



OPELIKA CITY COUNCIL
“ REGULAR MEETING MINUTES “
204 South 7th Street
January 7, 2020
TIME: 7:00 PM

1. Call to Order

President Smith called the city 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

Pastor Henry Smith gave the invocation.

1. Henry Smith, an elder with the Presbyterian Church.

4. Pledge of Allegiance

Kendall and Bryson lead the Plead of Allegiance.

1. Kendall Bryant and Bryson McGlynn from Jeter Primary School.

5. Reading of Minutes

1. Minutes from the 12-17-19 city council meeting.

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller recognized Tara Young in the IT department with a performance award.

1. City's financial summary report for October 31, 2019.
Mayor Fuller passed out copies of a summary of the October 2019 city financials to all the city council members for their information and review.
2. City's financial summary report for November 30, 2019.
Mayor Fuller passed out copies of a summary of the November 2019 city financials to all the city council members for their information and review.
3. Proclamation recognizing January as Human Trafficking Awareness Month.
Mayor Fuller presented a proclamation recognizing January 2019 as Human Trafficking Awareness Month.

8. Citizen Communications

(Limit comments to five minutes or less) None.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Public Hearing - Weed Abatement Assessment - 1701 N Uniroyal Rd.

Mr. Shuman presented a public hearing for a weed abatement assessment to said property in the amount of \$463.34. 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. President Smith closed the public hearing.

2. Public Hearing, Amend Cannon Gate PUD Master Plan

Mr. Shuman presented a public hearing to amend the Cannon Gate PUD Master Plan. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against said amendment. No one came forward. President Smith closed the public hearing.

3. Public Hearing, Amend Zoning Ord & Map: Dickson Street, R-3 to I-1

Mr. Shuman presented a public hearing to amend the zoning ordinance & map from R3 to I1 for certain property on Dickson Street. 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. President Smith closed the public hearing.

4. Public Hearing, Amend Text Zoning Ordinance Section 9 Sign Regulations

Mr. Shuman presented a public hearing to amend the text of the zoning ordinance for Section 9 sign regulations. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against said amendment. No one came forward. President Smith closed the public hearing.

12. Awarding of Bids

13. Resolutions

1. Resolution 001-20 Expense reports from various departments.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Dozier Smith T, Council Member

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

2. Resolution 002-20 Designate City Personal Property Surplus and Authorize Disposal

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

3. Resolution 003-20 Purchase - Cisco Hardware - National IPA Contract #2018011-01 - IT

RESULT: APPROVED [UNANIMOUS]

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

4. Resolution 004-20 Refund Request-Stephens, Occupational License Fees.

RESULT: APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

5. Resolution 005-20 Refund Request- Colley, Occupational License Fees.

RESULT: APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

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

6. Resolution 006-20 Weed Abatement Assessment - 1701 N Uniroyal Rd.

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

7. Resolution 007-20 Set public hearing date to fix cost & assessment of demolition at 207 Avenue A.

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

8. Resolution 008-20 Set public hearing date to fix cost & assessment of demolition at 3307 Arnold Avenue.

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 009-20 Proposal from NRC for Arborist Services.

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

10. Resolution 010-20 Agreement with ESG Engineering; upgrades to Eastside WW Treatment Plant.

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

11. Resolution 011-20 Amendment 1 to agreement with Constantine Engineering; improvements to Westside WW Treatment Plant.

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

12. Resolution 012-20 Reappoint municipal court officials.

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

13. Resolution 013-20 Appoint Benjamin H. Parr Assistant Municipal Prosecutor.

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

14. Ordinances

1. Ordinance 001-20-ORD Amend Wyndham PUD Master Plan - 2nd Reading.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: David Canon, Council Member

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

2. Ordinance Amend Cannon Gate PUD Master Plan - 2nd Reading.

This ordinance was introduced by Mr. Canon.

3. Ordinance Amend Zoning Ord & Map, Dickson Street, R-3 to I-1, 2nd Reading

This ordinance was introduced by Mr. Smith T.

4. Ordinance Amend Zoning Ordinance Section 9 Sign Regulations - 2nd Reading

This ordinance was introduced by Mr. Canon.

15. Appointments

1. Municipal Court appointments; see resolution no. 12 and 13 above.

16. Adjourn

The City Council meeting minutes of January 7, 2020 are hereby adopted and approved this the 21st day of January, 2020.

/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 - Integrity, adherence to moral and ethical principles; soundness of moral character; honesty.

2. Motion to adjourn.

President Smith announced that interviews with the selected candidates for the new City Clerk-Treasurer are scheduled. The new City Clerk-Treasurer may be appointed at the next city council meeting on January 21, 2020.

This city council meeting ended at 7:30 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 # 3929)

Meeting: 01/07/20 07:00 PM
Department: City Clerk
Category: CM Minutes
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

DOC ID: 3929

Minutes from the 12-17-19 city council meeting.

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



OPELIKA CITY COUNCIL “ REGULAR MEETING MINUTES “

204 South 7th Street

December 17, 2019

TIME: 7:00 PM

1. Call to Order

President Smith call this council meeting to order at 7:02pm and asked Mr. Shuman to call the roll.

2. Roll Call

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

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

3. Invocation

Minister Sunil Mcwan gave the invocation.

1. Minister Sunil Mcwan from the Carpenter's Shop Ministry.

4. Pledge of Allegiance

Carter and Kamania lead the Pledge of Allegiance.

1. Carter Tolbert and Kamaria Tidwell from the West Forest Intermediate School.

5. Reading of Minutes

1. Minutes from the 12-03-19 city council meeting.

RESULT: APPROVED [UNANIMOUS]

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: Dozier Smith T, Council Member

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

6. Unfinished Business

7. Remarks By the Mayor

Mayor Fuller announced that Clarence Harris, Jr. passed away on December 16th and served on the city council for over 17 years.

Mayor Fuller advised that CBS will be reporting tomorrow evening at 5:30pm on Opelika's fire department personnel having seven new babies.

Mayor Fuller recognized and thanked Nathan Murphy with Golden State Foods for being present and their continued investment in Opelika.

1. Nov 2019 Monthly Inspection Report

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

2. Dr. Janaki Alavalapati, Professor and Dean School of Forestry & Wildlife Sciences and Mr. Michael Buckman, Manager, Kreher Preserve and Nature Center, School of Forestry & Wildlife Sciences.

Mayor Fuller recognized Dr. Janaki Alavalapati and Michael Buckman as representatives of the Kreher Preserve and Nature Center. They thanked Mayor Fuller and the City Council for their support of the KPNC.

8. Citizen Communications

(Limit comments to five minutes or less)

Mario Mitchell said he was here a few weeks ago and was denied a liquor license. He passed out a letter and read a portion of it. He still does not understand why he was denied a liquor license. Guy Gunter, City Attorney, explained liquor license are given to persons of a good character. Mr Gunter also said his request for a liquor license was denied based on the recommendation of the Police Chief. Mr. Michell said he does not think the process was fair.

9. Report of Disbursements

10. Committee Reports

11. General Business

1. Public Hearing - Weed Abatement Assessment - 101 Spring Hill Ave

Mr. Shuman announced this public hearing for a weed abatement assessment for said property in the amount of \$238.34. President Smith open the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed this public hearing.

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

Mr. Shuman announced this public hearing for a weed abatement assessment for said property in the amount of \$100.84. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said assessment. No one came forward to speak. President Smith closed this public hearing.

3. Public Hearing, Amend Wyndham PUD Master Plan

Mr. Shuman announced this public hearing to amend the Wyndham PUD master plan. President Smith opened the public hearing asking if there was anyone present that would like to speak for or against said amendment. No one came forward to speak. President Smith closed this public hearing.

12. Awarding of Bids

13. Resolutions

1. Resolution 388-19 Expense reports from various departments.

RESULT: **APPROVED [4 TO 0]**

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Dozier Smith T, Council Member

AYES: Patricia Jones, Dozier Smith T, David Canon, Eddie Smith

ABSTAIN: Tiffany Gibson-Pitts

2. Resolution 389-19 Designate City Personal Property as Surplus & Authorize Disposal

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Dozier Smith T, Council Member

SECONDER: David Canon, Council Member

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

3. Resolution 390-19 Change Order Request - Residential Building Demolitions - INSP

RESULT: **APPROVED [UNANIMOUS]**

MOVER: Tiffany Gibson-Pitts, Council Member

SECONDER: David Canon, Council Member

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

4. Resolution 391-19 Emergency Repairs - WW Pump Truck #882 - PW

- RESULT:** APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
5. Resolution 392-19 Purchase - Uniform Purchase and Rental - Omnia Partners Contract #R-BB-19002 - ADM
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
6. Resolution 393-19 Purchase - One (1) Godwin CD 150S Open Unit Pump - Sole Source - PW
- RESULT:** APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Patricia Jones, President Pro-Tem
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
7. Resolution 394-19 Purchase - (1) 2019 Schwarze Hypervac Sweeper - Sourcewell Contr #122017-SWZ - PW
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
8. Resolution 395-19 Weed Abatement Assessment - 101 Spring Hill Ave
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
9. Resolution 396-19 Weed Abatement Assessment - 311 S 3Rd St
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Dozier Smith T, Council Member
SECONDER: Tiffany Gibson-Pitts, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
10. Resolution 397-19 Amend CDBG Action Plan PY2017 and PY2018 Budgets.
- RESULT:** APPROVED [UNANIMOUS]
MOVER: Patricia Jones, President Pro-Tem
SECONDER: David Canon, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
11. Resolution 398-19 Tax abatement agreements, Golden State Foods & Wells Fargo.
- RESULT:** APPROVED [UNANIMOUS]
MOVER: David Canon, Council Member
SECONDER: Dozier Smith T, Council Member
AYES: Jones, Gibson-Pitts, Smith T, Canon, Smith
12. Resolution 399-19 Retain law firms to prosecute anti-trust claims.

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

13. Resolution 400-19 Employment Contract with Guy F. Gunter, III

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

14. Resolution 401-19 Authorizing Job Description for City Clerk/Treasurer.

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

15. Resolution 402-19 Compensation and benefits of the City Clerk/Treasurer.

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

16. Resolution 403-19 Special appropriation to J. W. Darden Foundation, annual Black Tie Gala.

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

17. Resolution 404-19 Cancel contract with Alabama Power, ROW vegetation.

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

18. Resolution 405-19 Special appropriation to the Dream Day Foundation.

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

19. Resolution 406-19 A memorial resolution honoring Clarence Harris, Jr.

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 028-19-ORD Amend City Code, Add Chapter 4.5 Entitled "Art and Culture" - 2nd Reading.

Ms. Jones made a motion to adopt this ordinance and was seconded by Mr. Smith T. Then Ms. Jones made a motion to amend said ordinance and read the detailed amendments as outlined in

the City Attorney's protocol and motion to amend procedures for this ordinance. Mr. Smith T seconded the motion to amend. The following vote was recorded:

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

Nays None.

RESULT: SECOND READING AND APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

2. Ordinance Amend Wyndham PUD Master Plan - 2nd Reading.

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

RESULT: FIRST READING INTRODUCED

3. Ordinance 029-19-ORD Amend City Code, Chapter 2, Office of City Clerk/Treasurer - 1st Reading.

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

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

Nays None.

RESULT: FIRST READING AND APPROVED [UNANIMOUS]

MOVER: Patricia Jones, President Pro-Tem

SECONDER: Tiffany Gibson-Pitts, Council Member

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

4. Ordinance 030-19-ORD GO Warrants, Series 2019 - A / 1st Reading.

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

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

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

5. Ordinance 031-19-ORD GO Taxable Warrants, Series 2019 - B / 1st Reading.

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

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

Nays None.

RESULT: FIRST READING AND APPROVED [UNANIMOUS]

MOVER: David Canon, Council Member

SECONDER: Patricia Jones, President Pro-Tem

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

15. Appointments

16. Adjourn

The City Council meeting minutes of December 17, 2019 are hereby adopted and approved this the _____ day of _____, 2020.

/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 - Compassion, the feeling of sympathy or sorrow for another.
2. Motion to adjourn.

This council meeting ended at 7:53 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**MAYOR'S REMARKS (ID # 3924)**

Meeting: 01/07/20 07:00 PM

Department: City Clerk

Category: City Financial Statements

Prepared By: Robert Shuman

Initiator: Robert Shuman

Sponsors:

DOC ID: 3924

City's financial summary report for October 31, 2019.

COMMENTS - Current Meeting:

Mayor Fuller passed out copies of a summary of the October 2019 city financials to all the city council members for their information and review.

Packet Pg. 13Page 1

Packet Pg. 14Page 2

City of Opelika

Combined Statement of Revenues, Expenditures, and Changes in Fund Balance - All Governmental Funds and Account Groups
FYTD October 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	\$ 3,087	\$ 155	\$ -	\$ -	\$ -	\$ 3,242
Special assessments	-	-	-	-	-	-
Licenses and permits	2,534	51	-	-	-	2,585
Intergovernmental	36	65	-	8	-	109
Charges for services	167	-	-	-	-	167
Fines and forfeits	27	-	-	-	-	27
Grants	4	-	-	-	-	4
Contributions	38	-	-	-	-	38
Investment income	55	21	(1)	2	-	77
Miscellaneous	34	-	-	-	-	34
Total revenues	5,982	292	(1)	10	-	6,283
EXPENDITURES:						
General government	632	61	-	-	(1)	692
Public safety	722	10	-	-	-	732
Public works	376	-	-	-	-	376
Health	22	-	-	-	-	22
Education	277	-	-	-	-	277
Welfare	13	-	-	-	-	13
Culture and recreation	416	-	-	-	-	416
Economic development	25	7	-	-	-	32
Capital outlay	(83)	4	-	(236)	-	(315)
Debt service:						
Principal retirement	-	-	-	-	-	-
Interest and fees	1	-	1	-	-	2
Total expenditures	2,401	82	1	(236)	(1)	2,247
Excess of revenues over/(under) expenditures	3,581	210	(2)	246	1	4,036
Other financing sources/(uses):						
Proceeds from debt issuance	-	-	-	-	-	-
Proceeds used to refund bonds	-	-	-	-	-	-
Sale of capital assets	-	-	-	-	-	-
Transfers from other funds	255	321	3,016	-	3	3,595
Transfers to other funds	(3,341)	-	-	-	-	(3,341)
Total other financing sources/(uses)	(3,086)	321	3,016	-	3	254
Net change in fund balances	495	531	3,014	246	4	4,290
Fund balances, beginning of the year	58,454	17,247	38	1,038	1,230	78,007
Fund balances, end of period	\$ 58,949	\$ 17,778	\$ 3,052	\$ 1,284	\$ 1,234	\$ 82,297

Attachment: CM 1-07-20, City's financial summary report for October 31, 2019, (3924 : City's financial summary report for October 31, 2019.)

City of Opelika
Combined Balance Sheet
Proprietary and Fiduciary Funds
October 31, 2019 Preliminary
**Thousands of dollars*

	Electric FYTD	Telecom FYTD	Sewer FYTD	Solid Waste FYTD	Workmen's Comp. FYTD	Health Insurance FYTD
ASSETS						
Current assets:						
Cash	\$ 22,652	\$ 13	\$ 11,025	\$ 2,048	\$ 3,171	\$ 756
Certificates of deposit	8,508	-	-	-	-	-
Receivables and prepaid expenses	4,652	-	321	266	-	12
Due from other funds and governments	9,500	-	932	27	-	-
Inventory	1,024	-	-	-	-	-
Total current assets	46,336	13	12,278	2,341	3,171	768
Restricted assets:						
Cash and investments with fiscal agent	1,372	1,210	1	-	-	-
Total restricted assets	1,372	1,210	1	-	-	-
Net capital assets	43,347	-	29,207	2,134	-	-
Other assets:						
Deposits	-	-	2	-	19	-
Total other assets	-	-	2	-	19	-
Total assets	91,055	1,223	41,488	4,475	3,190	768
DEFERRED OUTFLOWS OF RESOURCES						
Retirement contributions	864	-	-	337	-	-
Difference on projected OPEB earnings	6	-	-	2	-	-
Bond refunding costs	2,449	-	86	-	-	-
Total deferred outflows of resources	3,319	-	86	339	-	-
Total assets and deferred outflows of resources	\$ 94,374	\$ 1,223	\$ 41,574	\$ 4,814	\$ 3,190	\$ 768
LIABILITIES						
Current liabilities:						
Accounts and other payables	\$ 4,721	\$ -	\$ 50	\$ 132	\$ 52	\$ 346
Due to electric fund	-	9,500	-	-	-	-
Due to other funds	-	-	-	-	-	-
Bonds payable within one year	1,325	-	655	-	-	-
Unearned revenue	357	-	-	-	-	355
Total current liabilities	6,403	9,500	705	132	52	701
Noncurrent liabilities:						
Claims and employee benefits due in more than one year	650	-	-	243	117	-
Bonds payable, in more than one year, net	27,090	-	4,715	-	-	-
Net pension liability	5,529	-	-	1,902	-	-
Customer deposits held	3,009	-	-	165	-	-
Total noncurrent liabilities	36,278	-	4,715	2,310	117	-
Total liabilities	42,681	9,500	5,420	2,442	169	701
DEFERRED INFLOWS OF RESOURCES						
Difference on earnings on OPEB investments	23	-	-	9	-	-
Difference on earnings on plan investments	158	-	-	64	-	-
Total deferred inflows of resources	181	-	-	73	-	-
NET POSITION						
Invested in capital assets, net of related debt	17,381	-	23,923	2,134	-	-
Restricted	1,372	1,210	1	-	209	82
Unrestricted	30,847	(10,077)	10,483	(20)	2,812	(21)
Encumbrances	1,057	295	1,441	170	-	8
Total net position	50,657	(8,572)	35,848	2,284	3,021	69
Total liabilities, deferred inflows, and net position	\$ 93,519	\$ 928	\$ 41,268	\$ 4,799	\$ 3,190	\$ 770

Attachment: CM 1-07-20, City's financial summary report for October 31, 2019, (3924 : City's financial summary report for October 31, 2019.)

City of Opelika

Combined Summary Statement of Revenues, Expenses, and Changes in Net Position

Proprietary and Fiduciary Funds

FYTD October 31, 2019 Preliminary

*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
Operating Revenues						
Charges for services	\$ 4,135	\$ -	\$ 433	\$ 298	\$ 29	\$ 356
Operating Expenses						
Purchases	-	-	-	3	-	-
Depreciation	244	-	90	29	-	-
Personnel services	107	-	-	46	-	-
Other	219	-	116	99	-	240
Total operating expenses	570	-	206	177	-	240
Operating income/(loss)	3,565	-	227	121	29	116
Nonoperating Revenues/(Expenses)						
Gain/(Loss) on sale of capital assets	19	-	-	-	-	-
Fiber optic line leases	-	-	-	-	-	-
Investment income	29	4	7	2	4	1
Grant income	-	-	-	-	-	-
Pole rental	-	-	-	-	-	-
Miscellaneous revenues	(61)	1	1	(4)	-	-
Interest expense and charges	(91)	-	(11)	-	-	-
Total nonoperating revenues/(expenses)	(104)	5	(3)	(2)	4	1
Other Revenues and Transfers In/(Out):						
Capital contributions	94	-	-	-	-	-
Transfers from other funds	-	-	-	-	-	-
Transfers to other funds	(250)	-	-	-	-	-
Total other revenues/(expenses)	(156)	-	-	-	-	-
Net Income/(loss)	3,305	5	224	119	33	117
Net position, beginning of year	47,352	(8,577)	35,624	2,165	2,988	(48)
Net position before encumbrances	50,657	(8,572)	35,848	2,284	3,021	69
Encumbrances	1,057	295	1,441	170	-	-
Net position, end of period	\$ 49,600	\$ (8,867)	\$ 34,407	\$ 2,114	\$ 3,021	\$ 69
Additional Information:						
Cash position at September 30, 2020	\$ 22,652	\$ 13	\$ 11,025	\$ 2,048	\$ 3,171	\$ 756
Cash position at September 30, 2019	0	0	0	0	0	0
Change in cash	\$ 22,652	\$ 13	\$ 11,025	\$ 2,048	\$ 3,171	\$ 756

Attachment: CM 1-07-20, City's financial summary report for October 31, 2019, (3924 : City's financial summary report for October 31, 2019.)

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

	YTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Budget	2020 Actual	Variance
Revenues:						
Taxes	\$ 2,881	\$ 3,087	\$ 206	\$ 3,069	\$ 3,087	\$ 18
Licenses and permits	2,179	2,534	355	1,451	2,534	1,083
Intergovernmental	41	36	(5)	55	36	(19)
Charges for services	139	167	28	161	167	6
Fines and forfeits	42	27	(15)	35	27	(8)
Grants	-	4	4	-	4	4
Contributions	4	38	34	-	38	38
Investment income	44	55	11	36	55	19
Miscellaneous	62	34	(28)	26	34	8
Total revenues	5,391	5,982	591	4,833	5,982	1,149
Expenditures:						
General government	721	632	(89)	673	632	41
Public safety	1,278	722	(556)	1,496	722	774
Public works	407	376	(31)	512	376	136
Culture and recreation	465	416	(49)	563	416	147
Economic development	116	25	(91)	133	25	108
Health	41	22	(19)	32	22	10
Education	558	277	(281)	265	277	(12)
Welfare	3	13	10	10	13	(3)
Capital outlay	54	-	(54)	14,869	-	14,869
Debt service	64	1	(63)	57	1	56
Total expenditures	3,707	2,484	(1,223)	18,610	2,484	16,126
Other financing sources/(uses)						
Sale of capital assets	-	-	-	4	-	4
Transfers in	254	255	1	573	255	318
Transfer out	(3,318)	(3,341)	(23)	(938)	(3,341)	2,403
Total other financing sources/(uses)	(3,064)	(3,086)	(22)	(361)	(3,086)	2,725
Net change in fund balance	(1,380)	412	1,792	(14,138)	412	14,550
Fund balance, beginning of year	66,652	58,454	(8,198)	66,652	58,454	8,198
Fund balance, year to date	<u>\$ 65,272</u>	<u>\$ 58,866</u>	<u>\$ (6,406)</u>	<u>\$ 52,514</u>	<u>\$ 58,866</u>	<u>\$ 6,352</u>
Less:						
Nonspendable	98	98	-	-	42	(42)
Restricted	70	207	137	-	207	(207)
Committed	51	49	(2)	-	49	(49)
Assigned	11,431	17,442	6,011	-	17,442	(17,442)
Encumbrances	27,364	17,374	(9,990)	-	17,374	(17,374)
	39,014	35,170	(3,844)	-	35,114	(35,114)
Unassigned fund balance	26,258	23,696	(2,562)	52,514	23,752	41,466
20% budgeted revenues	967	967		967	967	
Available unassigned fund balance	<u>\$ 25,291</u>	<u>\$ 22,729</u>		<u>\$ 51,547</u>	<u>\$ 22,785</u>	

Attachment: CM 1-07-20, City's financial summary report for October 31, 2019, (3924 : City's financial summary report for October 31, 2019.)

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

	YTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Budget	2020 Actual	Variance
Taxes:						
Sales	\$ 2,679	\$ 2,829	\$ 150	\$ 2,616	\$ 2,829	\$ 213
Property:						
Property	70	97	27	328	97	(231)
Payments in lieu of taxes	-	18	18	-	18	18
Total property taxes	70	115	45	328	115	(213)
Other						
Gasoline	67	80	13	66	80	14
Cigarette	10	4	(6)	5	4	(1)
Wine and liquor	2	2	-	2	2	-
Rental	53	56	3	52	56	4
Total other taxes	132	142	10	125	142	17
Total taxes	2,881	3,086	205	3,069	3,086	17
Licenses and permits:						
Occupational license	1,975	2,256	281	1,008	2,256	1,248
Business:						
General	11	17	6	240	17	(223)
Lodging	114	128	14	74	128	54
Franchise fee	30	2	(28)	41	2	(39)
Miscellaneous	13	37	24	21	37	16
Total business	168	184	16	376	184	(192)
Telecommunications permits and fees	-	2	2	2	2	-
Permits and inspections	35	91	56	64	91	27
Other	-	1	1	1	1	-
Total licenses and permits	2,178	2,534	356	1,451	2,534	1,083
Intergovernmental:						
Shared county motor vehicle	15	11	(4)	11	11	-
Shared state:						
Bank excise tax	-	-	-	16	-	(16)
Business privilege tax	-	-	-	6	-	(6)
Liquor tax profits	15	12	(3)	12	12	-
State asset forfeiture	-	2	2	4	2	(2)
Total shared state	15	14	(1)	38	14	(24)
Shared federal asset forfeiture	-	-	-	1	-	(1)
Other	11	11		6	11	5
Total intergovernmental	41	36	(5)	56	36	(20)
Charges for services:						
General government - other	1	3	2	2	3	1
Public Safety:						
Fire training	3	-	(3)	-	-	-
City schools	-	-	-	12	-	(12)
Auburn University	2	-	(2)	-	-	-
EAMC	9	-	(9)	13	-	(13)
Other	-	2	2	-	2	2
Health - Graves and monuments	10	13	3	12	13	1
Public Works - Paving and plan review fees	3	8	5	2	8	6
Culture and Rec - Entry and concession fees	111	142	31	119	142	23
Total charges for services	139	168	29	160	168	8
Fines and forfeits:						
Municipal Court	38	24	(14)	31	24	(7)
Red light violations	-	-	-	-	-	-
Other	4	4	-	3	4	1
Total fines and forfeits	42	28	(14)	34	28	(6)
Grant income	-	4	4	-	4	4
Contributions: Mobile Clinic	59	36	(23)	-	36	36
Contributions: Other	4	1	(3)	-	1	1
Investment income	44	55	11	36	55	19
Miscellaneous	62	34	(28)	26	34	8
Total revenues	5,450	5,982	532	4,832	5,982	1,150
Other financing sources						
Proceeds of general obligation debt	-	-	-	-	-	-
Operating transfers from Electric fund	250	250	-	240	250	10
Other transfers	4	5	1	333	5	(328)
Sale of capital assets	-	-	-	4	-	(4)
Total other financing sources	254	255	1	577	255	(322)
Total revenue and other financing sources	\$ 5,704	\$ 6,237	\$ 533	\$ 5,409	\$ 6,237	\$ 828

Attachment: CM 1-07-20, City's financial summary report for October 31, 2019, (3924 : City's financial summary report for October 31, 2019.)

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

	YTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Budget	2020 Actual	Variance
General government:						
Legislative	\$ 47	\$ 38	\$ (9)	\$ 36	\$ 38	\$ (2)
Executive	17	15	(2)	53	15	38
Legal	28	18	(10)	41	18	23
Administration	97	97	-	55	97	(42)
Accounting	34	12	(22)	49	12	37
Human resources	18	14	(4)	40	14	26
Information technology	301	282	(19)	186	282	(96)
Revenue	31	17	(14)	38	17	21
Municipal court	27	13	(14)	31	13	18
Purchasing	21	9	(12)	25	9	16
Community development	15	19	4	21	19	2
Planning	28	20	(8)	48	20	28
Other - nondepartmental	58	61	3	47	61	(14)
Total general government	722	615	(107)	670	615	55
Public safety:						
Police	806	482	(324)	930	482	448
Probation	11	4	(7)	13	4	9
Fire	461	237	(224)	519	237	282
Other - nondepartmental	-	-	-	34	-	34
Total public safety	1,278	723	(555)	1,496	723	773
Public works:						
Streets	115	118	3	118	118	-
Engineering	41	21	(20)	59	21	38
Administration	34	36	2	44	36	8
Cemetery	18	19	1	18	19	(1)
Auto shop	37	35	(2)	93	35	58
Building maintenance	45	46	1	52	46	6
Inspection	38	19	(19)	52	19	33
Grounds maintenance	79	81	2	77	81	(4)
Total public works	407	375	(32)	513	375	138
Culture and recreation:						
Parks and recreation	361	317	(44)	475	317	158
Library	65	49	(16)	78	49	29
Other - nondepartmental	39	51	12	10	51	(41)
Total culture and recreation	465	417	(48)	563	417	146
Economic development:						
Development	18	15	(3)	47	15	32
Other - nondepartmental	98	11	(87)	87	11	76
Total economic development	116	26	(90)	134	26	108
Health:						
Animal control	6	3	(3)	7	3	4
Mobile Clinic	-	-	-	-	-	-
Other	35	20	(15)	25	20	5
Total health	41	23	(18)	32	23	9
Education	558	277	(281)	265	277	(12)
Welfare	3	13	10	10	13	(3)
Capital outlay	54	(83)	(137)	14,869	-	14,869
Debt service						
Principal retirement	59	-	(59)	54	-	54
Interest and charges	5	1	(4)	3	1	2
Total debt service	64	1	(63)	57	1	56
Total expenditures	3,708	2,387	(1,321)	18,609	2,470	16,139
Other financing uses						
Transfers out:						
Transfers to PR/Jail construction fund	271	291	20	272	291	(19)
Transfers to other funds	3,046	3,049	3	666	3,049	(2,383)
Total transfers out	3,317	3,340	23	938	3,340	(2,402)
Total expenditures and other financing uses	\$ 7,025	\$ 5,727	\$ (1,298)	\$ 19,547	\$ 5,810	\$ 13,737

Attachment: CM 1-07-20, City's financial summary report for October 31, 2019, (3924 : City's financial summary report for October 31, 2019.)

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

	FYTD Actual			Budget to Actual		
	2019	2020	Variance	Budget	Actual	Variance
GENERAL FUND						
General Government:						
Legislative	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Executive	-	-	-	-	-	-
Legal	-	-	-	-	-	-
Administration	-	-	-	-	-	-
Accounting	-	-	-	117	-	117
Human Resources	-	-	-	-	-	-
Information Technology	19	-	(19)	60	-	60
Revenue	-	-	-	-	-	-
Municipal Court	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Planning	-	-	-	-	-	-
Health	-	-	-	101	-	101
Other	-	-	-	-	-	-
Total general government	19	-	(19)	177	-	177
Public Safety:						
Police	34	(208)	(242)	309	(208)	517
Probation	-	-	-	-	-	-
Fire	-	-	-	44	-	44
Total public safety	34	(208)	(242)	353	(208)	561
Public Works:						
Streets	-	-	-	441	-	441
Engineering	-	-	-	571	-	571
Administration	-	119	119	20	119	(99)
Cemetery	-	-	-	-	-	-
Auto Shop	-	-	-	-	-	-
Building Maintenance	-	-	-	-	-	-
Inspection	-	-	-	-	-	-
Grounds Maintenance	-	-	-	-	-	-
Total public works	-	119	119	1,032	119	913
Culture and Recreation:						
Parks and Recreation	1	6	5	14	6	8
Library	-	-	-	-	-	-
Total culture and recreation	1	6	5	14	6	8
Economic development	-	-	-	-	-	-
Health, Education and Welfare	-	-	-	-	-	-
Total General Fund capital outlay expenditures	<u>\$ 54</u>	<u>\$ (83)</u>	<u>\$ (137)</u>	<u>\$ 1,576</u>	<u>\$ (83)</u>	<u>\$ 1,659</u>
PROPRIETARY FUNDS						
Electric	97	83	(14)	643	83	560
Telecommunications	52	-	(52)	11	-	11
Sewer	-	-	-	180	-	180
Solid Waste	-	-	-	31	-	31
Total Proprietary funds	149	83	(66)	865	83	782
OTHER GOVERNMENTAL FUNDS						
Municipal Complexes fund - Municipal Court	-	-	-	6	-	6
4 & 5 Cent Gas Tax fund - Street Resurfacing	-	-	-	6	-	6
2011 Road Construction - Streets - Fred. Rd.	-	-	-	-	-	-
2011 Road Construction - Street paving	-	-	-	-	-	-
2011 Road Construction - Other	-	-	-	-	-	-
Capital Improvement funds - Other	-	-	-	8	-	8
Industrial Road Grant funds - Other	-	-	-	17	-	17
Industrial Road Grant funds - Engineering	-	(236)	(236)	3	(236)	239
Total Other Governmental funds	-	(236)	(236)	40	(236)	276
Total City of Opelika Capital Outlay	<u>\$ 203</u>	<u>\$ (236)</u>	<u>\$ (439)</u>	<u>\$ 2,481</u>	<u>\$ (236)</u>	<u>\$ 2,717</u>



City Council
204 South 7Th Street
Opelika, AL

SCHEDULED

Meeting: 01/07/20 07:00 PM
Department: City Clerk
Category: City Financial Statements
Prepared By: Robert Shuman
Initiator: Robert Shuman
Sponsors:

MAYOR'S REMARKS (ID # 3930)

DOC ID: 3930

City's financial summary report for November 30, 2019.

COMMENTS - Current Meeting:

Mayor Fuller passed out copies of a summary of the November 2019 city financials to all the city council members for their information and review.

Packet Pg. 23Page 1

City of Opelika
Combined Balance Sheet - All Funds and Account Groups (Interim Report)
November 30, 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
LIABILITIES										
Accounts payable	740	-	-	-	-	32	6,011	-	-	6,783
Interest payable	-	-	-	-	-	-	354	-	-	354
Accrued payroll and benefits, due within one year	840	(8)	-	-	-	-	358	-	-	1,190
Due to other funds	7	168	-	-	-	-	9,500	-	-	9,675
Due to other governments	1	210	-	-	-	-	-	-	-	211
Claims and judgements, due within one year	-	-	-	-	-	315	-	-	-	315
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	-	-	-	-	-	-	31,804	-	83,511	115,315
Net pension liability	-	-	-	-	-	-	7,431	-	-	7,431
Accrued payroll & benefits, due in more than one year	-	-	-	-	-	-	893	-	-	893
Customer deposits held	-	-	-	-	-	-	3,180	-	-	3,180
Total liabilities	1,588	370	-	-	-	464	61,511	-	83,511	147,444
DEFERRED INFLOWS OF RESOURCES										
Net difference in earnings on retirement plan	-	-	-	-	-	-	222	-	-	222
Net change in OPEB assumptions	-	-	-	-	-	-	32	-	-	32
Unearned revenues	4,181	9,083	-	-	-	355	356	-	-	13,975
Total deferred inflows of resources	4,181	9,083	-	-	-	355	610	-	-	14,229
FUND BALANCES										
Nonspendable	326	69	-	-	1,144	-	-	-	-	1,539
Restricted	202	4,063	38	1,244	-	291	2,770	-	-	8,608
Committed	45	-	-	-	-	-	-	-	-	45
Assigned	18,110	13,114	-	-	-	2,063	-	-	-	33,287
Unassigned	23,624	936	-	1	98	-	-	-	-	24,659
Invested in capital assets, net of related debt	-	-	-	-	-	-	43,364	150,946	-	194,310
Unrestricted	-	-	-	-	-	592	30,626	-	-	31,218
Encumbrances	15,996	622	-	46	-	10	3,331	-	-	20,005
Total fund balances	\$ 58,303	\$ 18,804	\$ 38	\$ 1,291	\$ 1,242	\$ 2,956	\$ 80,090	\$ 150,946	\$ -	\$ 313,670

City of Opelika

Combined Statement of Revenues, Expenditures, and Changes in Fund Balance - All Governmental Funds and Account Groups (Interim FYTD November 30, 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	\$ 6,350	\$ 917	\$ -	\$ -	\$ -	\$ 7,267
Special assessments	-	-	-	-	-	-
Licenses and permits	3,524	94	-	-	-	3,618
Intergovernmental	64	95	-	15	-	174
Charges for services	312	-	-	-	-	312
Fines and forfeits	54	-	-	-	-	54
Grants	4	-	-	-	-	4
Contributions	38	-	-	-	-	38
Investment income	66	24	-	2	11	103
Miscellaneous	70	-	-	-	-	70
Total revenues	10,482	1,130	-	17	11	11,640
EXPENDITURES:						
General government	1,325	74	-	-	1	1,400
Public safety	2,582	21	-	-	-	2,603
Public works	944	-	-	-	-	944
Health	54	-	-	-	-	54
Education	553	-	-	-	-	553
Welfare	13	-	-	-	-	13
Culture and recreation	1,046	-	-	-	-	1,046
Economic development	87	58	-	-	-	145
Capital outlay	917	8	-	(236)	-	689
Debt service:						
Principal retirement	-	-	1,965	-	-	1,965
Interest and fees	2	-	1,051	-	-	1,053
Total expenditures	7,523	161	3,016	(236)	1	10,465
Excess of revenues over/(under) expenditures	2,959	969	(3,016)	253	10	1,175
Other financing sources/(uses):						
Proceeds from debt issuance	-	-	-	-	-	-
Proceeds used to refund bonds	-	-	-	-	-	-
Sale of capital assets	-	-	-	-	-	-
Transfers from other funds	505	591	3,016	-	7	4,119
Transfers to other funds	(3,615)	-	-	-	(5)	(3,620)
Total other financing sources/(uses)	(3,110)	591	3,016	-	2	499
Net change in fund balances	(151)	1,560	-	253	12	1,674
Fund balances, beginning of the year	58,454	17,244	38	1,038	1,230	78,004
Fund balances, end of period	\$ 58,303	\$ 18,804	\$ 38	\$ 1,291	\$ 1,242	\$ 79,678

Attachment: CM 1-07-20, City's financial summary for November 2019. (3930 : City's financial summary report for November 30, 2019.)

City of Opelika
Combined Balance Sheet (Interim Report)
Proprietary and Fiduciary Funds
November 30, 2019 Preliminary
**Thousands of dollars*

	Electric FYTD	Telecom FYTD	Sewer FYTD	Solid Waste FYTD	Workmen's Comp. FYTD	Health Insurance FYTD
ASSETS						
Current assets:						
Cash	\$ 22,745	\$ 13	\$ 11,183	\$ 2,088	\$ 3,202	\$ 558
Certificates of deposit	8,529	-	-	-	-	-
Receivables and prepaid expenses	4,453	-	322	288	-	(5)
Due from other funds and governments	9,500	-	996	-	-	-
Inventory	965	-	-	-	-	-
Total current assets	46,192	13	12,501	2,376	3,202	553
Restricted assets:						
Cash and investments with fiscal agent	1,557	1,212	1	-	-	-
Total restricted assets	1,557	1,212	1	-	-	-
Net capital assets	43,396	-	29,126	2,105	-	-
Other assets:						
Deposits	-	-	2	-	19	-
Total other assets	-	-	2	-	19	-
Total assets	91,145	1,225	41,630	4,481	3,221	553
DEFERRED OUTFLOWS OF RESOURCES						
Retirement contributions	864	-	-	337	-	-
Difference on projected OPEB earnings	6	-	-	2	-	-
Bond refunding costs	2,437	-	84	-	-	-
Total deferred outflows of resources	3,307	-	84	339	-	-
Total assets and deferred outflows of resources	\$ 94,452	\$ 1,225	\$ 41,714	\$ 4,820	\$ 3,221	\$ 553
LIABILITIES						
Current liabilities:						
Accounts and other payables	\$ 6,534	\$ -	\$ 102	\$ 87	\$ 52	\$ 295
Due to electric fund	-	9,500	-	-	-	-
Due to other funds	-	-	-	-	-	-
Bonds payable within one year	1,325	-	655	-	-	-
Unearned revenue	357	-	-	-	-	355
Total current liabilities	8,216	9,500	757	87	52	650
Noncurrent liabilities:						
Claims and employee benefits due in more than one year	650	-	-	243	117	-
Bonds payable, in more than one year, net	27,090	-	4,714	-	-	-
Net pension liability	5,529	-	-	1,902	-	-
Customer deposits held	3,014	-	-	166	-	-
Total noncurrent liabilities	36,283	-	4,714	2,311	117	-
Total liabilities	44,499	9,500	5,471	2,398	169	650
DEFERRED INFLOWS OF RESOURCES						
Difference on earnings on OPEB investments	23	-	-	9	-	-
Difference on earnings on plan investments	158	-	-	64	-	-
Total deferred inflows of resources	181	-	-	73	-	-
Total liabilities and deferred inflows of resources	44,680	9,500	5,471	2,471	169	650
NET POSITION						
Invested in capital assets, net of related debt	17,418	-	23,841	2,105	-	-
Restricted	1,557	1,212	1	-	209	82
Unrestricted	29,399	(9,781)	11,107	(98)	2,843	(188)
Encumbrances	1,396	295	1,296	344	-	10
Total net position	49,770	(8,274)	36,245	2,351	3,052	(96)
Total liabilities, deferred inflows, and net position	\$ 94,450	\$ 1,226	\$ 41,716	\$ 4,822	\$ 3,221	\$ 554

Attachment: CM 1-07-20, City's financial summary for November 2019. (3930 : City's financial summary report for November 30, 2019.)

City of Opelika

Combined Summary Statement of Revenues, Expenses, and Changes in Net Position (Interim Report)

Proprietary and Fiduciary Funds

FYTD November 30, 2019 Preliminary

*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
Operating Revenues						
Charges for services	\$ 7,604	\$ -	\$ 831	\$ 594	\$ 60	\$ 533
Operating Expenses						
Purchases	4,178	-	-	41	-	-
Depreciation	493	-	181	58	-	-
Personnel services	497	-	-	190	-	-
Other	341	-	329	141	2	582
Total operating expenses	5,509	-	510	430	2	582
Operating income/(loss)	2,095	-	321	164	58	(49)
Nonoperating Revenues/(Expenses)						
Gain/(Loss) on sale of capital assets	17	-	-	-	-	-
Fiber optic line leases	-	-	-	-	-	-
Investment income	64	6	8	4	6	1
Grant income	-	-	-	-	-	-
Pole rental	-	-	-	-	-	-
Miscellaneous revenues	(51)	1	1	7	-	-
Interest expense and charges	(186)	-	(16)	-	-	-
Total nonoperating revenues/(expenses)	(156)	7	(7)	11	6	1
Other Revenues and Transfers In/(Out):						
Capital contributions	124	-	-	-	-	-
Transfers from other funds	-	-	-	-	-	-
Transfers to other funds	(500)	-	-	-	-	-
Total other revenues/(expenses)	(376)	-	-	-	-	-
Net Income/(loss)	1,563	7	314	175	64	(48)
Net position, beginning of year	48,207	(8,281)	35,931	2,176	2,988	(48)
Net position before encumbrances	49,770	(8,274)	36,245	2,351	3,052	(96)
Encumbrances	1,396	295	1,296	344	-	-
Net position, end of period	\$ 48,374	\$ (8,569)	\$ 34,949	\$ 2,007	\$ 3,052	\$ (96)
Additional Information:						
Cash position at September 30, 2020	\$ 22,745	\$ 13	\$ 11,183	\$ 2,088	\$ 3,202	\$ 558
Cash position at September 30, 2019	22,495	11	6,638	1,915	3,142	654
Change in cash	\$ 250	\$ 2	\$ 4,545	\$ 173	\$ 60	\$ (96)

Attachment: CM 1-07-20, City's financial summary for November 2019. (3930 : City's financial summary report for November 30, 2019.)

City of Opelika
 General Fund Revenue and Expenditure Summary (Interim Report)
 Comparison of Actual and Budget to Prior Year
 FYTD November 2019 Preliminary
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Budget	2020 Actual	Variance
Revenues:						
Taxes	\$ 6,035	\$ 6,351	\$ 316	\$ 6,522	\$ 6,351	\$ (171)
Licenses and permits	3,322	3,525	203	3,083	3,525	442
Intergovernmental	71	64	(7)	118	64	(54)
Charges for services	258	313	55	342	313	(29)
Fines and forfeits	74	55	(19)	74	55	(19)
Grants	(3)	4	7	-	4	4
Contributions	19	38	19	1	38	37
Investment income	99	66	(33)	77	66	(11)
Miscellaneous	47	70	23	54	70	16
Total revenues	9,921	10,486	565	10,271	10,486	215
Expenditures:						
General government	1,310	1,325	15	1,430	1,325	105
Public safety	2,920	2,582	(338)	3,178	2,582	596
Public works	847	944	97	1,094	944	150
Culture and recreation	978	1,046	68	1,197	1,046	151
Economic development	582	87	(495)	283	87	196
Health	49	54	5	67	54	13
Education	558	553	(5)	564	553	11
Welfare	19	13	(6)	21	13	8
Capital outlay	872	917	45	3,227	917	2,310
Debt service	127	2	(125)	122	2	120
Total expenditures	8,262	7,523	(739)	11,183	7,523	3,660
Other financing sources/(uses)						
Sale of capital assets	-	-	-	8	-	8
Transfers in	504	505	1	1,218	505	713
Transfer out	(3,775)	(3,615)	160	(1,992)	(3,615)	1,623
Total other financing sources/(uses)	(3,271)	(3,110)	161	(766)	(3,110)	2,344
Net change in fund balance	(1,612)	(147)	1,465	(1,678)	(147)	1,531
Fund balance, beginning of year	66,652	58,454	(8,198)	66,652	58,454	8,198
Fund balance, year to date	\$ 65,040	\$ 58,307	\$ (6,733)	\$ 64,974	\$ 58,307	\$ (6,667)
Less:						
Nonspendable	120	91	(29)	-	42	(42)
Restricted	70	207	137	-	207	(207)
Committed	49	47	(2)	-	47	(47)
Assigned	12,065	18,110	6,045	-	18,110	(18,110)
Encumbrances	27,172	15,996	(11,176)	-	15,996	(15,996)
	39,476	34,451	(5,025)	-	34,402	(34,402)
Unassigned fund balance	25,564	23,856	(1,708)	64,974	23,905	27,735
20% budgeted revenues	2,054	2,054		2,054	2,054	
Available unassigned fund balance	\$ 23,510	\$ 21,802		\$ 62,920	\$ 21,851	

City of Opelika
General Fund Revenues (Interim Report)
Comparison of Actual and Budget to Prior Year
FYTD November 2019 Preliminary
*Thousands of dollars

	YTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Budget	2020 Actual	Variance
Taxes:						
Sales	\$ 5,251	\$ 5,511	\$ 260	\$ 5,559	\$ 5,511	\$ (48)
Property:						
Property	499	559	60	697	559	(138)
Payments in lieu of taxes	-	18	18	1	18	17
Total property taxes	499	577	78	698	577	(121)
Other						
Gasoline	140	136	(4)	139	136	(3)
Cigarette	14	10	(4)	10	10	-
Wine and liquor	5	5	-	5	5	-
Rental	126	111	(15)	111	111	-
Total other taxes	285	262	(23)	265	262	(3)
Total taxes	6,035	6,350	315	6,522	6,350	(172)
Licenses and permits:						
Occupational license	2,862	3,030	168	2,142	3,030	888
Business:						
General	28	24	(4)	510	24	(486)
Lodging	206	209	3	157	209	52
Franchise fee	94	84	(10)	88	84	(4)
Miscellaneous	33	49	16	44	49	5
Total business	361	366	5	799	366	(433)
Telecommunications permits and fees	5	2	(3)	4	2	(2)
Permits and inspections	91	125	34	136	125	(11)
Other	2	2	-	2	2	-
Total licenses and permits	3,321	3,525	204	3,083	3,525	442
Intergovernmental:						
Shared county motor vehicle	31	26	(5)	23	26	3
Shared state:						
Bank excise tax	-	-	-	34	-	(34)
Business privilege tax	-	-	-	13	-	(13)
Liquor tax profits	29	25	(4)	25	25	-
State asset forfeiture	-	2	2	8	2	(6)
Total shared state	29	27	(2)	80	27	(53)
Shared federal asset forfeiture	-	-	-	2	-	(2)
Other	11	11		13	11	(2)
Total intergovernmental	71	64	(7)	118	64	(54)
Charges for services:						
General government - other	3	5	2	4	5	1
Public Safety:						
Fire training	3	3	-	1	3	2
City schools	-	-	-	26	-	(26)
Auburn University	2	3	1	-	3	3
EAMC	8	21	13	27	21	(6)
Other	3	2	(1)	-	2	2
Health - Graves and monuments	21	27	6	26	27	1
Public Works - Paving and plan review fees	6	11	5	5	11	6
Culture and Rec - Entry and concession fees	212	242	30	253	242	(11)
Total charges for services	258	314	56	342	314	(28)
Fines and forfeits:						
Municipal Court	67	49	(18)	66	49	(17)
Red light violations	-	-	-	-	-	-
Other	7	7	-	7	7	-
Total fines and forfeits	74	56	(18)	73	56	(17)
Grant income	(3)	4	7	-	4	4
Contributions: Mobile Clinic	2	36	34	-	36	36
Contributions: Other	16	1	(15)	1	1	-
Investment income	99	66	(33)	77	66	(11)
Miscellaneous	47	70	23	54	70	16
Total revenues	9,920	10,486	566	10,270	10,486	216
Other financing sources						
Proceeds of general obligation debt	-	-	-	-	-	-
Operating transfers from Electric fund	500	500	-	510	500	(10)
Other transfers	4	5	1	708	5	(703)
Sale of capital assets	-	-	-	8	-	(8)
Total other financing sources	504	505	1	1,226	505	(721)
Total revenue and other financing sources	\$ 10,424	\$ 10,991	\$ 567	\$ 11,496	\$ 10,991	\$ (505)

Attachment: CM 1-07-20, City's financial summary for November 2019. (3930 : City's financial summary report for November 30, 2019.)

City of Opelika
General Fund Expenditures (Interim Report)
Comparison of Actual and Budget to Prior Year
FYTD November 2019 Preliminary
**Thousands of dollars*

	YTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Budget	2020 Actual	Variance
General government:						
Legislative	\$ 76	\$ 72	\$ (4)	\$ 77	\$ 72	\$ 5
Executive	41	36	(5)	113	36	77
Legal	50	75	25	88	75	13
Administration	125	130	5	118	130	(12)
Accounting	88	71	(17)	104	71	33
Human resources	48	61	13	84	61	23
Information technology	539	525	(14)	396	525	(129)
Revenue	70	55	(15)	81	55	26
Municipal court	65	55	(10)	66	55	11
Purchasing	54	43	(11)	54	43	11
Community development	31	42	11	44	42	2
Planning	67	68	1	102	68	34
Other - nondepartmental	56	92	36	100	92	8
Total general government	1,310	1,325	15	1,427	1,325	102
Public safety:						
Police	1,786	1,660	(126)	1,976	1,660	316
Probation	26	12	(14)	27	12	15
Fire	1,108	910	(198)	1,104	910	194
Other - nondepartmental	-	-	-	71	-	71
Total public safety	2,920	2,582	(338)	3,178	2,582	596
Public works:						
Streets	224	230	6	250	230	20
Engineering	96	146	50	131	146	(15)
Administration	75	84	9	92	84	8
Cemetery	37	38	1	38	38	-
Auto shop	86	99	13	197	99	98
Building maintenance	90	98	8	111	98	13
Inspection	90	87	(3)	110	87	23
Grounds maintenance	149	161	12	164	161	3
Total public works	847	943	96	1,093	943	150
Culture and recreation:						
Parks and recreation	767	804	37	1,010	804	206
Library	147	142	(5)	165	142	23
Other - nondepartmental	64	101	37	22	101	(79)
Total culture and recreation	978	1,047	69	1,197	1,047	150
Economic development:						
Development	96	57	(39)	99	57	42
Other - nondepartmental	486	31	(455)	184	31	153
Total economic development	582	88	(494)	283	88	195
Health:						
Animal control	14	11	(3)	15	11	4
Mobile Clinic	-	-	-	-	-	-
Other	35	43	8	53	43	10
Total health	49	54	5	68	54	14
Education	558	553	(5)	564	553	11
Welfare	19	13	(6)	21	13	8
Capital outlay	872	917	45	3,227	917	2,310
Debt service						
Principal retirement	119	-	(119)	116	-	116
Interest and charges	8	2	(6)	6	2	4
Total debt service	127	2	(125)	122	2	120
Total expenditures	8,262	7,524	(738)	11,180	7,524	3,656
Other financing uses						
Transfers out:						
Transfers to PR/Jail construction fund	529	561	32	578	561	17
Transfers to other funds	3,246	3,053	(193)	1,414	3,053	(1,639)
Total transfers out	3,775	3,614	(161)	1,992	3,614	(1,622)
Total expenditures and other financing uses	\$ 12,037	\$ 11,138	\$ (899)	\$ 13,172	\$ 11,138	\$ 2,034

Attachment: CM 1-07-20, City's financial summary for November 2019. (3930 : City's financial summary report for November 30, 2019.)

City of Opelika
 Capital Outlay (Interim Report)
 Comparison of Actual and Budget to Prior Year
 FYTD November 2019 Preliminary

	FYTD Actual			Budget to Actual		
	2019	2020	Variance	2020 Rev Budg	2020 Actual	Variance
GENERAL FUND						
General Government:						
Legislative	-	-	-	-	-	-
Executive	-	-	-	-	-	-
Legal	-	-	-	-	-	-
Administration	-	-	-	-	-	-
Accounting	-	-	-	1,086,549	-	1,086,549
Human Resources	-	-	-	-	-	-
Information Technology	128,399	-	(128,399)	716,863	-	716,863
Revenue	-	-	-	-	-	-
Municipal Court	-	-	-	-	-	-
Purchasing	-	-	-	-	-	-
Community Development	-	-	-	-	-	-
Planning	-	-	-	-	-	-
Health	-	-	-	100,938	-	100,938
Other	-	-	-	-	-	-
Total general government	\$ 128,399	\$ -	\$ (128,399)	\$ 1,904,350	\$ -	\$ 1,904,350
Public Safety:						
Police	637,208	177,873	(459,335)	3,703,719	177,873	3,525,846
Probation	-	-	-	-	-	-
Fire	16,125	257,872	241,747	529,754	257,872	271,882
Total public safety	\$ 653,333	\$ 435,745	\$ (217,588)	\$ 4,233,473	\$ 435,745	\$ 3,797,728
Public Works:						
Streets	(37,170)	212,628	249,798	5,295,404	212,628	5,082,776
Engineering	3,850	-	(3,850)	6,856,984	-	6,856,984
Administration	6,542	118,924	112,382	520,285	118,924	401,361
Cemetery	-	-	-	-	-	-
Auto Shop	-	-	-	-	-	-
Building Maintenance	-	-	-	-	-	-
Inspection	-	-	-	-	-	-
Grounds Maintenance	-	-	-	-	-	-
Total public works	\$ (26,778)	\$ 331,552	\$ 358,330	\$ 12,672,673	\$ 331,552	\$ 12,341,121
Culture and Recreation:						
Parks and Recreation	116,758	149,761	33,003	171,761	149,761	22,000
Library	-	-	-	-	-	-
Total culture and recreation	\$ 116,758	\$ 149,761	\$ 33,003	\$ 171,761	\$ 149,761	\$ 22,000
Economic development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Health, Education and Welfare	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total capital outlay expenditures	\$ 871,712	\$ 917,058	\$ 45,346	\$ 18,982,257	\$ 917,058	\$ 18,065,199
PROPRIETARY FUNDS						
Electric	247,916	297,646	49,730	7,715,547	297,646	7,417,901
Telecommunications	51,640	-	(51,640)	128,009	-	128,009
Sewer	3,581,077	9,710	(3,571,367)	2,113,763	9,710	2,104,053
Solid Waste	-	-	-	375,000	-	375,000
Total Proprietary funds	\$ 3,880,633	\$ 307,356	\$ (3,573,277)	\$ 10,332,319	\$ 307,356	\$ 10,024,963
OTHER GOVERNMENTAL FUNDS						
Municipal Complexes fund - Municipal Court	-	-	-	69,000	-	69,000
4 & 5 Cent Gas Tax fund - Street Resurfacing	-	-	-	66,000	-	66,000
2011 Road Construction - Streets	(546,393)	-	546,393	-	-	-
2011 Road Construction - Street paving	-	-	-	-	-	-
2011 Road Construction - Other	(50,078)	-	50,078	-	-	-
Capital Improvement funds - Other	-	3,688	3,688	93,358	-	93,358
Industrial Road Grant funds - Other	6,538	-	(6,538)	202,756	-	202,756
Industrial Access Road Grant funds - Engineering	1,152,259	(236,361)	(1,388,620)	32,115	(236,361)	268,476
Total Other Governmental funds	\$ 562,326	\$ (232,673)	\$ (794,999)	\$ 463,229	\$ (236,361)	\$ 699,590
Total	\$ 5,314,671	\$ 991,741	\$ (4,322,930)	\$ 29,777,805	\$ 988,053	\$ 28,789,752

Attachment: CM 1-07-20, City's financial summary for November 2019. (3930 : City's financial summary report for November 30, 2019.)

**City Council**

204 South 7Th Street
Opelika, AL

SCHEDULED**GENERAL BUSINESS (ID # 3903)**

Meeting: 01/07/20 07:00 PM

Department: Purchasing and Revenue

Category: Public Hearing

Prepared By: Jerry Bush

Initiator: Lillie Finley

Sponsors:

DOC ID: 3903

Public Hearing - Weed Abatement Assessment - 1701 N Uniroyal Rd.

COMMENTS - Current Meeting:

Mr. Shuman presented a public hearing for a weed abatement assessment to said property in the amount of \$463.34. 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. President Smith closed the public hearing.

WEED ABATEMENT INVOICE

Date: 12/23/2019

**To: Watwood Investments LLC
PO Box 1207
Dothan AL. 36302**

**Property Address:
1701 N Uniroyal Rd.
Opelika AL. 36801
Parcel # 10-02-03-0-000-025.000**

On November 13, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>450.00</u>
Certified mail:	<u>13.34</u>
Misc.	<u> </u>
Total	<u>463.34</u>

Attachment: WEED INVOICE 1701 N Uniroyal (3903 : Public Hearing - Weed Abatement Assessment - 1701 N Uniroyal Rd.)

To: **Watwood Investments LLC**
PO Box 1207
Dothan AL 36302

**NOTICE OF PUBLIC HEARING ON COST OF
 ABATEMENT OF WEED NUISANCE LOCATED AT
 1701 N Uniroyal Rd., Parcel 10-02-03-0-000-025.000**

=====

NOTICE IS HEREBY GIVEN that the weed nuisance growing upon or in front of the property located at 1701 N Uniroyal Rd, Parcel No. 025.000 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 \$463.34.

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 7th day of January, 2020.

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 December, 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 # 3856)

Meeting: 01/07/20 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 3856

Public Hearing, Amend Cannon Gate PUD Master Plan

NOTICE OF PUBLIC HEARING (CANNON GATE PUD)

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, January 7, 2020, at 7:00 p.m. in the City Council Chambers of the Municipal Building, 204 S. 7th Street, Opelika, Lee County, Alabama.

PURPOSE

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

ORDINANCE NO. _____

ORDINANCE TO AMEND THE DEVELOPMENT PLAN FOR CANNON GATE PUD

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

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

- (a) Mae’s Pasture, LLC heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “Cannon Gate PUD” consisting of approximately 163.77 acres.
- (b) Pursuant to Ordinance No. 101-07, the City Council approved said Development Plan for Cannon Gate PUD and amended the Official Zoning Map

of the City to designate the zoning classification of Planned Unit Development (“PUD”) for approximately 163.77 acres located on the west side of Oakbowery Road and north of Blackhawk Drive.

(c) On June 20, 2017, the City Council approved an amended Development Plan for Phase 2 and a portion of Phase 3 of Cannon Gate PUD.

(d) Cannon Gate Homeowners Association, Inc., has heretofore submitted to the City a proposed amended Cannon Gate PUD which will convert 6.4 acres of open space to private ownership.

(e) The current Development Plan shows 20.1 acres of common area. The proposed amended Development Plan will convert 6.4 acres of common space located in the southeast quadrant of the development to private ownership. The subject property is located adjacent to the west side of Oak Bowery Road and approximately 4.7 acres of the 6.4 acres is unbuildable because it is located in a 100 year floodway or flood plain.

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

(g) The Planning Commission recommended approval of the amended Development Plan for Cannon Gate PUD.

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

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

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____, 2020.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____,
2020.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK

END

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

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

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

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

Opelika, Alabama 36801

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

CITY CLERK

The public hearing concerns an amendment to the Cannon Gate PUD master plan. The changes are to convert 6.4 acres of common area or open space reserved for the Cannon Gate PUD property owners to private ownership. An adjacent property owner (Randy Brown, 1404 Blackhawk Drive) is constructing a home next to the common area and desires to purchase and maintain the common area. About 4.7 acres of the 6.4 acres is 'unbuildable' because its located in a 100 year floodway or floodplain. The property is difficult to access from the Cannon Gate home lots. Cannon Gate property owners have more accessible common areas with a walking trail adjacent to their home lots. PC report with maps are attached. At the November 19th meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to City Council to approve amendments to the master plan. At the December 3rd work session, City Council approved a public hearing to be advertised.

COMMENTS - Current Meeting:

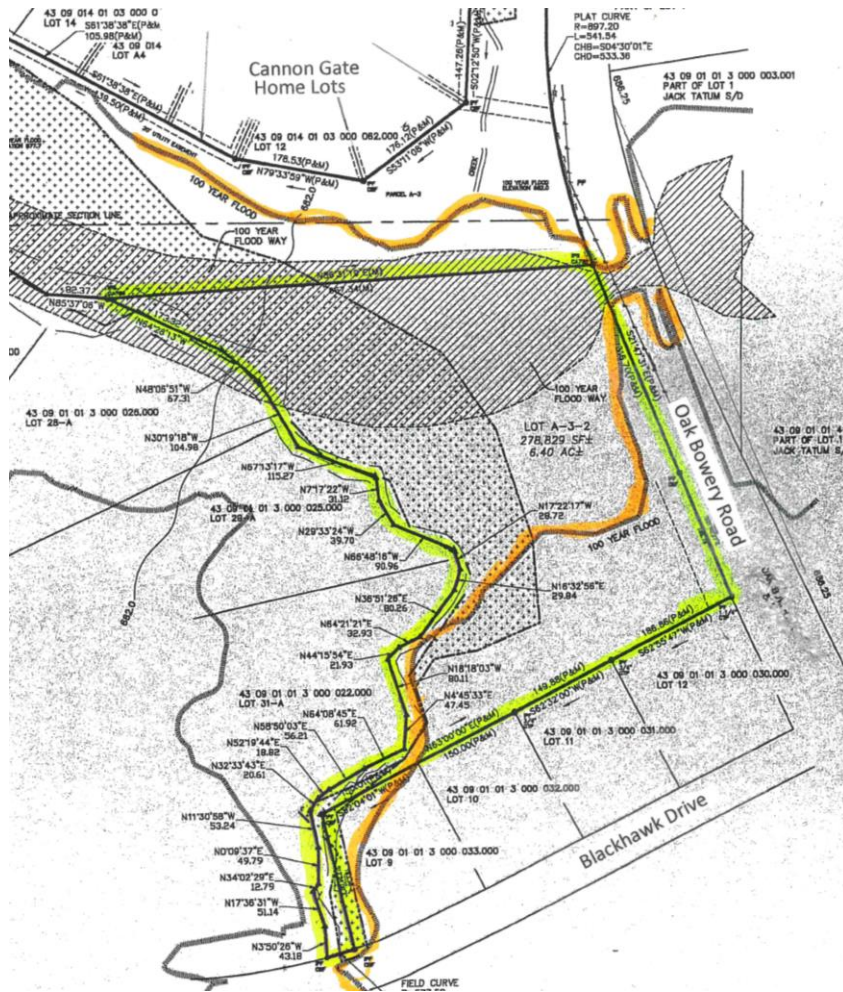
Mr. Shuman presented a public hearing to amend the Cannon Gate PUD Master Plan. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against said amendment. No one came forward. President Smith closed the public hearing.

City of Opelika Planning Commission Report

Action Requested:	Amend Cannon Gate PUD Master Plan - Major Amendment to Master Plan
Property Location:	Oak Bowery Road, Blackhawk Drive and Cannon Gate Drive
Property Owners:	Cannon Gate Homeowners Association, Inc.
Existing Zone:	PUD (Planned Unit Development)
Existing Land Use:	Undeveloped – common area for Cannon Gate PUD
Adjacent Land Use:	North: Single family homes South: Single family homes and vacant lots East: Single family homes West: Single family homes and vacant land

The applicant/developer is requesting a major amendment to the Cannon Gate PUD master plan. The amendment converts 6.4 acres of common area or open space reserved for the Cannon Gate PUD property owners to private ownership. The 6.4 acres is part of a 20.1 acre common area. If the amendment is approved by City Council, a subdivision plat will be submitted for approval to create the 6.4 acre lot.

An adjacent property owner (Randy Brown, 1404 Blackhawk Drive) is constructing a home next to the common area. His home is in the Forest Hills subdivision and not part of the Cannon Gate PUD. He asked the applicant/developer if he could purchase 6.4 acres of the 20.1 acre lot. He has no plans to build on the 6.4 acres, but desires to maintain the property by removing the kudzu, underbrush, and drain standing water toward the creek. About 4.7 acres of the 6.4 acres is ‘unbuildable’ because its located in a 100 year floodway or floodplain (map on page 2).



Yellow = 6.4 acre lot Orange = 100 year Floodplain

The proposed 6.4 acre lot is difficult to access from the Cannon Gate home lots and the adjacent common area north of the 6.4 acres. The north property line of the 6.4 acre lot runs along a 100 year flood way; the flood way retains water and channels water downstream. The surrounding area is wetland area most of the time. It's difficult to cross the floodway from the north side to the south side. Instead, the developer's intent on providing common area for the Cannon Gate HOA/ property owners was to designate an area easily accessible and adjacent to the rear property line of the Cannon Gate home lots. A walking trail running parallel to the rear property lines was also designated on the common area (see original Master Plan below with walking trail).

Cannon Gate PUD Master Plan



Staff Recommendation

Staff recommends a positive recommendation be sent to City Council to amend the Cannon Gate PUD Master Plan allowing the proposed 6.4 acre lot removed as common area and converted to private ownership.

At the December 19th meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to City Council to approve amendments to the Cannon Gate Master Plan as described in this report.



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 3858)

Meeting: 01/07/20 07:00 PM

Department: Planning

Category: Public Hearing

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 3858

Public Hearing, Amend Zoning Ord & Map: Dickson Street, R-3 to I-1

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, January 7, 2020, 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 I-1 District (Institutional District), the parcel of land hereinafter described:

Commence at the Southwest corner of Lot 1 Lake Condry Subdivision, according to and as shown by map or plat of said subdivision of record in Town Plat Book 8, at Page 40, in the Office of the Judge of Probate of Lee County, Alabama, thence run South 4° 24' West for 374.6 feet to the point of beginning of the tract or parcel of land herein to be described and conveyed; thence run North 4° 24' West for 375.6 feet to the Southwest corner of said Lot 1 of said Lake Condry Subdivision; thence run South 64° 47' East for 683.6 feet to the Southeast corner of Lot 6 of the said Lake Condry Subdivision, then run South 3° 51' West for 63.5 feet; thence run South 89° 15' West for 630 feet, more or less, to said point of beginning; and containing 3.2 acres more or less.

The above-described property contains 3.2 acres more or less and is located on the westerly right-of-way of Dickson 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.

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

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

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

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER
Opelika-Auburn News
P.O. Box 2208

Opelika, Alabama 36803

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

CITY CLERK

The applicant is requesting rezoning 3.2 acres from R-3 to I-1 (Institutional) zoning district. In November 2019, Southern Union College purchased the property, but has no immediate plans for the property. The school anticipates either a building with parking lot or additional parking spaces constructed on the property. Southern Union property is adjacent to the rezoning property on the west side. The adjacent properties on the north, east, and south sides of the rezoning property are zoned R-3 (residential, single family homes); The I-1 zone is for major institutional uses such as governmental buildings, schools, or medical offices/EAMC; most commercial uses are prohibited in the I-1 zone in order to establish and protect the I-1 zone from incompatible uses. The Planning Commission report and map are attached. At the November 19th meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to CC to rezone the property. At the December 3rd CC WS, the City Council reviewed the rezoning request and approved advertising for a CC PH.

COMMENTS - Current Meeting:

Mr. Shuman presented a public hearing to amend the zoning ordinance & map from R3 to I1 for certain property on Dickson Street. 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. President Smith closed the public hearing.

City of Opelika Planning Commission Report

Action Requested:	Rezoning 3.2 acres from R-3 to I-1, Dickson Street
Property Owner(s):	Ben Jordan c/o Southern Union Community College
Current Zoning:	R-3
Proposed Zoning:	I-1 (Institutional)
Existing Land Use:	Undeveloped

Surrounding Zoning Districts And Land Uses:

North	R-3	Single-family homes
South	R-3	Single-family homes
East	R-3	Single-family homes
West	I-1	Southern Union College

Rezoning

Southern Union Community College is requesting rezoning 3.2 acres from R-3 to I-1. About two weeks ago, the college purchased the 3.2 acres. The school has no immediate plans for the property but anticipates future growth, and therefore, planning accordingly with the purchase. The school anticipates either a building with parking lot or additional parking spaces constructed on the property. If the rezoning to I-1 is approved and when a development plan is provided, a residential buffer will be required along the property line adjacent to the R-3 lots.

The adjacent properties on the north, east, and south sides of the 3-acre rezoning property are zoned R-3. Southern Union property is adjacent to the rezoning property on the west side. Single family homes occupy 13 of the 16 lots that surround the rezoning property on three sides; three lots are vacant/undeveloped. The adjacent lots range in size from 15,000 sf to one acre.

Staff believes rezoning to I-1 for Southern Union College is compatible with the adjacent R-3 zoning district. The I-1 zone is intended for major institutional uses such as governmental buildings, schools, or medical offices/EAMC. The I-1 zone prohibits many types of commercial uses in order to establish and protect the I-1 zone from incompatible uses. Commercial uses that are prohibited in the I-1 zone are retail stores, automobile related uses, manufacturing-type uses, and commercial uses conducted outside a building. The commercial uses outright allowed in a I-1 zone are office uses, hotel, day cares, medical clinic/research facilities, and a standard restaurant (fast food not allowed). Single-family homes are also outright allowed in the I-1 zone.

Single family homes are on most adjacent lots; two lots are undeveloped. The proposed institutional land use category is a use that serves a city's education needs. Commercial uses are limited in the institutional category to protect the institutional use from incompatible uses.

Staff Recommendation

Planning Staff recommends the Planning Commission send a positive recommendation to the City Council to rezone the property from R-3 to I-1.

At the November 22nd meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to the City Council to rezone the 3.2 acres from R-3 to I-1.



City Council

204 South 7th Street
Opelika, AL

SCHEDULED

GENERAL BUSINESS (ID # 3868)

Meeting: 01/07/20 07:00 PM

Department: Planning

Category: Amend Zoning Ordinance

Prepared By: Marty Ogren

Initiator: Charles Mosley

Sponsors:

DOC ID: 3868

Public Hearing, Amend Text Zoning Ordinance Section 9 Sign Regulations

CITY OF OPELIKA, ALABAMA NOTICE OF PUBLIC HEARING ZONING ORDINANCE AMENDMENTS

NOTICE IS HEREBY GIVEN that the City Council of the City of Opelika will hold a Public Hearing on Tuesday, January 7, 2020, 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 TEXT OF THE ZONING ORDINANCE OF THE CITY OF OPELIKA AND SPECIFICALLY TO AMEND SECTIONS 9.5(15), 9.5(18), 9.5(19), 9.10(7), 9.10(9), 9.12(2), 9.12(3) AND SCHEDULE A THEREOF

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

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

(a) That Section 9.5(15), FLAGPOLES AND FLAGS, FLAG BRACKETS, FLAG STANCHIONS AND FLAGS, is amended to read as follows:

(15) Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.

a. Flagpoles and Flags. For each parcel and development site in residential use with one principal structure, one flagpole may be installed and two (2) flags may be displayed per flagpole. A flag in a residential Zoning District displayed on a flagpole shall not exceed forty (40) square feet in size. For each parcel and development site that is over one-half (1/2) acre in size and is in nonresidential use, up to three flagpoles may be installed and up to two (2) flags may be displayed per flagpole. A flag in a non-residential Zoning District displayed on a flagpole shall not exceed one hundred fifty (150) square feet in size.

b. Flag Brackets, Flag Stanchions, and Flags. For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags. A flag displayed from a flag bracket or a flag stanchion shall not exceed twenty-four (24) square feet in size.

c. For the purpose of determining the size of a flag, only one side of the flag shall be counted as the display surface.

d. Flags on parcels in non-residential use may be externally illuminated.

e. The United States flag/American flag may be illuminated. The lighting should be directed away from roadways, traffic areas and adjacent residential properties.

f. In-ground American flagpole requirements are the following:

Maximum height (feet)	Maximum size (square feet)
60'-65'	135'
50-59	96
40-49	72
30-39	50
20-29	30
Under 20	15

(b) That Section 9.5(18), FREESTANDING SIGNS, is amended to read as follows:

(18) Freestanding Signs. A freestanding sign may be a pole sign or a monument sign, unless otherwise restricted and where allowed, and subject to the following:

a. General Requirements. In the C-1, C-2, C-3, M-1, M-2, I-1 and GC Zoning Districts, pole signs and monument signs may display two or more sign subject to the additional provisions set forth below for single-lot general businesses and for group developments. In the event that a reader board (manual or digital reader board) is attached to a freestanding sign, the reader board sign surface shall be no larger than fifty percent (50%) of the principal sign surface area. The principal sign surface area includes all signage on the freestanding sign except the reader board.

b. Single-Lot General Businesses. The maximum area of a freestanding sign shall not exceed one hundred (100) square feet. The maximum height of a freestanding sign shall be twenty (20) feet. Only one (1) freestanding sign is allowed per single-frontage lot; and up to two (2) freestanding signs are allowed for a corner lot or for double-frontage lots. No lot shall have more than two freestanding signs. Notwithstanding the foregoing, freestanding signs are not allowed in the C-1 Zoning District for single-lot general businesses.

c. Group Developments.

- (1) Only one (1) freestanding sign is allowed for each street frontage of a group development.
- (2) A freestanding sign for a single tenant of a group development is prohibited.
- (3) Group Development size and height standards
 - (a) Group Developments with an aggregate gross building area not to exceed 29,999 square feet, the maximum area of a freestanding sign shall not exceed one hundred twenty (120) square feet, and the maximum height of a freestanding sign shall not exceed twenty (20) feet.
 - (b) Group Developments with an aggregate of 30,000 to 64,999 square feet of building area, the maximum area of a freestanding sign shall not exceed two hundred (200) square feet, and the maximum height of a freestanding sign shall not exceed twenty (20) feet.
 - (c) Group Developments with an aggregate of 65,000 to 99,999 square feet of building area, the maximum area of a freestanding sign shall not exceed three hundred (300) square feet, and the maximum height of a freestanding sign shall not exceed thirty (30) feet.
 - (d) Group Developments with an aggregate of 100,000 to 499,999 square feet of building area, the maximum area of a freestanding sign shall not exceed five hundred (500) square feet, and the maximum height of a freestanding sign shall not exceed thirty-five (35) feet.

(e) Group Developments with an aggregate of 500,000 to 999,999 square feet of building area, the maximum area of a freestanding sign shall not exceed seven hundred fifty (750) square feet, and the maximum height of a freestanding sign shall not exceed thirty-five (35) feet.

(f) Group Developments with an aggregate over 1 million square feet of building area, the maximum area of a freestanding sign shall not exceed one thousand (1,000) square feet, and the maximum height of a freestanding sign shall not exceed forty-five (45) feet.

d. Interstate Signs. In addition to the allowable freestanding signage for any nonresidential development site, an interstate sign may also be erected provided that;

1. Any portion of the development site over five (5) acres lies within an area of 1,000 feet from the center point of the centerline of the interstate overpass. One (1) interstate sign with a maximum area of either 250 square feet and a maximum height of 60 feet may be erected; or
2. Any portion of the development site over five (5) acres lies within an area of one (1) mile, (5,280 feet) from the center point of the centerline of the interstate overpass and whose development site abuts the right-of-way of the interstate. One (1) sign with a maximum area of 130 square feet and a maximum height of 30 feet may be erected. Such signs must be located only along the property edge abutting the interstate right-of-way and must be positioned as to be read from the interstate. The maximum setback from the interstate right-of-way shall not exceed 20 feet.
3. A group development that lies within either of the geographic areas described in 18.d.1 or 2 shall be allowed a group development sign meeting the height of 18.d.1 or 2 with the allowable area afforded to the applicable group development in 18.c.3. In such case that a group development interstate sign is permitted, a freestanding interstate sign for an individual tenant of the group development is prohibited.

e. Subdivision Identification Marker - A freestanding sign marking an entrance from a perimeter road to a residential subdivision, commercial development, or industrial park. Subdivision markers may be a single sign or a pair of signs. A subdivision marker shall contain no advertising other than the name of the residential subdivision, commercial development, or industrial park. No subdivision marker shall be located within the public right of way and must be within the perimeter of the subdivision. The sign shall be a ground-mounted or monument sign—installed at the entrance of a perimeter road to a subdivision/development; maximum sign area shall be 100 square feet and maximum height 6 feet including architectural features.

(c) That Section 9.5(19), WALL SIGNS, is amended to read as follows:

(19) Wall Signs.

- a. Wall signs shall not extend above the top of a building wall.
- b. Wall signs may be installed on one or more exterior walls. The total square footage of all wall signs installed must not exceed the maximum total display area allowed.
- c. The maximum total display area for wall signs in the R-1, R-1A, R-2, R-3, R-4, R-4M, R-5, R-5M, and PRD Zoning Districts shall be four (4) square feet. Only one wall sign is allowed per residence.
- d. The maximum total display area for wall signs in the AP, and FP, Zoning Districts shall be twelve (12) square feet. Only one (1) wall sign is allowed per building.
- e. The maximum total display area for wall signs in the C-1, C-2, C-3, M-1, M-2, I-I, R/E, GC, and HOD Zoning Districts are as follows:
 - (i). On any single lot with 30,000 square feet or less of floor area, the maximum total display area for wall signs shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) 200 square feet. The exterior wall business frontage shall be the front exterior wall facing the public right-of-way of a street.
 - (ii). On any single lot with more than 30,000 square feet of floor area, the maximum total display area for wall signs shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) 320 square feet. The exterior tenant wall business frontage shall be the front exterior wall facing the public right-of-way of a street.
 - (iii). For a Group Development, the maximum total display area for each tenant for an exterior wall sign on the exterior wall business frontage shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) ~~100~~ 200 square feet. The exterior business wall frontage for each tenant space within a Group Development shall be the front exterior wall facing the public right-of-way of a street.

For a Group Development with more than 30,000 square feet of floor area, the maximum total display area for wall signs shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) 320 square feet. The exterior tenant wall business frontage shall be the front exterior wall facing the public right-of-way of a street.

f. Up to fifty percent (50%) of the wall sign surface may consist of a changeable copy sign; provided, however, that the sign copy of the changeable copy sign shall not change more than once in any twenty-four (24) hour time period. The wall sign shall not project more than twelve (12) inches from the wall. If the wall sign projects more than two and one-half (2½) inches from the wall, the wall sign shall be mounted so that the bottom of the wall sign is at least nine (9) feet above ground at finished grade below the wall sign. The wall sign may be illuminated.

(d) That subsections (e), (i) and (q) of Section 9.10(7), SIGN PERMIT APPLICATION, are amended to read as follows:

(7) Sign permit applications

e. An address or legal description of the property upon which the sign is to be located. The legal address may be located on a certified boundary survey.

i. For all wall mounted signs, the facade elevation with dimensions, drawn to scale. Windows and doors and other openings shall be delineated.

q. Signature of Property Owner or complete an "Authorization to Act As Applicant for Property Owner" form.

(e) That Section 9.10(9) DESIGN REQUIREMENTS is amended to read as follows:

(9) Design Requirements

a. Tenant panels in monument signs. All tenant panels in a monument sign, including those added to an existing sign structure, shall be constructed of similar materials and illuminated by a similar method.

b. Wall signs. Wall signs shall not be installed to cover windows, doors, or other types of fenestration.

(f) That Section 9.12(2), BRIGHTNESS LEVEL, is amended to read as follows:

(2) **Luminance/Brightness Level.** Self-luminous outdoor signs shall not operate at brightness levels more than 0.3 foot candles above ambient lighting conditions when measured using a foot-candle (Lux) meter. The sign's brightness level is measured at a certain distance based on the sign area. The distance to measure the sign's foot-candles is calculated using the following formula: $\text{Measurement Distance} = \sqrt{\text{Area of Sign} \times 100}$, rounded to the nearest whole number. (Research and Information about measuring brightness levels can be obtained from research by the International Sign Association, August 2016.) The signs shall be equipped with manual dimming or scheduled dimming controls, or photocell/light sensors that automatically dims the brightness of the sign as ambient conditions change. Prior to issuance of a sign permit, the applicant shall provide a written certification from the sign company or sign manufacturer that brightness levels will not exceed 0.3 foot candles above ambient lighting conditions.

(g) That Schedule A to Section 9.12(3) is amended to read as follows:

SCHEDULE A

Pursuant to Section 9.12(3), entitled "Reduction of Non-Digital Billboards through Conversion to, or Replacement by, Digital Billboards," it is recognized that the City has a goal to reduce in the number of billboards in the City. In addition to ordinary attrition and in addition to the destruction of billboards through Acts of God, lawful nonconforming non-digital billboards that currently exist within the City may be removed by other means. Specifically, such nonconforming non-digital billboards may be converted to nonconforming digital billboards based upon the trade ratio, the sunset provision, and the other conditions as set forth in this Schedule A.

Except as specifically set forth in this **Schedule A**, no vested rights shall accrue to any person or entity.

This **Schedule A** provides two alternatives for minimum trades of existing billboards or legal non-conforming off-site commercial signs constructed prior to the adoption of this ordinance. Each new digital sign face shall require one of the following alternatives as a pre-condition for the vested right to place one and *no more than one (1) digital billboard sign face* into operation.

a) Standard billboards - a minimum trade ratio of 4:1, namely *at least four (4) qualifying nonconforming non-digital billboard sign faces* (each qualifying sign face must equal or exceed two hundred twenty-five square feet (225 sq. ft.))

b) Small billboards - billboards or off-premise commercial signs shall be allowed to trade signs smaller than 225 square feet if the total of all sign faces exceeds 900 square feet.

- 1) The replacement digital billboard structure shall have no more than two (2) digital faces, with any one digital sign face not exceeding three hundred square feet (300 sq. ft.).
- 2) The surrounding cabinet or border shall not exceed six inches in width.
- 3) Each sign face, up to a maximum of two sign faces per billboard structure, qualifies as an existing sign face so that the removal of an existing billboard structure with two (2) or more sign faces qualifies as the removal of two existing sign faces.
- 4) All sign faces shall be removed from an existing billboard structure and the structure and visible foundation demolished and removed in order for each removed sign face to qualify as an eliminated sign.
- 5) Each digital changeable face qualifies as a replacement sign face under this schedule. However, each advertising face within a digital changeable face shall not count as an additional replacement sign face.
- 6) Notwithstanding the foregoing, if an eliminated sign structure has more than two (2) sign faces, only two sign faces count as a qualifying replacement sign face. Each replacement billboard sign structure shall be located at the site of an eliminated sign which was demolished and removed. In other words, all replacement sign structures are restricted to the locations of qualifying signs eliminated under this Schedule A.
- 7) Replacement signs shall not be relocated to new sites or locations.
- 8) All replacement signs shall meet all requirements and regulations of the City of Opelika and all applicable laws and regulations of the State of Alabama. Absent compliance with the foregoing, no building permit shall issue. If any building permit is issued without complying with the foregoing, then the building permit is void ab initio.

This **Schedule A** provides for a sunset period of twenty-five (25) years for any new digital billboard structure (inclusive of any new digital sign faces), meaning that any new digital billboard structure and any new digital billboard faces that are so placed must be physically removed in their entirety immediately upon the passage of twenty-five (25) years following their placement into operation or following the erection of the new billboard structure, whichever comes first.

Any nonconforming non-digital billboard structure that is voluntarily removed as a result of the loss or termination of lease, or that is substantially destroyed by an Act of God, shall not be eligible to be counted as a “qualifying non-digital billboard structure.”

Any new digital billboard structure, inclusive of its digital billboard face(s), shall be and remain nonconforming under the City's Zoning Ordinance during the twenty-five (25) year sunset. In the event that any such structure is destroyed by an Act of God or is removed due to a loss or termination of lease before the conclusion of the twenty-five year period, then the structure may not be rebuilt or re-established elsewhere; and, in any such event, the sunset period shall be deemed at an end even though twenty-five year period has not fully elapsed, and any and all vested rights that then existed shall be fully and completely extinguished.

Any new digital billboard structure and its digital billboard faces(s) that may be erected or placed in operation pursuant to this **Schedule A** shall be subjected to the following conditions as to placement [and operation]:

1. Digitally converted billboards (replacement billboards) shall be a minimum of two thousand five hundred (2,500) feet apart from any other digital billboard on the same road facing in the same direction of travel.
2. The new digital billboard structure shall be no higher than thirty (30) feet to the top of the sign structure or sign face from the ground level at the foot of the sign structure.
3. The new digital billboard structure shall only be located on one of the following roads, highways, or locations: I-85 or within one hundred (100) feet of I-85 and the Gateway Overlay Corridor Zoning District. However, no replacement billboard shall be located in the C-1 Zoning District or within the boundaries of any historic preservation district.
4. The new digital sign faces shall not exceed three hundred square feet (300 sf.).
5. The messages on any digital sign face shall not change more frequently than once every ten (10) seconds.
6. Any digital sign shall abide by the brightness and luminance standards as are established from time to time for all digital signs that utilize lighting to display messages.
7. No digitally converted billboard (replacement billboards) shall be placed within any street right-of-way and no closer to the street right-of-way than the existing billboard.

8. Electrical wiring shall run underground from the power source to serve the digitally converted billboard.

9. The City, through appropriate personnel, may exercise its police powers to protect public health, safety and welfare by requiring emergency information to be displayed on digitally converted billboards. Emergency information includes, but is not limited to AMBER alerts, dangerous criminal alerts, fugitives from justice alerts, weather alerts and emergency management information. Upon notification, and at no cost to the City, the sign operator shall exclusively display the emergency alert for the period of one (1) hour. Thereafter, emergency alerts are to remain in rotation according to the designated issuing agencies protocols.

10. As part of the digital permitting process, the owner of a static billboard sign must identify in its application the following:

- (a) The location of the static billboard face to be replaced
- (b) The size of the static face to be replaced
- (c) The size of the digital billboard face being installed
- (d) The location of ~~four (4)~~ the other billboard faces being removed

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

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

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

ADOPTED AND APPROVED this the ____ day of _____, 2020.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2020.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK

END

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

The City Council reserves the right to modify or alter any of the proposed amendments to the Zoning Ordinance and to make amendments to the Zoning Ordinance.

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

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

CITY CLERK OF THE CITY OF OPELIKA, ALABAMA

TO: PUBLISHER

Opelika, Alabama 36801

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

CITY CLERK

The text amendments concern the following sub-sections of Section 9 Sign Regulations: Section 9.5 - (15) Flagpoles, (18) Freestanding Signs, (19) Wall Signs; Section 9.10 Sign Permits - (7) Sign Permit applications (9) Design Requirements; Section 9.12 Miscellaneous Provisions - (2) Luminance/Brightness Levels; Pursuant to Section 12(3) the following added: Schedule A - Reduction of Non-Digital Billboards through Conversion to, or Replacement by, Digital Billboards. The particular changes for each sub-section are provided in the Planning Commission report attached At the November 19th meeting the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to City Council to approve text amendments to Section 9 Sign Regulations.

COMMENTS - Current Meeting:

Mr. Shuman presented a public hearing to amend the text of the zoning ordinance for Section 9 sign regulations. President Smith opened the public hearing and asked if there was anyone present that would like to speak for or against said amendment. No one came forward. President Smith closed the public hearing.

City of Opelika Planning Commission Report

Agenda Title: Amend Section IX Sign Regulations, sub-sections: Section 9.5 General Provisions for Signs, Section 9.10 Sign Permits, Section 9.12 Miscellaneous Provisions, Schedule A

Section 9.5

(15) Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.

a. Flagpoles and Flags. For each parcel and development site in residential use with one principal structure, one flagpole may be installed and two (2) flags may be displayed per flagpole. A flag in a residential Zoning District displayed on a flag pole shall not exceed forty (40) square feet in size. For each parcel and development site that is over one-half (1/2) acre in size and is in nonresidential use, up to three flagpoles may be installed and up to two (2) flags may be displayed per flagpole. A flag in a non-residential Zoning District displayed on a flag pole shall not exceed one hundred fifty (150) square feet in size.

b. Flag Brackets, Flag Stanchions, and Flags. For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags. A flag displayed from a flag bracket or a flag stanchion shall not exceed twenty-four (24) square feet in size.

c. For the purpose of determining the size of a flag, only one side of the flag shall be counted as the display surface.

d. Flags on parcels in non-residential use may be externally illuminated.

e. The United States flag/American flag may be illuminated. The lighting should be directed away from roadways, traffic areas and adjacent residential properties.

f. In-ground American flagpole requirements are the following:

<u>Maximum height (feet)</u>	<u>Maximum size (square feet)</u>
60'-65'	135'
50-59	96
40-49	72
30-39	50
20-29	30
Under 20	15

(18) Freestanding Signs. A freestanding sign may be a pole sign or a monument sign, unless otherwise restricted and where allowed, and subject to the following:

a. General Requirements. In the C-1, C-2, C-3, M-1, M-2, I-1 and GC Zoning Districts, pole signs and monument signs may display two or more sign surfaces ~~provided there is no spacing or open gap between the sign surfaces~~, subject to the additional provisions set forth below for single-lot general businesses and for group developments. In the event that a reader board (manual or digital reader board) is attached to a freestanding sign, the reader board sign surface shall be no larger than fifty percent (50%) of the principal sign surface area. The principal sign surface area includes all signage on the freestanding sign except the reader board.

b. Single-Lot General Businesses. The maximum area of a freestanding sign shall not exceed one hundred (100) square feet. The maximum height of a freestanding sign shall be twenty (20) feet. Only one (1) freestanding sign is allowed per single-frontage lot; and up to two (2) freestanding signs are allowed for a corner lot or for double-frontage lots. No lot shall have more than two freestanding signs. Notwithstanding the foregoing, freestanding signs are not allowed in the C-1 Zoning District for single-lot general businesses.

c. ~~Certain Small Group Developments. For group developments that are comprised of offices or strip mall shopping centers with an aggregate gross building area not to exceed 29,999 square feet, the maximum area of a freestanding sign shall not exceed one hundred twenty (120) square feet, and the maximum height of a freestanding sign shall not exceed twenty (20) feet. For group developments that are comprised of neighborhood shopping centers with an aggregate of 30,000 to 64,999 square feet of building area, the maximum area of a freestanding sign shall not exceed two hundred (200) square feet, and the maximum height of a freestanding sign shall not exceed twenty (20) feet. Only one (1) freestanding sign is allowed for each street frontage of a group development. A freestanding sign for a single tenant of a group development is prohibited.~~ Group Developments.

- (1) Only one (1) freestanding sign is allowed for each street frontage of a group development.
- (2) A freestanding sign for a single tenant of a group development is prohibited.
- (3) Group Development size and height standards
 - (a) Group Developments with an aggregate gross building area not to exceed 29,999 square feet, the maximum area of a freestanding sign shall not exceed one hundred twenty (120) square feet, and the maximum height of a freestanding sign shall not exceed twenty (20) feet.
 - (b) For group developments that are comprised of neighborhood shopping centers Group Developments with an aggregate of 30,000 to 64,999 square feet of building area, the maximum area of a freestanding sign shall not exceed two hundred (200) square feet, and the maximum height of a freestanding sign shall not exceed twenty (20) feet.
 - (c) Group Developments with an aggregate of 65,000 to 99,999 square feet of building area, the maximum area of a freestanding sign shall not exceed three hundred (300) square feet, and the maximum height of a freestanding sign shall not exceed thirty (30) feet.
 - (d) Group Developments with an aggregate of 100,000 to 499,999 square feet of building area, the maximum area of a freestanding sign shall not exceed five hundred (500) square feet, and the maximum height of a freestanding sign shall not exceed thirty-five (35) feet.

- (e) Group Developments with an aggregate of 500,000 to 999,999 square feet of building area, the maximum area of a freestanding sign shall not exceed seven hundred fifty (750) square feet, and the maximum height of a freestanding sign shall not exceed thirty-five (35) feet.
- (f) Group Developments with an aggregate over 1 million square feet of building area, the maximum area of a freestanding sign shall not exceed one thousand (1,000) square feet, and the maximum height of a freestanding sign shall not exceed forty-five (45) feet.

~~d. Group Developments-In General. Except as set forth in subsection (18)c, for group developments, the maximum area of a freestanding sign shall not exceed three hundred (300) square feet and the maximum height of a freestanding sign shall be thirty (30) feet. Only one (1) freestanding sign is allowed for each street frontage of a group development. A freestanding sign for a single tenant of a group development is prohibited.~~

d. Interstate Signs In addition to the allowable freestanding signage for any nonresidential development site, an interstate sign may also be erected provided that;

1. Any portion of the development site over five (5) acres lies within an area of 1,000 feet from the center point of the centerline of the interstate overpass. One (1) interstate sign with a maximum area of either 250 square feet and a maximum height of 60 feet may be erected; or
2. Any portion of the development site over five (5) acres lies within an area of one (1) mile, (5,280 feet) from the center point of the centerline of the interstate overpass and whose development site abuts the right-of-way of the interstate. One (1) sign with a maximum area of 130 square feet and a maximum height of 30 feet may be erected. Such signs must be located only along the property edge abutting the interstate right-of-way and must be positioned as to be read from the interstate. The maximum setback from the interstate right-of-way shall not exceed 20 feet.
3. A group development that lies within either of the geographic areas described in 18.d.1 or 2 shall be allowed a group development sign meeting the height of 18.d.1 or 2 with the allowable area afforded to the applicable group development in 18.c.3. In such case that a group development interstate sign is permitted, a freestanding interstate sign for an individual tenant of the group development is prohibited.

~~d. ——— Group Developments-In General. Except as set forth in subsection (18)c, for group developments, the maximum area of a freestanding sign shall not exceed three hundred (300) square feet and the maximum height of a freestanding sign shall be thirty (30) feet. Only one (1) freestanding sign is allowed for each street frontage of a group development. A freestanding sign for a single tenant of a group development is prohibited.~~

e. Subdivision Identification Marker – A freestanding sign marking an entrance from a perimeter road to a residential subdivision, commercial development, or industrial park. Subdivision markers may be a single sign or a pair of signs. A subdivision marker shall contain no

advertising other than the name of the residential subdivision, commercial development, or industrial park. No subdivision marker shall be located within the public right of way and must be within the perimeter of the subdivision. The sign shall be a ground-mounted or monument sign installed at the entrance of a perimeter road to a subdivision/development; maximum sign area shall be 100 square feet and maximum height 6 feet including architectural features.

(19) Wall Signs.

a. Wall signs shall not extend above the top of a building wall.

b. Wall signs may be installed on one or more exterior walls. The total square footage of all wall signs installed must not exceed the maximum total display area allowed.

c. The maximum total display area for wall signs in the R-1, R-1A, R-2, R-3, R-4, R-4M, R-5, R-5M, and PRD Zoning Districts shall be four (4) square feet. Only one wall sign is allowed per residence.

d. The maximum total display area for wall signs in the AP, and FP, Zoning Districts shall be twelve (12) square feet. Only one (1) wall sign is allowed per building.

e. The maximum total display area for wall signs in the C-1, C-2, C-3, M-I, M-2, I-I, R/E, GC, and HOD Zoning Districts are as follows:

(i). On any single lot with 30,000 square feet or less of floor area, the maximum total display area for wall signs shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) 200 square feet. The exterior wall business frontage shall be the front exterior wall facing the public right-of-way of a street.

(ii). On any single lot with more than 30,000 square feet of floor area, the maximum total display area for wall signs shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) 320 square feet. The exterior tenant wall business frontage shall be the front exterior wall facing the public right-of-way of a street.

(iii). For a Group Development, the maximum total display area for each tenant for an exterior wall sign on the exterior wall business frontage shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) ~~100~~ 200 square feet. The exterior

business wall frontage for each tenant space within a Group Development shall be the front exterior wall facing the public right-of-way of a street.

For a Group Development with more than 30,000 square feet of floor area, the maximum total display area for wall signs shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) 320 square feet. The exterior tenant wall business frontage shall be the front exterior wall facing the public right-of-way of a street.

~~(iv). For a single building housing multiple businesses, including subtenants as secondary businesses, having a shared entrance, each business may have one wall sign not exceeding sixteen (16) square feet on the exterior wall business frontage; provided, however, that the aggregate display area for all wall signs on the exterior wall business frontage shall not exceed two hundred (200) square feet. The exterior wall business frontage shall be the front exterior wall facing the public right-of-way of a street.~~

f. ~~One (1) wall sign is allowed for each face of a building or part of a building that is occupied by a permitted or conditional non-residential use. The size (area) of the wall sign for an occupant or a tenant shall be the lesser of: (i) two hundred fifty (250) square feet, or alternatively (ii) one (1) square foot per one (1) linear foot of building frontage for a single occupant building or one (1) square foot per one (1) linear foot of building frontage for the occupant or tenant space in a multi-tenant development, each as measured on the street toward which the wall sign is oriented. A wall sign shall not extend higher than the building wall to which it is attached. Up to fifty percent (50%) of the wall sign surface may consist of a changeable copy sign; provided, however, that the sign copy of the changeable copy sign shall not change more than once in any twenty-four (24) hour time period. The wall sign shall not project more than twelve (12) inches from the wall. If the wall sign projects more than two and one-half (2½) inches from the wall, the wall sign shall be mounted so that the bottom of the wall sign is at least nine (9) feet above ground at finished grade below the wall sign. The wall sign may be illuminated.~~

Sec. 9.9. Building Permits

(7) Sign permit applications

e. An address or ~~and~~ legal description of the property upon which the sign is to be located. The legal address may be located on a certified boundary survey.

i. For all wall mounted signs, the facade elevation with dimensions, drawn to scale. Windows and doors and other openings shall be delineated. ~~and their dimensions given.~~

q. Signature of Property Owner or complete an "Authorization to Act As Applicant for Property Owner" form. ~~If the value of construction is \$2,500.00 or greater, a certified copy of notice of commencement shall be required prior to permit issuance.~~

Numbering needs to be corrected following this subsection-

(9) Design Requirements

- a. ~~Monument signs. Monument sign structures may extend above the allowable height and/or permitted horizontal dimension for the purposes of architecturally embellishing and enhancing the appearance of the sign structure. Such extensions shall not exceed thirty-six (36) inches for the base, eighteen (18) inches at the top of the sign, or twelve (12) inches for each vertical side of the sign.~~
- b. Tenant panels in monument signs. All tenant panels in a monument sign, including those added to an existing sign structure, shall be constructed of similar materials and illuminated by a similar method.
- c. Wall signs. Wall signs shall not be installed to cover windows, doors, or other types of fenestration.
- d. ~~Manufactured Signs. All manufactured signs requiring a sign permit shall have a permanent and visible weatherproof identification plate affixed to the sign exterior. The plate shall identify (1) the name of the manufacturer, (2) the date of installation, (3) the sign permit number, and (4) the electric permit number (if any) with the input VA (Volt Amperes) at full load for electric.~~

Section 9.12. Miscellaneous Provisions.

- (1) Maintenance of Sign Location. For a sign requiring a sign permit, weeds and grass, all foliage shall be kept cut in front of, behind, underneath, and from around the base of the sign for a minimum distance of ten (10) feet from the sign base, and there shall be no rubbish or debris within ten (10) feet of the sign base or underneath the sign.
- (2) Luminance/Brightness Level. ~~All self-luminous outdoor signs are subject to brightness levels consisting of surface luminosity limits, both during the daytime and nighttime hours. During the daytime (after sunrise and before sunset), the maximum limit of luminosity shall be one thousand (1,000) nits, or 1000 cd/m². During the nighttime hours (after sunset and before sunrise), there shall be a maximum limit of luminosity of one hundred fifty (150) nits, or 150 cd/m². Self-luminous outdoor signs shall not operate at brightness levels more than 0.3 foot candles above ambient lighting conditions when measured using a foot-candle (Lux) meter. The sign's brightness level is measured at a certain distance based on the sign area. The distance to measure the sign's foot-candles is calculated using the following formula: Measurement Distance = $\sqrt{\text{Area of Sign} \times 100}$, rounded to the nearest whole number. (Research and Information about measuring brightness levels can be obtained from research by the International Sign Association, August 2016.) The signs shall be equipped with manual dimming or scheduled dimming controls, or photocell/light sensors that automatically dims the brightness of the sign as ambient conditions change. Prior to issuance of a sign permit, the applicant shall provide a written certification from the sign company or sign manufacturer that brightness levels will not exceed 0.3 foot candles above ambient lighting conditions.~~

SCHEDULE A

Pursuant to Section 9.12(3), entitled "Reduction of Non-Digital Billboards through Conversion to, or Replacement by, Digital Billboards," it is recognized that the City has a goal to reduce in the number of billboards in the City. In addition to ordinary attrition and in addition to the destruction of billboards through Acts of God, lawful nonconforming non-digital billboards that currently exist within the City may be removed by other means. Specifically, such nonconforming non-digital billboards may be converted to nonconforming digital billboards based upon the trade ratio, the sunset provision, and the other conditions as set forth in this Schedule A.

Except as specifically set forth in this **Schedule A**, no vested rights shall accrue to any person or entity.

~~This **Schedule A** provides for a minimum trade ratio of 4:1, namely *at least* four (4) qualifying nonconforming non-digital billboard sign faces (each qualifying sign face must equal or exceed two hundred twenty-five square feet (225 sq. ft.)) must be removed as a pre-condition for the vested right to place one and no more than one (1) digital billboard sign face into operation. The replacement digital billboard structure shall have no more than two (2) digital faces, with any one digital sign face not exceeding three hundred square feet (300 sq. ft.). The surrounding cabinet or border shall not exceed six inches in width. Each sign face, up to a maximum of two sign faces per billboard structure, qualifies as an existing sign face so that the removal of an existing billboard structure with two (2) or more sign faces qualifies as the removal of two existing sign faces. However, all sign faces shall be removed from an existing billboard structure and the structure and visible foundation demolished and removed in order for each removed sign face to qualify as an eliminated sign. Each digital changeable face qualifies as a replacement sign face under this schedule. However, each advertising face within a digital changeable face shall not count as an additional replacement sign face. Notwithstanding the foregoing, if an eliminated sign structure has more than two (2) sign faces, only two sign faces count as a qualifying replacement sign face. Each replacement billboard sign structure shall be located at the site of an eliminated sign which was demolished and removed. In other words, all replacement sign structures are restricted to the locations of qualifying signs eliminated under this Schedule A. Replacement signs shall not be relocated to new sites or locations. All replacement signs shall meet all requirements and regulations of the City of Opelika and all applicable laws and regulations of the State of Alabama. Absent compliance with the foregoing, no building permit shall issue. If any building permit is issued without complying with the foregoing, then the building permit is void ab initio.~~

This **Schedule A** provides two alternatives for minimum trades of existing billboards or legal non-conforming off-site commercial signs constructed prior to the adoption of this ordinance. Each new digital sign face shall require one of the following alternatives as a pre-condition for the vested right to place one and no more than one (1) digital billboard sign face into operation.

- a) Standard billboards – a minimum trade ratio of 4:1, namely *at least* four (4) qualifying nonconforming non-digital billboard sign faces (each qualifying sign face must equal or exceed two hundred twenty-five square feet (225 sq. ft.))
- b) Small billboards – billboards or off-premise commercial signs shall be allowed to trade signs smaller than 225 square feet if the total of all sign faces exceeds 900 square feet.

- 1) The replacement digital billboard structure shall have no more than two (2) digital faces, with any one digital sign face not exceeding three hundred square feet (300 sq. ft.).
- 2) The surrounding cabinet or border shall not exceed six inches in width.
- 3) Each sign face, up to a maximum of two sign faces per billboard structure, qualifies as an existing sign face so that the removal of an existing billboard structure with two (2) or more sign faces qualifies as the removal of two existing sign faces.
- 4) All sign faces shall be removed from an existing billboard structure and the structure and visible foundation demolished and removed in order for each removed sign face to qualify as an eliminated sign.
- 5) Each digital changeable face qualifies as a replacement sign face under this schedule. However, each advertising face within a digital changeable face shall not count as an additional replacement sign face.
- 6) Notwithstanding the foregoing, if an eliminated sign structure has more than two (2) sign faces, only two sign faces count as a qualifying replacement sign face. Each replacement billboard sign structure shall be located at the site of an eliminated sign which was demolished and removed. In other words, all replacement sign structures are restricted to the locations of qualifying signs eliminated under this Schedule A.
- 7) Replacement signs shall not be relocated to new sites or locations.
- 8) All replacement signs shall meet all requirements and regulations of the City of Opelika and all applicable laws and regulations of the State of Alabama. Absent compliance with the foregoing, no building permit shall issue. If any building permit is issued without complying with the foregoing, then the building permit is void ab initio.

This **Schedule A** provides for a sunset period of twenty-five (25) years for any new digital billboard structure (inclusive of any new digital sign faces), meaning that any new digital billboard structure and any new digital billboard faces that are so placed must be physically removed in their entirety immediately upon the passage of twenty-five (25) years following their placement into operation or following the erection of the new billboard structure, whichever comes first.

Any nonconforming non-digital billboard structure that is voluntarily removed as a result of the loss or termination of lease, or that is substantially destroyed by an Act of God, shall not be eligible to be counted as a “qualifying non-digital billboard structure.”

Any new digital billboard structure, inclusive of its digital billboard face(s), shall be and remain nonconforming under the City’s Zoning Ordinance during the twenty-five (25) year sunset. In the event that any such structure is destroyed by an Act of God or is removed due to a loss or termination of lease before the conclusion of the twenty-five year period, then the structure may not be rebuilt or re-established elsewhere; and, in any such event, the sunset period shall be deemed at an end even though twenty-five year period has not fully elapsed, and any and all vested rights that then existed shall be fully and completely extinguished.

Any new digital billboard structure and its digital billboard faces(s) that may be erected or placed in operation pursuant to this **Schedule A** shall be subjected to the following conditions as to placement [and operation]:

1. Digitally converted billboards (replacement billboards) shall be a minimum of two thousand five hundred (2,500) feet apart from any other digital billboard on the same road facing in the same direction of travel.
2. The new digital billboard structure shall be no higher than thirty (30) feet to the top of the sign structure or sign face from the ground level at the foot of the sign structure.
3. The new digital billboard structure shall only be located on one of the following roads, highways, or locations: I-85 or within one hundred (100) feet of I-85 and the Gateway Overlay Corridor Zoning District. However, no replacement billboard shall be located in the C-1 Zoning District or within the boundaries of any historic preservation district.
4. The new digital sign faces shall not exceed three hundred square feet (300 sf.).
5. The messages on any digital sign face shall not change more frequently than once every ten (10) seconds.
6. Any digital sign shall abide by the brightness and luminance standards as are established from time to time for all digital signs that utilize lighting to display messages.
7. No digitally converted billboard (replacement billboards) shall be placed within any street right-of-way and no closer to the street right-of-way than the existing billboard.
8. Electrical wiring shall run underground from the power source to serve the digitally converted billboard.
9. The City, through appropriate personnel, may exercise its police powers to protect public health, safety and welfare by requiring emergency information to be displayed on digitally converted billboards. Emergency information includes, but is not limited to AMBER alerts, dangerous criminal alerts, fugitives from justice alerts, weather alerts and emergency management information. Upon notification, and at no cost to the City, the sign operator shall exclusively display the emergency alert for the period of one (1) hour. Thereafter, emergency alerts are to remain in rotation according to the designated issuing agencies protocols.

10. As part of the digital permitting process, the owner of a static billboard sign must identify in its application the following:

- (a) The location of the static billboard face to be replaced
- (b) The size of the static face to be replaced
- (c) The size of the digital billboard face being installed
- (d) The location of ~~four (4)~~ the other billboard faces being removed

At the November 22nd meeting, the Planning Commission voted 6 to 0 (one abstain) to send a positive recommendation to City Council to approve text amendments to Section 9 Sign Regulations.

RESOLUTION NO. 001-20

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
-----	-----	-----
Matt Mosley	Planning	930.21
Leigh Krehling	Community Relations	
2,128.67		
Lori Huguley	Economic Development	84.54
Cindy Boyd	Accounting	289.18

-) 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 _____, 2020.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

TRAVEL TOTAL EXPENSE REPORT

NAME: Matt Mosley **DEPT:** Planning **DATE:** 12/3/2019

PURPOSE: Alabama Planning Conference - 2019 - training conference

TRAVEL DATES:	10/16-10/18	TRAVEL LOCATION(S)
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PURCHASING CARD PURCHASES ONLY[illegible]

PCARD TOTAL	(AMOUNT PAID BY PCARD)	\$ 329.70	\$ -	\$ 20.00	\$ 63.31	\$ 265.00	\$ 678.01
							\$ -

PERSONAL REIMBURSABLE PURCHASES ONLY FOR CITY COUNCIL

[illegible]

MILEAGE (ATTACH MAP)	MILES	RATE/MILE	0.580	\$	-	\$
PERSONAL TOTAL	(AMOUNT OF PERSONAL REIMBURSEMENT)					\$ 252.20

	HOTEL	TRANSPORT	AUTO	MEALS	MISC	TOTAL
TRIP TOTALS:	\$ 329.70	\$ 252.20	\$ 20.00	\$ 63.31	\$ 265.00	\$ 930.21

SIGNATURE

APPROVED BY

Additional Notes:

TRAVEL TOTAL EXPENSE REPORT

NAME: Leigh Krehling **DEPT:** Community Relations **DATE:** Sept. 10, 2019

PURPOSE: National Public Information Officer Conference

TRAVEL DATES:	Aug. 24 - Aug. 29	TRAVEL LOCATION(S)	Clearwater, Florida
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PURCHASING CARD PURCHASES ONLY

Date	DESCRIPTION (purpose, vendor, etc)	HOTEL	TRANSPORT	AUTO	MEALS	MISC	TOTAL
3/13/19	Conference Registration					\$ 545.00	\$ 545.00
8-24 to 8-29	Sheraton Sand Key - Hotel	\$ 683.65					\$ 683.65
	Maggie Mae				\$ 17.36		\$ 17.36
	Red Lobster				\$ 18.50		\$ 18.50
	Crabby's				\$ 44.43		\$ 44.43
	Gondelier Pizza				\$ 37.25		\$ 37.25
	Rustys				\$ 42.38		\$ 42.38
	Frenchy's				\$ 15.83		\$ 15.83
	Columbia				\$ 53.34		\$ 53.34
	Cousins				\$ 30.00		\$ 30.00
	Jimmys				\$ 36.93		\$ 36.93
	Backwater				\$ 36.76		\$ 36.76
							\$ -
							\$ -
							\$ -
							\$ -

PCARD TOTAL	(AMOUNT PAID BY PCARD)	\$ 683.65	\$ -	\$ -	\$ 332.78	\$ 545.00	\$ 1,561.43
							\$ -

PERSONAL REIMBURSABLE PURCHASES ONLY

✓ FOR CITY COUNCIL

[illegible]

MILEAGE (ATTACH MAP)	MILES	978.00	RATE/MILE	0.580	\$ 567.24	\$ 567.24
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PERSONAL TOTAL (AMOUNT OF PERSONAL REIMBURSEMENT)

\$ 567.24

	HOTEL	TRANSPORT	AUTO	MEALS	MISC	TOTAL
TRIP TOTALS:	\$ 683.65	\$ -	\$ 567.24	\$ 332.78	\$ 545.00	\$ 2,128.67

SIGNATURE

APPROVED BY

Additional Notes:

TRAVEL TOTAL EXPENSE REPORT

NAME: Lori Huguley **DEPT:** Econ Dev **DATE:** 12.19.19

PURPOSE: Economic Development Travel

TRAVEL DATES: varies **TRAVEL LOCATION(S)** Houston, TX Atlanta, GA, Greer, SC

PURCHASING CARD & PO PURCHASES ONLY[illegible]

PCARD TOTAL	(AMOUNT PAID BY PCARD)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
								\$ -

PERSONAL REIMBURSABLE PURCHASES ONLY[illegible]

MILEAGE (ATTACH MAP)	MILES	RATE/MILE	0.580 \$	-	\$	-
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PERSONAL TOTAL	(AMOUNT OF PERSONAL REIMBURSEMENT)	\$ 84.54
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	HOTEL	TRANSPORT	AUTO	MEALS	MISC	TOTAL
TRIP TOTALS:	\$.	\$.	\$.	\$ 0	\$ 84.54	\$ 84.54

SIGNATURE 

APPROVED BY

Additional Notes: Receipts attached

NAME

Packet Pg. 75

RESOLUTION NO. 002-20

Designate City Personal Property Surplus and Authorize Disposal

RESOLUTION NO. _____

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

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

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

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

No.	Qty.	Unit	Item Description	Fixed Asset
1.	1	Ea.	Cubicles	NA

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

APPROVED AND ADOPTED this the _____ day of _____, 2020.

C.E. “Eddie” Smith, Jr.

President of the City Council
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk - Treasurer

RESOLUTION NO. 003-20

Purchase - Cisco Hardware - National IPA Contract #2018011-01 - IT**RESOLUTION NO. _____**

WHEREAS, the Information Technology Department desires to purchase Cisco hardware utilizing National IPA Contract #2018011-01; and

WHEREAS, CDW Government, Inc. is the National IPA Contract Vendor for the Cisco hardware; and

WHEREAS, funding for this purchase is budgeted from Capital Outlay;

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

1. That the purchase be awarded to CDW Government, Inc. utilizing the National IPA Contract.
2. That the Purchasing-Revenue Manager is hereby authorized to issue a purchase order to CDW Government, Inc. in the total amount of \$61,022.00.
3. The Controller is authorized to adjust the budget as necessary for this purchase.
4. That the Mayor is hereby authorized to sign all documents pertaining to this purchase.

APPROVED AND ADOPTED this the _____ day of _____, 2020.

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

ATTEST:

Robert G. Shuman, CMC
City Clerk - Treasurer



QUOTE CONFIRMATION

DEAR STEPHEN DAWE,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.



ACCOUNT MANAGER NOTES: Have a great day!

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LCQV718	12/16/2019	LCQV718	0936449	\$61,022.00

IMPORTANT - PLEASE READ

Special Instructions: TAX: MULTIPLE TAX JURISDICTIONS APPLY
TAX: CONTACT CDW FOR TAX DETAILS

QUOTE DETAILS

ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
Cisco Catalyst 9300 - Network Essentials - switch - 48 ports - managed - ra Mfg. Part#: C9300-48U-E UNSPSC: 43222612 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)	2	4728322	\$6,519.20	\$13,038.40
Cisco SMARTnet extended service agreement Mfg. Part#: CON-SNT-C93004UE UNSPSC: 81111811 Electronic distribution - NO MEDIA TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)	2	4818165	\$864.40	\$1,728.80
Cisco Digital Network Architecture Essentials - Term License (3 years) - 48 Mfg. Part#: C9300-DNA-E-48-3Y UNSPSC: 43233204 Electronic distribution - NO MEDIA TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)	2	4728329	\$666.40	\$1,332.80
Cisco StackWise 480 - stacking cable - 1.6 ft Mfg. Part#: STACK-T1-50CM UNSPSC: 26121609 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)	2	4752735	\$59.00	\$118.00
Cisco Config 1 Secondary Power Supply - power supply - hot-plug / redundant Mfg. Part#: PWR-C1-1100WAC-P/2 UNSPSC: 39121004 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)	2	5237724	\$1,319.08	\$2,638.16

QUOTE DETAILS (CONT.)				
<u>Cisco StackPower - power cable - 1 ft</u>	2	4752739	\$56.53	\$113.06
Mfg. Part#: CAB-SPWR-30CM UNSPSC: 26121636 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco Catalyst 9300 Series Network Module - expansion module</u>	2	4727526	\$1,602.04	\$3,204.08
Mfg. Part#: C9300-NM-8X UNSPSC: 43201404 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco Catalyst 9300 - Network Essentials - switch - 24 ports - managed - ra</u>	2	4708805	\$3,393.50	\$6,787.00
Mfg. Part#: C9300-24P-E UNSPSC: 43222612 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco SMARTnet extended service agreement</u>	2	4708810	\$343.13	\$686.26
Mfg. Part#: CON-SNT-C93002PE UNSPSC: 81111811 Electronic distribution - NO MEDIA TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco Digital Network Architecture Essentials - Term License (3 years) - 24</u>	2	4756239	\$366.10	\$732.20
Mfg. Part#: C9300-DNA-E-24-3Y UNSPSC: 43233204 Electronic distribution - NO MEDIA TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco Catalyst 9300 Series Network Module - expansion module</u>	2	4727526	\$1,602.04	\$3,204.08
Mfg. Part#: C9300-NM-8X UNSPSC: 43201404 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco Config 1 Secondary Power Supply - power supply - hot-plug / redundant</u>	2	5428371	\$868.02	\$1,736.04
Mfg. Part#: PWR-C1-715WAC-P/2 UNSPSC: 39121004 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco StackPower - power cable - 1 ft</u>	2	4752739	\$56.53	\$113.06
Mfg. Part#: CAB-SPWR-30CM UNSPSC: 26121636 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco StackWise 480 - stacking cable - 1.6 ft</u>	2	4752735	\$59.00	\$118.00
Mfg. Part#: STACK-T1-50CM UNSPSC: 26121609 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco - expansion module - 2 ports</u>	1	2986776	\$2,274.58	\$2,274.58
Mfg. Part#: C3850-NM-2-10G= UNSPSC: 43201404 TAX: OPELIKA, AL .0000% \$.00				

QUOTE DETAILS (CONT.)

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco Meraki MR55 - wireless access point</u>	2	5495454	\$1,171.69	\$2,343.38
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Mfg. Part#: MR55-HW

UNSPSC: 43223108

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco Meraki Enterprise Cloud Controller - subscription license (3 years) -</u>	2	3342939	\$178.50	\$357.00
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Mfg. Part#: LIC-ENT-3YR

UNSPSC: 43232901

Electronic distribution - NO MEDIA

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco 1240 - router - 802.11b/g/n - pole-mountable</u>	1	2809498	\$2,776.94	\$2,776.94
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Mfg. Part#: CGR1240/K9

UNSPSC: 43222609

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco SMARTnet extended service agreement</u>	1	3656097	\$538.05	\$538.05
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Mfg. Part#: CON-SNT-CGR1240K

UNSPSC: 81111812

Electronic distribution - NO MEDIA

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco lightning arrester</u>	1	3656717	\$207.37	\$207.37
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Mfg. Part#: CGR-LA-NM-NF

UNSPSC: 46182103

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco Band Strap Kit - band strap</u>	1	2809513	\$105.13	\$105.13
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Mfg. Part#: CGR-PMK-BAND

UNSPSC: 43221706

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco Connected Grid WPAN Module - network adapter</u>	1	4953494	\$400.00	\$400.00
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Mfg. Part#: CGM-WPAN-FSK-NA

UNSPSC: 43201409

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco Outdoor Omni Antenna for 900 MHz WPAN - antenna</u>	1	3652004	\$94.25	\$94.25
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Mfg. Part#: ANT-WPAN-OM-OUT-N

UNSPSC: 43221706

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco Ultra Low Loss LMR 400 - antenna cable - 5 ft</u>	1	4833830	\$103.69	\$103.69
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Mfg. Part#: CAB-L400-5-N-N

UNSPSC: 26121609

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

<u>Cisco power cable - 33 ft</u>	1	2806167	\$208.47	\$208.47
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Mfg. Part#: CGR-PWRCORD-NA

UNSPSC: 26121636

TAX: OPELIKA, AL .0000% \$.00

Contract: National IPA Technology Solutions (2018011-01)

Attachment: 1-7-20 - CISCO HARDWARE - NATL IPA CONTR #2018011-01 - CNCL PKT (003-20 : Purchase - Cisco Hardware - National IPA

QUOTE DETAILS (CONT.)				
<u>Cisco pole mount kit</u>	1	2809509	\$190.41	\$190.41
Mfg. Part#: CGR-PMK1000 UNSPSC: 31162313 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco Connected Grid Security - license - 1 license</u>	1	3377403	\$400.00	\$400.00
Mfg. Part#: SL-CGR1K-SEC-K9 UNSPSC: 43233204 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco antenna cable</u>	1	4750437	\$175.00	\$175.00
Mfg. Part#: CGR-N-CONN-S UNSPSC: 26121609 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco IOS IP Base - license</u>	1	3439247	\$250.00	\$250.00
Mfg. Part#: SL-CGR1K-IPB-K9 UNSPSC: 43233002 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco Low-Loss - antenna cable - 10 ft</u>	1	1519539	\$69.50	\$69.50
Mfg. Part#: AIR-CAB010LL-N= UNSPSC: 26121623 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>CISCO DIRECT ACT-ENT-GW-MC</u>	1	5247808	\$1,752.40	\$1,752.40
Mfg. Part#: ACT-ENT-GW-MC Electronic distribution - NO MEDIA TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>CISCO DIRECT ACT-ENT-NAS-SM-CL</u>	1	5880911	\$5,993.61	\$5,993.61
Mfg. Part#: ACT-ENT-NAS-SM-CL Electronic distribution - NO MEDIA TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>CISCO DIRECT ANT-LPWA-DB-O-N-5</u>	1	5880914	\$238.48	\$238.48
Mfg. Part#: ANT-LPWA-DB-O-N-5 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco IP Phone 8841 - VoIP phone</u>	20	3384165	\$332.37	\$6,647.40
Mfg. Part#: CP-8841-K9= UNSPSC: 43191511 TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				
<u>Cisco Solution Support - extended service agreement</u>	20	5374620	\$17.32	\$346.40
Mfg. Part#: CON-SSSNT-CP8841K9 UNSPSC: 81111811 Electronic distribution - NO MEDIA TAX: OPELIKA, AL .0000% \$.00 Contract: National IPA Technology Solutions (2018011-01)				

PURCHASER BILLING INFO	SUBTOTAL	\$61,022.00
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Billing Address: CITY OF OPELIKA ACCOUNTS PAYABLE PO BOX 390 OPELIKA, AL 36803-0390 Phone: (334) 705-5120 Payment Terms: Net 30 Days-Govt State/Local	SHIPPING	\$0.00
	SALES TAX	\$0.00
	GRAND TOTAL	\$61,022.00
DELIVER TO Shipping Address: CITY OF OPELIKA STEPHEN DAWE 204 S 7TH ST OPELIKA, AL 36801 Shipping Method: DROP SHIP-GROUND	Please remit payments to: CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	

Need Assistance? CDW•G SALES CONTACT INFORMATION



Griffin Curcio

(877) 635-6656

grifcur@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at
<http://www.cdwg.com/content/terms-conditions/product-sales.aspx>
For more information, contact a CDW account manager

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A WINNING PARTNERSHIP IN STRATEGIC SOURCING

We are pleased to announce that CDW·G has been awarded a special contract with National IPA, for the sale of Information Technology Solutions and Services, under Agreement 2018011-01. Contract 2018011-01 is now available for National IPA Participants to utilize for all of your technology needs.

STRONG PARTNERSHIP, STRONG SOLUTIONS

CDW·G and National IPA have worked collaboratively to help you successfully convert to the new program. If you have any questions about the transition or process, please contact your CDW·G account manager for additional assistance.

We look forward to serving you under our new agreement with National IPA.

HERE ARE THE BENEFITS OF THE CONTRACT:

- + Term: 3/1/2018 to 2/28/2023 with two, one-year renewals.
- + Competitive pricing across CDW·G's entire portfolio of products and solutions.
- + Access to a multitude of services and custom configurations, including equipment staging.
- + Pricing on products made by the following partners:



RESOLUTION NO. 004-20

Refund Request-Stephens, Occupational License Fees.

Resolution No. _____

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

- 1) That Lillie Finley, Purchasing- Revenue Manager, has investigated and confirmed that said refund request is valid and recommends approval.
- 2) That the Purchasing-Revenue Manager is hereby authorized to prepare and process the appropriate documents so a refund check in the amount of \$962.26 can be printed payable to Sawyer Stephens, 1100 Sawyer Drive, Opelika, AL 36801 for the refund of occupational license fees withheld in error.
- 3) That the City Clerk is hereby authorized to sign, and mail said check to the address as detailed in number 2 above.
- 4) That a copy of the Purchasing-Revenue Manager's recommendation is hereto attached as Exhibit "A".

APPROVED and ADOPTED this the _____ day of January 2020.

C.E. "Eddie" Smith, Jr.

President of the City Council of the
City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC
City Clerk - City Treasurer

RESOLUTION NO. 005-20

Refund Request- Colley, Occupational License Fees.

Resolution No. _____

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

- 1) That Lillie Finley, Purchasing- Revenue Manager, has investigated and confirmed that said refund request is valid and recommends approval.
- 2) That the Purchasing-Revenue Manager is hereby authorized to prepare and process the appropriate documents so a refund check in the amount of \$3,625.27 can be printed payable to Anthony Colley, P.O Box 194, Auburn, AL 36801 for the refund of occupational license fees withheld in error.
- 3) That the City Clerk is hereby authorized to sign, and mail said check to the address as detailed in number 2 above.
- 4) That a copy of the Purchasing-Revenue Manager's recommendation is hereto attached as Exhibit "A".

APPROVED and ADOPTED this the _____ day of January 2020.

C.E. "Eddie" Smith, Jr.

President of the City Council of the

City of Opelika, Alabama

ATTEST:

Robert G. Shuman, CMC

City Clerk - City Treasurer

RESOLUTION NO. 006-20

Weed Abatement Assessment - 1701 N Uniroyal Rd.

RESOLUTION NO. _____

**RESOLUTION FIXING AMOUNT OF ASSESSMENT
FOR WEED LIEN AGAINST PROPERTY LOCATED AT
1701 N Uniroyal Rd., Parcel No. 025.000**

=====

WHEREAS, the weed nuisance growing upon or in front of the property located at 1701 N Uniroyal Rd., parcel no. 025.000 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 1701 N Uniroyal Rd., a copy of said itemized statement being attached hereto as Exhibit "A"; and

WHEREAS, the 7th day of January, 2020 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 \$463.34 is hereby assessed against the parcel of land mentioned in said itemized statement, to wit: 1701 N Uniroyal Rd., Parcel no. 025.000 Opelika, Alabama. The cost stated in this Resolution shall constitute a lien on the above referenced property.
3. The tax identification number for said parcel(s) of land is 43-10-02-03-0-000-025.000 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 7th day of January, 2020.

President of the City Council

City of Opelika, Alabama

Attest:

R. G. "Bob" Shuman, CMC

City Clerk - City Treasurer

WEED ABATEMENT INVOICE

Date: 12/23/2019

**To: Watwood Investments LLC
PO Box 1207
Dothan AL. 36302**

**Property Address:
1701 N Uniroyal Rd.
Opelika AL. 36801
Parcel # 10-02-03-0-000-025.000**

On November 13, 2019 in accordance with Opelika City Ordinance 110-12, a notice was sent informing the owner that of a weed violation at the above listed property address. After failing to correct the violation within the time specified in the notice, the City of Opelika abated the violation.

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

Cost of Abatement:	<u>450.00</u>
Certified mail:	<u>13.34</u>
Misc.	<u> </u>
Total	<u>463.34</u>

Attachment: WEED INVOICE 1701 N Uniroyal (006-20 : Weed Abatement Assessment - 1701 N Uniroyal Rd.)

RESOLUTION NO. 007-20

Set public hearing date to fix cost & assessment of demolition at 207 Avenue A.

RESOLUTION NO. _____

WHEREAS, it has been made known to the City Council of the City of Opelika, Alabama, that the building or structure located at 207 Avenue A, Opelika, Alabama, has been demolished and removed as provided for by Resolution No. 249-19 and that the Building Official has submitted to the City Council a report showing the costs reasonably incurred in the demolition and removal of such building or structure.

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

1. The City Council of the City of Opelika, Alabama, shall meet in the Council Chambers of the Municipal Building of the City of Opelika at 7:00 p.m. on the 4th day of February, 2020, to hear and determine any objections or defenses that might be filed to the fixing of costs and the assessment of said costs against the property.

2. That the City Clerk be and he is hereby authorized and directed to give notice of the aforesaid meeting as provided and required by law.

ADOPTED AND APPROVED this the _____ day of _____ 2020.

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

ATTEST:

CITY CLERK

RESOLUTION NO. 008-20

Set public hearing date to fix cost & assessment of demolition at 3307 Arnold Avenue.

RESOLUTION NO. _____

WHEREAS, it has been made known to the City Council of the City of Opelika, Alabama, that the building or structure located at 3307 Arnold Avenue, Opelika, Alabama, has been demolished and removed as provided for by Resolution No. 250-19 and that the Building Official has submitted to the City Council a report showing the costs reasonably incurred in the demolition and removal of such building or structure.

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

1. The City Council of the City of Opelika, Alabama, shall meet in the Council Chambers of the Municipal Building of the City of Opelika at 7:00 p.m. on the 4th day of February, 2020, to hear and determine any objections or defenses that might be filed to the fixing of costs and the assessment of said costs against the property.

2. That the City Clerk be and he is hereby authorized and directed to give notice of the aforesaid meeting as provided and required by law.

ADOPTED AND APPROVED this the _____ day of _____ 2020.

PRESIDENT OF THE CITY COUNCIL OF THE

CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

RESOLUTION NO. 009-20

Proposal from NRC for Arborist Services.

RESOLUTION NO. _____

**RESOLUTION APPROVING PROPOSAL FROM NATURAL
RESOURCE CONSULTING, INC. FOR ARBORIST SERVICES**

WHEREAS, the City of Opelika (the “City”) is responsible for the management of trees growing within its public rights-of-way and City-owned lands; and

WHEREAS, Natural Resource Consulting, Inc. (“NRC”) has extensive experience working in and for municipal governments managing their urban forest; and

WHEREAS, the City desires to engage NRS to provide arborest services for calendar year 2020; and

WHEREAS, a Proposal for Arborist Services has been prepared by NRS and submitted to the City Council for approval; and

WHEREAS, City staff is recommending approval of said Proposal; and

WHEREAS, the Alabama Competitive Bid Law authorizes the City Council to approve agreements for professional services without competitive bidding.

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

1. That the Proposal submitted by NRC for arborist services, a copy of which is attached hereto as Exhibit “A”, is hereby approved, authorized, ratified and confirmed in the form substantially submitted to the City Council.

2. That the Mayor is hereby authorized and directed to execute and deliver or cause to be executed or delivered on behalf of the City such contracts, notices, certificates, assurances or other instruments or other communications as are deemed necessary or appropriate in order to carry into effect the intent of the provisions of this Resolution.

3. That the compensation to be paid to NRC, under and pursuant to this Resolution, shall be paid from the Unassigned Fund Balance, and the Controller is hereby authorized and directed make all necessary budget and accounting entries to implement this Resolution.

4. That the Purchasing-Revenue Manager is hereby authorized and directed to issue purchase orders to NRC for the provision of professional services as outlined in the Proposal attached hereto.

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

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

ADOPTED AND APPROVED this the _____ day of _____, 2020.

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK



Natural Resource Consulting, Inc.

Arborist Services 2020

Payments to be made as services are rendered

\$90,000.00

- **Tree Planting Project Development and Oversight (100-120 Trees)**

- Develop plan
- Notification of Homeowners
- Modification of list
- Marking locations
- Checking for utilities
- Specification development for trees to be planted
- Price quote procurement
- Tree selection at nursery
- Tree delivery logistic coordination
- Update Tree Inventory data base
- Specification development for tree planting
- Price quote procurement
- Managing Tree Planting Contractor
- Watering – First 12 months as needed
- Monitoring Soil Moisture
- Monitoring of Insects
- Monitoring tree survivability and condition

- **Tree Removals and Pruning Planning and Oversight Project**

- Developing Bid Specifications for Pruning
- Developing Bid Specifications for Removals
- Review of Bids
- Oversight of work
- Meeting with and addressing citizens concern
- Update Tree Inventory Data base

- **Ongoing Services**

- Strengthen the tree commission within Keep Opelika Beautiful
- Develop a Proactive Tree Planting Program
- Develop a Proactive Urban Forest Educational and Advocacy Coalition
- Ongoing Arborist services to include monthly summary report
- The managing of the five-year plan
- City Departmental advisory as needed
- Maintaining and enhancing GIS database capabilities
- Citizen response to tree concerns

Educational opportunities of others:

- Schools
- Civic Clubs and other similar organizations

Attachment: NRC Services 2020_ (009-20 : NRC arborist services 2020)

RESOLUTION NO. 010-20

Agreement with ESG Engineering; upgrades to Eastside WW Treatment Plant.

RESOLUTION NO. _____

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH ESG
ENGINEERING, INC.**

WHEREAS, The City of Opelika (hereinafter referred to as “the “City”), desires to upgrade and replace the ultraviolet (UV) disinfection equipment at Eastside Wastewater Treatment Plant (the “Project”); and

WHEREAS, professional engineering services are needed for the Project; and

WHEREAS, ESG Engineering, Inc. (hereinafter referred to as “ESG ENG”) is a professional engineering firm that possesses the requisite knowledge, skill and resources to provide professional design services for the Project; and

WHEREAS, a proposed Agreement for Professional Services (the “Agreement”) by and between the City and ESG ENG 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 Agreement;

WHEREAS, the estimated compensation due to ESG ENG under the Agreement from the City is \$84,000.00; and

WHEREAS, the Public Works Director has certified that sufficient funds are available to pay for such services in the Sewer Fund; and

WHEREAS, the Alabama Competitive Bid Law authorizes the City to award said contract as a professional services agreement without public bidding.

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

Alabama, as follows:

1. That the proposed Agreement for Professional Services by and between the City of Opelika and ESG Engineering, Inc., a copy of which is attached hereto and marked Exhibit “A”, be and the same is hereby approved, authorized, ratified and confirmed in the form substantially submitted to the City Council with such changes thereto (by addition, deletion or substitution) as the Mayor shall approve which approval shall be conclusively evidenced by execution and delivery of said 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 and to carry out fully the transactions 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 Agreement.

4. That all costs incurred by the City under and pursuant to said Agreement shall be paid from the Sewer Fund, and the Controller is hereby authorized and directed to make all necessary and appropriate budget adjustments to implement this Resolution.

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

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

ADOPTED AND APPROVED this the _____ day of _____, 2020.

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

EXHIBIT "A"

**TASK ORDER AGREEMENT FOR PROFESSIONAL SERVICES**

This Agreement is by and between ESG Engineering, Inc. (ESG Eng) and Opelika, Alabama, by and through its City Council (the "City").

ESG Eng's Address: 6400 Peake Road, Macon Georgia 31210

City's Address: 204 South 7th Street, Opelika, Alabama 36801

Project Name: Eastside Wastewater Treatment Plant - Ultraviolet Disinfection Upgrade

Project Location: Opelika, Alabama

ESG Project Number: N/A

The City and ESG Eng are parties to the "Task Order Agreement for Consultant Services (Master Services Agreement)" dated the ____ day of _____, 2018 (the 'Agreement'). The Scope of Services to be performed under this Task Order shall be performed subject to the terms and conditions of said Agreement.

1 SCOPE OF SERVICES

ESG Eng, in conjunction with sub-consultants, will perform the following Scope of Services:

Provide professional design services for replacement of the Ultraviolet (UV) Disinfection equipment at the Eastside Wastewater Treatment Plant. The work will be bid as one project with a budget of roughly \$1,000,000. The new disinfection equipment shall be installed in the existing UV channel. Preliminary Engineering will consist of an evaluation of disinfection equipment options including return on investment (ROI) analysis for City review.

Design Engineering will include design of Plans and Specifications, permitting, bid administration, and contract administration. Plans and Specifications will be based on the selected equipment with any alternate equipment included for pricing consideration by the City's choosing. Any required changes to the existing structure or electrical supplies will be addressed in the plans. Construction administration shall include monthly progress meetings, verification of construction progress and payment request approval, punch list meeting, and engineer's certification of work complete.

Resident Observation can also be quoted should the city require more oversight than periodical visits. The level of effort can range from one visit/day per week to full-time resident observation. More pricing information can be provided upon request.

2 COMPENSATION

The City will compensate ESG Eng as set forth below for the tasks described and for the Scope of Services performed by ESG pursuant to the terms provided below and the terms and conditions of the Agreement. In the event of a conflict between the provisions of this Task Order and the terms of the Agreement concerning the issue of compensation, the conflict or ambiguities shall be resolved according to the applicable compensation terms of this Task Order.

Task 1 - Preliminary Engineering including equipment options/education and recommendations(if desired) and ROI preparation	Hourly (Not to Exceed \$10,000)
Task 2 - Design Engineering (Plans & Specifications) including engineering sub consultants, permitting, bid administration, and contract administration	\$ 55,500
Task 3 - Construction Administration including monthly progress meetings, verification of construction progress (project inspection once/week on average) and payment request approval, punch list meeting, and engineer's certification of work complete j	\$ 18,500*
Total Amount (Includes Maximum Hourly Fee)	\$84,000
Task 4 – Construction Observation (Optional)	Price provided upon request

*Full Time Resident Observation is not included in this task.

3 OBLIGATIONS OF THE CITY

In addition to those obligations provided by the terms and conditions of the Agreement, the City shall:

3.1 City-Furnished Data

The City will provide to ESG ENG all data in the City's possession relating to ESG ENG's performance of the Scope of Services regarding the PROJECT. ESG ENG will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by the City.

3.2 Access to Facilities and Property

The City will make its facilities accessible to ESG ENG as required for ESG ENG's performance of the Scope of Services and will provide labor and safety equipment as required by ESG ENG for such access. The City will perform, at no cost to ESG ENG, such tests of equipment, machinery, pipelines, and other components of the City's facilities as may be required in connection with ESG ENG's services.

3.3 Operations Assistance and Services

The City authorizes ESG ENG to operate, modify, inspect and otherwise physically manipulate equipment, furnishings, property and other elements associated with the performance of the Scope of Services. The City authorizes ESG ENG to take such actions in these respects as ESG ENG considers necessary to meet the objectives of the Scope of Services.

3.4 Advertisements, Permits, and Access

The City will obtain, arrange, and pay for all advertisements for bids; permits and licenses required by local, state, or federal authorities; and land, easements, rights-of-way, and access necessary for ESG ENG's services.

3.5 Timely Review

The City will examine ESG ENG's studies, reports, sketches, drawings, specifications, proposals, and other documents; obtain advice of an attorney, insurance counselor, accountant, auditor, bond and financial advisors, and other consultants as the City deems appropriate; and render in writing decisions required by the City in a timely manner.

3.6 Prompt Notice

The City will give prompt written notice to ESG ENG whenever the City observes or becomes aware of any development that affects the scope or timing of ESG ENG's performance, or of any defect in the work of ESG ENG.

3.7 Changes

The City may request changes within the general Scope of Services in this Task Order. If such changes affect ESG ENG's cost of or time required for performance of the services, an equitable adjustment will be made through an amendment to this Task Order. All requested changes will be made in writing and are subject to acceptance by ESG ENG.

4 GENERAL LEGAL PROVISIONS

4.1 Authorization to Proceed

Execution of this Task Order by the City will be authorization for ESG ENG to proceed with the work, unless otherwise provided for in this Task Order.

4.2 Force Majeure

ESG ENG is not responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the control of ESG ENG. In any such event, ESG ENG's contract price and schedule shall be equitably adjusted.

4.3 No Conflict of Interest for Future Work

The services performed by ESG ENG under this Task Order do not preclude ESG ENG from proposing on or providing such services to the City in the future. Information and knowledge gained by ESG ENG in providing services under this contract shall not constitute a conflict of interest in proposing on or providing full contract operations, full contract maintenance, or full contract utility management.

4.4 Third Party Beneficiaries and Scope of Services

This Task Order gives no rights or benefits to anyone other than the City and ESG ENG and has no third party beneficiaries. The services to be performed for the City by ESG ENG are defined solely by this Task Order and the terms and conditions of the Agreement.

4.5 Materials and Samples

Any items, substances, materials, or samples removed from the project site for testing, analysis, or other evaluation will be returned to the project site within 60 days of close-out unless agreed to otherwise. Exceptions to this clause are items subjected to destructive testing or samples with nominal intrinsic value, such as samples of liquid, solid or gaseous materials that are non-hazardous. The City recognizes and agrees that ESG ENG is acting as a Bailee and at no time assumes title to said items, substances, materials, or samples.

4.6 Assignments

Neither party shall have the power to or will assign any of the duties or rights or any claim arising out of or related to this Task Order, whether arising in tort, contract or otherwise, without the written consent of the other party. Any unauthorized assignment is void and unenforceable. These conditions and the entire Task Order are binding on the successors and assigns of the parties hereto.

5 ATTACHMENTS, SCHEDULES, AND SIGNATURES

This Task Order, including its attachments and schedules, and the terms and conditions of the Agreement constitutes the entire agreement between the parties, supersedes all prior written or oral understandings, and may only be changed by a written amendment executed by both parties.

IN WITNESS WHEREOF, the parties execute below:

Approved for Opelika, AL (Print and sign name)

By _____

Name _____

Title _____

Date _____

Approved for ESG Engineering (Print and sign name)

By _____

Name _____

Title _____

Date _____

RESOLUTION NO. 011-20

Amendment 1 to agreement with Constantine Engineering; improvements to Westside WW
Treatment Plant.

RESOLUTION NO. _____

**RESOLUTION APPROVING AMENDMENT 1 TO ENGINEERING
DESIGN AND CONSTRUCTION SERVICES AGREEMENT BETWEEN THE CITY OF
OPELIKA AND CONSTANTINE ENGINEERING, INC.**

WHEREAS, the City of Opelika (the “City”) did enter into an Agreement for Engineering, Design and Construction Services for Westside Wastewater Treatment Plant improvements (the “Agreement”), which Agreement was authorized by Resolution No. 088-18; and

WHEREAS, there have been material changes to the Project which have necessitated a change order; and

WHEREAS, the City desires to expand the scope of services in said Agreement to increase the existing facility from a 4 mgd to a 6 mgd plant; and

WHEREAS, the requested modifications are shown on the document entitled “Amendment 1 to Attachment A-Engineering, Design and Construction Services for Westside Wastewater Treatment Plant Improvement Project” (“Amendment 1”) which is attached hereto and made a part hereof; and

WHEREAS, the Public Works Director has reviewed said Amendment 1 and is recommending that it be approved; and

WHEREAS, the City Council must review and approve Amendment 1; and

WHEREAS, Amendment 1 provides for a cost increase of \$125,000 and the Public Works Director has certified that sufficient funds are available in the Sewer Fund to pay for such services; and

WHEREAS, the Alabama Competitive Bid Law authorizes the City Council to approve said Amendment 1 as a professional services agreement without public bidding.

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

1. That Amendment 1 to be entered into by and between Constantine and the City, a copy of which is attached hereto and marked Exhibit "A", be and the same is hereby approved, authorized, ratified and confirmed in the form substantially submitted to the City Council with such changes thereto (by addition, deletion or substitution) as the Mayor shall approve which approval shall be conclusively evidenced by execution and delivery of said Agreement.
2. That the Mayor is authorized and directed to execute and deliver Amendment 1 in the name and on behalf of the City.
3. That the officers of the City and any person or persons designated and authorized by any officers of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do or cause to be done or performed in the name and on behalf of the City such other acts and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, certificates, assurances or other instruments or other communications under the seal of the City or otherwise, as they or any of them deem necessary or advisable or appropriate in order to carry into effect the intent of the provisions of this Resolution and the attached Amendment 1.
4. That all costs incurred by the City under and pursuant to said Amendment 1 shall be paid from the Sewer Fund, and the Controller is hereby authorized and directed to make all necessary and appropriate adjustments to implement this Resolution.
5. That the Purchasing-Revenue Manager is hereby authorized and directed to issue all necessary and appropriate purchase orders to implement this Resolution.
6. That this Resolution shall take effect upon its passage and adoption by the City Council.

ADOPTED AND APPROVED this the _____ day of _____, 2020.

PRESIDENT OF THE CITY COUNCIL
OF THE CITY OF OPELIKA

ATTEST:

CITY CLERK

EXHIBIT "A"

Amendment 1 to Attachment A - Engineering Design and Construction Services for the West Wastewater Treatment Plant Improvements Project for the City of Opelika, Alabama

Article A. Purpose:

The purpose of Amendment 1 to Attachment A is to authorize and direct CONSULTANT (Constantine Engineering, Inc.) to proceed with additional professional and technical engineering services for the West Wastewater Treatment Plant (WWTP) Improvements Project (PROJECT) for the City of Opelika, Alabama (CLIENT). The activities that are included are described in "Article B. Scope of Services."

Article B. Scope of Services:

The additional Scope of Services authorized in this Amendment 1 includes, but are not limited to general professional engineering and technical services required to provide design, services during construction, and resident observation services to construct a 2 million gallon per day (mgd) expansion of the existing WWTP from 4 mgd to 6 mgd. The specific additional services CONSULTANT proposes to provide for the expansion project are described in detail in Work Task 7, below. The additional scope of services presented herein will be added to the original scope of services which will remain unchanged.

Work Task 7. Expansion to 6 MGD.

The modifications and expansions presented herein are required to expand the capacity of the existing facility to increase it from 4 mgd to 6 mgd.

7.1 Design Scope

The CONSULTANT shall design the facilities and equipment necessary expand the West WWTP facilities and equipment to increase the maximum monthly average daily flow (MMADF) capacity from 4 mgd to 6 mgd. Improvements are proposed for the following unit processes and equipment:

- Influent Pump Station
- Headworks
- Splitter Structure 1
- New Oxidation Ditch No. 3
- New Splitter Structure 3
- Splitter Structure 2
- New Clarifier No. 3.
- New RAS Pump Station for Clarifier No. 3
- WAS Pump Improvements

The specific Scope of Services to be performed at each unit process or equipment item is presented below.

7.1.1 Influent Pump Station

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 1.1 of Attachment A. The design MMADF and PHF for the influent pump station will be increased to 6 mgd and 15 mgd, respectively.

7.1.2 Headworks and Influent Splitter Structure Facility

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 1.1 of Attachment A. The design MMADF and PHF for the new grit equipment will be increased to 6 mgd and 15 mgd respectively.

- Design modifications to the existing Headworks structure necessary to replace the existing mechanical bar screen with a new bar screen with the capacity to treat a design MMADF of 6 mgd and a PHF of 15 mgd. The bar screen will be mechanically cleaned bar screen with wash press equipment for dewatering the screenings.

7.1.3 Splitter Structure No. 1 Improvements

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 1.1 of Attachment A. Additionally, existing Splitter Structure No. 1 will be modified with weir gates to allow for influent/RAS proportioning and isolation between the three (3) treatment trains. A sluice gate will be included to isolate the new treatment train.

7.1.4 New Oxidation Ditch No. 3

Design new oxidation ditch and components. The oxidation ditch will be of similar design to the existing upgraded oxidation ditches. The oxidation ditch will include Carousel-type mechanical surface aeration biological treatment equipment.

7.1.5 New Splitter Structure No. 3

New Splitter Structure No. 3 will receive or isolate MLSS from the effluent of new Oxidation Ditch No. 3 to the new Clarifier No. 3. If new Clarifier No. 3 is isolated, MLSS from new Oxidation Ditch No. 3 can be diverted to Splitter Structure No. 2 to be proportioned between the two (2) existing clarifiers.

7.1.6 Splitter Structure No. 2 Improvements

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 1.1 of Attachment A. Additionally, existing Splitter Structure No. 2 will be modified with weir gates to allow for MLSS from new Oxidation Ditch No. 3 to be diverted to Splitter Structure No. 2 in the event new Clarifier No. 3 needs to be isolated.

7.1.7 New Clarifier No. 3

Design new clarifier and components. The clarifier will of similar design to the existing upgraded clarifiers and approximately 80-feet in diameter. The clarifier shall be a center feed type with peripheral weirs as manufactured by Ovivo.

7.1.8 New RAS Pump Station

The new treatment train will require a new RAS pump station with duplex submersible pumps in a 8-foot diameter precast concrete. Design flow of the RAS pump station will be 2 MGD.

7.1.9 WAS Pump Improvements

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 1.1 of Attachment A. The design flow of the WAS pumps will be increased to accommodate WAS flow from the third treatment train.

7.2 Deliverables

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 1.2 of Attachment A.

7.3 Basis of Design Scope and Fee Development

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 1.3 of Attachment A.

7.4 Technical Assumptions

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 1.4 of Attachment A.

7.5 Permitting Assistance

The specific services that CONSULTANT shall provide include permitting tasks necessary to support the scope of services described herein for the PROJECT. The specific work tasks that CONSULTANT agrees to furnish CLIENT for the PROJECT are presented below.

7.5.1 Prepare Waste Load Allocation Letter

CONSULTANT shall prepare a letter to request a new waste load allocation (WLA) for an effluent discharge of 4.9 mgd and 6 mgd to the existing outfall for submittal to ADEM.

7.5.2 Preparation of Permit Application Forms

CONSULTANT shall prepare and complete the required NPDES Permit Application Forms, Form 1 and Form 2A, as prescribed by ADEM. If ADEM requires, CONSULTANT shall submit to ADEM, prior to initiating construction, engineering plans and specifications for approval. CONSULTANT is responsible for the design and preparation of plans and specifications. Once the NPDES Permit has been approved, CONSULTANT shall prepare and submit the engineering plans and specifications to the ADEM. CONSULTANT shall coordinate the ADEM review for approval. The NPDES Permit Application Forms will be completed for a flow of 4.9 mgd.

7.6 Bid Phase Services

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 3 of Attachment A.

7.7 Services During Construction

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 4 of Attachment A.

7.8 Resident Observation Services

The specific services that CONSULTANT agrees to furnish to the CLIENT for the PROJECT are described in Work Task 5 of Attachment A.

7.9 Project Surveying Services

CONSULTANT shall contract with a licensed Alabama surveyor to perform a topographic survey of the existing site and structures. The intent of the investigation shall be to establish the information and data necessary to design the various components of the PROJECT. The surveyor shall prepare base maps of the project site using the topographic survey data in state plane coordinates. CONSULTANT shall incorporate information survey into the final design of the PROJECT.

7.10 Project Geotechnical Services

CONSULTANT shall contract with a licensed Alabama geotechnical engineer to perform a site geotechnical survey of the site locations for the proposed structures to determine the extent that the subsurface conditions will impact the design and construction of the PROJECT components. The intent of the investigation shall be to establish the information and data necessary to design the various components of the PROJECT.

7.11 Additional Services

The following services are not included as part of this scope of services and would be performed only as authorized by the CLIENT. Authorization to proceed would be in the form of a revision to this scope of services:

- Design of tertiary filters and ultraviolet disinfection due to unforeseen impacts that may arise in the new WLA for 4.9 mgd and 6 mgd.

Article C. Compensation Provisions:

As compensation for providing the services described within this Amendment 1, CLIENT shall pay CONSULTANT in accordance with Article 4 of the September 5, 2017 Agreement and Purchase Order 1804966-00, based on either a lump sum amount or the CONSULTANT's Per Diem Rates for the actual time worked on the Project, as described in Table C.1 below. When compensation is based on CONSULTANT's per diem rates, CONSULTANT also shall be compensated for Direct Expenses incurred for the Project, plus a service charge of 5 percent of Direct Expenses, plus applicable sales, use, value-added, business transfer, gross receipts, or other similar taxes, unless modified by subsequent modifications to this Agreement. The total budget ceiling for this Amendment 1 is increased by \$125,00.00 from \$482,000.00 to \$607,000.00 which shall not be exceeded without a revision to this Agreement. A breakdown of the budget ceiling for this amendment is presented in Table C.1.

Table C.1-- Budget Ceiling Breakdown

Work Task Description	Original Budget Ceiling Amount	Budget Increase/ Decrease	Amended Budget Ceiling Amount	Compensation Method
7.1. Design- Scope of Services	\$199,770.00	\$120,200.00	\$319,970.00	Hourly Per Diem
7.5. Permitting	\$12,490.00	\$8,000.00	\$20,490.00	Hourly Per Diem
7.6. Bid Phase Services	\$10,600.00	\$0.00	\$10,600.00	Hourly Per Diem
7.7. Services During Construction	\$110,040.00	\$(16,320.00)	\$93,720.00	Hourly Per Diem
7.8. Resident Observation Services	\$149,100.00	\$13,120.00	\$162,220.00	Hourly Per Diem
Total Budget Ceiling	\$482,000.00	\$125,000.00	\$607,000.00	

The budget ceilings presented in Table C.1 were developed from estimates of the level of effort required to perform the proposed services base on CONSULTANT's experience and engineering judgment. As such, the budget ceilings are an approximation made without detailed information. CONSULTANT shall keep CLIENT informed of progress so that the budget or work effort can be adjusted if found necessary. CONSULTANT is not obligated to incur costs beyond the indicated budgets, as may be adjusted, nor is CLIENT obligated to pay CONSULTANT beyond these limits. The Scope of Services and total budget ceiling for this Task Order can be increased with an authorized revision to this Task Order when executed by both parties. When any budget has been increased, CONSULTANT's excess costs expended prior to such increase shall be allowable to the same extent as if such costs had been incurred after the approved increase.

Article D. Authorized Representatives:

The Authorized Representatives designated below are authorized to act with respect to this Revision 3. Communications between the parties shall be through the Authorized Representatives:

For CLIENT	For CONSULTANT
Name:	Name: James P. Kizer, Jr., P.E., President
Address: City of Opelika	Address: 1988 Lewis Turner Boulevard, Unit 3 Fort Walton Beach, FL 32547
Telephone:	Telephone: (850) 244-5800

AMENDMENT 1 TO ATTACHMENT A - ENGINEERING DESIGN AND CONSTRUCTION SERVICES
FOR THE WEST WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT FOR THE CITY OF OPELIKA, ALABAMA

Article E. Authorization:

For the CLIENT by:	For the CONSULTANT by:
Signature	Signature
Title	Title
Date	Date

***** END *****

RESOLUTION NO. 012-20

Reappoint municipal court officials.

RESOLUTION NO. _____

**RESOLUTION APPOINTING A MUNICIPAL JUDGE
AND ASSISTANT PROSECUTOR FOR THE MUNICIPAL COURT**

WHEREAS, §12-14-30, *Code of Alabama*, 1975, provides that a municipal court shall have the number of judges specified by the municipal governing body; and

WHEREAS, §12-14-30, *Code of Alabama*, 1975 provides that the municipal court judges shall be appointed by a majority vote of the members of the municipal governing body, and

WHEREAS, the term of office for a part-time judge is two years; and

WHEREAS, Honorable Ben Hand has been serving as a part-time municipal judge and the City Council desires to reappoint Judge Hand; and

WHEREAS, §15-12-2, *Code of Alabama*, 1975, allows a municipal governing body to appoint assistant prosecutors; and

WHEREAS, Jeff Tickal has been serving as the Assistant Prosecutor of the Municipal Court of the City of Opelika, and the City Council desires to reappoint Mr. Tickal as assistant prosecutor.

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

1. That Honorable Ben Hand is reappointed as part-time Municipal Judge of the Municipal Court of the City of Opelika for a two-year term beginning February 1, 2020 and ending January 31, 2022, upon the taking of the oath of office and the compensation affixed to

his position is provided by separate resolution.

2. That Jeff Tickal is reappointed as the Assistant Prosecutor of the Municipal Court of the City of Opelika for a two-year term beginning February 1, 2020 and ending January 31, 2022, and the compensation affixed to his position is provided by separate resolution.

3. That this Resolution shall become effective after passage and approval.

ADOPTED AND APPROVED this the _____ day of _____, 2020.

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

ATTEST:

CITY CLERK

RESOLUTION NO. 013-20

Appoint Benjamin H. Parr Assistant Municipal Prosecutor.

RESOLUTION NO. _____

RESOLUTION APPOINTING BENJAMIN H. PARR TO SERVE
AS AN ASSISTANT MUNICIPAL PROSECUTOR

WHEREAS, municipalities have an obligation to furnish prosecutorial services in municipal courts and in appeals from such judgments and orders; and

WHEREAS, §12-14-2, *Code of Alabama*, 1975, allows a municipal governing body to appoint municipal prosecutors; and

WHEREAS, the City Council is advised that Guy F. Gunter, III, Chief Prosecutor of the Opelika Municipal Court, will no longer be actively prosecuting cases in the Opelika Municipal Court effective January 1, 2020; and

WHEREAS, the City Council desires to appoint Benjamin H. Parr, a licensed attorney, as an assistant municipal prosecutor.

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

1. That Benjamin H. Parr is hereby appointed to serve as an assistant prosecutor in the Municipal Court of the City of Opelika for a two-year term beginning January 7, 2020 and ending January 6, 2022.

2. That compensation for the position of assistant municipal prosecutor shall be fixed as provided by Resolution No. 011-18 adopted on January 16, 2018.

3. This Resolution shall become effective after its passage and approval.

ADOPTED AND APPROVED this the _____ day of _____ 2020.

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

ATTEST:

CITY CLERK

Benjamin H. Parr

benparr@riceparr.com

830 Avenue A Suite A

Opelika, AL 36801

EDUCATION

University of Alabama School of Law, Tuscaloosa, AL **May 2002**

Juris Doctor

University of Alabama, Tuscaloosa, AL **May 1999**

Bachelor of Arts in International Relations and Russian Language

American Christian Academy, Tuscaloosa, AL **May 1995**

PROFESSIONAL EXPERIENCE

Rice & Parr, Attorneys and Counselors at Law, Opelika, AL **January 2017-Present**

Partner

- General Litigation Practice
 - Areas include: Criminal, Divorce, Probate, Civil

Ingrum, Rice & Parr, LLC, Opelika, AL **November 2005-December 2016**

Partner

- General Litigation Practice
 - Areas include: Criminal, Divorce, Probate, Civil

United States Navy, Trial Services Office Southeast, Naval Station Mayport, FL **Jan. 2004-Nov. 2005**

Lieutenant, Judge Advocate General's Corps., Prosecutor

- Prosecute cases for Special Courts Martial (Misdemeanors) and General Courts Martial (Felonies)
- Area of Focus: Child Sex Crimes

United States Navy, Commander, Navy Recruiting Command, Millington, TN **Dec. 2002-Jan. 2004**

Deputy Staff Judge Advocate

- Provide legal advice to Commander, Navy Recruiting Command and Subordinate Commands

HONORS / LICENSES

- Alabama State Bar – 2002
- United States District Court for the Middle District of Alabama - 2006
- Court of Appeals for the Armed Forces – 2004
- Editor, *Journal of the Legal Profession* - 2001
- Phi Beta Kappa – 1998
- Dobro Slovo National Slavic Honor Society 1998
- Golden Key National Honor Society - 1998

ORDINANCE NO. 001-20-ORD

Amend Wyndham PUD Master Plan - 2nd Reading.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DEVELOPMENT PLAN
FOR WYNDHAM PUD

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

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

“(a) Wyndham Properties, LLC heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “Wyndham PUD” consisting of approximately 640 acres.

(b) Pursuant to Ordinance 109-05, adopted on June 8, 2005, the City Council approved said Development Plan for Wyndham PUD and amended the official Zoning Map of the City to designate the zoning classification of PUD for approximately 640 acres

(c) Wyndham PUD is a mixed-use development located south of Hall Avenue, west of Marvyn Parkway and east of Society Hill Road.

(d) Wyndham PUD has been partially developed with an industrial area on Wyndham Industrial Drive and two (2) residential sections consisting of 416 lots.

(e) Opelika Gateway Properties, LLC, has heretofore submitted to the City a proposed Amended Development Plan for the area of Wyndham PUD located south of Gateway Drive and west of Marvyn Parkway.

(f) The Amended Development Plan provides for single-family homes, townhomes,

apartments, commercial uses and over 115 acres of open space.

(g) Amenities offered to residents include a swimming pool with pavilion, a dog park, play areas and large open space areas.

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

(i) The Planning Commission recommended approval of the Amended Development Plan for Wyndham PUD.

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

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

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____, 2020.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2020.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 3857)

Amend Cannon Gate PUD Master Plan - 2nd Reading.

ORDINANCE NO. _____

ORDINANCE TO AMEND THE DEVELOPMENT PLAN FOR CANNON GATE PUD

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

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

(a) Mae’s Pasture, LLC heretofore submitted to the City a Development Plan for a planned unit development (“PUD”) entitled “Cannon Gate PUD” consisting of approximately 163.77 acres.

(b) Pursuant to Ordinance No. 101-07, the City Council approved said Development Plan for Cannon Gate PUD and amended the Official Zoning Map of the City to designate the zoning classification of Planned Unit Development (“PUD”) for approximately 163.77 acres located on the west side of Oakbowery Road and north of Blackhawk Drive.

(c) On June 20, 2017, the City Council approved an amended Development Plan for Phase 2 and a portion of Phase 3 of Cannon Gate PUD.

(d) Cannon Gate Homeowners Association, Inc., has heretofore submitted to the City a proposed amended Cannon Gate PUD which will convert 6.4 acres of open space to private ownership.

(e) The current Development Plan shows 20.1 acres of common area. The proposed amended Development Plan will convert 6.4 acres of common space located in the southeast quadrant of the development to private ownership. The

subject property is located adjacent to the west side of Oak Bowery Road and approximately 4.7 acres of the 6.4 acres is unbuildable because it is located in a 100 year floodway or flood plain.

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

(g) The Planning Commission recommended approval of the amended Development Plan for Cannon Gate PUD.

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

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

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

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

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

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

ADOPTED AND APPROVED this the ____ day of _____, 2020.

PRESIDENT OF THE CITY COUNCIL OF THE

CITY OF OPELIKA, ALABAMA

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____,
2020.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 3859)

Amend Zoning Ord & Map, Dickson Street, R-3 to I-1, 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 I-1 District (Institutional District), the parcel of land hereinafter described:

Commence at the Southwest corner of Lot 1 Lake Condry Subdivision, according to and as shown by map or plat of said subdivision of record in Town Plat Book 8, at Page 40, in the Office of the Judge of Probate of Lee County, Alabama, thence run South 4° 24' West for 374.6 feet to the point of beginning of the tract or parcel of land herein to be described and conveyed; thence run North 4° 24' West for 375.6 feet to the Southwest corner of said Lot 1 of said Lake Condry Subdivision; thence run South 64° 47' East for 683.6 feet to the Southeast corner of Lot 6 of the said Lake Condry Subdivision, then run South 3° 51' West for 63.5 feet; thence run South 89° 15' West for 630 feet, more or less, to said point of beginning; and containing 3.2 acres more or less.

The above-described property contains 3.2 acres more or less and is located on the westerly right-of-way of Dickson 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 _____, 2020.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2020.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. (ID # 3869)

Amend Zoning Ordinance Section 9 Sign Regulations - 2nd Reading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE

OF THE CITY OF OPELIKA AND SPECIFICALLY

TO AMEND SECTIONS 9.5(15), 9.5(18), 9.5(19), 9.10(7), 9.10(9),

9.12(2), 9.12(3) AND SCHEDULE A THEREOF

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

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

(a) That Section 9.5(15), FLAGPOLES AND FLAGS, FLAG BRACKETS, FLAG STANCHIONS AND FLAGS, is amended to read as follows:

(15) Flagpoles and Flags; Flag Brackets, Flag Stanchions and Flags.

a. Flagpoles and Flags. For each parcel and development site in residential use with one principal structure, one flagpole may be installed and two (2) flags may be displayed per flagpole. A flag in a residential Zoning District displayed on a flagpole shall not exceed forty (40) square feet in size. For each parcel and development site that is over one-half (1/2) acre in size and is in nonresidential use, up to three flagpoles may be installed and up to two (2) flags may be displayed per flagpole. A flag in a non-residential Zoning District displayed on a flagpole shall not exceed one hundred fifty (150) square feet in size.

b. Flag Brackets, Flag Stanchions, and Flags. For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags. A flag displayed from a flag bracket or a flag stanchion shall not exceed twenty-four (24) square feet in size.

c. For the purpose of determining the size of a flag, only one side of the flag shall be counted as the display surface.

d. Flags on parcels in non-residential use may be externally illuminated.

e. The United States flag/American flag may be illuminated. The lighting should be directed away from roadways, traffic areas and adjacent residential properties.

f. In-ground American flagpole requirements are the following:

Maximum height (feet)	Maximum size (square feet)
60'-65'	135'
50-59	96
40-49	72
30-39	50
20-29	30
Under 20	15

(b) That Section 9.5(18), FREESTANDING SIGNS, is amended to read as follows:

(18) Freestanding Signs. A freestanding sign may be a pole sign or a monument sign, unless otherwise restricted and where allowed, and subject to the following:

a. General Requirements. In the C-1, C-2, C-3, M-1, M-2, I-1 and GC Zoning Districts, pole signs and monument signs may display two or more sign subject to the additional provisions set forth below for single-lot general businesses and for group developments. In the event that a reader board (manual or digital reader board) is attached to a freestanding sign, the reader board sign surface shall be no larger than fifty percent (50%) of the principal sign surface area. The principal sign surface area includes all signage on the freestanding sign except the reader board.

b. Single-Lot General Businesses. The maximum area of a freestanding sign shall not exceed one hundred (100) square feet. The maximum height of a freestanding sign shall be twenty (20) feet. Only one (1) freestanding sign is allowed per single-frontage lot; and up to two (2) freestanding signs are allowed for a corner lot or for

double-frontage lots. No lot shall have more than two freestanding signs. Notwithstanding the foregoing, freestanding signs are not allowed in the C-1 Zoning District for single-lot general businesses.

c. Group Developments.

- (1) Only one (1) freestanding sign is allowed for each street frontage of a group development.
- (2) A freestanding sign for a single tenant of a group development is prohibited.
- (3) Group Development size and height standards
 - (a) Group Developments with an aggregate gross building area not to exceed 29,999 square feet, the maximum area of a freestanding sign shall not exceed one hundred twenty (120) square feet, and the maximum height of a freestanding sign shall not exceed twenty (20) feet.
 - (b) Group Developments with an aggregate of 30,000 to 64,999 square feet of building area, the maximum area of a freestanding sign shall not exceed two hundred (200) square feet, and the maximum height of a freestanding sign shall not exceed twenty (20) feet.
 - (c) Group Developments with an aggregate of 65,000 to 99,999 square feet of building area, the maximum area of a freestanding sign shall not exceed three hundred (300) square feet, and the maximum height of a freestanding sign shall not exceed thirty (30) feet.
 - (d) Group Developments with an aggregate of 100,000 to 499,999 square feet of building area, the maximum area of a freestanding sign shall not exceed five hundred (500) square feet, and the maximum height of a freestanding sign shall not exceed thirty-five (35) feet.

(e) Group Developments with an aggregate of 500,000 to 999,999 square feet of building area, the maximum area of a freestanding sign shall not exceed seven hundred fifty (750) square feet, and the maximum height of a freestanding sign shall not exceed thirty-five (35) feet.

(f) Group Developments with an aggregate over 1 million square feet of building area, the maximum area of a freestanding sign shall not exceed one thousand (1,000) square feet, and the maximum height of a freestanding sign shall not exceed forty-five (45) feet.

d. Interstate Signs. In addition to the allowable freestanding signage for any nonresidential development site, an interstate sign may also be erected provided that;

1. Any portion of the development site over five (5) acres lies within an area of 1,000 feet from the center point of the centerline of the interstate overpass. One (1) interstate sign with a maximum area of either 250 square feet and a maximum height of 60 feet may be erected; or
2. Any portion of the development site over five (5) acres lies within an area of one (1) mile, (5,280 feet) from the center point of the centerline of the interstate overpass and whose development site abuts the right-of-way of the interstate. One (1) sign with a maximum area of 130 square feet and a maximum height of 30 feet may be erected. Such signs must be located only along the property edge abutting the interstate right-of-way and must be positioned as to be read from the interstate. The maximum setback from the interstate right-of-way shall not exceed 20 feet.
3. A group development that lies within either of the geographic areas described in 18.d.1 or 2 shall be allowed a group development sign meeting the height of 18.d.1 or 2 with the allowable area afforded to the applicable group development in 18.c.3. In such case that a group development interstate sign is permitted, a freestanding interstate sign for an individual tenant of the group development is prohibited.

e. Subdivision Identification Marker - A freestanding sign marking an entrance from a perimeter road to a residential subdivision, commercial development, or industrial park. Subdivision markers may be a single sign or a pair of signs. A

subdivision marker shall contain no advertising other than the name of the residential subdivision, commercial development, or industrial park. No subdivision marker shall be located within the public right of way and must be within the perimeter of the subdivision. The sign shall be a ground-mounted or monument sign—installed at the entrance of a perimeter road to a subdivision/development; maximum sign area shall be 100 square feet and maximum height 6 feet including architectural features.

(c) That Section 9.5(19), WALL SIGNS, is amended to read as follows:

(19) Wall Signs.

- a. Wall signs shall not extend above the top of a building wall.
- b. Wall signs may be installed on one or more exterior walls. The total square footage of all wall signs installed must not exceed the maximum total display area allowed.
- c. The maximum total display area for wall signs in the R-1, R-1A, R-2, R-3, R-4, R-4M, R-5, R-5M, and PRD Zoning Districts shall be four (4) square feet. Only one wall sign is allowed per residence.
- d. The maximum total display area for wall signs in the AP, and FP, Zoning Districts shall be twelve (12) square feet. Only one (1) wall sign is allowed per building.
- e. The maximum total display area for wall signs in the C-1, C-2, C-3, M-1, M-2, I-I, R/E, GC, and HOD Zoning Districts are as follows:
 - (i). On any single lot with 30,000 square feet or less of floor area, the maximum total display area for wall signs shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) 200 square feet. The exterior wall business frontage shall be the front exterior wall facing the public right-of-way of a street.
 - (ii). On any single lot with more than 30,000 square feet of floor area, the maximum total display area for wall signs shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal

foot of exterior wall business frontage, or (b) 320 square feet. The exterior tenant wall business frontage shall be the front exterior wall facing the public right-of-way of a street.

(iii). For a Group Development, the maximum total display area for each tenant for an exterior wall sign on the exterior wall business frontage shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) ~~100~~ 200 square feet. The exterior business wall frontage for each tenant space within a Group Development shall be the front exterior wall facing the public right-of-way of a street.

For a Group Development with more than 30,000 square feet of floor area, the maximum total display area for wall signs shall be the lesser of (a) the display area calculated at one and six-tenths (1.6) square feet of sign area for each lineal foot of exterior wall business frontage, or (b) 320 square feet. The exterior tenant wall business frontage shall be the front exterior wall facing the public right-of-way of a street.

f. Up to fifty percent (50%) of the wall sign surface may consist of a changeable copy sign; provided, however, that the sign copy of the changeable copy sign shall not change more than once in any twenty-four (24) hour time period. The wall sign shall not project more than twelve (12) inches from the wall. If the wall sign projects more than two and one-half (2½) inches from the wall, the wall sign shall be mounted so that the bottom of the wall sign is at least nine (9) feet above ground at finished grade below the wall sign. The wall sign may be illuminated.

(d) That subsections (e), (i) and (q) of Section 9.10(7), SIGN PERMIT APPLICATION, are amended to read as follows:

(7) Sign permit applications

e. An address or legal description of the property upon which the sign is to be located. The legal address may be located on a certified boundary survey.

i. For all wall mounted signs, the facade elevation with dimensions, drawn to scale. Windows and doors and other openings shall be delineated.

q. Signature of Property Owner or complete an “Authorization to Act As Applicant for Property Owner” form.

(e) That Section 9.10(9) DESIGN REQUIREMENTS is amended to read as follows:

(9) Design Requirements

a. Tenant panels in monument signs. All tenant panels in a monument sign, including those added to an existing sign structure, shall be constructed of similar materials and illuminated by a similar method.

b. Wall signs. Wall signs shall not be installed to cover windows, doors, or other types of fenestration.

(f) That Section 9.12(2), BRIGHTNESS LEVEL, is amended to read as follows:

(2) Luminance/Brightness Level. Self-luminous outdoor signs shall not operate at brightness levels more than 0.3 foot candles above ambient lighting conditions when measured using a foot-candle (Lux) meter. The sign’s brightness level is measured at a certain distance based on the sign area. The distance to measure the sign’s foot-candles is calculated using the following formula: Measurement Distance = $\sqrt{\text{Area of Sign} \times 100}$, rounded to the nearest whole number. (Research and Information about measuring brightness levels can be obtained from research by the International Sign Association, August 2016.) The signs shall be equipped with manual dimming or scheduled dimming controls, or photocell/light sensors that automatically dims the brightness of the sign as ambient conditions change. Prior to issuance of a sign permit, the applicant shall provide a written certification from the sign company or sign manufacturer that brightness levels will not exceed 0.3 foot candles above ambient lighting conditions.

(g) That Schedule A to Section 9.12(3) is amended to read as follows:

SCHEDULE A

Pursuant to Section 9.12(3), entitled “Reduction of Non-Digital Billboards through Conversion to, or Replacement by, Digital Billboards,” it is recognized that the City has a goal to reduce in the number of billboards in the City. In addition to ordinary attrition and in addition to the destruction of billboards through Acts of God, lawful nonconforming non-digital billboards that currently

exist within the City may be removed by other means. Specifically, such nonconforming non-digital billboards may be converted to nonconforming digital billboards based upon the trade ratio, the sunset provision, and the other conditions as set forth in this Schedule A.

Except as specifically set forth in this **Schedule A**, no vested rights shall accrue to any person or entity.

This **Schedule A** provides two alternatives for minimum trades of existing billboards or legal non-conforming off-site commercial signs constructed prior to the adoption of this ordinance. Each new digital sign face shall require one of the following alternatives as a pre-condition for the vested right to place one and *no more than one (1) digital billboard sign face* into operation.

- a) Standard billboards - a minimum trade ratio of 4:1, namely *at least* four (4) qualifying nonconforming non-digital billboard sign faces (each qualifying sign face must equal or exceed two hundred twenty-five square feet (225 sq. ft.))
- b) Small billboards - billboards or off-premise commercial signs shall be allowed to trade signs smaller than 225 square feet if the total of all sign faces exceeds 900 square feet.

1) The replacement digital billboard structure shall have no more than two (2) digital faces, with any one digital sign face not exceeding three hundred square feet (300 sq. ft.).

2) The surrounding cabinet or border shall not exceed six inches in width.

3) Each sign face, up to a maximum of two sign faces per billboard structure, qualifies as an existing sign face so that the removal of an existing billboard structure with two (2) or more sign faces qualifies as the removal of two existing sign faces.

4) All sign faces shall be removed from an existing billboard structure and the structure and visible foundation demolished and removed in order for each removed sign face to qualify as an eliminated sign.

5) Each digital changeable face qualifies as a replacement sign face under this schedule. However, each advertising face within a digital changeable face shall not count as an additional replacement sign face.

6) Notwithstanding the foregoing, if an eliminated sign structure has more than two (2) sign faces, only two sign faces count as a qualifying replacement sign face. Each replacement billboard sign structure shall be located at the site of an eliminated sign which was demolished and removed. In other words, all

replacement sign structures are restricted to the locations of qualifying signs eliminated under this Schedule A.

- 7) Replacement signs shall not be relocated to new sites or locations.
- 8) All replacement signs shall meet all requirements and regulations of the City of Opelika and all applicable laws and regulations of the State of Alabama. Absent compliance with the foregoing, no building permit shall issue. If any building permit is issued without complying with the foregoing, then the building permit is void ab initio.

This **Schedule A** provides for a sunset period of twenty-five (25) years for any new digital billboard structure (inclusive of any new digital sign faces), meaning that any new digital billboard structure and any new digital billboard faces that are so placed must be physically removed in their entirety immediately upon the passage of twenty-five (25) years following their placement into operation or following the erection of the new billboard structure, whichever comes first.

Any nonconforming non-digital billboard structure that is voluntarily removed as a result of the loss or termination of lease, or that is substantially destroyed by an Act of God, shall not be eligible to be counted as a “qualifying non-digital billboard structure.”

Any new digital billboard structure, inclusive of its digital billboard face(s), shall be and remain nonconforming under the City’s Zoning Ordinance during the twenty-five (25) year sunset. In the event that any such structure is destroyed by an Act of God or is removed due to a loss or termination of lease before the conclusion of the twenty-five year period, then the structure may not be rebuilt or re-established elsewhere; and, in any such event, the sunset period shall be deemed at an end even though twenty-five year period has not fully elapsed, and any and all vested rights that then existed shall be fully and completely extinguished.

Any new digital billboard structure and its digital billboard faces(s) that may be erected or placed in operation pursuant to this **Schedule A** shall be subjected to the following conditions as to placement [and operation]:

1. Digitally converted billboards (replacement billboards) shall be a minimum of two thousand five hundred (2,500) feet apart from any other digital billboard on the same road facing in the same direction of travel.
2. The new digital billboard structure shall be no higher than thirty (30) feet to the top of the sign structure or sign face from the ground level at the foot of the sign structure.
3. The new digital billboard structure shall only be located on one of the following roads, highways, or locations: I-85 or within one hundred (100) feet of I-85 and the Gateway Overlay Corridor Zoning District. However, no replacement billboard shall be located in the C-1 Zoning District or within the boundaries of any historic preservation district.
4. The new digital sign faces shall not exceed three hundred square feet (300 sf.).
5. The messages on any digital sign face shall not change more frequently than once every ten (10) seconds.
6. Any digital sign shall abide by the brightness and luminance standards as are established from time to time for all digital signs that utilize lighting to display messages.
7. No digitally converted billboard (replacement billboards) shall be placed within any street right-of-way and no closer to the street right-of-way than the existing billboard.
8. Electrical wiring shall run underground from the power source to serve the digitally converted billboard.
9. The City, through appropriate personnel, may exercise its police powers to protect public health, safety and welfare by requiring emergency information to be displayed on digitally converted billboards. Emergency information includes,

but is not limited to AMBER alerts, dangerous criminal alerts, fugitives from justice alerts, weather alerts and emergency management information. Upon notification, and at no cost to the City, the sign operator shall exclusively display the emergency alert for the period of one (1) hour. Thereafter, emergency alerts are to remain in rotation according to the designated issuing agencies protocols.

10. As part of the digital permitting process, the owner of a static billboard sign must identify in its application the following:

- (a) The location of the static billboard face to be replaced
- (b) The size of the static face to be replaced
- (c) The size of the digital billboard face being installed
- (d) The location of ~~four (4)~~ the other billboard faces being removed

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

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

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

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

The City Council reserves the right to modify or alter any of the proposed amendments to the Zoning Ordinance and to make amendments to the Zoning Ordinance.

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

ADOPTED AND APPROVED this the ____ day of _____, 2020.

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

ATTEST:

CITY CLERK

TRANSMITTED TO MAYOR on this the ____ day of _____, 2020.

CITY CLERK

ACTION BY MAYOR

APPROVED this the ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK