditions and modifications as imposed by the Planning Commission; and

WHEREAS, the subject property is currently zoned C-2, GC-P (Office/Retail, Gateway Corridor Primary District) allowing a limited mix of commercial uses; and

WHEREAS, the proposed rezoning will allow for a mix of commercial restaurants, a fueling station and outdoor/indoor recreation and entertainment businesses; and

WHEREAS, truck fueling stations are not allowed in the C-2 District; and

WHEREAS, the applicant is proposing rezoning the current C-2 District to PUD to accommodate the use of a truck fueling station; and

WHEREAS, the truck fueling area will have six (6) spaces/stalls for truck fueling and eighteen (18) parking stalls for truck parking; and

WHEREAS, under the Zoning Ordinance, the proposed PUD must produce no significant adverse impacts to adjacent properties and must ensure compatibility and harmony with existing and planned uses on adjacent structures; and

WHEREAS, under the Zoning Ordinance, the location, design and size of the proposed Development must be such that the traffic generated by the Development can be accommodated safely, without causing congestion on major streets; and

WHEREAS, the applicant proposes the construction of an on-premise free-standing sign that will be oriented toward Interstate 85; and

WHEREAS, the proposed height of the proposed free-standing sign is 60 feet at street level; and

WHEREAS, under the current Zoning Ordinance, height is measured from the ground at the base of the sign to the top of the sign and not at street level; and

WHEREAS, the area of the proposed sign is approximately 674 square feet; and

WHEREAS, Section 9.5(18)(d) of the Zoning Ordinance, governing large group developments (exceeding 29,999 square feet), provides that the maximum area of a free-standing sign shall not exceed 300 feet and the maximum height shall not exceed 30 feet (from the ground at the base of the sign); and

WHEREAS, the proposed free-standing sign greatly exceeds Opelika's maximum area and height requirements for a free-standing sign; and

WHEREAS, the City Council is concerned that approval of the proposed free-standing sign will create an undesirable precedent for the City; and

WHEREAS, the City Council finds and determines that the site of the Development is not an appropriate site for a truck fueling station; and

WHEREAS, the City Council finds and determines that the Development will generate excessive large truck traffic on Gateway Drive and the interstate ramps at the interchange of I-85 and Gateway Drive, causing an increase in traffic congestion on already congested roadways; and

WHEREAS, the City Council finds and determines that the proposed development will cause excessive negative impacts to existing adjacent properties; and

WHEREAS, the City Council is not bound by the recommendation of the Planning Commission; and

WHEREAS, Section 11-52-77, *Code of Alabama*, requires that the City Council give the public advance notice and hold a public hearing prior to adopting an amendment to the Zoning Ordinance; and

WHEREAS, the City Council does not have to conduct a public hearing if the City Council has decided not to consider or disapprove of the proposed zoning amendment recommended by the Planning Commission (AGO 1999-236).

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

1. That the City Council hereby denies the proposed zoning application upon the following grounds:
 - a. The proposed use of a fueling station at the Development site is inconsistent with the City’s Zoning Ordinance.
 - b. The site of the Development is not an appropriate site for a truck fueling station.
 - c. The proposed free-standing sign is not in compliance with the City’s sign regulations and Zoning Ordinance.

- d. The Development will cause excessive negative impacts to existing adjacent properties.
- e. The proposed development will generate excessive large truck traffic, causing an increase in traffic congestion on Gateway Drive and the interstate ramps.

2. Given the zoning application's non-compliance with current zoning regulations (including sign regulations), the Council hereby finds and determines that a public hearing is not needed to consider the proposed zoning amendment.

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

 PRESIDENT OF THE CITY COUNCIL
 OF THE CITY OF OPELIKA

ATTEST:

 CITY CLERK

RESOLUTION NO. 282-19

Intergovernmental Project Funding Agreement with Lee Co.

RESOLUTION NO. _____

**RESOLUTION APPROVING AND AUTHORIZING AN INTERGOVERNMENTAL
FUNDING AGREEMENT BETWEEN THE CITY OF OPELIKA AND LEE COUNTY
FOR THE CONSTRUCTION OF A ROUNDABOUT**

WHEREAS, the City of Opelika, Alabama, (the “City”) intends to construct a roundabout at the intersection of Gateway Drive, Lee Road 54 and Society Hill Road (the “Project:”); and

WHEREAS, Lee Road 54 running in a southwesterly direction from said intersection is owned and maintained by Lee County, Alabama (“Lee County”); and

WHEREAS, Lee County is willing to reimburse the City for an agreed upon portion of the Project costs; and

WHEREAS, a proposed Intergovernmental Funding Agreement (the “Agreement”) has been prepared and submitted to the Council for approval, and the Council has determined that it is now in the best interest of the City and its citizens to approve said Agreement.

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

1. That the proposed Intergovernmental Funding Agreement to be entered into by and between the City and Lee County, 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 the execution and delivery of said Agreement.

2. That the Mayor is hereby authorized and directed to execute and deliver said Agreement in the name and on behalf of the City. The City Clerk is hereby authorized and directed to affix the seal of the City and to attest the same.

3. That any 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 Agreement.

4. That Resolution No. 058-19 adopted on March 19, 2019 is hereby repealed and this Resolution is substituted in lieu thereof.

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

ATTEST:

CITY CLERK

**INTERGOVERNMENTAL FUNDING AGREEMENT BETWEEN THE CITY OF
OPELIKA AND LEE COUNTY FOR CONSTRUCTION OF ROUNDABOUT**

This **INTERGOVERNMENTAL FUNDING AGREEMENT** (the “Agreement”) is made and entered into as of _____, 2019, by and between the **CITY OF OPELIKA, ALABAMA**, an Alabama municipal corporation (the “City”) and **LEE COUNTY, ALABAMA**, a political subdivision of the State of Alabama (the “County”).

RECITALS

WHEREAS, to facilitate the efficient movement of traffic and ensure safety to the motoring public the City intends to construct a roundabout at the intersection of Gateway Drive, Lee Road 54, and Society Hill Road (the “Project”); and

WHEREAS, Lee Road 54 running in a southwesterly direction from said intersection is owned and maintained by the County; and

WHEREAS, Gateway Drive and Society Hill Road are owned and maintained by the City; and

WHEREAS, the City has requested the assistance of the County, and the County is willing to commit funds to the Project; and

WHEREAS, the parties agree that an Intergovernmental Funding Agreement is appropriate; and

WHEREAS, pursuant to the applicable laws of the State of Alabama and for the purposes referenced herein, the City and the County are executing this Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agreements herein contained, the City and the County hereby covenant and agree as follows:

ARTICLE 1

DEFINITIONS

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

“City” shall mean the City of Opelika, Alabama.

“Lee County” shall mean Lee County, Alabama, a political subdivision of the State of Alabama, acting by and through the Lee County Commission.

“Lee County contribution” shall have the meaning set forth in Section 3.01.

“Project” shall mean the construction of a roundabout at the intersection of Gateway Drive, Lee County 54, and Society Hill Road.

ARTICLE 2

AGREEMENTS AND OBLIGATIONS OF CITY

Section 2.01 Description of Obligations.

(1) The City hereby agrees to duly and punctually observe and perform all terms of this Agreement.

(2) The City shall engage, at its sole cost, subject to reimbursement by the County as hereinafter stipulated in Section 3.01 of this Agreement, a civil engineering firm registered in the State of Alabama to prepare detailed plans and specifications for the complete construction of the Project in accordance with the City’s engineering specifications and standards.

(3) The City shall advertise, receive bids, and award a contract for the construction of the Project and cause the Project to be constructed in accordance with plans and specifications approved jointly by the City and the County.

(4) The City agrees to assume the overall Project responsibility including assuring that all permits as may be required by the Project are secured. The parties hereto agree to cooperate insofar as their individual jurisdiction authorities allow with timely acquisition and clearance of said permits.

(5) The City agrees that on or before March 31, 2020, it shall construct or cause the Project to be constructed in accordance with the City's design standards and specifications.

(6) The City agrees to pay all costs and expenses incurred by the City in connection with the construction of the Project, subject to reimbursement by the County as hereinafter stipulated in Section 3.01 of this Agreement.

(7) The City agrees to assume and pay all costs and expenses incurred by the City in connection with the improvements to Gateway Drive and Society Hill Road up to the Project limits that extends approximately 800 feet from the center of the intersection to each of the intersecting roads. The County shall have no obligation in this regard.

(8) Upon completion of the Project, the City agrees, at its sole expense, to maintain the roundabout to the Project limits. The County shall have no obligation to maintain the roundabout and shall not be responsible for any maintenance expense associated with the roundabout.

(9) The City agrees to indemnify, hold harmless, and defend the County, the Lee County Commission, its officials, Commissioners, representatives, agents, servants, and employees from and against any and all claims, damages, losses, and expenses, including but not

limited to, attorney's fees, whether such claim is for property damage, personal or bodily injury, death, or anything else arising out of or resulting from the installation of the roundabout and intersection improvements or arising out of anything connected with the Project.

ARTICLE 3

AGREEMENTS AND OBLIGATIONS OF THE COUNTY

Section 3.01 Description of Obligations.

(1) The County hereby agrees to duly and punctually observe and perform all terms of this Agreement.

(2) Lee County agrees, that upon completion of the Project and receipt of an invoice from the City, to pay to the City an amount only being costs related to fifty percent (50%) of the roundabout itself, one hundred percent (100%) of the Lee County maintained portion of Lee Road 54, and not any improvements to Gateway Drive or Society Hill Road, up to, but not to exceed a total of Two Hundred Thousand Dollars (\$200,000.00) for the design and engineering costs and actual construction cost of the Project. In other words, the County's reimbursement to the City for this Project shall not exceed Two Hundred Thousand Dollars (\$200,000.00). If the total of fifty (50%) percent of the cost of the roundabout and one hundred percent (100%) of the costs of the Lee County maintained portion of Lee Road 54 is less than Two Hundred Thousand Dollars (\$200,000.00), then that total shall be the amount of the County's reimbursement to the City.

(3) The County agrees to reimburse the City for all costs associated with improvements to Lee Road 54 beyond the Project limits. The \$200,000 limitation in subsection (2) above shall not apply to costs associated with improvements to Lee Road 54 beyond the Project limits. It is the intent of the Parties that the County shall reimburse the City for 50% of the actual cost of the

Project up to the sum of \$200,000 plus 100% of all costs associated with improvements to Lee Road 54 beyond the Project limits.

ARTICLE 4

SPECIAL AGREEMENTS OF THE PARTIES

(1) The obligations and agreements of the parties hereunder are contingent and subject to the following:

- (a) Approval by the Opelika Planning Commission of the location and character of the new roundabout;
- (b) Approval of this Agreement by the Opelika City Council.
- (c) Approval of this Agreement by the Lee County Commission.

ARTICLE 5

PROVISIONS OF GENERAL APPLICATION

Section 5.01 Prior Agreements.

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

Section 5.02. Counterparts.

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

Section 5.03. Binding Effect; Governing Law

(1) This Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective their successors and assigns.

(2) This Agreement shall be governed exclusively by the laws of the State of Alabama.

Section 5.04. Notices.

(1) All notices, demands, consents, certificates, or other communications hereunder shall be in writing, shall be sufficiently given, and shall be deemed given when delivered personally to a party or to an officer of the party to whom the same is directed or mailed by registered or certified mail, postage prepaid, or sent by overnight courier, addressed to:

- | | |
|-----------------------|---|
| (a) If to the City: | City of Opelika
204 South 7 th Street
Opelika, AL 36801
ATTN: Mayor |
| (b) If to the County: | Lee County
215 South 9 th Street
Opelika, AL 36801
ATTN: County Administrator |

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

Section 5.05. Amendments.

This Agreement may be amended or supplemented only by an instrument in writing duly authorized, executed, and delivered by the parties hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and date first above written.

THE CITY OF OPELIKA, ALABAMA

By: _____
GARY FULLER, ITS MAYOR

ATTEST:

CITY CLERK

LEE COUNTY, ALABAMA

By: _____
BILL ENGLISH, CHAIRMAN OF
THE LEE COUNTY COMMISSION

ATTEST:

ORDINANCE NO. 019-19-ORD

Lease agreement with East Central Alabama Highway Safety Office - 2nd Reading.

ORDINANCE NO. _____

AN ORDINANCE APPROVING LEASE AGREEMENT WITH
EAST CENTRAL ALABAMA HIGHWAY SAFETY OFFICE

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

Section 1. It is hereby established and declared that the following described real property of the City of Opelika, Alabama (the "City") is not currently needed for public or municipal purposes, to-wit:

One (1) room on the first floor of the Public Works Administration Building located at 700 Fox Trail, Opelika, Alabama.

Section 2. That the City, having received an offer from East Central Alabama Highway Safety Office to lease said room described in Section 1 above, it is hereby declared to be in the best interest of the public and the City, to lease said office room to East Central Alabama Highway Safety Office at a monthly rental of \$1,900.00 for a term of one (1) year commencing on October 1, 2019 and ending on September 30, 2020.

Section 3. That a proposed Lease Agreement to be entered into between the City and East Central Alabama Highway Safety Office, a copy of which is attached as Exhibit "A", be and the same is hereby approved, authorized, ratified and confirmed in substantially the form submitted to the City Council.

Section 4. That the Mayor and the City Clerk are hereby authorized and directed to execute, attest and deliver said Lease Agreement in the name and on behalf of the City.

Section 5. That this ordinance shall become effective immediately upon its adoption and publication as required by law.

Section 6. That the City Clerk of the City of Opelika is hereby authorized and directed to cause this ordinance to be published one (1) time in a newspaper published in and of general circulation in the City of Opelika, Alabama.

ADOPTED AND APPROVED this the ____ day of _____, 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

STATE OF ALABAMA)
COUNTY OF LEE)

LEASE AGREEMENT

THIS LEASE AGREEMENT (the “Lease”) is made this the 1st day of October, 2019 (the “Effective Date”) by and between the City of Opelika, Alabama, a Municipal Corporation, (hereinafter referred to as “**LANDLORD**”), and East Central Alabama Highway Safety Office (hereinafter referred to as “**TENANT**”).

In consideration of the mutual covenants contained herein, **LANDLORD** and **TENANT** agree as follows:

1. **Property leased.** **LANDLORD** hereby leases to **TENANT** and **TENANT** hereby leases from **LANDLORD** for the term and for the terms, covenants and conditions set forth in this Lease, one (1) office room in the Engineering Department located within the Public Works Administration Building located at 700 Fox Trail, Opelika, Alabama, said premises being hereinafter referred to as the “Leased Premises”. Office furnishings to include desks, chairs, tables, bookcases, filing cabinets and other personal items shall be included as part of the Leased Premises.
2. **Term.** The term of this Lease (the “Term”) shall be one (1) year commencing on the effective date and ending on September 30, 2020.
3. **Rent.** **TENANT** agrees to pay **LANDLORD** monthly rent for the term of this Lease in the sum of one thousand nine hundred dollars (\$1,900.00). Rent shall be payable in advance on the 1st day of each month commencing October 1, 2019 and continuing on the 1st day of each month thereafter until the termination of this Lease. Rental payments shall be made to the City of Opelika.
4. **Condition of Premises.** **TENANT** accepts the Leased Premises in its present, “AS IS” condition. **LANDLORD** shall not be obligated to perform any work, or make any improvements or alterations to the Leased Premises. **TENANT**, during the term of this Lease, shall keep the Leased Premises in clean condition, free of debris and trash.
5. **Use.** The Leased Premises shall be used by the **TENANT** for commercial/governmental office space as the business office of the Project Director of East Central Alabama Highway Safety Office. The Leased Premises shall not be used for any other purpose without the written consent of **LANDLORD**.
6. **Compliance with Laws.** **TENANT** shall comply with all laws, orders and regulations of Federal, State, County and Municipal authorities as to its use of the Leased Premises. **TENANT** shall not do, or permit to be done, any act within or upon the Leased Premises which invalidates any fire insurance policies covering the building, fixtures or property therein; and shall not bring or keep anything therein, except not or hereafter permitted by the Opelika Fire Department, the Fire Insurance Rating Organization, or other authority having jurisdiction.

7. **Maintenance.** The **LANDLORD** agrees to maintain the Leased Premises in a good and safe condition during the term of this Agreement. **TENANT** shall be responsible for any and all damages to the Leased Premises resulting from the willful acts or negligence of the **TENANT** and its agents, employees or invitees.
8. **Utilities.** **LANDLORD** shall provide and pay the costs of all water, sewer and electrical power, fuel and all other utilities consumed in or at the Leased Premises. **TENANT** shall provide and pay costs of telephone services and additional Internet connections.
9. **Insurance.** **LANDLORD** agrees to procure and keep in force during the term of this Agreement, insurance covering the building and **LANDLORD's** property. **LANDLORD's** insurance coverage shall not be required to cover any of **TENANT's** property and **TENANT** shall not have any claim against any of the proceeds of **LANDLORD's** coverage.
10. **Loss, Damage.** **LANDLORD** shall not be liable for any loss, damage or expense to any person or property of **TENANT** or to the property of others given to the **TENANT**. **LANDLORD** shall also not be liable for any theft of **TENANT's** property, nor for injury or damage to persons or property resulting from any cause whatsoever, unless due to the willful acts of **LANDLORD**, its agents, servants and/or employees.
11. **No Other Space.** **TENANT** is afforded no other space in the building other than the office described above.
12. **Indemnification.** **TENANT** agrees to indemnify and hold **LANDLORD** harmless from and against any and all liability for any injury to or death of any person or persons or any damaged property in any way arising out of or connected with the use or occupancy of the Leased Premises, or in any way arising out of the activities of the **TENANT**, his employees, guests, and invitees, and from all costs, expenses, liabilities, including, but not limited to, court costs and reasonable attorney's fees incurred by the **LANDLORD** in connection therewith, excepting, however, liability caused by the **LANDLORD'S** gross negligence.
13. **Smoking.** No smoking is allowed on the Leased Premises. This rule will be strictly adhered to.
14. **Alcoholic Beverages.** Alcoholic beverages are prohibited on the Leased Premises. This rule will be strictly adhered to.
15. **Care of Leased Premises.** **TENANT** agrees to use due care in the use of the Leased Premises and further agrees that he will not commit waste thereon.
16. **Remedies for Default.** If **TENANT** shall fail to pay rent when due, shall default in any other provision of this Lease, or shall abandon the Leased Premises, **LANDLORD**, in addition to all other remedies provided either at law or in equity, may reenter and take possession of the Leased Premises and remove all persons and property therefrom, without being deemed guilty of any manner of trespass.

All rights and remedies of **LANDLORD** under this Lease shall be cumulative and none shall exclude any other right or remedy at law. Such rights and remedies may be exercised and enforced concurrently and whenever and as often as occasion therefor arises.

17. **Attorney's Fees.** **LANDLORD** shall be entitled to recover reasonable attorney's fees and costs in connection with any action or proceeding to enforce this Lease or otherwise secure any rights due it under this Lease or as may be accorded by law.
18. **Relationship that of LANDLORD and TENANT.** The Execution of this Lease or the performance of any act pursuant to the provisions thereof shall not be deemed or construed to have the effect of creating between **LANDLORD** and **TENANT** the relationship of principle or agent, or of partnership, or of joint venture, and the relationship between them shall only be that of **LANDLORD** and **TENANT**.
19. **Notices.** All notices required to be given to **LANDLORD** hereunder, shall be delivered to the City of Opelika, 204 Seventh Street South, Opelika, Alabama 36801, or such other address as **LANDLORD** may direct by written notice forwarded to **TENANT** by certified mail. All notices required to be given **TENANT** shall be delivered to the address written above, or such address as **TENANT** may direct by written notice forwarded to **LANDLORD** by certified mail.
20. **Conversion to Tenancy at Will.** After the execution of this Lease, this Agreement shall convert to a tenancy at will between the parties hereto and may be terminated at any time without cause upon **TENANT's** giving notice in writing to **LANDLORD**, or **LANDLORD's** giving notice in writing to **TENANT** at least thirty (30) days prior to the termination date.
21. **Waiver.** The failure of the **LANDLORD** to insist upon strict performance of any of the covenants or conditions of this Lease or to exercise any option herein conferred in any one or more instances shall not be construed as a waiver or relinquishment of any such covenants, conditions or options, but the same shall be and remain in full force and effect. The receipt by the **LANDLORD** of rent, with knowledge of the breach of any covenant hereof, shall not be deemed to have been made unless expressed in writing and signed by the **LANDLORD**.
22. **Renewal Options.** This Lease may be renewed from year to year on the same terms as provided herein for a maximum period of five (5) years, unless one party gives the other notice it does not intend to renew at least thirty (30) days prior to the end of the lease year.
23. **Entire Agreement.** This Lease constitutes the entire agreement between the parties hereto, and any change or modification to this Lease shall be in writing and signed by the parties hereto.

24. Counterparts. This Lease may be executed in two or more counterparts, each of which shall be deemed to be an original but all of which shall constitute one and the same instrument.

25. Binding Effect. The provisions of this Lease shall be binding upon and shall inure to the benefit of the parties and their respective successors, legal representatives, heirs and assigns.

IN WITNESS WHEREOF, **LANDLORD** and **TENANT** have respectively caused this Lease to be executed by their duly authorized representatives as of the day and year first above written.

CITY OF OPELIKA—LANDLORD

BY: _____
ITS MAYOR

ATTEST:

CITY CLERK

EAST CENTRAL ALABAMA
HIGHWAY SAFETY OFFICE

TERRY HENDERSON, ITS DIRECTOR
TENANT

ORDINANCE NO. 020-19-ORD

Amendments to the Personnel Policies and Procedures Manual - 2nd Reading.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING AND ADOPTING AMENDMENTS TO THE
PERSONNEL POLICIES AND PROCEDURES MANUAL
OF THE CITY OF OPELIKA, ALABAMA**

WHEREAS, the City of Opelika, Alabama, (the “City”) has previously adopted general provisions pertaining to personnel rules and regulations, including, but not limited to, staffing, separations, disciplinary actions, grievance procedures, compensation and employee benefits, which are set forth in the “Personnel Policies and Procedures of the City of Opelika” (hereinafter referred to as the “Personnel Manual”); and

WHEREAS, City staff has recommended to the City Council that the Personnel Manual be updated at the present time to provide for additional and revised policies and procedures pertaining to the administration of City employees and personnel; and

WHEREAS, the City Council realizes that periodic adjustments must be made to the Personnel Manual must be made in order to keep the manual current and consistent with state and federal labor and employment law requirements as well as policies, procedures, guidelines, rules and regulations established by the City on the local level for employees; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety and general welfare to amend the Personnel Manual at this time as recommended by City staff to update the policies, procedures, guidelines, rules and regulations.

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

Section 1. **Amendments.** That the Personnel Manual of the City of Opelika, adopted on November 19, 2002, as previously amended, is further amended in the following respects:

- (a) That Section 1.12.5 is amended to read as follows:

1.12.5 Smoking.

It shall be the policy of the City of Opelika to provide a safe and non-hazardous work environment for its employees, in so far as possible. The City of Opelika, in recognition of the fact that the U.S. Surgeon General has declared "secondary smoke" to be a health hazard to non-smokers, adopts this policy in order to reach a reasonable accommodation between the rights of smoking and non-smoking employees. It shall be the policy of the City of Opelika to attempt to reach a reasonable accommodation between the preferences of smoking and non-smoking employees. However, where a satisfactory accommodation cannot be reached, the preferences of non-smoking employees shall prevail for health, safety and welfare. "Smoking" is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device whatsoever.

- (b) That Section 10.1 is hereby amended to read as follows:

10.1 Hours of Operation

The Mayor will, in coordination with the City Council, establish the hours that city offices and departments will be open for business and/or manned. Normally, such hours of operations will be between 8:00 am and 5:00 pm, Monday through Friday. However, some activities, such as public safety are required to operate on a twenty-four (24) around the clock basis and other activities, such as Parks and Recreation, Opelika Environmental Services, Library, and Opelika Power Services, may be required to work expanded hours of operation to provide needed services for the citizens of the City of Opelika. The scheduling of employees needed to efficiently and effectively perform required activities during the hours of operation as established for each department will be the responsibility of the Department Head. Scheduling of employees and their attendance at work will be in accordance with the guidelines of this section.

- (c) That Section 10.3.4 is hereby amended to read as follows:

10.3.4. Public Safety, Emergency, and Public Utility Holiday Schedule.

Eligible employees who are designated public safety, emergency, or public utility employees are entitled to paid holidays as follows:

(a) Employees of the police department, and public utility departments will receive eighty (80) hours of paid holiday leave per calendar year. Paid holiday leave for these personnel will accrue at the rate of 8 hours for each holiday observed. The use of accrued holiday leave will be approved at the discretion of the employee's supervisory personnel in accordance with guidelines to be developed by the employee's Department Head. Accrued holiday leave will be approved in advance of each absence, except in unusual circumstances. Failure to comply with this requirement may result in an absence being treated as unauthorized leave and disciplinary action being taken. Accrued holiday leave will not be authorized in less than one (1) hour increments of time. In the event the Department Head is unable to schedule the total accumulated holiday leave for any of the department's employee during the calendar year, the Department Head may carry forward such accumulated hours of holiday leave to the next calendar year not to exceed 200 hours. In the event an employee will lose holiday leave due to personnel shortages in the department and the employee is not allowed to take leave on said holiday, the Department Head, in coordination with the Human Resources Director, the City Administrator and/or the Mayor, may allow the employee to be paid the holiday leave that will otherwise be forfeited.

(b) Fire protection personnel (normally scheduled to work 24-hour shifts) will receive one hundred forty-four (144) hours of paid holiday leave per calendar year. Paid holiday leave for fire protection personnel will accrue at the rate of 24 hours for each holiday observed, except that fire protection personnel shall not accrue more than 144 hours of paid holiday leave in any one calendar year. The use of accrued holiday leave will be scheduled with the approval of the Fire Chief and will be granted only for accumulated (accrued) hours earned in accordance with this subsection. In other words, fire protection personnel will not be eligible to take holiday leave during any calendar year before such leave is accrued. In the event the Fire Chief is unable to schedule the total accumulated holiday leave

for any fire protection employee during the calendar year, the Fire Chief may carry forward such accumulated hours of holiday leave to the next calendar year not to exceed 200 hours. In the event an employee will lose holiday leave due to personnel shortages in the department and the employee is not allowed to take leave on said holiday, the Department Head, in coordination with the Human Resources Director, the City Administrator and/or the Mayor, may allow the employee to be paid the holiday leave that will otherwise be forfeited. For each day (24 hours) of holiday leave taken, fire protection personnel will be paid for one twenty-four (24) shift. Newly hired fire protection personnel hired after January first of the calendar year and who are normally scheduled to work twenty-four hour shifts shall receive holiday pay during the remainder of their first calendar year on a pro-rata basis based upon accruing thirteen and one-half (13 ½) hours per designated city holiday.

- (d) That Section 10.4.2.2 is hereby amended to read as follows:

10.4.2.2. General Sick Leave Accumulation. Classified service employees, except fire protection employees who are regularly scheduled to work twenty-four (24) hour shifts, will earn and accumulate sick leave credit as follows:

- (a) Beginning with the first pay period after hire, employees will accrue 3.692 hours of sick leave for each pay period they are listed on payroll. Note: Sick leave will stop accumulating when an employee goes off the city payroll because of a Worker's Compensation on the job injury. Such employees may accumulate and carry forward up to sixty (60) days of sick leave (480 hours).

- (e) That Section 10.4.2.3 is hereby amended to read as follows:

10.4.2.3. Fire Department Sick Leave Accumulation. Classified service fire protection employees who are regularly scheduled to work twenty-four (24) hour shifts will earn and accumulate sick leave credit as follows:

- (a) Beginning with the first pay period after hire, employees will accrue 5.31 hours of sick leave for each pay period they are listed on payroll. Note: sick leave will stop accumulating when a fire protection employee goes off the city payroll because of a Workers' Compensation on the job injury. Such employees may accumulate and carry forward up to twenty-eight and three quarters (28 ¾)

days of sick leave (690 hours).

Sick leave credit is calculated for fire protection employees who regularly work twenty-four (24) hour shifts based upon the extended hours they are scheduled to work as compared to other employees who are normally scheduled to work eight (8) hours per day (1.4375). When a fire protection employee who is scheduled to work a twenty-four (24) hour shift does not work any part of the scheduled shift due to use of sick leave, his accumulated sick leave hours will be reduced by the number of hours he is absent from work. Using such provisions will ensure that fire protection employees are afforded sick leave benefits equivalent to other city employees.

- (f) That Section 11.8 is hereby amended to read as follows:

11.8 STANDBY PAY.

When a non-exempt employee is required to perform standby duty in his department, he will be entitled to receive standby pay. Standby duty normally requires that the employee maintain continuous contact with a city representative (or activity) and respond to a request to report to duty within fifteen (15) minutes. Contact with the city will normally include cell phone or radio, as required by department rules. Exempt employees who are placed on standby duty will not be entitled to standby pay.

11.8.1. **Authorization.** The Mayor will authorize, based upon recommendations from Department Heads, the number and types of employees required to perform standby duty in the city. The designation of employees who are to perform standby duty and to receive standby pay will be made by the appropriate Department Head in accordance with department rules and regulations.

11.8.2. **Pay While on Standby.** Each Department Head, with approval of the Mayor and the Director of Human Resources is hereby authorized to establish and implement stand-by pay guidelines and payment structures for eligible on-call personnel. The Department Head shall be responsible for

determining the need for on-call availability and for assigning employees to stand-by duty status.

- (g) That Section 11.9.2 is hereby amended to read as follows:

11.9.2. Regular Rate of Pay. Call-out pay will be paid an eligible employee at his regular rate of pay. Overtime pay will be paid only if the actual time he works causes his total time for the workweek/work period to qualify for overtime in accordance with the provisions of the FLSA and these policies and procedures.

- (h) That Section 11.13 is hereby amended to read as follows:

11.13 OTHER PAY SUPPLEMENTS.

The city will provide pay supplements for eligible members of the police and fire departments in accordance with the following guidelines.

The Mayor will establish eligibility criteria for an employee to be entitled to receive a particular pay supplement and the number of employees who may be awarded such supplement. However, any individual who is being paid a supplement at the time of adoption of these policies and procedures will continue to draw such supplement so long as he continues to meet the eligibility criteria previously established for entitlement to supplement.

The City will pay eligible employees the following supplements:

Fire Department Employees Only:

- | | |
|--------------------------------------|-------------------------|
| (a) Emergency Medical Technician I | \$10.00 per pay period |
| (b) Emergency Medical Technician II | \$40.00 per pay period |
| (c) Emergency Medical Technician III | \$200.00 per pay period |

Plus an additional \$1.25 per hour for each hour assigned to a rescue vehicle.

Police Department Employees Only:

(d) Polygraph Operator \$50.00 per pay period

(e) Breath Analyzer \$5.00 per pay period

(f) S.W.A.T. Team

An amount equal to three percent (3%) of the two-week base salary per pay period (Officers S.W.A.T. Team supplement pay only if they are assigned as an active member of the S.W.A.T.).

(g) Detective

An amount equal to three percent (3%) of the two-week base salary per pay period. (Officers will draw Detective supplement pay only if they are assigned to the Investigative Services Section)

(h) Field Training Officer (FTO)

An amount equal to three percent (3%) of the two-week base salary per pay period (Officers will draw field training supplement pay only if they are actually training another officer during the applicable pay period).

(i) Traffic Homicide Investigator (THI)

An amount equal to three percent (3%) of the two-week base salary per pay period (Officers will draw Traffic Homicide Investigator supplement pay only if they remain THI certified during the applicable pay period).

(j) K-9 Handler

An amount equal to three percent (3%) of the two-week base salary per pay period (Officers will draw K-9 Handler pay only if they are actually assigned a K-9 during the applicable pay period).

(k) School Resource Officer (SRO)

An amount equal to three percent (3%) of the two-week base salary per pay period. (Officers will draw School Resource Officer supplement pay only if they are assigned to a school as SRO).

All Applicable Employees:

(l) Bi-lingual Pay

An amount equal to three percent (3%) of the two-week base salary per pay period provided an employee meets the requirements for bilingual pay:

1. Fluent in a non-English language
2. Job duties that require the use of non-English skills on a regular basis.
3. The employee must have direct public contact on a regular basis with residents or citizens who do not speak English.
4. The Human Resources Department may require the employee to take and pass a proficiency test.
5. Supplemental pay will be discontinued if the employee is reassigned to a different position where the usage of bilingual skills is no longer needed.
6. Employees receiving bilingual pay are expected to translate for employees who are not bilingual in the event such services are needed.
7. Employees receiving bilingual pay may be required to report to work during non-scheduled working hours and may have a role in disaster recovery efforts and may be expected to work during periods of emergency response by the City.

(m) College Degree attainment supplemental pay:

Associate Degree: An amount equal to three percent (3%) of the two-week base salary per pay period.

Bachelor's degree: An amount equal to five percent (5%) of the two-week base salary per pay period.

Master's Degree: An amount equal to three percent (7%) of the two-week base salary per pay period.

To be eligible for the College Degree attainment supplemental pay, the policy requires completion of an associates, bachelor's or master's degree from an accredited college or university. To be eligible for this pay supplement, the employees must provide the Human Resources Department an official transcript received directly from the issuing institution or an original degree from the University or College. The pay supplement will be awarded the pay period following the certification. If an employee has attained multiple degrees, only the highest degree will be recognized for the pay supplement. Employees are not eligible for the pay supplement if the degree conferred is a requirement for the position held by the employee.

- (i) That Section 12.4.2.2. is hereby amended to read as follows:

12.4.2.2. **Health Plan.** Generally, new employees are covered on the first of the month following date of employment. New eligible employees may be covered by the city's group health plan by completing a written application for such coverage within thirty-one (31) days of their employment with the city. If an employee does not apply for coverage within this time period and later wishes to apply for coverage, his coverage will not become effective until the carrier gives its written consent for such coverage. An eligible employee may select either single coverage for himself or family coverage to include his eligible dependents. The city will pay a percentage of cost associated with single coverage for the employee. The employee will be responsible for the costs associated with coverage for his family. Benefits paid under the employee health insurance plan will be coordinated with any other health insurance plan the employee may come under in accordance with the terms of the policy. Any employee covered by the employee health insurance plan may at separation be eligible to purchase coverage for himself and/or his dependents in accordance with the terms of the policy and federal law.

Except as otherwise provided, any eligible employee, at the time of service retirement, may elect to purchase health insurance coverage for himself and dependents under the city's group health insurance plan. An eligible employee as used herein shall mean:

- (a) Any employee with at least ten (10) years of creditable service who has attained age sixty (60) at the time of withdrawal from the service.
- (b) An employee with twenty-five (25) years or more creditable service at the time of withdrawal from service.

Payment of premiums for individual and/or dependent coverage hereunder shall be the financial responsibility of the retired employee and such premium payment shall be made to the city on or before the first day of each month, payable one (1) month's premium in advance. All coverage shall cease when the retiree reaches the age of 65 or becomes eligible for Medicare, whichever occurs first. Employees who retired prior to October 1, 2019 may remain until the retiree reaches age 65.

- (j) That Section 12.5.3 is hereby amended to read as follows:

12.5.3. Eligible Education and Tuition Expenses.

(a) Educational assistance will be provided for courses of study which are directly related to the employee's present job or which will enhance the employee's potential for enhancement to a position within the City which the individual has a reasonable expectation of achieving.

(b) Eligible courses shall only be available through an accredited college, university, community college, technical school or business school approved by the Mayor. The educational establishment must have a campus within a sixty-five (65) mile radius of the City or online classes specifically approved by the Mayor - i.e. Columbia Southern University.

(c) Reimbursable costs and expenses comprise registration fees, tuition, lab fees and shop fees. No other expenses shall be considered for reimbursement. Employees are prohibited from requesting tuition reimbursement for allowable costs for which they have received financial support from other sources, such as VA benefits, grants, scholarships, fellowships, etc.

(d) The maximum reimbursement the employee shall receive within one (1) calendar year is \$8,000 and \$4,000 for one (1) semester.

(e) Student activity fees, late fees, books, school supplies, parking fees, lodging, meals and transportation costs do not qualify for reimbursement.

(f) Successful completion of coursework is defined as:

- A grade of C (or 2.0) or better for an undergraduate course
- A passing grade or better for a graduate course
- A grade of "pass" for a pass/fail course

(g) Employees will be reimbursed using the following criteria:

Associates and Bachelors Degrees

Percent of Reimbursement	Grade Obtained
100%	A
85%	B
75%	C
100%	Pass (Pass/Fail courses)
0%	D, F or Fail (Pass/Fail courses)

Master's Degrees

Percent of Reimbursement	Grade Obtained
50%	A
40%	B
30%	C
50%	Pass (Pass/Fail courses)
0%	D, F or Fail (Pass/Fail courses)

Section 2. **Severability.** The provisions of this ordinance are severable. If any section, subsection, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. **Cumulative of All Other Ordinances.** The provisions of this ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the subject matter as covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

Section 4. **Effective Date.** This ordinance shall become effective upon its passage, approval and publication as required by law.

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

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. 021-19-ORD

Refunding trust agreement / Series 2010-B Warrants 1st Reading.

ORDINANCE NO. _____-19

AN ORDINANCE CALLING THE CITY'S OUTSTANDING GENERAL OBLIGATION RECOVERY ZONE ECONOMIC DEVELOPMENT WARRANTS (FEDERALLY TAXABLE-DIRECT PAYMENT TO ISSUER), SERIES 2010-B, DATED JULY 1, 2010 FOR REDEMPTION AND PREPAYMENT AND AUTHORIZING A REFUNDING TRUST AGREEMENT WITH THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

WHEREAS, the City has heretofore issued its \$4,490,000 original principal amount of General Obligation Recovery Zone Economic Development Warrants (Federally Taxable-Direct Payment to Issuer), Series 2010-B, dated July 1, 2010 (the "Series 2010-B Warrants") on July 22, 2010 pursuant to an ordinance duly adopted by the City Council (the "2010-B Ordinance"), for the purposes of (1) financing capital improvements within the City and (2) paying issuance expenses. The Series 2010-B Warrants are presently outstanding in the remaining principal amount of \$4,170,000.

WHEREAS, the City has determined that it is in the best public and financial interest of the City to redeem the outstanding Series 2010-B Warrants on July 1, 2020 by establishing an escrow fund with The Bank of New York Mellon Trust Company, N.A. (the "Bank") pursuant to a Refunding Trust Agreement and depositing therein certain cash and State and Local Government Series (SLGS) securities sufficient to pay the interest payment on the Series 2010-B Warrants due on January 1, 2020, the principal and interest payment on the Series 2010-B Warrants due on July 1, 2020, and to pay and redeem the Series 2010-B Warrants maturing on July 1, 2025 and thereafter on July 1, 2020.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL (the "City Council") OF THE CITY OF OPELIKA (the "City") AS FOLLOWS:

Section 1. The foregoing "Whereas" clauses are hereby incorporated herein by reference.

Section 2. The City hereby calls the Series 2010-B Warrants for redemption on July 1, 2020, at a redemption price equal to the principal amount thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, without premium or penalty. The City hereby directs the Paying Agent to disseminate a notice of redemption in accordance with the terms of the 2010-B Ordinance, and to take such other action is necessary to effect the refunding of the Series 2010-B Warrants on such date.

Section 3. The City hereby approves the substantial form of and the transactions contemplated by the Refunding Trust Agreement (a form of which has been presented to this meeting and is attached hereto as Exhibit A) with the Paying Agent, as the escrow agent for the Series 2010-B Warrants in connection with the refunding of the Series 2010-B Warrants. The Mayor and the City Clerk/Treasurer are hereby authorized to execute the Refunding Trust Agreement and deliver the same to the Paying Agent.

Section 4. The monies deposited pursuant to the Refunding Trust Agreement shall be paid out of the Unassigned Fund Balance. The Controller is hereby authorized to make all necessary and appropriate budget and accounting entries necessary to implement this Ordinance.

Section 5. 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 or caused 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, advisable or appropriate in order to carry into effect the intent of the provisions of this Ordinance and the Refunding Trust Agreement.

Section 6. The ordinance shall take effect immediately.

ADOPTED AND APPROVED this the 17th day of September, 2019.

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

ATTEST:

CITY CLERK/TREASURER

TRANSMITTED TO MAYOR on this the 17th day of September, 2019.

CITY CLERK/TREASURER

ACTION BY MAYOR

APPROVED this the 17th day of September, 2019.

MAYOR

ATTEST:

CITY CLERK/TREASURER

* * *

It was moved and seconded that the meeting be adjourned. Motion carried.

**EXCERPTS FROM THE MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF OPELIKA**

The City Council of the City of Opelika met in regular public session in City Hall in Opelika, Alabama at 7:00 o'clock p.m. on the 17th day of September, 2019. The following were present:

Present: Charles E. Smith, President
Patricia A. Jones, President Pro Tem
Tiffany Gibson-Pitts
Dozier Smith T
David Canon

Absent: None

Gary Fuller, Mayor, Robert G. Shuman, City Clerk/Treasurer, and Joey Motley, City Administrator, were also present. The President of the Council announced that a quorum was present and that the meeting was open for the transaction of business.

* * *

The following ordinance was introduced by Councilmember _____
and considered by the City Council:

It was moved by Councilmember _____ that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of the said ordinance be suspended and that unanimous consent to the immediate consideration and adoption of the said ordinance be given. The motion was seconded by Councilmember _____ and on roll call was unanimously adopted, those answering aye being:

Ayes: Charles E. Smith, President
Patricia A. Jones, President Pro Tem
Tiffany Gibson-Pitts
Dozier Smith T
David Canon

Nays: None

The President of the Council declared the motion unanimously carried. After the said ordinance had been discussed and considered in full by the Council, it was moved by Councilmember _____ that the said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilmember _____. The question being put as to the adoption of the said motion and the final passage of the said ordinance, the roll was called with the following results:

Ayes: Charles E. Smith, President
Patricia A. Jones, President Pro Tem
Tiffany Gibson-Pitts
Dozier Smith T
David Canon

Nays: None

CERTIFICATE OF CITY CLERK/TREASURER

The undersigned duly elected, qualified and acting City Clerk/Treasurer of the City of Opelika (the "City") hereby certifies that the foregoing pages constitute a complete, verbatim and compared copy of extracts from all those portions of the minutes of a regular meeting of the Council of said City duly held on the 17th day of September, 2019, pertaining to the matters therein referred to, the original of which is on file and of record in the Minute Book of the City in my custody; the ordinance set forth in such excerpts is a complete, verbatim and compared copy of such ordinance as introduced and adopted by the City Council on such date; and said ordinance is in full force and effect and has not been repealed, amended or changed.

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

City Clerk/Treasurer

CITY SEAL

EXHIBIT A
REFUNDING TRUST AGREEMENT

Attachment: CM 9-17-19, ordinance to pay off 2010B bond issue. (021-19-ORD : Refunding trust agreement / Series 2010-B Warrants - 1st

REFUNDING TRUST AGREEMENT

Dated September 24, 2019

By and Between

CITY OF OPELIKA, ALABAMA

and

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

This Instrument Prepared By James T. Birchall, Esq. of Bradley Arant Boult Cummings LLP, 1819 Fifth Avenue North, Suite 200, Birmingham, Alabama 35203

This **REFUNDING TRUST AGREEMENT** (the "Agreement") is made and entered into by and between the **CITY OF OPELIKA, ALABAMA**, an Alabama municipal corporation (the "City") and **THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.** (the "Escrow Agent") as of the 24th day of September, 2019.

Recitals

The City has heretofore issued its \$4,490,000 original principal amount of General Obligation Recovery Zone Economic Development Warrants (Federally Taxable—Direct Payment to Issuer), Series 2010-B, dated July 1, 2010 (the "Series 2010-B Warrants") on July 22, 2010 pursuant to an ordinance duly adopted by the City Council (the "2010-B Ordinance"), for the purposes of (1) financing capital improvements within the City and (2) paying issuance expenses.

The City has determined that it is necessary, desirable, and in the best public and financial interest of the City to establish the Escrow Fund described herein in order to redeem the City's outstanding Series 2010-B Warrants on July 1, 2020.

The Bank of New York Mellon Trust Company, N.A. is the paying agent and escrow agent for the Series 2010-B Warrants.

Agreement

NOW, THEREFORE, in consideration of the foregoing recitals and other good valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

ARTICLE I **DEFINITIONS AND USE OF PHRASES**

SECTION 1.1 Definitions.

- (a) The terms defined in the foregoing Recitals are hereby incorporated herein by reference.
- (b) The following words and phrases and others evidently intended as the equivalent thereof shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Agreement" means this Refunding Trust Agreement.

"City" means the City of Opelika, an Alabama municipality and any successor to its functions.

"Escrow Agent" means The Bank of New York Mellon Trust Company, N.A.

"Escrow Fund" means the fund created in Section 3.1 hereof.

SECTION 1.2 Use of Phrases.

"Herein," "hereby," "hereunder," "hereof," "hereinbefore," "hereinafter" and other equivalent words refer to this Agreement as an entirety and not solely to the particular portion in which any word is used. The definitions set forth in Section 1.1 hereof include both singular and plural. Whenever used

herein, any pronoun shall be deemed to include both singular and plural.

ARTICLE II REPRESENTATIONS

SECTION 2.1 Representations by the City.

The City makes the following representations as the basis for the undertakings on its part herein contained:

(a) The City has heretofore issued the Series 2010-B Warrants in the original principal amount of \$4,490,000. Interest is payable on the Series 2010-B Warrants on January 1 and July 1 in each year. As of this date the Series 2010-B Warrants are presently outstanding in the principal amount of \$4,170,000.

(b) All principal and interest that has come due with respect to the Series 2010-B Warrants has been paid in full. The City is not now and has not heretofore been in default under the 2010-B Authorizing Ordinance and no such default is imminent.

(c) The money in the Escrow Fund will be sufficient to (1) pay the interest payments on the Series 2010-B Warrants due on January 1, 2020 and July 1, 2020, (2) pay the principal payment on the Series 2010-B Warrants due on July 1, 2020 and (3) pay and redeem in full all of the outstanding Series 2010-B Warrants on July 1, 2020.

(d) The City has the power to enter into this Agreement pursuant to the provisions of the laws of the State of Alabama. The execution and delivery of this Agreement on the part of the City has been duly authorized by all necessary action.

SECTION 2.2 Representations by the Escrow Agent.

The Escrow Agent, as the basis for the undertakings on its part herein contained, represents that it has the power to enter into this Agreement and to accept and administer the trusts created hereby and has been duly authorized to do so by all necessary corporate action. The Escrow Agent is familiar with the terms and conditions thereof.

SECTION 2.3 Covenant of City in Case of Deficiency in Escrow Fund.

The City covenants and agrees that if at any time the Escrow Proceeds (as defined herein) on deposit in the Escrow Fund are insufficient to pay the principal of and interest on the Series 2010-B Warrants as provided herein, the City shall forthwith deposit into the Escrow Fund the amount of any such deficiency.

ARTICLE III CREATION OF ESCROW FUND AND APPLICATION OF MONEY ON DEPOSIT THEREIN

SECTION 3.1 Creation of Escrow Fund.

There is hereby created a special fund to be held by the Escrow Agent for the full payment of the Series 2010-B Warrants which shall be entitled the "Escrow Fund." The Escrow Agent shall disburse the Escrow Proceeds (defined below) pursuant to Section 3.2 below.

SECTION 3.2 Application of Escrow Proceeds.

(a) Subject to Section 3.5, on September 24, 2019, the Escrow Agent shall receive and deposit \$_____ into the Escrow Fund and apply the same to the purchase of State and Local Government Series (SLGS) securities in the amount of \$_____ and the retainer of \$_____ as an initial cash deposit (collectively the "Escrow Proceeds").

(b) The Escrow Proceeds shall be used by the Escrow Agent to (1) pay the interest payments on the Series 2010-B Warrants due on January 1, 2020 and July 1, 2020, (2) pay the principal payment on the Series 2010-B Warrants due on July 1, 2020, and (3) pay and redeem all of the outstanding Series 2010-B Warrants in full on July 1, 2020.

SECTION 3.3 Use of Surplus Moneys.

When all of the Series 2010-B Warrants have been paid or redeemed as provided in Section 3.2 above, the Escrow Agent shall transfer any sums remaining in the Escrow Fund to the City.

SECTION 3.4 Redemption of the Series 2010-B Warrants.

The Series 2010-B Warrants are hereby called for redemption on July 1, 2020 (the "Redemption Date") at a redemption price equal to the principal amount thereof to be redeemed plus accrued interest thereon to the date fixed for redemption, without premium or penalty. The Escrow Agent is hereby directed to take all action necessary to effect the redemption of the Series 2010-B Warrants on the Redemption Date. The City is not in default in the payment of the principal of or interest on any of the Series 2010-B Warrants. The Escrow Agent shall give notice of redemption of the Series 2010-B Warrants in accordance with the requirements of the 2010-B Ordinance and the Book-Entry System. The Notice shall be in substantially the following form and is hereby ratified and confirmed:

NOTICE OF REDEMPTION

NOTICE IS HEREBY GIVEN that the General Obligation Recovery Zone Economic Development Warrants (Federally Taxable–Direct Payment to Issuer), Series 2010-B, dated July 1, 2010, of the City of Opelika, are hereby called for redemption on July 1, 2020 and will become due and payable on such date at a redemption price equal to the principal amount thereof plus accrued interest to the date fixed for redemption, without premium or penalty. All such warrants should be surrendered at the designated corporate trust office of The Bank of New York Mellon Trust Company, N.A. in Birmingham, Alabama, and no such warrants will be paid until so surrendered. All interest on the Series 2010-B Warrants so called for redemption will cease to accrue after July 1, 2020, whether or not the Series 2010-B Warrants to be refunded are presented for payment.

CITY OF OPELIKA

By THE BANK OF NEW YORK
MELLON TRUST COMPANY, N.A.
Its duly authorized agent

The redemption of the Series 2010-B Warrants shall be in accordance with and pursuant to this Agreement and the Verification Report attached hereto. The 2010-B Ordinance provides for no additional requirement or condition with respect to the redemption of the Series 2010-B Warrants. The Escrow Agent is hereby directed to effect redemption of the Series 2010-B Warrants. The City hereby agrees it will not alter, amend, repeal or revoke this agreement calling the Series 2010-B Warrants for redemption as provided

herein except for manifest error.

SECTION 3.5 Termination of Federal Subsidy

The Paying Agent is hereby instructed to and shall terminate the federal subsidy on the Series 2010-B Warrants on September 23, 2019 prior to the defeasance of the Series 2010-B Warrants on September 24, 2019. The Paying Agent is authorized to take all such action as is necessary to accomplish such subsidy termination prior to the defeasance of the Series 2010-B Warrants.

ARTICLE IV CONCERNING THE ESCROW AGENT

SECTION 4.1 Fees and Expenses of Escrow Agent.

The City will pay directly to the Escrow Agent, promptly upon receipt of its statement therefor, reasonable compensation for its services and all reasonable expenses incurred in the performance of its duties hereunder. The Escrow Agent shall look solely to the City for the payment of its fees, compensation and expenses as such custodian, registrar and depository. Such fees, expenses, charges and disbursements shall in no event be payable from or constitute a lien or charge upon the Escrow Fund or any part thereof.

SECTION 4.2 Acceptance of Trusts.

The Escrow Agent accepts the trusts hereby created and agrees to perform the duties herein required of it, subject, however, to the following conditions:

(a) It is expressly understood and agreed that the Escrow Agent's duties and obligations in connection with this Agreement are confined to those expressly defined herein and no additional covenants or obligations shall be read into this Agreement against the Escrow Agent.

(b) It shall not be liable hereunder except for its noncompliance with the provisions hereof, its willful misconduct or its gross negligence, or the breach of any warranty or the untruthfulness of any acknowledgment or representation made herein by it, and, in particular and without limiting the generality of the foregoing, it shall not be liable for any losses resulting from any investment of moneys, or the conversion into cash of any investment, forming a part of the Escrow Fund if it shall have made such investment or conversion in accordance with the provisions hereof. Notwithstanding any provision herein to the contrary, in no event shall the Escrow Agent be liable for special, indirect or consequential loss or damage of any kind whatsoever (including but not limited to lost profits), even if the Escrow Agent has been advised of the likelihood of such loss or damage and regardless of the form of action.

(c) It may consult counsel on any matters connected herewith and shall not be answerable for any action taken or failure to take any action in good faith on the written advice of counsel, provided that its action or inaction is not contrary to any express provision hereof.

(d) It need not recognize an owner of any of the Series 2010-B Warrants as such without the satisfactory establishment of his or her title thereto.

(e) It may conclusively rely upon and shall not be answerable for any action taken in good faith on any notice, request, consent, certificate or other paper or document which it believes to be genuine and signed or acknowledged by the proper party.

(f) It shall be entitled to compensation for its ordinary services hereunder and shall be entitled to reasonable extra compensation for unusual or extraordinary services or expenses incurred by it to the extent permitted by law.

(g) It may be the owner of the Series 2010-B Warrants as if not Escrow Agent hereunder.

(h) It shall not be liable for the proper application of any moneys other than those that may be paid to or deposited with it.

(i) All moneys received by the Escrow Agent to be held by it hereunder shall be held as trust funds until disbursed in the manner herein provided therefor. The Escrow Agent shall not be liable to pay or allow interest thereon or otherwise to invest any such moneys except as specifically required herein.

(j) It shall, upon reasonable written request, advise the City and the owners of the Series 2010-B Warrants of the amounts at the time contained in the Escrow Fund and in what such amounts are invested.

(k) It shall have the right to act through agents and attorneys.

(l) It has no obligation to use or risk its own funds.

(m) The Escrow Agent shall not be responsible or liable for any failure or delay in the performance of its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including, without limitation, acts of God; earthquakes; fire; flood; hurricanes or other storms; wars; terrorism; similar military disturbances; sabotage; epidemic; pandemic; riots; interruptions; loss or malfunctions of utilities, computer (hardware or software) or communications services; accidents; labor disputes; acts of civil or military authority or governmental action; it being understood that the Escrow Agent shall use commercially reasonable efforts which are consistent with accepted practices in the banking industry to resume performance as soon as reasonably practicable under the circumstances.

SECTION 4.3 Resignation and Removal of Escrow Agent; Appointment of Successor.

The Escrow Agent, whether the original or a successor, may resign by giving 30 days written notice of its intention so to do to the City. In the event of the resignation of the Escrow Agent, or in the event said Escrow Agent shall fail or refuse, or become unable to perform its duties as Escrow Agent hereunder, the City hereby obligates itself to appoint as successor a bank in the State of Alabama which shall be a member of the Federal Deposit Insurance Corporation, qualified to serve as a depository in the State of Alabama, and having a paid in capital, surplus and undivided profits of not less than \$50,000,000. If no successor Escrow Agent shall have been so appointed and accepted appointment within sixty (60) days of the resignation of the Escrow Agent in the manner herein provided, the Escrow Agent may petition any court of competent jurisdiction for the appointment of a successor Escrow Agent until a successor shall have been appointed as above provided. All provisions of this Agreement applicable to the Escrow Agent shall apply to any successor so appointed.

SECTION 4.4 Merger of Escrow Agent.

Any corporation or association into which the Escrow Agent may be converted or merged, or with

which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from such conversion, sale, merger, consolidation or transfer to which it is a party shall be and become, ipso facto, successor Escrow Agent hereunder and vested with all of the title to the whole property or trust estate and all the trusts, powers, discretions, immunities, privileges and all other matters as was its predecessor, without the execution of any instrument or any further act, deed or conveyance on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

ARTICLE V

MISCELLANEOUS

SECTION 5.1 Third Party Beneficiaries.

The owners of the Series 2010-B Warrants shall be third party beneficiaries of this Agreement. The owners of the Series 2010-B Warrants shall be entitled to enforce the provisions of this Agreement.

SECTION 5.2 Benefit and Binding Effect of This Agreement.

This Agreement shall inure to the benefit of, and shall be binding upon, the City, the Escrow Agent and their respective successors and assigns. The covenants and agreements herein contained are for the sole and exclusive benefit of the parties hereto and their respective successors and assigns.

SECTION 5.3 Severability.

In the event any provision hereof shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

SECTION 5.4 Governing Law.

The terms of this Agreement shall be governed by the laws of the State of Alabama without regard to conflict of law principles.

IN WITNESS WHEREOF, the City and the Escrow Agent have caused this Agreement to be executed in their respective names, have caused their respective seals to be hereunto affixed, and have caused this Agreement to be attested, all by their duly authorized officers, all as of the day and year first hereinabove written.

CITY OF OPELIKA

By _____
Its Mayor

CITY SEAL

Attest: _____
Its City Clerk/Treasurer

**THE BANK OF NEW YORK
MELLON TRUST COMPANY, N.A.**

By _____
Its duly authorized representative

BANK SEAL

Attest: _____
Its duly authorized representative

EXHIBIT A**Verification Report**

ORDINANCE NO. (ID # 3592)

Amend Zoning Ord & Map: 1600 Toomer Street R3 to I1 - 2nd Reading.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING

ORDINANCE AND ZONING MAP OF THE CITY OF OPELIKA

BE IT ORDAINED by the City Council (the “City Council”) of the City of Opelika,

Alabama (the “City”) as follows:

Section 1. That Ordinance 124-91 entitled “Zoning Ordinance City of Opelika, Alabama”, adopted on September 17, 1991, and the Zoning Map of the City of Opelika provided for and referred to therein, as previously amended and/or modified, be and the same is hereby amended by rezoning or redistricting the parcel of land hereinafter in this section described, so as to change such parcel from one class of district to another class of district as follows, to-wit:

From a R-3 District (Low Density Residential District) to an I-1 District (Institutional District), the parcel of land hereinafter described:

From the Northwest Corner of Section 18, Township 19 North, Range 27 East; run thence South 2, 704.27 feet to a point; run thence East 2,762.26 feet to a point located at the intersection of the Southeast margin of a 30 foot wide drainage easement and the Southerly margin of Carver Avenue, which point of Intersection is the POINT OF BEGINNING of the parcel of land herein described and conveyed: FROM SAID POINT OF BEGINNING run thence South 60° 54' 0" East along the South margin of the right-of-way of Carver Avenue for 69.80 feet to the point of intersection of the South margin of Carver Avenue and the West margin of the right-of-way of Toomer Street; run thence in a Southerly direction along the West margin of the right-of-way of Toomer Street along a curve bearing a radius of 321.90 feet for a distance of 114.41 feet; continue thence South 06° 01' 32" East along the West margin of the right-of-way of Toomer Street for 72.30 feet; thence run North 82° 01' 00" West for 206.60 feet; thence run North 00° 46' 34" East for 41.86 feet to a point on the Southeast margin of a 30 foot wide drainage easement; run thence. North 44° 0' 57" East. along the Southeast margin of said drainage easement for 206.91 feet to the point of beginning containing 0.668 acres

The above-described property is located at 1600 Toomer Street, Opelika, Alabama.

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

Section 3. This Ordinance shall be published in a newspaper of general circulation in the City of Opelika, Lee County, 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 on this the ____ day of _____, 2019.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK